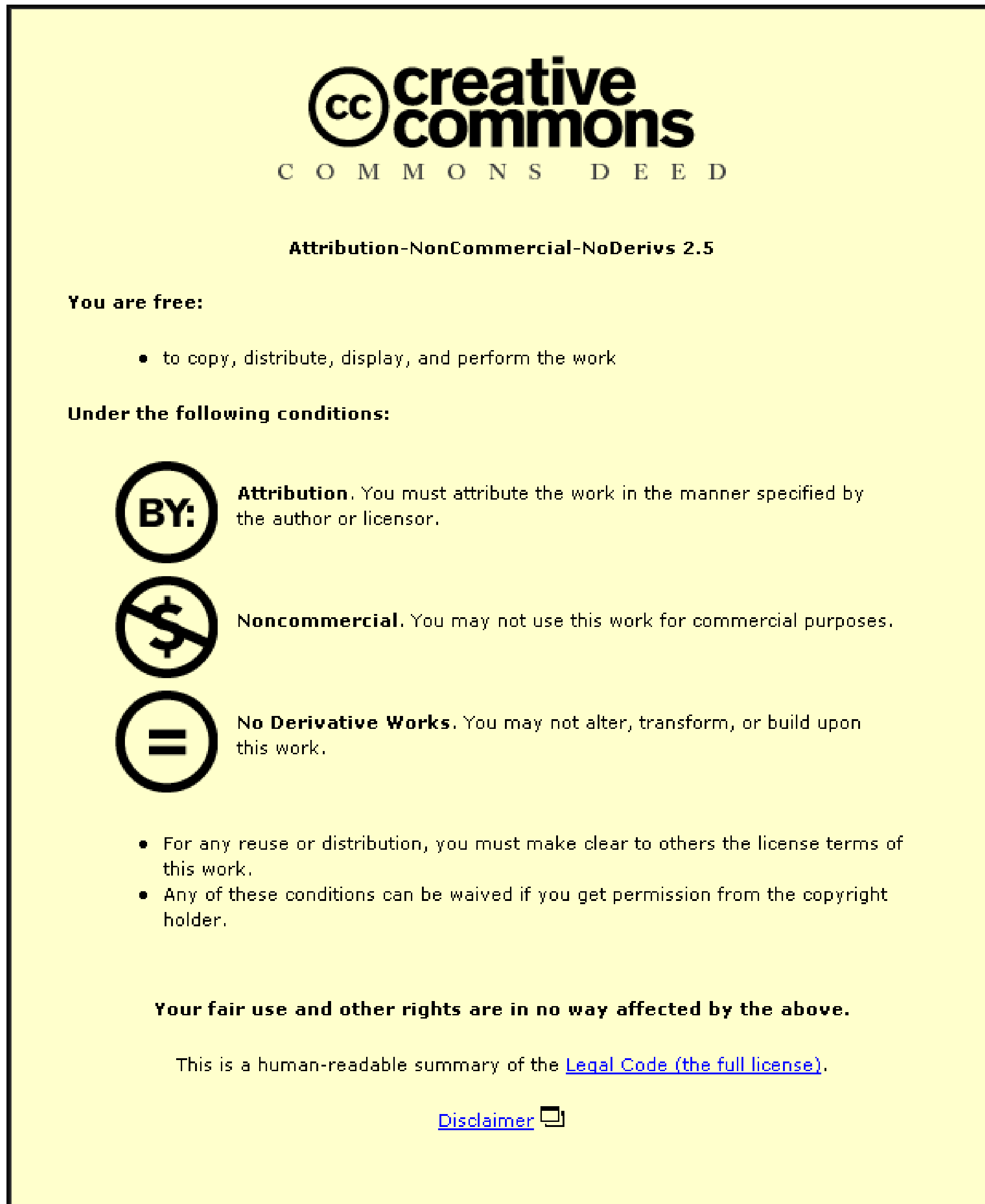


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**SPORT, POLICY AND EUROPEANISATION: PROCESS AND INTEREST
MEDIATION IN EUROPEAN UNION DECISION MAKING**

By

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A Doctoral Thesis

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Abstract

The thesis seeks to analyse the implications of the deepening and widening of the European Union for sport and leisure-related policy developments. Firstly, the work seeks to establish an appropriate conceptual framework through which to review how the process of Europeanisation is influencing sport and leisure policies. The term Europeanisation refers to the changing nature of relations between regional, national and supranational tiers of governance. Secondly, the thesis reviews the literature on the progression of EU level sports and leisure policy interventions since 1957. The range of rationales in operation, and the maturation of those rationales over the last forty years, is considered. The capacity for European level intervention has grown significantly through the development of EU socio-political and economic integration policies, the most significant being the four freedoms (the free movement of goods, services, capital and persons) and the associated legislation. The empirical work subsequently reviews the implications the Europeanisation process for three areas of decision-making: sports broadcasting rights, the use of European Structural Funds and the debate on a EU competence for sport.

Drawing on both figurational sociology and policy network analysis, the research identifies the key stakeholders involved in the policy process and seeks to illustrate the nature of the policy-making processes. The thesis progresses the argument that the development of economic, social and political inter-dependencies, along transnational rather than national lines, are inevitably leading to questions over the role of the nation state and the institutions of the European Union. Accordingly, the research identifies and evaluates the positions held by the key actors, on central issues, within each of the three areas of policy and reflects on the distribution and management of key resources.

The conclusion addresses the issue of whether the strategic alliances formed during the policy process are indicative of the development of a European level sports policy community or whether other forms of policy network operate at the supranational level of governance. With reference to the three areas of policy analysed, the final chapter outlines the ways in which policy networks are changing, or resisting change, in the light of developments at the European level. The evidence suggests that the sub-sectoral nature of the policy studies conducted, militates against the formation of a highly integrated, independent policy community. Consequently, it is appropriate to refer to more disaggregated, issue-specific networks. Nevertheless, the potential for a growing formalisation of the sports policy agenda at the European level is such that policy communities may develop and coalesce at some point in the future.

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LIST OF ABBREVIATIONS

BOA	British Olympic Association
CCPR	Central Council for Physical Recreation
DGIV	Directorate General IV (Competition)
DGV	Directorate General V (Employment, Industrial Relations and Social Affairs)
DGVI	Directorate General VI (Agriculture)
DGX	Directorate General X (I Communication, Culture and Audio-visual Media)
DGXVI	Directorate General XVI (Regional Policy)
DSB	Deutsche Sports Bunde
EBU	European Broadcasting Union
EC	European Community
ECSC	European Coal and Steel Community
EEC	European Economic Union
EFTA	European Free Trade Area
EHF	European Handball Federation
ELDR	European Liberals, Democrats and Radicals
EMU	Economic and Monetary Union
ENGSO	European Non-Governmental Sports Organisations
EOC	European Olympic Committee
EP	European Parliament
EPP	European People's Party
ERDF	European Regional Development Fund
ESF	European Social Fund
EU	European Union
FIBA	Federation Internationale de Basketball
GATT	General Agreement on Trade and Tariff
GORs	Government Offices of the Regions
IGC	Inter-Governmental Conference
MEP	Member of the European Parliament
NATO	North Atlantic Treaty Organisation
PES	Party of European Socialists
PMC	Programme Monitoring Committee
PNA	Policy Network Analysis
SEA	Single European Act
TEU	Treaty on European Union
TVWF	Television without Frontiers Directive
UEFA	Union des Associations Européennes de Football

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Preface

The thesis identifies and evaluates the development of sport and leisure-related policies within the context of the European Union. Firstly, the work seeks to establish an appropriate conceptual framework through which to review how the process of Europeanisation is influencing sport and leisure policies. Europeanisation refers to the changing nature of relations between regional, national and supranational tiers of governance. The phenomenon is exemplified by changes to the competences performed by the three tiers. Secondly, the work seeks to answer specific empirical questions regarding the Europeanisation of particular sport and leisure-related policies, namely sports broadcasting rights, the use of European Structural Funds for infrastructure and vocational training and the issue of a legal competence for sport. Finally, the thesis seeks to evaluate those elements within the European policy making environment which demonstrate how Europeanisation is changing the nature of relations between key actors in the policy process. With reference to the three areas of policy analysed, the final chapter outlines the ways in which policy networks are changing, or resisting change, in the light of developments at the European level.

Chapter One *The Development of a European Project*, reviews the historical development of inter-state relations across Europe. The 'European project', as it is termed, is arguably, more than a post-World War Two exercise in rebuilding political relations between European powers. The chapter illustrates how the idea of such a project has a history dating back to the 14th Century and beyond. The notion of a European project centres around the idea of an integrated Europe, based on free trade, political integration and citizenship. The chapter demonstrates that, although each attempt to bring stability to a historically unstable area has failed to succeed, the appeal of a unified continent has remained. The EEC, founded in 1957, has developed into a sophisticated political and bureaucratic entity and can claim to be the most successful project of its kind to date. The final section of the chapter reflects on the nature of the current Union and sets out the issues that will influence its future structure and competence.

Chapter Two, *A Conceptual Framework for European Level Policy Analysis*, establishes the theoretical framework through which the discussion on the current state of the European Union can be evaluated. As political and economic integration matures, so the nature of inter-state, and supranational relations, change. The dynamics created by the numerous political and economic developments are reflected

in the policy-making processes and the nature of the decisions made. The chapter reviews and critiques Eliasian sociology and policy network analysis (PNA) and discusses the contribution they can make to the debate on Europeanisation.

Chapter Three, *Defining and Researching Europeanisation: contemporary policy research, historical context and methodological implications*, outlines the methodological value of Eliasian sociology and Policy Network Analysis and sets out the methods used in the policy case studies. The chapter progresses the argument that economic, social and political inter-dependencies, along transnational rather than national lines, are inevitably leading to questions over the role of the nation state and the institutions of the European Union. The changing organisation of economic activity and the growing codification of global political and economic relations, for example, through GATT, has implications for the distribution of competences. Domains of national autonomy are becoming limited as the significance of territorial boundaries diminishes. The research, subsequently, requires a framework that teases out the issues raised by European-level policy making. Key traits of Eliasian sociology and policy network analysis are reviewed in this context. The second half of the chapter reviews the research methods used. As the research seeks to identify the impact Europeanisation is having on leisure and sporting policy decisions, the research strategies outlined are aimed at identifying the relevant policy actors and articulating the processes and problems associated with transnational and supranational decision making.

Chapter Four, *The Development of EU Level Sports Policy*, includes a review of the literature on the progression of EU level sports and leisure policy interventions since 1957. The chapter considers the range of rationales in operation and the maturation of those rationales over the last forty years. The capacity for intervention has grown significantly through the development of socio-political and economic integration policies. The most significant being the four freedoms (the free movement of goods, services, capital and persons) and associated legislation. The chapter outlines the influence that Europe-wide regulations are having on the nature of sports-related policies, with particular reference made to the influence the wider environment has on EU intervention.

Chapter Five, *Public Good or Private Commodity: the place of sports rights in EU broadcasting policy*, is the first of the three policy studies. The chapter reviews the process involved in the revision of the 1989 *Television without Frontiers Directive*. The Directive, designed to protect and foster European broadcasting, was revised

between February 1995 and June 1997. As part of the process the issues of protecting 'culturally significant' sporting events through legislation was debated. The arguments for and against tightening the regulations for the sale of sports rights centre on whether major events were perceived as valued commercial commodities or as an element of Europe's shared cultural heritage. Although the issue incited lobbying by broadcasters and the European sports movement, the chapter reviews the debate from the parliamentarian's perspective. The chapter contains a qualitative review of the procedures and decisions involved, with particular reference to the actions taken and roles performed by members of the Committee on Culture.

Chapter Six, *Sport, Leisure and European Union Regional Policy* reviews the use of European Structural Funds for sport and leisure-related projects. The Structural Funds were developed to aid the European Community's commitment to reduce social and economic disparities between its member regions. Increasing levels of grant aid from the five Structural Funds are being directed at infrastructural and training projects in the service sector. This has encouraged district authorities and County Councils to put forward sport and leisure-related bids. Whilst the number of accepted bids is relatively small, the chapter reviews two aspects of this development. Firstly, the technicalities of the bidding process: the adherence to the conditions of the European funding and the project rationale. Secondly the chapter reviews the contribution that the Union's regional policy makes to the Europeanisation process. The measures adopted under the Structural Fund programmes change the nature of the relations between sub-national, national and supranational institutions. The requirement to foster vertical and horizontal administrative and operational partnerships is shown to be problematic for a centralised Member State, like the UK. Some of the tensions and conflicts of interest that arise at the sub-national level are explored.

Chapter Seven, *The post-Maastricht Era: an EU competence for sport?* is the final policy study. The idea of a European level competence for sport challenges the primacy of the nation state in the development of sports-related policy. Despite the historical link between sport and the nation, the growing influence of EU legislation on professional sport and on the work of sports administrators has led to calls from governmental and non-governmental agencies to formalise the links being established between sporting bodies and the institutions of the EU. Areas of tension and duplication have left both sides unsure of their respective competence. With the Inter-Governmental Conference (IGC) set to review the Maastricht Treaty between May 1995 and June 1997, the European sports movement sought formal recognition for

sport, through a Treaty Article. The chapter outlines the nature of the debate during the IGC process and the alliances and strategies developed by 'pro' and anti-competence lobbyists.

The final chapter, *The Europeanisation of Sports Policies* examines the empirical work within the context of the conceptual frameworks outlined. It seeks to answer two key research objectives. The first is to identify the extent to which sport and leisure-related policies are being influenced by the Europeanisation agenda. Account was taken of shifts occurring in the responsibilities taken by the tiers of governance in the EU. The impact of the Europeanisation process on the content of the policy decisions made and the ways they were being made is also reviewed. Secondly, the chapter evaluates how the relations between the governmental and non-governmental organisations involved in the development and implementation of policy may have been affected by Europeanisation. The development of new working relationships is a central trait of Europeanisation and the conclusions reflect on the question of whether policy making in sport at the European level has matured sufficiently to satisfy the conditions necessary to be a policy community in its own right.

CHAPTER ONE

THE DEVELOPMENT OF A EUROPEAN PROJECT

1.1 INTRODUCTION: Structure and Aims of the Chapter

The first objective of this chapter is to identify the scope of the empirical research and the aims of the overall thesis. In addition, Chapter One seeks to draw attention to the historical context of the European Union, and to examine the nature of the 'European project'. What the use of the term European project implies is that the developing of political and economic relations go beyond the mere implementation of parallel policy initiatives. The idea of a project is much more coherent and all encompassing and leads to consequences for the status and responsibilities of municipal, regional and national governments. There are also implications for individuals, as integrative measures in the European Union inevitably lead to questions of citizenship and citizen's rights.

The chapter will further identify those elements which are central to a successful 'project' and comment on the historical failures of politicians and statesmen to bring these elements together in a way which was beneficial to all European citizens. Sections 1.3 and 1.4 are focused specifically on the growth and maturation of the current European project, as founded in 1951. There is reflection on the temporality of the project, the key concurrent themes and the influence individual actors have had on its development. By way of introduction to the specifics of the empirical work, the commentary will focus on the nature of policy making as it currently stands in the EU, reviewing the arguments for and against the existence of a Europeanisation of policy making mechanisms.

The final sections of the chapter look to the future of the Union, in view of the historical context of the project and with consideration of the juncture at which the project found itself in 1996 during the Inter-Governmental Conference (IGC) which was set to review the Maastricht Treaty. The commentary seeks to demonstrate how contemporary issues, goals and obstacles reflect the difficulties, outcomes and achievements of the project to date.

1.2 CULTURE, SPORT AND THE EUROPEAN PROJECT

As the institutions of the European Union (EU) grow in significance in European political and social life so more aspects of European life are absorbed into the policy-making domain of the EU. The project, started by six founding Member States is now a sophisticated bureaucracy involving fifteen Member States and a number of Associate Members in Central and Eastern Europe. As the project develops, economic agreements are being complemented

with budget lines for social programmes. The events suggest that now is perhaps an appropriate time at which to take stock of what the EU represents, in terms of its political objectives and policy intentions. The longevity of the project depends not only on the will of the participating political actors but also on the support of the citizens. A 'People's Europe' has long been the objective of enthusiasts of a federal-style union but little has been done to achieve this since the phrase was coined by the *Adonnino Report* of 1984 (Adonnino, 1985). Indeed one of the European Community's founders, Jean Monnet, is quoted as saying 'if I should start it all over again, I would start with culture' (cited in Papcke, 1992:68). The need to bring the work of the EU to the attention of its citizens has clearly been a long-term challenge. One means of achieving this is through cultural events and actions.

The importance of preserving and fostering cultural diversity within the Union was finally given recognition in 1992, when provision was made in the Maastricht Treaty for an Article on Culture (Article 128). Since then, the Union has sought to encourage the audio-visual industries and promote awareness and knowledge of European history and culture through, amongst other things, the MEDIA Programmes (1991-5, 1996-2000) and the KALEIDOSCOPE Programme. It could be argued that Article 128 should embrace a broader interpretation of 'culture', facilitating action in other activities, including sport (interview with Roy Perry, MEP, January 1996). However, to date sports policy has remained an area for subsidiarity, it has remained a concern for national governments (the lowest appropriate tier of governance necessary to manage and execute policy effectively, see Section 1.3). The promotion of sport-specific policy making powers, to a supranational level, has not taken place, instead there has been a growth in rationales originating from other areas of EU competence. This approach may be sufficient for the purposes of Commission projects (see Chapter Four) but officials in sports associations would contest that this does not provide an appropriate forum through which to promote their needs and expectations of EU-level sports policy (see Chapter Seven).

This research seeks to illustrate how the agendas being faced by sports administrators and professionals are subject to influence from factors, external to the generic concerns of sporting bodies. The roles of the institutions of the EU in sport are explored, including an analysis of the current policy rationales and the level of involvement by European agents. The research will demonstrate how the work of the EU institutions involves and affects a range of organisations associated with sport, both governmental and non-governmental. It is argued the maturation and expansion of EU-level intervention, reflects development within the European project generally, namely the deepening of competence. As the scope for supranational action has grown, so the relations between the policy makers, administrators and lobbyists have become more complex. This research seeks to make sense of, and bring

order to, the range of actors within three areas of EU policy which affect sports provision and promotion: the European Structural Funds, broadcasting policy and a sports competence within the Maastricht Treaty (see Chapter Three).

Objectives of the Thesis

The overall aim of the research is to contextualise sports policies at the European level and to identify elements within the policy making structures of the Union which influence the nature of policy decisions. Those influences being inclusive of procedures and the ability of individuals to affect change. The principal objectives that flow from this are as follows:

- to contextualise EU sports policy in relation to the European project;
- to identify key actors in the discourse surrounding the policy making process;
- to analyse the policy rationales employed by groups within the institutions of the EU (for example the Committee on Culture in the European Parliament and DGX of the European Commission) and account for policy developments;
- to illustrate the interaction between 'stakeholders' in relation to current EU policy in three areas: the question of a legal competence for sport, the broadcasting of sports events and the financing of sports and leisure projects through the Structural Funds (revenue and capital); and
- to establish whether the figuration of actors constitutes a policy community or whether the level of inter-dependency suggests policy is decided within other forms of networks.

To understand the complexity of sports policy formulation within Europe it is important to contextualise the policy making environment. Policy is not devised and implemented in a vacuum. The backdrop is both spatially and temporally specific. In the case of the Europeanisation of sports issues, this entails exploring the background to the notion of an identifiable phenomenon of 'Europe'. This chapter reviews the literature on what 'Europeanisation' is, and places the current EU project into an historical context. In Chapter Two the role of theoretically informed approaches in such explanations are evaluated.

1.3. EUROPEAN UNION: A QUESTION OF IDENTITY AND INTERDEPENDENCY

What or who is Europe ...? Is there such a thing as a uniquely European identity? Or is "the European ideal" fated to be a high-flying, short-lived phrase? Such questions require answers that are sensitive to the historical development of the European ideal ...

(Keane, 1992:55)

'Europe' has become an emotive political term. Since 1945 it has come to symbolise the ideal of a continent united by a single economic system and regulated and fostered under a single parliamentary body: a solution to the continent's long history of conflict and a potential guarantee of long term political and economic stability. However, the concept of a unification project (incorporating political and economic integration and citizenship) was not just a reaction to the devastation witnessed across Europe during the Great War (1914-18) and the Second World War (1939-45). The EU is just the most contemporary interpretation of a 'project' which was conceived in the 13th Century. This section illustrates that the idea of 'Europe' is not new. It pursues a line of argument suggesting the failure of the other projects to progress to the level of integration found today is a result of the political, economic and social conditions prevailing throughout Europe since the 14th Century. The evidence would seem to suggest integration could only be achieved if coercion was replaced with collaboration and if particularism was preserved and favoured over universalism. European history has been dominated by conflict. Whilst many of Europe's political and military leaders and diplomats have planned for a unified Europe, few have understood the means of achieving it. Dictatorship and repression of minorities have been more evident than attempts to understand and foster diversity (Brugman, 1985).

The Early Visionaries

There is a danger that when the notion of a united 'Europe' is discussed, it is framed in the context of the 20th Century (Smith, 1992). The development of the European Community (EC) and now the EU has highlighted the depth and sophistication of this current project but some elements of its' founding principles have been discussed and promoted since the 13th Century. From the 10th Century through to the 14th Century the Holy Roman Empire succeeded in unifying a large part of Central Europe. 'Europe' as a term, however, only came into use during the 14th Century. The period from 1280 to 1310 was characterised by publications urging integration. It was an era in which "pioneering writing was undertaken for a tradition which was revived in the seventeenth century as a permanent feature of European propaganda, pleading and planning for unity" (Heater, 1992:14). The components of each project were constant: free trade, a continent-wide system of political representation and citizenship. Where they differed was in the interpretation of what was to constitute the political system and to whom, or what the citizens of Europe would have allegiance.

The first project of note came in the 17th Century and was the creation of Sully, a French diplomat (O'Neill, 1996). Sully's Grand Design sought to lessen the rigidity of the territorial boundaries that had begun to emerge in the 16th Century, the aim being to guarantee a durable peace amongst European leaders. Sully wished to foster religious tolerance and discourage

imperialist overtures through the creation of an equilibrium of political power, which would facilitate free trade and a form of common citizenship. In 1717 Abbé Saint-Pierre also wrote in detail of a project for the long-term security of *European* interests. The work was described as a project which would "restore perpetual peace in Europe among the Christian sovereigns, to maintain free trade forever between nations, to strengthen even more the sovereign houses on their thrones" (Heater, 1992:69). The idea did not receive wide support. Voltaire is quoted:

The Abbé de Saint Pierre ... has sent me a fine work on how to re-establish peace in Europe. The thinking is very practicable all it lacks to be successful is the consent of all Europe and a few other such small details.

(quoted de Rougemont:119, cited Heater, 1992:84-5)

The works of Saint Pierre and the rebuff from Voltaire are both typical for the period. The 16th Century through to the 18th Century can be identified as an era of political, religious and cultural differentiation across Europe (Heller, 1992). Eighteenth Century Europe, in particular, was both the age of Enlightenment and of nation state building. European history from the 1600s was perceived as being about "disintegration, war and nation-building" (Greven, 1992:77). Yet Keane also suggests the 18th Century Europe of the elite was "a symbol of cultural unity and moral, political and technological superiority" (1992:56). The 18th Century was both an era of cosmopolitanism *and* consolidation of the sovereign state.

The French Revolution (1789) also illustrates strong support in favour of the sovereign state in the 18th Century. It symbolised the essence of what the nation state of the time was about: "narrow territorial nationalism" and self-determination (O'Neill, 1996). The narrowing of the political focus ran counter to attempts to broaden political co-operation. The ideal of self-determination suggests the appeal of developing an ethnically and nationally specific community, separate and identifiably different from another. This endorses the earlier argument that one of the primary obstacles to achieving a peaceful union of European states is the absence of real understanding and acceptance of difference. There was a desire to suppress difference and foster political hegemony for the newly formed French Republic. Napoleon then sought his own vision of European in 19th Century. He campaigned to elevate the French State to the role of Europe's leading political power. Institutional integration was replaced with coercion, with wars waged from Spain, through Italy and as far as the borders of Russia.

In 1814 Saint Simon and Thierry produced a pamphlet: *The reorganisation of the European community or the necessity and the means of uniting the peoples of Europe in a single body politic while preserving for each their national independencies* (Heater, 1992:102). This work talked not of a federation between the 'sovereign houses' of Europe but of the need to

unite the *citizens* of Europe democratically. The institutes of government, not the European monarchy, were to rule over the people of Europe. The project was sensitive to the need for social reform, consensual 'unification' and the need to govern in the interests of the peoples of Europe. It also detailed methods of ensuring political and economic gains for *all* citizens. However, the plan failed to gain support because it lacked recognition of one of the most powerful constructs of the time: nationalism.

Although the projects contained elements of the present scheme they differed from the current union because they represented attempts to form a federal Europe. However, with the exemption of Saint Simon, they did not aspire to create a truly *federal* Europe, they deviated from the fundamental principles of federalism (see Section 1.3). From Sully, Saint-Pierre, Napoleon, to the totalitarian regimes of Hitler and Mussolini, the vision of a united Europe was always qualified by the dominance of *a* particular nation state. Political, economic and cultural hegemony was desired over co-operation. The basis of the Grand Design was "authority, balance, union and self-interest" (Heater, 1992:33). The motivating factor being the restoration of French political power within a Europe dominated by the Austrian, Habsburg Empire. Napoleon was driven by the wish to create a French Empire and Hitler and Mussolini sought to restore political power to their 'homelands'.

Resentment of the decline of the nation state and imperialism have been significant factors in the shaping of European projects. Economic collaboration, universal suffrage and social cohesion appear to have been secondary considerations. What sets the EU apart from the previous attempts at integration is its genuine desire to promote citizenship. 'Europeification' is dependent on an acknowledgement that political, economic and social interdependencies exist beyond the nation state and that they need to be fostered through diplomatic and constructive means.

The Quest for European Unity

Europe has a history of conflict, yet the quest for European unity has proved to be an enduring challenge. Each vision has centred around the pillars of collective political sovereignty, trade and citizenship. The plans above, however, are only those documented; Papcke (1992) suggested that in the last two hundred years there have been some 160 unification projects. The explanation offered for their failure is "they missed the point. Understanding the multi-valent nature of a European identity that has to be something different from either regionalism or uniformity" (Papcke, 1992:72). Without recognition of the heterogeneity of Europe a united Europe is impossible. Europe is "riddled with diversity, difference and (potential) conflicts and it therefore needs ... to give that diversity open and equitable expression" (Keane, 1992:57). The following section addresses how the current

'union' has developed and become sensitised to cultural diversity. As Heller observes: "This is the first time in the history of the continent that the nations of Europe ... have stopped warring, conquest and territorial expansion ... the tradition of the Other has become attractive rather than repulsive" (1992:25).

The Reinvention of the Idea of Europe

... Europe could start afresh, with a different political and economic order that rejected the tired doctrines of nationalism, political sovereignty and economic autarky upon which the old state system of the continent had been built.

(Urwin, 1991:1)

It was the devastation of the Second World War which brought about the realisation that excessive nationalism and political fragmentation were fraught with dangers (Pinder, 1992). The glorification of a pure and strong nation state was exposed as the endorsement of 'ethnic cleansing' and the eradication of difference. If hatred was to be avoided in the future the nature of European relations had to be revised (Urwin and Paterson, 1990). The credibility of the autonomous sovereign state as the medium through which international relations should be conducted was damaged. Post-war leaders set about devising a more "comprehensive continental political community" (Urwin, 1991). The Treaties of Rome and Maastricht symbolise this commitment to a political order designed to encourage economic and social stability. Ironically as the prospects of a united Europe become tangible the debate on the ultimate destination of the project becomes increasingly confused (Cole and Cole, 1993).

From afar the evolution of the Union from the Treaty of Paris in 1951 to the Treaty of European Union in 1992 seems logical. On closer examination the notion of a natural evolution becomes a fallacy. Despite the expansive logic of the Treaties, developments have been slow to make the transition from rhetoric to legal fact. The process is littered with instances where prominent actors have single-handedly been responsible for the paralysis of the project. It is also the case that the success of initiatives has hinged on the enthusiasm of individual sponsors (Duff, 1995). There are visible inconsistencies in the approach to integration. The project is motivated by the benefits which a closer Europe would bring but the reality is the quest for a European 'union' has discovered how hard it is to escape the "doctrines of nationalism, political sovereignty and economic autarky" (Urwin, 1991).

1.4 THE FOUNDATIONS OF THE EUROPEAN UNION

1940s: The Foundations are Laid

Two developments were to influence Europe in the immediate post-war period: the response of parliamentarians to the challenge of preserving European peace and the world wide interest in the creation of organisations which facilitated collective action. There was a

growing awareness that nation states were not independent. Military alliances and trade agreements already spanning the globe undermined the notion of the autonomous sovereign state. GATT (1947) and NATO (1948) initiated the post-war drive to codify these global relations. In addition the organisation of aid to the war-torn countries necessitated co-operation. Despite the claim the European Recovery Programme (ERP), or Marshall Plan, offered universal help "directed not against country or doctrine but against hunger, poverty, deprivation and chaos" the package was motivated by American self-interest (Urwin, 1991). The ERP required interested countries convene a Committee of European Economic Co-operation, a condition unacceptable to the Soviet Bloc. The ERP galvanised Western European support for America and also ensured the Allied Forces worked with Germany. It was an opportunity to rebuild Europe and rewrite its political geography (Cole and Cole, 1993).

1950s: Disputes in the Meaning of European Unity

In 1948 the International Committee of the Movement for European Unity called a conference on the future direction of European relations. With Churchill and other leading Europeans like the Belgian, Paul-Henri Spaak, fronting the organisation it seemed calls for closer European ties made during the war by groups such as the United Europe Movement (UK) and the Socialist Movement for the United States of Europe (France) had achieved credibility. However, as events unfolded it became apparent the delegations were at cross-purposes. In retrospect it can be argued the difficulties experienced in getting the EC started in the 1950s were symptomatic of the malaise of expectation that emerged at the Congress. Delegates had different political persuasions, were encountering different domestic situations and saw different opportunities as a result of closer co-operation. The Italian government sought to counter social instability, the Benelux countries were motivated by economic gain, whilst the French administration saw integration as a way of restoring international prominence. The German Chancellor saw a union as an effective way for Germany to regain international respectability. Ironically, the British government, seen as a key agency in future developments, did not respond as expected to these calls for a 'union'. Churchill, who spoke in 1940 of the possibility of an Anglo-French union and called for a Council of Europe in 1943, did not envisage a substantial role for Britain. Whilst continental governments entertained notions of federalism Britain remained distant.

We are with Europe but not of it. We are linked but not compromised. We are interested and associated but not absorbed.

(Churchill cited in Urwin, 1991:31)

Intergovernmentalism prevailed with the signing of the Treaty of Brussels (1948). The Treaty agreed to "collaboration in economic, social and cultural matters". It was clear though others saw the treaty as a springboard for the achievement of more federalist ambitions.

Confirmation of such aspirations came in 1950 with the Schuman Plan, which has been described as the "parting of the ways in post-war Europe" (Swann, 1995:7). It articulated how integration could work for political and economic gain. In 1951 six countries signed the Treaty of Paris creating the first European Community, the European Coal and Steel Community (ECSC). The move created a Common Market for these materials and reversed the historically hostile nature of Franco-German relations. The Britain government, however, remained aloof, Prime Minister Attlee, told the Commons:

We ... are not prepared to accept the principle that the most vital economic forces of this country should be handed over to an authority that is utterly undemocratic and is responsible to no-one.

(Attlee cited in Swann, 1995:8)

This venture into the territory of national economic autarky was a small victory for federalists but between 1951 and the signing of the Treaties of Rome (1957) plans for a European Defence Community failed and a draft treaty on a European Political Community was dropped. Co-operation was to be on a sectoral basis with Member States working to maximise their self-interest and limit the erosion of sovereignty (Lodge, 1993). Throughout the period the British remained sceptical. Britain did seek economic co-operation with the ECSC in 1954 and 1957 but proposals were designed to minimise political institutionalisation. The Treaties of Rome, ratified in 1957 by the six founding ECSC members were, however, decisive steps towards further unification. The EEC and Euratom extended EC competences to a more general Common Market and atomic energy respectively. Significantly, the six Member States were unwilling to accept the loss of power required to establish the Communities along federalist lines. This illustrates the sensitivity surrounding moves to remove powers traditionally vested in the nation state. The diluting of federalist ideas into palatable intergovernmental measures, so as not to compromise a country's sovereignty, or dent overall enthusiasm for the *principle* of European unity, was continued in the 1960s.

1960s: Increased Economic Union and the Political Consequences

The Schuman Plan and the Treaties of Rome were narrower in scope and more realistic in their aims than the plans imagined by federalists, however, throughout the 1960s questions were asked about the future of the Communities based on the visions of the 1950s. The Treaties of Paris and Rome intimate possible European integration. They set in motion a series of projects that stepped beyond traditional trade agreements and into the realm of political co-operation. Consequences were twofold: a response from non-member states and the call for a clear agenda for Community development. Seven non-member states, including Britain, were brought together under the 1960 Stockholm Convention. A strictly economic alliance, the European Free Trade Area (EFTA) rejected integration outside of free trade. Despite the development of a rival grouping the extension of economic co-operation among

the EEC countries proved straightforward. By 1966 members had agreed on the removal of internal tariffs barriers, the alignment of external tariffs and the principle of a Common Agricultural Policy, yet in 1961 parallel political developments threaten to discredit the project.

Key federalists, namely Monnet, Spaak, de Gasperi and Schuman (Duchêne, 1996, Mayne, 1996) conceived the idea of a union had envisaged a Community beyond that of the six founding Member States. From 1961 the long-term goals of enlargement and federalism were put to the test. Federalism is the collective use of public power: rights of citizenship, the common rule of law, the principle of subsidiarity and adherence to the majority principle (Coombes, 1995). These principles were not formally adopted by the Member States in either 1951 or 1957. If they had been, the 1965 crisis might have been averted. It was the absence of 'majority rule' that led to the paralysis of the enlargement process. The principle ensures standard criteria for membership and agreement by a majority vote, but the EEC operated no such system. EFTA was a poor relation to the EEC and so it came as no surprise that Britain and Denmark chose to apply for EEC membership in 1961 and that Norway followed. What was surprising was the response. In 1963 British entry was vetoed. The decision led to the withdrawal of the other applications and marked the beginning of a debate on the future of the EEC (George, 1996).

Under a federalist system, a vote of accession has to be unanimous but judgement is made in relation to standard criteria: a democratic constitution and a compatible economic system. However, under the intergovernmental system, de Gaulle was able to veto British entry in 1963 *and* 1967. De Gaulle was suspicious of Britain's motives (to protect British interests) but by vetoing entry, de Gaulle was protecting French interests, as France had gained significant political influence in Britain's absence. De Gaulle forced the EEC to further embrace intergovernmentalism. The Empty Chair Crisis of 1965 (caused by de Gaulle's absence from Council meetings) prompted the Luxembourg Compromise of 1966: the reduction in emphasis on the supranational nature of the Community; a limit being put on the use of the majority voting procedure (see Appendix One); the informal limiting of the Commission's activities.

In short, the power of the veto would be retained if national interests were deemed to be at stake and wherever possible intergovernmental solutions were to be sought. The doctrines of nationalism and political sovereignty were reasserted. Neither enlargement nor greater political co-operation were discussed again until the Hague Summit of 1969, when Foreign Ministers addressed the issue of the expansion of the Community, politically and geographically. The following were discussed:

- Institutional reform ie. giving greater influence to European institutions such as the European Parliament;
- Greater co-ordination of national policy beyond pure economic policy;
- 'ways of reinforcing political integrity among the states outside the European Community framework'.

(adapted Urwin, 1991:147)

1970s: A Decade of Rhetoric and Political Discourse

As a result of these talks the 1970s became a decade of renewed political ambition. The 1970s was an uncomplicated period for economic integration. Progress towards political union, however, was minimal. The redeeming feature, from a federalist's perspective, of the 1970s process, was that it fostered open debate. In 1973 d'Estaing reversed a decade of French opposition to British membership and Denmark and Ireland also joined that year. The enlargement was also the impetus for a new area of European policy: regional policy. The accession of Ireland and the UK drew attention to the level of economic and social inequality across the Community. In 1975 a European-wide regional policy was established. Funded directly from the Community's budget, it set about ameliorating the economic conditions of regions hit by agricultural and industrial decline.

Three reports were also published on the issue of political co-operation: the *Davignon Reports* (1970, 1973) and the *Tindemans Report* (1976). The first *Davignon Report* stated that the benefit of co-operation would be felt most in foreign policy: "efforts should be made to show the world that Europe had a political vocation" (cited in Urwin, 1991:148). The *Tindemans Report* was the result of a Franco-German collaboration and it sought to breathe "an air of realism back into European Community plans" (Urwin, 1991:218). The report, however, did not deviate from previous papers. It was wary about the EC encroaching on the nation states' power but equally sympathetic to the ideals of federalism. The messages were contradictory: the EC should minimise the expansion of European institutions, but if anything substantial was to be achieved, the EC institutions could not fail to encroach on the domains of governments.

1980s: New Horizons, New Opponents, Same Arguments

Economic integration was almost certainly sealed with the adoption of the Single European Act (SEA) in 1986. It paved the way for the Single Market by January 1 1993 reinforcing the goal of the Treaty of Rome: a Europe without tariff barriers. The SEA was not radical but it provoked discussion. The Common Market had implications for the EC institutions and it fuelled the drive for political union. Post-SEA, the arguments for economic and political integration were becoming linked. The internal market focused attention on issues not directly aligned to economics.

[the SEA's] success or otherwise would be affected by factors far beyond the narrow fields of economics, such as linguistic diversity of the EC and the mosaic of national patterns of culture and tradition.

(Urwin, 1991:232)

For supporters this confirmed the sentiments of the Fountainebleu Summit (1984) and the Adonnino Committee's report *A Peoples' Europe* (1985). All sought to provide a political impetus to the construction of a united Europe. This necessitated an enlarged portfolio of European competences beyond those of the market. The new aspiration of the EC did not, however, meet with universal approval. Just as de Gaulle had opposed enlargement and Atlee had voiced his disapproval of the ECSC, Thatcher launched a crusade against the proposals. The Brugge Speech of 1988 came to symbolise her objections.

We have not successively rolled back the frontiers of the state in Britain only to have them reorganised at a European level, with a European superstate exercising a new dominance from Brussels.

(Thatcher, 1988, cited in Urwin, 1991:226)

Whilst Thatcher had been willing to acknowledge the impossibility of retaining British economic autarky, her enthusiasm did not stretch to European intrusion in political matters. Government was not to be overridden by a supranational agency. Interest groups in Denmark shared these sentiments and subsequently the Danes found it hard to ratify the SEA. As the expansive logic of the treaties led the EC toward the single market, political union became central. The 1992 Inter-Governmental Conference (IGC) on the Treaty on European Union was the first serious test of intergovernmental will against federalist logic after the Single European Act.

1990: A Europe of Change

... (1989) proved to be both an energising factor ... impelling intense or deeper integration and simultaneously a braking factor on progress towards deeper union.

(Lodge, 1993:xiiv)

1989 has become an important date in European history. It marks the unification of Germany, the start of greater co-operation and understanding between the 'West' and the 'East' of the continent and it also provides a backdrop for a review of the European integration project. The 1990s have been a decade of assessment. However, the issues of widening and, or strengthening the EC are not new. The difference, however, between attempts to reform the project in the 1970s or 1980s and the 1990s, is the political context. The Treaty on European Union (TEU) was "negotiated in the immediate wake of the most dramatic and profound changes in Europe since the end of the Second World War" (Pryce, 1995:3): the Balkans War and continent-wide recession. In addition, the growing awareness of global interconnectedness had an impact on the way sub-national and national groups

viewed their positions. The TEU prompted questions about the value of more measures that conferred competences on the EC and restricted domains of state autonomy (Pryce, 1995).

The TEU identified three pillars: amendments to the EEC, ECSC and Euratom; Common Foreign and Security Policy and Justice; and Home Affairs. These groups are then brought together in the 'Preamble' and the 'Final Provisions' of the Treaty. Although the TEU was pitched to find common ground between opposing groups it was not satisfactory. Problems were caused by the varying interpretations of what the pillars meant. The UK government viewed the pillars as a symbol of separateness, other Member States perceived it as a measure of connectedness (Duff, 1995). The Maastricht Treaty made the future of the union no clearer. Much still operates around intergovernmentalism, however, the Treaty has carried on the incremental advance towards closer integration.

The Maastricht Treaty did not deviate substantially from its predecessors. There were, however, beneficiaries, most notably the European Parliament (EP), and whilst reforms were limited, the TEU has facilitated a broader policy scope and provided greater credibility for the EC as a political institution. The introduction of the Co-decision procedure, giving the EP legislative rights alongside those of the Council in certain areas, was a victory for MEPs (see Appendix One). However, the fact this was not agreed until 1991 highlights the long-standing problem of a democratic deficit at the European level. It is ironic that the one truly democratic European institution was the most constrained of the European bodies. Since the first elections of 1979, MEPs have sought to strengthen their democratic legitimacy. The legislative procedures of the EC are notoriously disjointed: the Council meets behind closed doors, the unelected Commission is the sole initiator of policy, and until 1986 the only legal right of the EP, with the exception of its input on the EC budget, was to offer *opinions* on matters presented to them.

... unlike any normal parliament the European Parliament ... can not determine Community law while the individual national parliaments are unable to exercise effective control over the governments' policies on European issues.

(EC, 1994:27-8)

The struggle for greater competences at the European level has been long; however, the SEA did seek to address some of the issues. MEPs gained new competence: the power of assent for treaties of accession and the right of Co-operation (see Appendix One). Despite the concessions, legislative decisions still lay with the Council: a body of the nation states. The dominance of the Council and the European Council in the final stages of policy decisions has highlighted concerns for the democratic foundations of the European Communities. Whilst it is right for the governments of the Member States to have a central role, the role and legitimacy of European Parliamentarians was, as a consequence, undermined (Roberts and

Nelson, 1992). The TEU marked a further step towards remedying the democratic weakness. Again an extension of the powers of the European Parliament was achieved. Under Article 189b (the right to Co-decision) joint decisions are required on issues such as the free movement of workers and the internal market. It is important to note the moves referred to the more recently attained competences. The association with the Co-decision procedure, perhaps, denoted a determined effort to acknowledge the EP as a legislative power.

Subsidiarity and Citizenship are also fundamental traits of a federal union (Coombes, 1995). They symbolise the acceptance of supranational collective action for a common good and the idea of a collective identity. Subsidiarity seeks to prevent both excessive centralisation and the inefficient 'exaggerated dispersal' of authority (Duff, 1995). With the Single Market looming the EC witnessed a spate of defensive gestures from Member States: Germany took a protectionist stance in favour of its 'Länder', and Britain talked of regaining control of powers 'surrendered' to Brussels (Duff, 1995). These reactions to a perceived loss of sovereignty, based on misunderstandings about subsidiarity, prompted clarification of its principles, which came in 1992. The initial failure of Denmark to ratify Maastricht, Britain's suspicions about federalism and Spain's request for greater help in bridging regional disparities led to the Edinburgh Annex, which finalised a working definition of subsidiarity:

- Proposed measures should have a clear legal basis;
- Benefiting projects should be transnational in nature;
- Non-action would be harmful to EU interests;
- Action by the EU would establish clear benefits.

(Duff, 1995:57)

What is interesting in the light of the Edinburgh Annex is the future of the principle. With due consideration for past disagreements on the 'right' of the EC to pursue federalist policies, it is safe to suggest that the nation states' representatives will exercise their discretion on its application. Their support will be based upon their willingness to merge national and supranational developments into one political agenda.

The development of organisations designed to co-ordinate macro-economic decision making at a supranational level left the citizen alienated. The EC did not inform citizens of their rights and had no facility through which to address the issues affecting citizens on a daily basis (EC, 1994). Likewise, the citizen had limited access to European institutions and a minimal sense of 'citizenship' to the Community. The TEU was primarily about consolidating past achievements but there was a realisation that economic measures had social repercussions. For example, the free movement of workers leads to the issue of the protection of workers' rights. The TEU, therefore, sought to extend EC competences in social

policy (Leibfried and Pierson, 1996). There was also the question of increasing the number of measures with 'popular' appeal to increase the tangibility of the EU project for citizens.

European Citizenship is not an original concept. The *Tindemans Report*, the Fontainebleau Council and the *Adonnino Report* recommended forms of 'dual-citizenship', to the Community and nation state. The freedom of movement agreed under the SEA and the universal suffrage achieved in 1979 needed to be complemented by advances in areas of 'popular sovereignty' (Anderson *et al*, 1995). At Maastricht though, this sensitive issue proved not to be controversial because of the diluted nature of the proposals. The agenda did not incite protectionist responses. The idea was to find common ground and minimise the potential for political division. The 'lowest common denominator' approach meant no agency or nation state looked upon citizenship as an issue: the British and Danish governments channelled their energies elsewhere and the French and Germans gave it scant attention. The Commission and European Parliament also prioritised Co-decision above other concerns (Anderson *et al*, 1995). Federalists saw the Maastricht provisions as positive elements on which to build, while by contrast, sceptics viewed citizenship as a threat to sovereignty. In reality the project contained measures which had been in the pipeline since 1990.

1.5 THEMES IN THE DEVELOPMENT OF THE EU: 1945-1996

A chronological overview of the European project from the first actions of the early federalists to the signing of the TEU in 1992 brings certain themes to light.

Federalism versus Intergovernmentalism

If the full evolution of the EU were to take place, national sovereignty would have to be voluntarily restrained in favour of political and economic sovereignty at the sub-national and supranational levels. A federalist Europe, based on this model, clearly is a direct challenge to the nation state (O'Neill, 1996). Consequently, since 1951 the idea has been met with opposition from Member State governments. However, historians have observed developments suggesting federalism is an increasingly evident feature of policy. In the 1950s there was a functionalist approach to political integration and an emphasis on free trade. The relationship created determined the institutional format. The nation state's right to govern was not eroded but was "forced to recognise its vulnerability in a time of the globalisation of the economy" (Lodge, 1993:xiv). Such sentiments were behind the development of NATO, GATT as well as the ECSC. In the 1960s a shift occurred towards neo-functionalism (George, 1996) and a customs union. Politics could no longer be viewed as separate from the EEC. De Gaulle suppressed enlargement and non-member states sought their own political and economic refuge through EFTA. The result was the Luxembourg Compromise reinforcing

nation state sovereignty above that of supranational allegiances. The other component of neo-functionalism was its acknowledgement of interdependency. Customs union is not isolated from moves towards international political bargaining. The globalisation process led to the realisation that many of the parts constituting the nation state had superseded the jurisdiction of a bounded territory. This put European integration into a state of flux and meant national governments sought to find grounds for collective action.

Out of the 1960s grew the intergovernmentalism of the 1970s. A decade of reports on political union did not result in any co-operation beyond intergovernmental agreement. This demonstrated the strength of domestic politics as national governments were still central to the shaping and executing of policy. In contrast, the 1980s and 1990s have focused on neo-functionalism and full economic union. This has meant the pursuit of Economic and Monetary Union (EMU) leading to the proposed single currency and the expansion of the decision making powers of the EP. Whilst the process has been slow, the addressing of the democratic deficit and the recognition of citizenship and subsidiarity does represent an acceptance (in principle) of greater supranational governance. Importantly, the debate has been pushed along by the European institutions. The Commission and the European Parliament have been key protagonists behind many of the unification initiatives (George, 1996).

Federalism: the influence of European institutions and their principle actors

Despite the limitations of the Commission and the European Parliament, the principal actors in both have shown great aptitude for getting their objectives onto the political agenda. If the Council of Ministers is the 'brake of integration' and the protector of national interests, then the Commission is the 'motor of integration' (Lodge, 1993). The Commission has a pivotal role within the EC and under a strong presidency it has proven to be an animated and determined body. Hallstein became such an influential force in the late 1950s that de Gaulle vetoed his re-appointment. In the same way Cockfield, a British Commissioner, was deemed by Thatcher to have 'gone native' during negotiations on the internal market, failing to safeguard domestic interests. He was not re-appointed. The Jenkins Commission of 1977 backed the creation of the European Monetary System, and in the 1980s work towards Economic and Monetary Union was continued by Delors, who was also behind the groundwork to the Inter-Governmental Conferences on the Single European Act and Maastricht. Delors also pursued a European Social Charter and revisions to the Community Budget (Drake, 1995). Both he and his programme were unpopular with minimalists but despite the opposition, his work proved the potential of European institutions.

The Historical Primacy of the Nation State

A Community based on the respect of individual national identities and tradition can develop only at the speed of the slowest members in terms of enthusiasm for the European dream.

(Cole and Cole, 1993:47)

It was not long before the federalist ideals of the 1950s floundered through the opposition of Member States. There have been numerous occasions where the nation state has been unwilling to surrender political sovereignty: the Empty Chair Crisis; Thatcher's Brugge Speech; and Denmark's 'no vote' in the Maastricht referendum. In many instances the events have come down to individual actors but what lies behind all the events is the 'defence' of the nation state. The debate between the benefits of collective action and the space for autonomous action comes down to the strength of the doctrines of political sovereignty and nationalism in *individual* states (McGlynn, 1996). As interdependence grows, opportunities for a nation state to opt out of Community measures decreases (Golub, 1996). However, as long as the nation state retains the power of the veto in Council there is always the potential for political deadlock (see Section 1.3).

Enlargement

The expansionist logic of the European project has two strands: the deepening of the union (policy competences) and the widening of the union (enlargement). The 1951 Community of six was not the definitive EC. The enlargement from six to nine to twelve and more recently to fifteen Member States is part of the long-term vision of the Union. The EU now looks to Central and Eastern Europe to fulfil the 'Fourth Enlargement'. Whilst enlargement leads to noticeable increases in the complexity of the decision making process, the membership of Eastern states is desirable: for the East, membership could stabilise their economies, for the West, it opens markets and reduces the threat of continent-wide conflict (Wyn Rees, 1995).

Franco-German Relations

As, historically, the main antagonists on the continent, it was imperative the EC sustained relations between France and Germany. French and German leaders have sought to consolidate the benefits of multi-lateral agreements with bi-lateral accords. As Schuman had hoped in the 1940s, relations between the former enemies began to find a level of mutual respect. The first leaders to bring the countries together were de Gaulle and Adenauer when they signed the bi-lateral Treaty of Friendship in 1963. In the succeeding decades Schmidt and d'Estaing and Kohl and Mitterand all sought to further Franco-German understanding and co-operation. As Kohl intimated in the build up to the 1996 IGC, such co-operation needs to be intensified on a multi-lateral basis, if Europe is to be assured of future stability (Mather, 1996).

In the context of the 1996 IGC, federalism, nation state mistrust, enlargement and Franco-German relations are as relevant today as they had been in 1957.

1.6 THE CURRENT EUROPEAN UNION: THE EUROPEANISATION OF EU POLICY MAKING?

Europeanisation implies greater interdependency between EU Member States. If it exists then there will be evidence of: delegation of responsibilities to the regions, the promotion of policy to supranational institutions, a 'hollowing out' of the role of the state and increased direct liaison between sub-national and supranational tiers of government (Andersen and Eliassen, 1993a). The phenomenon promotes the transcending of territorial borders and the promotion of sectoral rather than national interests. It has implications for policy making, namely, the development of specific policy communities and the formation of interest groups within these communities, each with its own agenda.

The Case for Europeanisation

The EU is a complex bureaucracy, with regulations specifying the role of each of the Union's constituent parts. However, they can only create the framework for making decisions, they can not determine outcomes or the precise nature of the process. Policy research has a responsibility to focus on "actor strategies, coalitions and dependencies" (Andersen and Eliassen, 1993). This section seeks to demonstrate how policy making has become 'Europeanised', in that the process, context, content and outcome of its deliberations seem increasingly subject to pressure from a range of groups. It is arguable that these agents have always been present but it may be they have not always have been so influential. The illustration of EU level policy making in Figure 1.1 demonstrates the potential for complexity in the decision making process. For reasons of clarity the diagram represents only the *institutions* that can play a part in formulating policy, however, in reality, the situation is more sophisticated. The Commission has 23 Directorates General (DGs), the European Parliament has a corresponding 19 select committees and the Council contains the Heads of State of 15 Member States. In addition, countries such as Spain and Germany, operate decentralised or devolved systems of government and in France there has been an increase in the decentralisation of responsibility to the Régions and Départements (Andreff, 1989).

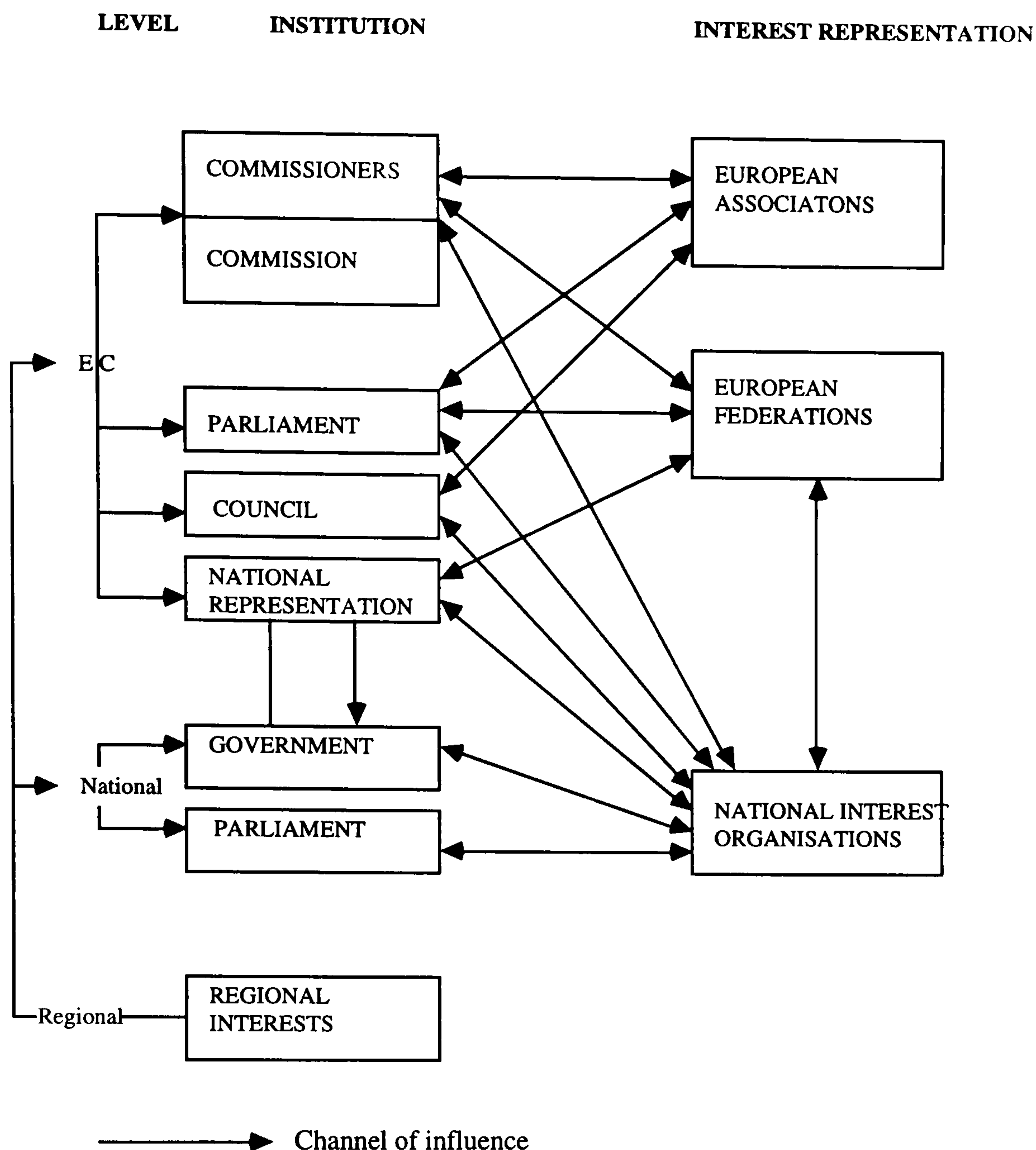


Figure 1.1 The complexity of policy-making within the EU (Andersen and Eliassen, 1993:15)

The case for an increase in networks within the Union is heightened by the Union's long term plans. The future of the EU is not secure but there are a number of scenarios: a federal Europe, a two-tier Union or continued intergovernmentalism. The EU also seeks to enlarge its membership and this would have implications for the way that policy was agreed. The systems of unanimous and qualified majority voting (54 out of the possible 76 votes) used will probably be replaced with simple majority voting. Under these circumstances, there is an increased role for 'non-political' organisations. Likewise, any deepening of the competences of the EU will change the balance of power between EU institutions and affect their work with outside groups.

1.7 THE EUROPEANISATION OF POLICY NETWORKS

There is a growing body of literature on the Europeanisation of specific areas of policy that supports the acceptability of the idea of policy networks operating at the European level.

This approach to policy analysis is gaining acceptance because it facilitates a detailed description of the unique qualities of policy formulation experienced at the European level.

Agenda Setting

Peters (1994) described the EU as an entity that "creates a number of arenas for the interplay of relatively autonomous groups" (1994:19). He seeks to convey the notion that the Union, currently, provides opportunities for a range of actors to influence decisions, with the most appropriate time for intervention being at the start of the process, during the setting of agendas. Peters identifies four characteristics of the EU which promote networks: the fragmentation of the policy making system, the construction of the policy issue in the social and political domains, the lack of consistency, or co-ordination between the institutions of the Union and 'proto-federalism'. These open up forums for non-governmental organisations.

Fragmentation refers to the nature of the policy-making environment. The complexity of the network can work in favour of those seeking to influence policy procedures. The Commission, for example, does not, and can not, operate as a collective. As highlighted it is divided into 23 DGs, which then sub-divide again to deal with specialised areas. The matrix created by this 'division of function' offers policy activists a plethora of quasi-governmental units to approach. It is argued in Chapter Two that economic, political and socio-cultural spheres of social life evolve independently of one and other, though they are not mutually exclusive. The result is that no issue is viewed in the same way by all interested parties. The content and importance of the issue is open to interpretations. This affects which institutions become involved in the debate and how institutions respond to outside pressure. Peters (1994) has shown how influential the function of a particular Directorate General has been in the interpretation of specific issues in the policy making arena. Biotechnology, for example, could come under three DGs: DGXII (Research, Science and Technology); DGVI (Agriculture) and DGIV (Competition). Each will have its own ideas on the most appropriate direction of policy. The process of deciding who takes the lead is competitive, and reflects the relative political power of the competing organisations.

The limited integration of institutions of the EU is not helped by political fragmentation. The political party, which offers a degree of stability to procedures at a domestic level, loses its value at the supranational level. Commissioners come from a variety of backgrounds and the Parliament is itself a mix of political cultures. Despite the fact MEPs sit as members of transnational political federations, these collectives rarely reflect more than "aggregates of national parties" (Peters, 1994:16). Subsequently, they are sensitive to the need to be receptive to lobbying from groups with localised interests. There is a danger that the primacy of local issues may cloud the need for more holistic agenda setting.

'Proto-federalism' recognises that the Union represents a collection of highly differentiated territories. In Section 1.5 it is suggested the constitutional autonomy of some regions has prompted independent action at the European level. The growing significance of this tier of government provides interest groups with a further avenue to pursue. Direct links between sub-national and supranational bodies are becoming symptomatic of both the withdrawal of state aid in a number of areas and the emergence of more EU-run economic and social programmes (Rhodes, 1994, Goldsmith, 1994). The growth in independence achieved by local government means local agendas are looking further afield for support. Equally, transnational social movements (environmental groups, human rights organisations) can seek recognition by working directly with EU institutions. The ability to bypass national structures facilitates active participation in the decision making process.

The Limitations of Participation in Agenda Setting

Gaining access to agenda setting would appear to be a realistic goal for activists. However, there is a difference between being proactive and being a functional component within the process. Constitutional agendas differ from those designed purely to provide a forum for debate. The account above exemplifies pluralist politics, the notion of an arena accessible to a range of groups. A level of mutual recognition and inter-dependencies, however, is no guarantee of equal treatment. There is a tension-balance between competing actors and between positive action and periods of inactivity. Imbalances in networks will lead to the preference of one definition of an issue over another, the dominance of one Directorate General, or the acceptance of one set of interests over others. Opportunities exist for groups to participate in the policy making process but the timing and the path taken will influence the effectiveness of the action.

Lobbying the Institutions of the European Union

Lobbying is the act of gathering and disseminating information in order to become proactive in the policy process (Andersen and Eliassen, 1993). It is a pre-condition for achieving influence within a policy network. The multi-layered structure of the EU has stimulated a growth in the activities of lobbyists. The EU has developed an identity of its own which is independent of that of its Member States. The structure enables actors to gain access to a number of key supranational bodies. As a result there has been an increase in the number of outside parties seeking direct access to Union institutions. The rise of the lobbyists has been dramatic since the 1970s, with the number of federations with representation based in Brussels increasing 10-fold since the early 1970s and increasing four-fold again since 1985 (op cit). In addition, Andersen and Eliassen (1993) made a distinction between two types of participation: 'interest participation', the process of having regular contact with the key

decision making bodies and pure 'lobbying', a one-off act of pressure on, or contact with, a decision making institution. The differentiation relates to the division Peterson (1995) made between policy communities and issue networks, the distinction being that the former has prolonged access to policy makers, while the latter are formed for specific policies.

Transnational Policy Figurations

EC policy networks are ... hybrid mixtures of national, supranational, intergovernmental, transgovernmental and transnational actors and inter-relationships.

(Dang-Nguyen et al, 1993:97)

In Section 1.5 it was suggested the case for Europeanisation could only be argued *if* there is evidence of cross-border collaboration which goes beyond the traditional means of political, economic or social co-operation. The most likely form for this to take would be the growth of transnational communities of interest. The greater the level of interdependency between groups within the same sector thus renders rigid hierarchical governmental structures unworkable. The literature suggests this is now the case, since companies, social movements and ethnic communities no longer feel strong allegiances to a 'nation state', as exemplified by the growing number of multi-national corporations and transnational cultural communities (Hall *et al*, 1992).

The growth of lobbying and the structural complexity of the decision making process within the Union, which facilitates the existence of (qualified) 'open access' agenda setting, combine to indicate that the Europeanisation of policy *is* happening. Hierarchical patterns of governance are becoming dysfunctional and other means of co-ordination are sought. Inevitably, although the Commission has the responsibility of initiating and developing policy on behalf of the Member States, the process is not internalised. What has been created is a series of links between interested parties which represent a solution for dealing with the "increasing inter-dependency and power dispersion in contemporary national and international politics" (Dang-Nguyen *et al*, 1993:111).

Dang-Nguyen *et al* highlighted the case of telecommunications policy. The privatisation of the industry in many countries not only broke a state monopoly but also sensitised observers to the influence that the EU could have on the development of the industry. Issues of lobbying, agenda setting, tension-balances and relational power were in evidence. Early input in the formulation of a Green Paper advocating deregulation came from the larger commercial groups. Other groups, for example, the affected unions, were marginalised. Lobbying by these groups at the domestic level ensured only limited reforms. The 'structural asymmetries' which were found to favour organised economic interests illustrates the notion of unequal interdependencies. The decision of the Commission to bring these interested

parties together demonstrates that power chances within a network are unequal and can be manipulated. The Commission is dependent on these groups in order to achieve policy reform. By providing a forum for potential supporters at the European level the Commission was in a position to influence the context, content and outcome of discussions.

1.8 THE PROCESS OF LOOKING TO THE FUTURE: THE 1996 IGC

... a moment's reflection reveals Europe to be a somewhat ambiguous geopolitical formation, one with a complex history, a problematic present and an indeterminate future'.

(Smart, 1992:26)

The EU had two major issues to address at the 1996 IGC: firstly, the management of the EU under the potential Fourth Enlargement from 15 to 26 Member States, with the possible accession of Central and European states; and secondly, the ways in which the EU could win over the support of the European citizens. The primary concerns to be considered were as follows:

- ways to reduce the complexity of treaty texts, possibly a treaty to supersede the others;
- further review of the feasibility of EMU by 1999;
- further extensions of the powers of the European Parliament ie. more Co-decision;
- greater integration of national parliaments;
- increased visibility of sub-national groups ie. Länder, Comunidades Autonoma, etc;
- greater clarity, transparency and openness; and
- increased involvement with social aspect of European life eg. culture and sport.

The discussions however have to be put into context. The talks had to take account of the changes occurring in Central and Eastern Europe, the interests of internal security, the complexity of the quadripartite political system and the diversity of cultures that make up the European identities. The treaties speak of 'an ever closer union' yet there is still the issue of protecting European diversity.

Preserving and respecting the variety of cultures, languages and identities of the different nations. But there is no agreement ... about the political and legal form of the final result ... the peoples of our countries now feel the need to have some clarity.

(Lipsius, 1995:14)

These issues conditioned the IGC and increased the complexity of the negotiations. Each Member State came with its own agenda items that must then become motions accepted by the fifteen. As was the case in the past, the Member governments were aware of domestic pressures and, are therefore, subject to the influence of their own political cultures.

[There are] differing approaches of national parliaments to the concepts of scrutiny and accountability, from the relaxed and open approach of the Italian camera dei deputati ... through the positive-minded but well-informed Belgian ... parliament to the ... ministerial accountability and parliamentary reserves and mandates of the British and Danish parliaments.

(Westlake, 1996:18)

Success was to be influenced by a multitude of factors: the composition and political ideology of the governments within each Member State; the domestic economic situation in each state; the will of the public in referendums; the economic state of the Union. In practical terms, the IGC concentrated on making the EU a flexible institution. For the doctrines of nationalism, political sovereignty and economic autarky to be countered by the European project, the politicians and citizens alike would have to continue to be convinced of the benefits to be gained, including long term peace and a greater understanding of difference

Sports Policy within a Future European Union

O'Neill (1996) argued that European integration is a phenomenon that operates at three levels: the regional, the national and the individual. To this, transnationalism can also be added. All aspects of integration must, therefore, be accommodated within policy developments.

The foundations laid in economic policy in the 1950s have had implications for political relations between the Member States and European institutions. As the Common Market matured and the Single European Market came to fruition, commercial interest groups have become recognised as primary actors in their respective fields of policy. The final piece of the European 'jigsaw', however, is the citizen. The assertion of sub-national identities, the four freedoms and transnational economic and cultural relations have all increased the attention on how European integration affects the individual. A cultural legitimacy is sought alongside the burgeoning economic and political authority. Article 128 took the Union a step closer this objective, but the task remains a challenge.

Chapter One has argued that, historically, Europe has been besieged by conflict based on intolerance of difference. The obstacle for the Members of the EU to overcome is that of the management of diversity. Thus there is a pressure for the Treaties to preserve cultural diversity and foster and promote elements of commonality that can be used to develop socio-cultural relations. Sport, as a social phenomenon, can play a part within these developments. Whilst sporting encounters invariably manifest themselves at local, regional and national levels, the social significance of sporting events and individual participation is also a valuable resource which can be harnessed. What the thesis seeks to do is to illustrate the extent to which sports-related projects have contributed to, and are influenced by, the growth of the European project.

CHAPTER TWO

A CONCEPTUAL FRAMEWORK FOR EUROPEAN LEVEL POLICY ANALYSIS

2.1 INTRODUCTION: Structure and Aims of the Chapter

This chapter will seek to address the conceptual framework under-pinning the empirical work. The study places decisions regarding EU level sport policies within the context of the European project and, in doing so, observes the nature of the policy making process. The research framework reflects the dynamics of the integrative process and illustrates particular traits of the European Union's decision-making mechanisms, as they presently stand. The former refers to an analysis of Europeanisation, the latter refers to the role of particular agencies and actors within the policy process (an emphasis on inter-personal and inter-organisational relations).

Section 2.2 reviews Eliasian sociology and seeks to identify the elements of the Eliasian approach which would facilitate an explanation of Europeanisation: what Europeanisation challenges and how relations at all levels will be shaped and reformed as a result of the move away from traditional inter-dependencies between regions and nations. Section 2.3 is concerned with policy network analysis, an approach to policy analysis which focuses on the distribution of key resources amongst significant agents within specific policy arenas. The Rhodes Model and the work of Wilks and Wright are critically evaluated as a complementary conceptual tool to be incorporated within a broadly figurational approach (see Section 2.4).

2.2 ELIASIAN SOCIOLOGY: THE CIVILISING PROCESS

Elias has sought to develop an approach to sociology that is not based on the traditional distinction between the macro and the micro elements of social life. Structure and agency are shown to be part of the same 'equation', as society and social actors coexist. The role of social science is to analyse their interaction, not polarise them. To do so is to work from, and draw conclusions about 'false dichotomies' (Rojek, 1992). The key traits of Eliasian sociology for the purpose of this analysis, are as follows: the developmental process; interdependency through the social division of function; established-outsider relations; the dynamic nature of social relations.

The first project Elias worked on related to the evolution of socially acceptable behaviour. The work demonstrated that social mannerisms have a history and

continue to evolve. The thesis, *The Civilising Process*, was extended to provide a framework through which to view broader and more far reaching social developments. The aim of Elias was to contextualise social phenomena and give a sense of society being in a state of long term, perpetual transition. The emphasis is on spatial and temporal specificity. Goudsbloum, in reviewing the Eliasian approach, made four observations about its central tenets:

- Sociology is about people, in the plural - human beings who are interdependent with each other in a variety of ways and whose lives evolve in, and significantly shaped by, the social figurations they form together;
- That these figurations are continually in flux, undergoing changes of many kinds - some rapid and ephemeral, others slower but perhaps more lasting;
- That the long term development taking place in human figurations have been, and continue to be, largely unplanned and unforeseen;
- That the development of human knowledge takes place within human figurations, and is one important aspect of their overall development.

(Gouldsbloum, 1977 cited Mennell, 1992:252)

(a) The Social Division of Function

The notion of a constantly changing social structure leads to an increasingly sophisticated interpretation, and perception of how, society is ordered. Where some have placed an emphasis on the division of labour, implying the primacy of economic relations, Elias writes of the social division of functions. The Eliasian approach allows for changes in the form and nature of social relations and resists economic determinism. Although society does operate a system of social stratification, the economic, political and cultural traits of each strata are not constant. As society develops, the division of functions becomes more complex. The more competitive society becomes, so the ability for an individual or group to control their own 'destiny' diminishes.

In the relations between individuals, as well as in those between different functional strata, a specific duality or even multiplicity of interests manifests itself more strongly, the broader and denser the network of interdependence becomes. Here all people, all groups ... are in some way dependent on one another.

(Elias, 1939, cited Mennell, 1992:74-5)

(original emphasis)

The developmental process means aspects of social life become more specialised: the labour market (primary, secondary and tertiary sector); political groups (transnational federations, regional parties, the green movement) and the advancement of technology. The result is greater interdependency between different interest groups. Elias calls this 'functional democratisation'.

Longer and more differentiated chains of interdependence mean that power differentials diminish within and among groups because incumbents of specialised roles are more interdependent and can thus exert reciprocal control over each other ... the increasing division of social functions and lengthening chains of interdependence lead to greater reciprocal dependency and thus to patterns of more 'multi-polar control' ... within and among groups ...

(Mennell, 1989:124)

Functional democratisation suggests two things: increasing complexity in social relations and continued social tension. Webs of interdependency are constantly changing, causing the interaction of many more interest groups. These groups become increasingly dependent on one another. The density of the web encourages a certain level of openness and mobility amongst groups but equally it maintains disparities. A societal equilibrium is sustained, whereby no group gains substantially by the 'abolition' or redundancy of another. Such a move would "displace the centre of gravity of the whole figuration of power in society" (Mennell, 1992:86).

The social division of function can provide an explanation for the development of the European project. The growing number of linkages that persists within commercial, political and cultural figurations increases the density of that figuration to the extent that no single actor or institution can operate independently. For example, within the context of the European Union, economic activity can no longer be governed by a Member State as markets are, in the main, global. In view of this the significance of Common Market and Single Market legislation and regulation increases. The need for the European Union to remain competitive with American and Asian markets necessitates that the Member States limit the extent to which they operate independently of each other. It then follows that, as an identifiable trading bloc, the Member States must agree to joint policies. The required level of supranational co-operation brings with it a responsibility to develop corresponding regulatory agencies. Equally, as will be demonstrated in chapters 5-7, the number of stakeholders with an interest in leisure and sporting issues leads to specialist forums being created (eg. the European Sports Forum). However, the chapters will also illustrate that although networks and forums exist to accommodate a diverse range of stakeholders, the management of resources between dependent actors within the networks sustains some imbalances.

(b) Established-Outsider Relations: relational power

Where conflicts arise the cause is often associated with the inability of actors to control their situation. Where the right of self-determination is denied, tension between groups persists. The ability to act is associated with the distribution of

‘power chances’ amongst groups. The opportunity to influence and bring about change is determined by the group’s position within the ‘web’ of actors. The more established the actor the more likely it is they can play some part in shaping events, in contrast, actors on the periphery will encounter difficulties. This ‘relational power’ is a structural characteristic of any social web, and is central to the Eliasian approach (Jarvie, 1992).

Relational power reinforces the point that within any given network power chances are not evenly distributed. Interdependency does not lead to equality. Those who can function with a degree of autonomy have the greater power chances. Equally, in situations where power *is* more finely balanced it is likely that groups will counter each other. Relations are affected by the density of the web. The broader the reach, and more sophisticated the network, the more constrained the actors will feel. Acting without due consideration of the effect which a given action will have on others could bring about detrimental consequences for all. Positioning is a fundamental factor in assessing whether an actor is constrained or aided by the network they operate within.

Again with reference to the European Sports Forum, Chapter Four illustrates that although the ESF was set up to enhance dialogue between regional, national and European level sports administrators (governmental and non-governmental) the format of the proceedings favours the governmental actors. Currently non-governmental actors only attend the second day of the two-day forum. Equally, the power relationship between national and local agencies, with regard to the use of Structural Fund aid is explored in Chapter Six. In this chapter it becomes apparent that centralised bidding procedures in the UK have succeeded in retaining a national focus to the European funds. This has the effect of maintaining established power relations and making new transnational links harder to initiate and sustain.

(c) (Un)Intentional Consequences of Action

The emphasis of the Eliasian approach is on the *potential* for agency. The developmental nature of society means that, while actors may not choose the precise circumstances in which to act. Change can only be brought about through the intervention of either individuals or groups. Yet, in line with the dualism of the established and the outsiders it is clear there is a qualification to be made when discussing agency.

A distinction needs to be made between the relatively high compellingness of the overall process and the relative indeterminacy of any particular outcome within it.
(Mennell, 1992:70)

Any situation is the product of both intended and unintended consequences. Unintended interdependencies and outcomes result from intended actions (Jarvie and Maguire, 1994). It is impossible for an actor to be completely aware of the effect their action, or inaction, will have. A variety of future events and outcomes are probable, based on the fusion of complementary and conflicting interests. It is then up to actors to respond to the new situation which will, itself, lead to other courses of action.

People cause certain events to happen by making choices in the actions they take. In the same way they prevent other events from occurring. But each situation offers only a limited number of choices and certain events cannot occur before their pre-requisites have taken place.

(Tesch, 1990:27)

In Chapter Five it is illustrated how the interpretation of Community legislation has influenced the market for sports broadcasting rights. In 1993 both the European Broadcasting Union and BSkyB were granted exemption to European legislation, Articles 85 and 86 respectively. The exemptions to the Articles that refer to anti-competitive practices have resulted in heightened political interest in the area. However, the debate on the *Television without Frontiers Directive* took place three years after the Commission Decisions and, consequently, the extent to which MEPs could respond to the changes that had occurred in the market was limited. The Party of European Socialists, for example, wished to protect Public Sector Broadcasters' access to major events, but the extent to which this could be achieved was debatable. The issue for Parliamentarians was how to ensure free-to-air access in the future, given present day conditions and restraints. The main constraints at the current time was, falling public sector market shares, the escalating costs of rights which resulted from increased competition, and the increasing number of exclusive contracts being signed between non-terrestrial broadcasters and event organisers. Given the context of the debate on the Directive, the Parliamentarians and broadcasting lobbyists could only make limited changes to the broadcasting regulations.

(d) Social, Political and Economic Configurations

Eliasian sociology suggests society is organic in that it undergoes continual transformation. Some changes are dramatic, others are more subtle, some are long term while others will be less enduring (Goudsblom and Mennell, 1998). There is no single-causal logic but instead an acknowledgement that economic, political and cultural entities do evolve in line with their own temporal patterns (Mennell, 1989). The analysis recognises society cannot be written about as if it were static, there are both elements of 'fixity' and 'elasticity'. Rules and norms sustain social structures

but do not mean the potential for agency is to be disregarded. This combination is termed a 'configuration'.

Figurational sociology is defined as an "open ended framework capable of explaining multi-faceted forms of interdependence, domination and subordination, without necessarily reproducing class reductionist accounts" (Jarvie, 1992:197). Individual economic, political and social factors are not given preferential status over another in the search for an explanation of social change. A central theme of the figurational model is the primacy of relational power. Actors are shown to be subject to some structural restraints but they are also constrained by their *own* perception of the limits to their opportunities and to bring about change (Jarvie and Maguire, 1994).

(e) Configurations and State Formation

In line with the idea of social development and the growing interdependencies between interest groups, figurational sociology has sought to relate state formation to the gradual monopolisation of power by groups within political configurations.

Elias sought the dynamics of structured processes of change in the patterns of social interdependence and competition between the major interests in society.

Mennell, 1992:61

Plotting developments from c. 1100, Elias observed two types of figurations: centrifugal and centripetal. From antiquity through feudalism there was a tendency towards centrifugal forces. The economy was based on local bartering and there was a corresponding emphasis on local political autarky. Figurations were specific to a locality and determined by both economic and political factors. Neither is highlighted as the primary force, nor is it suggested that the two formed a 'cause and effect' relationship. The premise is society should not be observed from a position which assumes the dominance of one of these entities. The conditioning of one by the other is a fallacy, changes in one will bring about changes in the other. The idea of fragmentation and integration being the product of the interaction was further emphasised in his discussion on the period of European history when the 'state' *per se* became formally recognised. The period of Louis VI is acknowledged as being the start of the age of the nation state, when it became widely accepted as the primary division of territories across Europe (O'Neill, 1996). Three processes aided this change: the monopoly mechanism, the royal mechanism and the transformation of 'private' into 'public' monopolies.

The monopoly mechanism is, firstly, the concentration of taxation powers and the power of territorial enlargement, in order to create a monopoly, and secondly, the

accumulation of relational power by fewer units groups (Elias, 1994). The equilibrium of power is displaced and replaced by a system where an 'elite' holds power. A state of imperfect competition then exists, as open society is reduced from an oligopoly to a duopoly to a monopoly. No absolute power prevails but there is a degree of monopolisation by a few states and as a result social tension do arise. Elias makes a connection between this tension and the intra- and inter-state struggles that have shaped European history.

The accumulation of power reduces competition and creates networks of dependent actors. The Royal Mechanism is the "internal balance of social forces within the developing state" (Mennell, 1992:66). As the power base becomes narrower, it is impossible for the elite to oversee all they control, and they have a relationship of dependency with their dependants. The figuration is one of mutual need but unequal power. Today this is exemplified by the growth in quasi-governmental organisations. Within the EU, for example, there is a quadripartite system (the Council of Ministers, the European Commission, the European Parliament and the European Court of Justice). The resulting structure is a complex bureaucracy, with specific roles and responsibilities assigned to each unit.

Enlarged interdependency not only takes the autonomy of decision-making away from social actors but it also reduces their access to resources. The centralisation of resources means the individual's claim of ownership is reduced and the interests of the 'configuration', as a whole, are of primary importance. Private monopolies are replaced by ones in the public domain. The development of state social policy in the post-war period is an example, with welfare issues increasingly subject of state intervention. There is now a dependency on provision, a dependency highlighted by the fact that the prospect of any withdrawal of state aid is a salient political issue.

(f) Critical Reflections on Figurational Sociology

The work of Elias has come under some scrutiny and two aspects, in particular, have been highlighted as possible areas of weakness or underdevelopment: the role of human agency; and the priority of historical continuity over discontinuity (Mennell, 1992). These areas are of interest in themselves but they are particularly pertinent given the nature of the research project being undertaken. The research addresses both macro processes such as Europeanisation and meso and micro concerns such as the interplay between agents working within European institutions. These issues require sensitivity to historical developments and contemporary events and decisions. Attention must, therefore, be paid to the role of information, agency and developmental processes.

Figurational sociology places an emphasis on the dynamics of social relations and the unplanned characteristics of the figurations formed. This could imply that actors are not credited with playing a significant role in the changing nature of these interdependencies. Layder (1986) suggests this leads to no clear explanation of how and why intentional action can lead to changes in the balance of power between actors. However, the response would be that there is a distinct difference between intentional acts of agency and long term, unplanned processes of social development. Individuals can not control the environment in which decisions are made and they can not predict the full consequences of the action taken. Specific acts of agency can be attributable but these fall within existing chains of events and dependencies (Kuzmics, 1987). In the context of this research, it follows that an individual or a group can not be identified as the focal point or catalyst for the European project. Europeanisation has continued to develop as a result of political, economic and socio-cultural changes over a period of considerable time. The Eliasian approach to social development explicitly reflects on societal changes that have occurred over three or more generations, therefore, the role of agency can be acknowledged but it cannot be seen outside of its social and historical context.

The second commonly cited concern regarding figurational sociology is the emphasis on historical continuity. This again relates to the argument of viewing individual behaviour and group interactions as a consequence of long term social processes rather than simply a product of a given period (Bogner, 1986). In the *Civilising Process*, Elias suggests how political and economic interdependencies between groups have become more intense and how socio-cultural differentiation has become less evident. The argument can appear to have a sense of inevitability about it, which is to assume that the increasing complexity of figurations necessitates a trend towards co-operation (in the best interests of the figuration as a whole). This focus on long term trends can lead to the accusation that little attention is paid to significant breaks in these trends and discontinuities (Kaferkamp, 1987). However, Elias also talks of the decivilisation process and of barbarism as unmistakable elements of human history. Indeed, when considering the conditions for state formation, Elias demonstrated how nations were born of war and for war. The emergence of larger and larger survival units as a result of conflict would suggest that figurational sociology does address the problem of breaks to the civilising process. Chapter One has argued that the present European project was prompted by the devastation of the Second World War. Political, economic and socio-cultural relations and figurations in the European Communities were developed in a response to these events. Consideration of inter-related (but not wholly dependent) cycles of political, economic and cultural conflict and cohesion are part of the developmental process. The European project is seen to mature in 'waves' (ie. successive treaties, trade links

and cultural programmes) and to stagnate for periods. It is possible to conceptualise this within the Eliasian notion of inter-dependent figurations.

A further critique of the value of the Eliasian approach for this research takes place in Chapter Three. However, at this juncture it can be observed that the approach does have certain implications for policy research. In particular, the framework suggests growing diversification of policy stakeholders, as knowledgeable actors, are found within specialist but interdependent figurations. Conflicts of interest, tension-balances and discourse, consequently take place within these figurations. Issues of power, the marginalisation of interests and the formation of broader networks, as ownership of decisions is diluted, raises questions over the context and direction of policy development. The placement of resources and actors into a spatial and temporal framework must enhance the discussion of decision-making in the national, European and global contexts (see Section 3.2).

2.3 POLICY NETWORK ANALYSIS

The research seeks to explore the rationales for EU intervention in sport and provide an analysis of the processes involved in the formulation of policy. Basic questions to address include: who is involved in policy-making? why they are participating? and how do they interact with other participants? Policy network analysis is an area of theory that brings together the work of social and political scientists. The literature operates at three levels (Rhodes, 1986a).

Level of Analysis	Micro	Meso	Macro
Sociology	Groups dynamics; Social network analysis	Inter-organisational analysis	Political economy
Political Science	Issue networks	Sub-government/ inter-governmental relations	neo-Pluralism

Table 2.1 A typology of policy network theories (Rhodes, 1990:294)

Table 2.1 is a classification of network theories. Three levels of analysis are deemed to be of particular interest to this research: issue networks, inter-organisational analysis and inter-governmental relations. The majority of the literature is from a British perspective but Rhodes and Marsh (1992) have stressed this should not detract from its use in international and supranational contexts and researchers have employed this approach to the transnational level (Rhodes, 1986b, Andersen and Eliassen, 1993, Dang-Nguyen, 1993, Marsh, 1998).

(a) The Theoretical Levels

Policy network analysis has been adopted by sociologists, and political scientists and this has led to a range of interpretations regarding the ability of the analysis to provide

a framework to explain the patterns of interaction surrounding policy development (Rhodes, 1981a).

Policy Networks: a Macro-Level of Analysis

Macro-level policy network analysis emphasises the importance of structural factors in policy making. It concentrates on the relationship formed between 'the State and civil society' (Rhodes and Marsh, 1992). Political scientists seek to observe 'interest-power-structures', in conjunction with more meso-level dependencies. Benson (1975) identified five interest-power groups that constituted the primary actors in policy making: support groups, demand groups, provider groups administrative groups and co-ordinating groups.

The units form a figuration, an 'interest-power-structure', which frames the policy process: the topics, the tone of the debate and the potential policy outcomes. Analysis centres around the discourse between the competing interests, each of whom is striving to achieve a favourable outcome. The process involves the deployment of resources by the groups with a vested interest and it is this ability to lay claim to appropriate resources that political scientists seek to explain. The distribution of resources and power is central. Policy is then decided by the way in which conflicts of interest are resolved. Interest groups within a sector will have different power chances. Network analysis, at this level, looks for linkages between sectoral interests and the requirements of the 'larger social formation' (Rhodes, 1990).

The focus of neo-pluralism is again on relational power. The dominance of the state, though, is replaced by an acknowledgement that the state is not necessarily central. It suggests relationships within networks are not *always* going to be relations between the state and interest groups. It seeks to illustrate the multitude of *possible* actors within an area and thus it broadens the scope of the network. Advocates explain 'power-dependency relationships' (Peterson, 1992). The sophistication of the state system means its ability to operate independently of societal actors diminishes: "the problem solving capacity of governments is disaggregated into a collection of sub-systems with limited tasks, competence and resources" (Hanf, 1978, cited Rhodes, 1990:301).

The division of functions, between units, means increased inter-organisational dependency, with no group holding a monopoly on resources. What occurs is a situation where a few groups hold the majority of the resources necessary for a particular function. These groups then hold privileged positions within the policy-

making process. The growth in these units is seen as indicative of increased decentralisation. Complex power relations then arise, whereby interdependencies are created between groups with mutual interests but different specialist inputs. The system created is not state controlled so its role is then to allocate resources and make decisions based on a consideration of the balance of needs between interested groups (Rhodes and Marsh, 1992).

Policy Networks: a Meso-Level of Analysis

Peterson (1992) and Marsh and Rhodes (1992) suggest policy network analysis provides a link between the micro analysis of specific policy decisions and the quest for a macro level picture of the distribution of power. It makes the connection between the actual decisions and the issues that create the wider environment. The approach, though, was seen to have weaknesses. Priority is given to the classification of inter-organisational interactions but there is a need to look at intra, as well as inter-organisational 'distributions of power' and 'interest-power structures'. Resources are not the only indication of power. Interaction is governed, equally, by rules and regulations and by each interests group's *perception* of their power. In addition, it must be acknowledged that there are a variety of relationship that exist between groups within different tiers of government (Rhodes, 1981b).

American literature refers to 'sub-government' relations but still retains the idea that specialist groups will be involved in specific areas of policy but each differing in its interest in structure. 'Sub-system politics' suggests the interests of governmental and non-governmental actors lose their distinctiveness when private interests have the specialist resources required by the state. The literature implies influence on policy is best achieved by an interest group when the boundary between itself and government is not clear. Power comes from the structural alliance of political, bureaucratic and private bodies. An 'iron triangle' has come to symbolise the relationship (Jordan, 1990).

Wright (1974, cited Rhodes, 1990) identified five characteristics of inter-governmental relations (IGR). Firstly, this concept draws attention to the multitude of linkages and relations between levels of government and different governmental departments. Secondly it takes account of interpersonal relations *within* a network. The approach also acknowledges these relations are functional on a daily basis. The policy process is equally deemed accessible to a range of actors and so it is appropriate to ensure *all* actors are incorporated into the analysis. Analysis is not

seen as the process of detailing the input of bureaucrats and professional groups to the exclusion of other groups.

Hanf (1978 cited Rhodes, 1986a) identifies two concepts at the meso level, functional specialisation and territorial specialisation, that are comparable to concepts within Eliasian sociology (division of function and political and economic figurations). Both areas have been seen to have grown in importance in the post-war period, and as a consequence, the role of knowledgeable communities and professionals has also expanded (Haas, 1992). The result of this specialised 'division of function' is a growth in interdependencies. Specialist knowledge has become a valuable resource in the policy process. A monopoly, however, is not created because the specialist groups are countered by increased lobbying from other groups. Again, in line with figural sociology, this scenario leads to a tension balance between competing interests within *a* specific figuration.

A major criticism of pluralism, however, was that it did not give adequate account of network disaggregation. It did not acknowledge that interest group-government interactions change in form and intensity with each area of policy. To achieve a more sophisticated account of the interplay between groups it is vital to use meso-level policy network analysis in conjunction with a macro theory on the distribution of power (Rhodes and Marsh, 1992). Research on the overtness of state participation in some areas of policy has grown sensitive to the fact that levels of state intervention *do* change. Intra-state variation between sectors also highlights the extent to which the degree of state intervention is open to negotiation.

A network has the potential to change its form, membership and focus and so a framework for analysis must have the ability to accommodate those changes. When a policy is reformed it is likely that new objectives, and perceptions of what is to be achieved, will be evident. This will impact on the arrangements within a given network (Haas, 1992). Research has to be able to incorporate collectives, ordinarily outside the definition of a policy network (Dudley and Richardson, 1998). Pluralists have responded to this challenge by developing the concept of the issue network.

Policy Networks: a Micro-Level of Analysis

At the micro-level there is a focus on the individual: specific incidents and interactions. It deals with "the role of interests and government in relation to particular policy decisions" (Rhodes and Marsh, 1992:1). The aim is to identify the interpersonal relations of significance within a network, those that could be regarded

as being important in deciding the content and context of discussions. Handy (1985) studied communication networks and organisational behaviour, examining group effectiveness and the influence individuals had on group interactions. The informal organisation, which operates in parallel to official communications, is action deemed outside the expectations of the actor's formal role within the organisation.

An issue network is the “politics of the ad hoc and irregular” (Jordan, 1990:329). It is the detailed analysis of the inter-personal relations between interested actors. It explores the less structural elements of the policy process, seeking to uncover interactions that work below the overt power-dependency relations. Inter-organisational studies, it is argued, belittle the importance of the activities of agents operating below official communication. The disaggregation of policy making facilitates the incorporation of ‘open networks’, networks not constrained by political, or professional conventions. The openness of discursive networks means the web of actors is more complex than the traits of structural analysis suggest. Replacing aggregation with fragmentation allows for a wider understanding of the exercising of power within a network (Rhodes, 1990).

Peters (1994) work on agenda setting identified ‘policy entrepreneurs’. The work demonstrated that in the preliminary stages of policy negotiations can be heavily influenced by key individuals. These actors seek to have items placed on the agenda in a way appropriate to their needs. Their actions are indicative of the fact some decision-making frameworks are open to, and encourage, input of this nature. Official structures are not the only mechanism by which the development of policy should be judged. The behaviour of particular actors and the details of ‘specific bureaucratic arrangements’ should be considered as significant since inter-organisational communication often occurs at an unofficial level (Atkinson and Coleman, 1989).

(b) Dominant Models in Policy Network Analysis

British and American literature share the concern to explain the workings of policy communities but they have developed two distinct traditions.

The Rhodes Model

The Rhodes model is regarded as the original policy network analysis model and it has continued to evolve with the growth in empirical work. Its initial focus was on central-local relations (Rhodes, 1981b). It sought to examine the resources used by groups to gain maximum influence over policy outcomes. The resources identified

included: organisational, constitutional-legal, political, financial and information (Rhodes, 1988). Central-local relations were informed by the use of these resources. The micro-level 'figure' is then contextualised within the wider environment to describe the ways in which resources are distributed between the institutions of British government (Rhodes, 1986a).

The approach suggests relations between central and local government and interest groups have shifted from a system of tension and competition to one encouraging aggregated working communities. What is created is a system of 'interest mediation' under which a group's inclusion in the policy network is "regulated in return for influence over government policy" (Rhodes, 1990:303). The approach was criticised, though, because it lacked clarity and so the theory was revised. The macro interpretation of the model looked at transitions in the nature of British government, at the meso-level it looked at the variety of links between the centre and the range of sub-central governmental organisations and at the micro level there was an emphasis on the behaviour of actors. Rhodes (1988) sets out criteria designed to distinguish a network from other forms of group interaction. A typology of networks was, subsequently, devised based on three traits: network membership, resource management and shared interests (see Table 2.2).

Government-Industrial Relations (GIR)

Wilks and Wright (1987) progressed the central-local government research and expanded on the Rhodes model. Their objective being to "break away from system level macro-generalisations and to move towards empirically based analysis" (p. 275). Wilks and Wright were interested in the disaggregation of policy analysis to the level of the social network. Three levels of environment were identified: the policy universe, the policy community and the network, corresponding to the macro, meso and micro environments, respectively. The policy universe is the "large population of actors and potential actors [who] share a common interest ... and may contribute to the policy process on a regular or irregular basis" (op cit:297). The community is more disaggregated, working as a forum for the exchange of resources. The objective of a group's participation is the chance to participate in the policy process, by promoting their interests and fostering relations with others. The network is the "linking process, the outcome of those exchanges within a policy community" (Rhodes and Marsh, 1992:18).

Comparative American Literature

American literature is dominated by a discussion of sub-governmental policy activity. The work is more inter-personal than inter-institutional and this is perhaps a weakness at the meso level. Freeman (1955, cited in Rhodes and Marsh, 1992) wrote of policy 'sub-systems', based on patterns of interaction between bureaucrats, Congressmen and interest groups. The guiding principle of the approach was the triumvirate of actors was responsible for the majority of the decisions made in the public domain. Lowi (1974, cited in Rhodes and Marsh, 1992) described the relations as an 'iron triangle', the image being one of mutual need between the partners. A symbiotic relationship is created, whereby no group can achieve its desired outcome, or expect optimal influence, without the active participation of the other two partners. Sub-government networks are coalitions operating for the benefit of the actors already active in the policy arena, by implication it fosters an 'elitist power structure'. British networks are likely to comprise of a government department *and* a 'regulatory agency', in addition to private interest groups. However, the structure is still elitist, incorporating "a limited number of groups [enjoying] privileged access to policy making, shaping both the policy agenda and policy outcomes" (Marsh and Rhodes, 1992:263).

Assumptions Regarding the Operation of Network Analysis

Alongside a review of the levels at which policy network analysis works there are some assumptions which require consideration. Peterson (1995) identified four characteristics of network analysis:

- A policy network is defined as a collective, containing all the relevant policy issues and influential actors. These actors bargain with each other, by means of specific configurations, to try and mould policy outcomes to their needs;
- The 'stakeholders' involved in the earliest stages of formulation stage have the greatest potential for agency as they act as gatekeepers, filtering policy options;
- The lobbying of key actors at this time provides those on the periphery with the best opportunity to enter the discourse. It is thus arguable whether input at a later stage has an impact. Questions should therefore be raised about at what stage decisions really take place;
- Actors are not 'free agents' interacting with one another on an equal basis. All agents have their roles qualified through institutional constraint and individual restraint. "Actors are bound within institutional structures which limit, even determine their conceptions of their own interest and their personal resources" (Peterson, 1995:400).

Although Peterson (1995) is right to 'flag up' the restraints that institutions place on an actor, it should be acknowledged that structures also provide opportunities. Whilst an individual is not a free agent, he/she has the potential to contribute to the policy process. Structures do not make decisions, actors do. Appreciation of the role of agenda-setting, lobbying and debate can facilitate actor participation. The literature discussed below, on sectoral and sub-sectoral networks suggest, the disaggregation of networks. If changing power relations result in looser networks, it follows that more actors will be in a position to become involved in policy discourse. Equality of access and a full and open debate is not necessarily the end product but any change to a more open structure is beneficial to more interest groups.

(c) The Application of Policy Network Analysis

Policy network analysis is an attempt to describe and evaluate 'interest mediation' between governmental and private interests (Kassim, 1994). A network is representative of the links between governmental and societal actors and the way those links are forged and utilised. The approach has produced a number of typologies. Indeed, Waarden (1992 cited in Blom-Hansen, 1997) identified "11 fundamentally different conceptions of policy networks, varying across 7 major dimensions and 37 sub-division" (Blom-Hansen, 1997:672). Despite the variation in terminology, the core dimensions are constant: the role of actors, sectoral interests and network stability (Börzel, 1998).

Policy Communities and Issue Networks

The Rhodes model identifies five networks. Table 2.2 outlines how Rhodes perceives the networks to differ, in terms of: membership, resource management and shared interests. The approach distinguishes between networks using two criteria. Firstly, a continuum seeks to identify the dominant groups in the network. This gives the distinction between, for example, a professional network and a producer-led network. The second dimension concentrates on the level of stability and integration existing between the interest groups.

Type of Network	Characteristics of Network
Policy community/territorial community	Stability, highly restricted membership, vertical interdependence, limited horizontal articulation
Professional network	Stability, highly restricted membership, vertical interdependence, limited horizontal articulation, serves interest of profession
Inter-governmental network	Limited membership, limited vertical interdependence, extensive horizontal articulation
Producer network	Fluctuating membership, limited vertical interdependence, serves interest of producer
Issue network	Unstable, large number of members, limited vertical interdependence

Table 2.2 The Rhodes Model: a classification of policy networks, Rhodes and Marsh, 1992:14

Saward (1992), however, suggests Rhodes does not draw attention to the fact the two areas have different implication for the policy process. Rhodes and Marsh (1992) also challenge the implied notion of a highly ordered continuum. The assumption is that professional networks are less integrated than policy communities and producer networks are less integrated than their profession-led counterparts. Studies have, however, disputed the validity of this hierarchy. They conclude each network must be judged on its own merits. Resources are key to power in a network, and Rhodes identifies five resources: authority, legitimacy, information, money and organisation. As with the Eliasian concept of power chances, these work to the advantage of some groups, and to the subsequent disadvantage of others.

[resources] should be regarded as the key dimension of power dependency within networks ... a given resource ... can only be translated into power if the changing context of the network 'lends' to that resource a certain utility. We can only decide what type of network a set of organisations or actors constitute after examining resource shifts (and therefore power shifts) for and within the network empirically and historically.

(Saward, 1992:79)

This point highlights two things. Firstly, policy network analysis should be viewed as a meso-level theory and secondly, there is a need to support temporal analysis with contemporary accounts. Research should analyse, what resources are effective and in what context they are effective. Table 2.3 summarises the differences between 'communities' and 'networks'. As suggested, the hierarchy is open to interpretation because as specialist divisions of functions increase the idea of a producer, or professional-led community becomes more tangible.

Dimension	Policy Community	Issue Network
Membership		
number of participants	Very limited number, some groups consciously excluded;	Large
type of interest	economic and/or professional interests dominate	Encompasses range of affected interests
Integration		
frequency of interaction	Frequent, high quality, interaction of all groups on all matters related to policy;	Contacts fluctuate significantly
continuity	Membership, values, and outcomes persistent over time;	Access fluctuates significantly; a measure of agreement exists, but conflict is ever present
consensus	All participants share basic values and accept the legitimacy of the outcome	
Resources		
distribution of resources (within network)	All participants have resources, basic relationships is an exchange relationship;	Some participants may have resources, but they are limited, and basic relationships are consultative;
distribution of resources (within participating organisation)	Hierarchical, leaders can deliver members	Varied and variable distribution and capacity to regulate members
Power	There is a balance of power among members. Although one group may dominate, it must be a positive-sum game if community is to persist	Unequal powers, reflecting unequal resources and unequal access. It is a zero-sum game

Table 2.3 Comparative table of policy communities and issue networks, Marsh and Rhodes, 1992:251

Sectoral and Sub-sectoral Policy Networks

The Wilks and Wright model focuses on the inter-personal level of decision making, but again it contextualises empirical work by framing interaction within a ‘policy community’ and a ‘policy universe’. Figure 2.1 shows how the macro, meso and micro levels are reconciled. The emphasis is on the disaggregation of policy concerns to the level where the number of interest groups involved may be low but the degree of issue specificity is high. The approach reflects a consciousness not to identify dominant interest groups and thus avoids the criticism cited of Rhodes, that is, of too much determinism. The model works from the premise that “not all the same policy issues in the same policy sub-sector are handled in the same network and that members of a policy network may be drawn from different communities” (Rhodes and Marsh, 1992:18).

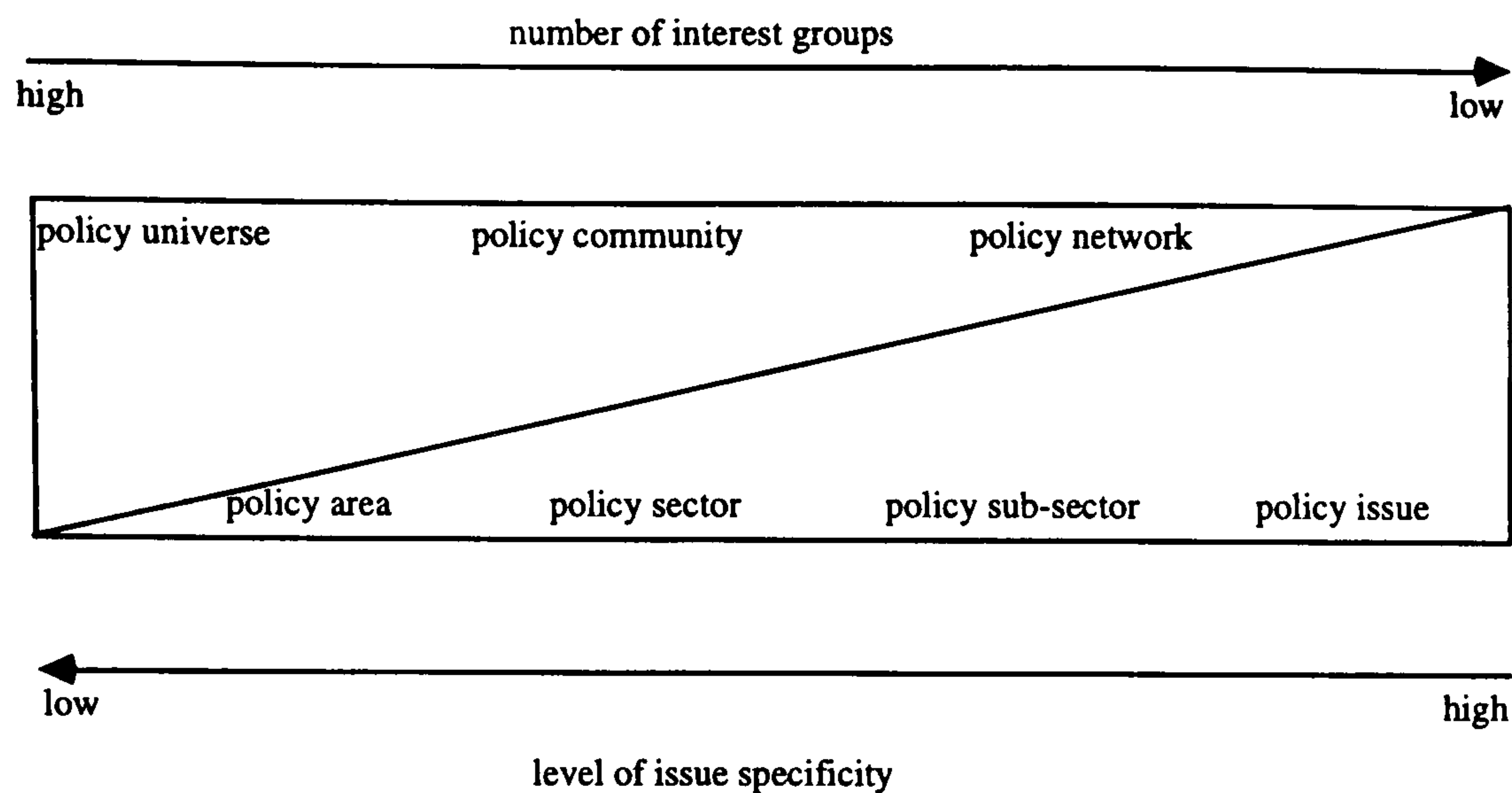


Figure 2.1 A graphical representation of the Wilks and Wright model

Two points about the model emerge from the diagram: the case for disaggregation and the need to ground empirical work within the wider environment. The idea that actors can be drawn from different communities for the purpose of a particular issue is central. There is evidence that variation in network membership does exist within a sub-sector because power-dependency relations are highly specific. Some issues will be dominated by government agencies, for others the primary agents will be specialist bodies holding resources, such as technical expertise (Bogason and Toonen, 1998). The goal of micro-level research should be to gain evidence of sub-sectoral disaggregation. The second concern should be to contextualise the network, and the issues within the broad environment. No action is taken without consideration of external factors. The way a policy is presented and the timing of its appearance will be influenced by events outside the direct control of the immediate network.

Saward (1992) illustrated how disaggregation had occurred in the civil nuclear network. The research demonstrated the way actors dealt with each other changed over time and the development of relations did not necessarily involve a progression from an issue network to a community (as described by Rhodes). Rhodes suggests there is a hierarchical order to networks, ranging from the most integrated to the least stable. The assumption being that over time the groups involved in an area of policy *may* develop into an integrated and insular community. The weakness of this approach, though, is it fails to acknowledge the potential for change in the *opposite* direction.

What Rüdiger and Saward sought to show was that actors in the civil nuclear network have 'diffused' from a community to a more open network. The 'star' formation represents a network that has a central focus, a collection of mediatory quasi-governmental advisory bodies. Over time the significance of these declined and a new structure, the emerged. The result was more direct communication and

mediation between the relevant actors. In effect, the power of decision became the responsibility of private interest groups. A result of the change was the broadening of the network, leading to the creation of issue networks facilitates access to the policy discourse for more divergent sets of interests.

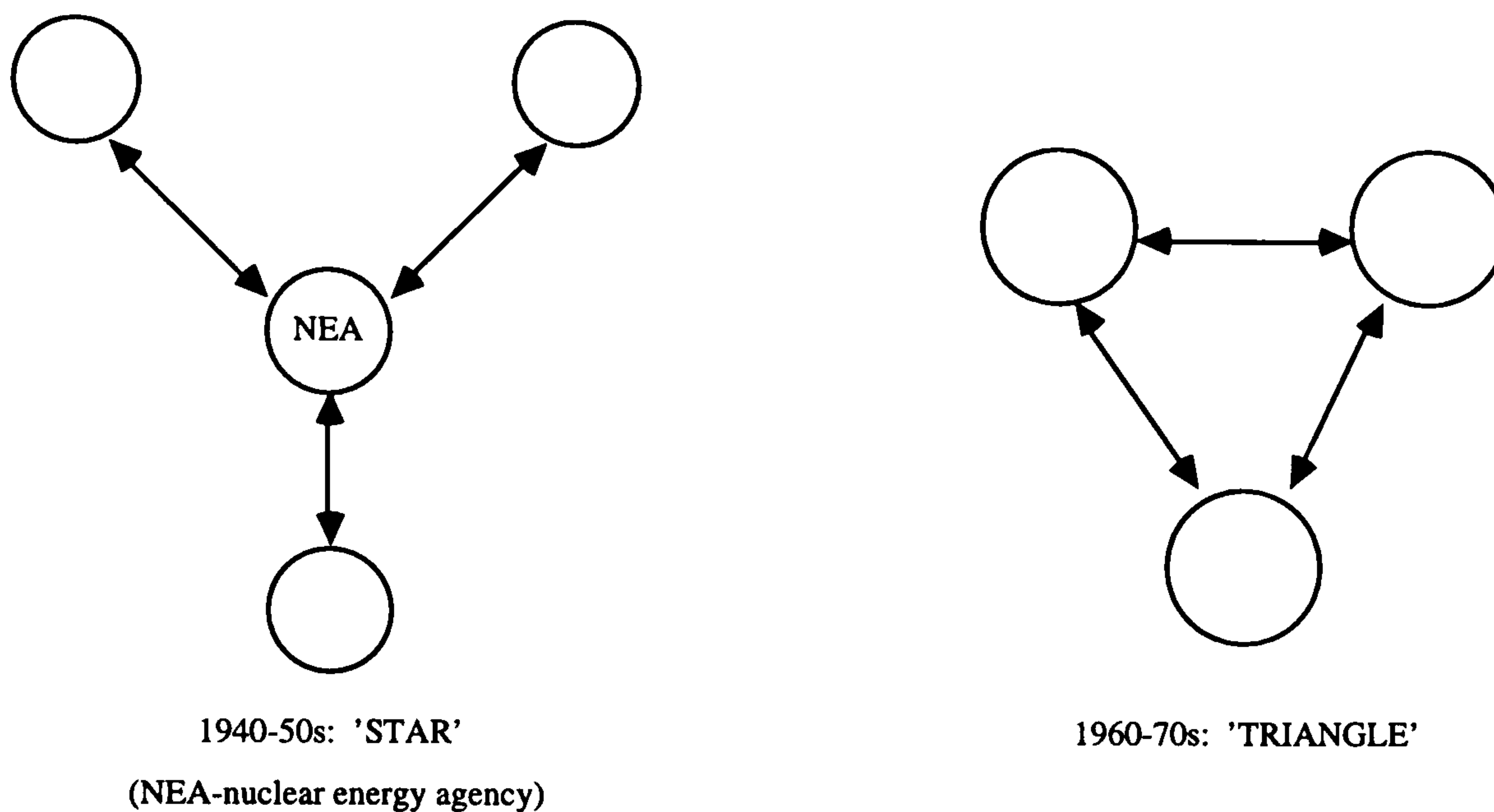


Figure 2.2. Rüdiger's model of reactor policy networks 1940-70 (1987), adapted Saward (1992:79)

Responsibilities were delegated to commercial actors as it was in these bodies that 'epistemic communities' were developing (Haas, 1992). In other words, knowledgeable actors and the resource of information were both available outside the traditional governmental agencies. Information is, clearly, an important resource and in this case it was used to change the power-dependency relations between government and private agencies. Changes in the power relations between the core decision-makers can lead to a looser network (Winn, 1998). In the above case study, environmentalists were then in a better position to challenge the commercial organisations. There is now greater opportunity for the creation of issue networks, which encourages pluralism.

(d) The Limits of Policy Network Analysis

The area of policy network analysis continues to develop and many of the recent critiques of the approach have focused on the perceived weaknesses and limitations of the original Rhodes model. Areas deemed worthy of further clarity by researchers have included: the utility of the approach as an explanation of policy innovation; the relative importance of network structure as compared to elements of agency in determining policy; and the continuing need to clarify the appropriate theoretical level at which to use network analysis. The concern for structure versus agency, in particular, has implications when discussing the extent to which input by network members influence *actual* policy outcomes. In others words, to what extent is the membership of the network reflected in the shape and nature of the policy decision.

A commonly cited weakness of policy network analysis is its inability to account for changes to: the membership of the network; the values adopted by members; and the direction of policy (Mills, 1992). There is a case for using the Rhodes' classification *if* it is applied on a flexible basis. Rhodes appears not to have an identifiable mechanism through which to explore change.

... there is a case for using the concepts of professional, producer, and issue networks in a more flexible manner than Rhodes suggests. Depending on the case, this may be necessary in order to capture the dynamic of change within networks -, in particular, if we are to establish whether change is in response to internal development or results from network adaptation to the broader environment.

(Saward, 1992:98-9)

Change to a network can result from the impact of external factors, or as a consequences of a previous action, or decision. Rhodes sets out a classification of networks based on the aggregation of key characteristics but what happens if consensus breaks down? The model can appear an inanimate framework, with little potential for explaining movement between network types. The question of how networks emerge, change and terminate, therefore, remains unanswered (Hay, 1998).

The second question concerns the issue of whether network members are effective in bringing about changes to policy outcomes and decisions. The value of their contribution to policy outcomes remains a concern for empirical work (Blom-Hansen, 1997, Daugjerg, 1998). In particular, there is concern that the approach has over-emphasised the characteristics of network *types* to the detriment of exploring the *process* of networking (Marsh, 1998). The literature reviewed earlier in this section acknowledges that network analysis has been operated at a number of levels, however, many authors still feel that the structural elements of the network approach should not overshadow the bargaining and interaction that occurs between network members. Recent critiques of network analysis emphasise not only the different levels at which the approach works but also the dialectic relationship which the levels of analysis (Hay, 1998, Daugbjerg and Marsh, 1998).

... there are three separate but related dialectical relationships: those between network structure and the pattern of resource exchange between agents; between network and context; and between network and outcome.

Marsh, 1998:13

The focus on dialectic relations enables the approach to be more dynamic and to incorporate micro (interpersonal) analysis into the wider analysis of inter-organisational dependencies. This addresses the concern that by using the metaphor 'network', advocates of the approach are under-valuing the dynamics of policy making (Peters, 1998a). It is also suggested that a more dynamic approach to policy analysis needs to be underpinned by methodological changes. Hays (1998) argues

that network analysts has concentrated on the quantitative mapping of the 'contours' of networks rather than on producing qualitative studies which reflect upon the substance of identifiable strategic alliances and which review the nature of the resource dependency between actors.

(e) Policy Network Analysis and Sports Policy

Given the growing complexity of sports administration at both the national and international levels, it is important to review studies regarding the emergence of sport-specific policy networks. Houlihan (1997) considers the utility of the approach within particular areas of policy and within a comparative context. Looking at areas such as doping control and school sports, Houlihan reflects upon emerging leisure professions and the role that such epistemic communities are playing in policy development. For example, in relation to the progress of anti-doping policies he writes:

Liaison between domestic agencies and the federations and the IOC, as well as through the Council of Europe, is making the formation of an international policy network more plausible.

Houlihan, 1997:271

Houlihan acknowledges that some local and domestic issues are less well developed at the present time, however, he does cite the value of using the network approach for evaluating the development of policy issues. In particular, the Wilks and Wright interpretation of networks is used. The utility of the approach is in its ability to distinguish between policy community members who are consistently active in the decision making arena and those within a community who have a less frequent, more *ad hoc*, input in decisions. The concern is to identify which groups are included and excluded from participation in a specific policy network.

[network analysis] enables a focus on the pattern of recurring relations between members, the nature, extent and source of value consensus and the degree to which issues are the property of identifiable groups of actors in the policy process.

Houlihan, 1997:20

2.4 FIGURATIONAL SOCIOLOGY AND POLICY NETWORK ANALYSIS

There are linkages between the chosen frameworks. There are corresponding assumptions used that describe relationships of dependency, unequal interdependencies and power. The first link is the idea of an identifiable collective, from within which members seek to gain both influence and tangible gain. The interplay of interest groups, forming the configuration and shaping the bargaining process is central. The development of a policy network, which changes and matures over time, is in line with the Eliasian idea of configurations that deal with particular

aspects of political, economic and socio-cultural life. The commonality is that Elias stresses the individuality of these entities, in the same way policy network analysis suggests each area of policy, even within a specialist area of policy, will have its own character and conventions.

The second parallel is the co-existence of two contrasting notions: mutual dependency and variable input into, and control over, decisions. Participation in a decision-making figuration is shown not to correspond to equal opportunities to influence the final outcome. Elias saw this as a reflection of the varying power chances within a figuration, with some interest groups having a higher probability of making a significant contribution to deliberations. The idea of core groups having the power to influence policy formulation in the earliest phases of debate illustrates the inequality that exists between those involved in a relationship of mutual dependency. It is therefore plausible to talk of established and outsiders groups and agents (Lowden and Skelcher, 1998).

	Contribution to Empirical Work	Conceptual Deficiencies
Eliasian Sociology	<p>Explanation for changes to the wider policy environment;</p> <p>Acknowledgement that change happens in a variety of socio-cultural and political configurations, without proffering a dominant factor (eg. economic factors);</p> <p>The promotion of a holistic view of research and the rejection of the structure/agency dichotomy;</p> <p>Changes to social, political and economic figurations that challenge the primacy of the nation state are accommodated.</p>	<p>Principles offered in support of developmental argument are not manifest in factors that can be directly empirically tested.</p>
Policy Network Analysis	<p>Factor relevant to policy decision making are identified and are empirically testable: resources, centrality of actor to the decision etc.;</p> <p>Maturation of PNA has led to the development of models which facilitate analysis of network disaggregation and non-governmental figurations (Wilks and Wright, 1987);</p> <p>PNA has demonstrated its utility as an analytical tool for policy developments above and below the nation state.</p>	<p>PNA operates best at the meso and micro levels of policy analysis;</p> <p>Explanations of changes in the structure of the policy network have been shown to be inadequately addressed (the Rhodes Model);</p>

Table 2.4 The conceptual attributes and deficits of Eliasian sociology and policy network analysis

In Table 2.4 above, the two frameworks are shown to have common conceptual ‘tools’: interest group inter-dependencies and unequal power chances of core and

peripheral actors. The justification for using policy network analysis and figurational sociology together, however, goes beyond their similarities. It was deemed that the empirical work warranted the inclusion of both network analysis and figurational sociology because of what the theories *lacked*, as much as for what they could bring to the research.

What this chapter has sought to achieve is establish the main principles on which figurational sociology and policy network analysis are founded. Table 2.4 demonstrates the strengths and weaknesses of both figurational sociology and policy network analysis. What is illustrated is the complementary nature of the conceptual principles adopted. Whilst there are areas of commonality, there are also deficiencies that are acknowledged within each theory and it can be argued that the strengths of one can compensate for inadequacies in the other. The attributes of the above theoretical frameworks, in relation to the empirical work are discussed in Chapter Three.

CHAPTER THREE

DEFINING AND RESEARCHING EUROPEANISATION: CONTEMPORARY POLICY RESEARCH, HISTORICAL CONTEXT AND METHODOLOGICAL IMPLICATIONS

3.1 INTRODUCTION: Structure and Aims of the Chapter

This chapter examines in more detail the conceptual framework chosen for this research. Sections 3.2 and 3.3 seek to place the research into an appropriate context. As with any research, account has to be taken of the temporal context. The post-1945 era has been characterised by the rapid expansion of global relations, namely increased transnational interdependence between commercial, social and political entities. To investigate the development of Europeanisation, it is important to reflect on the proposition that Europeanisation is itself a reaction to and a result of wider global changes. The acknowledgement of the implications that globalisation has for European-level political, economic and cultural developments are the starting point for the chapter.

The theoretical framework must have the capacity to accommodate the dynamics involved in the process of societal change, in this instance, Europeanisation. Then (in Section 3.4) the chapter examines the ability of figurational sociology to provide explanations for the growth in transnational and supranational economic, political and social relations. As relations between European governments, citizens and companies alter, so the means of developing and fulfilling policies will be subject to re-evaluation. It should also be acknowledged, both that it is rare for change to be universally accepted, and secondly, that change is brought about through the work of prominent agents. The interplay between policy actors, and the challenges that change brings to the policy environment, were central to the decision to use policy network analysis. Section 3.5 seeks to demonstrate how policy network analysis can contribute to the understanding of the roles played by actors in policy development - based on their ability to acquire or control the key resources within any one particular policy network or community. Section 3.6 brings the analysis of policy network analysis and figurational sociology together within the context of the earlier discussion of globalisation and Europeanisation. The importance of bringing together temporality, context and the examination of detail of specific policy measures is reviewed.

The final sections of the chapter focus on the nature of the empirical work: the research questions, the selection of the policy studies, the appropriation of relevant data and the reliability of the data pertaining to these studies. The specific research methods and analytical framework of each study are discussed in turn. The chapter concludes with a discussion on the role of the researcher in the research process and a summary of the

theoretical and empirical basis of the thesis. Table 3.1 illustrates the structure of the chapter and the relationship between the sets of issues addressed.

Hierarchy of Issues	Theoretical Level		
	Macro	Meso	Micro
Issues of Ontology and Epistemology	Eliasian sociology		
		Policy network analysis	
Theoretical Adequacy	Europeanisation	Resource management and inter-organisational relations	Inter-personal relations
Research Methods			
Selection of Methods	Qualitative approach to evaluate European Union level decision making processes		
Application of Methods	The adaptation of qualitative approaches to the context of the case studies		
Reliability of the Data	Limitations of the data Methods of data analysis Role of the researcher in qualitative research		

Table 3.1 Guide to the methodological chapter

3.2 RESEARCHING POLICY NETWORKS

Ontological and epistemological assumptions are embedded in the research framework and influence the construction of the research questions and the methods employed. There is a need to acknowledge that theoretical assumptions have a bearing on all research. It is equally important to acknowledge the grounds on which the research methods employed have been matched to the areas under investigation.

The research draws on figurational sociology, at the macro level, and policy network analysis at the meso and micro levels. Figurational sociology is used because it is an appropriate means through which to illustrate the interplay between structure and agency in the European context. The meso level analysis is appropriate for looking at how communication, resources, responsibility and decisions fall to the different levels of government and different sporting agencies. The research framework makes distinctions between the wider policy environment and the more specific issues associated with particular policy decisions and interest groups. This division of policy analysis is what Elias referred to as a 'false dichotomy' (see Section 3.4). However, what this chapter seeks to do is illustrate the value of making a distinction

between levels of activity, *if* the components are subsequently drawn together to form a holistic picture of the policy process.

At the theoretical level the research will investigate the utility of the theories to explore policy figurations and policy developments in a supranational context. This means exploring their potential to provide an adequate explanation of change within the sports policy environment and to the policy agenda at the European level. The micro level work looks at the dynamics of the interactions between actors in networks, specifically in the context of three areas of policy: sports broadcasting, sports-related Structural Fund projects and the question of an EU competence for sport. The policy areas have merits as studies in their own right but collectively they have been chosen for three reasons. Firstly, the policies involve actors from a range of governmental and non-governmental agencies (European and national). Secondly, the areas of policy are going through transitional periods, and finally, the policies illustrate the key tensions surrounding Europeanisation (see Section 3.7).

3.3 EUROPEANISATION AND GLOBALISATION: PUTTING THE RESEARCH IN CONTEXT

In *The Civilising Process*, Elias sought to provide an explanation for the formation of the nation state. He suggests a set of arguments that would support the notion that, through the citizen's general acceptance of economic and military 'monopolies', the state became the primary actor in political, economic and socio-cultural affairs (Elias, 1994). Policy network analysis originated from the study of local and central government relations, and went on to investigate central government-industrial relations (Rhodes, 1990). Both theories have worked to try to establish how the nation state became the primary actor in aspects of both local and international affairs. This primacy, however, has been questioned by changes to the structure of contemporary society. A growing number of political, economic and social phenomena point to the inadequacies of this assumption.

Theories on globalisation cite a number of contradictory practices that illustrate how systems of political, economic and social organisation are being both stretched between, and concentrated among, interest groups above and below the level of the nation state: universalism and particularism; integration and fragmentation; centralisation and decentralisation; and synthesis and juxtaposition (Robertson, 1992). Research based on an analysis of these conditions has produced a growing catalogue of evidence to suggest relations in all fields are now *not* the sole concern of the nation state. Transnational communication networks, multi-national corporations, transnational cultural communities and supranational political organisations are challenging the right of the nation state to 'negotiate' on behalf of individuals and groups. An intensification of global

interdependencies and interconnectedness has led to the emergence of a more diverse array of actors seeking influence (McGrew, 1992).

It is important to place the debate surrounding Europeanisation within this discourse on 'globalisation' as the former is both a response to, and a result of, the latter (Mittelman, 1996). Globalisation calls into question the validity of the nation state as the most appropriate unit through which to view global politics and economic activity. It also questions our understanding of the nature of social and cultural interactions. As a result there is a need to analyse the emergence and resurgence of sub-national political and cultural units, transnational communities and to look at the phenomenon of regionalism (ie. a form of supranational governance, with regions negotiating directly with Brussels). These patterns have implications for the nation state but they also have consequences for the future of the EU. For example, power relations between European institutions (inter-organisational and inter-governmental) will be influenced by changes that occur to the structure of the European project (Pierson, 1996). Change will have an impact on 'regional hegemony' (for example, the place of Germany within the EU) and on the promotion of a "strong regional civil society" (Mittelman, 1996). The relevance of this for the research is that it suggests research should investigate both what is happening at the European level *and* at how the Member States and their respective institutions are moulding and reacting to the 'Europeanisation' of issues.

Rhodes (1994) has sought to identify the ways in which the state has been undermined, partially as a consequence of the Europeanisation process. The 'hollowing out' of the state is deemed to have taken place through the withdrawal of some state services and the devolution and promotion of other responsibilities to local or supranational institutions. The state is deemed to be suffering from the loss of competences, form, autonomy and legitimacy (McGrew, 1992, Peters, 1998b). The taking on of some of the state's competences by the EU means questions should be asked regarding its ability to undertake those responsibilities. The primacy of the nation state brought with it a sense of social unity which in turn brought with it certain 'universalisms', that bound groups within the state, and a sense of 'particularism', in relation to others (Münch, 1996). The process of European integration brings with it hope of greater trans-frontier understanding of difference, but equally, great political and cultural uncertainty. In the light of the present study it has to be asked whether a 'union' of such diverse nation states can overcome some of the cultural problems associated with integration. With reference to the broadcasting debate it is clear some transnational groups believe in the potential for cultural commonalities to sensitise people to 'European' culture and to foster greater appreciation of our collective heritage (see Chapter Five). For integration to be effective the EU not only has to accept responsibility for designated

competences it has to be accepted by its citizens, it has to achieve socio-cultural legitimacy (Petersmann, 1996).

The EU should be seen as a consequence of, and response to, the changing organisation of inter-state relations, namely moves towards globalisation. Globalisation has heightened and highlighted the depth of feeling which groups have for sub-national sovereignty (particularism) at both the political and cultural levels. In response, it has to be asked whether the Union has the capacity to accommodate this in a meaningful way. Secondly, globalisation generates a need to address the extent to which supranational institutions can protect diversity against the 'universal' tendencies of the transnational agents of culture and information, for example, CNN and BSkyB (Tarrow, 1995). In other words, how will the EU accommodate the mutually opposed tendencies of globalisation? Finally, the greater intensification of global interdependencies suggests a need to assess and review economic, political and socio-cultural relations with 'third parties'. This means acknowledging the EU can not be isolated from, and protected against, transnational phenomena, it is party to these transformations.

In the light of the trends towards globalisation, and the redefining of the role of the nation state and in order to achieve the aims of the research, it is necessary to assess the value of using figurational sociology and policy network analysis. A central tenet of the research is the belief that these theories have the capacity to frame meaningful accounts of the changes that have occurred to the way societies are governed and to the way decisions are made within these societies. Literature in Chapter Two illustrated the potential for the central concepts of figurational sociology to explore political formations above and below the nation state and the political relations between sub-national, national and supranational institutions.

Figurational sociology is not in itself a guide to empirical research, though Elias teases out implications for good practice. Hence it is used here in conjunction with policy network analysis. The Eliasian approach can not 'single-handedly' provide a base from which to review the policy process. Elias sees his approach as suggesting a number of ontological and epistemological considerations that reflect upon both the relation of the human sciences to the natural sciences and the organisation of societal relations (Elias, 1991). The Eliasian emphasis is on social process, the development of human knowledge and the nature of our interactions with one another and not on the search for 'social laws'. It suggests that those researching social phenomena should not seek to categorise and polarise what they observe, constructing false dichotomies, nor should researchers place what they see within a static frame of reference.

Sociological universals ... are not idealising abstractions, such as models of a scientific method abstracted from classical physics ... Nor are they metaphysical speculations, such as the assumption that cause and effect connections and other learned characteristics of a stage in the development of knowledge exist as part of some transcendental realm. They are universals of processes.

(Elias, 1987:xx)

This suggests that society can not be explained in isolation from the action of its members, nor solely by reference to the intentions of its actors. To objectify knowledge is to suggest that society operates within a vacuum, isolated from its members who become subject to social laws. To give the social actor the eminent position of being all-knowing, all-seeing based on their own experiences is equally unjustifiable. The fund of knowledge open to actors is not static nor is the actor's capacity to absorb knowledge infinite, each has the potential to change over time.

... theories of knowledge have to break with the firmly entrenched tradition according to which every person in terms of her or his own knowledge is a beginning. No person ever is. Every person, from the word go, enters a pre-existing knowledge stream.

(Elias, 1987:xviii-xix)

The value of these Eliasian principles, to the research, is discussed in Sections 3.5 and 3.8.

3.4 FIGURATIONAL SOCIOLOGY

For the purpose of distinguishing between the levels of analysis in this research, the work has been described as adopting both macro and meso level theories. The points raised in this section, however, illustrate that figurational sociology was not intended to simply fulfil macro level theoretical criteria. Elias rejected false dichotomies between structural and micro components of society and, therefore, the points raised below demonstrate how the Eliasian perspective can aid the understanding of macro level phenomena (eg. Europeanisation) within a framework which allows consideration of agency and historical detail to be explored.

(a) Beyond the Nation State: changes to the significance of the nation

At the present stage of social development they [survival units] take the form of nation-states. In the future they may be amalgamations of several former nation-states.

(Elias, 1978:138-9)

Elias has sought to provide a group of theoretical concepts which suggest ways in which the nation state became the primary medium through which intra and inter-territorial relations were expressed and challenged, namely, the monopoly mechanism, the royal mechanism and the transference of private concerns to the public domain. The explanation offered for the

formation of nation states, however, is also well suited to the analysis of political, economic and socio-cultural relations developing in contemporary Europe, developments which have taken away many of the direct responsibilities of the nation state. The Royal Mechanism is, perhaps, the mechanism most akin to the processes taking place at the supranational level. There are a number of areas over which the state no longer has direct control, for example, the economy is a global concern, and the state is no longer the primary source of news information. A growing state of mutual dependency exists, where the actions of one country, or organisation, are very much connected to, and susceptible to the influence of, the actions of another. The resulting networks of dependent actors span regions, countries and continents.

In the context of the present research it means the areas of policy under consideration have to be reviewed in relation to the developments at the supranational and international level. Although much of the work of the EU is framed by inter-governmentalism there are aspects which demonstrate a level of co-operation that inhibits independent action. For example, all fifteen Member States have to abide by EU legislation which is agreed by the Council of Ministers but which is enforced and interpreted by the European Court of Justice. Legal power has, therefore, been one area where the Member States are dependent on the decisions of the collective, rather than on the discretion of their own judicial systems. The work of Elias on state formation can be applied to developments beyond the nation state because he does not foresee definitive forms of any aspect of society. Society can be conceived as being 'organic' in that change is an on-going process. Discrete actions and events do take place but these are themselves located within a dynamic process of institutional change and societal transformation (Elias, 1978).

(b) Historicism: temporal-spatial contextualisation and the nature of process

Historicism suggests generalisation is the factor separating the natural and social sciences. Generalisations are deemed to be impossible in the social sciences because of the 'historical and cultural relativity' of society (Blaikie, 1993). This point emphasises that one can not draw similar conclusions about different periods of history, or make predictions based on one historical period. Social practices, institutions and forms of effective agency are affected by specific temporal and spatial factors. The identification and exploration of such factors must be central to any research question pursuing a developmental approach (Elias, 1991). This is not to say that common themes do not run concurrently through a number of epochs. Such a point has already been demonstrated in the review of the literature concerning the question of what constitutes a 'European project' and what would constitute a European identity (see Section 1.3).

(c) The 'Duality' of Structure and Agency

The work of Elias and Giddens provokes debate on the questions of whether agency and structure can be reconciled under a single theoretical framework. Giddens described the relationship between society and its members as being a 'duality of structure', rather than being a dualism which would imply the polarisation of the two constructs. Duality acknowledges "social structures are both constituted by human agency, and yet at the same time are the very medium of this constitution" (Giddens, 1976:121). In accordance, the ontological principles of figural sociology suggest neither structure nor agency can claim to be the primary influence on the construction of a social reality.

Structures are seen as the result of human agency, reproduced through the engagement of actors in social relationships. The structures are then sustained only to the extent that the actors involved retain the necessary 'constituent action components' (Waters, 1994). Figural sociology, however, does not suggest that because structures emerge from elements of agency that the actor is free of constraint. Structures impinge upon and restrict the actions of the affected actors. As Elias demonstrated in *The Civilising Process*, behavioural norms and social practices undergo changes only over a substantial period of time. Practices that become recognised as social structures are hard to replace in the short term, and are more likely to change incrementally. According to Elias, this sense of developmentalism appears to have been lost within the human sciences with much research concerning itself with social problems that are at the fore of our consciousness today, a trend Elias terms the 'withdrawal to the present' (Elias, 1987:xv). In line with the idea of 'universals of processes' such short termism is neither appropriate nor desirable (Goudsblom and Mennell, 1998)..

The nature of reality is deemed to be inadequately described if it is done purely from the position of explaining the impact that social structures have on individuals and institutions. The actions and interactions of actors are recognised as being significant (O'Brien, 1993). The accounts of actors are treated as being of importance. Key areas for this research are therefore: the motives and intentions of action, the identification of (un)intended consequences of action and how the consequences of action may translate into changes in social practices that will go on to influence the formation of future structures. These research concerns reinforce the Eliasian claim that societal phenomenon and individual acts of agency should not be viewed as separate entities. A false dichotomy would limit the search for a relationship between social structures and the role of the individual. Actors, by means of specific interventions or sustained relations with others, can create or redefine social practices and the roles of particular organisations. This point highlights the link between macro and micro level activity.

(d) Differential Power Chances

As stakeholders are identified, it is important to differentiate between those who are key decision makers, those who are influential and those with little existing power who are victims of other's decisions on these issues.

(Majchrzak, 1984:29)

In addition to being a legal and political resource, power is relational. The research should demonstrate how an actor's capacity to influence policy discourse is shaped not just through the actor's participation in the policy network but through the actor's position in the figuration and their ability to appropriate relevant resources. Power is relational and relative, it can not only directly impinge upon the actions of an actor but also influence the actor's *perceptions* of his or her potential for agency. The distinction between actual and perceived potential for agency is crucial. Elias describes two social processes: sociogenesis and psychogenesis. The former referring to the extent to which society can be seen to impose restrictions upon an individual's behaviour and the latter referring to the extent to which the individual reflects upon and restrains his or her own behaviour. Self constraint is about the assumptions the individual makes about society and social constraint.

The regulation of the whole instinctual and affectual life by steady self-control becomes more and more all-embracing in step with the developing structure of society as a whole ...

(Mennell, 1992:95)

Each actor goes through a concentrated learning process that, in effect, is representative of the 'civilising process' and, as the quote suggests, parameters regarding the control of behaviour start to come from the individual as much as from societal rules (Mennell, 1989). The development of behavioural norms and the transference of the responsibility to the individual makes the actor more conscious of their action. Sanctions are likely to occur at the micro level as well as at the societal level. The implication this has for policy research is that the behaviour of actors, working within organisations, may well be influenced by self-constraint, based on *their* perception of their potential to bring about, or resist, change. It is also about their perception of what constitutes appropriate or legitimate forms of action. An example may be an official of a non-governmental organisation feeling constrained or inhibited by the actions of a governmental institution, despite no structural restraint, preventing or restricting participation in a policy debate.

The opportunity to be proactive may be far greater than is perceived, but by internalising the system of sanctioning an organisation could be unnecessarily limiting its actions. This serves to heighten the importance of relational power. Relational power dictates an institution's

ability to influence, and be proactive in, the decision making process. Opportunities are a reflection of three factors: the organisation's degree of autonomy; the density of the network it operates within; and the extent to which it is aware of its capacity to act. Relational power is both tangible (eg. legal constraint) and intangible (eg. unconscious or self-constraint). The 'established-outsider' relationships, that result from unequal power chances, are responsible for conflicts of interest when they occur. Conflict can be caused by the lack of control an individual feels they have over a situation, or the solution to that situation. The absence of self-determination can lower the actor's expectations regarding their ownership of that situation, causing either apathy (self-constraint) or resentment. The latter can lead to negative conflict but can also provide examples of how the individual can be responsive and challenge the established order.

Along with recognition that power is relative and relational, Elias also proposes it is important to place power chances into historical context. Elias suggests the gap between governments and between strata of social groups, in terms of 'power differentials' has diminished. This has been brought about through functional democratisation, the "shift in the social distribution of power" (Elias, 1978:68). As the specialisation of function and mutual-dependence between groups increases so the level of autonomy of those groups decreases. For example, within the EU there are areas of economic activity that are dominant in a particular region, this comparative advantage can make other regions or nation states dependent on the products or services of producer groups in that region (Keating, 1995). Losses and, or reductions in a group's functions mean decisions and actions can not be seen as being the domain of a single actor or collective. As a consequence there has been a degree of 'levelling out' of power chances between groups.

(e) Structures as both Enabling and Constraining

Related to the notion of societal constraint and self restraint is the idea of structural impositions. Established social practices provide individuals and groups with the opportunity to interact with each other within defined structures. At the macro level, though, it can be shown the structures that bind the individual to the state have constrained inter-state relations. Political, economic and socio-cultural practices peculiar to a state define that state and give it an identity distinct from other territories. This leads to a sense of belonging but it also restricts and frames the procedures adopted when nations interact with one another and can bias perceptions that groups have of one another. The negative consequence can be the 'double-binding' process, whereby those in power seek to maintain a level of tension, thus emphasising the faults of structures operated by others and justifying the existence of their own regime and programme (Mennell, 1989). It can foster unnecessary prejudice and conflict.

At the micro level, the individual or a collective can be empowered or constrained by the form established social practices take. Social structures are a product of past figurations reflecting power chances and the process of functional democratisation. Structures will reflect the characteristics of these phenomena, as “groups which have functions for each, other exercise constraint over each other ... [therefore] changes in the structure of societies, in the overall nexus of functional inter-dependencies, may induce one group to question another group’s power of constraint” (Elias, 1978:78). Again there is a sense of process about the nature of the impact that structure has on individual and group interactions. The nature of the impact is not a social static, where structures enable they invariably constrain and vice versa. For example, the extension of EU competences has expanded the scope for supranational action and led to the establishment of the ‘four freedoms’ of goods, services, capital and citizens. Equally, it has given rise to the containment of autonomous action by Member States. The resulting loss or gain of function and legitimacy is a reflection of this two way process of structural transformation.

(f) (Un)Intended Consequences of Action

Any situation faced by an actor presents that individual with a number of choices. These choices will have degrees of ‘compellingness’ and indeterminacy and will bring with them a unique set of intended and unintended consequences (Mennell, 1989). All intended actions lead, naturally, to a series of intended consequences but at the same time there are unanticipated consequences, interactions and interdependencies. Social relations are, thus, in a state of continual flux, with chains of inter-dependency changing, with different temporal and situational implications, some will be of direct concern to the most immediate figuration of actors and others will have a more indirect impact. Regardless of the eventual significance of an act or decision, the full consequences of an event are not known immediately and this is an important consideration for policy research. The development of a policy will occur over time and those responsible for its preparation have an obligation to take a long term view of how they see events unfolding but that does not mean they can predict and be responsive to all future changes.

The policy process mirrors the process of change in society and, with hindsight, it is possible to see the logical progression of certain policy lines (in the same way as now it seems inevitable that the economy would move from primary, through secondary and on to tertiary sector activity). There would appear to be a certain amount of ‘compellingness’ about these developments. However, the policy process must be flexible enough to respond to situations of apparent indeterminate outcome. For example, the approach to policy adopted by the EC was influenced by the ‘Empty Chair Crisis’ of 1965, which led to the Luxembourg

Compromise (Irwin, 1991). In this case the compulsion of the Community's desire for enlargement was 'checked' by an unforeseen element of agency by the French government. The outcome of the discussions after the crisis influenced the actions taken by the Community. The conflict highlighted two things: firstly, the impact that tension between the Member States (who are inescapably dependent on one another) has on the level and direction of change, and secondly, how change of any nature is dependent on the parties concerned accepting a change or loss of their current function.

3.5 POLICY NETWORK ANALYSIS: KEY CONCEPTS

Policy analysis is an analysis of "the process by which policies are adopted and the effects of the policies once adopted" (Majchrzak, 1984:104). Within network analysis the emphasis is on the 'stakeholders' involved in the process and how they interact. A stakeholder being defined as the "individual or groups who either have some input into decision-making about a social problem, or are affected by policy decisions on that problem" (op cit:104). The definitions offered by Majchrzak show the utility of a policy network analysis approach as a complementary form of analysis alongside figurational sociology. The notion of various levels of individual or collective input into a policy decision entails looking at differential power chances, differential access to resources and identifying the key relations and interdependencies that will have the greatest influence over the distribution of both resources and power (Toonen, 1998). Wildavsky observes that every policy is "fashioned of tension between resources and objectives, planning and politics, scepticism and dogma" (1979:17). As suggested in Section 3.4 these domains do not represent a static criterion. The policy process is dynamic, reflecting both the macro concerns of the society in which the policies are made and the concerns and patterns of interaction fostered within particular policy communities.

A concern for this research is the growing number of epistemic communities outside governmental structures (see Chapter Two). The increasing importance of these groups, in a wide range of policy areas, is a reflection of: the concentration of knowledge within specific groups, which results from the specialisation of function; pressure being placed on the state mechanism, which results from the withdrawal of some state functions; and the growing legitimacy of sub- and supra-national claims for a role in the governing of European nation states. Policy networks are open to interpretations at a number of levels and it is important to reflect upon the utility of the approach in exploring, and distinguishing between, policy issues that provoke sustained interest, and are central to policy debates, and issues that attract the attention in the short term and which rely on the forging of functional coalitions with a view to influencing specific decisions. The current research has to be conscious to place the

policies under consideration within this context of Europeanisation as well as showing how, if at all, sports policy communities have emerged.

The Rhodes model of policy networks has been criticised for being too static a medium through which to review networks, however, it has also been proposed that a typology of policy networks can be drawn up and utilised in conjunction with a broader based theoretical framework (Bogason and Toonen, 1998). For example, questions can be raised about the way in which Rhodes has placed network types in a hierarchy, with the top layer being characteristically a stable and closely-knit group of interests. Two weaknesses are apparent: firstly, the models provide no mechanism through which to judge a network's 'evolution' to this point (assuming it travels that path), and secondly, how does one judge and explain the disaggregation of a network into a more open structure? (Saward, 1992, Mills, 1992). As policy network analysis is a meso level set of theories it also means it lacks spatial and temporal contextualisation. It has a limited capacity to explore the impact the broader political, economic and socio-cultural environment may have on policy.

The utility of policy network analysis comes from the fact it can be used to inform and give substance to the framework figurational sociology provides. Eliasian sociology proposes a number of assumptions about how societies develop and how different groups may lose, gain or specialise in certain functions. What Elias can not do, however, is provide researchers with criteria from which to embark on empirical work. By focusing this empirical work on the aims of identifying networks and demonstrating the nature of relations therein, it is feasible to develop a sense of how groups relate to one another and what the sources of conflict and consensus are, that may provoke change within the figuration. Evidence of change can then be placed within the Eliasian approach to societal change.

3.6 RATIONALE FOR THE SELECTION OF METHODOLOGY

The limited literature on networks at the supranational level necessitates reference to work predominately set in the national context. This is methodologically defensible because the key research questions, and the criteria by which the answer will be judged, can be similarly operationalised in the European context. Policy network analysis is starting to be used in studies of the supranational tiers of governance (Andersen and Eliassen, 1993). Likewise, the developmental process society undergoes, as depicted by Elias, does not rule out the expansion of 'figurations' beyond those formed within and between nation states (Elias, 1978).

Policy decisions are not mutually exclusive, discrete directives for future action, isolated from one another and the wider policy environment. To be effective, policy developments

should take into account the circumstances under which they will have to be implemented. There has to be recognition of the factors of immediate importance and there also has to be some analysis of actor's perceptions and predictions of about the future, which in themselves constitute a conditioning of action. Those involved in the process will make qualified assumptions about possible future scenarios. That is not to say actors have the ability to preempt, or anticipate, all potential developments but what it does acknowledge is that actors have the ability to shape future social practices and influence the form of structures through taking particular courses of action. It is likely that the assumptions that govern a group's perception of the most important factors, at the present time, and those which they feel will be of importance in the future, will be influenced by that group's position in the figuration.

What Elias has sought to do is to incorporate the potential for agency and structure and for both intended and unintended consequences of action into a theory. In doing so he seeks to show the polarisation of structure and agency to be a false dichotomy. However, the substance of such a claim can only be demonstrated through empirical research that requires micro and meso level parameters. For the purpose of this research, it is through policy network analysis that such assertions will be tested. The table below summarises the research framework, with reference made to the conceptual tools and the research methods used.

	Processes	Policy Domains	Research Methods	Conceptual Framework
Macro	Europeanisation; Member State responses to the process of Europeanisation.	The deepening and widening of EU competence; subsidiarity; the four freedoms; harmonisation.	Historical analysis and strategic document review.	Figurational sociology (temporal and spatial context of European-level interdependencies)
Meso	Policy making mechanisms: inter-organisational relations and intra-organisational interactions.	Broadcasting policy; European Structural Funds; Development of a sports competence.	Documentary analysis of particular policies.	Policy network analysis. (resources and power-dependency relations) Figurational Sociology (structures as enabling and constraining and agency as the expression of differential power chances).
Micro	Inter-personal relations.	The process of policy development and implementation.	Semi-structured interviews with participating actors (respondent's interpretation of events).	Interpretive research based on an analysis of actor's accounts of policy processes and decision making.

Table 3.2 A summary of the research methodology and process for the three policy studies

3.7 THE RESEARCH QUESTIONS

The adoption of an Eliasian and policy network analysis framework led to the formation of research questions that cover concerns at the macro, meso and micro levels.

The Policy Environment

- i. To what extent can the phenomenon of Europeanisation be seen to be influencing the types of issues being discussed at the European level, in relation to sport?
- ii. What are the changes to sports-related interventions by the EU and how are they related to the development of the European project?
- iii. What factors, outside those directly implicated in the development of sports policy which can be deemed to have a significant impact on policy?

The Role of the Actor and the Collective

- i. What positions are adopted by stakeholders in relation to the EU and sports policies?
- ii. To what extent are the positions occupied by the relevant policy actors a function of the changing nature of the European project?
- iii. Which actors in European sports policy have gained more significant roles, and which have become marginalised?

The Significance of Structures: the qualified capacity for agency

- i. Does the figuration of actors involved in the process of developing sports policy exhibit the traits of an EU sports policy community? What are the implications of the existence/absence of a policy community for sports policy?
- ii. To what extent do the actors involved in the development of policies in the three case studies constitute policy networks? If such networks exist, how do they operate in the specific circumstances of the case study?

3.8 RATIONALES FOR SELECTION OF POLICY AREAS

The thesis seeks to provide a historical overview of the development of EU sports policy and conduct primary research into current policy. In view of the wide variety of areas in which the EU has an impact on sporting activities, the empirical work has been limited to looking at three areas of policy: the debate on sport and broadcasting rights; the use of ERDF and ESF grant aid for sport and leisure-related projects; and the debate surrounding the possibility of an EU level competence for sport. These policies were selected for the following reasons.

(a) All three policies involve actors at all levels of the political system. The policies also have implications for practitioners and administrators across a range of sports and for other actors across the range of sectors:

Broadcasting Policy

The distribution of sports broadcasting rights was subject to policy changes at the European and national level between 1995-8. The European Parliament has addressed the issue in its review of the *Television without Frontiers Directive*, a review which incorporated into it the work of Carol Tongue, namely the 'own initiative' report *The Future of Public Sector Television in a Multi-Channel Digital Age* (Tongue, 1996a). The UK Parliament was also reviewing procedures as part of the Broadcasting Bill, which went through the Commons and the Lords in 1995. In parallel to these two events, the Central Council of Physical Education (CCPR) produced a voluntary Code of Conduct in conjunction with the major governing bodies of sport in the UK (1996a). The International Olympic Committee also rejected a bid for the rights to the Olympic Games (2000-2008) by Rupert Murdoch's broadcasting company, BSkyB, in favour of the European Broadcasting Union (EBU) bid (IOC, 1996). The regulations set out by these policies have implications for the acquisition of sports rights for public sector broadcasters and non-terrestrial media corporations.

European Structural Funds

The Structural Funds support regional economic programmes designed to encourage transnational, sectoral partnerships as well as co-operation between local, national and supranational organisations responsible for regional policy. The European Regional Development Fund and the European Social Fund promote innovative economic policies that help local communities to respond to the changing needs of the labour market. The Funds have increasingly become acknowledged as potential sources of additional funding for sporting infrastructure and leisure-related vocational training. Whilst the Funds are open to bidders from all sectors, the dominant groups come from within the public sector, and it is the use by these public agencies that is investigated in this case study. However, the nature of funding, namely partnership and additionality, means that no bidder can operate in isolation from other interest groups.

EU Competence for Sport

The question with regard to a competence is: should sport remain a national concern, or is there a case for the development of more integrated policies at the European level? Chapter Four illustrates that there is already a high degree of European level policy, particularly with regard to the influence that the four freedoms of the Single European Market have on professional sport. However, a *truly* integrated approach is only feasible if sporting policies

per se are considered to be a competence of the Union. The issue is a sensitive one because sporting issues are clearly a concern for national governments, regional authorities and international and non-governmental organisations. The impact of officially acknowledging 'sport' within the Maastricht Treaty would have implications for the policies adopted by the European Commission, the governments of the Member States and for the practices of governing bodies. Elements of policy would be shifted between tiers of governance and areas of autonomy of agencies would have to be re-assessed, dependent on the defining features of a Treaty Article, Statement or Declaration.

(b) All three areas are going through a transitional period.

Broadcasting Policy

Rapid advances in media technology have led to the increased significance of non-terrestrial broadcasters. The development of the market, as a result of these advances, has meant competition for sports rights has risen. The growth in the sports programming of BSkyB, in particular, has raised the profile of sports broadcasting. The rise of new operators has implications for competition and customers and these are teased out during the debate conducted in the European Parliament.

European Structural Funds

Since the Structural Funds were created in 1974 there has been a steady growth in the potential for transnational political and economic relations. By the start of the 1994-9 Programme, 25% of the Union's expenditure was allocated to regional projects. The Funds are not only subject to financial developments, the Programmes themselves are constantly reviewed and changed (in 1979, 1984 and 1987). These shifts in policy orientation have opened the way for more leisure-related capital projects and revenue schemes. In addition, Agenda 2000 represents a complete overhaul of the Structural Funds (objective areas and eligible regions). This too has implications for policy priorities and measures developed by the recipient regions.

EU Competence for Sport

The increasing number of policy rationales and legal cases involving sport now appearing, highlight the nature and level of intervention by the EU (see Chapter Four) has prompted calls to review the role being played by EU institutions. The *Pack Report* on reform to the role played by EU institutions, in conjunction with lobbying for a sports competence by the European Sports Movement, demonstrate the level of change being pushed for by parliamentarians and administrators.

(c) The three policy areas illustrate the key tensions of Europeanisation: decentralisation, the hollowing out of the nation state, transnational co-operation, and collective action at the supranational level.

Broadcasting Policy

In view of the growing prominence of non-terrestrial commercial operators in the broadcasting industry, the ability of national governments to regulate the market is weakened. Policies regarding exclusivity, anti-competitive practices, quotas and subsidies have had to be harmonised across the European Union to protect the public sector segment of the market and to regulate the activities of the commercial companies. Collective action is favoured over a system of piecemeal measures taken by Member governments.

European Structural Funds

Evidence to support the 'hollowing out' of the state has included the withdrawal and, or declining significance of some state functions. In addition there has been a movement towards decentralising aspects of governmental work to regions and promoting other aspects to European institutions. These moves open the way for the formation of direct relations between sub-national authorities and supranational institutions. The shift in responsibilities encourages vertical subsidiarity (policy making at the regional level) and transnational and sectoral partnerships. The operation of the Structural Funds relies on the fostering of such relations.

EU Competence for Sport

Sport is an interesting area for researching the level of 'hollowing out' of nation state responsibility as it is deemed to be very much a national issue (culturally and politically). It is an area suited to both vertical and horizontal subsidiarity. The debate over a European Union competence must be seen in the context of the wider debate on the future form, function and direction of the European project. The establishing of a competence, of an order similar to that gained for culture in the Treaty on European Union in 1992 (Article 128) would go some way to reinforcing the cultural and social legitimacy of the Europeanisation project.

3.9 METHODS OF INQUIRY: THE APPROPRIATION OF RELEVANT DATA

The research seeks to examine the nature of relations between actors participating in the policy processes surrounding the above issues, in an historical context and in the light of the current state of the Union. The methods of inquiry are required to elicit information relevant to the fundamental research questions.

(a) Qualitative Data

Table 3.2 identifies the research methods employed in the thesis. The scope of the empirical work is outlined, as are the limitations of the work carried out. The nature of the aims and methods of each policy area study are set out in more detail in Chapters 5-7.

	Sports Broadcasting Rights	European Structural Funds	Competence for Sport
Research Aims	<p>To identify the major stakeholders.</p> <p>To identify the positions adopted by the various stakeholders.</p> <p>To establish the salient issues within the debate surrounding the revision of the <i>Television without Frontiers Directive</i>.</p>	<p>To identify the primary stakeholders in European-related regional policy, at the local and regional level.</p> <p>To ascertain the range of project rationales employed on ERDF and ESF-funded sport and leisure schemes.</p> <p>To identify the perception of the EU funding process held by the stakeholders.</p>	<p>To identify the primary stakeholders involved in the debate on a sports competence.</p> <p>To establish the rationales articulated by the pro and anti competence lobbies.</p>
Methods Employed	<p>Document analysis.</p> <p>Semi-structured interviews with MEPs and representatives of the European Sports Movement at the European and national level.</p> <p>Observations of meetings of the Sports Intergroup.</p>	<p>Document analysis.</p> <p>Semi-structured interviews with a range of UK-based, regional actors (officials of Government Offices, City and Council European Officers, project bidders). These interviews were based on identified leisure-related case study projects.</p>	<p>Document analysis.</p> <p>Semi-structured interviews with MEPs and representatives of the European Sports Movement at the European and national level.</p> <p>Mail questionnaire to representatives of the European Sports Movement (outside the UK).</p>
Limitations of the Data Collection	<p>No interviews conducted with representatives of the broadcasting industry.</p> <p>The under-representation of the European Sports Movement.</p> <p>Lack of availability of MEPs limited the range of views evaluated.</p>	<p>No interviews conducted with officials from the Department of the Environment, Transport and the Regions (DETR).</p> <p>No interviews undertaken with officials from the European Commission (DGXVI).</p>	<p>The nature of the study meant the primary stakeholders were based in all the 15 Member States of the EU. Contact beyond a short postal survey was not feasible.</p> <p>Lack of availability of MEPs limited the range of views evaluated.</p>

Table 3.3 The chosen policy studies and their respective research designs

The Role of Qualitative Data: an appreciation of key agent's perceptions

The work is as much about the *perceptions* of activities surrounding policy issues as it is about the *process*. This research focuses on the attitudes and goals of the actors participating in the policy process and attempts to ascertain the salience of issues for these 'stakeholders'. There is some cross-referencing of actors' accounts of key issues and developments within the policy environment, as well as a review of the formal obligations of each of the parties. In essence it is the perceptions of the problem which are pivotal to the research because it is

the comparison of these interpretations that highlights the inherent difficulties in the decision making process.

The way in which a problem is defined (and the solutions sought) will determine to a large extent the stakeholder's belief about causes and potential solutions to the problem.

(Majchrzak, 1984:30)

It is in the absence of a consensus that the importance of relational power, appropriate resources and positioning within the network becomes apparent. Central to the issue of the perception of a policy issue is salience. The importance ascribed to a policy problem by a stakeholder will influence the approach taken and the goal sought to be achieved from participation in that process.

Semi-structured Interviews

... a perspective which emphasises the way in which the people being studied understand and interpret their social reality is one of the most central motifs of the qualitative approach.

(Bryman, 1988:8)

The interviews are to be regarded as examples of interactive research rather than exercises in positivist 'fact finding'. This meant adhering to the principle that the interviewer-interviewee relationship was one of subject to subject, rather than subject to object. At the heart of qualitative research is the goal of understanding the interviewee's experience of events and the circumstances they find themselves in (Seidman, 1991). Central to a good interview is the objective of achieving a contextualised and meaningful account of an individual's actions and perception of events. Hence, whilst the interviews are based on specific topic areas, largely pre-selected, they are not subject to a strict structure, and the context and timing of the interviews are deemed to have a bearing on the data obtained.

Qualitative interviewing assumes a continually changing world and recognises that what we hear depends on when we ask the questions and to whom ... the goal is understanding of specific circumstances, how and why things actually happen in a complex world. Knowledge in qualitative interviewing is situational and conditional.

(Rubin and Rubin, 1995:38)

The contextualisation of data collection in terms of time constraints, location and interviewee interest had an impact on the depth of the responses given. The wide range of actors involved in the areas under research resulted in varying levels of co-operation being achieved. For example, sport was not be a primary concern of a particular European Parliament Select Committee, yet the Committee's work impinged on the work of sports organisations, the peripheral nature of the issues reduced the respondent's willingness, and ability, to engage in a detailed discussion of sport-related matters. Equally, the sports

organisation with a strong interest in a policy were more forthcoming with opinions and were more fully engaged in the dialogue.

Interviewee Sample

The case studies required the co-operation of a wide variety of policy stakeholders. Details of the sample of respondents sought in each study are outlined in chapters 5-7, however, at this juncture, it is important to highlight the criteria on which interviewees were selected.

Parliamentarians

The selection criteria for politicians included consideration of one or more of the following factors:

- Membership of political federation (with attention to be given to the bias in political affiliation in the interview sample)
- Membership of relevant policy select committees
- Documented interest in the areas to be researched

The primary research was concerned with the extent to which a politician's perception of the debates was a direct reflection of: views on the future of the European project (eg. Federal Europe, Europe of Nations); views on sport as a national, cultural phenomenon, or as an economic phenomenon. Clearly, perceptions are likely to be linked to the general political values held by the MEP, for example, a free marketeer may be inclined to see professional athletes as European citizens free to work across the Union, rather than defend the cultural significance of sport.

Sports Administrators

Sports administrators were selected on the following criteria:

- Those directly employed to deal with European issues, eg. UK Sports Council, CCPR, EOC, ENGSO
- Those seeking support from European budgets, eg. LAs and those organisations linked with the ESF and ERDF programmes.

In addition, documented evidence was acquired from national governing bodies identified as being affected by the policies under review and which had actively participated in the debates surrounding policy development. Here the question was: were the professional's perceptions related to: relations with, and independence from, government (eg. NGB or quango); self-interest; and understanding and appreciation of the work of the European Union.

Policy Issue	Interviewee Sample	Dates of Interviews
Broadcasting	6 MEPs (1 - European People's Party; 5 Party of European Socialists); 2 representatives of the European Sports Movement (CCPR and BOA) Non-respondents: see Chapter Five	March 1996-September 1997; July - December 1997
Structural Funds	3 representatives of Government Offices; 2 Economic Development Officers (County Council); 5 European Officers (County Council); 3 European Officers (City or Metropolitan Borough Council); 3 LA Leisure Services Officers (City or Borough Council); 1 other public sector project leader; Non-respondents: see Chapter Six	All interviews conducted March 1997-June 1998
Competence	1 European Commission (DGX); 1 UK Sports Council; 3 European Sports Movement (CCPR, BOA and FIPA); 7 MEPs (1 European People's Party, 6 Party of European Socialists); Non-respondents: see Chapter Seven	All interviews conducted March 1996-September 1997

Table 3.4 Interviews conducted for the three policy studies

The issues raised in the interviews covered a range of concerns, from general questions on the context of policy making to discussions on specific events and decisions. The nature of the questioning is described further in the policy studies themselves, however, a number of broad points regarding the interviews should be articulated.

The interviews took place over a period from January 1996 to June 1998 and so it is important to acknowledge the temporality of the data collected (see Table 3.5). For example, with regard to the EU competence the research was carried out during the 1996 Inter-Governmental Conference. Interviews were conducted at various intervals during this period and so the interview structure changed to reflect the on-going process, for example, the final interviews were conducted *after* a decision was made on the competence. This is likely to have influenced the information obtained. Likewise, the revision of the broadcasting Directive was being actively debated during the period of interviewing. It is clear the proximity of the events to the time of the interview would have an effect on the clarity of issues for the respondents. Some questions referred to decisions that had taken over a year prior to the interview, this not only tests the powers of recall for the respondents but also

leads to responses being open to *post hoc* rationalisation. This will have some bearing on the analysis of the data.

(Participant) Observation

Gaining access to meetings was a key resource in the research. Primarily, attendance enhanced the researcher's credibility with those working in the area under investigation and provided the researcher with an ideal opportunity to see at first hand the workings of policy groups. Early on in the study an opportunity arose for the researcher to attend a meeting at the European Parliament (the Parliamentary Sports Intergroup) which brought together representatives from a variety of national and international sports organisations. The importance of that opportunity was realised when the researcher was in a position to provide the group with information it sought, in the form of a paper on funding sport in Europe (outlining existing research on the topic). As a result of this participation in the meeting the researcher was in a position to become more involved with the Group and establish links with other participants. The communication links then set in place resulted in further formal and informal interviews and the collection of additional documentation. Attendance at the Intergroup facilitated access to all the MEPs interviewed and also led to direct contact with a number of European sports organisations: CCPR (UK) and FIPA and ESCA (both European-wide agencies). It was hoped to broaden the contacts made with other European associations through these meetings but changes to the Intergroup's agenda restricted this research strategy.

Mail Questionnaire

The research has a Anglo-centric focus for reasons of accessibility, cost and language, however, a sample of responses from European sports organisations was sought for the policy study on an EU competence (see Table 3.5). A letter containing 5 standard questions was sent to the national sports associations of the Member States (see Chapter Seven). This included the equivalent organisations to the UK Sports Council (eg. the Deutsche Sportsbund), the Department of National Heritage (eg. Ministere de L'Education Physique et des Sport, Luxembourg and the Ministry of Health, Welfare and Sport, the Netherlands) and the British Olympic Committee (eg. National Olympic Committee and Sports Confederation of Denmark). In addition a representative of the German Länder, Nordrhein-Westfalen provided documentation on regional attitudes towards the debate. The response has allowed for a broader European focus to be taken on the issue.

Organisation	Respondent
Olympic Associations	National Olympic Committee and Sports Confederation of Denmark Comite Olimpico de Portugal Secretary General, National Olympic Committee and Sport Confederation of Denmark Comitato Olimpico Nazionale Italiano (CONI)
Governmental Department	Ministry of Health, Welfare and Sport (the Netherlands) Ministere de L'Education Physique et des Sport (Luxembourg) Head of International Affairs, Ministrialrätin, Austria
Quangos	Deutsche Sportsbund (Germany)
Regional Authority	Kultur und Sport Nordrhein-Westfalen (Germany)

Table 3.5 List of respondents to the survey sent to Member State sports agencies

The study into the use of European Structural Funds also used a similar approach in the initial stages. A standard letter was sent to all Metropolitan Borough Councils and County Councils in England. The letter asked whether the County or Borough had been in receipt of European funding for leisure-related project, and if so, whether a representative of the organisation would be prepared to co-operate with the study, by agreeing to be interviewed and to provide access to the relevant documentation. The response rate was poor, as anticipated (given the level of European support for leisure-related investment) but it did yield sufficient data to warrant the investigation of regional case studies (see Section 6.7).

Case Studies

Case studies were the focus of the research into the use of European Structural Fund for leisure purposes (see Chapter Six). The use of these additional European funds for the stimulation of leisure-based economic activity is a recent innovation. It is symptomatic of an economic shift towards service industries and of a development in the way the Union is approaching the question of how to encourage the diversification of local economies (see Section 6.5). The newness of funding for leisure-related capital means there is limited knowledge of how, and for what purposes, the money is being utilised. Questions about the ways in which European funding contributes to sports programmes and how these funds have been received and operationalised can be answered by use of a survey but to demonstrate the procedural elements of an initiative, a case study can be beneficial. Gaining the support of officials from a number of Government Offices of the Regions was one way in which to initiate a review of the use of regional funding. Case studies were generated from discussions with officials from these Offices, as well as through the above mailshot.

The advantage of the case study approach is it keeps the phenomenon under investigation in its appropriate environmental context, minimising researcher bias and maximising the

retention of spatially and temporally significant factors (Stake, 1995). However, an often cited weakness of the approach is it can not be used for the purpose of making generalisations. It would be wrong to conclude from a single case, for example, that all Government Offices, or all Metropolitan Boroughs would proceed in the same way to try to secure European funding. However, it is possible to suggest from the conducting of a number of studies that, at any one time, certain key factors were of greater significance than others in the preparation of a bid for funding. The level of generalisation is at the theoretical, rather than at the quantitative or numerical level.

The case studies undertaken were exploratory as the potential for the use of European funding in the leisure industries, and more specifically for sporting purposes, is limited. The use of case studies is, therefore, justified on the grounds that it will provide an insight into how, or indeed whether, this new rationale for the use of European funding was being taken advantage of. The work provided information on the degree of interest and level of bidding for this form of regional assistance and demonstrated the procedures gone through to secure such funding. The significance of this latter aim is that it provided information on the figuration of actors involved in the policy process.

There are three possible modes of case study analysis: firstly, there is the organising of 'a matrix of categories' in which data could be categorised, secondly, it is feasible to place the information in chronological order to highlight the temporality of data (Stake, 1995). In addition, a general strategy to further the analysis beyond the initial ordering of data is to refer back to the theoretical propositions that framed the research question and the method of inquiry. In the present case the proposition is the inter-organisational relations and the procedures that govern regional aid are affected by the approach of local, regional and national institutions to EU programmes, that is, how, why, and by whom, are decisions regarding bids taken. The use of the case study method for an analysis of regional funding has been made on the theoretical proposition that regional funding is one example of the Europeanisation of policy issues since the inception of EC.

Documentation

Documentation, such as, letters; memoranda, agendas and minutes of meetings, internal documents (project proposals evaluation reports) and newspaper reports, were all utilised in the research. As with all secondary sources of data, though, it is appropriate to acknowledge the limits of the evidence, as well as being aware of the most effective and appropriate time to use it (Macdonald and Tipton, 1993). It should be used for the corroboration, or challenging, of information received from primary sources but, in addition, they can be data in their own right. (Peräkylä, 1997). Such data, however, must be read with caution and not

necessarily accepted as literal recordings of events. Attention must be given to the purpose of the document (both implicit and explicit) and the audience it is directed at (ie. does it intend to inform, persuade or challenge the reader?) (Saunders *et al*, 1997).

Where documentation is most useful is in circumstances where the researcher seeks to infer a particular point “for example, by observing the pattern of carbon copies for a specific document, an investigator may begin to raise new questions about communications and networking within an organisation” (Yin, 1989:86). The research was not capable of achieving this objective, due to the level of access gained, however, an appreciation of the links created between, and within, agencies can be ascertained through the documents obtained. Documentation was also a valuable resource in circumstances where access to the primarily stakeholders was difficult. Due to the transnational nature of the research topics, a number of key individuals and agencies were not directly accessible. Consequently, being able to obtain the minutes of meetings (sometimes in the form of 'verbatim' transcripts) enabled an appreciation of the nature of discussions held by European policy actors. For example, the minutes of the European Sports Forum provided an insight into the views held by a range of sports administrators within the Member State. Equally, having access to the memoranda sent by member organisations of European Olympic Committee broadened the scope of the study of debate on a European competence.

Organisation	Documents Obtained
European Sports Movement (EOC, ENGSO and FIPA)	Organisation mission statements; Memos to member organisations; Correspondence to/from member organisations to/from European and national governmental organisations.
European Parliament	Sports Intergroup agendas and minutes of meetings, April 1995-January 1998; Supplementary papers distributed at meetings; Correspondence to the Committee on Culture.
UK Sports Organisations (UK Sports Council, BOA and CCPR)	Correspondence to and from the respective organisations; Reports on European issues.

Table 3.6 Details of the documentation collected in the course of the three policy studies

Methods of Data Analysis

The qualitative nature of the study meant the focus within the analysis was on the accounts given during the interviews and making sense of the 'narrative data' (Tesch, 1990). In qualitative research the use of data is, perhaps, more significant than the process of gathering it, hence the structure of the interviews and the subsequent analysis of the data were both crucial to the substance of the policy studies (Wolcott, 1994). The interview material provides information on the actor's perceptions of inter-personal relations and inter-organisational activity developed in specific policy areas. The analysis had to generate adequate information to, firstly, answer central empirical questions, secondly, facilitate an understanding of the policy environment, and thirdly, address issues arising out of studies

pertaining to Europeanisation (either progression towards Europeanisation or evidence to the contrary). All data sources (inclusive of documents) enable an insight into how policy stakeholders interpreted, and sought to influence, particular events or decisions. Evidence of particular interactions can be put forward to suggest the nature of relations within the wider policy environment. The issue of inference is discussed further below.

The diversity of research issues led to three tiers of questions being addressed (macro, meso and micro) within each policy study. The framework for analysis reviewed how the identified actors perceived the meso and micro level issues regarding networks and inter-organisational relations and more macro issues of Europeanisation. (eg. tensions between the tiers of governance and between levels of institutions). Parameters for detailed analysis included a reflection on the mechanisms of policy implementation in the European context. Key factors in policy implementation were identified by Sabatier (1989, cited in Dey, 1993).

- Analysis of financial resources: who determines access and who gains access;
- Analysis of legal powers and constraints;
- Analysis of political and interest group support systems: interpretation of policy and the development (or not) of cross-sectoral, intra-institutional co-operation;
- Analysis of official and bureaucratic commitments: relations between local, national and European, governmental institutions;
- Analysis of the social and economic environment: local conditions alongside national and European level conditions and initiatives.

There is a connection between these criteria and the resources Rhodes identified (see Section 2.4). These factors were taken as the focus for the structure of the interviews and the analysis. The unique nature of each policy study, however, meant the categories of data could not be generalised to the whole research project. The categories of data sought to reflect the main issues within each case study and be representative of the concerns held by the interest groups. The analysis concentrated on the areas of: policy processes (sequences, changes and turning points); levels and ownership of resources; rationales for positions adopted by policy stakeholders; and interest group alliances (regular patterns of behaviour, strategies and coalitions). Although the categories of information can not be generalised beyond the specific studies, the criteria used to extract information from within each study were universal. The objective of the interview analysis is to look for coherence and consistency *within* accounts and comparable data *between* accounts (Myers *et al*, 1986). The analysis should also facilitate the 'full and specific expression' of the respondent's opinions and views (Fielding, 1993). This leads to the following questions:

- Is there an inference towards a certain point of view or category of data? Is this consistent between interviewees?
- Is the inference logical, coherent and consistent throughout?
- Is the inference reasonable? Is it subject to verification through previous statements, statements of other respondents and through relevant documentation? (adapted from Allwood, 1986).

The result of the data analysis should lead to an appreciation of the contentious areas between interest groups and help define the obstacles these create for the making of decision on policy. In bringing the evidence of individual respondents together, it should be possible to reconstruct the discourse between the key agents within the context of the wider debate (Kopperschmidt, 1987). The analysis will not culminate in a definitive account of events or decisions, however, a representation of differing perceptions of these events or decisions is feasible.

3.10 THE ROLE OF THE RESEARCHER

In relation to the importance of agency there has to be recognition from the researcher that the information they generate, and the knowledge they gained is merely an interpretation of an actor's own pre-interpreted view of society and the relationships therein (Dey, 1993). Within any research, it is important to acknowledge the issue of the extent to which it is possible to collect data "somehow free of the perceptual predisposition of the person gathering that data" (Potter, 1996:39). Bhaskar (cited in Silverman 1985) suggested the social researcher must acknowledge the ways in which the social sciences differ in their approach to their subject matter from the natural sciences. Three differences were put forward: (a) society has already been pre-interpreted by the subject (b) the relationship between the researcher and the actor is one of subject-to-subject, not subject-to-object, therefore meanings need to be interpreted. Actors have the capacity to articulate thoughts about social phenomena and it is the job of the social scientist to adequately interpret and draw upon these first-order constructs (c) it is wrong to assume the supremacy of 'positivist doctrines' and the unity of the scientific method, which imply that there is a 'single logic for all sciences' (Silverman, 1985:42).

Eliasian methodology, while suggesting there can be recurring elements within social institutions and social practices, does not promote the idea there is *a* particular set of ontological and epistemological assumptions that can guide empirical research in both the natural and social sciences. The scientific method is dismissed as being the solution to the problems of subjectivity, a criticism often levelled at social scientists. Elias argues the natural sciences are themselves not 'value-free'. What he believes has happened is that over

time man has become emotionally detached from nature (Mennell, 1989). The ascendancy of 'man' over nature, as demonstrated by our use and manipulation of nature for our own ends, has created a situation wherein social actors no longer feel threatened by the forces of nature. The resulting knowledge of natural phenomena is such that actors have learned to distance themselves from the matter under investigation and create a foundation for the acceptance of universal research conventions and scientific laws (Elias, 1987).

The same level of 'detachment' has not been achieved by social actors, in their dealings with one another. Actors can not fail to impose values on social research and exhibit signs of preconceived ideas regarding the ideas, status and threat posed to them by other individuals and collectives. In short, the community of scientists working in the natural sciences have "established professional standards and other institutional safeguards against the intrusion of heteronomous evaluations" (Elias, 1987:6). 'Heteronomous evaluations' suggesting the distinction between the natural and social sciences is more one between methods of evaluating, rather than between a 'value-free' methodology and a value-loaded methodology. The implication of this for social science research is that there is an emphasis on each actor's perception and interpretation of events and actions, rather than on the search for homogeneity between accounts.

3.11 METHODOLOGICAL AND EMPIRICAL ISSUES RAISED BY THE PROJECT

It has already been highlighted above in Section 3.9 that the temporal nature of the project had implications for the conducting of the empirical work. The context for the research also had an impact on the development of the methodology and the relevant research skills. The requirement to start the primary research early on in the project meant that the conceptual framework had to be developed in parallel to the data collection. The advantage of this was it allowed for the utility of the framework to be reflected upon, namely, to consider the appropriateness of the framework within the transnational context of the project. Conversely, the disadvantage was that a clear framework was not set in place when the empirical work was started and, therefore, methodological decisions were taken (with guidance) at a stage which might otherwise have been regarded as premature.

In addition, there were some general implications that resulted specifically from the undertaking of a transnational study. Issues such as language and cost played a part in limiting the scope of the study but there was also a need to accept that there was only a limited number of personnel that could be approached in relation to the policy studies. This restricted the pool of potential respondents.

As suggested above, a key consideration for the project was the ability of the researcher to gain access to the appropriate personnel. Access to MEPs, in particular, was crucial if the research was to obtain the necessary information to conduct the policy studies outlined in

Chapters 5 and 7. Dealing with MEPs presented two clear problems: credibility and time. Credibility was partially facilitated by participating in the Sports Intergroup (see Section 3.9). The presentation of secondary material to the group enabled the development of valuable links with both politicians and sports administrators. The exchange of information gave credence to the researcher's attendance of the group and also gave the researcher the opportunity to demonstrate knowledge of a European sports issue. This was an invaluable experience and it also helped gain the co-operation of parliamentarians. This was particularly crucial given the researcher's status as a research student. This meant the researcher was not of significant 'value' to the necessary respondents. In other words, the researcher's status was below that of the elite actors involved in the policy areas and, therefore, the relation was not equitable or reciprocal.

The second concern was time, or more precisely, available contact time. A difficulty with trying to work with an elite group is the limited time that is allocated. This again emphasises the importance of the context in which the European-level actors were interviewed. On numerous occasions the interviews time made available was shortened either through the late finishing of prior engagements or unscheduled or pressing commitments after the agreed interview time. For example, UK MEPs cancelled interviews due to extended parliamentary party meetings and cut interviews short due to parliamentary voting sessions. The problems were symptomatic of meeting the MEPs at either their Brussels office (parliamentary party and select committee meetings) or in Strasbourg (plenary week). Interviews were qualitatively different when conducted in UK constituency offices. The regional policy study presented fewer temporal problems and the issue of the researcher's status was less evident as an issue. Credibility was demonstrated through a clear understanding of the Structural Funds funding procedures. Given the complexity of the area, this comprehension came as a result of the contact with practitioners. Again, the quality and specificity of the data obtained changed with experience.

A final consideration when conducting the research was the timing of the study. The European project is a dynamic phenomenon and is inherently subject to elements of change. At the time of the study, it has to be acknowledged that the European institutions were under scrutiny as a result of both the IGC and internal reviews. The Commission, in particular, was dealing with some general areas of restructuring (for example, of DGX) and with allegations of mismanagement and corruption. Such a background further reinforces the volatility of the EU as a policy arena.

3.12 SUMMARY: THEORETICAL ASSUMPTIONS AND THE METHODS SELECTED

The methodology underpinning of the research and the methods employed to carry out the empirical work have been selected because it is felt they can achieved the principal aims of the thesis. The two elements should facilitate the description of : (a) *what* processes were

looked at (b) *which actors* were looked at and (c) *how* the identified actors were involved in the processes (see research question Section 3.6). It is impossible for the work to produce the definitive answers to the questions set because not all channels of information have been explored, but the work must produce adequate accounts of the way the phenomena under observation are unfolding and being managed. The methodology should direct the work towards satisfactory answers to challenges set at the three levels of analysis.

At the micro level the research seeks to identify the key actors involved in the decision making process that results in a specific EU policy intervention. As Majchrzak (1984) suggested, the web of stakeholders is not simply the figuration of decision-makers in the immediate policy environment, it extends to those deemed to be *affected* by the decisions. This relates to the Eliasian concepts of differential power chances and ‘insiders’ and ‘outsiders’. Policy networks are figurations of actors with a diverse range of needs and abilities of act in the interests of these needs. The large number of actors involved requires analysis at the meso level, with special reference to the role inter-organisational and intra-organisational relations influence policy discourse and policy outcomes.

In adopting the policy network analysis approach the research is seeking to show there is a relationship between the figuration of policy actors and the types of outcomes derived from the policy process. Policy network analysis is, however, a middle range theory and it has been the fundamental assumptions of figural sociology that have informed its selection. It is from this base that the research questions were set and the methods employed were selected. The underlying assumptions are based on the Eliasian assumption that social practices and elements of agency are not conducted in isolation from the wider environment. Action is deemed to be the product of interactions between social structures *and* agency. A goal of the research is to account for the capacity of governmental and sporting bodies (through the obligatory and voluntary action of their representatives) to execute and bring about change in policy.

CHAPTER FOUR

THE DEVELOPMENT OF EU LEVEL SPORTS POLICIES

4.1 INTRODUCTION: Structure and Aims of the Chapter

This chapter identifies and evaluates the changing role played by the institutions of the European Union in sporting matters. What is demonstrated is the ways in which sports-related policy interventions reflect the dynamics of the European project itself. The chapter identifies the key European agents involved in policy decisions and illustrates their respective roles, before going on to distinguish between the specific policy rationales employed by the European Parliament and the European Commission, ie. sport as trade, a tool of urban renewal, a means of reducing social exclusion, a component of development aid and a means of conveying the ideological message of the Union. The chapter subsequently brings the five rationales together, showing how the elements all contribute to, and mirror, progression of the European project. Synthesis between sporting issues and European level policies is evident, as are tensions and problems, as for example in the Bosman Case. The final section draws attention to the relationship between the nature of the work of the European Union and the selected policy studies.

4.2 THE DEVELOPMENT OF EU LEVEL SPORTS POLICY

The place of sporting issues within the European Community's remit has changed significantly since 1957. The Commission's perception of the role sport could play within the union is characterised by a number of distinct phases. These correspond to the nature of the Union and the potential of sport to reflect that, be it in functional terms or in ways the Commission has sought to symbolise the 'ever closer union' of the Member States. Although the institutions of the EU have endeavoured not to directly interfere in the affairs of sports bodies, they are unable to ignore the contribution sports make to the Union's economy and its social identity, nor can they underestimate its influence on the development of sports policy (Houlihan, 1996).

This chapter describes the development of the policies of the EU which pertain to sports matters. What is uncovered is a process of policy development that mirrors the growth of the Union's own political legitimacy. As its presence as a supranational authority has been enhanced the EU has had to rethink and revise its stance on a number of policy areas. The increased complexity of the relationship between the Commission and the European sports bodies is shown to have emerged as a result of

the growing competences of the Union. The rationales for policy intervention identified are representative of on-going programmes designed to aid the integrative process and contribute to the resolving of issues which arise as a result of the deepening and widening of the European project: sport as trade, sport as an aid to urban regeneration, sport as a means of reducing social exclusion, sport as an ideological tool and sport as development aid to third world countries (Henry and Matthews, 1998). These rationales are assessed for their individual significance and for the ways they led to the selection of the policy case studies chosen for this research.

4.3 THE INSTITUTIONS OF THE EU AND SPORTING MATTERS

The majority of the Commission's work on sporting matters is managed through DGX, Information, Communication Culture and Audio-visual Media. The DG became responsible for sports issues in 1985 after the Council of Ministers adopted the *Adonnino Report*, recommending the Commission use sporting events as an outlet for public relations (Flesch, 1996a). In 1997 the Sports Section was restructured in line with the overall review of the Directorate General. The move signified renewed interest in sports issues within DGX, though it still remained a relatively minor policy area. In the absence of a formal competence, the Sports Section, which has only existed as a separate unit since 1994, has been marginalised, a position reflected in a minimal budget of 3M ECU.

The Declaration on Sport, issued in June 1997, however, has enabled the Section to look positively towards its future role and place within DGX (see Chapter Seven). The Declaration also gives the Section an opportunity to address past difficulties. Since 1993 Coopers and Lybrand have documented the level of Commission intervention in sporting matters. Their reports on the activities of the Commission which impinge on the work of sports organisations and professional athletes suggest the impact is significant, yet "dispersed and segmented" (Coopers and Lybrand, 1993:202). The work of 18 Directorate Generals has some bearing on the organisation of sports activities across the Union.

Europe without doubt constitutes one of the most important political challenges for sport ... This becomes more and more necessary today as we are forced to acknowledge that sport is treated with varying degrees of importance by the various political committees in Europe ...

(von Richthofen, 1996:48)

The remit of DGX is outlined below in Box 4.1.

1.	Inter-Commission and inter-institutional co-operation on sports issues through the meetings of the Interservice Group Sport.
2.	Management of the EU-funded programmes: <i>Eurathlon</i> and <i>Sports for People with Disabilities</i> .
3.	Co-operation with national and international sports institutions, through the annual meeting of the European Sports Forum and the sports Steering Group.
4.	Bilateral meetings with sports institutions and governing bodies.
5.	Running of Sport Info Europe, a help desk to provide information on sports-related topics and the production of the Sports Newsletter.

Box 4.1 The activities of the Sports Unit of DGX (EC, 1998a)

The overview of policy rationales will illustrate the complexity of the policy-making structures. DGX has an array of responsibilities which are complemented by specific policy concerns covered by up to 17 other Directorate Generals. The range of concerns are outlined in this chapter but the difficulties which arise because of these overlapping roles are discussed further in relation to the competence issue.

4.4 SPORT AS TRADE: THE FOUR FREEDOMS

The Single European Act, that will rule this Single Market is based on the freedom of circulation of persons, product, services and capital. This simple definition will have a great number of consequences for the sports movement.

(Rogge, 1993:90)

The areas of significance for sports are the free movement of goods (eg. broadcasting rights, merchandise), services (eg. sports coaches) and persons (eg. the ability of professional sports men and women to work freely throughout the EU). The legal basis for the 'freedoms' is set out in the Treaty on European Union (Box 4.2).

Treaty Article	Description of the Article
Article 7	Non-discrimination on the grounds of nationality
Article 48	The free movement of workers
Articles 52-58	The right of establishment
Articles 59-66	The freedom to provide services
Articles 85, 86	Free competition not the abuse of a dominant market position
Articles 92-4	The awarding of state grant aid in Member States that is deemed anti-competitive

Box 4.2 Articles of the Treaty on European Union that set out the four freedoms

The above Articles were the foundation of the European Community, setting out the general principles on which the project was to be taken forward. As such there was no direct reference to either cultural or sporting activities but it has become clear the work of European governing bodies and professionals has been affected by the introduction of more liberal regulations (Flesch, 1996b).

(a) The Bosman Case: a watershed

Seven years after the iron curtain was lifted, the Bosman ruling is dividing Europe yet again.

(Holmquist, President of the European Handball Federation, cited in EC, 1998a)

One of the founding principles of the European Union is the freedom of the worker: the right of citizens to exercise their profession in any of the 15 Member States. This right stands in direct contrast with many of the rulings within sports that constrain the free movement of professional players and coaches between clubs. The legal cases Walrave & Koch VS. Union Cycliste Internationale (1973) and Dona VS. Mantero (1976) were the first to challenge the legality of sporting regulations which broke EC laws on discrimination against non-nationals (Seary, 1992) but the Bosman Case is, perhaps, the most significant test of the resolve of the Commission to enforce the legislation of the Maastricht Treaty. Jean-Marc Bosman, a Belgian professional footballer, challenged the right of his employers at R.C. Liege to demand a fee during his transfer to the French club US Dunkerque. Bosman argued the UEFA rulings on transfer fees and on non-nationals in club teams prohibited his ability to exercise his profession in another Member State, breaking Community laws on the free movement of workers (Article 48) and competition (Article 85) (European Commission, 1996a). The European Court of Justice upheld the complaint against the club and UEFA.

The case illustrates the efforts of the European sports movement to provide arguments to the effect that when European legislation is applied in the sporting context it should consider the 'special circumstances' of the nature of sporting activity. Coopers and Lybrand (1993) noted the Treaty of Rome allowed EC citizens the right to pursue 'economic activity' in another Member State but also observed the rules of many international sports federations have had a restrictive influence on the eligibility of non-nationals to participate in sanctioned professional events. The actions are deemed an abuse of a dominant position. Sports bodies, in defence, suggest the system should remain, in the interest of the long-term sustainability of many professional clubs and for youth development. The creation of player monopolies by richer clubs and the absence of player restrictions and transfers, within a sport, are deemed detrimental to that sport's long term interests. Konig from the Ministerialat, Bundesrat, Nordrhein Westfalen argued at the European Sports Forum, 1996:

The money which was being spent before the judgement was still flowing, but was now going to a few players rather than being ploughed back into the clubs or sports structures ... He was disturbed by the Commission's assimilation of clubs with companies and of sporting associations with economic groupings.

(EC, 1998a)

The case illustrates a number of factors regarding policy development: the lobbying of outside agents, counter-positions and the interpretation and re-negotiation of policy. The Bosman case was the result of several years of changes to and challenges of policy. The arguments proposed by UEFA are significant, founded on the belief professional football's structure, namely its club-based player development system encouraged by the 'compensatory fee' (the transfer system) will be jeopardised through the *full* application of Community law. The counter-argument offered by those wary of undermining European law, however, places player's rights at the heart of the debate. Larive (Liberal, MEP) described the transfer system as a "modern way of slavery" (1994:60). European agencies have sought to highlight the restrictive nature of the actions taken by UEFA. The European Court of Justice condemned the transfer system in 1974 and 1976 and the Commission sought a workable compromise through the '3+2' ruling (3 non-national and 2 assimilated players in any one match). In addition, the European Parliament took up the cause of the players in response to the '3+2' ruling, or Stockholm Agreement. A representative of the Committee on Legal Affairs and Citizen's Rights was questioned on the Agreement:

... we said that that's a breach of the freedom of movement. They didn't listen to us and UEFA didn't listen to us ... There was no social dialogue. UEFA came to a deal with the Commission, the player's voices were not heard ... The associations who are signatories to UEFA have to take the flak. But they could have avoided Bosman, it could have been avoided had the three Commissioners: Papandriou, [...] and Bangemann listened to the European Parliament.

(interview with Hugh McMahon, PES, December 1996)

The response to the Bosman Case came in the wake of earlier protests by the Committee. In 1989 the Committee prepared a report on the *free movement of professional footballers in the Community* and the Parliament was asked to support a motion for a resolution which included the following consideration:

whereas professional footballers are employees who ... like any other employee in the Community, should enjoy the protection of European law and benefit, in particular, from the provisions guaranteeing freedom of movement and prohibiting discrimination.

(Janssen van Raay, 1989:5)

Other select Committees shared the concern for the actions of football's European governing body:

Although the number of professional footballers is not all that high, this problem must be solved, not only on grounds of principle but also in view of the public importance of sport.

(Opinion of the Committee on Social Affairs and Employment, Brok, 1989:3)

It would be absurd for sport to be noticeably absent from the grand design of a single internal market to be completed by the beginning of 1993.

(Opinion of the Committee on Youth, Education, Information and Sport
Lemass, 1989:5)

The roles played within the Parliament in the Bosman case, demonstrate the extent to which the functions of select committees are open to interpretation and challenges. Intra-parliamentary tensions and internal conventions regarding the work of the various groups were illustrated. The action taken by MEPs in the Intergroup and Committees suggests how roles and responsibilities influence the way debates are conducted.

Dates	Event or Decision
April 1989	European Parliament passes a Resolution denouncing any sport federation regulations that restricted the free movement of professional athletes within the EC (Report by Janssen van Raay, 1989).
April 1991	The Commission and UEFA reach a 'gentlemen's agreement', the Stockholm Agreement. The Agreement to take effect from the 1992-3 season.
November 1991	The Parliament reaffirmed its dislike of the transfer system.
October 1993	Jean-Marc Bosman takes his case to the European Court of Justice.
19 November 1995	European Parliament's Sports Intergroup holds the 'European Parliament Sports Convention' on the Bosman case. Attended by 245 people, including officials of the Commission and members of the Committee on Social Affairs and Committee on Culture.
December 1995	European Court of Justice announces its Decision on the Case.
March 1996	The Committee on Culture and the Committee on Social Affairs hold a joint meeting on the Case.

Table 4.1 The Bosman Case: the development of the proceedings

The significance of the order of events, from a parliamentary point of view, is in the later stages of the Case. The Intergroup (an informal group) was able to organise a Convention prior to the Court's decisions on the grounds of its non-decision making status. Its ability to contribute to the debate on the free movement of professional athletes *during* the proceedings of the case proved invaluable to the European sports movement and the Committees on Social Affairs and Culture. The former benefited because the governing bodies could publicly voice their opinions and the latter gained because Committee members were themselves constrained by *sub judices*. The inability of the Parliament to officially comment prior to this time constrained the role of the Parliament. The Intergroup was a route through which politicians could express concerns.

... we've had our hearing on Bosman back in November, they [Committee on Culture] are going to get around to having theirs next week ... what's the point in having a hearing about Bosman now? Its a waste of time. The door is closed, its finished but you see our point was not to come to a conclusion, we wanted to have the hearing so that people can start expressing their views ... the Commission that said it was *sub judice* - ten of them sat there in the audience not opening their mouths, including the legal advisor of the Commission, all there listening. Our simple point of view was, we can't as politicians wait until the day after the judgement, we've got the Advocate General's Opinion. You can't wait until the day after the judgement when a journalist says to the Parliament, 'what are you going to

do about it?', 'Well, its been *sub judice* so we've not even thought about it but we're going to start thinking this morning'. That was the Commission position, I can understand it, but it couldn't be a politician's position. So I think that really emphasises the way we work.

(interview with John Tomlinson, PES, March 1996)

The Bosman Case was a legal action against UEFA taken by a private citizen of the European Union, therefore, the European Parliament was not directly involved. However, a political response was expected and the Sports Intergroup was able to provide the most immediate reaction. Key factors meant the Convention called by the group proved significant.

- The Intergroup had links with the sports movement via the CCPR in the UK, the group's Secretariat.
- Jimmy Jansen van Raay, a former Rapporteur for the Committee on Legal Affairs and Citizens Rights was formally the President of FIFPRO, the professional footballer's union.
- The group was not subject to conventions that prevented the select Committees from acting. It could genuinely provide a platform for open debate.
- Some MEPs had a personal interest in football and therefore were keen have the issues discussed. "There has been a lot of interest, a lot of MEPs are very keen on football ... in fact some are Directors of clubs. So there is a strong lobby" (interview with McMahon, PES, 1996).
- The time required to organise a Convention was shorter than would perhaps have been the case with the Committees. It took 18 days from the conception of the idea to the execution.

The Bosman case is a good example of, firstly, the part played by European political actors and, secondly, the way the Parliament operates. As a significant policy stakeholder it has access to important resources: constitutional-legal, information and influential personnel. Its response, in this instance, was both proactive (Committee on Legal Affairs) and reactive (Intergroup), illustrating the capacity for a range of actions to be taken. The ability to mobilise significant resources was also essential to the role played by the Parliament during the competence debate (see Chapter Seven).

The Response from European Sports Bodies

It is difficult to imagine that this legal solution could possibly satisfy those responsible for sport ... could one or could one not recognise the emergence of regulations for autonomous sport as distinct from the rules of common right ... or ought the sports movement to adapt to this new position and force itself to make radical changes in the way it works?

(Lubins, 1990:33)

The Bosman case has been the most high profile challenge to Community law by a sport's governing body. During the course of the debate support was voiced by other governing bodies facing similar problems to those of UEFA: the reconciling of regulations governing professional sport with the rights of a professional athlete, as a citizen of the Union, according to Community law (Spink and Morris, 1996). The International Ice Hockey Federation (IHF), the International Basketball Federation (FIBA) and the European Handball Federation (EHF) all identified concerns regarding the impact Community legislation would have on youth development, community affiliation to professional clubs and relations between clubs (the prospect of a widening gap between rich and poor clubs).

The Bosman ruling is dangerous because it will lead to job losses and bankruptcies and will discourage involvement with sport.

(Meredith, IHF, cited European Sports Forum, 1997a:5)

The concerns of officials from these governing bodies were heightened in the debate surrounding the question of a competence but they came into the public domain as a result of the Bosman hearing. The 'characteristics' of sports were deemed threatened by the reactions to the Bosman Judgement by clubs (for example, through disregard for governing body regulations). The consequences of the ruling in the immediate aftermath of the decision provoked 'knee jerk' reactions by federations and a period of high profile activity. For example, officials of FIBA met with the Competition Commissioner, van Miert, to discuss the consequences of the ruling (European Report, 1996). FIBA, in particular, have been quick to respond to the demands of the Court's ruling. The reaction of the European Board illustrated the need to be seen to respond to the ruling and the need to act in advance of *prescribed* action by European authorities. An ad hoc group reviewing the decision for the Board suggests the Judgement "restricted the independence and decision-making autonomy" of governing bodies and could lead to "rising number of acts of political interference into the management and functioning of sports" (FIBA, 1996). The actions of FIBA were swift in response to Bosman ruling, however, the issues raised by the case were brought to their attention some years earlier and, therefore, one has to question the seriousness with which the federations treated the implications of the Single Market (Welch, 1989).

Officials from UEFA were worried about the consequence the Judgement for the club level of the game. The Federation could not change the ruling, but it was prepared to impose "moral sanctions" on its members to sustain the current character of the club game (Hagard, 1996). The difficulty faced by UEFA and other associations was of

how to lobby effectively in advance of the Decision and how best to respond to the Decision, once made. The case demonstrates a number of the issues to be raised in this research. The research is based on an analysis of relations between the institutions of the EU and the European sports movement. The premise being, that these have changed over time and, therefore, that the discourse between groups is subject to change. In respect of Europeanisation, the Bosman Case starts to illustrate research themes: how the changing nature of the European project has influenced relations between sporting and European level governmental organisation; and how actions (the case brought by Bosman and the Intergroup Convention) and specific decisions (made by the European Court of Justice) all influence the structure of debates and the direction of policy.

(b) The Right of Establishment

The 'right of establishment' and the 'freedom to provide services' have become contentious issues for the European sports movement. The legislation pertains to the mutual recognition of qualifications: the acceptance of qualifications gained in one Member State by authorities in another. The accepting of coaching and other professional awards should facilitate the free movement of coaches, instructors and other personnel between sports clubs across the Union. However, Directives 89/48/EEC and 92/56/EEC, produced to police employment procedures, have not stopped discrimination against non-nationals.

... some national rules can restrict the right to exercise a particular profession. These rules are acceptable if they are justified by public interest and if they are applied on a permanent basis.

(Head of Unit DGXV, 1996, cited in EC, 1998a)

A much publicised and contested case is that of ski-instructors working in the French Alps. In extreme examples, foreigners have been arrested for working as instructors without holding a current French qualification. A compromise has been reached between the Commission and the French authorities whereby non-nationals may work provided a request is submitted three months prior to starting work, however, the issue of discrimination is still not resolved because of this requirement. The European Parliament and national sports bodies are still demanding total acceptance of professional qualifications (EC, 1998a).

Articles 48 and 52, pertaining to the free movement of workers, do not legislate for discrimination on the basis of qualification, only discrimination against non-nationals (Weis, 1993). The Directive pertaining to mutual recognition apply to certificates in higher education requiring at least three years training, it did not prevent Member State governments stipulating minimal requirements for professions not covered by

Directive 89/48/EEC. In 1994 Directive 92/56/EEC introduced recognition of certificates requiring less than three years study, covering secondary and vocational training (eg. sports coaching). The difficulty arises in the implementation stage. Currently it is based on "mutual trust, without prior co-ordination of the knowledge needed for the various professions in question" (European Sports Forum, 1997b:2).

(c) Anti-Competitive Trading Practices

Competition laws are central to the objectives of the European Communities. The free movement of goods, the economic principle of the Union, is perhaps the most well developed area of policy (the Treaties of Rome and Paris were trade agreements). The bringing down of tariff barriers and the creation of the Single Market has changed business relations between Member States. The growing transnationalism of business has served to heighten the need to uphold legislation regarding free trade amongst Members. As trade changes so the Commission must reflect upon the regulations governing transactions and co-operation across the range of commercial sectors. The agreements made between Member States on trading matters have grown in terms of their remit (the widening of the Union's interests) and their legitimacy (the deepening of the relations between states).

It is important to stress how the regulations stipulated in the Treaties are at odds with the interests of some sporting authorities. Articles 85 and 86 seek to deter abuses of a dominant market position and other distortions of competition. Officials from DGIV (Competition) have sought to penalise sporting bodies on occasions for their disregard of European laws. For example, the Commission questioned the means of distribution of tickets for the Barcelona Olympics (each Olympic Committee nominated one ticket agent and citizens were only permitted to buy tickets from the agent in their own country). The practice was deemed anti-competitive and the system was revised to allow citizens to purchase tickets in any of the 12 Member States (Seary, 1992). Ratcliff (1995) also cites the case of the Danish Tennis Federation. The practice of governing bodies sanctioning products through "official" merchandising, in return for payment from manufacturers, was challenged in Denmark. The ruling was that such endorsement might be unlawful unless it was clear the payments were part of a sponsorship agreement.

4.5 SPORT: A TOOL OF REGIONAL AND URBAN REGENERATION

The European Union's Structural Funds (the European Regional Development Fund and the European Social Fund) were created in 1974 in response to the apparent disparities in prosperity between European regions. Concerned initially with

traditional solutions to economic problems (eg. IT and SMEs) the programmes have become considered as a source of funding for sports-related infrastructure and training. The impact of the Structural Funds on leisure policy is growing.

Over the last decade of sport as a lead industry in economic regeneration has gained increasing credibility throughout Europe.

(Davies, 1997:49)

Urban regeneration strategies are seeking out new means of rejuvenating local economies. Flagship cultural and sporting events and infrastructure and small-scale revenue projects are becoming recognised as key components of planning initiatives in Europe's cities. In rural areas such projects are aiding the re-structuring of economies previously reliant on agriculture. The issues surrounding economic change and the local and European responses to that are discussed in Chapter Six. The chapter looks at the tensions and benefits EU regional policy create for the regional, national and supranational tiers of governance and illustrates the ways sporting and leisure-related projects are contributing to the regeneration of urban and rural areas. The provision of sports-related training programmes and facilities has aided community redevelopment.

The acceptability of sporting projects within regeneration programmes illustrates not only the changing nature of economic strategies employed at the local level but also the extent to which socio-cultural activities are being given greater scope for expression within the work of the Union. The potential for sporting initiatives to contribute to policies in a wide range of domains is evident from the discussion of policy rationales within this chapter, in the context of urban regeneration the objective is to facilitate the expansion of economic development plans.

4.6 SPORT AND THE REDUCTION OF SOCIAL EXCLUSION

[Sport] comes into people's homes via television, reaching virtually everybody, irrespective of education, wealth and social status. Everybody invests their interest - even their passion in sport.

(Wendt, 1996:46)

The EU has increasingly embarked on programmes designed to tackle social exclusion and discrimination. At the Troika meeting of EU Sports Ministers in April 1998 (including Ministers from the UK, Austria and Luxembourg), a definition of 'social exclusion' was agreed in order that the work of the Commission in this area could be taken forward.

Social exclusion is where, for a variety of reasons, some people are not given a chance to participate in activities or contribute in any meaningful way to the community at large. More than that they are unable to help themselves.

(Department for Culture, Media and Sport, 1998)

Work in the area of social exclusion seeks to identify groups within communities who are often isolated or marginalised and then identify the factors which contribute to their failure to participate in sports activities. Identified barriers to participation in sport have included cost, lack of information, poor provision, lack of time and transport difficulties. Through the programmes discussed below, the Commission aims to complement projects managed by national organisations. For example, the governments of Luxembourg and France recognise the potential for sports projects to contribute to programmes tackling unemployment and the Dutch government has promoted Tolerance and Fair Play projects. In addition, the Commission can draw on the experiences of the Council of Europe. The Council established the European Sports Charter in 1992 and has continually worked to alleviate the difficulties faced by disadvantaged social groups (Council of Europe, 1993).

Commission funding is channelled directly into projects that promote both the Sport for All principle and the advancement of European-wide understanding of the difficulties disadvantaged groups in society face. The work can also be linked with other policy objectives such as reducing social disparities between many of the regions in the Union. The *Youth for Europe* and *Eurathlon* programmes in particular have become established projects within the portfolio of DGX. *Youth for Europe* is a youth exchange programme created to foster co-operative and intra-Community activities directly involving young people. It is transnational in its approach and educational in its aims, which are directed at "promoting understanding, fighting prejudice, and stimulating creativity" (Thørgensen, 1996:2). *Youth for Europe* encourages programmes involving people from at least three Member States, these have included sports-related ventures. The *Eurathlon* programme, launched in 1994, seeks to develop participation by disadvantaged groups, primarily young people and women. In addition, the programme can provide funds for exchanges and seminars for athletes, officials and administrators (Sports Council, 1994).

The *HELIOS* programme is also designed to promote "functional rehabilitation, educational integration ... economic and social integration and an independent way of life for disabled people" (EC, 1993a:5). *HELIOS I* (1988-91) and *HELIOS II* (1993-6) were run by DGV (Employment, Industrial Relations and Social Affairs) and contributed to the objective of the Commission to construct a 'Social Europe' (EC, 1993b). DGX has worked with DGV to incorporate a sporting dimension into this

programme with the introduction of a joint initiative, the European Committee on Sports for People with Disabilities, in November 1993 (Coyer, 1995). The success of the programmes illustrates the endeavour of the Commission to improve awareness of the issues facing people with disabilities and aid their integration into social activities.

The most recent drive for a reduction for social exclusion came in 1997 with the *European Year Against Racism*. One of the first events was a football match 'Africa VS. Europe', held in January 1997. In addition, ENGSO endorsed projects that drew attention to the negative impact of racism and organised 'open days' in Member States to encourage participation by ethnic minorities. The Chair of the European Sports Conference, at the European Sports Forum "stressed the positive role in the fight against xenophobia" (EC, 1998b). The role of sport in events of 1997 was seen as significant on two counts: firstly, it was a chance for sporting governing bodies to address the issue of racism within their own domains (eg. the *Lets Kick Racism out of Football* project run by the Football Association) and secondly it presented the opportunity for the Commission to promote awareness for the need for the integration of ethnic minorities in what is a multiracial and multi-cultural union. It was an opportunity to address and tackle concerns over hooliganism, racial intolerance and racially motivated violence.

The introduction of sports programmes designed to illustrate and tackle issues of social exclusions is significant. This proactive involvement in socially motivated policies by sports organisations followed the *Adonnino Report* of 1985. The report encouraged the symbolic use of sports events but it also identified the contribution sporting events could make to broader policy concerns. The Single European Act of 1986 reinforced the rights of *all* citizens to participate in, and benefit from, the freedoms the internal market. The reality was, however, that some sections of the community were being marginalised, namely the already economically disadvantaged: immigrant populations, women and people with disabilities. In response to this realisation, the Commission has had to find new mediums through which to communicate its aims, objectives and actions. Ethnicity, gender and disability are issues to be tackled by the European Union. Leisure and sport-based projects are two mechanisms through which the Commission can achieve set objectives.

4.7 SPORT AS DEVELOPMENT AID

There has been increasing interest in the role sports projects could play within the European Union's programme of aid to developing countries, particularly across Africa. The European Parliament, the UK Sports Council and the Commission have each contributed to programmes fostering developments which, firstly encourage participation in sport, and secondly, represent value-added to Community-sponsored regeneration strategies in countries working with the Union. Sporting activity has demonstrated its value to such programmes.

The UK Sports Council, in particular, has sought to establish sporting links with the ACP (African, Caribbean and Pacific) countries through European development funding. DGVIII (Development) identified two funding programmes through which sports bodies may get financial support for work undertaken with partners in developing countries. Firstly, under the 4th Lome Convention, sports projects may gain assistance if they addressed priority areas for the EU, regarding development aid: culture, social development, health, education and employment. Other possibilities include rehabilitation for people with disabilities and young people. Such projects would need to be proposed by the UK government. Secondly, a fund distributed from Brussels is available for non-governmental organisations. Projects, in this instance, must demonstrate a partnership between an NGO in the EU and in the recipient country, the former acting as a co-financier. The UK Sports Council pursued the links by preparing an outline submission *Sport and Education for Healthy Living*. The project aimed to develop opportunities for young people, especially those under 15 years old (Sports Council, 1996a). The Council has also got involved in the UK-South Africa Sports Initiative, a project also built up on the "close cultural and sporting link between the UK and South Africa" (Hansen, 1996:5). The EU, through DGVII, seeks to expand on such links and contribute to development-related sports programmes. It is hoped by some in the European Parliament that the foundations laid by sports exchanges and sporting goodwill will lead to a credible bid for the Olympic Games within ten years

I think that there is a case to be made, the case to be made in my view, would be that Africa has never had the Games and it could be just the initiative that could give them a real boost. On the other hand the case could be made the other way, that South Africa is perhaps not yet ready ... The social cohesion to a certain extent has broken ... [but] there are bonuses, there is an upside and it would be that the local authorities would have to work doubly hard to clean up their acts ... I'm quite prepared to put their case for them on their behalf and that's what I'm doing.

(interview with Angela Billingham, PES, 1996).

4.8 THE IDEOLOGICAL SIGNIFICANCE OF SPORT IN EUROPE

... the idea of Europe as an overarching political unit, encouraging a plurality of identities in its people, came to seem the best solution to Europe's problems ... It was envisaged that people would feel more vividly the plural character of their identities; ... Such a programme can only work if people feel happy to accept the overarching unit, 'Europe', and if they feel involved in it as participants.

(O'Neill and Dunphy, 1995:283)

The notion of a European union being built on more than just the foundations of economic and political co-operation is not new. Monnet, one of the founders of the European Community, stressed that if the EC was to one day become a genuine 'union', the participating member states must create a sense of 'Europe-ness' (Gowland *et al*, 1995). This means providing citizens with a sense of affiliation. The reasoning for the European project at the political and economic levels must manifest itself at the social and cultural level. The project "needed to acquire a soul" (European Commission, 1992a:5). Since the 1980s policies can be identified that illustrate how the EU has become sensitive to the need to gain the support of not only the member states' political actors but also the citizens of the EU.

[Sport] bridges national and cultural divides. It helps social integration and brings people together as players and spectators. In short, it is an excellent way to promote European co-operation and international understanding - a goal strongly supported by the European Union.

(EC, 1998c)

The ability for sporting occasions to respond to the challenge of promoting European citizenship is accepted amongst administrators. Sports events lend themselves to internationalism but they also are sensitive to the place of national identity within sporting competition. A 'citizen's Europe' must have regard for its regional and national components which should be "kept, cared for and reinforced" (von Richthofen, 1996:9). The prominence of the 'national' character of sporting events has led to tensions between governing bodies and the officials of the Commission. Proposal for a unified 'European Union Team' to be entered in the 1988 Seoul Games were put to 12 National Olympic Committees in 1987. Also between 1989 and 1992 the EU pursued the idea of Olympic teams having "double identities": the wearing of the emblems of the respective member states and the EU. The proposals were categorically rejected (Rogge, 1996). The difficulties in pursuing a unified team were outlined by the Chairman of the British Olympic Association.

I'm afraid that the majority of Europe, in sports terms, does not see it in those terms at all, and it is the sports people that fuel national identity and in a very significant way. This may seem as threatening to the Euro-maniacs but that is the reality. If Great Britain didn't put out a Rugby Union side or England didn't put out a football side then I don't think there would be any identity at all with a European Union team. People wouldn't be interested.

The people want something that they can reach out and touch and they can reach out and touch the grandstand at Manchester United, they can reach out and touch the soil of Cardiff Arms Park, they can reach out and touch the soil of Great Britain. But, if you have a European team its got no relevance, its too big.

(interview with Chairman of the BOA, July 1997)

The symbolic value of sporting events is important but there are also functional reasons for the Community pursuing this line of activity. Research has shown information regarding Community work is not reaching those in need of support. Health programmes and other projects designed to promote the integration of migrants are well placed to capitalise on sports events as mediums to get their messages across (EC, 1992b).

whereas education for sport and sports training for young people, in particular, are of fundamental importance for health - ... - for physical and mental well-being and social integration; whereas that aspect of social integration is crucial for the most vulnerable social groups.

(European Parliament, 1997a:2)

Resolution on the role of the EU in the field of sport

The potential application of sporting events for the uses of European Union's institutions is substantial. Activities can be utilised to promote social values, citizenship and health awareness, consequently, the value of sports events as a medium of inclusion should not be underestimated. However, the power of events should equally not be misused. There is a thin line between promoting positive ideas and images and detracting from the essence of the vehicle of that message.

Of course, sport is and remains an excellent means of fostering a sense of European identity. Sport is vital in putting across the European message. But the approach once again has to be different. Community action in the field of sport should be directed at experiencing Europe through sport rather than selling Europe through sport.

(Larive, 1994:63)

Participation in sport is important to over 100 million Europeans across the Community and countless more who actively support. Sport is also becoming a functional component within a range of EU policy (eg. the ERDF, the European Social Fund and *Youth for Europe*). Part of this involvement is direct association with events, a practice that grew during the 1990s. In 1985 thirty events were given funding but by 1991 the figure had risen to 57 (EC, 1992b). In addition, in 1992 the Commission invested 25MECU in promoting the European Union at the Olympic Games of Barcelona and Albertville. The danger is the quest for a means of marketing 'European-ness' could dilute from the long term interest of integrating sporting measures into more Community programmes, as would be expected with the introduction of a Declaration and the prospect of a competence in years to come. For

example, a greater contribution to either health projects or community redevelopment programmes could be made. The significance of sporting endeavour for the Union must be carefully managed.

4.9 SPORTS POLICIES IN THE CONTEXT OF THE EUROPEAN PROJECT

The deepening and widening of the Union, primarily through the Single European Act and the Maastricht Treaty, has challenged the way the Commission and the governing bodies of sport relate to one another. A number of legal interventions, for example, Walrave & Koch and the Bosman case have led to dialogue between the respective institutions. Sports bodies have had to re-evaluate the way they interpret and incorporate Union legislation into their own regulations. In addition, the EU institutions have themselves sought to utilise the popularity of sporting events and activity to further Community objectives. The growth in ERDF and ESF funded projects and socially oriented initiatives, for example, *Eurathlon* and *HELIOS* demonstrate the efforts of the Commission to encourage a 'Social Europe'. The growing legitimacy of the Union and the broad reach of its competence suggest the need to highlight the place of the citizen in the European project.

The involvement of citizens is one of the key elements that will determine the success of the European Union in the coming years. Developments such as the move towards a single currency ... and an institutional framework adapted to the ambitions and responsibilities of an enlarged Union, cannot be envisaged in a democratic society without the support and participation of the citizens.

(EC, 1998b)

The European project impacts on phenomena occurring within its domain and, likewise, aspects of European life will be drawn upon in the building of the Union. The rationales for policy intervention discussed above are just one means through which to identify the changing nature of relations between sporting bodies and the institutions of the EU. In 1994 Jessica Larive, defined sport as an "economic, social and media phenomenon" (1994:59). In doing she was acknowledging the multiple roles of sporting events and organisations. There is an obligation for governing bodies and European institutions to foster the strengths of sporting activities and address the management of difficulties faced by sports agencies, for example, hooliganism, racism and the harmonisation of sporting regulations with Community law. Sports policies must reflect the context of the European project and have regard for roles of the different agencies and the consequences of decisions made.

(a) The Potential of Sport in the European Project

The principle elements of European integration have historically been economic and commercial but now the aim is to take it further from a broader base that could involve citizens to a greater degree and strengthen the feeling of belonging to the European Union, while respecting the diversity of national and regional traditions and cultures of which it is made up.

(EC, 1998d:1)

Citizenship of the Union has become a prominent issue in the 1990s and takes its impetus from the proposals suggested in the 1980s. The *People's Europe* talked of at the European Council in 1984 has failed to become a reality and the Union remains remote to the experiences of many of its citizens. However, the deepening of the Union's political and economic competences necessitates renewed investment in a cultural union (Economic and Social Committee, 1992). It is not suggested cultural diversity is sacrificed but it is possible to highlight areas of common ground and understanding. Sport is an additional means of cultural exchange that could be supportive of the intentions laid out in Article 128.

... sport has seemingly remained a significant thread in the fabric of culture, sometime serving as an agent of cultural change ... nearly always providing a popular barometer by which the cultural condition can be measured and understood.

(Wilcox, 1995:16)

The multi-cultural composition of the modern nation state means national identities are subject to debate. The symbolic construction of the nation state, designed to bring together communities of different ethnic and cultural backgrounds, is being questioned in the light of greater awareness of transnational communities and cultures (Smith, 1992). It is argued, by supporters that the creation of a 'European' identity does not threaten the citizen's national and cultural identities, since many already associate with groups at the transnational and local levels. As a component of a wider identity 'European-ness' may have a legitimate future as it would be 'permeable' by other identities (Gowland *et al*, 1995). Sport *could* enhance this potential.

[Sport] plays a fundamental role in the realisation of the aim of the Council of Europe by reinforcing the bonds between peoples and developing awareness of a [pan] European cultural identity.

(Council of Europe, 1993:3)

4.10 RATIONALES FOR INTERVENTION AND THE POLICY STUDIES

In recent times the European project has sought to advance policies to promote subsidiarity, citizenship and transparency. The move has implications for the development of sports policies.

- Will sports policy still be seen as an area for national authorities, outside the remit of the Union and in line with subsidiarity (horizontal and vertical)?
- Will sports events continue to be seen as appropriate mediums through which to promote a sense of 'European-ness'?
- Will clarity of Union regulations and the roles of European institutions encourage greater co-operation between Commission agencies and sports bodies?

The different rationales for intervention touch on these questions to varying degrees and the case studies will look more closely at the impact the changing European project has on areas of policy. The tensions to be highlighted are between governmental and non-governmental institutions, Commission-led groups and Member State agencies and between sporting, public and commercial bodies. The studies will demonstrate the bias towards either further integration (enhanced socio-cultural legitimacy) or sustained inter-governmentalism. Historically, the project is subjected to phases of integration followed by periods of reaction by Member States. Action involving sports events (development aid and promotion of 'European-ness') represent attempts to put forward the benefit of collectivity. Alternatively, the measures can be negatively received, for example, the response of the European sports movement to the suggestion of European teams.

The rationales for intervention show a pattern of development reflecting the temporality of the European project. Sport as trade was defined under the original Treaties, a functional relationship between affected organisations was, therefore, encouraged. In the 1970s, the introduction of a regional policy reinforced this functional link. The concern to make the Community more meaningful to citizens, however, in the 1980s led to the report on *A People's Europe*. Political actors across the Union were sensitised to the distance there was between the substance of the Treaties and the reality of the Community for citizens. As a result more grass-root and localised policies began to be fostered (for example, the *HELIOS I* programme. The Single European Act (1986) also reinforced the need to start to recognise the freedoms of the internal market were not benefiting all citizen, so social policies had to be developed.

It is in the light of these shifting rationales that the empirical work in this study was initiated. Firstly, central to the debate surrounding the sale of broadcasting rights for sports events is the question of whether the European Broadcasting Union's past exceptions to Articles 85 and 86 on competition has influenced access to sports rights by commercial, non-terrestrial companies. The question is clearly one of trade.

Secondly, the study of the use of Structural Funds for sports-related capital and revenue projects looks into the link which can be made between local job creation, tourism development, sporting infrastructure and employment training. The utilisation of ERDF and ESF monies demonstrates the impact sports initiatives can have on regional and urban regeneration. Finally, the case study of the lobbying for a sports competence looks into the role the European sports movement perceives sports events should be playing within the Union. Under a competence, sport would gain recognition of its current contribution to the economic and social life of the Union and become a more overt symbol of integration. Sport, in this context, fulfils a cultural rationale.

The empirical work, however, should not be seen as three distinct policy studies. While they merit individual attention the work should illustrate, firstly, the complexity of policy making and, secondly, how the central issues of the three domains are not as far apart as would be expected. The studies demonstrate how different functional definitions of 'sport' become operational and contested and how this contested ground shapes policy formulation. The tensions between the economic and cultural values of sport are explored in the context of Europeanisation. What will become apparent through the studies is the changing nature of inter-organisational relations that occurs as a result of shifting forms of governance.

CHAPTER FIVE

PUBLIC GOOD OR PRIVATE COMMODITY? THE PLACE OF SPORTS RIGHTS IN EU BROADCASTING POLICY

5.1 INTRODUCTION: Structure and Aims of the Chapter

This chapter, the first of the policy study chapters, addresses the issues surrounding the debate on the revision of the *Television without Frontiers Directive*. The central argument, which provoked much partisan feeling, was the extent to which television sports rights should be defined as marketable assets and the extent to which political intervention should preserve their cultural significance, namely through protecting free access to all viewers. The chapter reviews the background to the revision of the Directive, including the legislation and the challenges made to those legal principles. It subsequently examines, in more detail, the political process involved in the revisions and seeks to identify the key arguments articulated at the Committee and Plenary levels of the parliamentary debate. The chapter goes on to illustrate how the issues central to the European debate are transferable to discussions on broadcasting at the national level (in this instance the UK). The distribution of resources and positions of authority are key determinants for the direction of policy. The chapter concludes with a review of the debate through an analysis of the networks created, and resources deployed, during the eighteen month debate which led to the revised Directive.

5.2 SPORTS RIGHTS IN EU BROADCASTING POLICY

Between 1995-7 the Commission and European Parliament debated the revisions of the 1989 *Television without Frontiers Directive* (TVWF) (89/552/EEC). The Directive was designed to foster the development of all aspects of European programming. The sale of broadcasting rights for sports events was one part of those discussions. In revisiting the Directive the institutions of the EU were given the opportunity to reassess the balance between two of the Union's key interests: market liberalism and the fostering of cultural diversity. There was a need for the European Parliament to consider whether the regulations of the Single Market allowed appropriate business activity, regarding the trading of such rights, or whether the European Commission should maintain legislation to control the sale of sports rights.

The work presented seeks to illustrate the nature of the debate from the perspective of those involved in the parliamentary discussions, drawing on both documentary evidence and interview data. The documents used include the minutes from

parliamentary sessions, positions papers produced by the Committee on Culture and those published by organisations outside of the Parliament with a vested interest in lobbying the relevant political and non-political groups. The policy study centres around the ways in which the EU should interpret the properties of sporting events. The main question to be explored in the debate was as follows:

Are major national and international sports events to be viewed as highly valued commercial products to be sold in a competitive, open market or is there a case for protecting such events from the market in order to reinforce the social and cultural significance of such events for the wider population?

The debate was one of definition: sporting events as cultural capital or as revenue generating media goods. In the development of this policy review it was important the research remained true to the environmental context of the debate. Firstly, rapid advances in broadcasting technology means the industry is inclined to favour dynamic market conditions (Graham, 1998). Transnational corporations are testimony to the development of the industry (eg. BSkyB, CNN). This has complemented the general growth in commercial broadcasting, between 1992 and 1997 the number of channels across Europe grew from 58 to over 250 (Collins, n.d). As a result of the increased competition, the market value of sports rights is increasing. For example, the rights for the Atlanta Olympic Games were double those of the Barcelona Games in 1992 (Short, 1995).

In parallel, a debate was being conducted in the UK at the time the European Parliament was revising the TVWF Directive. The Conservative administration was steering a Broadcasting Bill through the Commons and House of Lords during 1995-6. The Bill reviewed the area of 'listing' major sporting events to preserve access for the widest possible audience (free to air). In response to both discussions the European sports movement embarked on a review of their own procedures for distributing rights. In the UK the Central Council for Physical Recreation issued a Voluntary Code of Conduct in collaboration with its members and the IOC ruled in favour of the European Broadcasting Union (EBU), regarding TV rights of the Olympics up to and including the 2008 Games (IOC, 1996).

As a result of these activities the decision-making community is assumed to have been subject to pressure from political, professional and commercial actors, eager to impress upon the Commission the significance of their position in the shaping of the European Union's long term approach to broadcasting.

The above factors define the period in which the *Television without Frontiers Directive* was revisited. They illustrate the significance of the place of sports rights within the debate, they also symbolise some of the elements central to the broader debate on the future of Europe’s audio-visual industry. It is through the exploration of such concerns as listings, commercial investment and the role of public sector broadcasting in an competitive environment that the chapter sets out the arguments for and against legal interventions. It will also seek to identify the relationships and events likely to have influenced the nature of the policy discourse.

Research Data

The multi-dimensional nature of the broadcasting debate sensitises observers to the complexity of policy discourse. The rationales for action proposed by the actors covered a multitude of arguments and served to either draw parties together or further divide stakeholders. It is from within this process decisions on policy are made. The policy study addressed the following concerns:

- to demonstrate the impact environmental factors had on broadcasting policy;
- to illustrate how these factors can become politicised;
- to account for the interactions between the parliamentarians and lobbyists;
- to articulate the arguments actors proposed during the debate; and
- to discuss whether the changes made to the Directive were attributable to the established policy community (eg. the Committees of the European Parliament and the Commission) or to the pressure exerted of lobbyists (eg. the input of commercial operators and sports associations).

The concerns can be divided into three levels.

Environmental factors	Key organisations	Actors who shaped the debate
Single European Market: growing level of legislation pertaining to free trade	The Commission as a legislative body	Commissioners: van Miert (Competition); Bangemann (free trade); Oreja (audio-visual policy)
Broadcasting technology: growth in non-terrestrial broadcasting	DGX (Culture)	
	DGIV (Competition)	MEPs: advocates of free trade
Competition between broadcasters	European Parliament: Committee on Culture Sports Intergroup	MEPs: advocates of cultural protectionism
	Commercial operators: KirchGruppe, BSkyB	Private sector broadcasting lobbyists
	Public Sector Broadcasters: European Broadcasting Union	Public sector broadcasting lobbyists

Table 5.1 The factors involved in the revision of the *Television without Frontiers Directive*

Limitations to the Empirical Work

Table 5.1 illustrates the range of factors to be considered within the study. However, due to issues of feasibility and accessibility the nature of the empirical work was narrower in scope. The focus of the primary data collection was on Parliamentarians, although two interviews were conducted with representatives of British sporting organisations. The views of the Commission and the broadcasters (commercial and public sector) were primarily collected through documentation made available through the interviewees and through official Commission and Parliamentary sources.

The study is, therefore, indicative of the issues raised in the broadcasting debate and not in anyway an attempt to represent the full range of opinions raised in the course of the revision of the Directive. What is teased out from the interviews conducted is the nature of the policy process and the roles played by key Parliamentary groups and individual actors. The absence of primary data from the broadcasters with vested interests is indicative of the difficulties faced when conducting research of this nature. It was always the intention to view the debate from the perspective of Parliamentarians, however, items to be raised at the Sports Intergroup did mean representatives of broadcasting groups and international sports federations were due to attend and talk on broadcasting issues. However, on a number of occasions agenda items had to be cancelled as officials were unable to attend.

As a result, the interview sample included five MEPs (one from the European People's Party and four from the Party of European Socialists) and two representatives of the European Sports Movement (the BOA and CCPR). Whilst the officials were British, both, at the time of interviewing, held positions within EOC and ENGSO, respectively. The MEPs were selected either because of their documented interest in the broadcasting debate (evident through minutes obtained from Plenary sessions of the European Parliament) or because of the position they held within the Parliament (for example, a member of the Committee on Culture).

The sample of MEPs is, however, skewed due to the failure to secure the co-operation of further representatives of the European People's Party and the other political federations. Members of the European Liberals, Radicals and Democrats (ELDR) and the UPE (a minority left-wing party) were contacted but no interviews resulted from these leads. The interview schedules covered the areas outlined in Table 5.2.

Issue to be Raised	Interview Data: areas of significance
The development of European Union Intervention	Was the Tongue Report representative of current issues in broadcasting? Was the Tongue Report representative of the issues regarding sports broadcasting? The exemption to Article 85(3) granted to the EBU The exemption to Article 86 granted to BSkyB
Revisiting the Television without Frontiers Directive	The escalating costs of sports rights The packaging of sports rights (the debundling of rights) The listing of sports events (criteria) The prospect of a two-tier system (coverage within and between sports) The role of the European institutions in regulating the market The role of the political process and the role of the political groups (eg. within the Committee on Culture)
Revisiting the Broadcasting Bill (UK)	National regulation versus European legislation Issues regarding listings within Members States, with particular reference to the UK
The European Sports Movement	The CCPR Code of Conduct and the UK Broadcasting Bill Perception of the Tongue Report; UK government policy; co-operation with European organisations
The Television without Frontiers Directive, 1997	Perception of issues surrounding the revised Directive: anticipated changes, consumerism versus citizenship

Table 5.2 Interview schedule for the broadcasting policy study

5.3 EUROPE'S AUDIO-VISUAL INDUSTRIES AFTER THE 1989 DIRECTIVE

Ever since the European Union's Television without Frontiers Directive was introduced in 1989, the defence and promotion of the audio-visual industries has taken place at a European as well as national level. The economic argument that these are increasingly important industries has been added to a strong commitment to protecting European cultures.

(Green, 1997:2)

The 1989 Directive drew attention to the primary considerations in the development of a European level policy on the audio-visual industries: economics and culture. European production companies are learning to compete with their American counterparts for 'air time' within Europe's domestic markets. American programmes and films have found Europe to be a "lucrative secondary market after they have made their bread and butter at home" (op cit:2). The response of some political groups within the European Parliament was to call for the introduction of quotas to limited access to domestic markets by non-European products.

The call for protectionist measures provoked debate about what should be done to encourage the development of the European industries, the objective being to increase the competitiveness of European companies without sacrificing the cultural diversity of the product. The objective framed the debate surrounding the revision of the *Television without Frontiers Directive* and set the tone for the negotiation of policy recommendations. It is important to put the policy study into the context of a discussion on the Europeanisation of issues. The contested ground was between the freedoms bestowed on broadcasters through the Single Market (the freedom to buy and sell rights as they see fit) and the freedom of the citizen to have 'free-to-air' access to a range of educational and cultural experiences.

The views expressed below suggest how problematic it was to revise the Directive. The MEPs cited all sat on the Committee on Culture, representing different political groups within the Parliament and each playing significant roles in the debate: Castellina (Committee Chair), Hoppenstedt (Rapporteur for the Directive) and Tongue (Socialist Group Media Rapporteur). The contribution these and others made to the debate are discussed in Section 5.4, the environmental considerations and the legal framework are outlined below.

Party of European Socialists

... the Directive will emerge from the revision in 1996 as inadequate as ever - on three counts. Firstly, its failure to *ensure* economic investment by all broadcasters in the European audio-visual industry. Secondly, its failure to ensure that basic rights of European citizens are respected by new technological ways of broadcasting. And thirdly, its failure to ensure that Europe's diverse cultures are given outlets for expression. This is the direct result of both the creation and revision of Television without Frontiers being shaped by intensive lobbying from governments and commercial industries on both sides of the Atlantic.

(Tongue, 1997a:11-12)

European Liberals, Democrats and Radicals

The development of new broadcasting techniques ... brought about a new broadcasting system in the 1980s. The dual broadcasting which was based on publicly owned and private stations contribute in their own way to the diversity of the media ... As frequency availability increases, the number of digital broadcasts aimed at more specific target audiences will increase.

(Hoppenstedt, 1997:23)

Confederal Group of the European United Left

Throwing her weight behind the stance of the culture committee, its chairwoman, Luciana Castellina feared that Europe's culture was being overwhelmed by international competition ... Europe, she believed, could meet the challenge, but only if it created a culture that went beyond national boundaries

(European Parliament, 1996a:11)

5.4 SPORTS RIGHTS IN EU BROADCASTING POLICY

Central to the debate on sports rights is the *exercising*, not the purchasing, of exclusive rights: the impact which exclusivity has on access to the event by the population at large and by other broadcasters (for the purpose of news, highlights or delayed, 'as live' coverage). There is a need to balance what is best for the rights owners, other broadcasters and the public, with due consideration of legal requirements. This section looks at the framework set out by Community law, the challenges to those regulations and the political response to the changing broadcasting environment.

(a) Principles of Community Law and Legal Challenges

Articles 85 and 86 of the Treaty were not designed to protect pluralism in the media or any other objective of a cultural nature. However, the Commission has been skilful in using the legal instruments at its disposal as regards competition to indirectly guarantee the maintenance of market competition structures and to contribute to the diversity of the programmes offered to the public.

(EC,1996b:21)

Exclusive rights for sporting events can be legitimately acquired, as long as the terms and conditions of such an acquisition conform to guidelines outlined by Articles 85 and 86. The practice is acknowledged to be beneficial to all parties involved in the exchange of rights. The television companies use sports events to develop their market share and the holders of the rights benefit financially (Verlinde, 1994). As the latter are primarily the governing bodies of sport the money can contribute to the development of both grass roots and professional sport. The frequency with which such arrangements are undertaken would suggest the area is uncontroversial, however, the institutions of the European Union have been involved in the monitoring and controlling of the distribution of sports rights over a number of years.

While on the one hand, the sports sector profits from the new financial dimension of exclusive rights and sport is a major source of revenue for pay-TV, on the other the risk of concentration of such rights and the low penetration of pay-TV have led respectively to issues of competition and public access to events of major importance for society being raised.

(EC, 1997a:2)

The European Broadcasting Union (EBU) was granted exemption to the regulations of Article 85 in 1991 (renewed in 1993). The exemption allowed the 67 members of the EBU to bid collectively for sports rights ensuring public sector broadcasters and other terrestrial channels could compete with the packages put together by the larger non-terrestrial operators (eg. BSkyB and Canal Plus). Article 85 is outline below (see Box 5.1).

Article 85:

EU competition rulings are not designed to favour any one type of broadcaster. Instead the legislation looked at barriers to entry, the foreclosure of markets, the length of contracts between broadcasters and rights owners and the coverage of the contract.

Article 85(3): The joint requisition and sharing of the rights

The decision was an acknowledgement that Member State governments were addressing issues of competition and packaging independently of one another and that such action should be overseen at the European level to prevent the distortion of the sports rights market and the disregard of Community law.

Box 5.1 Article 85 of the EEC Treaty (EC, 1993c)

The rationale for intervention was one of recognising and protecting the mandate of public sector broadcasters, namely to provide educational resources, information and entertainment for the wider population. The exemption to Article 85 helped facilitate the continuation of varied programming. The *Television without Frontiers Directive* of 1989 was also to contribute to the protection of the interests of national broadcasters.

In some countries, the national EBU members compete at a growing disadvantage vis-a-vis commercial channels, which are in some cases backed by powerful media conglomerates, since the various constraints arising from the EBU members' public mission and in particular the limitations on sponsorship and advertising to which they are subject in a number of countries, often hamper their ability to buy and exploit programmes in a commercially viable way.

(EC, 1993c:3)

The expansion of commercial interest in broadcasting at this time, and the level of success achieved by new entrants, however, has worked against the principle of protection enforced by the Directive. Between 1991 and 1996 the legitimacy of the policy of allowing members of the EBU to collectively bid for sports rights has been challenged by the commercial sector.

Case	Nature of the Legal Challenge
1991 Screensport/Eurosport	Following a refusal of the EBU and its members to grant Screensport sub-licences to sports events, the EBU's "joint venture agreements and all related contractual provisions ... constitute an infringement of Article 85(1) of the EEC Treaty" (Decision 19.2.91 in OJ L 63/32-44 9.3.91)
11 June 1993	Application of EBU for exemption to Article 85(3) of the EEC Treaty (Decision 22.7.93 in OJ L 179/24)
1993	BSkyB granted exemption to regulations governing the length of exclusive contracts. A one year contract to provide coverage of Premier League Football was extended to three seasons.
11 July 1996 EBU	Ruling of first instance by the European Court of Justice found that the 1993 Commission Decision authorising the EBU were null and void (Case T-528/93 11 July 1996) (EC, 1996a)

Table 5.3 Commission Decisions and legal challenges upheld by the European Courts, 1993 - 1996

The EBU exemption to Article 85(3)

The legal challenge made by commercial operators in July 1996 and the Commission Decision in 1993 to grant BSkyB exemption to regulations pertaining to the exercising of exclusive contracts have, perhaps, been the most significant decisions taken by European authorities in the run up to the revision of the Directive. In 1996 the exemption to Article 85(3) granted to the EBU in 1993 was retracted. The original Commission Decision allowed the members EBU to bid for sports rights as *one* bidder. The points raised by the Commission, when making the decision in 1993 included:

- The high costs incurred in the coverage of sports events;
- Transnational corporations usually had substantial resources to call upon when competing for sports rights;
- Submitting individual bids, EBU members are frequently out-bid by commercial operators;
- The collective bidding system reduces the need for EBU members to negotiate for national rights;
- The percentage of sports rights negotiated for under the Eurovision system amounted to only 2% of programmes in the UK and Germany and 6.6% in France (1990 figures). The number of contracts negotiated amounted by 1992 was 45; and
- In 1993, at the request of the Commission, the EBU revised its regulations regarding access to rights by non-members (European Commission, 1993c).

The exemption granted to the EBU was justifiable according to the above evidence. The economic disadvantage of public sector broadcasters, in relation to commercial operators, was deemed sufficient to warrant flexibility in the interpretation of competition law. Within the European Parliament the perception of the decision, and the retraction of the exemption to it, reflected a range of concerns.

I think that you have got to have a compromise that certain events should be available ... But in general terms I think that its up to public sector broadcasters to decide if they if they get a certain amount of increment to bid for sports events, and if they don't fine ...

(interview with Roy Perry, EPP, January 1997)

Was the Commission right to reconsider the EBU exemption to Article 85(3)?

Yes ... what that reflected was a real sea change in attitude that was only apparent in the late-96 period ... people 'poo-pooed' the idea that there would ever be digital-terrestrial broadcasting and now all of that is almost a reality. So, we think that the position with regard to the exemption, is simply a recognition of how fast everything is changing around us.

(interview with Phillip Whitehead, PES, September 1997)

If you leave it to individual countries, the bids from commercial companies, from Murdoch, possibly from others, will always, well nearly always, outdo those of individual states ... So, I think you've got to gear it artificially because it comes back to the point you started with, if you just leave it to the market, and leave it to get on with it, Murdoch will win every time, and I don't believe that is in the interests of the European citizens.

(interview with Robert Evans, PES, March 1997)

The quotes start to demonstrate the political nature of debate surrounding the revision of the Directive. Other salient issues include: the role (and potential limits) of public sector broadcasting (PSB); the primacy of Community law, which favours free trade (and a concern for that dominance); the pace of technological change; and the rights of European citizens. The tension between trade and citizenship is explored in Section 5.5.

The Exemption of BSkyB to Article 86

Commercial operators have taken issue with the exemption granted to the EBU. However, BSkyB was itself granted exemption from Community competition policy. A decision in 1993 by the Commission allowed a liberal interpretation of regulation under Article 86. It too has altered the structure of the sports rights market. The ruling allowed for the development of BSkyB services over a three year exclusive contract, with the Premier League (King, 1998). In the interest of competition exclusive contracts are only to be held for a defined period of one year or one season. BSkyB, however, was granted an extension to its Premier League contract to facilitate the development of its services, arguing a year would not provide long enough to establish its service delivery or customer base.

In October 1996 the European Commission, itself, again looked at the issue of competition, in relation to the £670m deal between BskyB and the FA Premier League and questioned its validity (BBC News and Current Affairs, 1996). However, the decision of the Commission to agree to an extension, in the first instance, had implications for the development of sports broadcasting, particularly the balance of coverage between terrestrial public sectors broadcasters and non-terrestrial, commercial operators. Politicians from the Socialist Group expressed concern about the decision.

BSkyB exemption: Do you think that was significant, why would they[the Commission] do that?

They extended it because they were naive, I think.

(interview with Whitehead, PES)

... I'm not absolutely certain why the Commission did that. I am aware that that happened, and the way that BSkyB works ... when it wants to take over just about everything else I am surprised that they needed a three year exemption rather than a one year exemption, or any exemption at all for that matter. If they believe in people being able to survive on their own then I would have thought they wouldn't have been interested in that and I think they can do quite well anyway without that, so I wouldn't give them any favours, myself.

(interview with Evans, PES)

The negative opinions of BSkyB held within the Socialist Group were to prove significant to the discussions held within the Committee on Culture and at Plenary sessions of the Parliament. As the largest political group in the Parliament and proactive supporters of a 'citizen's Europe', the Group was the impetus behind the programme quotas and sports listing lobby.

(b) The Tongue Report

The political response to the legal challenges came in the form of the *Tongue Report*, an own initiative report by Carole Tongue (UK, PES), a member of the Committee on Culture and Socialist Group Media Rapporteur. The Report *The Future of Public Sector Television in a Multi-Channel Digital Age* (1996a) was influential, both within the Party of European Socialists and across the institutions of the Union. It expressed concern for the future place of public sector broadcasting in view of the advent of digital television and the growth in private channels. It also suggests that in some quarters public sector broadcasting was deemed an "endangered species that should be allowed to die in peace" (Tongue, 1996a:1). Tongue, however, argued the Commission should consider regulations to safeguard the future of public sector broadcasting for European citizens, including support for public sector broadcasting "in their efforts to transmit major sports events free-to-air" (p. 3). The Report was adopted by the Parliament, as part of their programme of measures during the revision of the Directive but its political tone functioned to reinforce the divide between advocates of a free trade Europe and supporters of a social Europe.

The Party of European Socialists

I would largely share Carol's views. And you are obviously looking at it from a British perspective ... The BBC versus Sky, Sky is winning most of the financial battles now because they can bid more, they have more money ... I think there is a real threat to what the ordinary viewer can see.

(interview with Evans, PES)

... the challenge is for terrestrial broadcasters, as much as it is to lawmakers. I think we fail to appreciate sometimes in Britain just how widely respected an institution the BBC is. But you can't change the reality of the situation. Broadcasting is changing ... how you address it in a legal way, as a lawmaker, is quite difficult ... A framework has to be there to protect public sector broadcasting but by the same token there is a challenge for them to rise to.

(interview with Murphy, PES)

The European People's Party

I wasn't very sympathetic ... I think there is a straight forward political divide between us. As a Socialist member, I think she places rather too much emphasis on the importance of PSB and doesn't give due appreciation to the role of private and independent broadcasters. Now, I don't undervalue public sector broadcasters, it is important, I am quite happy to support it. There is a role for public sector broadcasters but I certainly thought she went over the top ... competition is a stimulus rather than a destructive influence.

(interview with Perry, EPP)

Sports Issues Raised in the Tongue Report

The acquisition and exercising of sports rights were specifically identified in the *Tongue Report*. Questions of citizenship, rights to information and cultural identity were raised in relation to the capacity for the non-terrestrial broadcasters to prevent universal access to public sector channels. In subsequent publications Carole Tongue highlighted the financial advantage BSkyB and other commercial operators have over PSB and the impact this would have on the future access of public stations to major sports events. For example, Tongue cites Murdoch's statement that "the next three World Cups will have a significant place in our platforms. Sport will be very important and we will be investing in and acquiring the long-term rights" (Tongue, 1996b). The preservation of "free to air" access was raised in the interviews with MEPs, in relation to Tongue's evidence.

Is Murdoch a 'threat' (to public sector broadcasting)?

Yes, I think its a very definite threat and that must be his aim ... He would like to have the rights for Wimbledon Tennis, I'm sure, he would like to have the sole rights to the FA Cup final and rugby internationals ... but what we are looking for is some kind of protection to protect European consumers ...

(interview with Evans, PES)

I think there is an enormous threat to public sector broadcasting, for a number of reasons. Firstly, in a single market that accepts that market forces dominate, people will want to make sure that that is the market prices in terms of demand and scarcity ... the principle on the going rate applied in broadcasting, inevitably, means that you get key events which are popular and for which some people have the income to pay a premium price and to lock out on their behalf. Now do you allow that to happen or do you not? In a society that recognises that some things are public goods then you limit it, in a society that says that everything can become the long term or temporary property of a few you have no limits ... The people who can't afford to pay high premium rates are, therefore, deprived. So, I have always felt that for a limited number of national sporting events and for occasions as well, it doesn't have to be just sport, you should make certain that they remain open to free-to-air television, so that any citizens, anywhere within the remit of the broadcasting authority can switch on the TV and could see it.

(interview with Whitehead, PES)

The empathy for Carole Tongue's position, however, was qualified with hesitation over the means by which access could be sustained in a multi-channel, digital and commercially-oriented era.

Its not acceptable for politicians to just say Murdoch *et al*, sorry, we're not going to let you do this because we can't really stop them. What we have to do is put in some certainty ... Its *where* the lawmakers get involved ... If it is just a 'them and us' at the end of the day neither side would be happy, and I have to say on the balance of the advances of technology and the amount of money that is involved probably the big broadcasters would win. So, I think we ought to be able to develop relationships which are positive, to protect people's access to sport, which maintains a lot of money going into sport from broadcasting because that side is vitally important.

(interview with Murphy, PES)

(c) Other Considerations

The debate within the Parliament appears to have been driven by political rationales. From the industry's perspective, the debate was driven by the advances being made in technology. The Commission also had to take account of other factors: the fundamental rights protected by the Union. In February 1997 the Commission published a Communication on exclusive rights for major sports. It outlined other considerations, including Article 10 of the European Human Rights Convention (EHRC). Article F(2) of the Maastricht Treaty established the rights secured under the EHRC as part of the European Union's remit. Under Article 10 "the exercise of exclusive rights for the television broadcast, in a trans-frontier context, of a major event may prove to be detrimental to the right of access of the public to information" (EC, 1997a). The minimal coverage, at the present time, of specialist channels limits the potential of companies to fulfil such an obligation.

There was a broad range of factors for the European Parliament and the Commission to consider during the revision of the Directive: the pace of technological change, the coverage and financial resources of new entrants, the role of national broadcasters, interpretations of Community law and the impact of policy statement made within the EU (the *Tongue Report*, adopted by the Parliament) and the EHRC (adopted by the Union). Tensions between these factors shaped negotiations and the search for solutions.

5.5 REVISITING THE TELEVISION WITHOUT FRONTIERS DIRECTIVE

Revision of the 1989 TVWF Directive has been one of the most widely debated topics in European institutions and policy circles ... Even John Birt, Director General of the BBC has been over to Brussels to make his contribution to the debate, calling for greater support for public service broadcasting which is able to ensure the maintenance of national heritage, pluralism and quality of broadcasting in a way that market-driven broadcasting cannot.

(Croner's Europe, 1995:1-480)

The chapter, so far, has described the primary factors deemed significant to the first revision of the 1989 Directive: the technological environment (digital and non-terrestrial television), the broadcasters (EBU members and BSkyB and Canal Plus

amongst the commercial operators) and the political arguments (an economic versus social Europe). The *content* of the revision, however, was down to the nature of the discussions between the Commission and the Parliament. This section explores the nature of those discussions and looks at the key actors and decisions that led to the agreed Directive agreed in June 1997.

Date	Action or Decision
February 1995	The start of the revisions of the <i>Television without Frontiers Directive</i> .
Spring 1996	Hoppenstedt and Galeote produce a report for the Committee on Culture.
22 May 1996	Resolution EP No. B 4-032/96 regarding the retransmission of major sports events adopted by the European Parliament, following a debate on the issue, 21 May 1996.
19 September 1996	Report and Resolution on Public Sector Broadcasting adopted by the European Parliament (the <i>Tongue Report</i>).
26 September 1996	Ministers responsible for audio-visual matters hold discussions on the topics raised in the Report at an informal meeting in Galway. Conclusions mirrored those of the Parliament.
12 November 1996	Under the Co-decision procedure, the European Parliament has a second reading of the revised Directive.
20 November 1996	The College concludes that it should adopt its own final position prior to the beginning of the conciliation procedure.
16 December 1996	The Council agreed it shared the concerns of the Parliament and to that end, invited the Committee of Permanent Representatives to identify compromise solutions to allow official Conciliation to begin.
December 1996	The Dutch Presidency of the Union started technical work to include an analysis of issues raised by the selling of exclusive sports rights. The objective being to provide the Commission with a concrete position to take forward to the Conciliation process.
19 March 1997	The Committee on Culture holds a hearing on sport on television, concerning the issue of free access to major sports events.
June 1997	Amendments were agreed and the revised Directive was finalised.

Table 5.4 The revision of the *Television without Frontiers Directive*, adapted EC, 1997a

The meeting on the 19th March is of interest, as a prominent commercial operator appears not to have participated in the talks. Whilst it is, perhaps, unlikely that all interest groups would have been invited to attend, the KirchGruppe (Germany) is a key private broadcaster and would, perhaps, have been expected to be asked to contribute.

We absolutely welcome that the European Parliament has now given to the concerned parties the opportunity to express their views on the amendment which has been put forward only during the second reading of the television without frontiers directive.

Unfortunately, one of the most concerned companies, the KirchGruppe, was not given any possibility to contribute to this fact finding exercise. This is even more regrettable, as during the discussion the necessity of regulation was justified with reference to the "contract of Mr. Kirch".

(Letter to the Committee on Culture from the KirchGruppe, March 1997)

The absence of the company raises questions over how that hearing was conducted (eg. the selection of industrial speakers). However, the company did have an opportunity to present its case, through Dr. Kahn at the Sports Intergroup. Dr. Kahn participated in a debate alongside a representative of the EBU in October 1996. As an informal group, the Intergroup, however, was perhaps the least powerful medium through which the commercial operator could express its opinions. The Intergroup proved a valuable forum for discussion at the time of the Bosman case but that was an instance where the Parliament was not conducting a formal review of policy. Under the demands of the revision of the broadcasting Directive, the Committee on Culture clearly had a remit for discussions with industry-based interest groups.

(a) The Role of European Institutions in Regulating the Market

It was argued in the introduction, that the question of the sale of sports rights was representative of the concerns raised in the broader debate on the *overall* revisions to the Directive. The political federations within the European Parliament were divided on the extent to which European legislation should intervene. During an early Parliamentary debate in May 1996 the following views were voiced:

... we talk an awful lot about citizen's Europe, and here we have a real opportunity for the Commission to turn that citizen's Europe into a reality.

(Simon Murphy, PES)

... there is no such thing as free sports broadcasting ... Monopolies are bad. There is a sensible compromise here along the lines of that proposed in the UK, namely to identify key sports of universal significance, of a European-wide importance ... outside those events we should welcome free competition.

(Roy Perry, EPP)

Europe's sports fans are the real losers in the on-going deregulation of broadcasting ... It seems to me that we are setting up a two-tier system for the haves and have-nots ... sport is our common European heritage and should be enjoyed by all, not just by the select few who can afford to pay.

(Jim Fitzsimmons, UPE, in European Parliament, 1996a:27-28)

The Parliament's role during the revision of the Directive was to look at the level of regulation required to maintain the broadcasting market in the best interests of public sector broadcasting and commercial operators. The issue regarding sports rights was

whether to maintain or tighten current regulations on exclusivity for major events. The EU is based on free trade but the goal of social legitimacy in recent years has focused the attention of the Commission (through DGX) and Parliament (through the Committee on Culture) on ways of fostering citizenship. The two aims, however, are not necessarily compatible. Questions have to be asked on the extent to which the institutions can tackle citizenship through a medium that is global in scope and transnational in ownership.

There is only a limited role for the lawmakers. I'm obviously concerned about things like universal access and changing policy. Making sure that everybody can get to see these events. But at the end of the day, if you look at what's happened in the United States, it is almost purely commercial activity. The lawmakers don't really get involved ... I would again like to stress that is a personal view.

(interview with Murphy, PES)

I would like to think that there is a role for us to influence the direction [of policy] because we are not actually making, or creating legislation which come to us from the Commission ... We are also trying to get a collective point of view put forward, which is difficult, [its hard] to bind the governments of the fifteen different countries.

(interview with Evans, PES)

There is also the issue of self-regulation to be considered. The global nature of the broadcasting market may suggest a limitation to the impact of political interventions.

There is a potential role for the Commission and for the European Parliament but do you think that self-regulation would be better rather than further politicising the debate?

Yes. I think that there is a good chance that the broadcasting system as such is in for a period of stability, however, I also think that the challenge of convergence over the next few years means that once you get the telecommunication giants aspiring to become broadcasters the whole question of who does what will vary and take on a different form. To some extent this is anarchic liberalisation not market liberalisation.

(interview with Phillip Whitehead, PES)

(b) The Decision Making Process, Politics and the Committee on Culture

The European Parliament operates through Proportional Representation. This ensures the Committees are a political cross-section. Consequently, "it does operate by consensus and compromise which is fudge and budge, if you like" (interview with Perry, EPP). The emphasis on co-operation means it is rare to find straightforward political divisions. The TVWF Directive, however, did demonstrate how the decision making by the Committee on Culture could become influenced by political factors. The importance of the interplay of politics and policy-making procedures is outlined below. Roy Perry (EPP) and Robert Evans (PES) are quoted at length on how they perceived the debate from within the Committee.

The Rapporteurs on this occasion, Galeote and Hoppenstedt, were EPP. The EPP was determined [to get it] [...] we had two Commissioners come. Bangemann, who was the trade Commissioner, and Commissioner Oreja ... and also at that time the Presidency of the Council of Ministers was held by the French, so we had the President in office of the Culture Ministers ... Bangemann came along, 'we've got to have free trade' ... Tubon came in and said 'our whole European culture is under threat' ... the next day at the hearing we had Mr. Oreja the culture Commissioner, and he said 'its very difficult. On the one hand you've got to encourage enterprise, on the other we got to take precautions'. So Oreja was very much, sitting on the fence, so it was a wonderful example of Bangemann very forceful, Tubon very forceful, Oreja, 'God, where do we go from here?'

The Culture Committee that considered all these hearings, was quite determined to go down the Tubon line. The members of the Committee from the right-wing parties, the Christian Democrats, tend to be very supportive of culture ... A lot of French people sit on the Committee, so that Committee whilst it is a political cross-section of the Parliament in terms of its attitude towards how significant culture it is very definitely not a cross-section ...

Its the job of these Committees to represent different interests but how do you reconcile these differences?

There are these meetings, one gets bombarded by a lot of correspondence, lots of people ask to come to see us and there is a television broadcasters association, the EBU, lobbyists, organisations, individual letters that are sent in, writers, actors groups, broadcasting group in general. They obviously go around picking up who is going to be influential people who they can be persuaded. One of the critical things here was, in a sense I think its a political element of our own position ... the British Conservative Group is very small, there are only 18 of us ... so you could say that we have minimum influence. This one is an extremely good example, of how our 18 votes were significant, because certainly the two Rapporteurs: Galeote and Hoppenstedt. Hoppenstedt, were quite determined to not to have too much regulation ...

Within the EPP group in the Culture Committee there were certain people: Nicole Fontaine, the Vice-President of the European Parliament, a member of the group, very pro-culture, Nana Mouskouri, she was, equally, taking a very strong line down the Tubon route, Doris Pack, who is the leader of the Christian Democrats, on that Committee, equally took a strong line pro-Tubon. Mary Banotti the EPP Vice-President, again was pursuing that line, so there was a strong thrust inside the EPP, against them were Galeote and Hoppenstedt. I was able to add my bit ... if I hadn't been making these points then the balance within the EPP might have been quite different. So, you've got a situation where the Culture Committee itself, overwhelmingly, was going to support the Tubon line. Quotas, restrictions, you name it. The EPP group was much more finely divided inside the Committee, once you got outside the Committee, then the strengths of the Germans, they were able to sit on Doris Pack [...] you've got to be more free trade, the Conservatives inside the EPP were again able to say free trade really is the way to create more jobs. It really is a fundamental divide ...

interview with Roy Perry, EPP

The European Parliament... did split between those in favour of just letting business get on with it, and the survival of the fittest, and those who felt that the European film industry and the European television industry needed some support ... I think the Parliament did split and it was acrimonious, from the Committee point of view the two Rapporteurs for the report, Galeote and Hoppenstedt, after the amendments in committee, they didn't want to know it. They didn't want to know their own report because they thought it had been amended out of shape, or out of the direction that they wanted.

How did you view it as a Committee?

The Socialists are the largest group in the Parliament but the EPP and the ELDR ... if you put those two together they would be larger than the Socialists ... However, if the report had originally been written by somebody else, by a Socialist, or by a Green, or someone else from the left, it would have been a very different report in the end, because anybody writing a report puts his or her direction on it. It's the whole idea of it, to put your views in it, to try and sell your views to the Committee. Then people come in with amendments, which if you don't accept them, fair enough, but then the report that comes through can be amended heavily, from being your report.

How were Galeote and Hoppenstedt about the report afterwards?

They weren't happy with the amendments that were made in the Committee. They wouldn't then have been happy with the way it came from Parliament because most of the stuff got carried on then.

interview with Robert Evans, PES

The MEPs appear to share the view that the debate was politically divisive. The importance of party loyalty and the voting power of the federations is demonstrated. The nature of the revisions reflected the tension between the objectives of the European People's Party and the Socialist Group. An ability to propose amendments and, or impose other pressures on key actors was significant to the final stages of a negotiated Parliamentary position.

5.6 REVISITING THE BROADCASTING BILL (UK): A PARALLEL CASE

The revisions of the *Television without Frontiers Directive* came at a time when the UK government was also addressing the question of how best to respond to the changing nature of broadcasting. The growing market for Sky Sports and the concern about the anticipated future level of free-to-air sports programming within the UK prompted a high-profile campaign to be mounted in defence of the cultural significance of national events. Parallels can be drawn between the revision of the Broadcasting Bill and the European Directive. The Broadcasting Bill reviewed the same economic and cultural considerations, was subject to lobbying from commercial and sporting groups against intervention and was subject to amendments from advocates of listings, especially within the House of Lords. The exchange of views reflected those between the actors operating at the European level.

I have a profound belief in the social purpose of sport ... Those precepts are being increasingly undermined by the total domination within sport of financial considerations above all others.

(Lord Howell, cited in House of Lords, 1996a)

The Government accepts the strength of public and Parliamentary concern on this issue and that there is a case for additional protection for listed events ... The Government has also consulted on a separate proposal that broadcasting rights to any sporting event of national or local interest should be 'unbundled' ... The Government is not persuaded of the case for such a control. It could have damaging financial consequences for sport ... The Government understands that the ITV Association thinks it preferable that the market should take its course within existing competition rules ...

(Lord Inglewood, House of Lords Debate, 6th February)

(House of Lords, 1996a)

The theme running through both debates is the conflict of interest between sports coverage as a public good and as events as commercial product. Central to the British debate was the listing of eight events deemed to be the 'crown jewels' of the UK sporting year. For example, the FA Cup Final, the Scottish Cup and the Finals of The Championships at Wimbledon. The 1990 Broadcasting Bill contained a loophole that prevented the 'eight' from being shown on pay-per-view but did not require the events to be shown on terrestrial channels. The move to close the loophole received support from both Chambers and across the political spectrum (Thomson, 1996). Government measures that would allow BSkyB to gain exclusive rights to the 8 events received the largest government defeat in the Lords since the poll tax Bill in 1988 (Rentoul and Horsman, 1996).

The relevance of the debate for the discussions taking place at the European level was the extent to which national regulations would be better than European legislation. The importance of balancing vertical subsidiarity with effective transnational co-operation is a feature of broadcasting policy. "The role of Europe is just to set the framework and for other national parliaments to be involved in the detail" (interview with Murphy, PES, 1996). It is perhaps inevitable that part of the tension in the development of broadcasting across Europe come from the fact there is no clear division of responsibility between European and national institutions. The setting of a European framework gives shape to national action but listing and secondary conditions placed on broadcasters are the domain of national governments. This has led to different approaches to policy.

Have you noticed whether between countries there have been any political significance to the list ...

I think the problem with the national list is that they are going to vary according to the political situation in a country at anyone moment, so you could have really paradoxical situations where a right-wing government, like there is in Spain, suddenly find themselves arguing for a long list simply because it thinks that its political competitors are behind a new market entry, which it might be able to make their way by locking out subscription sport. And that's certainly what the new Spanish government believe. I think the local priorities will always vary

greatly ... but as long as you are able to show that ... in the country of maximum interest the thing is freely available you have the dead drop on Murdoch, even if the same event is encrypted in other countries that aren't so concerned.

What I am against is locking out things that, seem to me, to have wide national support ... and If they buy up the best parts of the schedule and they use it on an encryption basis, what does that mean for PSB? Inevitably, their role will be more limited, its not to say that the BBC is perfect. I think they are trying to have it every way, they are trying to be a commercial operator, with the left hand, and a PSB with the right. But the general principle is that ... we now have four separate operators in the UK, which are offering free to air broadcasting, who ought to have ... the nature of their operations acknowledged ...

(interview with Whitehead, PES)

The point emphasised by Whitehead's observations is the extent to which listing is politically and nationally specific. Political agendas, support for public sector broadcasting and the growth in commercial interest are, again, seen as determinants in policy debate at the level of the Member State.

5.7 THE RESPONSE OF THE EUROPEAN SPORTS ORGANISATIONS

The policy-making institutions of the European Union and those of the respective Member States have increasingly become involved in what sporting governing bodies would deemed to be one of their domains: the *organisation* of the sale of sports rights (Townley, 1998). The concern for governing bodies is regulation set by government reduces their autonomy. There has always been potential for government to 'interfere' in sporting matters, for example, using sports events as mediums for political messages and using sports participation as a means of achieving other policy objectives (Houlihan, 1991). In this respect, the sports movement is keen to encourage self-regulation, to ensure government is kept at 'arms length' wherever possible.

(a) The Management of Sports Rights: the UK experience

To counter the concerns voiced by MPs during the Broadcasting Bill, the CCPR, in collaboration with its member organisations developed a Voluntary Code of Conduct to ensure the right mix between the generation of maximum revenue (primarily through contracts with specialist channels) and maximum exposure for their given sport (through free-to-air channels). The Code represented an attempt to illustrate that governing bodies acknowledge their responsibility to managed events in a manner which meets their needs but which also addressed the concerns of policy-makers *without* requiring legislation.

The growth in non-terrestrial broadcasting has also sensitised the national governing bodies (NGBs) to the responsibility they have to balance 'commercial advantage' and the 'long term interests of their sport'. In a bid to retain their independence and prevent excessive intervention from the legislators a number of the larger NGBs have agreed a Code of Conduct, after consultation with the Sports Council.

(CCPR, 1996a)

The Code manages the sale of sports rights for 11 governing bodies, including the Football Association, the Lawn Tennis Association and the Royal and Ancient. Its regulations do not stipulate how sports rights are divided between terrestrial and non-terrestrial broadcasters nor do they list events so the onus is on the governing bodies to assess what is in their best interests: optimal financial gain or broadest coverage. Sports bodies, like legislators, acknowledge the social significance of key events and so trade lower revenue for broader coverage in some instance but equally they are keen to see the liberalisation of the sports rights market, in order to recoup revenue losses. Governing bodies argue the sale of sports rights at a fair market price compensates for limited government subsidy and for the past 'duopoly' operated by the BBC and ITV.

Increased competition has reduced the extent to which the value of rights can be artificially suppressed. The economic argument in favour of governing bodies aligning themselves with the specialist commercial channels is compelling. In 1994 the Cricket Board signed a contract with Sky Sports trebled its revenue to £60m over four years. Coverage also doubled from 300 to 600 hours per annum. In the same year the RFU signed a contract with Sky Sports worth £5.8m which was to help support clubs and increase exposure of first class club matches. Also, on the advent of the Super League the RFLU, secured £87m over a five year contract with Sky Sports. The BBC had been paying £500,000 per annum, a figure deemed insufficient to implement programmes for the sport's development (CCPR, 1996b). The financial gains achieved by competition between broadcasters is seen by national governing bodies as compensation for not only a past duopoly operated by ITV and the BBC but also for limited government investment (Goodbody, 1996). The conflict of interest between maximising exposure and generating income is emphasised by the approach to the issue by the British Olympic Association (BOA) and the CCPR (representing the NGBs).

Do you support proposals like those of the CCPR, saying that individual sports have the right to sell rights for sports events as they see fit, voluntary restrictions?

I think there should be a list of national events that are part of our heritage, like the Derby, Wimbledon and these things should be free to watch on television.

[European level] ... Is the BOA or EOC involved in that debate ... the EP have been very active in trying to get recognition that events are culturally significant and shouldn't just be seen as revenue.

Yes, there is clearly a dilemma here and the dilemma is about the sports themselves wanting the best deal.

(interview with Chairman of BOA, July 1997)

We knew what was going on with the Broadcasting Bill and the endeavours to try and list more sports, review the list of sports events and recognise that why have a listing when we could have a self-regulation and a voluntary code ... much better to have a self-regulatory and voluntary code.

... it was largely speaking, the governing bodies and the governing bodies of televised events and those of governing bodies with staff with expertise in television negotiations that came together and formed the Steering Committee and that was very powerful.

(interview with Head of Technical Services, CCPR, December 1997)

As the independent 'umbrella' organisation of UK governing bodies, the CCPR has been particularly outspoken about the intervention of government in what was perceived as an area suited to autonomous decision making. The CCPR representative to the Sports Intergroup is quoted at length on the decision by the government to list major UK events.

I don't like government regulation, I don't find it very helpful to sport. I think it is better regulated by itself rather than having government trying to regulate it ... broadcasting is another issue where there is a potential of government legislating.

... can you see the point of view that there are concerns about the distribution [of money] and free to air access ...

I see their point of view [but] ... I believe that sports governing bodies should be considered with the wider mass and have a social conscience of what it is trying to achieve but the governing body is best to determine how it wants to negotiate its own deals, whether with sponsors or with government or whether its with the public authorities ... Its best for them to determine how to achieve that and in terms of tv rights, it can determine if it wants to stay on terrestrial, if it wants to stay on satellite, if it wants to have a mix. I think it is quite right and proper that they should determine that. The fact that we have more sport on television, whether it is full rights, highlight rights or delayed rights or news access is a significant victory for sport and the governing bodies through the voluntary code ...

... sport has been so vastly under-resourced in this country ... so no wonder the governing bodies are so bad and not well prepared for the millennium because they haven't had the appropriate resources nor the encouragement to shape up to the problems of how to gather themselves properly. Now, don't decry them on the one hand or tie their hands behind their back for not being business oriented on the other hand and to make decisions in the best interests of the sport ... You tell me any other business that government tries to regulate in the same way, that it tries to tie its hands behind its back?

interview with Head of Technical Services, CCPR, December 1997

5.8 THE TELEVISION WITHOUT FRONTIERS DIRECTIVE, 1997

On the 5 February 1997 the Commission announced its intentions regarding the revisions of the TVWF Directive. Under the Co-decisions Procedure (see Appendix One) the measures agreed by the Commission and the Parliament endeavoured to recognise three principles: "the right of ownership, the right to information and the role of competition" (Europe, 1997). The difficulties of reconciling three areas of policy within a Directive are not to be taken lightly. The decision-making procedures, under Co-decision, allows extensive modification of recommendations by groups within the Parliament. For example, the Committee on Culture was able

to table amendments on the second reading which would allow Member State governments to undertake stronger action to prohibit major events from being exclusively shown on non-terrestrial channels. The action would preserve the viewing public's 'right to information' (European Parliament, 1996b). However, the position of the Parliament would have also been influenced by the opinions of the Liberals on the Committee, who advocated the advantages of market liberalisation. After negotiations lasting more than 12 months the common position achieved incorporated the following measures:

- 'Measures to ensure that exclusive rights were not exercised by broadcasters in ways that would deprive a sizeable proportion of that Member State's public of the possibility of following such events live on television' (EC, 1997b:1);
- 'Each Member State will draw up a list of events of national and international importance, which will have to be available to the public on free-to-air television' (EC, 1997c:2);
- Events of 'major importance for society' should meet certain criterion ie. be outstanding events which, while they may take place at regular intervals (such as a Cup Final) do not take place with a high degree of frequency. They should be of general public interest (ie. for large parts of society) in the Union (eg. Olympic Games) or in a given Member State (eg. Tour de France) or in an component of a given Member State (eg. Scottish Cup Final) (op cit:3).
- The sale of exclusive sports rights was not at the heart of the decisions made, it was more an emphasis on the exercising of exclusive rights.

The phrase '*where practicable*' within the Directive has been criticised by those keen to defend Europe's audio-visual industries because it allows broadcasters to regulate their own commitment to original European productions. The regulations regarding the exploitation of sports rights are more rigorous, in the sense that the Commission allows Member State governments to identify lists of events that *will* be subject to protective legislation (EP, 1997c). The Commission was optimistic about what the revised Directive could achieve in relation to the securing of free to air access to major sporting events:

It would offer guarantees of market stability by ensuring transparency and predictability for the various market players and reduce barriers to new market entrants. It would reconcile the need to avoid re-fragmentation of the European broadcasting market with the public interest considerations inherent to the issue of major events by ensuring the possibility of trans-frontier development of pay-tv as well as of in-the-clear TV. By keeping restrictive measures to the minimum that is absolutely necessary it would avoid putting European companies at a competitive disadvantage in the global rights market.

(EC, 1997c:3)

National and non-national events are to be designated as being of “outstanding interest to the general public” and, therefore, deemed inappropriate events for minority, subscription channels (EP, 1997b). Obviously events identified included the Olympics and the European Football Championships, those events being deemed of mass appeal. In addition, national governments were asked to draw up a list of events of national significance, events which exhibit signs of “specific cultural and social values and [that] have a strong cohesive function in national society” (EC, 1997a:8).

The revised Directive addressed the concerns of the primary stakeholders, however, there were limits to its capacity to please ‘all sides’. The difficulty was to “strike the balance between the need to guarantee public access to broadcasts of major events and the need to respect property rights and the contractual freedom of events organisers, sports clubs and associations” (Tongue, 1997b:6). The balance between exposure and revenue would appear to be struck because the regulations, in effect, only effect 1% of all televised sport. However, a qualification to this would be the potential for listing to be politicised. With reference to the interview with Phillip Whitehead (see Section 5.6), the Commission also acknowledged the political sensitivity of listings. The Directive could not safeguard against independent action of Member States to reduce the significance of the list and increase the potential for commercial dominance in sports broadcasting.

A Community list which does not differentiate between events that are of major importance throughout the Community and those that are of major importance in individual Member States would either be too short to take account of national particularity in the field of major events or would have to be excessively long, in order precisely, to take account of such particularities. It is precisely because the list of events will vary in accordance with national traditions, not capable of being fully harmonised that an exhaustive Community list is not a feasible option.

(EC, 1997a:9)

The quote raises two points: firstly, lists are the responsibility of individual governments to organise and secondly, there is a difficulty in addressing the issues of universality and particularism within the European project. It is an area of tension related to globalisation that has been brought out in the European context and not resolved.

(a) A Consumer Culture or an Aspect of Citizenship?

The Directive has come to symbolise the tension between public sector broadcasters and commercial channels. The growth in the latter (characterised by the falling share of the viewing figures of the public sector broadcasters, down from 82% in

1984 to 46% in 1994) calls into question the continued public subsidy of national stations (through, amongst other means, the license fee). The Free Trade Commissioner and members of the European People's Party and European Liberals Democrats and Radicals believe public sector broadcasting should be encouraged to compete with the private channels and find a new position within the broadcasting market (EP News, 1996). The Socialist Group, however, sought to highlight the importance of public sector broadcasting in taking forward the idea of a social Europe and European citizenship. Sports rights were deemed to symbolise the rift between a project dominated by free trade and consumer freedom and a project seeking social legitimacy, in order to justify increasing economic and political interdependency.

The issue of sports rights is more than an ordinary trade issue ... We do not discuss the public right to participate in society in terms of consumption; we speak instead in terms of citizenship ... In economic terms we must regard major sporting events as merit goods. In an increasingly atomistic society they bring us together as communities and are vital elements of a functional community life.

(Tongue, 1997b:2)

Its a very interesting example of where the political divide is coming down. Occasionally, I think every politician has to examine their conscience and see where we stand, ... and I consider myself to be a moderate, but I come down on the side of the consumer. I do worry [about] someone at Whitehall, or Brussels, telling us what's good for you ...

(interview with Roy Perry, EPP)

I have never believed the EU should just be about big business, making money and the free movement of capital, its got to be about people, involving people, allowing people freedom to move and if its going to be successful its got to involve the people on the street. The "ordinary" men and women who feel isolated, now they wouldn't necessarily know they were benefiting from a European decision but if something like this was developing what they could see on television, were to come jointly from the Commission and the Parliament, working together, then I think that would be a good idea ... But I accept that on the left and the centre left, we look at things differently from a different point of view from the right and the capitalist side. The European Union was set up originally as a Common Market, just that a capital market for goods to move around. We have got to move away from that, more towards a social Europe.

(interview with Robert Evans, PES)

5.9 EUROPEAN BROADCASTING: A POLICY NETWORK?

The question of broadcasting rights for sports events, like the question of the future of broadcasting more generally across the Union, has only been temporarily resolved as the result of the revision of the Television without Frontiers Directive. The importance of having the Directive in the first places seemed to be reinforced during the revision. In the last few years there has been a significant growth in the commercial sector, specifically in specialist, non-terrestrial channels and an

awareness by national governments that the place of public sector broadcasting may have to be re-evaluated to reflect the changing nature of the industry. In addition, there has been an acknowledgement that technological advancements have meant policy makers have been forced to address the impact of a range of new developments on policy over a relatively short period of time (eg. the v-chip and digital broadcasting). With these factors setting the scene for the revision, the question to be looked at is perhaps: to what extent were the key actors (particularly those within the European Parliament) able to shape the revision of the Directive? In answering the question it is important to reflect on the nature of the procedures involved and how these influence the role adopted by the relevant agencies.

When it (TVWF) was originally passed in 1989 the Directive contained a clause for revision within five years. The Commission's proposal has been so controversial that, it has taken over a year to be passed between the European Parliament and the Council of Ministers. The European Parliament has been particularly keen to bring about radical alterations to the Directive; however, ministers, sensing a no-compromise division between the Member States, have agreed to make minimal changes.

(Croner's Europe, 1996:1-530)

When the Broadcasting Bill was being debated in the House of Lords, Lord Inglewood declared "We [the government] have addressed the issue of broadcast sports rights in a practical and flexible way, ensuring a fair balance between all interested parties" (House of Lords, 1996a). By this he implied the Bill had been drawn up through consultation with relevant groups and resulted in a compromise between the needs of these groups. The revised TVWF Directive too has taken note of the opinions and activities of 'interested parties'. The re-negotiations of both policies illustrate the function of policy networks. The stabilising influence of a broadcasting policy community, with a defined membership, was in evidence, in the sense that the Directive was subject to the conventions on the conducting of policy reviews:

- The Commission as initiator of the review (under Commissioner Oreja);
- The Committees of the European Parliament as the democratically accountable bodies responsible for voicing both concern and support for the policy options and for amending decisions made by the Commission through the Co-decision procedure (based upon the reports of Galeote, Hoppenstedt and Tongue); and
- The Council of Culture Ministers as the body responsible for concluding discussions and verifying policies.

However, the debates were not confined to the institutions of the European Union. The economic and cultural importance of broadcasting meant an array of groups

outside of those institutions formally included in the process were motivated to actively lobby the policy makers.

- The EBU and the Association of Commercial Television both addressed the Sports Intergroup (24th October 1996);
- Members of the Committee on Culture drew on the knowledge of outside agents when outlining arguments eg. Carole Tongue's use of Richard Collin's work conducted at the London School of Economics and speeches made by Rupert Murdoch (to illustrate his business intentions).
- The challenging of Commission Decisions by commercial operators, particularly the concessions achieved by BSkyB on Articles 85(3) and 86;
- The active promotion of the Voluntary Code of Conduct by the CCPR at the Sports Intergroup and through direct mailing to MEPs; and
- The ability of BSkyB to address the issue of sports rights through the media, primarily through *The Times* newspaper (also owned by News Corporation);

The evidence presented suggests areas of overlap between political, cultural and economic concerns. This demonstrates the changing nature of relations between the components of the Union: the member governments, the European institutions, European business and the citizens. In an era where the Maastricht Treaty sought to emphasise the importance of a 'union' within which the Single Market and a social Europe could grow, the broadcasting Directive looked at the ability of European regulations to stem commercialism. Broadcasting policy has to be functional, responding to the needs of the industry but also, in this instance, it has a symbolic purpose. This fact did not change the character of the network that was assembled to look at the Directive but it did influence the nature of the discussions and the resources that would be valued by network members. Wilks and Wright (1987) described a policy network as a group of actors drawn from different communities, based on the relevance of the policy matter to those actors' interests. The broadcasting Directive attracted the interest of public sector broadcasters, commercial operators, governing bodies of sport and rights holders. All are clearly affected by the results of the revisions. However, the dominant thrust of the parliamentary discussions was in favour of the retention of public sector broadcasting in the fullest form possible. The resources and relations of most significance, in this instance, were:

- The decision of the European Parliament to adopt the *Tongue Report*, which supported the future of public sector broadcasting. It included a clause which defended the right of public broadcasters to show sports events of major international and national status;
- The Report was adopted during the revision of the Directive and, therefore, was further demonstration of the bias towards the position held by the Socialist Group (the largest Group in the Parliament);

- Despite the European People's Party holding the Rapporteurship, the pro-interventionist lobby within the Committee on Culture and across the Parliament, was able to table amendments which favoured action to directly support the European public sector broadcasters, a course not supported by the pro-competition lobby;
- The interview data also suggest that overall the Parliament was more sympathetic to the calls for protection. Therefore, commercial, non-terrestrial operators had few political 'allies': for example, the Socialist Media Rapporteur, Carole Tongue, issued a series of press releases which supported public sector broadcasting and showed BSkyB, in particular, in a negative light (Tongue, 1996b, 1997c,d).

Chapter Eight will outline further the links to be drawn between resources and groups involved in the network but at this juncture it is sufficient to comment on the ability of the pro-interventionist lobby to capitalise on the resources deemed most appropriate in this policy debate, as outlined above. Figure 5.1 below graphically illustrates the key areas of dependency between the policy stakeholders.

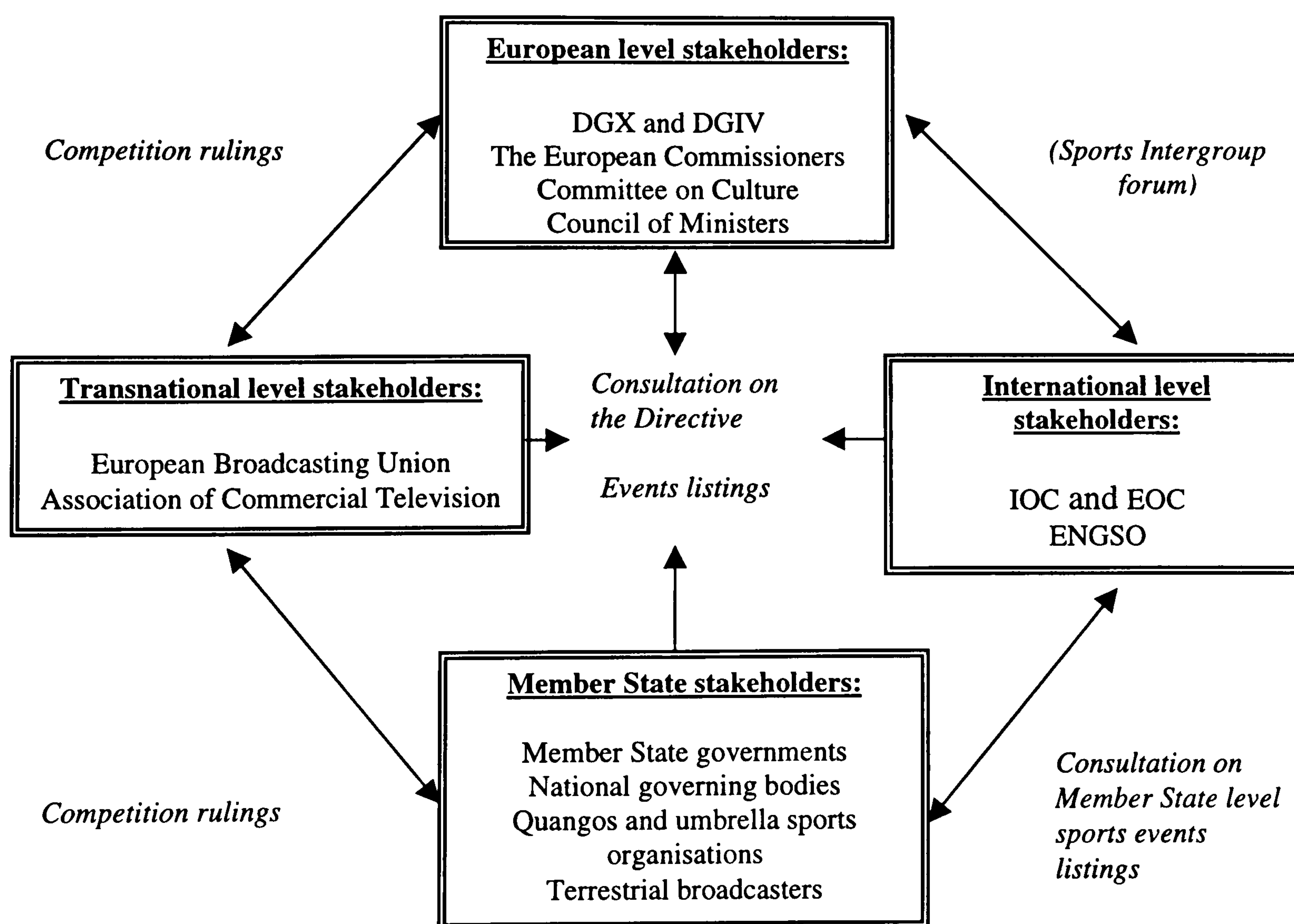


Figure 5.1 Representation of the dependencies between broadcasting policy stakeholders
Italics – nature of inter-dependencies between policy actors

CHAPTER SIX

SPORT, LEISURE AND EUROPEAN UNION REGIONAL POLICY

6.1 INTRODUCTION: Structure and Aims of the Chapter

This chapter undertakes an examination of the use of European Structural Fund money, for leisure-based projects, in the UK. The chapter reflects on the place of the region in the EU, and how the significance of the region has changed in relation to the growth in Europeanisation and globalisation. The maturation of an EU-level regional policy is subsequently discussed. What becomes clear is that regional policy has been shaped by the temporal and spatial development of the European project, as a whole. Regional policy has had to respond to the dynamics associated with the widening and deepening of the European Union. Many of the issues raised by an enlarged union (comparative advantage, the economic marginality of peripheral regions and workforce re-skilling) have required co-operation and collaboration at the supranational and transnational levels.

The chapter goes on to draw attention to the role regional policy plays in the Member States. The UK has been a clear beneficiary of the Structural Funds and the reasons for that investment are outlined. Sections 6.6 and 6.7 focus on the empirical work. The study was able to identify examples of investment in leisure-related infrastructure and vocational training for a number of EU Objectives areas - 1, 2, 3, 4 and 5b - and in a number of regions. The role of the actors and agencies involved in these bids are examined. The chapter concludes by assessing how this area of policy has been Europeanised. The changing relations between regional, national and supranational authority, brought about through changes in competences and control of resources, are examined and the tensions between these authorities are highlighted. It is clear that the centrality of the admission process limits the potential for direct links between local bidders and Commission officials. However, devolution in Scotland and Wales and the proposed introduction of further regional powers in England are mechanisms through which regional empowerment and network disaggregation to the local level may be developed. This may impact on the level, and management of, regional investment in leisure-related programmes.

6.2 THE PLACE OF THE REGION IN THE EU

Three inter-related sets of factors appear to be behind the present trend towards regional level policy initiatives: firstly, the mutually opposing tendencies of globalisation, including the creation of 'universalisms' and 'particularisms', refer to

the assertion of regional identities (Robertson, 1992); secondly, the ‘hollowing out of the state’ which has led to moves to re-organise the responsibilities and structure of local government (Rhodes, 1990); and finally, awareness of those in the institutions of the EU of the economic disparities between European regions (Armstrong and de Kervenoael, 1997). In addition, with growing sensitivity to the notion of a ‘global village’, it is easy to overlook evidence that regions are bringing their own ‘particularism’ to the dynamics of European integration (Sklair, 1991). As Münch writes: “The development of a European society is hastened by this dialectic of unity and difference” (1996:400). Convergence of aspects of economic and political identities has been accompanied by assertions of Europe’s diversity (Wulf-Mathies, 1996). An important aspect of this development is the growth in significance of the third tier of government, the ‘Europeanisation’ of regional interests (Grahl, 1996).

The development of the Structural Funds must be considered in the context of the expanding scope of European Community policy making and constitution building, and the changing dynamics of the relationship between the European institutions and the Member States. The trend towards regionalism complements other trends such as globalisation, [and] cultural homogenisation ...

(Michie and Fitzgerald, 1997:14)

The traits of Europeanisation have been discussed: the delegation of responsibilities to sub-national institutions, direct liaison between sub-national and supranational institutions and the increasing role regional actors are playing in decision making in the EU. The participation of the Länder in the Federal government’s negotiation of the Maastricht Treaty has, for example, heightened awareness of the influence sub-national groupings could have on European issues (van Kersbergen and Verbeek, 1994).

New groups of interests at the sub-national level have been involved or have potentially been given a chance to play a new role ... hitherto unquestioned institutional frameworks for policy making have been scrutinised.

(Heinelt, H. and Smith, R. 1996:1)

6.3 CURRENT EU REGIONAL POLICY

The management of the Structural Funds (SFs), is through the operating principles agreed in 1989. The Commission works through four principles: concentration (targeting), multi-annual programming, additionality and partnership. The most fundamental principle is concentration. The Commission (at the time of writing) focused on six Objectives to ensure the efficient use of the money (see Table 6.1). The programmes also encouraged partnership between tiers of government and the different sectors.

The preparation and implementation of development programmes often involves a more decentralised and collective approach to regional policy than has been practised by national governments hitherto. There is expected to be 'horizontal' interaction between many regional and local authorities, social partners such as trade unions and business and voluntary and environmental groups as well as engagement with 'vertical' partners in national government departments and sections of the European Commission.

(Turok and Bachtler, 1997:5)

The Objective areas are favoured over unconnected projects, the latter having been the original format in 1975. The reforms of the ERDF in 1989 also meant giving funding programmes a temporal structure: Phase 1, 1989-93 and Phase 2, 1994-9. The final characteristic is additionality. Community funding is not intended to replace member governments' aid. Each state must

maintain, in the whole of the territory concerned, its public structural or comparable expenditure at least at the same level as in previous programming period.

(Co-ordination Regulation, Article 9, cited EC, 1996c:20)

(a) The Structure of the Regional Programmes

Funding for regional policy is administered through 5 Structural Funds: the European Regional Development Fund (ERDF), the European Social Fund (ESF), the European Agricultural Guarantee and Guidance Fund (EAGGF), Community Initiatives and Innovative Measures. The 6 target areas these funds support are:

Objective	Priority Areas
Objective 1	Lagging regions ⁽¹⁾
Objective 2	Regions affected by industrial decline ⁽²⁾
Objective 3	Long term unemployed, youth unemployment and equal opportunities
Objective 4	Worker adaptation to technological and industrial change
Objective 5a	Reform and modernisation in the fisheries sector and in line with the CAP
Objective 5b	Structural adjustment of rural areas and communities ⁽³⁾
Objective 6	Aid for regions of very low density of population

Table 6.1 The 6 Objectives of the European Commission's regional policy

(1) GDP per capita less than 75% of the Community average in the preceding three years

(2) higher than Community average unemployment

(3) high agrarian employment and low density rural population, or 'significant depopulation trend' (EC, 1996c:14)

Objectives 1, 2 and 5b are financed by the ERDF (and ESF) and Objectives 3, 4 and 5a are financed, predominately, by the ESF. Objective 6 is a specific programme. Objectives areas take up 90% of the funds allocated to regional assistance and Community Initiatives (initiated by the Commission) take up 9% of grants. This programme was initiated to "respond to recurring and specific kinds of developmental problems" (EC, 1997d). In June 1993 a Green Paper was published on the future of the Initiatives and changes were adopted in June 1994 (EC, 1996c). 13 initiatives

were approved, including: RECHAR II: conversion of coal-mining areas; HORIZON: employment opportunities for people with disabilities; URBAN: regeneration of crisis areas in large towns. The final 1% of funding contributes towards a programme of Innovative Measures. It does not operate predetermined priorities, rather it empowers "the Commission to initiate pilot projects, networks for co-operation ... with the aim of generating input for new policies through Community-wide experimentation" (EC, 1997d). The system is beneficial to agencies operating in regions without Objective status and is another source of funding for ESF projects looking at new approaches to vocational training.

The research reviews projects run under the European Regional Development Funds (infrastructural and business development) and the European Social Fund, (occupational integration for long-term and young unemployed).

(b) Programmes and Projects

Regional Objectives are set at the European level, it then falls to national and sub-national tiers of government to agree with the Commission the content of specific programmes. National governments and Government Offices of the Region agree Single Programming Documents (SPDs) for each administrative region. These set out a region's economic profile and suggest policy 'priorities'. Each document is subjected to "independent scrutiny and then negotiated line by line with the Commission prior to revision" (Turok and Bachtler, 1997:6).

Appraisal

All applicants fulfil eligibility criteria set at the level of the SPD and at the level of programme 'priorities'. Framework Regulation Article 6 states: "assistance will be allocated where appraisal shows medium-term economic and social benefits commensurate with the resources deployed" (EC, 1996c:28). Projects must demonstrate the 'gains' to be derived from the investment, primarily through *direct* employment. Once a project is submitted regional and supranational committees assess and score it. Application procedures, however, differ between Member States and regions. The latter is of interest, as the research seeks to identify the agencies involved in the decisions on resource allocation. Regional variation will come down to the structure of organisational relations that develop as a result of how the funding programmes are run.

Monitoring

Every region has a Programme Monitoring Committee (PMC), including officials from the Commission and national and regional institutions. Bi-annual meetings are held

to review implementation procedures. The procedures are designed to ascertain whether set outputs have been achieved and where discrepancies (if any) have occurred. The PMC is significant, in that, it is an example of a growing trend towards joint evaluation. These vertical partnerships, however, have been described as being 'at once paradoxical, challenging and innovative':

Paradoxical, because while partnership is the main force driving the development of evaluation, it also tends to hinder quality;
challenging, because the evaluative process has to be conducted in co-operation, without either neglecting differences in initial expectations or denying divergence in final judgements;
innovative, because methods have to be invented which are suited to the new situation created by the redistribution of public authority.

(Monnier, 1996:1)

The move within European policy making demonstrates the changing nature of relations between public authorities in the EU. A re-distribution of competences between the tiers of governance has given rise to a "more institutionalised and apparently influential supranational level" and greater local autonomy, which may "induce a reverse hierarchy of public authorities in line with the subsidiarity principle" (op cit:1). A tension-balance of interests, however, appears because of the absence of social partners (community groups and trade unions). The membership structure ensures vertical integration of the governmental institutions but fails to broaden the policy community.

6.4 INCREMENTALISM: REGIONAL POLICY DEVELOPMENT

EU programmes are frequently reviewed and the present structure is not the original format. Policy development is gradual and reflects the state of the Union.

Given the link between the nature of institutions and public policy, studies of policy output must be sensitive to the issue of institutional change. This is particularly true in the context of the EU, where institutional development is an almost continual process.

(Hurrell and Manon, 1996:388)

The Original Concept

The Treaty of Rome set out the need to reduce regional inequalities between Member States but it was at the Paris Summit of 1974 that the policy was formalised. This complemented the re-structuring of the Commission (1968) which led to the creation of DGXVI (regional policy). The budget was set at 5% of the Community's total expenditure and the grants were to be a maximum of 50% of project costs. This meant ERDF programmes acknowledged the importance of cohesion but were not an attempt to take responsibility away from Member States. The 5% budget was distributed on a national quota system. This led to a pattern of getting out what the

Member State had put in, though there were beneficiaries: Ireland, Italy, France and the UK (Halpin, 1996). A weakness, however, was the definition of a 'region' was not standardised. Governments decided the "physical, economic or socio-political characteristics of the recipient units" (Archer & Butler, 1992:95). The German Länder are autonomous from the federal government with regard to aspects of regional policy, in contrast, UK regions are based on national economic planning characteristics and are administrative offices (Jeffrey, 1996, Biedenkopf, 1995).

The First Reforms: 1979 and 1984

Reform came in 1979 when 5% of the ERDF monies was earmarked as 'non-quota'. A package of reforms came in 1984. The new regulations had three impacts: the end of the quota system and the introduction of minimum and maximum band widths of aid; the laying down of criteria through which Member States could maximise their fund allocations; and the 5% non-quota allocation was increased to 20%. Strategic planning became favoured over one-off projects and so Community Initiatives and national Programmes were created. A number of issues, during this period heighten sensitivity to regional disparities: the need for economic stability during the recession of 1979-81 and Community enlargement. The accession of Greece in 1981 and Spain and Portugal in 1984, tested the feasibility of an enlarged Community for the first time since the UK and Ireland joined in 1973. Their membership meant the inclusion of regions with a GDP substantially below the Community average. It compounded the difficulties of reconciling the differences between regions in the economic core and those on the periphery (Armstrong and de Kervenoael, 1997).

Further Reform: the Single European Act and the Maastricht Treaty

The Single European Act added to the EEC Treaty a clearer reference to the goal of regional equality. It established Cohesion as a key Community policy, based on concerns the European institutions had for the effect the internal market would have on peripheral regions (EC, 1996c). In addition, Title V proposed a comprehensive overhaul of the ERDF, this came in 1987. At the Brussels Summit (1988) it was agreed, in principle, there should be an increase to the Structural Fund budget, so it totalled 25% of the total EC budget by 1993. This represented a sizeable increase in funds being channelled into Cohesion policies.

In view of the long-term objective of Economic and Monetary Union (EMU), central to which is the introduction of a common currency, a degree of economic convergence is required by the Member States (EC, 1996c). The decision led to further increases to the Structural Fund budget, (25,000M ECU per annum) to off-set the "feared disintegrative effects of EMU" (Halpin, 1996:1). The criteria for EMU

were set during the negotiation of the Maastricht Treaty and these led to changes to the economic policies pursued by governments. For those on the periphery of the Union it presented a dilemma:

... on the one hand they must invest heavily to reduce the development gap and increase their capacity for growth and prosperity ... on the other hand participating Member States are required to reduce their budget deficits and keep public debt under control in order to join the EMU.

(EC, 1997d:4)

The Treaty also introduced the Committee of the Regions. Although it lacked political weight it exemplified the continuing desire of the Union to introduce greater usage of the sub-national tier of government. There were also reforms to broaden the scope of aid to include training and education, facilitating investment in an increased number of revenue projects.

Current Issues

A fundamental issue is the extent to which the investment made by the EU represented a financial commitment to match its policies.

... the effects of inflation on real spending, combined to dilute the efficiency expected of the often-reformed ERDF. (The Commission acknowledge that only one-fifth of the ERDF increases represent additional real resources: Commission of the EC, 1991).

(Archer & Butler, 1992:101)

The Commission's Fourth Report on the Regions published in 1991 showed 35 regions had a GDP level 25% below the EC average. This emphasises how difficult regional disparities are to overcome. In 1990, the 25 worst off regions had unemployment figures, on average, of 17.8%, compared to 3.1% in the 25 best off regions (Halpin, 1996). There is also concern European assistance has deterred investment by governments. It could be interpreted that the Structural Funds work *against* additionality: "national expenditure on such policies has declined steadily during the 1980s, hence the issue of 'additionality' has been highly visible" (Archer and Butler, 1992:102).

A final consideration is further reform to the system of regional assistance. The current structure has been deemed inefficient, in relation to the resources deployed (Halpin, 1996). In April 1997 Commissioner Flynn called for the further streamlining of aid: "less bureaucracy and more focus" (EC, 1997e:2). The suggestion is the six Objective areas should be simplified to two: firstly, to represent a geographical angle (lower GDP regions) and secondly a human resource development function. Implementation procedures may also be altered, providing a clearer mandate for local

management by "leaving implementation of the programmes to the relevant partners within each country" (op cit:2).

6.5 EU ASSISTANCE IN THE UK

Over the last three decades there has been a period of re-structuring whereby the major industrial countries are deemed to be moving towards an economy based on services. However, the emerging service industries have not been directly replacing the workforce laid off from manufacturing (Vanhoven and Klaasen, 1997). There has also been an uneven geographical development of the tertiary sector, an expansion of the labour force in the South East, South West and East Anglia has run in parallel to the declining employment in the North East and North West. The UK has been termed a 'dual' economy divided between a 'post-industrial' south and east and a 'deindustrialised' north and west (Allen and Massey, 1988). Consequently, the UK is a major beneficiary of the Union's regional policy (3 regions have Objective 1 status, 12 have Objective 2 status and 7 are Objective 5b). In total the UK is receiving the equivalent of £1.07bn, from EU Programmes (EC, 1997d) and the contribution to UK regional policy more than doubled between the 1989-93 and 1994-9 programmes. During the current funding period the ERDF will contribute £1250m to UK regions (Martin, 1997a).

(a) The Administering of EU Grant Aid

Despite the link to be made between the regions and the Commission, the administration of regional policy is centralised and thus there is tension between the European idea of subsidiarity and the interpretation of that by government (Wilks, 1996). However, in 1994, when the 1994-9 SPDs were finalised, the government was establishing the system of Government Offices for the Regions (GORs). "The GORs are outposts of national government in the regions rather than regional governments as found in many of the Member States" (Bentley and Shutt, 1997:123). Concern has been expressed by LAs that this influences project appraisals and the interplay between themselves, the relevant Government Office and Whitehall is inhibiting links with Brussels. Although there is delegation to GORs there is concern the Offices have little independence from Whitehall (House of Lords, 1996b). LAs have called for the introduction of 'free standing' Secretariats. They feel impartiality is questionable in view of the links the GORs have with government departments.

Organisation at the Local Level

Criticism surrounds the present system: administrative duplication, over-centralisation and lack of Secretariat impartiality. The Conservative government,

however, did propose changes to the way Programmes were administered. Draft guidance notes were issued by the Department of the Environment (now the Department of the Environment, Transport and the Regions, DETR) in 1997, stating local partnerships should have greater powers through the preparation of Action Plans (AP). An AP is a means of ensuring a locality produces a coherent plan of how it wished to utilise incoming resources. The move was a response to: ineffective programme management; delays in project approval and the slow release of funds by GORs, Central Government and the Commission. The previous systems failed to produce synergy between projects.

... most programmes are comprised of a plethora of individual schemes with few explicit inter-linkages. There has been a tension between the desire for a strategic approach and the central government's and the Commission's desire for competition between projects and bidders.

(Martin, 1997a:iv)

Martin (1997a) suggests the government needs to encourage the development of good practice. Any change, was hoped, to lead to "effective internal co-ordination" to match EU and local priorities, the development of clear lines of communication and effective collaboration with local agencies. The good management of funds also requires the introduction of checks to ensure the adoption of more strategic programming. When the Action Plan system is in place, member organisations will agree a Programme to be sent for approval by the respective Programme Monitoring Committee. The partnerships will take responsibility for project selection, within bandwidths: at or below £250,000 (capital funding) and at or below £100,000 (revenue projects). The Department of the Environment (DETR) estimated around 50% of ERDF projects (90% of ERDF spending) in Objective 1 and 3 regions will be dealt with by partnerships (Martin, 1997b).

6.6 EU REGIONAL POLICY AND THE CURRENT RESEARCH PROBLEM

Regional policy reflects appraisal of past policy and the state of the Union (eg. enlargement). Other considerations include the national organisation of aid, with differences being apparent between centralised Member States and those more accepting of region-specific policy activity. The partnerships in some areas have become "more creative and robust forms of governance based on trust and dialogue rather than central control and direction" (Turok and Bachtler, 1997:6). The appropriateness of a question on Structural Funds in this research, is in the fact that the allocation of resources illustrates the extent of the participation of the EU in policy at a regional level, highlighting a growing Europeanisation of the area.

... in spite of British local authorities' growing awareness of the opportunities associated with closer European integration and their increasing technical and political competence in exploiting them, really significant change awaits the relaxation of central government's tight grip on the scope for local discretion and self-determination and recognition of new forms of constitutional and political expression at the regional level.

(Martin, 1997b:65)

The Relationship Between Leisure and EU Programmes

The focus of the empirical work is on the impact the Structural Funds have on funding for sport and leisure projects, both infrastructural work and training programmes (the study encompassed both sport and leisure-related projects because of the absence of sufficient numbers of specifically sports-oriented initiatives). Although sport and leisure projects are not eligible in their own right for investment (via DGXVI), they are supported as vehicles for achieving objectives in particular programmes. The research included 5 case study regions and 10 case study projects. The research sought to establish how policy networks develop and operate in the regions. The research is also concerned with identifying ways in which the Europeanisation project is advanced, interpreted and mediated at the local level.

The Research Questions

The limitations placed on community-related expenditure:

- How does sport and leisure-related expenditure fit into European programmes?
- What do the successful sport and leisure projects *actually* achieve?

How the suggestion of regional variation may be reflected in practice:

- What impact does the administrative structure in the UK have on the functioning of the Structural Funds as a funding mechanism?
- What networks are developed? And how do partners perceive one another?
- How do administrative arrangements affect the bidding and funding process?

Practical issues with regard to the funding process:

- How are Programmes developed?
- How are projects evaluated and monitored?
- What are the weaknesses and strengths of the UK system of administering aid?

Limitations to Data

The study was primarily constrained by the level of European investment in sport and leisure projects. Whilst a number of case studies could be identified, it was difficult to find examples outside of the public sector. It would have been of interest to conduct a comparative study of bids across the public, private and voluntary sectors.

However, the one voluntary sector bid identified could not be followed up and the private sector bids identified were not successful in getting beyond the initial stages of development. In addition, the study does not look at the relationship between GORs and the DETR and DTI in great detail. Interviewees were asked about this relationship but no interviews were sought from representatives of central government departments. The study thus focuses on regional policy from the perspective of regional actors.

Categories of Data Analysis

The semi-structured interviews were conducted using the following issues as the basis for an interview schedule (Table 6.2).

Issues to be Raised	Interview Data: areas of significance
Project application and adoption procedures	Core elements to procedures; Changes over time
Conditions of EU assistance	Targeting; partnerships; additionality
Project Evaluation	Pre-, during and post-project; Programme evaluation
Inter-institutional relations (local, regional, national and supranational)	Perceptions the partners have of one another; Shared goals and agendas
Discussion of the UK bidding system	Accessibility and communication; Interpretation, negotiation and transparency; Delays and complexity
The structuring of regional policy	Changes in the form: Action Plans, Local Partnership Groups, Single Programme Document criteria (Measures and Priorities)
The link between leisure, tourism, sport and regional programmes	Changes to the focus of EU Programmes and the scope for sport and leisure projects (revenue and capital)
Miscellaneous	Other points raised by interviewees

Table 6.2 Interview schedule for the regional policy study

6.7 THE CASE STUDIES

The regions from which case studies were taken included the South West, the East Midlands, the West Midlands, the North West, Merseyside and Yorkshire and Humberside. The projects selected illustrate the range of Objectives found within the UK: Objectives 1, 2, 3, 4 and 5b. The research assesses the approach of each region to the question of leisure and sport-related European expenditure and seeks to illustrate how access to and use of EU funding vary, the main area of interest being

the opportunities available to regions to support sports and leisure-related bids (programme eligibility) and attitude towards such investment.

(a) Background to the Regions Investigated

Regional funding tackles the problems arising from changes to the economic fortunes of regions so all the regions exhibit signs of lost prosperity. For example, the Yorkshire and Humberside region has seen 121,000 job losses in the primary industries. As a result of these problems the region has received over 313MECU in grant aid, over the last two Programmes. Likewise, the North West has received 329MECU, after a loss of 47% of all manufacturing jobs since 1979 (453,000 jobs) (EC, 1997d). The loss of jobs in the primary and manufacturing industries in the North West and Yorkshire and Humberside reinforces the significance of the shift away from production-based employment.

The regions and the priorities identified in the SPDs

Region	Priorities Identified in the Single Programming Document
Y&H Objective 2 1994-6	(1) Action to support SMEs ... and to lever in extra private investment (2) Action to strengthen the diversify mature SMEs (3) Action to strengthen the knowledge based industries and advanced technology development (4) Action to attract new industry and services (5) Action to develop tourism and cultural industries (6) Targeted action on key deprived areas
Merseyside Objective 1 1994-6	(1) Inward investment and key corporate business development (2) Indigenous enterprise and local business development (3) The knowledge based industries and advanced technology development (4) The cultural, media and leisure industries (5) Action for people of Merseyside
North West Objective 2 1994-6	(1) Support for small businesses (2) Action to strengthen and diversify medium-sized enterprises (3) Development of knowledge based industries and advanced technology (4) Action to attract inward investment and support the needs of the corporate sector (5) Tourism and cultural industries and image enhancement (5.5 training for tourism, media, cultural and sporting industries) (6) Action for community economic development
West Midlands Objective 3 and RECHAR 1994-9	(1) Developing R&D in the region and encouraging technological innovation (2) Support for indigenous enterprise and local business (3) Assisting diversification of the regional economy and creation of conditions for growth (4) Urban and community regeneration (5) Building on the growth potential of the cultural, media and tourism industries
East Midlands Objective 2 1994-6	(1) Research and innovation (2) To increase income generated by tourism and jobs it can support (3) Encouraging diversification of the economy (4) Community economic development
South West Objective 5b 1994-9	(1) SME and business development (2) Tourism (facilities and infrastructure for tourism; tourism support and development) (3) Agriculture (4) Community regeneration (5) Environmental management

Table 6.3 The SPD priorities identified in each of the case study regions (EC, 1997d, Bentley and Shutt, 1997)

Table 6.3 illustrates that priorities for the regions include economic diversification, the fostering of a business environment and the targeting of new industries. An additional means of diversifying local economic interest in the regions has been an interest in tourism, culture and leisure. It is under the latter that sports infrastructure and training in sport related occupations are concentrated.

Local Partnership Structures

Management practices, developed in the 1990s, have given rise to a growth in local planning structures and groups. Each region receiving European money has a Programme Monitoring Committee but, in addition, Action Plans and Local Partnership Groups (LPGs) have grown in significance. Table 6.4 illustrates the growth in the level of local involvement in the processes of programme planning and implementation.

Region	Local Partnership Group	Action Plan
Yorkshire and Humberside	3 Area Advisory Groups 11 Local Partnership Groups	Implemented Summer 1997 (agreed 12/5/97)
Merseyside	The Mersey Partnership (5 District Councils) the Wirral Partnership (led by Wirral Borough Council) Pathways (13 areas within Wirral)	
North West	North West Partnership (1994) North West Regional Association	Partial agreement of Action Plan achieved in the autumn of 1997
West Midlands	5 LPGs (including the Coventry and Warwickshire)	Outline Action Plans submitted the week of 17/6/97
East Midlands	3 areas and partnerships within each area	Being implemented but format not agreed at time of interview 5/97
South West	Objective 5b Working Group Partnership 2000 Devon and Cornwall Partnership	Not used for Objective 5b areas

Table 6.4 The organisational structures in place to deal with the bidding for and distribution of EU funding

Programme Monitoring Committees

Local Partnership Groups and organisations have been developed to increase the level and quality of local input into regional planning. ‘Ground level’ accountability and involvement has grown out of attempts to encourage the more effective management of resources within a location. Synergy between projects and local collaboration is favoured over unconnected projects and so the active participation of local authorities and social partners in the planning process is seen as central.

South West Objective 5b Working Group

The Commission DGV (Employment) DGVI (Agriculture) DGXVI (Regional)	Government DETR DoEE MAFF	County Council (3) Education Sector (2)	District Council (4) English Partnerships (2)
Environmental Sector (1)	Private Sector (1)	Rural Development Commission (1)	TEC Representative
Tourism Sector (1)	Voluntary Sector (1)	West Country Development Corporation (1)	

Table 6.5 The South West, Objective 5b Working Group () number in brackets denotes number of representatives

Merseyside and West Midlands

Organisation	Merseyside	West Midlands
Chair	Director of GO	Director of GO
European Commission	DGXVI and DGV	DGXVI and DGV
Central Government	DETR European Regional Policy Division DTI, DFEE and MAFF	DETR European Regional Policy Division DTI, DFEE and MAFF
GO	Director and 1 other	Director and 1 other
LAs	2 per authority	6 LA representatives
Other public bodies	Urban Development Corporations TECs (3) Colleges and Universities Further Education Funding Council National Rivers Authority Tourist Board Transport Passenger Authority English Partnerships Environment Agency	Urban Development Corporations TECs (4 reps, 1 - 'observer status') Colleges and Universities Further Education Funding Council National Rivers Authority Tourist Board Transport Passenger Authority English Partnerships Environment Agency
Private sector	5 representatives	3 representatives
Voluntary sector	2 representatives	1 representative

Table 6.6 Typical membership of PMCs, adapted Martin, 1997b:60

(b) Project Background, Aims and Objectives

This section looks at the background to the selected projects and the aims that were articulated, either in project application forms or within the context of the interviews. As would be anticipated, in view of the rationale behind the Structural Funds, the projects emphasise the economic benefit of investing in sport and leisure based infrastructure and employment training.

Yorkshire and Humberside, Objective 2 1994-6

Kirklees Metropolitan Borough Council was involved in supporting European bids submitted by Dewsbury Rugby League Club and Batley Rugby League Club. Both clubs were seeking grants to improve and modernise their ancillary facilities and provide additional services. For example there was some discussion of Dewsbury Rugby League Club developing a Rugby League museum. The partnership between the clubs and the Borough Council was encouraged as part of a wider redevelopment programme.

... we have taken the opportunity to regenerate the Leeds Road corridor by the re-development of a derelict site ... We don't just concentrate on one particular site but Batley has had ... problems associated with industrial decline and needed regeneration ... the leisure side is only one aspect ... economic, housing, social, community are all important ... That's where the partnership came in, in the regeneration principle.

(interview with representative of Kirklees Metropolitan Borough Council, 1997)

The project actually failed to get beyond initial discussions (a point discussed later). However, the reasoning behind the decision to enter into a partnership is clear. The themes of the redevelopment and revitalisation of areas suffering industrial decline are recurrent.

Merseyside, MIDO I and II

The Wirral has been particularly successful in attracting European money. The grants accessed between 1984-93 have enabled the Borough Council to undertake a number of major infrastructural works. The projects have focused on developing the tourism product through the extension of existing provision and the creation of new facilities. The focus is on contributing to the achievement of broader strategic objectives: re-imaging and the attracting of greater inward investment.

Project	Aim
West Kirby Marine Development MIDO, 1984	The existing marine lake is to be replaced and the size increased to an area of 28 hectares from existing area of 14 hectares ... throughout the sailing season large numbers of people visit West Kirby ... these visitors contribute considerably to trade and employment in the West Kirby area. The enlarged lake will greatly increase the attractiveness to sailors and visitors and thereby increase the lake's impact on local trade and industries.
Bebington Oval - Phase I: International Athletics Track MIDO I, 1989	The project is intended to attract ... athletic events with the attendant economic benefits In ' <i>Measures and Priorities for Action</i> ' of the North West Regional Plan one measure is the 'Provision of the new attractions and development of existing activities. Measures include - sports arenas'. The project will contribute economic benefit by the exploitation of Wirral's proven ability to attract national and international competitors to the area.
Conway Park Swimming Centre MIDO II, 1993	The project is being built on a cleared site which has laid idle for many years ... As a regional and local facility the project will have a key role in developing Wirral's tourism, serving strategic objective (iv) ... a key element of the wider redevelopment of Conway Park ... serving strategic objective (i) modernising major economic infrastructure and (ii) building a positive image ... encouraging investment.
Wirral Sports Centre MIDO II, 1993	The project facilities will attract participators and spectators from throughout the North West region and beyond and will be promoted as a major tournament venue within Wirral's marketing theme 'The Leisure Peninsula' ... The provision of modern leisure facilities helps attract new businesses to the area thus contributing to strategic objective 1.

Table 6.7 Merseyside European funding case studies

North West, European Social Fund, 1997

Box 6.1 contains an excerpt from the application form submitted by Manchester City Council (MCC) to the Greater Manchester, Lancashire and Cheshire Objective 2 Programmes for 1997-9. The project was designed to fit into the development of the leisure sector in the build up to 2002 Commonwealth Games. The city invested heavily as a result of its bid for the 2000 Olympic Games, and whilst it failed in this bid, the Council has continued to push sport and leisure as part of its regeneration strategies (inclusive of vocational training). The Games will further contribute to the role played by the leisure industries in the North West. 1998 figures show that leisure accounted for 300,000 jobs and 3% of GDP for the region (North West Partnership, 1998).

Coaching Skills Development

The project aims to provide a large number of sport coaching and development courses leading to recognised national qualifications ... the course will increase the ability of participants to secure and maintain employment and will ensure they are best positioned for economic opportunities as they arise through the regeneration strategies ... it is focused on the growing needs of the leisure sector and the employment opportunities that will arise before, during and after the Commonwealth Games

Box 6.1 North West European funding case study

West Midlands, RECHAR I, 1993

The Bedworth School in Warwickshire received grant aid from RECHAR I, a Community Initiatives. RECHAR seeks to provide financial help to communities suffering the effects of the decline of the coal-mining industry. The redevelopment of the dual-purpose site was undertaken alongside a programme of coach education. Warwickshire Council sought to address the issues associated with the decline in traditional industries, namely the loss of community facilities and social networks. Sporting activities seeking European funding must address economic and social objectives and the Bedworth School project is indicative of the need to replace not only jobs lost through industrial decline but also the facilities which were often provided by employers.

Bedworth School

Improve social, leisure facilities in mining settlement ... to improve the living environment at the local community level.

Programming Monitoring (Note 6): Workforce development through improved access to employment or training opportunities, facilities and services

Box 6.2 West Midlands European funding case study

There is very little opportunity in the European funds to pursue a sports interest. Now, we have done it, a school in Bedworth, where the proposal was to set up a community sports centre ... and the SPD still at this time as well, allowed for community activity to be funded through the European programmes. So, its a community action to support the regeneration of the area ... Bedworth had two coalmines that have totally fallen by the wayside. And this was done in conjunction with an ESF programme to train people for the sports and leisure industry, so the community activity had an employment potential outcome.

(Warwickshire European Officer)

East Midlands, Objective 3 (ESF), 1993

Comsport Sports Development Programme is a long-standing programme designed to encourage re-skilling amongst the local workforce. The diversity of programmes illustrates how Northamptonshire Leisure Services have continued to adapt the scheme to keep apace of changes in funding opportunities, inclusive of domestic and European funding sources.

Project	Objectives
Women Sports Leadership, 1993	20 training places; 95% to gain employment in sports leadership; 100% to gain Sports Leaders Award (SLA)
Special Needs Leadership, 1993	20 training places; 95% to gain employment in sports leadership; 100% to gain SLA
Water Based Activities, 1994	20 training places; 100% to gain SLA
Women Sports Leadership, 1994	95% of gain jobs in sports leadership 20 training places; 100% to gain SLA; 80% to attain RSA (Exercise to Music);

Table 6.8 East Midlands European funding case studies

COMSPORT was originally a Sports Council National Demonstration Project started back in 1984 to look at the effectiveness of sports leaders in developing sport in rural and suburban communities ... We identify the potential leaders ... and take them out and do the training ... I suppose that the European funding was the start of that ... the ESF, at the time, was an appropriate route for the project to take because it was enabling the long term unemployed to get the training ...

(Northamptonshire Leisure Services)

South West, Objective 5b 1994-9

Cornwall County Council identified eight sport and leisure-related Structural Fund bids. Three of these bids were successful and were followed up as part of the empirical work. The economy of the South West is dominated by agriculture and

tourism and the need to enhance tourism provision, re-skill the local workforce and broaden the tourism ‘catchment area’ frame the successful bids.

Project	Aim
Truro College New Vocational Training Buildings, 1995	To meet needs within the local population and local economy. The project involves the construction of a new 3 storey building for vocational training together with an art barn, refectory and sports hall. The new facilities will provide training accommodation for 500 additional full-time students and 200 part-time. It will help overcome the lack of job related skills ... a constraint on economic development.
West Somerset DC West Somerset Leisure Centre, Minehead, 1995	Tourism represents the districts main industry ... however, the town is unable to complement its range of natural tourism attractions ... with any wet weather facilities such as a sports or leisure centre.
Devon County Council Around Devon Cycle Route, 1996	To increase the number of tourists taking up cycling holidays by the provision of a continuous cycle route throughout Devon ... The proposed route, which has been decoded after widespread public consultation, will attract tourists to some of the County's smaller towns and villages.

Table 6.9 South West European funding case studies

(c) Project Management

This chapter has stressed the strictness with which the Commission seeks to apply the criteria of the Structural Funds. It is, therefore, important that project managers adhere to the conditions for assistance: partnership, additionality and regional selection procedures. Whilst general principles frame the regional programmes, the evidence in this section starts to suggest areas of tension between the groups involved in European programmes.

Partnerships

A central tenant of EU funding is partnerships. The involvement of non-governmental "social and economic partners ... is a key factor in making the most of the increased scope and flexibility of the European Social Fund" (EC, 1998e:2). The majority of partnerships are headed by LAs, firstly, because the public sector is the largest co-financier of European sponsored projects and secondly LAs and TECs are accountable public bodies. They are the favoured project leaders, however, the emphasis is on building partnerships across sectors.

The major players in the partnerships seem to be the TECs and LAs ... we need someone to be an accountable body ... they are the only ones with financial clout ... we are a gap funder.

(GOYH EU Officer)

Government Offices of the Regions can play a facilitator’s role, encouraging local co-operation. Their central position within the regional policy framework can enable them to foster relations within a locality.

We have several round table events, we have got people together who are like-minded and we try to encourage people to work in partnerships but it takes time for people to devolve outside their sector. People are clustered 'this is what we are doing, are they doing the same? We want to do this ... It is getting people to trust each other really.

(GOSW ESF Officer)

At the local level partnerships are growing in popularity and scope of membership.

There are a lot of cross-sector partnerships. Partnerships with quangos, the TECs. There's partnerships with voluntary organisations, development agencies ... You need public money involved yes but I think the partnerships are very broad.

(Nottinghamshire Economic Development Unit)

A formalisation of partnerships in the regions has come through the development of Action Plans and the input into those by Local Partnership Groups (LPGs).

... the concept of Government Office consulting the partnerships is something that has evolved, as a mechanism for dealing with things like the SPD and ... other issues that effect the sub-region. Its quite a useful mechanism.

(Warwickshire European Officer)

Partnerships are becoming increasingly important to projects, generally. A growth in domestic agencies assisting regional development has complemented the increase in European investment. City Challenge and the Single Regeneration Budget have promoted partnerships in urban programmes. Collaboration has become essential for organisations, in all sectors seeking to sustain projects. For example, since the Sports Council stopped its involvement in 1984, the COMSPORT Sports Development Programme has depended on a good working relationship with a number of employment agencies.

[the project] has changed so much over the years, the Manpower Services Commission disappeared and the Employment Training came in and all sorts of schemes and all those times we worked with them ... it was left to Northamptonshire County Council to carry the project forward in whatever shape or form ... In some ways the projects had to go where the partners existed.

(Northamptonshire Leisure Services)

Partnership is both a financial link and about appropriate trust, understanding and co-ordination. The only case study that failed to get beyond initial discussions broke down, firstly, because the partners did not have a shared agenda, and secondly, there was no clear understanding of European funding.

I don't think that they have genuinely got to the point where they are able to equate their proposals to the criteria of the Objectives ... I've read through the latest summary of the European funds and they are not paying attention to them, they just see it as a source of funding. And that's where we're coming adrift.

(Kirklees MBC)

Additionality

The issue of sustaining state supported economic redevelopment is a priority for the Commission. Projects must show evidence of being of a supplementary nature and not an attempt to replace a statutory public sector responsibility. The principle raises concerns for both the fund-holders and bidders.

I think in a lot of cases the ESF is an enhancement to the provision that is currently available ... most courses would run anyway, so maybe it is not additional in that sense but maybe it enable some to be run at a higher standard eg. travel grants which are very important around Cornwall. Perhaps to enable the courses to be widened, to be subsidised ... I think sometimes that additionality is a grey area and perhaps we need to monitor it.

(GOSW ESF Officer)

A Government Office, as the fund-holding authority for DGXVI is concerned with distinguishing between statutory and additional services. Their perception of the problem is different to that of a County Council with responsibility for provision. For the latter, the issue is one of needing the additional funds to maintain statutory provisions.

[EU funding] is value added but it is part of a larger funding package and you need all of it to make the project work, you can't run it with half.

(Nottinghamshire Economic Development Unit)

If you read the regulations, the Member State governments are suppose to declare what their level of structural funding is in the region concerned and undertake not to reduce it for the life time of the Programme: (a) to the best of my knowledge the government has never done that and (b) our budget gets cut year on year and we are the major resource of structural funding in the 5b region, so where is the additionality?

(Cornwall County Council European Officer)

Project Selection Procedures

The pre-selection appraisal process is standardised within programmes but variation may occur between programmes (eg. Objectives 2 and 5b). Core elements, however, are constant: evidence of demand and of having a genuine additional economic impact, a fit with national and Community policies and evidence the project will not be undertaken in the same form without additional funding. Although these criteria have to be adhered to selection procedures vary between regions, depending on their Programmes. The examples of the South West and Yorkshire and Humberside are outlined below:

Eligibility criteria which must be met by projects

(a) Introduction

(i) All ERDF applications are assessed by the Secretariat according to the principle project eligibility criteria set out in Paper OB5b/5.

(b) Ranking and Selection of Products

(ii) Once eligibility has been ascertained, eligibility projects should be assessed and scored by the Secretariat according to core and measure criteria. Core criteria are:

- additionality;

- cost per job;

- integration with other schemes;

- partnership;

- innovation;

- leverage of private investment

(iii) Projects score on the above criteria depending on the extent to which they match the description given.

(iv) Stage 2 of the selection and prioritisation process involves projects being scored against measure criteria so they can be ranked against each other.

(v) The level of priority is determined by expressing the total score as a percentage of the maximum score available and comparing this with the 'priority thresholds'.

- project over 65% are high priority

- projects between 35-65% are medium priority

- projects under 35% are of low priority

(c) Recommendations

(i) endorse the core and measure level Project Selection and Prioritisation Criteria

(ii) to request the secretariat to keep under review the effectiveness of the systems and report back if modification is required.

Box 6.3 The evaluation procedures for the South West (GOSW, 1996)

Yorkshire and Humberside:
West Yorkshire Area Advisory Group outlined the ERDF process route.

Project Evaluation Procedures for Yorkshire and Humberside

(i) Compared with measures selection criteria to decide appropriate measure (Secretariat action)

(ii) Application appraised by the Secretariat against current Government Policies and legislation, SPD and demonstration of additionality, consultation route confirmed and applied

(iii) Scored by Secretariat against key factors, compared against appropriate bench mark for unit cost assessment and quality assessment noted if necessary (max score 165)

(iv) Project scored by Secretariat against measure level criteria (max score 85)

(v) Scores added together by Secretariat

(vi) Report taken to Committee by Secretariat

(vii) Area Advisory Group/Programme Monitoring Committee recommend project approval or rejection

(ix) Appropriate letter issued by Secretariat or Government Department based on the advice from Secretariat

Box 6.4 The evaluation procedures for Yorkshire and Humberside, West Yorkshire AAG (n.d)

The process of assessing applications is subject to review. Each region can and does modify evaluation procedures. The Government Office of the West Midlands has addressed past deficiencies but revisions have not resolved all the perceived difficulties.

There is an Outline Application which precedes the full application. So you are going through it twice in essence. That kind of thing does strike me as being fairly pointless. What happened in the previous Objective 2 process was that they didn't define the priorities and measures sufficiently.

(Warwickshire European Officer)

From the position of the fund-holding GORs, the difficulties are perceived in a different way. The issue is, perhaps, one of interpretation and not duplication. That is, questions are not repeated but the way bidders are interpreting the form suggests duplication. Clarity of information requirements, however, is clearly a problem.

I guess if you ask most applicants, they would say [forms] are far too long, far too much information is requested and it duplicates itself. I think sometimes when they think it duplicates itself, actually that wasn't what we wanted, we wanted different things. That's a guidance issue.

(GONW ESF Officer)

... at the moment it is learning on your feet. You have some guidelines coming into play and then the next year it might be some different guidelines and the next year you might add some other element to the procedure.

(GOSW ESF Officer)

Evaluation Procedures

Selection procedures have to be in place to ensure standardised treatment of bids but there is lack of post-funding evaluation. The current system accommodates monitoring to the point where final grant payments are awarded but after that there is no exchange of information.

We may have qualified 'x' number of people but actually how many of them are working in the kind of areas we want them to work ... maybe that's a secondary thing, maybe for the ESF that isn't an issue because you have got people back to work and that's their objective.

(Northamptonshire Leisure Services)

In the last Programme we did some monitoring but we probably don't do as much monitoring as we should. But the finance and quality team are at the minute trying to set up a much more rigorous monitoring regime.

(GOYH EU Officer)

It is clear from a number of the projects analysed that monitoring procedures were minimal. The respondents from the Yorkshire and Humberside Office and Northamptonshire Leisure Services made the point that there is a need for a coherent set of procedures to assess the impact of individual projects and the value of these on a region's economic profile. What is intimated from this information is that inter-organisation links are underused. While networks and partnerships are developed to deal with the issues of project selection and funding there appears to be an absence of long term dialogue between project managers and fund managers (eg. GORs and Local Partnership Groups).

(d) The Roles of the Key Actors and Institutions

The application process requires the co-operation of local authorities, Local Partnership Groups and Government Offices and the compliance with regional and

European procedures. This raises concerns regarding, how those parties perceive one another and on what basis they develop a working relationship. There are three issues: environmental (the operating of the system of European regional aid); relational (inter-organisational relations within the system); and inter-personal (the impact of individuals). It is important to understand the lines of communication and the tensions that may exist between tiers of governance.

GORs and Regional Partners

The most important link to be fostered is between the project managers and the Government Office. GORs are the first contact point for formal bids, the Office is the central administrative point and the organisation through which payments are channelled to regional partners. The perception each has of the another reflects the difficulties there are in reconciling the objectives of the parties.

I'm on secondment from a LA ... we are the intermediary I would say more between the Commission and the LAs ... most of the partnerships think of the Commission, us and them and don't really class the government as being involved because they don't supply the funds

You say that people see you as the go between, between them and the Commission ...

No, I see myself as that ... I get the feeling that they come to us and if we give them money, great, if we don't given them money then, perfectly legitimately, we are the spawn of the Devil!

(GOYH)

... we have a difficult role. I guess we could do more work with them, explaining what we do, how we do that and why we have to do it ... I am sure, at the same time we are always going to be the bad guys that say no to things and that issue them with large amounts of paper work for a small project and we have to accept that is our role in life ... I would never say there isn't more we could do.

(GONW)

It is clear that the dual-role fulfilled by the GORs (regional and national agent) can leave them in a difficult position.

I think we have a fairly good relationship [with London]. We have a much better relationship with the applicants than London do because it is a very transitory office, there are a lot of individuals there. In the future we will have 3 main people who will deal with our applications so we will become more of a team, rather than there is London and there is us and we are the nice ones and London is the horrible one that asks for money back ... that is the situation that we currently get, we are either the bad guys or the good guys and vice versa.

(GOSW ESF Officer)

Those seeking extra funding and who have to work with GORs have a different perception of the role of the GOR. Rather than 'intermediaries' between the Commission and the project bidders their role is interpreted as being one of government agent.

[GORs] are here as regional outposts of national government. I know that the suggestion was, when they set up the GORs that it would be a kind of decentralisation. I don't think it is in many ways, certainly not in terms of policy ... We would like to see an independent Secretariat overseeing things.

(Nottinghamshire Economic Development Unit)

Ours is in a state of transition ... In things like the appraisal process they weren't transparent. Now with the cutting of staff that has gone on they're much more open about processes ... In a sense they are a part of us.

... you could say that government is attempting to control, *does* control what goes on. I think that would be unfair actually because in a way the programme clearly states what objectives are to be achieved and what kind of project are acceptable and so on. So, in a way the government is seeking to control what Europe is trying to do ...

(Warwickshire European Officer)

Regional Partners and the Commission

European funding to the regions was designed to facilitate direct links between the Commission and local communities. The significance of European legislation and the development of transnational policy initiatives have led to the setting up of county and regional offices in Brussels. The Commission, itself, has also sought to foster relations with regional actors. The 1994-6 framework has encouraged closer consultation between European and local agencies (Martin, 1997b). Whilst the UK system of organising regional assistance is acknowledged as being relatively centralised, the regional partners do value direct communication with DGXVI.

We have an East Midlands Office in Brussels, that is County Councils and TECs and various other organisations ... it is an effective way of getting our opinion across.

(Nottinghamshire Economic Development Unit)

The Office in Brussels is specifically used because they are speaking to people at the Commission ... so if we wanted to know what new policies and legislation was coming out then we would use them for that.

(Northamptonshire Economic Development Unit)

Outside of the exchanging of information, the structure of EU aid is such that further direct contact with Brussels is minimal. It is noticeable that the inter-governmental context within which EU policy making takes place limits the effectiveness of relations between sub-national groups and the Commission. Whilst the development of pan-European networks allows regional voices to be heard, the mechanisms in place regarding access to the Structural Funds inhibit independent action by individual regions.

The only way we bid directly is when the system allows us to do so, which is when there is an open call for bids for a Community Action ... the Structural Funds are all dealt with by our GO we don't go outside ... on the principle of subsidiarity, we would be referred back to our own system.

(Warwickshire European Officer)

Interviewees from the County Councils, however, do feel Government Offices have adopted increasingly open approaches to the management of relations. There is also a positive but qualified use of Brussels. For project managers within Leisure Service (Kirklees and Northamptonshire) it is significant that there is an effective utilisation of other Council departments.

We went through Economic Development, so they pulled a lot of the strands together so they probably had all the major headaches and problems. But it was helpful to us to have that kind of assistance ... We are not then bogged down with the bureaucracy.

(Northamptonshire Leisure Services)

The role (and the perception of that role) is important to the fostering of good working relations. There is an indication of a change in relations between tiers of administration. This is likely to have been caused by the current period of transition, for example, the introduction of Action Plans under some Programmes and the greater potential for regional decision making with the delegation of responsibilities to Local Partnership Groups. The points highlighted (eg. delegation of responsibilities and increased direct links with Brussels) demonstrate areas of tension in relation to Europeanisation, namely, the changing functions of regional, national and European institutions. The mechanisms in the UK still favour centralisation, however, growing representation of regional bodies at the European level does suggest a move towards the further Europeanisation of regional policy.

Nevertheless it might be argued that the hierarchical nature of the policy structure involved in the organisation of the Structural Funds can work *against* close co-operation, particularly between interested parties in the UK. Indeed, the comments made by the European Officer for Warwickshire illustrate that there are issues of identity and association to be resolved (see page 145). However, there is some evidence of democratisation. The development of Action Plans and the direct liaison between regions and the Commission both illustrate the potential for more open processes. Decentralisation and greater inter-dependencies are encouraged as resources, particularly staff time and expertise, become stretched as a result of a growth in interest in European Union activities.

(e) Reflections on the Process

Issues arise out of the management of projects and the bidding processes. The interviews highlighted the importance of the overall aim of a regional programme, the negotiation of policy, the priorities of the SPD and key individual issues the factors that influence the content of a bid.

Regional Programmes and the Interpretation of Policy

Interviewees reflected on the possibility of the operation of 'hidden criteria' and also the potential to negotiate an interpretation of a programme, once a LA becomes aware that another region has adopted a different approach to a Programme, which broaden the scope of funding possibilities. Key issues included the levels of communication, transparency and the use of resources (specialist knowledge and legal status).

You often get the feeling that there are hidden criteria that are also used and that the process is not transparent enough. And that is something that we have taken up with GO. Its a GO thing some have been more open than others but when this Office took over Objective 2 and we had the first round of bidding they didn't even tell projects what they scored. They just put them in a list but they refused to tell us what they scored and we had to hassle them ... they have got more open but they were ever so suspicious ... it hasn't always seemed as if justice has been done or seen to be done. I think it has got better as the programmes have gone on because they have got more confident about what they were doing and they have got less secretive.

(Nottinghamshire Economic Development Unit)

In things like the appraisal process they weren't transparent, we had no idea how they were going to handle the scoring of the bids. Now with the cutting of staff that has gone on they're much more open about processes ... We certainly know more about it but I think the reason why we don't know everything, to be cynical, is that the decisions that are made are political and not based purely on the project value ... eg. Stoneleigh Abbey (I don't know whether it was political) ... the Department of National Heritage were persuaded to give a grant ... Objective 2 contributed a substantial sum but within that there were decisions about 'yes, we will pay' as opposed to 'the application is worth payment'.

(Warwickshire European Officer)

A similar example was identified in the South West.

There was this proposal for this community hall or leisure centre ... The only bit that on an Objective appraisal would work out as eligible as 5b was a very small internet café that might have some IT skills in ... we had very high pressure put on us by Government Office ... the Commission representative on the Monitoring Committee started jumping up and down and said 'you must support this, its not good partnership if you don't support it', despite all the things they said at the evaluation about the previous programme. This may or may not be related to the fact that the Head of the European Commission in this country had a holiday home in that particular area. Both MPs and the Chief Executive of the local District Council were writing letters here, there and everywhere to Cabinet Ministers ... and in the end we were basically instructed by Government Office 'you will give this money'.

(Cornwall County Council European Officer)

There is awareness that GORs have the capacity to be 'secretive'. This is intimated in a number of ways: restricted access to information; perceptions that there is a second agenda; and slow procedures that have not encouraged confidence. The cautious nature of County Council observations is based on past experience of 'injustice'. There is a sense in which groups feel peripheral to decisions and that there are

influences outside the regional decision-makers that are central to the process. The Warwickshire example hints at a possible inter-play between decision groups, local interest groups and broader considerations, with a chain of command being presented from the Department of National Heritage to the GOR and subsequently down to the local. Also raised is the issue of transparency. There appears to be a clash between the EU goal of broadening access and the UK's more hierarchical system. Questions regarding where, and for what reasons, decisions are made could be asked. Further research in this area would be required to ascertain the extent to which the differing approaches to programme management influence project approval.

A similar set of issues is raised with regard to the interpretation and negotiation of policy. Areas of significance again include lines of communication, relations between institutions and transparency.

I don't know how it will be with this new government being more Europe-friendly, that might make it easier but certainly in the past you had problems ... where the Commission has a vision but by the time its been interpreted by a government. that isn't particularly sympathetic to it what you get is a kind of 'mish mash'.

(Nottinghamshire Economic Development Unit)

RECHAR allows for community facilities to be provided, upgraded, the issue was that originally you could only use it for existing buildings for the purpose of community usage but other regions have said you can have new buildings. And we have reached a compromise whereby they can bolt on bits! ... it becomes ludicrous ... former mines have dispersed now but there are some communities intensely focused on their previous social arrangements and, I think, there facilities have been used for purely community leisure ... but ours in this region have got to have an economic output ... There is a degree of freedom to make those interpretations with things like the Community Initiatives ... more is given from the GO to the Local Partnership Group to manage its own affairs. Its where the big bucks come in, like with Objective 2, that the GO has a stronger control.

(Warwickshire European Officer)

Development of Single Programming Documents

One might expect the Structural Fund process to be different in each region because of important differences in local institutional structures and arrangements ... In the SPD process this made little difference because of the strong role played by central government through the regional offices.

(Bentley and Shutt, 1997:124)

A Single Programming Document represents the means by which regional authorities seek to tackle economic problems. It should bring together the needs of local business and the public sector but does the process allow for genuine collaboration between grass root interests groups and national and European policy makers? Central issues are those of the capacity for consultation on, and negotiation of, policy with regional partners.

The Commission give out the impacts, the benefits. From then it is up to each region to, draw up their SPD ... The GO writes its own report and will talk to Local Partnership Groups ... any interested party really. We then end up writing up a draft and then the Commission tears it to shreds, so we re-write the draft then they tear it slightly less to shreds ... eventually we come to probably halfway between what we started with and what they did ... the LAs and TECs, they would probably be involved in the majority of the measures but then you get specialist groups.

(GOYH EU Officer)

The case studies showed *potential* for co-operation, the sharing of specialist and local knowledge and for negotiation on policy. The work also suggests that although a collaborative process *does* operate final decisions are the responsibility of the GOR and this can lead to the cutting out, or refining, of local input.

How was the County Council involved in the preparation of the current SPD?

Intimately, wholly and basically we wrote it. It got knocked around quite quickly afterwards but we have this great coalition of [partners] ... a couple of guys really had the job of doing the drafting. And then it went through the sausage machine of *what Whitehall wanted*, what Brussels wanted and in the end we had to get a consultant to revamp it at the last minute, so they got what they were after.

(Cornwall County Council European Officer)

Bentley and Shutt (1997) raised the same issues, with regard to when the West Midlands Region Forum of Local Authorities drew up an economic development strategy (the WMREDS), prior to the 1994 SPD. In effect, the group's report was 'largely ignored' in the final SPD document. Although the SPD did satisfy the group, the episode did raise concerns for local participation in the 'strategy formulation process'.

Influences on the Project

A project can be influenced in two ways: (a) what the project developers *want* to see happen and (b) what the funding organisations say *can* happen. Key issues include the economic and social rationales put forward, the shape of the bid and the level of support for bids from partners.

We won't just turn them away and say its leisure, its sport ... we will look and see if there are parts we can fund ... if its got any possibilities at all we would normally say it needs re-working and we would advise them how.

(GOYH EU Officer)

... [the project] has particular aims and objectives but at the same time you have to look at the partnerships that will allow you to achieve those. And the ESF, at the time, was an appropriate route to take because it was enabling the long term unemployed to get the training, to get money towards that.

(Northamptonshire Leisure Services)

At the various stages of the different bids we obviously told people what was going on in relation their section but there was a discreteness about the bids because of the circumstances in which they were raised. The overall context was one of vocational training and hence the bid for ERDF funding.

(bidder from the South West)

The common theme is the importance of matching bids to criteria. Local objectives and needs are clearly shown to be framed by the nature of the fund under which the bid is made. Local priorities are, consequently, marketed differently depending on the agency the project team wishes to work with. In view of this the bids being developed in the Kirklees area demonstrate the difficulties which can occur when partners fail to subscribe to the same objectives and then, subsequently, the bid fails to reflect the nature of the Structural Funds.

We will assist them ... [with], where relevant, European funding applications but not just because they need the money ... they've got to sit and think much more clearly, in terms of the strategic way in which they fit their bids to their plans, so that it actually works and is eligible, instead of the other way around because it happens to be funding, lets just say its going to be 'x' which is a very superficial and thin way to approach it.

(Kirklees MBC)

The changing structure and level of government financial support means more projects are required to find additional sources of funding. As a result public bodies are becoming accustomed to funding partnership which, in some way or other, influence the content of proposals. What the evidence suggests is that a broad network of organisations is frequently required to create a viable project. It is equally true that projects are increasingly expected to perform a number of roles and articulate and satisfy a range of rationales.

(f) Broader Issues Regarding the UK System

Difficulties associated with European funding must be placed in the context of the system the UK government operates. Strengths and weaknesses invariably are a function of the structures imposed. In response to the letter sent to all County Councils and Metropolitan Borough in England, the Warwickshire European Officer suggested three core weaknesses of the UK system of resource distribution: (a) the complexity of the application process (the volume of information required and the intensity of the process); (b) the long lead time after a project submission and the decision to accept or reject the proposal and (c) delays in payments to successful projects. These areas were explored in the interviews.

The European Officer at the Government Office of the North West identified the main rationale for the use of selection criteria, from the GOR perspective.

They are difficult things selection criteria ... it would be wonderful if we could come up with 4 or 5 criteria that would actually do the job for us but when you have got very competitive programmes, we are actually looking to rank and to use the criteria to make quite difficult decisions on who gets the money and who doesn't. It is not just about getting people over the quality threshold ...

(GONW European Officer)

Selection criteria are clearly vital for competitive funding programmes and a valid means of distinguishing between bids. However, the demands of the bidding process are perceived differently by project managers. The issues of the timing and the intensity of the process are central.

The application forms are very detailed ... sometimes you hardly get any time before a deadline and you are asked for a lot of information. And then its a long time before you get a decision and then its a long time before you get any money! Questions about the money and the proposals and how they fit together. These are perfectly reasonable. And so from the point of view I don't think the process is complex ... at the other end of the line there is the money coming in ... I suppose to be fair it isn't always the GOs fault ... But it seems to be an incredibly inefficient process ... a voluntary organisation had to wait 9 months and they were certainly on the point of declaring their staff redundant. Simply because the GOR couldn't get hold of the money for whatever reason. We are still waiting for a relatively small amount of money £20,000 from the GOR for projects ended in 1995. That to me is totally unacceptable.

(Warwickshire European Officer)

With the ESF it is a nightmare because the deadlines always slip and you do find with that the deadlines were very tight. If you haven't got projects on the shelf that you can try and manoeuvre a little bit or what have you, to fit the criteria then you are hard pushed to build something from scratch with the time that you get. What has happened year on year is that it has all got delayed, last year people didn't receive approval letters until June/July time, so they could have already been running their project since January ... you don't get payments until August/September time. I mean that is quite a big issue for people that put in projects because they have to underwrite their bids and take the decision to run the projects for the first six months, without knowing if they have the money or not.

(Northamptonshire Economic Development Unit)

The most serious weakness would appear to be delays in approval. The delays mean project teams must decide whether or not to underwrite project costs in the hope of being successful. There is an implied concern that projects are not going ahead without confirmation of approval, particularly voluntary sector projects. Overall, complexities within the system were acknowledged but were qualified in that obtaining European funding is no different from seeking funds from any other agency (eg. paperwork, the wording of questions and inevitable bureaucracy).

The need for co-operative relations at the national and European levels has already been highlighted and the previous sections have illustrated the areas where the relations have been a cause of concern. It was suggested that some of these difficulties relate to the culture of the British civil service. Two interviewees specifically identified this as an issue.

... they have got more confident about what they were doing and they've got a lot less secretive ... it is still an issue with all civil servants. If its on the borderline on whether or not they should tell you then you don't.

(Nottinghamshire Economic Development Unit)

With the cutting of staff, they're much more open about processes ... also I think there have been changes in staff. It has been quite significant in the GO, in terms of old stager civil servants who had been in charge for a while, when I first joined now a few new faces have come in, who are in charge of the new programmes and I think they have a more open view and that's really quite encouraging so we, I think, feel much more positive about the GO. Its really about an attitude of mind and a tradition ... the British civil service has always been pretty close to the chest sort of stuff, they've never been willing to share its processes with the public. And its only when the public have forced an opening, a transparency of the civil service that they moved and changed with the times ...

(Warwickshire European Officer)

The concerns regarding transparency and ‘hidden agendas’ can be associated with the culture of the civil service (see Section D). The area warrants further investigation but it might be suggested that control over information and procedures is fundamental to understanding the roles played by actors within the domestic policy making environment.

6.8 LEISURE AND THE REVITALISATION OF LOCAL ECONOMIES

European funding is designed to aid the process of economic regeneration. As demonstrated by the case studies, this has invariably implied the use of funds to help with the transition from the secondary to tertiary sector. These ‘drivers for change’ come in the form of incentive funding for SMEs and the new technology industries but, in addition, there has been an interest in the service sector through leisure and tourism. This has taken two forms, either as a secondary, contributory factor to the attraction of inward investment (an environmental focus) or as a direct stimulus for employment, namely by bringing in new tourists or extending an existing tourist season (Vanhoven and Klaasen, 1987). All regions in this study have specified the development of either the leisure, tourist or sporting industries as one of their priorities. What is of interest is to establish the ways in which leisure and sports-related projects have contributed to the economic regeneration programmes.

YORKSHIRE AND HUMBERSIDE
Priorities and measures associated with tourism and leisure

<p>Priority 5. Action to develop the tourism and cultural industries</p> <p>Measure 16: tourism facilities</p> <p>Does the project contribute to the extension of the tourist season, eg. provision, improvement, marketing of wet weather facilities?</p> <p>Does the project encourage longer stay, higher spend by tourists, eg. develop, promote evening activities?</p> <p>Will the project also help to attract inward investors?</p> <p>Does the project contribute to the development of a local network of attractions?</p>
<p>Measure 18: Support for the cultural industries</p> <p>Does the project contribute to the formation of industry networks, partnerships or clusters?</p> <p>Is the project linked to a local, regional centre of cultural or leisure activity?</p> <p>Will the project help to raise the profile of the region, local area as a centre for the cultural industries?</p>

Box 6.5 Tourism measures 16-18 in the 1994-6 SPD for Yorkshire and Humberside

The Measures ask specific questions of eligible projects. However it would appear leisure projects, generally, have found it difficult to fulfil expectations. Under Measure 5.16 (increasing the utilisation of tourism facilities and upgrading facilities) 4,019 permanent jobs were required but only 511 were created. This included the extension of Cleethorpes Leisure Centre, (a £342,412 grant) and the improvement of the Cleethorpe Cycle Routes [by 5kms], neither of which led to the creation of any permanent jobs. Under Measure 5.18 (support for the cultural industries) 944 jobs were required but again only 338 were created. This included the improvement of Gooool!!! - The Football Museum, for which there was a £75,000 grant approved but from which no new permanent jobs were created (GOYH, 1997 unpublished).

Performance indicators and outputs are crucial to those applying for Structural Fund aid. The Commission is keen to ensure regional programmes fulfil their potential. The figures above show that tourism struggled to do this.

The bottom line for these programmes is job creation ... Tourism, which I suppose is the main leisure one we do, doesn't really create that many jobs. Under the old Programme we had a separate tourism measure and we spent all the money, almost, but it was a case of a little project here, a little project there and in their own right they were probably good and quite worthwhile projects but ... the programme didn't get that near to meeting the jobs output targets. The programme did as a whole but leisure didn't. That's the problem with tourism, it got an eighth of the jobs it was supposed to. We actually had to fight with the Commission to get tourism in this time.

(GOYH EU Officer)

Yorkshire and Humberside has retained tourism within the current SPD which runs until 1999. However, in view of the disappointing levels of success, there have been some modifications made to the leisure-related priorities. The most apparent change is the creation of a more coherent approach to investment, through 'tourism poles'. This was in a response to Commission concerns over the effectiveness of the previous SPD objectives.

... we introduced the concept of tourism poles. Which is where it is either a cluster ... an area like a city centre or a big attraction but we put a lot of money, somewhere between 6-12 Tourist Boards will have £21m to spend, therefore, we're talking £2-3m for the tourist pole and we are hoping that putting that much money in it will have a greater impact.

(GOYH EU Officer)

Yorkshire and Humberside is a good example of how sport and leisure have been incorporated into a region's SPD and not produced the expected outcomes and suffered as a consequence. In an area troubled by high unemployment, the importance of maximising job creation is not to be underestimated. The leisure and tourism industries are known for their ability to generate indirect employment (multiplier

effect) and have a positive impact on the local economy but the *direct* impact is less visible for small-scale projects.

MERSEYSIDE

The Metropolitan Borough of Wirral has attracted over £40million of European Regional Development Funds ... The assistance, managed through a targeted, co-ordinated strategy, is regenerating the local economy and has helped to:

- create and safeguard jobs
- encourage private sector investment
- put Wirral on the international map

Wirral Metropolitan Borough Council, 1996:2

In the SPD for Merseyside 1994-6, investment in the cultural, media and leisure industries was identified alongside a need to encourage investment in the advanced technology industries. The Programme of measures followed on from previous *Merseyside Integrated Development Operations* (MIDO) objectives designed to encourage leisure and tourism (the MIDO Programmes were forerunners to the 1994-9 Objective 1 SPD). The projects (see Table 6.7) are framed by anticipated gains to the Wirral area and not by the potential benefit to the Borough's current residents. Few European Programmes (outside Community Initiatives) allow community-based activities. The inability of project managers to declare 'social' intentions within a Structural Fund can be problematic. Firstly, project managers are usually applying to a variety of funding agencies, each with their own objectives. This necessitates that bidders revise rationales and 'sell' their projects in a variety of ways, often without declaring other rationales (for fear of prejudicing individual claims). Secondly, with regard to European funding, the failure to acknowledge community benefit is invariably failure to acknowledge the main beneficiaries. Grant aid secured under tourism measures will naturally support projects with limited, seasonal appeal, even where facilities are sought to extend the tourist season. The European Officer for the Wirral reflected on these points.

I wouldn't use the word leisure in terms of European funding because basically leisure reflects local use and European funding is definitely not for local use ... predominantly you are going to be selling 'leisure' projects as tourism projects. Some of which are difficult to do because they are obviously local use. You can only have a certain number of international pools in your area! ... The European dimension has to be an economic impact, so although people would argue it is retaining the economy by causing people to spend in the area, rather than going outside the area to spend, they are rather looking for inward investment.

(Wirral European Officer)

Becoming attuned to European criteria is also essential to a successful bid. The Conway Park Swimming Pool was named the 'Europa Pool' and Bebington Oval became an 'International' athletics track, to aid the attraction of European support.

The Wirral European Officer acknowledged “We look at the project, we know the eligibility criteria, we know the strings to pull and those words are put into the application”. This is a good example playing the ‘funding game’, that is, exploiting the core criteria of a Programme in order to achieve objectives on the local agendas.

THE NORTH WEST

Priority 5 of the SPD for the North West (1994-6) identified ‘tourism and cultural industries and image enhancement’ as a key objective. Inclusive of this was the aim of encouraging sustainable economic activity in key growth industries and to promote the image of the area to visitors and industry. The priority focused on upgrading tourist facilities and on employment training for the tourism, media, cultural and sporting industries. The clear articulation of intent, however, does not appear to have materialised into a sustainable programme of activities as the Measure was absent from the 1997-9 Programme. Representatives of the City Council and the Government Office reflected on the relationship between sports-related redevelopment programmes and the Structural Funds.

A lot of the SPD is looking at where the economy is at and where it is going and I would have thought that certainly the Commonwealth Games might well have an impact on the economy in the years of the next SPD. Where some of your problems come is that, ERDF is some what harder because it has stricter sectoral eligibility rules and I suspect it was taken out [because] under the old programme it raised expectations of things that simply could not be funded.

(GONW European Officer)

Sport did get a mention in the Greater Manchester, Lancashire and Cheshire (GMLC) programme for 1994-6 but not in the GMLC programme for 1997-9. However, visitors and tourism remain within both. In practice, EU funds are economic funds which relate to employment; so any project ... must show its impact on creating and sustaining local employment. As an example from ESF, we have an approval for a coaching skills project this year, run by the City Council. With the Commonwealth Games 2002 approaching there will be a growing number of similar projects which will connect the event to the local economy but in my opinion it will be very difficult to use the EU Structural Funds within the games directly.

(letter from Manchester City Council European Officer)

The future application of the Structural Funds in the North West, for leisure purposes, is clearly dependent on the decisions made in the lead up to Commonwealth Games and in the immediate aftermath of the Games. The SPD for 1999, however, will be shaped by more than just local priorities. Like all recipient regions, the North West will have to make decisions based on their new status under Agenda 2000.

SOUTH WEST

Priorities and measures associated with tourism and leisure, Objective 5b

Priority 1. SME and business development
Measure 1.1: facilities and infrastructure for business
Projects which involve the development/redevelopment refurbishment of previously developed (brownfield) sites/premises for industrial/business users; Projects which provide employment opportunities to areas of high unemployment; strong evidence of property and labour market supply and demand analysis for the local area;
Priority 2. Tourism
Measure 2.1: tourism facilities and infrastructure
A. resort regeneration: Improve the visitor experience through environmental and other improvements. part of integrated package of measures; quality improvements (visitor experience); Extend season: main; shoulder; all year
B. attractions: Enhance the basic tourism infrastructure through the selective development if high quality, innovative attractions which will meet market needs, are capable of attracting significant visitor numbers and will bring economic benefit. Significant increase in additional visitor numbers; Extend season; Linkage with ESF training; Non-resort location

Box 6.6 Tourism measures in the 1994-6 SPD for the South West

There is a general trend towards accepting leisure facilities as part of economic regeneration plans in urban areas (eg. flagship facilities and events in Sheffield, Birmingham and Leeds). However, is the South West (an area requiring economic diversification) as receptive to leisure bids, and if so, on what grounds?

SW: Objective 5b/Plymouth Objective 2 Working Group Project Proforma

Project	Secretariat Remarks	Secretariat Recommendations
Truro College new vocational training building 1995 linked project: SRB West Cornwall Initiative	Financial support anticipated under the successful West Cornwall Initiative SRB bid, the National Lottery ... and the Foundation for Sport and the Arts. Development supported by Devon and Cornwall TEC as consistent with its vocational training policies.	Recommended. An estimated £224,000 annual revenue is generated. However, Truro College claims that it will be no better off in financial terms ... priority medium grant 50%
West Somerset DC West Somerset Leisure Centre, Minehead 1996	No comment by Secretariat	Conditional recommendation. The project would provide early recognition of the area's Objective 5b status by assisting in the funding of a much needed wet weather facility in this expanding tourism area. Priority medium grant 10.3%
Devon County Council Around Devon Cycle Route 1996	... a well presented application, which scored well against both core and measure criteria ... modest in scale it will contribute towards tourism development in ... the smaller towns ... It will also encourage environment. friendly tourism	The Secretariat recommends support for this project. Priority medium grant 50%

Table 6.10 South West Objective 5b Project Proformas

The issue of whether leisure-based projects are appropriate for investment through EU Programmes is exemplified in the comments made by the Secretariat on a bid by North Cornwall District Council.

North Cornwall DC, Bodmin Leisure Centre, 1994-6

The issue of how appropriate it is to use ERDF funding for pools is currently being addressed by the Tourism Working Group. Following the evaluation exercise of the previous programme there is a concern about the impact of such facilities in relation to the tourism economy. It would be premature to progress any leisure pools until the working group has reached a conclusion.

Without prejudice to the working group findings, the scale of such projects are considerable, and even if they are to remain eligible, considerable supporting evidence in relation to their tourism impact will be required for any project to receive funding.

The SPD concentrates on a positive change to the economic performance of the locale through investment in both people and new industries. The region, though is very much aware direct investment in leisure is difficult. In the revision of the South West Area 5b Rural development plan, the Government Office of the South West (GOSW) states: "Leisure based facilities will only be supported where there will be proven impact on the area in terms of the number of visitors from outside the area using the facilities" (GOSW, 1994:75).

I think the main problem is that there wasn't really a book with a list of all the criteria for the different grants because it is so open-ended. I think the information that they gave us was a bit too 'woolly', especially regarding sport because it was made quite clear that they wouldn't fund community sport but where ... any facility was for tourism, they would fund.

(West Somerset District Council, Leisure Services)

There is a recognition leisure is a grey area in the Union's policy of targeting resources. The awareness of GOSW is further highlighted within their guide to the criteria necessary for Structural Fund grant aid. It is stated project eligibility criteria for ERDF would exclude sports proposals, *if* the project were solely for community sporting use. Increased tourism or other gain has to be behind the proposal:

Generally, and based on previous programme experience, ineligible projects are likely to include:

- i) those directly related to sporting occasions (although any infrastructure works that might stem from such events could warrant consideration if they had long-term benefits for the public eg. leisure facilities built for a particular sporting event and then retained for use eg. as tourist features);

(GOSW, 1996:2)

The tourism dimension is exemplified by the West Somerset Leisure Centre in Minehead, and the events associated with the venue.

I think when I initially read the 5b background criteria it didn't fit nicely into any particular bracket but the tourism bracket did fit into the Sports Council's observations of providing facilities in rural areas and that they see the advantage of promoting sport for tourism, with regard to on-going revenue, especially as tourism is becoming all year 'round.

(West Somerset District Council, Leisure Services)

Despite the success, and clear tourism remit of local authorities in the South West, officials still have reservations over the value of leisure-based schemes, reflecting the issues of a return on investment raised by the representative of the Government Office of Yorkshire and Humberside.

The thing is that we have spent the tourism money and we still have 2 years to go, so it is not as though we have a shortage of projects [...] the technical view is that the value for money and the tourist return for what you put in is not good on leisure facilities.

(Cornwall County Council European Officer)

The County Council now seeks at least a 50% tourist usage for a facility bid to be endorsed. This is a difficult criteria to meet as the South West's tourism trade is subject to seasonality. Whilst EU-supported projects are designed to extend the tourism season, a 50% usage rate still presents an issue for future bids.

Leisure in SPDs: are expectations being met?

The studies seems to suggest that leisure, in all its manifested forms (arts, heritage, sport and tourism) is becoming increasingly evident in SPDs. Many County Councils and local authorities are seeking to incorporate leisure strategies in their regeneration plans, although, the opportunities to exploit European funding are limited. This is due to the criteria laid down by the Commission, however, as local agencies become more comfortable with European regulations their ability to focus on Commission objectives is increased. What is of interest is the ways in which leisure and sports-related projects have contributed to regeneration programmes. Economic rationales must be prioritised over community and social objectives. Invariably schemes complement other initiatives targeted at attracting inward investment. Consequently, in urban locations sport and leisure projects tend to perform complementary rather than primary roles in regeneration. In rural areas, for example the South West, the focus is more on the extension of current economic activity, namely the extension of the tourist season and the diversification of the local tourism product.

6.9 EUROPEANISATION

The debate regarding Europeanisation within the Union requires the policy analyst to reflect upon what relations are of greatest significance in the policy process. The only constant of EU regional policy would appear to be its potential for change. The expansion of Community programming (eg. Objective 6, URBAN and HORIZON) has given rise to increasingly sophisticated regional apparatus and a more strategic management of resources. The creation of Local Partnership Groups and the opening of offices in Brussels demonstrate the range of options now considered by Councils.

These developments, over a relatively short period of time, have brought attention to the growth of regional level policy activity and highlighted the difficulties of being a locally based operator in a system lacking a free-standing regional tier of government. The Europeanisation of regional policy should have led to the disaggregation of responsibility for decision making, as the forums in which interest mediation and agenda setting take place have changed. Each tier of administrators has specific responsibilities for shaping and interpreting policy, the distribution of information and the allocation of resources.

Subsidiarity, Additionality and Partnership

The resistance to the decentralisation, and elevation of, regional policy by the previous Conservative administration was reflected in the government's interpretation of the Structural Fund operating principles (van Kersbergen and Verbeek, 1994). For example, additionality is operationalised in a minimal form, with the emphasis on retrieving 'borrowed funds' from Europe rather than on the sense in which the Structural Funds represent a transnational reform package.

There is a built-in tension between Commission concerns that the resources translate into additional, tangible activities on the ground and government interest in substituting EU funds for domestic expenditure at a time of increasing financial constraint.

(Turok and Bachtler, 1997:7)

The need for local agencies to work collectively is also growing with the increasing necessity to find match-funding from domestic and international sources (eg. City Challenge, English Partnerships and the Structural Funds). The need for local co-operation has "renewed interest in regionalism and strategic planning" (Turok and Bachtler, 1997:9). Martin (1997b) suggests these networks are bringing together regional authorities across Europe, again emphasising a growing involvement in European policy debates. However, without a statutory right of inclusion in the actual *process* "their attempts to access and use EU funding must therefore be seen in the wider context of national government's strong 'gatekeeper' role" (Martin, 1997b:52). Where there is evidence of Europeanisation is in: (a) sensitivity to EU legislation (b) growing levels of direct liaison with regional authorities across the Member States and (c) the increasingly pro-active seeking out of benefits to be drawn down from Brussels. For example, in 1992, the Local Government International Bureau estimated there were more than 20 local authority networks with an EU focus.

EU Regional Policy and Regional Governance

The research in this chapter has considered two themes: the rationales for sport and leisure-related projects and the significance of structural factors in policy development and implementation. Research into the latter area suggests there are still tensions to be resolved at the national and regional level, in the UK. This research theme further highlighted issues surrounding the organisation of UK-based regional policy networks. This is outlined and developed in Chapter Eight. The Structural Funds are based on subsidiarity, partnership and additionality but the current system is founded on national economic planning priorities and administered centrally. However, devolution in Scotland and Wales and the introduction of Regional Development Agencies and voluntary Regional Chambers in England and Wales all represent efforts to decentralise policy making, particularly in relation to economic regeneration (DETR, 1997).

... regionalisation is a central plank in the government's regeneration policy. I think what is not clear at the moment, which will develop with the RDAs, is quite how much power, if you like, they will be prepared to let go of, from the centre ... for the first time we will be allowed to have a regional strategy that we [can] work to. Under the old government, anything that looked like a regional strategy being produced by the GOR was not allowed because it smacked of regional government ... so just simply being able to have an economic strategy for the region, that you can actually use to inform all your regeneration activities is going to be a huge leap forward.

(GONW European Officer)

At the time we were one of the first ERDF bids, consequently, our problems were associated with agreements about the Programme, the SPD. We felt like a ping pong ball between Brussels and London. It was actually London which was insisting on re-writes to the SPD which when they came back from the third re-write, they had gone back to, almost, the original because Brussels did not like the way London was driving the re-writes. So it was the tension between Brussels and London, where Brussels likes to dictate what happens in the regions that need assistance and London [whom] almost wrestles against that.

(bidder from the South West)

Regional empowerment and the need for regionalisation in the UK system is acknowledged as a means of improving the effectiveness of regional policy. John Mills, Chief Executive of Cornwall County Council, in response to the House of Lords Enquiry on the Structural Funds reflected on the issue of centrality.

... the success of the Programme in the South West is facing a degree of jeopardy from the continuing imposition, in practice, of Government rules requiring that projects must be endorsed at the centre.

Mills, 1996

The growing potential for disaggregation within the policy community will continue to influence a region's approach to European funding. The more positive approach towards UK regions by the Labour administration should allow for new interpretations

subsidiarity and partnership to be developed. This may lead to increased autonomy for regional authorities, particularly with regard to regeneration policies. Policy agendas will then, perhaps, reflect regional rather than national concerns. Ironically, this is likely to be accompanied by a dilution in funding of existing regions as the widening of the Union will imply other more pressing priorities for the Structural Funds.

Figure 6.1 below, illustrates the key areas of dependencies between regional policy stakeholders that were identified by the study.

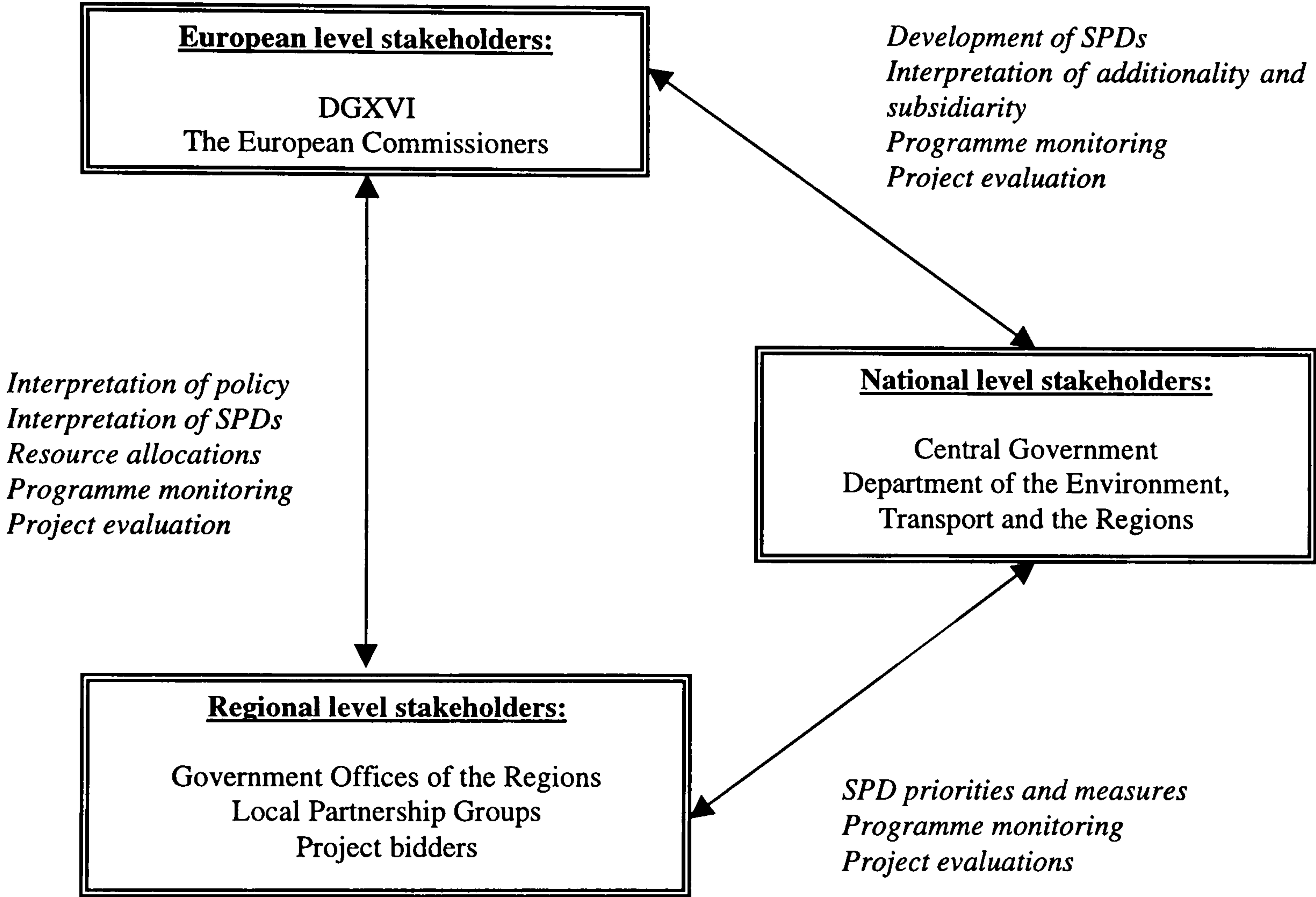


Figure 6.1 Representation of the dependencies between regional policy stakeholders
Italics – nature of inter-dependencies between policy actors

The issues of interest mediation and inter-organisational relations within policy networks are discussed fully in Chapter Eight. However, at this juncture it is important to highlight the central tensions that exist in the present system of regional funding. Key stakeholders are evident at the local, regional, national and supranational levels, these are inclusive of project bidders, GORs, the DETR and

DGXVI, respectively. Tensions between these tiers of governance and project teams exist due to the nature of the administrative procedures involved and the resource dependency amongst these agents. The centrality of national policy objectives and the role of government departments to the operation of the Structural Funds contrasts with the operational philosophy of the EU-level regional policy, namely the localisation of the management of economic regeneration, resulting in greater regional empowerment to deal with local issues. Vertical integration of governmental agencies is developing (both at the European and national level), however, network disaggregation to regional actors has been slow to materialise and is subject to influence by regional and programme-specific factors with regard to its implementation. Leisure investment in the region may, therefore, be characterised as being affected by UK-based operational procedures as well as by the extent to which a region can rationalise and adapt projects to adhere to European programme requirements.

CHAPTER SEVEN

THE POST-MAASTRICHT AGENDA: THE INCLUSION OF AN EU COMPETENCE FOR SPORT?

7.1 INTRODUCTION: Structure and Aims of the Chapter

This chapter deals with the third of the EU policy studies. It also represents the third type of policy under investigation. The Declaration on Sport agreed in June 1997 at the Inter-Governmental Conference (IGC), and incorporated in the Treaty of Amsterdam represented the culmination of 18 months lobbying by European sporting agencies and actors, inclusive of parliamentarians, governmental and non-governmental sporting bodies. The activities of these respective groups are examined in the early parts of the chapter. Section 7.5 looks specifically at the debates from a UK perspective, as it is an example of the way the debate was discussed and promoted within a Member State. The chapter concludes with a discussion on the significance of the roles played by key actors and the resources they controlled within the network. The thesis seeks to examine the nature of the networks that operate within sport at the European level and so the section reviews the roles played by the identified groups, the resources deployed and the alliances formed.

7.2 1992-7: THE POST-MAASTICHT POLICY ENVIRONMENT

Chapter Four illustrates that although the EU has no legal competence with regard to direct intervention in sporting matters, the widening and deepening of the Union's remit in economic and social policy invariably has implications for the practice, development and promotion of sport. As the rationales for intervention at the supranational level have increased the number of 'stakeholders' has grown at the regional, national and European levels. Distinguishing between sport as trade, as a tool of urban regeneration, as a means of combating social exclusion and as an ideological tool the Commission is cutting across the interests of a plethora of groups: governmental departments and related quangos, sports associations and transnational corporations, in addition to the European Parliament, the European Olympic Committee (EOC) and the European Non-governmental Sports Organisation (ENGSO) and the General Assembly of International Sports Federations (GAISF).

With the Inter-Governmental Conference (IGC) taking place between March 1996 and June 1997 set to review the TEU it was felt this period would be an appropriate time to address the place of sport within the EU. The IGC Reflection Group, the body responsible for producing the report that was to form the basis of the re-negotiation of the Maastricht Treaty, did not incorporate a discussion on the inclusion of an Article on sport into the provisional agenda.

However, many working within sport, the policy stakeholders, have been discussing the issue and rehearsing their arguments since 1995, in anticipation of it being raised in the talks.

The Research Questions

At the level of the policy environment, it is necessary to place the debate on the issue of a competence for sport in the context of broader issues concerning the European project:

- How and why has the debate on a sports competence developed?
- Does the outcome of the debate reflect changes to the nature of the debate on the future of the European integration project?

The work of the EU impacts on the work of a range of institutions, so it is necessary to detail which organisations are involved and how they operated. That is, examine the collectives and the role of the actor therein:

- What organisations are proactive in the competence debate?
- What positions do the policy stakeholders within these organisations hold on the issue?
- Are the actions of particular individuals significant in influencing the positions held by the respective institutions?
- Do key inter-personal relations help explain changes in the positions taken by key actors?

The actions of individuals are significant but the intervention of meso level concerns is a contributory factor to policy discourse. Therefore, the research looks at the interplay between the capacity for the involvement of the identified institutions, the actual level of participation in the process and how that participation was articulated:

- Are the stakeholding groups inclined to seek alliances with other organisations?
- What is sought from these relations and what does each partner bring to the partnership?
- Do relations between partners constitute a policy network?

Research Data

The research into the competence debate was conducted between January 1996 and June 1997. Over this period thirteen interviews were conducted with parliamentarians and administrators from European sports organisations (see Table 7.1).

Group	Interviewee	Non-respondents
Committee on Culture	Robert Evans (PES) Carole Tongue (PES) (interview agreed but cancelled. As a result a discussions with her Assistant took place and access to the Office's media files was agreed). Roy Perry (EPP) Simon Murphy (PES) (former member of the Committee)	
Committee on Social Affairs	Hugh McMahon (PES)	Hugh Kerr (PES)
Parliamentary Sports Intergroup	John Tomlinson (PES) Angela Billingham (PES)	Jessica Larive (ELDR) Mary Banotti (ELDR)
Committee on Legal Affairs and Citizens Rights		Christine Oddy (PES) Jean Pierre-Cot (PES) Edward McMillan-Scott (EPP)
Other MEPs	Phillip Whitehead (PES)	Jim Fitzsimmons (UPE)
European Sports Organisations	Chairman BOA Head of Technical Services, CCPR Representative of UK Sports Council Representative of DGX, Sports Sector Representative FIPA	President of ENGSO Head of Major Spectator Sports Division, CCPR Secretary General of Swedish Olympic Committee (due to attend a Conference attended by the researcher but visit was cancelled)

Table 7.1 A list of parliamentarians and sports administrators contacted with regard to the policy study

The period in which data was collected ran parallel to the debate on the Treaty of Amsterdam (1995-7). This allowed for a range of data sources to be exploited, including information regarding the on-going discussions within the Sports Intergroup (March 1996 - January 1998), reports from the Committee on Culture (the *Pack Report*, 1997) and correspondence between EOC and ENGSO members (letters and memorandums, 1995-7). Whilst the on-going nature of the debate allowed for valued documentation to be retrieved, it also meant the interview data was subject to influence from temporal factors. As discussed in Chapter Three, the interviews were conducted over an eighteen month period, during which time it was unclear whether a competence would be raised at the IGC. Early interviews were focused on the rationales promoted for and against a competence and the later interviews reflected on why the IGC concluded with a Declaration on sport. The temporality of the research, consequently, influenced the nature of the interviews. The interview schedule is outlined below in Table 7.2.

Issues to be Raised	Interview Data: areas of significance
Sport in the context of Parliamentary debate (Parliamentarians)	Sport being dropped from the title of the Committee on Culture in 1992. Levels of interest in sporting issues as part of the work of Committees.
Sport as a competence of the EU (Parliamentarians and UK representatives of the European Sports Movement)	The need for clarity on the status of sport: economics (eg. the Bosman case) and culturally (eg. the <i>Tongue Report</i>). Advantages of a competence. A future competence for sports, post-Amsterdam. The debate from a UK perspective - a change of government, a change in position? Sport and subsidiarity.
The joint position held by the ESM (UK representatives of the European Sports Movement)	Start of collaboration. Evaluation of options.
Lobbying	Approach at the European level. Approach at the national level.

Table 7.2 Interview schedule for the competence policy study

In addition to qualitative interviews, the study tried to counter the Anglo-centric bias of the work by undertaking a written survey of a range of governmental and non-governmental sporting organisations in the Member States. Table 7.3 outlines the groups written to and the respondents.

Respondents	Non-Respondents
Deutsche Sportbund	International Secretariat of the Netherlands Olympic Committee;
Secretary General, National Olympic Committee and Sport Confederation of Denmark	Head of EC Relations, General Secretariat for Sport, Greece;
Head of International Affairs, Ministerialrätin, Austria	Head of International Affairs, Bundesministeriumdes Innern, Germany;
Kultur und Sport Nordrhein-Westfalen	International Relations, Ministère de la Culture et des Services Sportifs, Belgium;
Ministère de l'Education, Luxembourg	Secretary General, Finnish Sports Federation;
Comitato Olimpico Nazionale Italiano (CONI)	Head of Sports Section, Ministry of Culture Denmark;
Senior Policy Advisor, Sports Department, Ministry of Health, Welfare and Sport, the Netherlands	Commissariat voor de Sport (Flemish sports foundation);
	Comité National Olympique et Sportif Français;
	International Affairs, Ministry of the Interior, Sweden
	Instituto do Desporto, Portugal;
	Consejo Superior de Deportes, Spain;
	International Relations, National Sports Council, Republic of Ireland.

Table 7.3 Letters sent to members of governmental and non-governmental sports associations

Each organisation was sent a letter that asked a number of questions about its work in relation to a competence and the work of its respective government.

- Was (the organisation) aware of the competence issue 1995-6?
- Did (the Member State government) have a position on the issue in 1995-6? (please specify details)
- Did (the organisation) support the position of EOC/ENGSO, calling for a competence?
- Did (the organisation) actively campaign to encourage/discourage (the Member State government) from supporting a sports competence at the 1995-7 IGC? How and why?
- What was the final position of the government prior to the Declaration in June 1997?
- How do you think the Declaration will impact on the way sporting matters are discussed and managed in the EU?

The letters were sent out in October 1997 and the questions were tailored for those organisations documented as being involved in the debate. For example, if the organisation was in a country that had held a position on the Troika at some point during the IGC period.

Limitations to the Empirical Data

As acknowledged above, the main limitation to the work carried out was the Anglo-centric nature of the primary data (collected from Parliamentarians and UK representatives of the ESM). Co-operation was sought from a variety of actors in the European Parliament, including MEPs from the Republic of Ireland, the Netherlands and Belgium, however, the study failed to secure interviews with these individuals (see Table 7.1 above). As a result the sample of parliamentarians was limited to UK MEPs and, in addition, the sample was biased towards UK members of the Party of European Socialists. Only one member of the European People's Party agreed to take part in the study. Table 7.3 illustrates the limited response to the letter circulated to governmental and non-governmental sports organisations. Despite a less than 50% return, the positive responses received from some individuals meant the study was in a position to reflect on how the issues was approached by the organisations. A limiting factor to this transnational element of the research was also resources. Given a larger budget and more time the study could have followed up the written responses with more in-depth discussions with respondents.

7.3 THE DEBATE ON COMEPETENCE AND THE SIGNIFICANCE OF THE 1996 IGC

Until the introduction of Article 128 on Culture in 1992 the notion of a 'citizens Europe' had only been explicitly outlined at the European Council of Milan in 1984. Subsequently references were only made with reference to this Council and the *Adonnino Report* that

outlined the nature of the discussions held. An Article espousing the ‘flowering’ of European cultures, went against the economic and political nature of the Union and brought a further dimension to the notion of European citizenship. Previously, citizenship incorporated the free movement of workers and the lowering of internal borders but did not represent a ‘citizens Europe’: “it is about constructing a firm and durable, transnational model of citizenship. It is about filling the “democratic deficit” at the European level, developing a civic and social ‘Union’”(European Parliament, 1992:2). By looking at the diversity of the Union and not at ways in which policy could diminish difference, the Union was starting to look for a way to underwrite its cultural legitimacy. It is clear the Article's introduction did stimulate interest in the sporting world to seek a similar acknowledgement for Europe’s sporting heritage.

When the Bosman judgement was pronounced, some maintained that the Court had underestimated the true importance of sport and its special place in European society, and that it was therefore important to find solutions whereby professional sport could retain some system of independent organisation ... There have therefore been calls for special rules governing sport to be included in the Treaty, following the example of culture.

(European Sports Forum, 1997c:6)

The IGC was planned as a time to reflect on the issues of transparency, consolidation and the democratic deficit (Turner, 1996). However, a small number of policy communities, outside of sport, were also set to lobby for their interests to be formally recognised. The IGC was to discuss the possibility of Declarations in the areas of civil protection, energy and tourism (European Parliament, 1996c). Where sport differed from these policy domains was in the fact that its place on the agenda had not been agreed *before* the IGC started. The Reflection Group did not consider the issue of a sports competence to be a primary agenda item.

Properly speaking sport is not a concern of the Intergovernmental Conference, as Michel Petite has emphasised. “Governments entered into the IGC to discuss general issues. For them, to be blunt, sport is just one of the miscellaneous issues to be tackled at the end of the conference”.

(European Sports Forum, 1997c:6)

Despite no guarantee of a place on the agenda, the issue was discussed at the end of the IGC and a Declaration on Sport was agreed in June 1997. Although a full Article was not achieved, the aim of the research was to identify the development of the debate, in the context of the emergent stakeholders, their perception of the debate and the alliances they formed that led from the earliest days of lobbying by the European sports movement in 1995 to the Declaration on sport in June 1997.

Procedures for an IGC

The IGC is a long process involving the co-operation of the Member States at a number of levels. Civil servants, the Council of Ministers, the European Council, the Commission and the European Parliament are all involved in the preparation and structuring of talks. The combination of temporal and political factors means the process undergone, to secure a place on the agenda and then to negotiate on behalf of that interest, are complex. The timetable of events for the 1996 IGC were as follows (Table 7.4):

Date	Process Undertaken
Until May 1995	Preparatory reports by the Commission, the Council of ministers and the EP to the Reflection Group
June-December 1995	Reflection Group under the Spanish Presidency
December 1995	Summit under Spanish Presidency
January 1996	IGC begins
December 1996	IGC ends
June 1997	Summit under Dutch Presidency

Table 7.4 The timetable of the 1996 IGC, adapted ENGSO, unpublished(a)

The significance of such a timetable was it necessitated there be a sustained level of lobbying by those wishing to see the issue of a competence added to the agenda. The length of time involved in the process can be used to illustrate the fragmented nature of the decision making process in the EU and demonstrate the importance of the lobbying process at the national and European levels. Evidence of interest mediation and alliances between different groups is developed below.

The Policy Options

The post-Maastricht debate regarding the role of the EU in sport was centred around the goal of the European sports movement to achieve a sports competence. However, given the circumstances under which the issue was raised at the IGC, there was likely to be a limit to what could be accomplished. A number of factors framing the debate militated against a competence being agreed: the lack of consensus on the importance of the issue, the failure of advocates to get the Reflection Group to make the issue an agenda item and the subsequent lack of time available in order to push the issue through the IGC process. However, there were five policy outcomes to be considered.

The first option was to do nothing to the present arrangements with regard to the involvement of the EU in sporting matters. The UK government of 1996 advocated such an approach but there were two ways in which the Union could have maintained the *status quo*: to discuss the issue and resolve to make no changes to the present situation or to not have the issue raised at all. The other options referred to different forms of legal intervention. The weakest alternative was to place sport under Article 3a, which would have allowed the Union to take

action "without further reference" (ENGSO, 1995:1). This would have meant the rights of the European sports movement to play a proactive role in the decision-making process would not be safeguarded. In view of the emphasis on the cultural worth of sport, Article 128 was another consideration, whereby the insertion of a reference to sport could be made by broadening the definition of 'culture'. The final options were to isolate sport, either through a Declaration, acknowledging the special circumstances of sport or the writing of a new and specific Article.

7.4 THE POLICY STAKEHOLDERS

The review of literature and the interviews conducted have brought to light a set of divergent motives in support of, and opposed to, the notion of a competence and highlighted a number of significant policy actors and partnerships. The importance of the alliances, be they tactical or for reasons of common interests, will become evident as the groups are discussed. The interview data have allowed for first hand interpretations of events and decisions to be articulated and explored.

(a) The European Parliament, Sport and the Political Actors

Since the EP became an elected assembly in 1979 a number of transnational political federations have formed: the Party of European Socialists (PES); the European People's Party (EPP), a Christian Democrat and conservative coalition; the Party of European Liberals, Democrats and Reformers (ELDR); and the European Federation of Green Parties (EFGP). In addition there are a number of other groups within the European Parliament including, the European Free Alliances (EFA), a collective of nationalistic and regionalist parties and the European Democratic Union (EDU), which brings together right-wing and conservative parties. The emergence of transnational groups within the EP stands testimony to the desire for MEPs to establish an assembly that, in the long term, will not conduct affairs along territorial lines. Although differences exist between the official positions of national parties and the 'umbrella' groups in the Parliament, it is possible to identify general approaches towards EU policies, based on the fundamental principles of the respective political values of the federations, in the same way the *Television without Frontiers Directive* provoked debate.

The Party of European Socialists

The PES is anxious to build a social dimension into what has been an economically-driven integration project. Marten, (PES, UK), author of three reports for the Committee on Institutional Matters, has sought to promote such an agenda, arguing social protection, welfarism and civic rights all need to be developed in parallel to the Single European Market (George and Haythorne, 1996). This means not only addressing the issue of the democratic deficit and increasing accountability but also enhancing the Union's social programme. The

PES insists the free market must not lead to the undermining of citizens' rights and the further marginalisation of minority or disadvantaged communities. Members of the Socialist Group have articulated concern for the protection of the cultural dimension of the Union. Even outside the Committee on Culture (see discussion below) there is a strong sense in which clarity and consolidation of the status of sports are seen as key important.

... I think you just need a reference to the importance of sport to the citizens of the European Union and encouraging the institutions of the European Union to foster the interest and participation in sport that are beneficial to everyone involved in sport ... I think a general reference is important because we need to acknowledge the role of sport in European society and culture.

(interview with Simon Murphy, PES February 1996)

The European People's Party

The position of the Christian Democrats and Conservatives is not as clear as the European Socialists. The EPP group gives greater emphasis to subsidiarity. However, the principle is open to interpretation. The German Christian Democrats see subsidiarity as a means of protecting the cultural diversity of the regions and indeed the nation states of the Union. With local government increasingly bearing the burden of public sector sports expenditure the Länder, and other regional authorities, may wish to explore the financial opportunities a competence could provide. The strength of the Länder may also be a factor in the German government's preference for a federal-style Europe. This contrasts to the approach of the British Conservatives. For UK members of the EPP group, subsidiarity is defined in terms of the nation state and the European project has, to date, been defined in terms of inter-governmentalism. In particular, it is important the State is preserved as the primary agent in economic, political and cultural affairs. For Conservatives, sport should be retained as a national concern, further European intervention is not seen as desirable, however, the re-defining of what is meant by 'culture' would alleviate the need.

... there is already a competence for sport, as sporting activities are a manifestation, an expression of a popular culture. That being said, I am a firm supporter of subsidiarity, I don't want an over gross extension of competences of the EU. I strongly agree with Santer, that Europe should do less but do it better ...

(interview with Roy Perry, EPP, January 1997)

Despite some reservations about what role the EU could play in sporting matters, Perry did reflect on the political value of a more positive stance, *if* it were to be adopted by the UK government.

I have told the government, that if they want to get their line passed through the IGC then they were foolish to always have themselves construed as being totally negative towards Europe. What then happens is that you are sidelined and ignored, that is what has happened. Its far better to come up with at least some positive gestures that aren't particularly draconian. Okay, a sports competence is a

pretty modest thing [but] why should it do any harm, if you do that then people won't think they are wholly bad, at least they have some positive views about Europe ... I believe in a Europe of the Nation States and those are the critical building blocks. There are some things that need to be done at the European level, there are things that can be done at the European level and add to the quality of life ... for sport that can be so.

(Roy Perry, EPP)

The different perceptions of the future role of the Union reinforces the tensions that exist in the European People's Party, as a federation. The difficulties that arise because of the assimilation of national parties into transnational alliances are exemplified by the approach of the EPP to cultural matters. A common approach towards free trade and commerce is not reflected in the approach towards the level of appropriate integration between the Member States on social or cultural policies. Tensions have been evident on recent occasion. Differences within the Group on the *Television without Frontiers Directive* and the 'pro' competence stance of the *Pack Report* (1997) suggest the range of political opinions the EPP seeks to bring together. The Member State a MEP represents is more likely to have a bearing on the perspective taken than the membership of the European People's Party.

The European Liberal, Radicals and Democrats

The Liberal group has taken a more pragmatic look at the post-Maastricht agenda, emphasising the need to locate sport within the Single European Market. The group is concerned to preserve the market value of sport. Inclusion would clarify the position of sport in relation to the four freedoms of the internal market, for example, in relation to the regulations on the broadcasting of sports events. As the evidence in Chapter 5 has suggested, this is a contentious area. The significance of this debate is it illustrates, perhaps, where the most obvious splits between the European Liberals, Democrats and Radicals, the European People's Party and the Party of European Socialists exist is, on the degree that the power of the market forces should dictate the place of sport in the EU, and to what extent the EU should have a role in protecting the cultural value of mass and professional sport. In 1988, a Committee on Culture report on sport in the European Community (for which Larive [ELDR] was Rapporteur) outlined the tension balance between these concerns. The Committee

Considers that the Commission should strongly oppose regulations in certain sectors of sport, if they contravene the Treaty of Rome, and abolish or reform them where necessary, with a view to securing freedom of movement and freedom of establishment, while taking into account the position of the sports bodies responsible.

(European Parliament, 1988:8)

Again the overall market-orientation of the Group masks the differences *within* the Group. From a British perspective, the Liberal Democrats sit 'politically' to the right of Conservatives. The implications this has for the nature of Parliamentary discussions is

discussed below in the context of Hix's analysis of alliances between federations. The competence debate represents an area in which the ELDR was supportive of the socio-cultural element of sport and the value of that to the cause of the European-project and citizens alike. Larive (MEP), for example, is a former sport's Rapporteur, attends the Sports Intergroup (vice-President 1998) and has been pro-competence lobbyist, based on the need to acknowledge the place of sporting activity within the Union.

The Radical Right

The Radical Right has become an established political force. In the European elections of 1994 the Front National (France), the Lega Nord (Italy) and the Italian National Alliance all gained seats. Although the parties formed a 'Technical Group of the European Right' in 1989 there is little evidence of an agreed post-Maastricht agenda. There is a qualified acceptance of the EU but there are diverse visions of its future. The German Republicaner is strongly nationalistic, yet it also promotes the notion of the 'Nation of Europe', that is, there are elements of a shared European culture. Based on intergovernmental co-operation, and not federalism, there is a desire in the German Republicaner to form a 'Europe of the Fatherlands' (Fieschi, Shields and Woods, 1996). If defined as a common cultural phenomenon sport is then an appropriate domain for EU competence. If the GR defines sport as a matter for domestic policy then the idea of a competence will be rejected.

In contrast, the regionalistic Lega Nord seeks a more federalist union as a means of severing the economic and political ties between the North and the central state in Italy (Fieschi, Shields and Woods, 1996). The buffer created by a 'Europe of the Regions' would allow the northern region of Italy to establish an independent economic and cultural identity. Again sport is an integral part of this identity. This is demonstrated by the antagonism which was created between representatives of the cities of Milan and Rome during the race to become Italy's host city in its bid for the 2004 Olympics (Endean, 1995). A desire to promote regional interests through this flagship event is indicative of the weak affiliation some regions have to 'national sovereignty'.

The European Federation of Green Parties and other Federations (EFGP)

There is consensus within the EFGP that there is a need for the EU to become more accountable, to support economic policies for long term sustainable growth and to make the European project more tangible to EU citizens. Decentralisation and subsidiarity are central to their agenda. Measures to reduce social and regional disparities are also important. As with the PES, the Greens feel economic policies must be complemented with moves to combat social inequality. Sport, as a welfare concern, could become a matter for the EU.

Through subsidiarity, spending by the regions would be protected from state intervention, a significant move for an area of spending subject to stringent financial checks.

A smaller collective, the 'Europe of Nations' (EDN) group within the European Parliament also appears to support the stand of many of the larger transnational groupings on the application of subsidiarity to as many areas of policy as is appropriate and effective. Regional, national and European level policy making is actively encouraged however, there is a concern that many areas of competence are being transferred to the supranational tier of governance. Its stand against supranationalism and excessive centralisation suggests attempts to foster European level co-operation on cultural issues, an area within which sport may be deemed to fit, would be rejected (EDN, 1997).

Mutual Interests and Co-operation Between Political Federations

The interests of federations vary but Hix (1996) has attempted to show how concerns can be generalised to cover three broad areas. Hix shows how these domains can lead to alliances *between* federations during IGCs. The Socialist Group and the European People's Party are believed to share an interest in 'corporatist issues', like collective welfarism, equally 'democracy and citizenship issues' can bring the Socialist and Liberal groups together. Finally the desire to see the Single European Market operate effectively can lead to collaboration between the EPP and Liberals. The federations do not always speak with one voice and it is the variation between the factions that allows links to be made.

... the political parties usually merge and it is difficult to see ... from the political point of view, where people are. You have the far left and some unreformed Communists and some Communists, who might in this country regard themselves to be happy to be in the Labour Party and you've got the Greens and you move 'round to the Christian Democrats, who consider themselves in most countries as centre left, with the British Conservatives sitting in there ... it is rare for the Parliament, with the Liberals and the Greens as well, to split left and right.

(Simon Murphy, PES, March 1997)

Perceptions of regional, national and supranational issues, relations between the national and European wings of parties and their respective attitudes towards Europe all influence the stands taken to the post-Maastricht agenda. Putting the competence debate into that context, Members of the Parliament will express a range of political and socio-cultural values and policy will, therefore, reflect a compromise between these divergent interests. Prior to the latest IGC (1995-7), no federation had seriously considered the place of 'sport' within the Union, outside of deliberations on: competition policy (economic activity); the free movement of workers; and communication (the express use of sports events for the purpose of promoting the Union, for example, the *Adonnino Report*). The interest of non-political actors in raising the issue of acknowledging the *intrinsic* value of sport is perhaps an area of policy in which the federations have found an area of commonality. This is particularly

significant in light of the politically divisive *Television without Frontiers Directive*, a debate which ran in parallel with the competence question. The Plenary discussions and vote in favour of the *Pack Report* (see below) and Resolution for the inclusion of a Article indicate the level of cross-party support.

(b) The European Parliament: the political institutions

Based on a Plenary vote in 1997, a majority of Parliamentarians were supportive of the introduction of a reference to sport within the Maastricht Treaty. This reflected a need for the Union to be publicly supportive of the work of sports organisations and the value of participation to the citizens at large but it is also, perhaps, an acknowledgement of the need for clarity at the level of the parliamentary committee. With no legal competence the mandate for parliamentary action in sport has come from the Union's other areas of responsibility, its other competences. This has resulted in an *ad hoc* approach being taken towards sport by committees. Each has its own agenda and perception of the place of sport within the Union that it has sought to operationalise. While the establishing of a competence would not have resolved these differences, it would have required the Committees to address the multi-dimensional nature of sport. Some of the concerns committee members have expressed about the historical absence of a legal base for sport are outlined in the following sections (it should, however, again be noted the interviews were conducted prior to the issue of a Declaration being raised at the IGC).

Committee on Legal Affairs and Citizens Rights

The EU is an economic union and as such sport is subject to the regulations stipulated under the Single European Act, 1986: the free movement of goods, services, capital and workers. The Committee on Legal Affairs and Citizens Rights is acutely aware of the impact EU laws are having on professional sport and its members have become advocates of an EU competence. At a meeting of the Parliamentary Sports Intergroup in March 1996, Medina (PES), a Committee member, stressed that allowing sporting authorities to question the application of EU regulations, amounted to the "death of Community Law". This was a reference in particular to Article 48, the free movement of workers, which has proved to be a contentious issue for Europe's sporting authorities. The Bosman case highlighted the state of flux, in which professional sport finds itself: sport is not legally included in the Union's remit yet it is subject to its laws. The concern, from the Committee's perspective, is likely to have been one of distinguishing between the economic aspects of sport (professional athletes and commercial operators) and the social and cultural aspects associated with mass participation and amateur competition.

Committee on Social Affairs

The creation of the Single European Market has implications for the establishment of welfare and social rights for European citizens. The primary consideration of the Committee on Social Affairs in the post-Maastricht era is with the consequences of the internal market for welfare provision. Free market policies fail to operate to the benefit of all citizens and so there is a need to provide compensation for the inadequacies of the market mechanism. The potential for sports programmes to contribute to integration and welfare projects has been documented in Chapter Four. *Eurathlon*, *Youth for Europe* and the support for sports for people with disabilities demonstrate the ability of recreational and educational programmes to foster self-confidence within participants and also aid community cohesion. *HELIOS I* and *II* were also designed to broaden the mechanism of social and economic integration for people with disabilities. The Committee on Social Affairs, in association with DGV, has been responsible for overseeing the development and management of *HELIOS* and other schemes.

A second area of concern relates to the impact of EU legislation on sporting matters. The issue is one of compatibility between the rules of the European sporting authorities and the regulations of the Union. The Bosman Case exemplified how a sports federation (UEFA and its member organisations) had sought to avoid the full implementation of EU law, only to be penalised in the long term. The conflict between a governing body ruling and Community law was restricting the employment rights of professional athletes. The Stockholm Agreement (the '3+2' ruling) between UEFA and the Commission was an issue the Committee on Social Affairs pursued.

We challenged [the Stockholm Agreement] in 1993, and we gave them four years to 1996 ... '3+2' we said that that's a breach of the freedom of movement. They [the Commission] didn't listen to us. In fact UEFA didn't listen to us ... There was no social dialogue. UEFA came to a deal with the Commission, the players' voices were not heard ...

(interview with McMahon, PES, December 1996)

Consequently, the Committee on Social Affairs supported the line of the Committee on Legal Affairs and Citizens Rights, which is one of little sympathy for sporting authorities seeking exemption to EU legislation. Where members of the Committee showed some regard for sporting matters was on the issue of distinguishing between legislation pertaining to professional sport and matters affecting broader issues of participation. The latter, warranting some formal recognition, the former requiring little or no official safeguards outside those guidelines, stipulated in the Single European Act affecting economic activity and the free movement of workers.

I don't think that sport should be exempt. When you think of the money which is involved in football and boxing. It is big business. You may have a difference between amateur and professional sport, obviously that could be a criteria ... you may well have some special treatment but basically I would say there is no claim for having sport in the Maastricht Treaty

(McMahon, PES, December 1996)

Committee on Culture, Youth and Media

The Committee most concerned with the social significance of sport is the Committee on Culture, Youth and the Media. Despite dropping 'Sport' from its title in 1992 it continues to address issues which are of importance to sport organisations. In March 1996 the Committee sought the inclusion of an article which expanded the definition of Europe's 'common heritage' to include sport. Committee members feel there is a need for sports to have formal recognition.

The European Parliament has been very active in its efforts to have sport included in the Treaty but has so far received no response. We are therefore quite frustrated about this issue. We don't know why sport is being left out when education, youth and culture are all covered.

(Castellina, President of Culture Committee, cited in EC, 1996e)

The Committee has been the force behind the parliamentary drive to see the introduction of a sports competence. This is perhaps because, despite the tension between the objectives of the Single European Market and calls for cultural protectionism, the essence of the agreed position of the Parliament is about providing the EU with the broadest possible remit for sport. In 1996 the Committee forwarded a proposal to the Reflection Group calling for sport "to be included in the Treaty with reference to education, training and employment policy as well as cultural policy" (Sports Council, 1996b:2).

The wording of the proposal provided the Union with a legal mandate for further action in the field of sport and also consolidated the current rationales. This was deemed necessary as, to that point, each Committee had been interpreting sporting relations with the EU in its own way, with no obligation to reflect on the context of its decisions. Sports bodies are required to abide by the Union's economic regulations and where appropriate contribute to social programmes, and yet 'sport' is, equally, a cultural phenomenon worthy of defending from market forces. The inherent contradictions of a sectoral approach suggested sports bodies would benefit from more consistent treatment from the EP *if* parliamentarians had a clear position from which to work. The *Pack Report*, that had its first reading on 19th March 1997 (*the role of the EU in the field of sport*) by supporting the inclusion of a sports competence, by illustrating the apparent lack of recognition within the Union of the social significance of sports activities.

whereas, although the European Union has taken an interest in professional sport as an economic activity, it has, to date only taken account in a very marginal fashion of the cultural, educational and social dimension of sport, and whereas such neglect stems basically from the fact that there is no explicit reference to sport in the Treaty.

(EP Resolution on the role of the EU in the field of sport, EP, 1997c:2)

From a political viewpoint it is clear a campaign to gain inclusion would have faltered without the backing of the Committee on Culture. The Committee was responsible for coming to a position on policy on behalf of the Parliament and as such it drew heavily on the evidence produced by the Pack Report. Doris Pack concluded:

Your rapporteur therefore feels that much more needs to be done and soon. The IGC must include sport in the Treaty.

(Pack, 1997:11)

The findings and resolutions included within the report were endorsed of the Plenary and, subsequently, the formal position of the Parliament was to request a treaty Article be considered.

Parliamentary Sports Intergroup

The Parliamentary Sport Intergroup is the ‘apolitical’ sports forum within the EP, headed by two UK MEPs John Tomlinson (Chair) and Angela Billingham (Secretary) (both PES). Operating since 1992, and meeting every two months, it acts as a platform for MEPs concerned about sports issues to air their views. Initially concerned with increasing the budget line for sport it has gone on to consider a range of issues: the Bosman Case and the future of professional sport; proposals for an ‘early warning system’ for European sports federations in relation to draft directives with an impact on sport; sport as a factor in development aid and broadcasting rights (March 1995-January 1998).

Despite its informal structure it serves as a forum for those concerned with the impact the policies of the EU are having on the development of sport. This is particularly true as the group is open to ‘non-political’ actors and representatives of groups from the wider policy community (see below). With regard to attendance by MEPs, members of the Committees on Culture and Legal Affairs (Castellina [Spain], Tongue [UK] and Medina [Spain]) and prominent ‘pro-sport’ Liberals like Larive, a former Rapporteur on sport, attend meetings. Tomlinson himself is also a representative of the EP on the DGX Steering Committee for Sport. Although the Intergroup is keen to stress its political neutrality and its merits as a forum for all interest groups, the success of the group in generating and galvanising support for EU intervention in sport among parliamentarians gives the Intergroup a significant role to play in the ‘pro’ competence sports lobby (see Section E).

The Secretary of the group shared the sentiments of Castellina, with regard to the current absence of 'sport' from the title of the Committee on Culture.

One of the first questions I asked when I came into the Parliament was, well, where is the sporting dimension? I think it is a very important part of people's lives. We have youth and culture, it seems to me that if we have these two things then we are missing the third side of the triangle which is sport.

(interview with Billingham, December 1996)

(c) The 'non-Party-Political' Actors at the European Level

The central organisations operating at the supranational level are the Commission (the body responsible for the initiation of policy papers and Secretariat for the Reflection Group) and the DGX (the institution responsible for sports policy matters). In addition, the Committee of the Regions seeks to address sporting matters through its Sub-Committee 7. The transnational, representative assembly established in 1992, is yet to find its place within the European level policy community but the significance of the group is likely to grow based on the policy agendas envisaged by the Troika (see below). The final notable collective is the European Sports Forum. The annual meeting of sports administrators and the Commission has played host to a number of discussions amongst delegates regarding the future place of sports policy within the European project.

The Commission

The Commission was potentially a central agency in the post-Maastricht debate yet through 1995-6 it did not openly support or reject the idea of a competence. The priority for the IGC appeared to be a push for a more coherent treaty to supersede the Treaty on European Union (1992), the Single European Act (1986) and the original Treaties of Paris and Rome. With transparency, consolidation and the resolving of the democratic deficit at the fore of the Commission's work, it was felt the widening of the Union's responsibilities into new policy domains should be of secondary importance. However, with the European Parliament proposing a Resolution to at least see sport on the agenda, it seemed the Reflection Group were, in 1997, still subject to pressure to consider the option. With many assuming it would at least be discussed as a late addition to the talks, the Commission became a target for lobbyists. Oreja, the Spanish Commissioner, was to hold a pivotal role in the proceedings. Oreja had responsibility for Institutional Matters and Preparation for the 1996 IGC and thus had an important role in reviewing proposals submitted for inclusion. In addition, he was the Commissioner for Culture and Audio-visual Policy (under which sport is categorised). At the time of the IGC he was well placed to articulate the arguments regarding inclusion. However, as stated, the Commission was careful not to declare an active interest in the widening the Union's remit.

Directorate General X

We are not competent to say ... it is not our field, or competence. The idea at the beginning of the IGC was not to put competences in ... Member states did not want too much, the idea was not to make the Treaty too wide ... They [sports bodies] feel EU laws affect them ... some people think it will solve problems ...

(interview with Official of DGX, May 1996)

Although sharing the neutral position of the Commission, the Directorate General with responsibility for sport, DGX was seen by many to have favoured inclusion as a means of enhancing its position as a decision making body. It is one of the smaller, and perhaps less powerful, Directorates General and it had been suggested they would be able to use any increase in their responsibilities to “ameliorate its image” (BOC, 1995). The efforts of three individuals (the Director General, Collette Flesch, the Head of the DGX Sports Section, Mathieu Hoeberigs and the Chair of the 1995 European Sports Forum, Niels Thorgersen) have been instrumental in generating interest within the Directorate General.

... it was not for the Commission to decide what would go into the Treaty. The governments of the Members States would decide whether it was appropriate to include an article on sport. He said that we could only hope and keep our fingers crossed.

(Thorgersen, Director, DGX.B cited in EC 1996e)

Sport is not given any legal basis in the European Treaties. Even the Maastricht Treaty, which has a clause on culture - Article 128 - does not yet contain a clause on sport. There is clearly ground to be prepared here.

It is clear that the sporting world cannot be excluded from the application of the Community's legal norms. It is just as evident that the Community legislator cannot ignore the traditions and peculiarities of sports. It is therefore necessary to find concrete, pragmatic and imaginative solutions to the problems which are posed.

(Flesch, DGX Director-General, cited in EC, 1996e)

A link that has come to light is that between DGX and the Intergroup. The relationship is, perhaps, of a closer nature than that established with the Committee on Culture, the reason being within the Committee, sport is just one of a myriad of concerns that has to compete for attention, a point emphasised by the fact sport was dropped from the title of the Committee (interview with Tomlinson, March 1996).

Committee of the Regions

The Committee of the Regions is the latest initiative of the EU to stimulate local-supranational co-operation. Sub-Committee 7, Youth and Sport, is responsible for co-ordinating the Committee's work in relation to sport and although it is relatively new, it must be assumed *if* political integration is advanced through a treaty to supersede Maastricht then the Committee will gain prominence. This demonstrates the place of sport in the work of the EU in reducing disparities between regions. The ERDF and the ESF programmes have already

been shown to be receptive to sports-related redevelopment programmes. Studies on public sector expenditure carried out among Council of Europe member states (Jones, 1989, Andreff, 1994) also indicate it is the regions and local authorities which are taking responsibility for leisure provision. As the levels of discretionary expenditure available from the state diminishes it seems likely local government will seek the support of DGXVI, DGX and other European institutions. European programmes such as *Eurathlon* and *Youth for Europe* are also likely to be a target for regional and local organisations seeking transnational links.

European Sports Forum

At an informal meeting of the Ministers of Sport in Rome, in December 1990, the feasibility of setting up a consultation body, including representatives of the Commission, the sports movement and the Member States was discussed. In 1992 the European Sports Forum was established. It is the annual platform through which governmental and non-governmental bodies express views on the present and future approach to sport, in the context of the European Union. The Forum has suggested an official role would lead to greater policy consideration. For example, at the 1995 meeting it was noted the *European Health Action Plan* under development did not formally involve sport.

The Forum agreed that a legal competence would lead to greater consideration, more funding opportunities and would further establish a role for the organisation in European sport (European Sports Forum, 1995). Jessica Larive (ELDR) has also voiced support for the development of the Forum with more input from non-governmental sports organisations (NGOs) inviting these organisations to the full ESF Conference, rather than just the first day (the case up to 1996) thus broadening the debate and the spectrum of opinions heard on European issues on a permanent basis.

(d) The European Sports Movement

Sport is not homogenous. It is, therefore, difficult to have a new article on sport.
But sport will help its cause if it learns to sing from the same hymn sheet
(Tomlinson, cited in EC, 1996e:5)

Mr Jacques Rogge of the EOC ... disputed Mr. Tomlinson's view that sport was divided. Just because a couple of individuals had expressed different views, this did not mean there was a big division. He said sport was united. Politicians could penalise sport if they ignored it. Sport itself needed to adapt, he admitted, but politicians also needed to realise that they did not live in splendid isolation.
(minutes of the 1995 Forum, EC, 1996e)

The 'European sports movement', an informal grouping of international organisations, inclusive of the European Olympic Committee (EOC), the European non-Governmental Sports Organisation (ENGSO) and the General Association of International Sports Federations

(GAISF) and their respective memberships, was the first collective to seriously consider the implications of a competence. In light of the 1992 decision to provide an Article for culture, the organisations went about a campaign for the inclusion of sport in the Maastricht Treaty. The proactive lobbying of member organisations, parliamentarians (national and European) and Commission officials began to gain momentum from 1995, at the time of the initiation of preparatory reports for the IGC. The instigation of a structured and persistent programme of lobbying proved invaluable to the 'movement's' objective of achieving acknowledgement by European authorities for the cultural importance of sporting activity.

EOC and ENGSO

The desire to protect and advance the interests of sports bodies and administrators has helped to galvanise the support of EOC and the ENGSO behind the 'pro' intervention and inclusion lobby. Discussions between the two groups started in late 1994 and in October 1995, at the Summit of European Sports Directors in Madrid, both spoke of the IGC as the ideal opportunity to "create a legal framework for communitarian action in sport" (BOC, 1995:1). The two organisations were at the fore of the initial discussions provoked in the wake of the Maastricht Treaty and were keen to promote the idea of having a legal reference to sport cited within the European treaties. Their campaign made a significant impact on the debate at a political level and they remain proactive participants.

When we invite the sports world to the European Sports Forum, EOC and ENGSO are always there and on the big issues they have the same line but not the same budget [...] the importance of money and power.

(interview with official of DGX, Sports Section May 1996)

To deal directly with the Commission from within the Union was perceived as the best bargaining position for the groups from which to negotiate on behalf of European sport. At the 6th European Sports Forum a Resolution was endorsed by the 15 NOCs and the National Sports Confederations of the Members States, in conjunction with the representatives of 30 European and International Sports Federations, stating the demands of the European sports movement in relation to the role of the institutions of the EU should play in sporting matters (see Box 7.1).

The European sports movement,

- **supporting**

the ideals of a Europe of the Citizens, which sport - representing the largest citizen's movement - can specially promote due to its broadly based cultural dimensions and integrative functions,

- **keeping in mind**

the joint statement by ... EOC, ENGSO and the International Sport Federations (Rome, February 1996)

- the Resolution of the European Parliament (March 1996)

- **considering**

that the interests of sport can only be taken systematically into account in other EU policy areas ... if the significance of sport for European society is recognized by giving sport legal basis within the European Union ...

- **requests**

that sport must be protected in view of the safeguarding of its natural bases, along the lines of the principles laid down in article 128 of the EU-Treaty, and as a minimum having a formal status within the Treaty.

- **urges**

that the Inter Governmental Conference take into account the explicit demand of sport for an inclusion in the Treaties ...

- **calls upon**

the Governments of all EU countries to take and support the initiative to put sport as an additional item on the IGC agenda, ensuring that sport is given the required protection in order to perform its manifold functions for society throughout policy areas also at a European level.

BRUSSELS, December 17, 1996, cited in European Sports Forum 1997d:8

Box 7.1 The Resolution passed by EOC and ENGSO members on a sports competence

Sceptics may suggest non-governmental organisations such as EOC and ENGSO would not welcome EU intervention. In response, it was proposed confirmation of the Union's role in sports matters may act as a buffer against unwelcome state level inference. Inclusion, along similar lines to Article 128, would mean adherence to the principle of subsidiarity but would also ensure sport was taken into account in future decisions concerning areas of EU policy affecting the 'movement'. Naturally there would have been some EOC and ENGSO members wary of such arguments but a common position was presented and openly supported (speech given by Sevelius [President of ENGSO] to the Sports Intergroup, May 1996).

... full EU legislation and law goes through a process and that process takes into account a number of prevailing factors in the Union at that time. We really want sport to be a factor ... It is not a question of changing the law or not having regard for the Treaties of Rome or for Maastricht or for the revision in Amsterdam, but it is about trying to ensure that when the legislators in the Union are drawing up legislation they draw it up in a manner that is sympathetic to sport and sympathetic to the special circumstances that surround sport, because sport is too important a movement to just be treated in a cavalier and unsympathetic manner.

(interview with the Chairman of the BOA, July 1997)

The Bosman case considered sport as an economic undertaking, but it is not an economic sector like any other. Take a simple example: in Germany 25 000 000 men and women play sport. These are European citizens. Europe, which talked so much about a Citizen's Europe a few years ago, should be sensitive to their needs. Sport needs a new impetus now, and that impetus could be given by clearly enumerating its needs and recognising its importance for Europeans.

(Vice-President, German Olympic Committee cited in EC, 1996f)

GAISF

A further major European non-governmental authority is the General Assembly of International Sports Federations (GAISF). The aim of the GAISF is to maintain its members' autonomy and authority, but with the members ranging in stature from UEFA down to the smaller, less powerful bodies like the European Association of Sailing Federations (already a recipient of Commission support) the best way of achieving this aim is open to debate. Professional sport feels threatened by the prospect of greater EU intervention, however, the amateur less well sponsored bodies see inclusion in a different light. It has already been established sport has a weak claim on Union funds and sporting authorities are seeking to enhance their legitimacy. The smaller federations are likely to gain most from the security horizontal subsidiarity would provide (Houlihan, 1996).

As a collective, GAISF members may, under a competence, become beneficiaries of EU support but the benefit of a competence goes beyond the potential for increased financial support. Individual international sports federations (ISFs) have spoken out against the influence EU legislation has had on the structure of their sport and so it may be suggested the ISFs would back a bid for competence for reasons of security. The governing bodies for football (UEFA), basketball (IBF), ice hockey (IIHF) and handball (EHF) have voiced concern for the future of their respective games under EU regulation (O'Reilly and Warshaw, 1996). They have predicted a scenario whereby the removal of restrictions on the number of foreign players in a domestic league, as necessitated under Article 48, may lead to a decline in interest in the local game and damage youth development schemes. The clarification of the legal standing of sporting regulations and the domains of autonomy for sports associations (horizontal subsidiarity) is desired by international sports federations. The minutes of the 6th European Sports Forum cited comments from European sports bodies expressing concern for the impact EU legislation was having on the develop of sport (EC, 1996f).

... [he] produced statistics to illustrate the dangers of the Bosman case - loss of jobs, club bankruptcies, an absence of building projects, and a drop in club membership. He asked for the support of the European Union. He felt that a clause on the development of sport should be inserted in the Treaty.

(Council Member, IIHF)

... the Bosman judgement, which was backed by the Unions, would lead to long term contracts which were no less than a new form of slavery.

(Secretary General, Austrian Sports Federation)

... UEFA accepted the Bosman judgement ... UEFA was also aware that sport was not one of the priorities of the Intergovernmental Conference. However, he felt that it was very important that UEFA back any government or individual trying to put it on the agenda ...

(Deputy General Secretary, UEFA)

Professional Sports Clubs

A group opposed to this line was the professional clubs the Federations sought to protect. The clubs supported further clarity regarding the relationship between professional sport and the EU but their focus was on the free movement of players. The big clubs are keen for a 'free hand' to sign and play the best players without being penalised. Football clubs have been in the media in recent times with the Bosman case but it must be remembered volleyball, basketball and ice hockey clubs also have an interest in backing EU interventions upholding the free movement of professional athletes.

The rift between international sports federations appears to have been opened up because of differing interpretations of what EU involvement means. For ISFs, particularly those in less affluent sports, see the move as a chance to have sporting issues, rather than economic issues, taken into account, for example, the preservation of the club system of youth development and the minimising of player monopolies by the richer clubs. In contrast, clubs may welcome the freedom European law secures: ability to play an unlimited number of non-nationals and the right to sell broadcasting rights directly (without federations operating as a cartel on their behalf). The latter policy area opened up after the successful challenge made by Feyenoord FC to Dutch law which confirmed "a stadium holds the rights to matches hosted by that stadium" rather than the Dutch football association KNVB. The sale of right could, therefore, replace money lost through the abolishing of the transfer fee.

The European Sports Movement: alliances and tactics

The European sports movement was positive about the case for a European competence for sporting matters, beyond responsibilities already achieved under the Single European Act in relation to the four freedoms. However, there was only a small probability of the IGC providing time to discuss the issue. The European governing bodies of sport had to achieve two objectives: to provide sufficient evidence to warrant a strong case and to get a Member State government to propose a motion, either an article or other, lesser measure. The following section evaluates the impact the lobbying of the European sports authorities and the work of the Member State governments.

(e) Member States : the significance of the ‘pro-competence’ lobby

The Commission could not commit itself to a place on the agenda for a discussion on sport policy because the governments of the Member States had to agree the programme for the IGC. It was felt the initiative had to come from representatives of the European Council or the Council of Ministers. The lobbying of Commission representatives could, therefore, only go so far and so the majority of the work of the European sports movement was concentrated on campaigning at the national level. The approach of EOC and ENGSO has been outlined above but the impact of their activities is described here in the context of the work of the Troika and the input into that programme by the other Ministers for Sport of the Member States. In addition it is shown the intervention of some countries’ Premiers and prominent figures in European sport had considerable influence on developments towards the end of the IGC. The level of persistence and co-operation achieved by sports associations was always going to be a deciding factor in the pro-competence lobby. No government would have endorsed the proposal without evidence that European sports organisations were fully in favour.

A general interest was expressed by ministries of most of the Member States, National Olympic Committees, sports associations and federations. Thus it is up to you to call the attention of and prepare your national authorities to bringing the issue to the 1996 IGC - the right time and place to address such questions.

(Professor Pinheiro, Commissioner with responsibility for sport, cited in European Sports Forum, 1995:8)

The generally positive reference made by Professor Pinheiro to the Ministries of the Member States, however, appeared not to materialise into decisive action from the European Council. Section 7.5 will illustrate how the lobbying by the movement helped galvanise Member State level support for a competence. The interest shown by government in the early stage of the IGC, however, does not support Pinheiro’s view that Ministries were generally interested.

I heard last time only a few Member States were in favour of an Article ... the Council of Ministers lack of interest [maybe] because some countries have no Ministry for sport. How do you discuss [it] at a high level if you have no Secretary of State? [...] hiding behind culture, education or even the family. What is the political value?

(interview with official of DGX, May 1996)

As stated in Section 7.2, one of the issues that the ‘pro’ lobby had to overcome was the lack of consensus on the importance of the issue at the level of the decision-makers at the IGC. Difficulties in getting the issue debated can potentially be highlighted at the level of the Council of Ministers, the European Commission and subsequently at the level of the Reflection Group. The reservations may be linked to issues of *national* competence (also see Section 7.6). Even in March 1997, Robert Evans (PES) was doubtful of the commitment *any* government would endorse a European competence.

[A Declaration would be] a step in the right direction. As a compromise, that may be something that would be one way 'round it because I'm not sure there is the potential will, or the national government will, to open another front, as it were, at the moment.

(interview with Robert Evans, PES, March 1997)

The Troika

The Troika is the group responsible for carrying out the work programmes called upon by the country holding the Presidency of the Union. Its members come from three Member States at any one time (the country holding the Presidency, the past holder and the forthcoming holder of the Presidency). The rotating membership allows for continuity in the programme. At the start of the IGC period (1995) the Troika for sport included the Ministers for Sport from Spain, Italy and France. Since the Spanish Presidency of the EU in 1995, representatives from a number of Member States have spoken in favour of a treaty article. At the Madrid Summit of the European Council, the Swedish Prime Minister (Carlsson) and the Belgium Premier (Dehaene) made statements confirming their support. What is interesting is the Swedish delegation to a meeting of European Sports Directors in October 1995 stated the aim of a treaty article was 'unrealistic', while the government support for an article *after* the Madrid Summit. However, the Summit took place at a time when the Intergroup, EOC and ENGSO were lobbying national delegations to the IGC.

Our view is that where culture is mentioned it should read culture and sport, so as its on the same basis. And we've probably taken more steps towards that than the Committee itself. ... I sent a copy of the Bosman text to Santer before he went to Madrid, together with an argued case for the Commission supporting the idea of sport having a specific reference in the treaty after the IGC. And we sent equally, ... a very direct message to Felipe Gonzalez, as President of the Madrid Summit. And I think it was no coincidence that following the influence ... and what was going on in Madrid that at least two heads of government made public declarations within a week of the Summit that they would support the case for sport having a place in the Treaty.

(interview with Tomlinson, PES, March 1996)

There have been several initiatives on these lines over the past few months. When the Belgian Prime Minister, Jean-Luc Dehaene, proposed including an ad hoc clause on sport or an exemption in the Treaty during the IGC, the Italian Government backed this suggestion. During its presidency of the Council of the European Union, the Italian Government expressed a wish to make contact with other national governments in the EU in order to "safeguard the sporting heritage" of the Member States. Its aim to add a protocol governing relations between sport and the European Union. This move had the support of Germany and France.

(EC, 1996f)

The Role of National Sports Organisations

In February 1996 ENGSO questioned its members on the position, regarding a competence, of their respective governments. The survey illustrated the lack of consensus amongst Member State governments.

Member State	Position of Government
Austria	Rather negative - no priority
Belgium	Expressed wish to draft article on sport - positive reaction
Denmark	Government to bear in mind. Sport not a priority
France	In favour of some recognition for sport
Germany	Government uncertain
Great Britain	Government unsympathetic
Greece	Fully supportive. Wants to include that sport is not an economic activity
Ireland	Not a priority
Italy	Supportive if sports movement is united
Luxembourg	Not finalised position. Favours a formal recognition through reference in review Maastricht Treaty
Portugal	No response from Government so far
Spain	In favour of declaration as first step
Sweden	Prime Minister declared approval for article

Table 7.5 Response to an ENGSO circular ‘an update on the position of ENGSO members to the inclusion of an article on sport in the revision of the Maastricht Treaty’, February 1996, ENGSO, 1996a

The diverse opinions held by governments, however, was not a reflection of the approach taken by the affected sports bodies. It is clear the campaign mounted by EOC and ENGSO not only gained the full support of member organisations but it also provided momentum for the domestic campaigns run by the organisations. In 1995 as the EOC, ENGSO pro-competence lobby began, delegates to the 1995 European Sports Forum promoted the following views (EC, 1996e:4).

The way ahead is to have the autonomy of sport written into the treaty. This will recognise the integrationist power of sport

Greek delegate

Sports policy should not simply be reduced to economic considerations. Governments should be persuaded of its intrinsic value.

Italian delegate

The implications of writing sport into Maastricht are still being considered by the Dutch but the indications so far are that we are very keen on the idea.

Netherlands delegate

The views of the non-governmental representative from the Netherlands are in stark contrast to those of a member of the Dutch Troika.

To get to the point at once, the Netherlands will not bring up the item of an article for sport during its Presidency! The Netherlands government are not in favour of a separate article for sport in the Treaty. Our considerations with regard to this point of view are of a procedural nature. The Netherlands government has chosen for a manageable agenda for its Presidency; sport does not fit in this concept.

(Netherlands Troika, speech to Forum, 16/12/96)

At the October meeting, the Sports Ministries of the Netherlands and Denmark expressed support for sport becoming a legal competence yet neither received the full backing of their respective governments. Their positions have, like others, been shaped through recognition of the need for clarity and to acknowledge the social and economic importance of sport. The difficulty facing the European sports movement at the national level was the apathy of political delegations to the IGC. With a lack of clear political leadership and a limited time within which to act, the organisations had the task of generating interest and gaining prominent allies from within the European Council, or at the very least the Council of Ministers. The challenge was met but the process was not straightforward. The support was eventually achieved, however, there is a sense in which efforts were made in the 'eleventh hour'. It required high-level resource management decisions from key agents within European level governing bodies. The lack of immediate progress between 1995-6 was a cause of frustration for national sports organisations.

In 1996, the subject was extensively debated. The European Olympic Committees and Sporting Federations have made known their support for an article to be inserted. The Italian Presidency did all in its power to have the subject debated. But these efforts came to nothing. The matter is being blocked for political reasons so no progress is being made. What else can we do to have sport explicitly recognised in the Treaty?

(Government Advisor on PE and Sports, Luxembourg, cited in the EC, 1996f:2)

National sporting associations seem to have followed the positions of their European federations. The German sports organisation, the Deutsche Sportbund, in particular, has been vocal in its support of a competence. Ms. Rydzy-Gotz, Head of International Relations at the DSB and General Secretary of ENGSO, declared in December 1995 that it was

intolerable that sport in its manifold dimensions and expressions, officially does not exist within the European Union ... It is beyond doubt that only a legally binding inclusion of sport in the Maastricht Treaties can do justice to the socio-political mission of sport.

(ENGSO, 1996b:4)

The absence of progress was exemplified on two fronts. Firstly, the lack of discussion of the issue, and secondly, the clear lack of leadership from countries not opposed to the moves for a competence. The latter was highlighted by the Olympic Committee of Portugal. In response to the ENGSO memo, the General Secretary stated:

I would like to let you know that, so far, the Secretary of State for Sports has not given the NOC of Portugal any information on the above mentioned subject [proposal to include an Article on Sport].

(Secretary-General Comité Olimpico de Portugal, fax dated 28 February 1996)

What is of interest is the date of the communication. By February 1996 actors within European sporting agencies had been actively discussing the issue for a year and had already lobbied European Sports Directors by October 1995 (see Section D). The lack of open discussion between the government departments concerned and the Olympic Associations during the early period of the IGC could suggest, in this instance, an ineffectual or inappropriate working relationship. Whether that was due to a failure on the part of the National Olympic Committee to promote the issue or the lack of openness at the governmental level is not established. Further documented evidence unavailable to the study is needed, however, the example does demonstrate the lack of consistency in the way the topic was addressed across the Union. The approach contrasts with the more collaborative efforts of authorities in Denmark, Luxembourg and Italy but, again, there is the question of proactive political leadership on the issue. The absence of leadership at the IGC is likely to have been caused by time restrictions and the low priority of the issue at the start of the Conference. In addition to the logistics, however, there was also the question of the level of formality necessary to achieve appropriate coverage of sport. The on-going nature of that debate was, perhaps, equally a cause of frustration for 'pro' governments and lobbying sports organisations.

The Ministry for Sports of Luxembourg was promoting a special reference to sport in the Treaty of the EU for several years already. At a meeting of the government directors for sport in Madrid in 1995 we claimed even a specific item in the Treaty. It could be noticed, that it was difficult, at that time, to find a common position for such a new item.

(Letter from Ministère de l'Éducation Physique et des Sports, December 1997)

The 'mismatch' between political objectives and the wishes of government agencies is demonstrated in other Member States. The Austrian Ministry with responsibility for sport had advocated an Article for sport in April, 1994 (in response to the 1994 Coopers and Lybrand report and *prior* to Austria's accession to the EU). This positive stance, however, received only qualified support from the Austrian government, once Austria became a Member State.

On the occasion of the entry of Austria into the EU in 1995 the Austrian government issued a so-called 'Weissbuch' - White book - which also contained a short chapter on sport in which a specific Article on sport in the new treaties was considered appropriate. Although this was stated in the Weissbuch the person responsible for EU co-ordination in the Federal Chancellery into which we had been integrated meanwhile raised their doubts as to whether it would be possible to have a specific article on sport. The GOs of only a few countries were in favour of an Article and more wanted other priorities and since the BIG countries like Germany and France were against an Article there was no point in doing so.

(letter from Ministerialrätin, 18th December 1997)

The remarks are further endorsed by representatives from Danish sports organisations.

The aim of the Amsterdam Treaty was to imply only a few areas. Thus Denmark - like other Member States - focused on a limited number of main priority topics. Denmark was, of course, acquainted with the various attempts to draft proposals which were prepared in connection with the IGC. If an appropriate proposal was brought officially into the Conference, Denmark was furthermore willing to support it.

(letter from Ministry of Culture, 18th December 1997)

The position of the Danish government was also commented on by the National Olympic Committee and Sports Confederation of Denmark: 'the Danish government's position was that they did not intend to submit a proposal to the IGC ... but on the other the government would not vote against an Article should it be proposed by another country' (letter from Secretary General of the National Olympic Committee and Sports Confederation of Denmark, 17th November 1997).

The significance of the lobbying activities of the pro-competence lobby can be illustrated by Table 7.6 below. The table does not provide conclusive evidence that the work of the European sports movement was directly responsible for a change in the position adopted by a government but it is likely the efforts of the organisations were a valuable contribution to the debates within the Member States.

Member State	Position of Government in 1996	Lobbying by NGOs 1995-7	Position of Government in 1997
Austria	Negative - no priority	Yes	Pro-declaration
Denmark	Not a priority	Yes	Would not vote against any proposal
France	In favour of recognition		
Germany	Uncertain	Yes	Pro-declaration
Great Britain	Unsympathetic	Yes	Pro-declaration
Italy	Supportive if sports movement is united	Yes	Supported 'a strong final solution, different from the one approved'
Luxembourg	Favours a formal recognition	Yes	Pro-declaration
the Netherlands	In 1996 did not want to deal with competence during its EU Presidency	Yes	Pro declaration

Table 7.6 The impact of lobbying at the national level by the European Sports Movement

The lobbying of European sporting agencies was complementary to other, on-going discussions between governmental and non-governmental agencies. The role of such organisations within these developments is demonstrated by the observations of an official from the Ministry of Health, Welfare and Sport in The Netherlands.

It is my belief that the position of the government has been influenced/changed by three events:

- 1 The outcome of the informal meeting of EU directors for sport on April 17 in Amsterdam. All directors agreed unanimously on the recommendations ...
- 2 The lobby of the State Secretary for Sport in the cabinet.
- 3 The discussion between our Prime Minister, Mr Wim Kok, the State Secretary for Sport, Erica Terpstra and Mr. Samaranch, President of the IOC, on May 15.

(letter from Ministry of Health, Welfare and Sport, November 1997)

(f) A Place for Sport within a Europe of the Regions

Evidence of a debate at the regional level is limited but it is possible to hypothesise about the ways in which a competence may work to the benefit of the regions. Certain regions may back a treaty article to protect regional sport and help secure more financial aid from the EU, thus asserting political and fiscal identities at the supranational level (as, for example, the Lega Nord would wish). There is a strong tradition of regional sport across the Union.

I have also raised for European Union attention the special place of regional and indigenous sports throughout our countries. The Irish Presidency is concerned to ensure that due attention is paid to these sports and to appreciate and cherish the cultural richness and deep-rooted traditions which characterise these sports ... Europe is enriched by the wide diversity of its peoples and by the broad tapestry of its varied cultures, traditions and customs.

(speech by Irish Minister for Sport to the European Sports Forum, 16/12/96)

Administratively decentralised regions like the Spanish Autonomous Communities and the German Länder would also seem likely backers.

There is a big difference between symbolic acts and concrete measures. The former are important, certainly, and, must be encouraged. But on-the-spot measures are more important because they are aimed at the grass roots.

Walfried König, Head of Division, Bundesrat, North Rhine-Westphalia
(cited in European Sports Forum, 1997e:7)

7.5 THE DEBATE IN THE UK: the Politics of Agenda Setting

The BOA is the Secretary for an all party sports group in the Houses of Parliament, in the Houses of Lords. Dennis Howell is the Chairman. And the two vice-chairs, one is a Liberal Democrat and the other is from the Conservatives. We were discussing the agendas for future meetings and I said what about the revision of Maastricht and Dennis said 'yes, that would be a good idea' and Menzies Campbell said 'yes, that would be good' and the Conservative said 'under no circumstances are we going to discuss it'.

(interview with the Chairman of the BOA, March 1997)

One of the clearest opponents to a competence, at the Member State level, was the UK. There was a common feeling across the Conservative government, the Department of National Heritage (DNH) and the UK Sports Council. The UK government (1996), represented by the

Minister for Sport recommended the UK Sports Council adopt the position that sport was sufficiently supported by the EU without a legal competence. In addition the government was sceptical about the ability of sports bodies to retain their autonomy.

The rationales for opposing inclusion incorporated the claim that existing EU activities sufficiently cater for sport, through the European Sports Forum, the *Eurathlon* programme, *Youth for Europe* and a range of other initiatives. There was also the Coopers and Lybrand Reports and the Sports Info Europe service. In terms of financial support, the ERDF and other Structural Funds were increasingly accessible to leisure-related proposals. A representative of the UK Sports Council suggested in 1995 that “some degree of co-ordination and support is possible without a legal base for sport” (UK Sports Council, 1995). The second concern was for the autonomy of sport and the desire to minimise supranational level intervention. It was felt if decision making was to become the prerogative of the Council of Ministers the role of the NGOs and quangos would be diminished and their capacity to act independently would be reduced. The Council stated that under a treaty article there would be no long term “legal requirement to consult or support non-governmental sports bodies” (op cit). The European Sports Forum and other forums would become unnecessary as they would duplicate governmental procedures. This position, however, portrays an extreme picture of the future of European sport and perhaps revealed more about the protectionist stance the Conservative government was taking than it does about the reality of a treaty article. It also demonstrates the lack of an 'arm's length' approach taken by government towards the UK Sports Council.

We have letters and correspondence from the Sports Council telling us off for having dared to suggest we should have striven for a competence for Europe. It was not our responsibility to do that ... it was jealousy, in the sense that they are not free to be able to determine the policies that they wish, they have directions on certain issues, issues by the Secretary of State from time to time, as needs must. And clearly when you are working with a Conservative government you are not going to row against the tide and push for a European development in sport when it is against the wishes of the present government.

(interview with Head of Technical Services of the CCPR)

To counter the argument of the UK government, this chapter has illustrated the level of networking that exists between national and European authorities. The strength of these links and the nature of the concerns that bring groups together suggest no supranational desire to suppress the national, or regional, identity of sport. Where there was valid cause for concern was with regard to the issues of subsidiarity and additionality. The former is of particular interest to the 'anti' lobby because as yet the Commission has not demonstrated how subsidiarity in sport would be operationalised. The concern for additionality pertained specifically to the UK situation. It raised questions about the UK government's commitment

to funding sport *if* the EU gained competence. The state would not stop its financial support but there was legitimate scepticism about the Conservative government's willingness to increase sport-related budgets if other sources of money were to become available. This worry, however, was very much dependent on the government of the day and the political context at the time the decision on a competence was made. Although it is assumed that the Labour Party was consistently more positive towards 'Europe' than the Conservatives, it was not assured, prior to the election in 1997, that it would endorse a competence. Despite the need for an acknowledgement of the cultural significance of sport, Murphy (talking in February 1996) did not envisage a change of policy, if Labour were in government at the conclusion of the IGC.

No I don't think there would be a change with a change of government. It is a personal view, not a Labour Party view that there ought to be a Treaty competence but the extension of a competence is a sensitive issue for all governments. Certainly I don't see any moves within the Labour Party to say that sport ought to be included in the Treaty ... I think at the moment the opportunity has passed, I don't see the government supporting it, which is to be regretted but that's their decision.

(interview with Simon Murphy, PES)

The section below, however, does illustrate how the Labour government did signal a new approach to European policy issues.

A New Government and a New Approach

I think in many ways the attitude on the behalf of the Sports Council was quite disgraceful. The Sports Council is supposed to represent sport to the government in fact it does nothing of the sorts, it represents government to sport ... The Sports Council decided that they were against any intervention in sport by the EU, despite the British Sports Forum, the BOA and the CCPR and the Scottish, Northern Irish and Welsh sports associations passing resolutions to the effect of they wanted ... the Sports Council acted entirely contrary to these wishes.

Oh yes, they [the Sports Council] have now changed their mind totally and completely, absolutely. A complete farce by the Sports Council.

(Chairman of the BOA, July 1997)

in relation to the question of support for the government's new position

The above quote illustrates the nature of relations between the UK government and the national sport organisations. As is suggested above in Section 7.5, the political context of decisions on policy is, perhaps, of more significance than the merits of the case argued. When the Conservative administration reviewed the issue of a competence, the perception of 'Europe' was one of bureaucracy and of lost sovereignty. The General Election victory of the Labour Party on 1st May 1997, signalled a new approach to the European project, inclusive of a more positive approach to sporting links with the Union. In January 1998 the

new Minister for Sport, Tony Banks attended the Parliamentary Sports Intergroup and reinforced the government's commitment to the role of sport within the European Union.

So far as sport is concerned, UK Government is happy to do what we can to assist in promoting solutions to problems. We want to play a full and constructive part in the discussions and decisions that lie before us ... the UK government welcomes the Declaration on sport which has now been attached to the Amsterdam Treaty. I believe the Declaration underlines the importance of sport. The voice of sports bodies should be heard when relevant decisions are taken by the Union.

(Speech by Tony Banks to the Intergroup, January 1998)

The timing of the election win was particularly significant for the UK, as a Member State of the EU, as the Treaty of Amsterdam was to be finalised in June 1997. This meant that within 6 weeks of taking Office the new Labour government was in a position to demonstrate its vastly different approach to European issues. The question of competence was representative of renewed interest in supranational co-operation on the formulation of sport-related policies.

The change of government was also an opportunity for the British sports movement to renew its pro-competence lobby. The CCPR and the BOA are openly supportive of the role the EU would play in sport, if a competence was gained. Their positions reflected their memberships to ENGSO and EOC, respectively, but the interest in the issue went beyond simple support for the position adopted by their European associations. There was significant input into the European campaign by British representatives of these agencies. The BOA Chairman was vice-President of EOC at the time the campaign started and Head of Technical Services of the CCPR was Acting Deputy General Secretary of ENGSO. In addition, the CCPR was the Secretariat for the Sports Intergroup. The intensity of CCPR interest in pursuing the issue is demonstrated by their lobbying of the Labour government. Within a week of the General Election, the CCPR General Secretary had written to the Prime Minister, the Secretary of State for Culture and the Minister for Sport.

7.6 THE OUTCOME OF THE POST-MAASTRICHT POLICY DISCUSSIONS

The Conference emphasises the social significance of sport, in particular its role in forging identity and bringing people together. The Conference therefore calls on the bodies of the European Union to listen to sports associations when important questions affecting sport are at issue. In this connection, special consideration should be given to the particular characteristics of amateur sport.

(COREPER, 1997)

At the end of the 1996 IGC the Conference issued the above Declaration regarding sport. A Declaration was not the strongest policy option under consideration but the context within which the issue was raised made a Declaration the most feasible. It would appear the vast majority of the policy stakeholders favoured some type of official acknowledgement of

‘sport’ in the Treaty but temporal constraints (the finite duration of the Conference) and programme restraints (the priority given to increased clarity and transparency) reduced the likelihood of achieving this objective. This section summarises the period of negotiation between spring 1995 and June 1997 looking again at the contribution made by the stakeholders. The evidence would suggest the result of the Conference was determined by the level of co-operation and co-ordination achieved between interested parties across the sectors (eg. governmental and non-governmental) and between tiers of authority (eg. regional bodies and European associations).

In reflecting on the nature of the competence debate it is appropriate to reflect on what the stakeholders brought to the discussions, what resources proved significant and what mechanisms facilitated the optimal use of these resources. What should be remembered in this summary is that the issue has a symbolic as well as political value. As discussed in Chapter Four, sport (recreational and professional) represents a powerful vehicle through which nations can express their identity, sport under these circumstances, is used for defining difference (exclusivity). Within the EU remit, value has been placed on sport’s inclusive qualities. The argument for a competence was based on acknowledgement that social cohesion and integration is not just an issue for nations and neighbourhoods, it is an issue for the European project, itself, if it is to enhance its social legitimacy. The split between the ‘pro’, ‘anti’ and non-committal stakeholders can be seen to hinge on the extent to which the parties wish to see the cultural significance of sport acknowledged at a European level. An ‘unsympathetic’ economic argument (focusing on professional sport) and the fear of policy ‘from on high’ underpin the opposition but the supportive lobby is based on appreciation for the social and cultural value of sports participation and related experiences.

At this juncture it is appropriate to reflect on the role of the stakeholding collectives identified.

The European Parliament, Sport and the Political Actors

Fundamental to the European Parliament’s position was the supportive stance taken by the Committee on Culture, a stance that culminated in the Resolution adopted by the Plenary in 1997. In addition, the Sports Intergroup, though ‘apolitical’ and conscious to be seen as an open forum, was headed by MEPs supportive of the call for an Article (Tomlinson, Billingham and Larive). The significance of the Parliamentary debate is likely to be down to the level of attention the issue received from these two groups. The evidence below highlights the value of their contribution to the pro-lobby campaign:

- The *Pack Report* (initiated by the Committee on Culture) set out to evaluate the current state of relations between European and sports authorities. Its findings led to the Resolution on the EU and sport;
- The Report highlighted the insecure and minimal nature of the Union's budget for sporting measures (3 MECU) and suggested it was maintained "only because of the perseverance of the European Parliament and of its two committees concerned, the Committee on Culture, Youth, Education and the Media and the Committee on Budgets" (European Parliament, 1997a:10). The concern of the Committee on Culture would be clear but the identification of the Committee on Budgets is a significant observation. John Tomlinson sits on the Committee on Budgets and has stated that a reason for developing the Intergroup was the lack of financial commitment given to sport by the EU.
- The Intergroup lobbied the Commission and the Spanish government prior to the Madrid Summit of the European Council, 1995.

Further to the work of the Committee on Culture, other select Committees were inevitably part of the debate. The Stockholm Agreement and the Bosman Case, in particular, demonstrate the tension between parliamentarians, the Commission and professional sports bodies. The conflict of interests that have arisen in the past, suggest the European Parliament supported the Resolution in the *Pack Report* because it was of benefit to the other Committees dealing with sports-related issues. For example the Committee on Legal Affairs and Citizens Rights, appear to have favoured inclusion to clarify and codify the place of sport in relation to current Community law.

Finally, it is important to look at Parliamentary support, from the perspective of transnational federations and the significant actors therein. The major political federations all had advocates of a more cultural approach to the European project: Jessica Larive (ELDR and former sports rapporteur on the Committee on Culture), Doris Pack (EPP and author of the latest report on the role of the European Union in the field of sport) and Carole Tongue (PES, media rapporteur). This may have contributed to the generally positive reception to the notion of an article and in doing so, illustrated the potential for cross-federation alliances and shared policy statements (Hix, 1996).

The Non-Party-Political Actors at the Supranational Level

The Commission and Reflection Group maintained a non-committal approach to the idea of a competence being discussed by the 1996 IGC. It remained a 'general question' to be given little or none attention on the agenda. DGX 'officially' retained the line of the Commission but is documented to have pursued open discussions with parliamentary groups (attending the

Intergroup) and the 'European sports movement' (through the European Sports Forum amongst other mechanisms). Flesch and Thørgensen commented on the issue and Pappas (new Director General) addressed the Intergroup after the Declaration and in the presence of the UK Minister of Sport (Chair of the Troika at the time). The reactionary rather than proactive involvement of the Commission was perhaps a cause of frustration to other parties but the potential for co-operation was not lost on the pro-competence lobby and as the European sports movement's campaign gathered momentum in 1997, the Commission clearly became more responsive (see below).

Europeanisation is a phenomenon that encourages greater participation of sub-national groups in decision making. The views expressed by König of Nordrhein-Westfalen and the positive endorsement of regional sport by the Troika (under the Irish Presidency) equally illustrate the extent of base level support for an EU competence (in one form or other) for sporting matters. Again, support was derived more from the sensitivity to the cultural value of sport at a local level than from an economic rationale. Finally, the European Sports Forum consistently discussed the limited role for sports bodies and initiatives under sport's historical position *outside* of Union competence. The Forum was the primary means through which the institutions of national and European level sport could demonstrate their collective support for a change in status for sporting activities. There were few dissenting voices amongst delegates at the annual forum.

The European Sports Movement

EOC and ENGSO sustained two years of lobbying at the national level (through their member organisations) and the European level (through their Executive). It can be argued the continued push for a competence to be tabled at the Conference proved essential. A series of key meetings between the officials within the movement, the Commission and Member States illustrate the momentum of the pro-competence campaign which was generated by EOC and ENGSO:

- At the 1996 European Sports Forum, a Resolution passed by EOC and ENGSO members on a sports competence was published
- Bengt Sevelius (President of ENGSO) addressing the Sports Intergroup (March 1996);
- A meeting between Juan Antonio Samaranch and Chancellor Kohl (11th February 1997). This meeting was followed by a delegation from the DSB meeting with Kohl (12th February, 1997);
- A meeting between Wim Kok (Acting President of the European Council) and Samaranch (IOC) and Jacques Rogge (President of EOC) (May 1997).

European sports administrators also lobbied alongside the Intergroup prior to the Madrid Summit and thereafter in line with Troika activity. National governments were also targeted

by national governing bodies. EOC and ENGSO encouraged letters (composed by EOC) to be sent by national member organisations to their respective governments and levels of support for a competence by Member governments were also monitored by EOC (see Table 7.5).

Member States and the Impact of the pro-Competence Lobby

Historically, the reason [sport] doesn't exist here is because the Member States are very jealous of their role in sport. National heroes are sporting heroes. More people turn to the back pages of their papers than their front. Politicians are very wary of handing over any of their powers to Brussels and they certainly don't want to be handing over their powers of sport. But it is an omission in my view from the Treaty because events have overtaken them.

(interview with Angela Billingham, December 1996)

Billingham reinforces the observation that the enthusiasm of the European governing bodies of sport was not reflected by the Member State governments. The need for supportive actors within the Council of Ministers and the European Council was central to the campaign for a competence or Declaration. The valuable contribution made by representatives of the European Sports Movement is highlighted above and is discussed further here.

The decision of the European sports bodies to lobby Member governments proved decisive in getting the issues discussed by the Member States. A number of governments confirmed their positions or changed them in a positive way after the campaign by the European sports lobby (1995-7). A direct relation can not be proven within this research but what is known is that EOC and ENGSO members actively sought support during this period (individually within their own countries and as a collective). Favourable responses from Germany, the Netherlands and the change of opinion in the UK, with the change of government were indicative of a shift in opinion on the issue. In particular, within the UK, the change of policy came down to: new administration (different approach to Europe), the UK Sports Council changing their policy based on the new government and prolonged lobbying by the BOA and CCPR to the DNH and the Cabinet (communication with John Major, Iain Sproat, Tony Blair and Tony Banks). The BOA and CCPR also had significant roles at the European level. Chairman of the BOA was vice-President of EOC at the start of the campaign and the CCPR acts as the Secretariat for the Sports Intergroup.

Nature of the Policy Community

In conclusion it can be suggested the outcome of discussions in the immediate post-Maastricht era were the result of: (a) reflection on Article 128 on Culture (1992) (b) concern for the current position of sport within the Union (c) discussion on how to take sport forward in the future.

Figure 7.1 illustrates the nature of the dependencies between the key policy stakeholders involved in the competence debate.

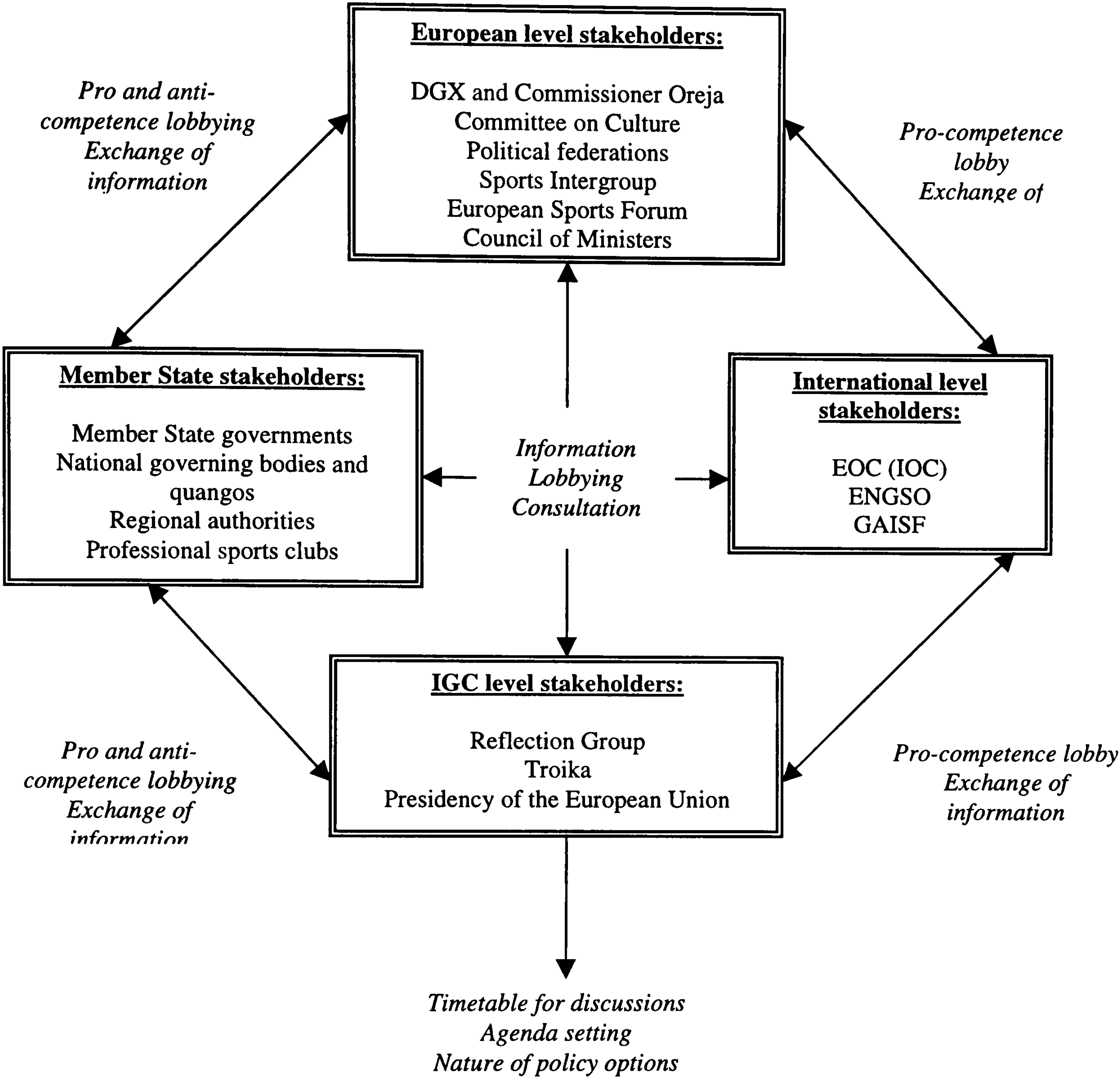


Figure 7.1 Representation of the dependencies between stakeholders in the EU sports competence debate
Italics – nature of inter-dependencies between policy actors

The policy network on European level sports issues is drawn from a variety of policy communities. Patterns of political co-operation amongst the Member States has become evident, with the Council of Ministers reflecting first a generally apathy to the issue and then increasing interest in the formation of a Declaration. The collective action of the sporting governing bodies at the national and European level is indicative of both co-ordination within organisations (the lobbying by the respective membership of ENGSO and EOC at the national level) and horizontal integration (the collaborative work of ENGSO and EOC). The stability of

the membership of these groups and resourcefulness of ENGSO and EOC members allowed for the development of effective lobbying. The communication of information and the ability to draw on key personnel facilitated a positive campaign. The tempo of the campaign was also heightened by the impending IGC deadline and this is reflected by the intervention of Samaranch, Rogge and other leading European sports figures. Attention was also increasingly focused on key political actors and agencies, in particular central figures in the European Council (eg. Kohl and Kok) and Ministers within the Troika. High profile lobbyists targeted high profile politicians and policy makers. The lobbying of Gonzalez at the Madrid Summit by a representative of the Sports Intergroup and the meetings between officials of the German government, the German sports community and the IOC also support the idea of a pro-competence campaign which became increasingly optimistic of achieving a place on the agenda. And given the time constraints placed on the competence debate once it was on the agenda, the pro-competence lobby achieved the anticipated result.

CHAPTER EIGHT

THE EUROPEANISATION OF SPORT AND LEISURE POLICIES

8.1 INTRODUCTION: Structure and Aims of the Chapter

Chapter Eight discusses the relationship between the policy developments identified and the maturation of the European project. The on-going process towards further European integration presents sporting organisations with both opportunities and difficulties. Europeanisation provides an opportunity for new institutional relations to be developed between governmental and non-governmental agencies. The difficulties that arise are associated with the ability of the various sub-national, national and supranational actors to capitalise on, or even recognise, the significance of the shifts happening in the pattern of European governance. Given the implications that changing patterns of governance have for the development and implementation of policy, the chapter seeks to address two points: firstly, the nature of the link between sport and leisure policy and Europeanisation is reviewed; and secondly, the chapter seeks to ascertain how changes to the wider policy environment have impacted on the structure and workings of specific policy networks.

8.2 SPORT, POLICY AND EUROPEANISATION

A principle aim of the thesis was to evaluate the development of European level sport and leisure policies. The research sought to identify the range and level of interaction between local, regional, national and supranational institutions and to identify any shift in terms of responsibilities regarding the development and implementation of policy. This would be demonstrated through the distribution of resources and the nature of inter-organisational relations and result in a change in the figuration of policy actors. . Europeanisation is a process of changing inter-dependencies between the regional, national and supranational tiers of governance. Any change towards (or away from) Europeanisation would have been reflected in the policy-making mechanisms. As has been demonstrated earlier in the thesis, new relations are being formed between sub-national authorities and EU institutions and national governments are experiencing changes to their competences (due to the regions and the EU institutions now taking on more responsibilities for policy). The delegation and promotion of competence is resulting in the redistribution of resources, in addition to the changes made to decision-making powers. Consequently, both the nature of the wider political environment and the more managerial aspects of policy development have implications for a discussion on the notion of European level policy networks and a policy community.

Europeanisation and Policy Networks

The primary function of this chapter is to review and evaluate the significance of the findings relating to the three policy studies undertaken. This will be done with reference to the research questions set out in Chapter One. The objectives of the thesis were broken down into three levels of research: the role of the actor and the collective; the significance of structures; and the influence of the wider policy environment. The discussion will be structured around these research themes. The chapter will conclude by considering the implications of the findings in terms of their relations to figurational, and policy, analysis. The role (and potential role) of sport in the Europeanisation process and the nature of the three specific policy networks are the focus of the discussion.

8.3 THE ROLE OF THE ACTOR AND THE COLLECTIVE

The focus of the thesis has been on how Europeanisation reflects, and influences, relations between policy stakeholders. Policy networks are the forums through which interest mediation is conducted and it was through a detailed analysis of three policy studies that the thesis has sought to illustrate how networks operated at the European level. In Chapter One, three questions relating to the roles played by individuals and alliances were posed:

What positions are adopted by policy actors in relation to the EU and its sports policies?

To what extent are the positions occupied by the relevant policy actors a function of the changing nature of the European project?

Which actors in European sports policy have gained more significant roles, and which have become marginalised?

Stakeholders, generally, seek to act in their best interests or in the best interests of those they represent. Policy 'gains' are, therefore, the primary goal of lobbying carried out and of the alliances sought. The objective is often to protect established responsibilities, resources and positions, or to achieve new competences. Relations can, therefore, range from the co-operative to the confrontational. For example, in response to the Bosman case, UEFA and other governing bodies wished to defend traditional structures of sports and those elements perceived as in the long term interests of their respective organisations and, or the perceived interests of their 'sport' (see Chapter Four). The evidence summarised below seeks to show how the drive for

the desired policy outcomes by prominent policy activists shaped the policy networks and the nature of the discussions within the three policy studies.

(a) Sports Rights in Broadcasting Policy

Environmental Factors

The place of sports rights within EU broadcasting policy was one element reviewed as part of the revision of the *Television without Frontiers Directive*. The timing of the revision to the 1989 Directive would appear to have had a significant bearing on the nature of the discussions. As illustrated in Chapter Five, the broadcasting industry is increasingly being driven by market conditions. Rapid technological advances and greater competition between operators (evidenced in an increasing number of new entrants) have helped to intensify interest in sports broadcasting rights. Primarily interest is generated because, firstly, sports events have become commercially attractive (a means of increasing market share), and secondly, events lend themselves to transnational broadcasts. As a result of these environmental factors, a diverse range of stakeholders are involved in the debates on policy.

Stakeholders			
Supranational	Transnational	National	Other
European Commissioners (competition, free trade and audio-visual policy); European Commission: DGIV (competition) and DGX (development of European audio-visual industry); European Parliament: Committee on Culture (development of European audio-visual industry, cultural protectionism and retention of free to air access); Member State: Council of Ministers (review of policy consistent with interests of the Member State).	European Broadcasting Union (protection of members interests); Association of Commercial Television (protection of members interests); Non-terrestrial broadcasters (sport as a means of increasing market share) ENGSO and EOC (protection of members interests - maximum exposure balance with maximum revenue).	Public sector broadcasters (mandate to inform, educate and entertain); Commercial broadcasters (attraction of advertising revenue through attractive programming); National governing bodies (collective management of rights to ensure maximum coverage of events in their respective sports).	Professional sports clubs and event organisers (future opportunities to manage the sale of their own broadcasting rights)

Table 8.1 The primary stakeholders in the sports broadcasting debate

Table 8.1 outlines the key stakeholders involved in the revision of the Directive. In addition Table 8.2 identifies the key forums and alliances involved, and the resources deployed, during the development of the broadcasting debate.

Forums and Alliances	Resources				
	Legal-constitutional	Organisational	Political	Financial	Information
Committee on Culture	✓ Authorship of the report on the Directive presented to the Parliament	✓ Rapporteurship held by the EPP but numerical advantage of PES	✓ The 'pro-protectionist' line of the Socialist Group carried more support than the free trade position of the right-of centre parties	✓ Budgets to support media programmes (such projects would not directly affect sports broadcasting) Consideration of public subsidies in Member States	✓ The own initiative Tongue Report informed discussions. Ability to hold hearings on the Directive (decisions on the chosen industrialists)
Sports Intergroup		✓ Non-decision-making forum	✓ Open forum for MEPs and industrialists		✓ Demonstrated ability to organise meetings around specific issues (eg. Bosman and sports broadcasting)
European Broadcasting Union (EBU)	✓ legally-constituted broadcasting organisation	✓ European-wide organisation		✓ Collective bidding for sports rights	✓ Source of information for members and outside agents, for example the Committee on Culture
Association of Commercial Television (ACTV)	✓ legally-constituted broadcasting organisation	✓ European-wide organisation		✓ Collective bidding for sports rights	✓ Source of information for members and outside agents, for example the Committee on Culture

Table 8.2 The key forums, alliances and resources within the sports broadcasting policy study

Stakeholders and Interest Mediation

The tables above exemplify the impact that globalisation and Europeanisation are having on broadcasting. The key policy makers are at the supranational level and the strongest lobbyists come from the transnational industrial groupings. Whilst it would be expected that the European Parliament and the Commission would manage the revision process of an EU-level Directive, the maturation of transnational broadcasting groupings (the EBU and the ACTV) is indicative of the fact that broadcasting is no longer a state-centric industry. The nature of the Directive and the legal challenge made to Article 85 and 86 in 1996 (see Chapter Five) demonstrate that the interests of individual broadcasters are perceived as being best protected through collective action. In granting the EBU exemption to Article 85(3) in 1993, the Commission drew attention to the financial disparities between transnational corporations and national,

predominantly, public sector operators. The implications that such resource inequalities have for competition have necessitated collective bidding for sports rights by EBU members and joint action on other issues, as was the case with action relating to the Directive. Thus, the central concern for broadcasters is the extent to which financial resources are influencing the nature of broadcasting contracts.

This concern was reflected in the Parliamentary proceedings. The *Tongue Report* (which was central to the debate on the Directive) raised questions about the impact that further commercial changes to broadcasting would have for the mandate of Public Sector Broadcasting, and for the general public's access to a range of programmes (inclusive of sports events). Consequently, a key concern for the politicians involved in the *Television without Frontiers Directive* was the extent to which political intervention could be used to respond to the dynamic conditions of the industry. The debate focused on what would be deemed the most appropriate policy response, given current market conditions. Politicians, particularly in the Committee on Culture, were divided between those who wished to minimise regulations (pro-market liberalisation) and those who wished to enhance the European audio-visual industries (cultural protectionists). The action taken by these respective actors in the debate appear to have influenced the outcomes of the revision.

Process and Interest Mediation

Central to the process was the work of the Committee on Culture that drew up the report on the Directive for the European Parliament. The European People's Party (EPP), under Galeote's and Hoppenstadt's rapporteurship, authored the original report. However, Plenary level support for the *Tongue Report* and for the 'pro-Tubon' cultural protectionism stance (see interviews with Roy Perry and Robert Evans in Chapter Five) led to a final report that failed to represent the views held by either the EPP or the European Liberals, Democrats and Radicals (ELDR) (both supporters of the free trade position). The Socialist Group was able to amend the report and use its numerical advantage in the Parliament to support measures that reflected cultural objectives (namely the continuation of the listing of events of international and national significance).

Given the potential support for retaining and strengthening the protectionist elements of the Directive, it is clear that the interests represented in national, terrestrial broadcasts were favoured. These national operators are primarily represented by the EBU and thus this grouping would appear to be the most likely to gain from the policy. The broadcasters least likely to be satisfied by the Directive, are the non-terrestrial

transnational corporations that sought to use major sports events as a means of building market share. Indicative of their dissatisfaction was the evidence presented in Chapter Five, regarding the apparent failure of the KirchGruppe (holders of the broadcasting rights of the 2006 World Cup) to be included amongst the industrialists called to speak before the Committee on Culture.

It can be suggested from the evidence on sports broadcasting policy that there is no policy community (using the Rhodes Model), given that the management of sports rights is just one issue for policy-makers and broadcasters to consider. Consequently, membership of the network is not highly integrated and values are not shared. Sports broadcasting is a sub-sector of a wider community. Whilst there are power-dependency relations between events organisers, rights holders and legislators, these are subject to a high degree of issue specificity. Using the Wilks and Wright model, the network may be represented in the following way.

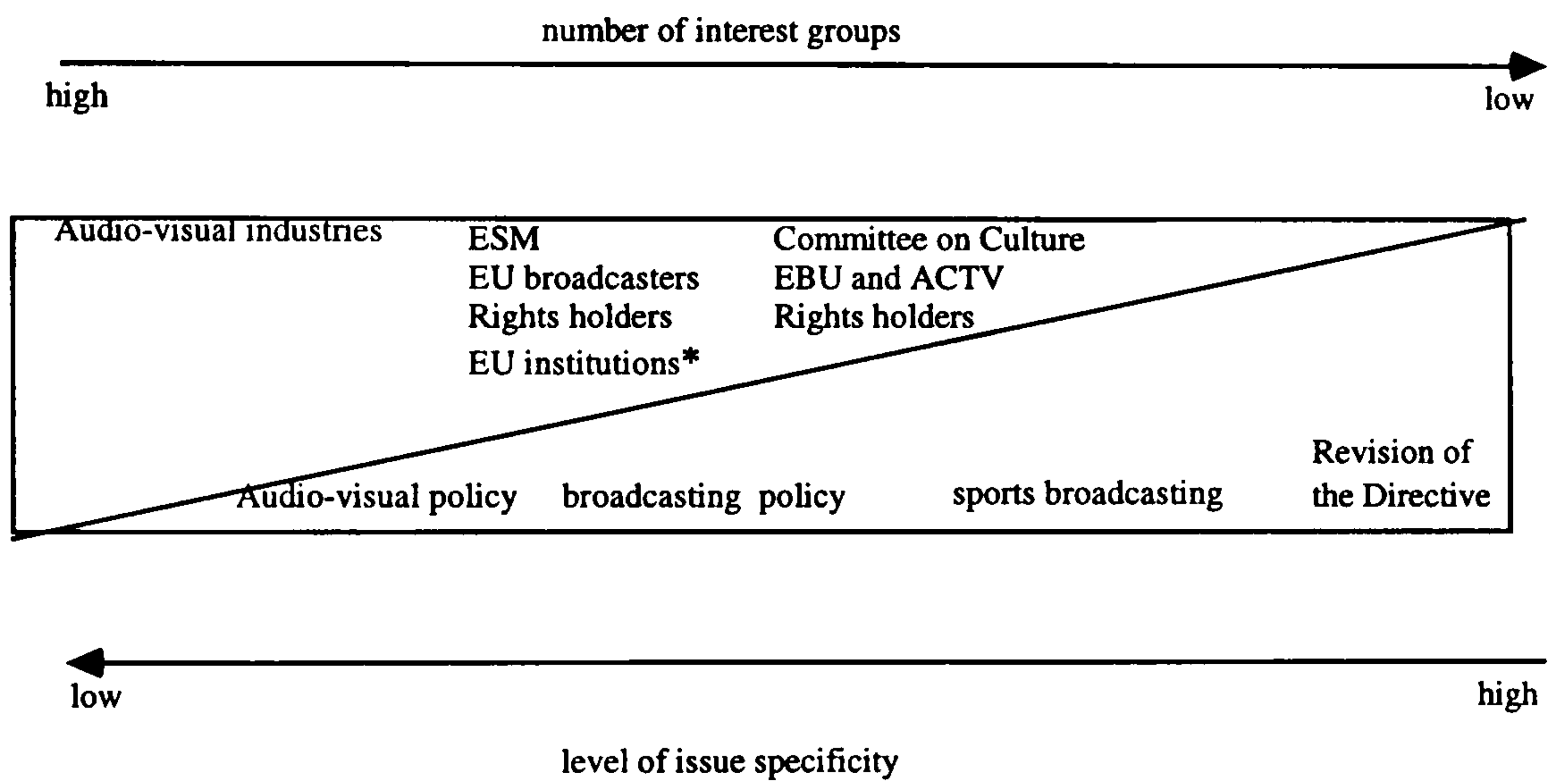


Figure 8.1 A graphical representation of the sports broadcasting policy network

*The relations between the Commission, the European Parliament, the Council of Ministers and the European Council required during the legislative process, suggests the EU institutions themselves form a policy community (membership is stable and relations are sustained through establish channels of communications and legal obligation).

The *Television without Frontiers Directive* brought together lobbyists from the ‘European sports movement’ and the broadcasting industry, however, these are not themselves homogenous groupings. Industrialists were split between the pro-competition, commercial lobby and the less-well resourced, primarily public sector operators (represented by the EBU). The European sports organisations could themselves be divided in terms of the favoured approach to managing event contracts (maximum exposure or maximum revenue). Such issues had to be addressed by the groups in the network.

(b) Sport, Leisure and the European Structural Funds

Environmental Factors

The European Structural Funds were developed in 1973 as tools to aid the Community's commitment to Cohesion policy. The maturation of the Programmes reflect not only the lessons learnt from past policy (ie. the increase in non-quota funding) but also a general maturation of the Union. Since the inception of the EEC in 1957 there have been three 'enlargements' in its membership: the UK, the Republic of Ireland and Denmark (1970s); Greece, Spain and Portugal (1980s) and Finland, Sweden and Austria (1990s). This 'widening' of the Community has brought with it a sensitivity to the disparities that exist between European regions. The concerns raised by an enlarged European Community meant Member States had to consider the extent to which European institutions should become *directly* responsible for areas of policy. The direct management of regional issues by the Commission (the deepening of competence) facilitated moves towards regionalism. Awareness of regional disparities consequently led not only to the creation of the Structural Funds but also the creation of DGXVI (regional policy). The creation of a third tier of policy-makers, keen to establish their legitimacy, provided the Commission with an opportunity to develop relations with *sub*-national institutions in the Member States. Regional policy is perhaps a domain in which there is scope for a genuinely integrative approach to policy. The sub-national, national and supranational tiers of governance are compelled to co-operate, given the demands of partnership, subsidiarity and additionality. The interpretation of this co-operation in the British context, however, was one of the issues raised in Chapter Six. The operation of UK regional policy illustrates the influence that power-dependency relations have on the interpretation and execution of policy. The structures and processes involved in European funding are, therefore, the focus of this section, rather than the issues surrounding the use of the Structural Fund grant aid for leisure-related projects.

Stakeholders			
Supranational	Transnational	National	Other
European Commission DGXVI: (the management of EU-level regional policy).	Networks of city and other local authorities exist but these were not in evidence in the case studies reviewed.	Department of Trade and Industry and Department of the Environment, Transport and the Regions (compatibility of national and European programmes; the management of additionality and subsidiarity).	Government Offices of the Regions (fund-holders and regional Secretariat); Local Partnership Groups (responsibility for Action Plans and the local co-ordination of projects); Local authorities, TECs and private and voluntary groups which may be involved in a bidding partnership.

Table 8.3 The primary stakeholders within the European Structural Fund policy study

Stakeholders and Interest Mediation

Table 8.3 identifies the key actors involved in UK regional policy. An aspect in which regional policy differs from the broadcasting study is in its bias toward public sector, governmental organisations. As an area of policy designed to specifically aid the objectives of the Union (cohesion and progression towards further economic integration), the focus is very much on supporting the work of publicly-accountable agencies in the Member States. For maximum financial benefit to be gained from the Structural Funds it is important for national and regional authorities to demonstrate a responsiveness to European-level agendas. The regional policy 'winners' are those bidders who can match project criteria to those of the funding programmes. Given that the focus of the research was on the implementation of regional policy, rather than on the developmental process, the issues reviewed were indicative of tensions between regional and national agencies and national and European institutions. Again this is in contrast to the commercial tensions highlighted by the broadcasting debate.

Forums and Alliances	Resources				
	Legal-constitutional	Organisational	Political	Financial	Information
DGXVI and Government Offices of the Regions	✓ Designated regional policy actors (at the European level)	✓ Personnel hold key positions (see section on 'information')		✓ Responsible for the management and distribution of grant aid	✓ Key actors in the Programme Monitoring Committee which agrees the Single Programme Document and the project selection criterion.
GORs and central government (DETR)	✓ Designated regional policy actors (at the national level)	✓ Personnel hold positions on the Programme Monitoring Committee	✓ The centralised planning of regional policy means policies reflect the approach taken by the government	✓ Central government is a match-funder through public spending (directly) and through other public agencies (indirectly)	✓ Centralised decisions on regional policy
Local Partnership Groups and GORs		✓ Growing delegation of policy and fund management to regional bodies through Action Plans		✓ Channel of payments from EU sources	✓ Input into the SPD and the selection of eligibility criteria
Local Partnership Groups and DGXVI					✓ lobbying (Agenda 2000) and direct communication on the current interpretation of EU policy

Table 8.4 The key forums, alliances and resources within the European Structural Fund policy study

Process and Interest Mediation

Given the complexity of the processes surrounding the bidding for, and distribution of, Structural Fund grant aid, the key relations are those between the following groups: DGXVI and the Government Offices of the Regions; GORs and central government; Local Partnership Groups and GORs; and Local Partnership Groups and DGXVI (see Table 8.4). These groupings represent not only the main channels of communication and the means of resource management between partners but also the main areas of tensions that prohibit effective policy.

- DGXVI (fund manager) and GORs (fund-holders): the management of financial resources, bypassing Member State governments;
- GORs (Secretariat) and central government (control over UK regional policy): the centralised management of regional planning;
- LPGs (project teams) and GORs (project evaluators): the management of selection procedures to comply with EU criteria (explicit) and national policy (implicit);
- LPGs (lobbyists) and DGXVI (policy makers): the management of information between policy-makers and beneficiaries.

Interest mediation within regional policy is dependent on transparent processes, mutual trust and collaboration. Whilst the mechanisms needed to encourage co-operation between the tiers of governance exist, the centralisation of policy in the UK can dilute the effectiveness of, and enthusiasm for, European programmes. Network disaggregation is being helped by the development of Action Plans and Local Partnership Groups (at the European level) and Regional Development Agencies (at the national level). However, the ability of these new mechanisms to alter the balance of power in favour of local decision-making groups is still unproven (given the newness of the initiatives). The further involvement of local community and commercial actors is also still to match the vertical integration achieved by governmental agencies. The key resources of information (eligibility and selection criteria) and money are controlled by the Government Offices of the Regions and central government (through matching funding and public sector funding initiatives). The latter has no direct control over European resources, given the nature of the funding programmes, however, compliance with national regional planning objectives and concerns raised over additionality and subsidiarity would suggest central government plays a significant part in the delivery of European programmes.

The close relationship between the Government Offices and central government also raises questions about the ability of regions to manage funds in a way that is sensitive

to local needs. The structure of Single Programming Documents and the scrutiny of particular bids by Whitehall suggest strong power-dependency relations between the regional and the national. Given the strict guidelines that frame the Structural Funds, and the emphasis on public sector-driven regional development, there is a more defined policy community to speak of. Whilst regional programmes demonstrate the disaggregation of policy (Objective areas matching the demands of regions facing agricultural and industrial problems), the programmes also place specific demands on regional, national and supranational agencies.

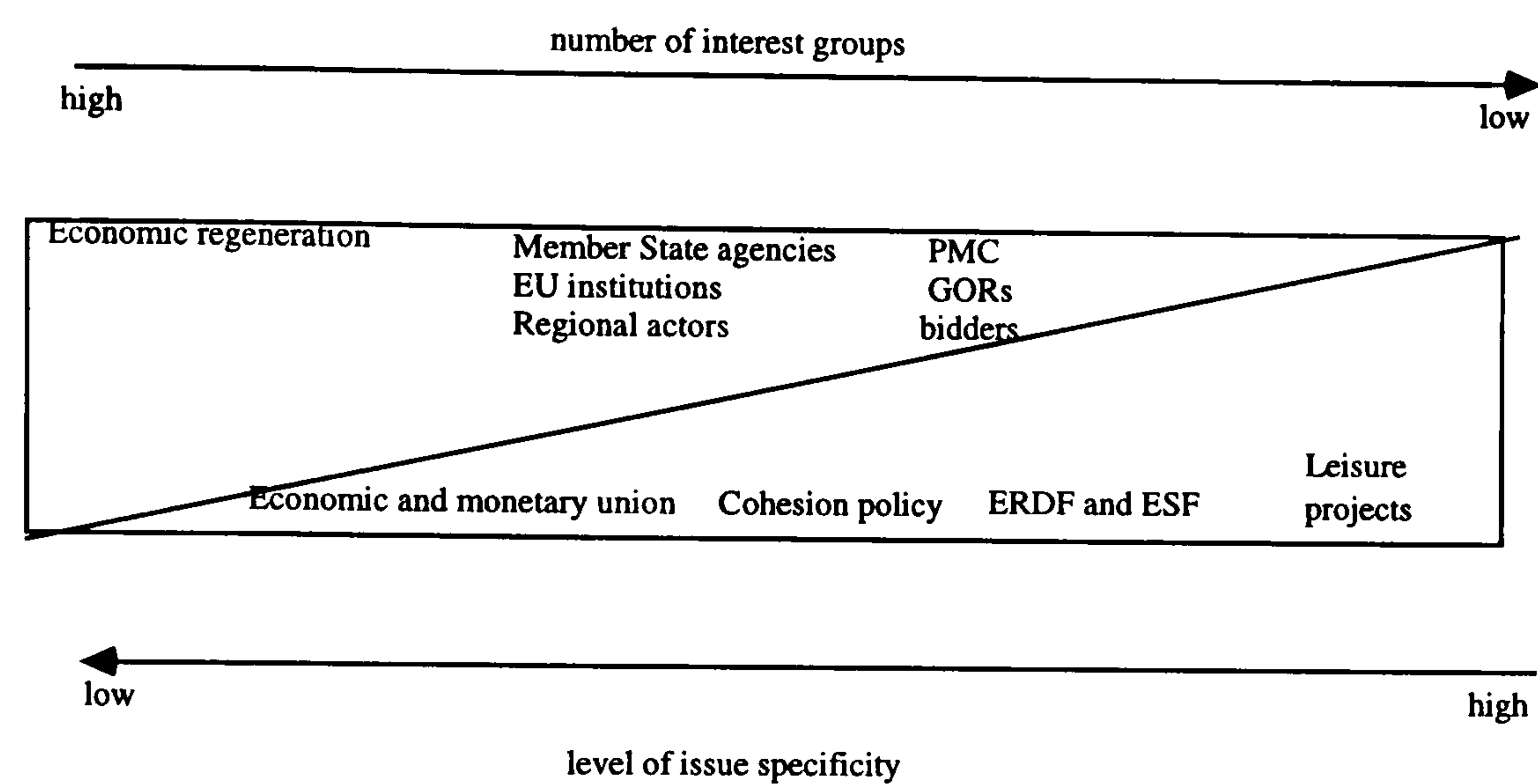


Figure 8.2 A graphical representation of the European Structural Fund policy network (PMC - Programming Monitoring Committee; GOR - Government Office of the Region)

(c) An EU Competence for Sport

Environmental Factors

As with regional policy, the impetus for a competence for sport has resulted from the general deepening of the Union’s competences. Chapters Four and Seven have illustrated how the work of sports administrators and professional athletes has become increasingly influenced by European legislation. The four freedoms that outline the Single European Market have necessitated that sports organisations re-evaluate the management of their respective sports (see Section 8.5). It is equally the case that Europeanisation has encouraged the Commission and European Parliament to seek out relations with sports federations. The maturation of an ‘economic Europe’ and the growing awareness of a need for a ‘socio-cultural Europe’ have led to complex relations between the institutions of the EU and the national governing bodies and international federations of European sport. In the light of the Bosman Case and other legal cases (see Seary, 1992), and in view of the creation of Article 128 (culture) in 1992, members of European sports organisations believed the time was right to assess and define the place of sport within the remit of the Union.

Stakeholders			
Supranational	International and Transnational	National	Other
Reflection Group (responsible for setting the IGC agenda); European Commission DGX: (defence of its interests but limited role in the process); Committee on Culture (the Pack Report supported a legal acknowledgement of sport); Sports Intergroup (concern for protecting sports budget etc.); Transnational political federations (positions on future areas of EU competence); Council of Ministers (reflection of Member State government concerns).	European Olympic Committee (protection of members interests); European non-Governmental Sports Organisation (protection of members interests); General Assembly of International Sports Federations (protection of members interests).	Member State governments (clarity on the position of sports issues within the EU but also concern for a manageable IGC); Governmental sports organisations (protection of interests); Non-governmental organisations (protection of members interests).	Regional authorities (protection of regional sports traditions); Professional sports clubs (clarity of position in relation to EU legislation).

Table 8.5 The primary stakeholders within the EU competence policy study

Stakeholders and Interest Mediation

The key stakeholders and alliances developed and utilised during the IGC process (1995-7) are outlined in Table 8.5. As could be identified in the broadcasting study, it is clear that interests of individual organisations were best served by collective lobbying. The wide-spread (if selective) support for a competence (at the European level) enabled a number of key resources to be identified and used. Table 8.6 outlines the resources deemed most significant during the period of the Inter-Governmental Conference. The most significant resources identified were those of information and organisation. Support for a competence can be identified amongst the key forums (Committee on Culture, the Sports Intergroup, the European Sports Movement and the European Sports Forum). It was the ability of pro-competence stakeholders to utilise these forums, to drive forward the campaign for a formal acknowledgement of sport, at the EU level, that was critical. Collaboration between national and European level activists enabled the dissemination of information *between* forums (eg. the Intergroup and the European Sports Forum) and *within* alliances (eg. between members of the European Sports Movement). The main issue arising during the pro-competence campaign, however, was whether the lobbying could be translated into dialogue at the level of the Council of Ministers (including the Troika) and the

Reflection Group. The management of the key resources within the conventions of the IGC process is discussed below.

Forums and Alliances	Resources				
	Legal-constitutional	Organisational	Political	Financial	Information
Reflection Group	✓ Responsibility for the IGC agenda and timetable	✓ Operated at both the European and national levels			✓ Agenda setting.
Troika	✓ Continuity within the IGC process	✓ Continuity within the IGC process	✓ Presidency of European Council: responsibility for the management of the IGC process		✓ Collection and Dissemination of information throughout the IGC process
Committee on Culture	✓ Responsibility for developing positions on cultural issues within the European Parliament	✓ Strong pro-competence lobby eg. the <i>Pack Report</i>			✓ The <i>Pack Report</i> , amongst other reports
Sports Intergroup		✓ Open forum for lobbyists			✓ Forum for the dissemination of information
European Sports Forum		✓ Forum bringing together governmental and non-governmental agencies			✓ Forum for the dissemination of information
European Sports Movement (EOC and ENGSO)		✓ Ability to co-ordination European and national level campaigns	✓ Ability to co-ordination European and national level campaigns, targeting key political figures		✓ Ability to share information amongst member organisations

Table 8.6 The key forums, alliances and resources within the EU competence policy study

Process and Interest Mediation

Two issues influenced the nature of the debate on a competence for sport: the length and complexity of the IGC process; and the absence of a clear indication that the issue would be discussed at the talks. The combination of these factors contributed to the actions taken by the key alliances between 1995-7. There is a clear pattern that emerged from the process, namely that of increasingly targeted lobbying of the European Council and the Troika. Failure to secure the support of the Reflection Group, when the IGC agenda was set, necessitated that the pro-competence lobby pursued a range of actors throughout the various stages of the Conference. The early part of the IGC was characterised by apathy on the part of the Member State

governments. This was exemplified by the position of many of them that they would not propose a sports competence but equally they would not oppose one either. No government appeared willing to actively support calls from European sports organisations for a competence, despite statements of support from amongst others, the Premiers of Belgium and Sweden. This necessitated the pro-competence lobby working towards gaining support from political and, or administrative actors in a position to reverse this attitude. The resistance met by campaigners was likely to have been a reflection, in part, of the wish of European Commission and Member State officials to keep to a manageable IGC agenda. However, high-level discussions (such as those between Samaranch and Kohl) just weeks before the close of the talks, resulted in some positive action being taken. The Declaration on Sport (June 1997) fell short of initial demands of supporters of a competence, but the fact that some acknowledgement was achieved demonstrates how IGC processes were malleable, and could accommodate 'last minute' proposals.

It was not feasible to ascertain the nature of the discussions which took place in the final stages of the IGC. However, what the evidence collected does illustrate, is that skilled actors (with access to the policy process) are capable of exploiting the fragmented nature of EU-level decision-making. The Troika is a Member State 'body' and the Reflection Group was a supranational, IGC-specific body. Whilst both clearly would have worked closely throughout the IGC process and there would have been some overlapping of responsibilities, they both equally presented campaigners with two distinct groups to lobby. In addition, MEPs and national level sports administrators were involved in promoting the case for a competence within their respective countries. The evidence obtained suggests that those actors wishing to see some kind of legal statement on sport informed the network. It was not the case that two equally powerful lobbies (pro- and anti-competence) were competing for influence. Those actors who did not support a competence, and who argued for the retention of the *status quo*, appear not to have actively promoted their position. Factors in the IGC process (the process of agenda setting, the time available for debate and the need for unanimous support for a measure) may have been perceived as sufficient barriers to progressing towards a competence. In the end, however, the debate was concluded, partially at least, in the favour of the pro-competence lobby. Its success was achieved by the negotiation of a compromise (a Declaration rather than a full Article) and by the effective management of resources, given the processes involved.

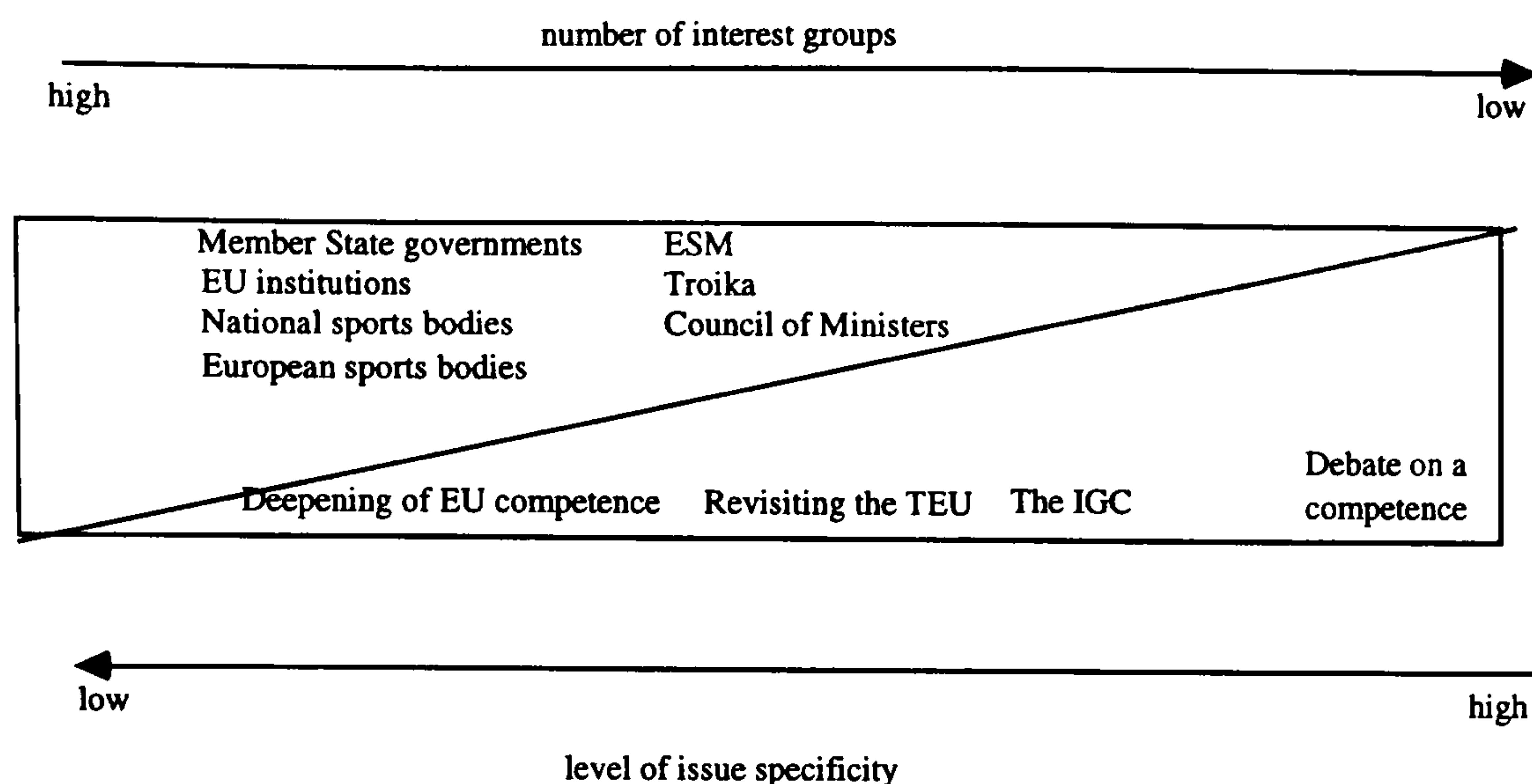


Figure 8.3 A graphical representation of the EU competence debate policy network (TEU - Treaty on European Union)

Individual Agency and Policy Outcomes

Issues are raised regarding the impact of individual agency on the nature of actual policy outcomes. The issues centre around the idea that particular actors may be central to the final decision which is made. Given the discussion on agenda setting in Chapter Two (see Section 2. 3), it is appropriate at this juncture, to again, reflect on the extent to which ‘gatekeepers’ within particular policy networks are responsible for the structure and content of policy debates. For example, there is the potential for the number of policy options to be artificially limited and, or for the membership of a policy discussion group to represent particular vested interests. Restrictive access to the policy arena may result in fewer dissenting voices being heard. A relatively closed environment can favour established members of a network and lead to the continuation of existing policy (Marsh, 1998). A high degree of resource dependency between a small number of interested parties is also, invariably, coupled by consensus in network goals (Rhodes, 1988). Conversely, the more open the network, the more likely it is that this consensus will break down. Therefore, it is suggested that the form the network takes influences the nature of the policy discussions by determining the extent to which divergent opinions are acknowledged. A three-dimensional view of power developed by Lukes exemplifies the relationship that can exist between agency, structures and outcomes.

[The three-dimensional view of power] allows for consideration of the many ways in which potential issues are kept out of politics, whether through the operation of social forces and institutional practices or through individual’s decisions.

(Lukes, 1974:24)

Lukes (1974) suggests that to consider just the overt behaviour of policy actors limits the debate on policy outcomes. In order to develop a wider appreciation for the policy process requires the review of other elements, namely: who controls the political

agenda; distinguishing between issues and potential issues; and identifying observable and latent areas of conflict. 'Gatekeepers' can control agendas, these individuals and groups can use their positions within a policy network to artificially limit discussions in some way. The power of agenda setting allows for the boundaries of a debate to be defined prior to any wider consultation taking place. This has the impact of limiting the range of issues open to discussion. Consequently, it is possible to question whether a policy debate covers all the potential issues. For example, Chapter 7 outlines a number of policy options regarding a sports competence (ie. Article 3, Article 128, a separate article or a Declaration). The research issue then becomes the extent to which all these options were discussed in the public domain. Evidence from the case study would suggest that given bureaucratic procedures and pressures of time not all issues were raised. Some of these particular obstacles were exploited by policy actors.

The final consideration of observable and latent areas of conflict covers the issue of consensus. If a network contains only a few actors who share particular interests, it is conceivable that there will be little overt conflict surrounding policy debates. However, this will not necessarily mean that conflict of interests are not presented within a wider community of policy activists. It may be that because of the reduced agenda (caused by gatekeeper selection), many of the dissenting voices have been excluded from proceedings. Hence conflict is latent rather than observable within the group of actors convened. This can lead to a false impression of the tensions involved in a policy decision.

The policy studies outlined in chapters 5-7 highlight a number of occasions when 'gatekeeping' appears to occur. Within the broadcasting debate, the absence of the KirchGruppe from select committee discussions reveals the importance of gatekeeping (see Section 5.5). If a primary stakeholder from the commercial 'arm' of the industry could be excluded from initial talks, then there is evidence of the parliamentarians framing the debate around what they perceived to be of value to support their own position on the Directive. In Chapter Six there was evidence that local priorities and input were secondary to funding decisions. Numerous project bidders felt that national priorities and 'political' factors were considered above the needs of the region or locale. Sensitivity to local interests was, therefore, lacking in decisions (see Sections 6.7 and 6.9). Chapter Seven went on to highlight the absence of a full debate on the idea of a competence for sport either in the House of Lords or within the UK sports movement, based on the positions adopted by the Conservative government and the UK Sports Council, respectively. The relationship between individual acts of agency and policy outcomes is based upon the ability of certain actors to consistently gain access to decision-makers. Conversely, there is the

peripheral nature of the contact between other ‘outsider’ groups and central decision-makers.

The evidence gathered within the policy studies suggests that changes to the nature of European-level policy making are having an impact on the range of actors involved in decisions, however, structural elements, already in place, do impinge upon the speed with which changes to procedures and roles can be made. This is highlighted, for example, in the incompatibility of the UK’s regional structures with the operational philosophy of the Commission’s Structural Funds. Likewise, the lobby for an EU competence in sport had to demonstrate an ability to develop its campaign within a framework that was both inter-governmental and supranational. Chapter Seven considered evidence that suggests that particular actors were able to benefit from the fragmentation of EU-level decision making and on occasions were also hindered by the complexity of the system. The pro-competence lobby had to gain, and then sustain, access to the decision-making parties (ie. the IGC Reflection Group and the Troika) and persuade these groups to add the issue to the IGC agenda. The ability to work with administrative and political ‘gatekeepers’, in order to get recognition of the sports movement’s cause was crucial.

8.4 THE SIGNIFICANCE OF STRUCTURE: THE QUALIFIED CAPACITY FOR AGENCY

In Chapter One, research questions relating to the capacity for agency and the role of structure in policy making were outlined, they were as follows:

Does the figuration of actors involved in the process of developing sports policy exhibit the traits of an EU-level sports policy community? And what are the implications of the existence/absence of a policy community for sports policy?

To what extent do the actors involved in the three policy studies constitute issue networks? And, if such networks exist, how do they operate in the specific circumstances of the policy study?

The Rhodes Model depicts a hierarchy of policy network types, each distinguished by different levels of inter-dependency between members (different levels of shared goals and resources). Given the traits identified under the Model, it would appear that there is not an identifiable sports policy community operated at the level of EU decision-making. What does appear to be in operation is a series of networks. These networks bring together stakeholders from different policy arenas, when issues pertaining to the different parties arise. It can be argued that there are stable and integrated relations amongst governmental institutions (the Council of Ministers, the Commission, the European Parliament and Member State administrations) which

would constitute a policy community. Furthermore there are strong ties between national sports agencies and the respective European federations. The extent of integration between these two 'communities' is, however, limited to discursive forums, like the European Sports Forum. Outside of this annual event, collaboration would appear to be on a piece-meal, issue by issue basis.

The benefit of this relationship, for sports authorities, is that they can retain their independence and continue to fully represent their members. On the other hand, by acting in the role of lobbyists, organisations such as EOC and ENGSO are faced with the challenge of finding the appropriate medium through which to communicate their position. Relations between governmental and sporting agencies are clearly well developed and groups like the Sports Intergroup are established forums through which such relations are sustained. However, one of the difficulties that prevent a European level policy community forming is that there is such a diverse range of stakeholders concerned. The capacity for fragmentation in EU was outlined in Chapter One (see page 19). In the case of sports issues, Coopers and Lybrand indicated in its reports that 18 out of the 23 Directorate Generals have responsibility for issues which have direct implications for the development of sports policies (Coopers and Lybrand, 1993, 1994). The complex matrix of stakeholders militates against a definable group of actors being identified. Core sporting agencies and central EU institutions (for example DGX) can be identified but these are not always the key protagonists in policy discussions.

As a result of the fragmentation, it is preferable to examine interest mediation in EU level policy making within a framework that enables an examination of disaggregation. The graphical representations of the policy studies in Section 8.3 illustrate the relationship between issue specificity and the number of interested groups or stakeholders. The policies under discussion draw on actors in a range of policy fields. In the case of the debate on a competence, the European sports community was central to proceedings. In the other policy studies 'sport' becomes progressively just *a* concern amongst a myriad of other factors. Sports broadcasting was one element in a wider discussion on the future of Europe's audio-visual industries and leisure-related ERDF and ESF projects are just one means of diversifying regional economies. The significance of sporting projects in these areas, however, must not be underplayed. Given the concern which the EU institutions have regarding the future of the European project, the growing inter-play between EU-level policy and the work of sports bodies is indicative of deepening Union competence and an appreciation of the value of investment in sporting ventures. Sport and leisure-related

events and projects can contribute to the achievement of economic, political and social objectives. In view of the sub-sectoral nature of the broadcasting and regional policy studies and the temporal 'opportunism' of the competence study, it is argued that issue networks, rather than a policy community, have been created. They operate by drawing on the relevant stakeholders as and when policy agendas or political processes necessitate.

8.5 THE POLICY ENVIRONMENT

The thesis argues that policy making involved within a specific area of policy is not conducted within a vacuum. The wider environment (socio-political and economic factors) impinges upon, or facilitates, the development of particular policies. The nature of the 'macro' environment informed the context of the research. The wider issue of Europeanisation must, therefore, be considered. The research question identified in relation to the broader policy environment was as follows:

To what extent can the phenomenon of Europeanisation be seen to be influencing the types of issues discussed at the European level, in relation to sport?

There are two ways of reviewing the extent to which Europeanisation can be seen to influence sports-related policy issues. One can reflect on the *process* of Europeanisation and the *effects* of Europeanisation. The former is exemplified by the changing nature of relations between Member States governments, the latter can be illustrated through the maturation of the European project itself.

The Process of Europeanisation

Europeanisation is concerned with the changing links between governmental and non-governmental agencies: the hollowing out of the State, decentralising to the regions and the promotion of issues to the supranational level. This has implications for the European project and the organisation of its' constituent parts: the Member States, the regions and the citizens. McGrew (1992) reflected on how the State, as a sovereign unit, is losing its form, autonomy, competences and legitimacy, in the face of the globalisation of business, political and social relations. Whilst the extent to which supranational agencies can replace the nation state is debated (Hirst and Thompson, 1995, Morris, 1997), the internationalisation of business, in particular, has lead to the progressive economic legitimacy of the EU. The Union acts as a trading bloc and as such it has identified four economic freedoms. In principle, they represent 'gains' for sports organisations and professionals:

- Trade: regulations regarding anti-competitive practice, for example, broadcasting rights;
- Services: greater potential for exchange of knowledge between coaches, sport scientists and policy makers;
- Capital: inward investment in transnational and national projects;
- Persons: greater opportunities for professional mobility.

However, a tension has developed between rules agreed by national and European sports authorities and the legislation pertaining to the Single European Act. Some sports administrators feel that these conflicts have resulted in a loss of autonomy and self-regulation for European sports bodies. The impact of the European law has also been positive for sports organisations, which have been encouraged by circumstances to come together, as a collective, to defend their interests, for example, the collective lobbying of EOC and ENGSO members during the competence debate. As a consequence, it is possible to suggest that the agendas being faced by administrators and athletes are influenced by the need to respond to environmental change.

It is also the case that European sports agencies have actively sought to develop relations with European institutions. It can be argued that although governing bodies and administrators have suffered because of the conflicts which have arisen between sporting regulations and European legislation, the same organisations have also sought to profit from alliances formed with Commission and Parliamentary groups. For example, the Parliamentary Sports Intergroup and DGX are both forums through which sporting bodies have sought either financial or political support.

The Consequences of Europeanisation

The EU has grown significantly since the 1951 Treaty of Paris. The Union has both widened its membership and deepened its competences. The maturation process speaks volumes about the success of the project, particularly in relation to its historical context. Chapter One argued that European inter-state relations have, primarily, been based on conflict and not on co-operation. However, whilst this European project has progressed, key actors have not always been in agreement about the final destination of the project. In particular, each successive treaty has brought to light issues of subsidiarity and citizenship and, as a consequence, each treaty has highlighted the contrasting views held by federalists and inter-governmentalists. These views lead to contrasting perceptions of the roles of economic and socio-cultural activities within the Union. Subsidiarity and citizenship are key components of a federalist Europe. Yet, equally, they are politically significant to supporters of retaining inter-governmental state relations. The fact that the two areas are open to

interpretation is fundamental to understanding the nature of the relationship between the Member States, the European Commission and sports-related policy developments. The consequences of Europeanisation (for sporting matters) can be viewed as being related to the conflicting messages these two visions are giving sports organisations.

Europeanisation raises issues concerning policy responsibilities (subsidiarity) and affiliation and identity (citizenship). Sporting events and organisations have a strong link to the nation-state and, in Eliasian terms, sport can function as a component of the 'I/we' identity. Sport is organised through national structures and is often expressed through international competition. The notion of articulating difference through sporting endeavour contrasts with the notion of encouraging 'European-ness' through sporting activities. The cultural role of sport is further complicated by the existence of strong regional traditions, for example, in Gaelic and Basque cultures. A four-way relationship therefore exists, between sport, the EU, the nation state and the regions. This raises questions about how political input is received and how policy matters are addressed. In the context of the wider environment, the central question is: in what capacities should the European institutions be involved in sporting issues? The issue is one of distinguishing between areas that should be regarded as legitimate domains for supranational decision-making and those which should remain national and, or regional (based on the principle of subsidiarity). It is the appropriate distribution of responsibilities that is subject to debate. This thesis has demonstrated the extent to which supranational intervention can be both contested and supported. Different stakeholders will invariably have different perceptions of the role of EU institutions.

As a consequence, it would appear that sports-related policies currently do not fit comfortably into either national or European policy frameworks. On the one hand the four freedoms identify sport as an economic activity, and so events and athletes are subject to the regulations that pertain to the Single European Act, on the other hand, sport is culturally significant to individuals, communities and nations. Consequently, sport may, therefore, be treated as 'unique' or as an exception, for example, in broadcasting policy where certain national and international events are listed and protected from competition. As a result, there is a tension between the extent to which policies are framed by efforts to standardise the management of issues and the extent to which policies are allowed to reflect national and regional traditions.

It can be argued that broadcasting policy demonstrates the value of pan-European action to protect the citizen's right to information. Equally, subsidiarity raises doubts about equity of access to Structural Funds. Chapter Six illustrates that national and regional factors influence the management of funding and, therefore, one can argue that subsidiarity has worked against the principles inherent in transnational policies. Sitting between these two examples is the issue of a sports competence. The issue has developed as a direct consequence of deepening ties between the Member States, ties that now include socio-cultural matters. Equally, the value of the Declaration on Sport in the Amsterdam Treaty was deemed to be derived from its focus on preserving the independence of sporting associations. The Declaration contains support for collective action and for horizontal and vertical subsidiarity.

As the long-term survival of the European project becomes increasingly dependent on the Union developing a socio-cultural legitimacy, so the tension between competing visions of the future of the project will need to be resolved. It can be argued that sport is just one of many areas of policy which is complicated by the current mix of inter-governmental and Commission-led policy decisions and initiatives.

The research question proposed in relation to the link between the European project and sporting initiatives is detailed below:

What are the changes to the sports-related interventions by the institutions of the EU and how are they related to the developments of the European project?

Chapter Four sets out the main rationales for intervention employed by the institutions of the EU. Although five clear areas of work were identified it can be argued that those areas can be further simplified to two categories: policies which reflect the remit of the Union and policies which reflect the *potential* of sport and leisure-related activity to contribute to the work of the European institutions. The chapter suggested that the nature of policy intervention mirrored the *ambitions* of the European institutions, as much as it mirrored their actual work. It is clear that the changing nature of the European project, from a series of trade agreements to a sophisticated mix of political and economic agreements has had implications for the nature of policy interventions.

The European project has been built around economic relations between the Member States. As a consequence, the first level of policy intervention in sporting matters is based on the implementation of the four freedoms and the need for compatibility between the labour regulations of the EU and the governing bodies of sport. The area

has, at times, been controversial. The Bosman Case, demonstrated the economic significance of professional sport and, equally, focused attention on the fundamental principles of the Union. The fact that Jean-Marc Bosman was in a position to challenge the Stockholm Agreement (and win) illustrates that the European project is maturing. The case exemplified how the European Court of Justice was in a strong position to over rule a previous decision to allow a continuation of restrictive practices in professional football.

There are also areas of mutual interest to sporting and European institutions. There is scope for collaboration on health matters, fair play and tackling racism. Policies aimed at the social integration of marginalised groups, people with disabilities and ethnic minorities can capitalise on the link to be made between sporting activities and social policy. Campaigns jointly endorsed by the European Parliament, the Commission and governing bodies have demonstrated that sport can be a medium through which to distribute information and promote particular values, for example initiatives during the *European Year Against Racism*.

The growth in the social dimension to interventions made by the institutions of the European Union is indicative of the changing nature of the European project. Since the *Adonnino Report* in 1985 there has been a growing appreciation of the potential of sporting occasions to help broaden awareness of the work of the EU. For example, the European Awareness Budget, the Barcelona and Albertville Olympics, the Tour de France and the European Yacht Race all demonstrated the value of sports events to the promotion of the Union (see Chapter Four). A continuation of this line of thinking is evident through the discussions surrounding the *Television without Frontiers Directive*. The debate within the European Parliament, and the comments made in the interviews conducted, did focus on the ability of the institutions of the EU to turn the Directive into a public show of the effectiveness and ‘worth’ of their work. The Directive not only affected broadcasters but also citizens, and the interest it generated indicates how it was viewed by the affected stakeholders. MEPs, in particular, were of the opinion that the Directive could be used to illustrate what ‘citizenship’ to the European Union could represent.

In addition to the above research questions, the study also sought to identify a number of indirect factors seen to be influencing the nature and direction of policy developments.

What factors, outside those directly implicated in the development of sports policy can be deemed as having a significant impact on policy?

The increasingly complex agendas being addressed by officials of the European Union means sport's governing bodies must learn to adapt their regulations and decision-making procedures to take account of the political environment. In addition, to procedural issues, a number of other key factors can be seen to be influencing policy, in particular, technology, cultural and organisational factors and economic conditions.

It can be argued that technology is starting to set the tone of the debate, particularly in relation to broadcasting issues. In the *Tongue Report* it is suggested that technological advances are leading policy and that we are experiencing an unprecedented era in which the media is becoming increasingly influential. As a consequence, sport has become a truly global phenomenon. This can be seen both as a positive and a negative development. Sporting events and associations can take advantage of these developments but equally they can be taken advantage of (eg. BSkyB using sports broadcasting to increase their market share). Whatever the merits of the development of the commercial broadcasting market, there is clearly a role to be played by politicians and policy makers, namely, ensuring that developments are in the best interest of both the customer and the industry. Technology can, therefore, be identified as having a significant impact on policy.

A key area that has been discussed throughout the thesis is that of cultural factors. The issue for politicians and policy makers to address is the extent to which sports-related policies are to be deemed the domain of Member States. Outside of the application of European legislation, the work of the European institutions is undertaken predominantly by Member State actors. For example, the *Eurathlon* Programme depended on transnational projects being put forward. The Commission is keen to develop transnational sport and cultural initiatives but DGX must be sensitive to tension that exists between projects that promote 'European' culture and issues that could be perceived as national and regional concerns. Respect for the principle of subsidiarity is matched by the objective of promoting 'European-ness'. As a global phenomenon, the field of sport can be seen as a vehicle for developing a sense of shared cultural experience. However, the challenge is also to acknowledge that sports events are perceived to be integral to national and regional cultures. The reaction of the European Sports Movement to the suggestion of 'European' teams and the wearing of European emblems (as made in the *Adonnino Report*) illustrates the difficulty facing European level policy makers who might wish to promote the

European project through cultural means. The resistance by European sports organisations to some measures is, however, matched by an awareness of the role that sport can play in social integration and in tackling issues such as racism. With increasing debate over what citizenship to the EU actually means to citizens, the potential for cultural exchange playing a part in sports policy is enhanced.

With particular reference to the competence debate, it may also be argued organisational factors play a role in determining the shape and direction of policy. Given the fragmented nature of EU level decision-making, the ability for one Directorate General to co-ordinate policy is limited. Consequently, policy is often determined by factors such as which Directorate General takes responsibility for an area of policy. For example, DGXVI decides on the nature of eligible projects with regional programmes, DGIV deals with issues of competition based purely on the interests of European business and DGX will frame policy around the specific interests of Europe's audio-visual industries. In doing so, the latter would work with other culture and sport-based organisations. Although the research did not reflect on the status of DGX, in relation to other European institution, it is clear (given the newness of Article 128 and the lack of a competence for sport) that the Directorate General does not have the political presence of others. This would, inevitably, have some impact on the development of sports-related policies, as exemplified by the discretionary nature of the EU sports budget.

A further consideration for policy makers is the impact of economic conditions on the development of policies and programmes. With particular reference to the regional policy study, it is clear that the institutions of the EU are sensitive to issues regarding the strength of the Single Market, both internally and externally. Enlargement in the 1970s and 1980s heightened awareness, within the EEC, of the existence of an economic core and an economic periphery. Such regional inequalities had to be addressed. Equally the recessions experienced during that period highlighted the level of global, economic inter-dependency. The drive for cohesion policies came in the light of these conditions and events. Since the inception of European-level regional policies in the 1970s, programmes have increasingly focused on the development of the high technology industries and the service sector. This restructuring of local economies has brought about new opportunities for diversifying tourism products. As part of this, more Single Programme Documents are putting forward Priorities and Measures that directly refer to sport and leisure events, infrastructure and vocational training. In the absence of investment in training and capital projects by DGX (its budget being restricted to small-scale revenue projects), it can be argued that changes

to the scope of policies under the control of DGXVI are a significant development for groups working in sport and leisure-related industries.

8.6 CONCLUSIONS

The study has sought to outline the processes of interest mediation and decision-making in sports policy, at the European level. In doing so, the thesis was informed by an Eliasian framework and underpinned by elements of policy network analysis. As a result of drawing on these research parameters, it is possible to reflect on decision-making both in terms of broad changes to policy figurations and in terms of specific resource-dependent relations.

European figurations

Figurations are complex webs of mutual dependency between social, political and economic institutions and actors. Whilst it is arguable that globalisation has illustrated the extent to which politics, commerce and cultures have become transnational phenomena, it is also possible to consider Europeanisation as an increasingly prominent phenomenon in its own right. The emergence of three levels of European governance exemplifies the changes occurring to the nature of policy making. The growing significance of EU-level regulation, the increasing powers of the European Parliament and the maturation of regional issues, for example, are indicative of how inter-dependencies between tiers of governance are intensifying. Europeanisation is, in part, about the shifts in competence between institutions. The result is, invariably, a change to the density of institutional figurations.

Elias questioned whether the nation state was the 'end point', with regard to the monopolies of power in certain domains. The role being played by supranational agencies suggests that more areas of policy now require wider co-operation amongst European partners. Functional democratisation (the widening of inter-dependencies based on specialist roles) has come about due to the perceived necessity of collective action. In this context, Europeanisation is a response to inter-dependencies that exist beyond the Member States. Subsequently, European-level sports figurations are a response to developments, both internal and external to the field of sport, which represent areas of mutual concern to regional, national and transnational interest groups. Areas of specialism, including expertise in broadcasting and economic regeneration and sports administration, have necessitated that broader policy figurations be convened.

European Policy Networks

The summaries of the policy studies in Section 8.3 illustrate the increasingly specialised nature of interest mediation and decision-making at the European level. Given that sports-related issues are a sub-sectoral concern for a number of policy communities, the network that is ultimately responsible for policy is formed through disaggregation. The graphical representation of the networks outline how sports-related policies can be broken down to exhibit a high degree of issue specificity and a low number of interested parties. Under these circumstances, the management of resources becomes of paramount importance. In the policy studies identified, the resources of most significance would appear to be organisational and information-based. Given the nature of the policy procedures under examination, the ability of actors to access information and take advantage of the position of their organisation (its status or relationship to other agencies) appear to have been crucial to developments. Political alliances were also a means of promoting a group's interests. The combination of resources and the nature of the alliances were different for each policy study and thus one can not conclude that a sports policy community is emerging. However, a number of forums (the Parliamentary Sports Intergroup and the European Sports Forum) and alliances (the membership of EOC and ENGSO respectively) are proving to be common denominators in a range of policy networks.

Sport and the European Project

In concluding this thesis it is appropriate to reflect on some of the broader issues that have provided the context for the three policy studies conducted. Globalisation (and within that Europeanisation) has become central to social research. It is increasingly common for politics, trade and culture to be viewed with transnational and supranational contexts, rather than within a framework that cites the primacy of the nation state and its agencies. In Eliasian terms, this process of globalisation is evidence that long term social processes lead (eventually) to complex figurations between social actors outside the boundaries of the nation state. McGrew (1992), Rhodes (1994) and others have proposed that the nation state is increasingly subject to challenges to its form, legitimacy, autonomy and competences. Under these circumstances, it would be easy to assume the primacy of European agents when reviewing policy developments within the EU. Indeed, the policy studies have demonstrated the growing role of the Commission and the European Parliament, however, it is also important to consider the continued role played by national governments. These are both the agents of the furthering of the European project and the means by which the process is 'checked'. In contrast to reflecting on how 'global' phenomena are influencing the 'local', this research can highlight the significant role

played by local/national actors in defining the direction and limitations of Europeanisation.

The Commission, the European Court of Justice and the European Parliament have all assumed some of the competences associated with the nation state but the pace at which the transitions are taking place are subject to the decisions of the governments of the Member States. The involvement of the Council of Ministers and the European Council in the decision making process demonstrate how Member State structures still operate alongside supranational organisations.

Drawing on examples from this thesis, it is possible to illustrate the effectiveness of the nation state in dictating the speed and scope of change in the European project. Firstly, despite being Commission-run programmes, the Structural Funds are subject to nationally-based implementation procedures. In decentralised Member States this may lead to the effective use of existing sub-national structures, in centralised Member States issues of sub-national/supranational linkages are more problematic. The regional-Whitehall-Brussels network arrangement is a cause of tension for UK-based project bidders and regional administrators. The 1996 IGC also provided evidence of the role played by national governments. Despite a prolonged lobbying campaign organised by European sports organisations and support 'in principle' for a competence by a number of Ministers for Sport, the IGC did not result in an Article for sport. Procedural and temporal constraints were important factors leading up to the final phase of the IGC but it is also clear that the inability of pro-competence lobbyists to secure earlier co-operation from the Troika and the Presidency of the EU limited what could be achieved. These examples are indicative of the restrictions being placed on the European project by the actors representing the Member States.

In addition to the structural considerations behind the process of Europeanisation, it is also possible to look at how specific fields of activity, inclusive of sport, can both accommodate and restrict the process. The central weakness to maximising the value of sporting activity to the European project is the historical link between the nation state and the organisation of sport (along inter-state rather than transnational lines). However, in Chapter Four, it was argued that the field of sport can respond positively to Europeanisation. Sport *per se* is increasingly transnational in scope as it is both commercially viable and culturally valued. It is responsive to commercial markets and its 'universality' as a social activity has presented those involved with the European project with grounds to harness its various qualities (see rationales in Chapter Four). The institutions of the EU have sought to capitalise from the cultural

and economic significance of the field of sport, however the issue of how regional, national and European sporting projects can co-exist still remains.

The research undertaken has demonstrated that European level policy developments, within the field of sport, are sensitive to the changes occurring to the wider European project. The development of policy initiatives is a dynamic process that is responsive to temporally-specific factors, be they political, economic or socio-cultural. The potential for change suggests that the nature, context and content of policy decisions will continue to be of on-going interest. The European Parliament and the European sports organisations are still key lobbyists, maintaining the momentum developed prior to the Treaty of Amsterdam and seeking to further enhance the profile of sporting issues on the European agenda. Likewise, the European institutions are conscious of the impact that generic areas of concern for the EU are having on the work of sporting bodies. Technological advancements, for example, are changing the accessibility of major sporting events. Equally, the role of sport in supporting efforts to promote the social inclusion of marginalised populations is acknowledged. The diverse range of policy areas which either impinge upon or utilise sporting activities ensures that sports-related policy activity will be sustained, if not significantly enhanced.

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Appendix One

Decision Making Structures in the European Union Pre-revision in the Treaty of Amsterdam

Institutions and their roles in the decision making process

The thesis has highlighted the complex and fragmented nature of decision making within the European Union. Appendix One sets out the key procedures and mechanisms currently in place to deal with policy decisions.

Co-operation: Article 189c

Established under the Single European Act, the Co-operation Procedure paved the way for further Parliamentary powers in the Maastricht Treaty. Originally covering the implementation and management of the internal market, the procedure is now operated in social policy, education and training policy and programmes, environmental programmes and in relation to legislation for Economic and Monetary Union. The procedure has strengthened the relationship between the Council and the Parliament.

- (i) The Council, acting on a Commission proposal and after seeking an Opinion offered by the Parliament, adopts a 'common position'. This position is then referred back to the Parliament for further discussion. The Parliament, subsequently, has three months in which to either support, amend or reject the proposal. The Commission then has one month in which to consider the proposed amendments.
- (ii) The Council undertakes a second reading.
- (iii) If the European Parliament has reject the common position adopted by the Council then unanimous voting is required. If amendments have been proposed then qualified majority voting is used within the Council (assuming the Commission has also supported the changes). In the absence of a Commission endorsement, unanimous voting again must take place.

Co-Decision (Article 128)

The Co-operation Procedure outlined above was followed by the development of a Co-decision Procedure.

- (i) The Council adopts a 'common position' based on a Commission proposal and on an Opinion offered by the Parliament. The European Parliament either approves the proposal (leading to the Council adopting the measure), rejects the measure (following Conciliation) or amends it (by an absolute majority).
- (ii) If the Council accepts the parliamentary amendments and the opinions of the Commission then the new common position is adopted. If the Council does not accept amendments a Conciliation Committee is convened, with members being drawn in equal number from the Council and the Parliament. Any new position must be accepted by both these agencies with an absolute majority. Failure to agree a position at this stage means that the proposal is lost.

Unanimous and Qualified Majority Voting

There are two methods of voting within the Council. Unanimous voting requires complete agreement between Council Members. Under QMV a proposal will be carried when 54 of the 76 votes are in favour of the measure.

Appendix Two

Example Interviews Scripts Relating to the Broadcasting and Competence Policy Studies

Interview with Roy Perry (European People's Party), member of the Committee on Culture. 3rd January 1997.

The Tongue Report, published earlier this year, suggested that we were increasingly becoming a multi-media society and that non-terrestrial broadcasters are becoming a 'threat' to public sector broadcasters and their mandate to inform, educate and entertain. As a general observation would you support this interpretation of developments?

I think its abit more complicated than that but as a general interpretation I was not very sympathetic to Carole Tongue's report.

How do you differ?

I think there is a straight political divide between us. As a Labour, Socialist member, I think she places rather too much emphasis on the importance of public sector broadcasting and does not give due appreciation to the role of private and independent broadcasters. I do not undervalue public sector broadcasting, it is important, I am quite happy to support it. There is a role for public sector broadcasting but I certainly thought she went over the top with her report. Really, that has been a traditional pattern I guess, going back to 1954 and the creation of independent television, the Labour Party totally opposed it, thought it would destroy the BBC, it has not happened. And I frankly do not think its going to happen with the development of non-terrestrial television.

You do not think its going to effect the quality of programming?

No, I do not think so, by and large competition is a stimulus rather than a destructive influence, and I think that the quality of broadcasting in Britain in particular, and generally across Europe, means that we are not going to see what happened in America. I think that in any event, with the development of digital television, we are going to see various channels, channels that are going to attract advertising, that's how they are going to pay for it, they are going to have to produce a quality that the viewer are going to want to watch. So, if they all simply churn out quiz programmes then there is not going to be a market for them. So they have got to find out what the public want. Again, I mean I like Carole Tongue, I would say this to her face. I think she is adopting a patronising view. She thinks she is an educated lady and she is going to educate the working classes and spare them what she regards as pap broadcasting. I think that is a profoundly offensive political line to take, and I have told her so.

When you are developing a common position within the European Parliament, for example, on amendments to the broadcasting Directive which happened in February last year, what procedures/consultations are gone through before a final package is arrived at?

It's very complicated. Basically, the procedures the European Parliament operate on, there are two fundamental principles: one is that everything is determined by proportional representation, for want of a better short hand, so all the Committee's are very definitely a political cross-section of the Parliament, and all the distribution of the positions within that, so nobody has a majority. That is a key thing to understand. The European Parliament, if you read the British press, it would be a totally left-wing dominated, it is simply not true. It's a very evenly balanced Parliament, so consequently, it does operate by consensus and compromise, which is fudge or budge, if you like, but it is a compromise, that's principle number one. Procedural principle number two is that the Committees operate by appointing a Rapporteur. And the Rapporteur then has the responsibility of making consultations with the Commission, the industry, all the interested parties, the Council of Ministers, considering their views, reading what the Directive is and then making a proposal to the Committee.

Now, it so happened that the Rapporteurs on this occasion, Galeote and Hoppenstedt, were EPP ... to which the Conservatives are aligned ... and the distribution of Rapporteurships again depends on PR, so it is not like one party always gets the Rapporteurships. They are spread out. It's a complex process and clearly the EPP was determined to get that Rapporteurship

The Rapporteurs will then consult and they will certainly consult across the parties and you will have, within the Committees, the Committee on Culture in this case, a process of hearings and they will invite various people, broadcasters of all sorts, they come and make their presentations. I will always remember this one, we had two Commissioners come and speak to us. Bangemann, who was the trade Commissioner, and Commissioner Oreja ... and also at that time the Presidency of the Council of Ministers was held by the French, so we had the President in office of the Culture Ministers, who was Mr. Tubon, the French Minister. It really was a classic example that Bangemann came along, 'we've got to have free trade', simply there is no way you should be seeking to control it, you will be limiting things in the industry, entrepreneurs, the culture people themselves to develop what they want to do. Encourage them, that will create jobs, create developments and give us a vibrant European cultural industry. There is no politics in this, I sat and listened, he was robust, determined, vigorous and when you listened to him it made a lot of sense. The next day Tubon came in, he is a French Gaullist, Bangemann as a Christian Democrat Commissioner, so there is no political division between them.

Tubon came in and said, the phrase I'm always struck with, 'we are creating a Nintendo generation'. Kids are brought up on Mickey Mouse, Superman, Batman, our whole European culture is under threat, under risk'. And he has got a fair point. I think there is a risk, a lot of people say to me, 'Roy, we are being swamped by all these Europeans, and we're losing our British identity'. I do not think the risk is coming from Germany, Italy or Greece, the risk is coming from America. We're all becoming middle American, so Tubon put that over. He was very robust, very determined and he put across a very good case. And the next day at the hearing we

had Mr. Oreja the culture Commissioner, and he said 'its very difficult. On the one hand you've got to encourage enterprise, on the other we got to take precautions'. I rather think the Directive that we had probably had a lot going for it. So Oreja was very much, at that stage, sitting on the fence, so it was a wonderful example of Bangemann very forceful, Tubon very forceful, Oreja, 'God, where do we go from here?'

The Culture Committee that considered all these hearings, as opposed to the Rapporteurs, was quite determined to go down the Tubon line [...] basically the members of the Committee from the right-wing parties, the Christian Democrats, tend to be very supportive of culture. I think its fair to say the Gaullist lady that sits on the Committee follows the Tubon line right down the middle of the path. She is very determined to protect French culture. And on the left we have the Communists and the Radicals. A lot of French people sit on the Committee, so that Committee whilst it is a political cross-section of the Parliament, in terms of its attitude towards how significant culture it is very definitely not a cross-section. All parties have their own nuances and it's a Committee that attracts those sorts of people, characterised by the Chair of the Committee, Castellina, a very powerful lady, extremely left-wing. She is highly cultured, a former journalist. Equally, politically I do not underestimate her one little bit. Quite a determined lady, she has her own political agenda.

Its the job of these Committees to represent different interests but how do you reconcile these differences?

The process takes a long while, I mean well over a year the considerations go on. There are these meetings, one gets bombarded by a lot of correspondence, lots of people ask to come to see us and there is a television broadcasters association, the EBU, lobbyists, organisations, individual letters that are sent in, writers, actors groups, broadcasting groups in general. I think they do it to all members of the Committee. They obviously go around picking up who is going to be influential people who they can be persuaded. One of the critical things here was, in a sense I think its a political element of our own position I mean not to blow our own trumpet, but the British Conservative Group is very small, there are only 18 of us ... so you could say that we have minimum influence. This one is an extremely good example, of how our 18 votes were significant, because certainly the two Rapporteurs: Galeote and Hoppenstedt. Hoppenstedt, I think more so than Galleote, was quite determined to not to have too much regulation on the industry.

Within the EPP group in the Culture Committee there were certain people: Nicole Fontaine, the Vice-President of the European Parliament, a member of the group, very pro-culture, Nana Mouskouri, she was, equally, taking a very strong line down the Tubon route, Doris Pack, who is the leader of the Christian Democrats, on that Committee, equally took a strong line pro-Tubon. Mary Banotti the EPP Vice-President, again was pursuing that line, so there was a strong thrust inside the EPP, against them were Galeote and Hoppenstedt. I was able to add my bit ... if I hadn't been making these points then the balance within the EPP might have been quite different. But as it was the EPP, in the Committee, was fairly evenly divided, Galeote and Hoppenstedt, were not isolated, they had supporters, the Dutchman Pecks was there supporting them as well, with the free trade approach.

So, you've got a situation where the Culture Committee itself, overwhelmingly, was going to support the Tubon line. Quotas, restrictions, you name it. The EPP group was much more finely divided inside the Committee, once you got outside the Committee, then the strengths of the Germans, they were able to sit on Doris Pack [...] you've got to be more free trade, the Conservatives inside the EPP were again able to say free trade really is the way to create more jobs. It really is a fundamental divide, I want to see people employed, I want to see people prosperous, I do not believe you do that by passing laws to create jobs, by passing laws to protect jobs. Now, I think the Conservatives, by acting inside the EPP were able to support the German Christian Democrats, who are free traders, against one or two other groups. And so the EPP remained very solid that they were not going to have too much interference from quotas.

Now when the vote went first to the Plenary in May, the majority of the Parliament was overwhelmingly in favour, well no, overwhelmingly is the wrong word, the majority of the Parliament was clearly in favour of the quota regime. But what they did not have was an absolute majority ... but when it comes back for a second reading that is when (if the Council of Ministers is going to change its views) that is when an absolute majority is required. Now the Commission accepted some of the changes that were commonly wanted. And there were some, but there were some areas, some key areas ... I can not remember the exact wording of it, but it was on this area of quotas. And the get out clause, and everybody knows it's a get out clause, is 'wherever possible'. Well clearly there are ways around that and that became the sticking point for the EPP members [...] the Council of Ministers achieved unanimity, its quite amazing that the French government accepted that [...]

The European Parliament, as a whole, had accepted amendments to the Directive but where there were votes against measures they came from the EPP and the ELDR ...

Well, that's right. Well is a straight political divide. You have to remember that the Liberals were themselves divided, in essence the Liberals are a strong force ... how are we going to have a successful European industry, you either believe in protection ... Its very interesting to listen to Tony Blair speak, 'we do not believe in a protectionist Europe, well if you see what the Socialists are doing in Europe, led by Carole Tongue, there they are going straight down the protectionist line.

If I can move it more specifically onto sports broadcasting. Carole Tongue highlights the power of people like Murdoch. Do you think that may be in this domain that non-terrestrial broadcasters present an issue for competition, and the EBU should be given exemption to the collective purchasing of rights? They did have an exemption to Article 85.

Well, again I think that one's got to sort out some kind of compromise. I think that the compromise that we achieve in Britain could be something that could work fairly well in Europe. There are certain key events, like the finals of the European Football Championships that ought to be available free to air, for anyone to view, but I think they ought to be quite limited. I do not believe, for instance, that I have a right to walk into a Cup Final, I mean its nonsense to say that I've got a right to go to a Cup Final. I would expect to have to pay for a ticket and I would expect it to be difficult to buy a ticket, so why should I claim that I have an absolute right to see, freely, the

Cup Final on television. So therefore, I think you have got to give and take and there are events that have such universal appeal that you perhaps ought to allow public sector broadcasters the right to show them, and that there should be some kind of agreement on price. But again, I think Carole has failed abysmally to appreciate the positive contribution that the private broadcasters have made to sport in Britain.

So, in that sense, do you support the decision of DGIV to grant BSkyB an exemption from the competition rules that said if you are going to have an exclusive contract its got to be for a limited time, for example, a season in the Premier League? BSkyB were given three years. Do you think that is right?

I think that you have got to have a compromise that certain events should be available and I do not mean the World Cup all the way through, I mean the Finals, certainly. The Olympics, things like that. But in general terms, I think that its up to public sector broadcasters to decide if they get a certain amount of increment to bid for sports events and if they do not fine ...

Do you have any views on BSkyB charging extra ...

I am opposed. I do not like monopolies whether they are public monopolies or private monopolies. I think people like Carole do not mind public monopolies but object to private monopolies, now I object to both. And, therefore, I think we have to have regard for a monopolies position of News International and the Murdoch corporations. I think that that is important, certainly if I think I see there are ways they are imposing really excessive rates on either cable television, or in pubs, or clubs who have got the licenses, then I do think that there is a regime that should stop private companies abusing a monopoly position. But I do not think we need worry too much about the situation of various private broadcasters bidding against one another. I think that increasingly digital television and satellite technology becomes cheaper, actually you will see much more competition.

Have you any ideas on the regulation of national events. As a European politician, the European Parliament has a role in protecting things at that level. Do you think that there is a case for protecting national events, or do you think that this is a case for subsidiarity?

I think it is something largely up to each national government ... its got to be checked nation-wide ... you could actually do a lot more harm ...

The European Parliament appears to be divided. Do you think that the Commission feels that they have a role?

The Commission's role is to arbitrate between the European Parliament and the Council of Ministers.

Did the Free Trade Commissioner acknowledge the cultural element ...

In general terms he was probably less sympathetic than I would be towards the right of culture. He was very robustly free trade.

More generally about the European Parliament and sport. The EU does not have a legal competence for sport. In view of the conflict between the cultural dimension and the economic argument (for example, the Bosman Case), do you see the merits of putting a competence down?

I sometimes argue that culture is too often narrowly interpreted as competence in opera, high culture. Whereas culture of the people of Portsmouth is, I'm, sure, watching Portsmouth Football Club play. In that sense, I would argue there is already a competence for sport, as sporting activities are a manifestation, an expression of popular culture. That being said, I'm a firm supporter of subsidiarity, I do not want a gross extension of competences of the EU. I strongly agree with Santer, that Europe should do less but do it better. But I am not opposed to redefining 128, or modifying something, to include sport. I believe sport is a very important part of life, and I think there is a European dimension to sport. Its not to say that the Union should be doing things that the national governments or the local authorities should be doing.

A couple of governments have come out in favour of a competence but the UK government ...

They are just so sensitive about it all. So, Sproat quoted the Douglas Hurd speech that we do not want Europe poking into the nooks and crannies of national life. Well, I think that is pretty narrow.

Do they oppose it on the grounds that they do not want the EU absorbing more competence, taking it away from the nation state, more generally, or is it specifically a sporting issue?

I think it is a gut reaction to the present time. I personally take the view, and I've told the government that, if they wanted to get their line passed through the IGC then they were foolish to always have themselves construed as being totally negative towards Europe. Because what then happens is that you are sidelined and ignored, that is what has happened. It is far better to come up with at least some positive gestures that are not particularly draconian. Okay, a sports competence is a pretty modest thing and why should it do any harm, if you do that then people will not think they are wholly bad, at least they have some positive views about Europe. But in some respects they are trying to restrict it. Now, I would not describe myself as a Federalist, I believe in a Europe of nation states, and those are the critical building blocks. There are some things that can be done at the European level that add to the quality of life ... for sport that can be so.

So, not necessarily having a competence in itself, just broadening, making it clear what culture actually means to Europe?

Yes, that is right. But there I'm quite prepared to accept a broader point that the European Court of Justice occasionally re-interprets treaties in unexpected ways. I am saying, well may be, get the European Court to interpret culture to include sport.

At the moment do not see the IGC having sport on the agenda, although the Parliament has put forward a suggestion that it should be. Do you see any likelihood, at some future time, of the EU gaining a competence?

Well, I have already indicated that I am fairly pragmatic and flexible about these things. I think I would concentrate, more or less, on finding ways of doing what you want to do, without worrying too much about it. I certainly would not rush ... it is quite an important turning point at this time, I often say to German colleagues if you push this too far too fast then you will push it off the rails, they tell me that if you go too slowly the bicycle falls over! So it is a question of finding the right speed. But honestly, I think with Maastricht, that there was a huge amount of European public opinion for the whole European system to work itself out but it would have been a lot better to let it rest for ten years and gently let these things emerge from [...] rather than try and force them, e more cautious.

Nb.

... denotes a break in the comment

[...] denotes the tape was inaudible

Interview with Phillip Whitehead (Party of European Socialists), former member of the Committee on Culture. 12th September 1997.

In the Television with Frontiers Carole Tongue specifically mentions the 'threat' that non-terrestrial broadcasters are to public sector broadcasters, in relation to sport. Do you think that in the long term there is such a problem for public sector broadcasters?

Yes, I think there is an enormous threat to public sector broadcasting, for a number of reasons. Firstly, in a single market that accepts that market forces dominate, people will want to make sure that the market prices, in terms of demand and scarcity, apply. I got a glimpse of how powerful this attitude could be 27 years ago when I was a backbench member of the Broadcasting Bill Committee in the House of Commons, that was looking at commercial radio. And they were saying how the market would dominate everything and a man called [...] who was a big local broadcaster, as well as an MP, was speaking and I said to him 'what would you charge for the Sermon on the Mount?' and he said 'the going rate', and the principle of the going rate applied in broadcasting, inevitably, means that you get key events which are popular and for which some people have the income to pay a premium price and lock out on their behalf. Now do you allow that to happen or do you not?

In a society that recognises that some things are public goods then you limit it, in a society that says that everything can become the long term, or temporary, property of a few, you have no limits. The analogy would be beaches, of you go to some of the most beautiful places in America now, you will find that people have been allowed to fence off stretches of beaches and there are no public beaches left. It does not happen here and it does not happen in most places in Europe, and in a way, areas of broadcasting which we all enjoy because they are shared national experiences, seem to me to be like those beaches that should be left open. The public sector broadcasters have limited funding, they have enormous obligations on them to cover the whole spectrum of information, education and entertainment. Now under that system everything is tied up and brought up where it can be. The people who do not allow them to pay high premium rates are, therefore, deprived. So, I have always felt that for a limited number of national sporting events and for occasions as well, it does not have to be just sport, you should make certain that they remain open to free to air television, so that any citizen, anywhere within the remit of the broadcasting authority can switch on the television and see it.

Do you think that the growth of BSkyB and Canal Plus have led to the hyperinflation of prices because they have the resources to take prices out of the range of the public sector broadcasters. Is that where the concern is?

Yes, because if the private broadcasters were the poor relation to the public sector there would be less of a problem because they would only be able to use a limited amount of competitive edge and they would have to devote a large, perhaps disproportionate, part of their revenue to the endeavour. So, they would only do it in a restrictive way. But Mr. Murdoch is capitalising billions around the world, he has enormous advantage as a competitor by buying up the three or four most popular things the terrestrial broadcasters have transmitted, admittedly after disputing amongst themselves who has the right to screen it, he will do it. After all, Mr. Murdoch will

sell everybody in the UK *The Times* newspaper for 10p every Monday. He does not do that because it costs 10p to produce, he does it because he makes this loss making newspaper a hugely powerful competitor because it is cross-subsidised by other organisations. There is no limit to the amount Mr. Murdoch will pay to lock out key sporting events and he has shown that once he does it he not only has those broadcasts but he changes the whole nature of the sport.

If you look at the UK, Rugby League has changed from a winter sport to a summer sport. It has become hugely Americanised, or ... and his obvious intention is to make this a global sport, in which the games in Australia, the United States, Canada, the UK and all that. Now, he can do that because he has the money to do that, the question is 'what are the knock on consequences?' (a) for the people who anyway want to watch Rugby League and they do not tend to be the wealthiest section of the population (b) for those who have actually been tied up with the notion of Rugby League as a sport played by lots and lots of people, not all of them highly paid professional and in the winter, not the summer. One of the other things about spectator sport, organised for the benefit of the television schedule is that, not only do you change the timings but you change the participation. And in the end no-one plays because there is no incentive to have a lot of struggling little leagues.

Some people have said that Murdoch has come in and Rugby League has subsequently changed its nature, but Rugby League itself, and other sports, have said 'BSkyB are giving us the money and, therefore, we have the funds for grassroots work'. Do you accept that it is beneficial to the sports?

No, I do not. I support my local football team, which is Derby County, which has invested millions in a big new stadium and staying in the Premier League but they are not doing that by a larger investment in young, local players and the patronage of local leagues. They are using that money to buy in players from Croatia and Nigeria for, in effect, an international 'Super League', or the 'Europa Liga', which it will be very soon. Which is again, largely [...] by television audiences and television schedules. Now, there is nothing I can do, or that anyone else can do about the run of the mill Premier League if Murdoch outbids the terrestrial channels. I do not think that you could possibly say that every Premier League football match must be shown on terrestrial television. But what you can say is that the high points of the year, the cherished national spectacles, the things that keep us in touch with the game as it was, those should be preserved. Murdoch does not have the FA Cup and the League Cup and the home internationals, in a way he has been defeated because these are the apex of the system. He is making do with the day to day stuff and he is having a malign affect on it.

In reference now to the Olympic Games, as Murdoch put in a bid for that contract, in competition to the EBU. The EBU, in knowledge of the original bid to the IOC, increased their bid by 25% to try and be competitive. Do you not think that, although they have limited funds and they have a mandate to do other things, that they have got the money and now they are having to be competitive. That is the argument that BSkyB would use, 'you do have the funds there to bid for specific events when you want to'.

The Olympic Games are a special case because they are the one event, or series of events, which is genuinely international and which would be recognised as such and would be on everyone's list. But you are making a big mistake if you think that it is either, on the one hand, Murdoch and his moneybags spreading his money through these needy sports and, on the other hand, a cynical cartel of public sector broadcasters getting it in on the cheap. They actually bid against one another and anyone can bid providing they are operating a free to air service. So that, for example, Grand Prix racing, which has got a great following in most European countries, in the UK has switched from the BBC to ITV because ITV would pay more money for it. It's a different matter than having it on an encrypted satellite. It means if you have a television set and you press the third button, which most of us are capable of doing, then you see it.

Do you think, in relation to the EBU, that the Commission was right to reconsider their exemption to Article 85(3) which gave them the authority to submit collective bids (the decision that was taken in 1993 was reconsidered in 1996), or do you think that it was fair that the EBU continued because it covered a broad spectrum ...

You mean was it fair to be retrospective in that way?

Yes.

Well, I think so yes because I think that there is ... what that reflected was a real sea change in attitude that was only apparent in the late-96 period. Carole Tongue had a great deal to do with it, I salute her energies in that regard. You have to remember the extraordinary pace at which this whole debate has gone on. When this Parliament had started nobody had heard of common interfaces and double de-coders and most people 'poo-pooed' the idea that there would ever be digital-terrestrial broadcasting and now all of that is almost a reality. So, we think that the position with regard to the exemption, is simply a recognition of how fast everything is changing around us.

Around that time, DGIV, as well as looking at the EBU's position, actually extended the period for which BSkyB could have its exclusive contract for the Premier League, for example, from one season to three. Do you think that was significant, why would they do that?

Why did they extend it?

Yes.

They extended it because they were naïve, I think. When was it done?

1994 or 1995 ...

I think it was on the change of the Parliament. I think that the whole broadcasting debate really opened up again with the return of the 1989 Directive. So, a lot of things may have opened up in 1994. As often as it does when the European Parliament changes hands. The curious thing about this Parliament and it will be much the same next time around. I think that 60% of the Members changed in 1994. So you get a lot of new Members coming in and every party finds itself quite slow to

establish its own identity and set its own priorities. Rather than in a national parliament where there is an amount of balance and continuity. And of course, the Commission does not stop, it does not get re-elected and so those who are content on liberalising, and that has been the dominant thrust of the Commission in the last few years ... and when the history of this decade is written, the Commission ... Mr Bangemann, he opposed any attempt to impose regulation on the Single Market. And he would argue that Mr. Murdoch and Bertelsmann and all the others, who are in the national context, are actually a net plus for Europe in the global context.

Now that Murdoch has acquired a lot of events and has some 3 million subscribers, he is now, slowly introducing pay-per-view, for example, the Tyson fight was an extra £12 on top of the subscriptions. Do you see that as an inevitable transition ...

I do not think that it is an inevitable transition because the critical question, which we also address (this has been the second front in the battle with Murdoch) is 'what is the nature of the competition?'. And that is what all the arguments about common interface is all about. You must allow competitors into the market and the more you allow competitors into the market the less likely it is that Murdoch will be able to lock up the whole system. And that's where we have always been encouraged by the idea that terrestrial digital in the UK will not be controlled by Murdoch.

Currently, as it stands, is it an abuse of a dominant position?

He will be one of many.

Is it an abuse of a dominant position currently, though?

Yes. I would say that it was an abuse of a dominant position, in that, certainly in the pitch he was making in terms of the de-coders for BSkyB satellites, were entirely based on being able to do what nobody in the United States would be able to do and that is to have this complete vertical integration. In which he was controlling the delivery systems and the programme production and the financial balance between the two.

To counter pay-per-view and exclusivity, were you in favour of European and national lists of events?

Yes.

These lists have been drawn up by the Member States, have you noticed whether between countries there have been any political significance to the lists, in terms of those who favour free trade or protectionism. For example, in the UK there are 8 events ...

8 is better than none, 8 is better than 7. I think the problem with the national list is that they are going to vary according to the political situation in a country at any one moment, so you could have a really paradoxical situation where a right-wing government, like there is in Spain, suddenly find themselves arguing for a long list simply because it thinks that its political competitors are behind a new market entry, which it might be able to make their way of locking out subscription sport. And that

is certainly what the new Spanish government believe. I think the local priorities will always vary greatly and there will be ways in which you ... well, there will always be anomalies but as long as you are able to show that in the country of maximum interest the thing is freely available. You have the dead drop on Murdoch, even if the same event is encrypted in other countries that are not so concerned. At the moment Murdoch is being much more hit by people subverting his encryption by diverting, for example, the question of football matches in Norway, where every pub in the UK watched it on Norwegian television through a diversion, for free without paying Murdoch's subscriptions. I do not approve of that, I think that the law should be there to protect him there. If you look at what David Elstein says, they lose £50m a year from piracy.

So, I am happy to enforce encryption, where it is a valuable new part of the system. What I am against is locking out things that, seem to me, to have wide national support and I am against using that, in turn, to destroy the base of the audience of free to air television. If they buy up the best parts of the schedule and they use it on an encryption basis, what does that mean for public sector broadcasters? Inevitably, their role will be more limited, its not to say that the BBC is perfect. I think they are trying to have it every way, they are trying to be a commercial operator, with the left hand, and a public sector broadcaster with the right. But the general principle is that ... we now have four separate operators in the UK, which are offering free to air broadcasting, who ought to have the nature of their operation acknowledged. That is that they have a discrete source of funding that can not be augmented by subscriptions, at least not in the regulations as they stand, and they are providing everything to everyone with what they get.

What about mutual recognition of each other's list, do you think that would ensure that encrypted transmissions could not, again, affect the base of the national audience for events?

Yes, I think that will happen.

Is that something that is only happening and being discussed now?

Well, its gradually evolving as people see how this new system is going to work.

Will it be placed into any modification of the Television without Frontiers Directive? How will it be formulated?

I do not think you can, the Directive is now done and dusted. We have had the final stage of Conciliation ... what is happening now is alliances of convenience between certain European broadcasters to make sure that there is one bid for that and one bid for this and overall the terrestrial front is solid and it is maximising all the cherished broadcasts, so that these are sustained and sometimes they are sustained because the main market value for them is in the country that most esteems them. If you are able to pull a whole cluster of events together, for example, France, Belgium and possibly Spain, for the Tour de France as a cherished event but we would not but we would go for some domestic events that they would not be particularly interested in. But if everyone knows where they are bidding and that that is going to free to air on direct or wire transmission ... as more satellite competition comes up then it's a common

front against Murdoch. It shuts him out of more and more bids, there is a great risk of having too many sports on the list.

The broadcasters are trying to sort themselves out. Do you think that some form of self-regulation is the key?

Yes, I think that there is a good chance that the broadcasting system, as such, is in for a period of stability, however, I also think that the challenge of convergence over the next few years means that once you get the telecommunication giants aspiring to become broadcasters the whole question to who does what will vary and take on a different form. To some extent this is anarchic liberalisation not market liberalisation. Radio will be [...] the internet and we are not far away from a period when television pictures will be put on the internet. Once that happens, where are the encryptors going to go?

Nb.

... denotes a break in the comment

[...] denotes the tape was inaudible

Interview one with the Chairman of the British Olympic Committee 20th March 1997.

The first part of the interview was not taped. However, the background to the discussion was as follows:

The BOA was always in favour of a competence. It was the Chairman's view that the Sports Council had 'pathetically' took the government line, this was a line which angered the BOA as it took no account of the views of the NGBs which were in favour. Two or three weeks before the interview, Samaranch, Kohl, Oreja and Flynn had agreed to support a Declaration.

The taped part of the interview was as follows:

What were the Prime Minister's thoughts on the competence?

Totally supportive as you can imagine(!). Funnily enough, I'm (the BOA) is the Secretary for an all party sports group in the Houses of Parliament, in the House of Lords, Dennis Howell is the Chairman. And the two vice-chairs, one is a Liberal Democrat and the other is from the Conservatives. We were discussing the agendas for future meetings and I said 'what about the revision of Maastricht?' and Dennis said, 'yes, that would be a good idea that would be an idea for the meetings', and Menzies Campbell said 'yes, that would be good and the Conservative guy said 'under no circumstances are we going to discuss it'.

Why are they so anti?

Because they don't want to do anything that stirs up and gives the Eurosceptics any ammunition at all. I mean the sort of attack in Parliament, 'you do realise that Britain will no longer compete in the Olympic Games not as Great Britain but as the European Union in future' [...] Ian Sproat said that if came under an EU competence it would necessitate EU expenditure on sport, and he wasn't happy with it, he thought it would lead to action at the European level that could be done at the national level.

Has the BOA always been in favour of a competence?

We have been very strongly. We have been in favour because sport has no EU competence, not at all, no mention, nothing. We have been completely ignored whenever anything comes up. So there is no impact on DGIV if they are starting legislation on [...] issues or any views of sport at all. And some of the [...] coming out are beginning to get a bit bizarre. The Lehtonen case, the fact that she has actually gone to the European Court of Justice is actually crazy it destroys the confidence of sports bodies altogether.

So you favour competence for the fact that you think it will preserve your voice in policy making, in the decisions?

Yes.

Do you think there is any fear that it might reduce your autonomy if the EU is having an input? Do you only see it as benefiting your status?

They are going to move ahead without taking any recognition of the uniqueness of sporting. They're just passing rules and regulations that affect us very profoundly. Things like the Olympic rings, we have a national identity for our rings which are protected by an Act of Parliament. According to the European Union they take no recognition of national boundaries in the trading of these rings at all. So Coke Cola could get into Luxembourg for a pittance, it is a small country, and use those rings right across Europe. That is the sort of impact that legislators have had in the past.

You mentioned 1995, was that when the issue of competence was first discussed? Or has it been a thought in people's mind since culture was accepted.

Yes, I think that is it. One took that Article 128 was a starting point really.

Were you always together with ENGSO on deciding a position on competence?

We treat them as a sister organisation and try and do things together. And show the unity of sport in Europe.

Interview two with the Chairman of the BOA. 29th July 1997.

When did EOC and ENGSO start discussing the idea of a competence?

About three years ago.

Was there an impetus after culture got in?

It was also the impact that EU law was having on sport, like Bosman, like the Olympic rings and commercialisation and so on.

Do you want special consideration for sport or do you feel you just want clarification?

The first thing is that full EU legislation goes through a process and that process takes into account a number of prevailing factors in the Union at that time. We really do want to be a factor, to be something factored into the legislation and not to be focused at a particular set of circumstances, like the free market, taken no regard for the very special circumstances of sport. It is not a question of changing the law or not having regard for the Treaty of Rome or for Maastricht or for the revision of Amsterdam, but it is about trying to ensure that when the legislators in the Union are drawing up legislation they draw it up in a manner that is sympathetic to sport and sympathetic to the special

circumstances that surround sport. Because sport is too important a movement to just be treated in a cavalier and unsympathetic manner.

The Declaration refers to amateur, non-commercial sport. Do you think there is any significance in that because that still does not deal with questions like Bosman and the professional side of sport?

I think that the Declaration is merely a step in a long fight, I think it was recognised that was the first foot in the door, its by no means strong enough. We would prefer a Protocol, we could not get an Article but [...] two reasons for that, one it that the ministers were not prepared for controversial legislation and secondly they were [...] it was not entirely clear that the Article on culture has worked particularly well in practice. It would have been crazy to have stood up for an Article when it was clearly unobtainable at this time. The politics of the art of the possible meant that only a Declaration was possible.

Going back to the position of the BOA, what sort of lobbying process did you go through?

As far as the BOA was concerned, immediately the Labour Party was in government we sent a letter to Tony Blair and to Tony Banks and alerted them to what was going on.

Prior to that, ENGSO tried to encourage its member organisations to write letters to European Ministers in their respective countries, back at the start in 1995. Are you aware of organisations that did this?

Yes. The BOA. We were active with MEPs.

What response did you get from the DNH and Ian Sproat?

I think in many ways the attitude on the behalf of the Sports Council was quite disgraceful. The Sports Council is suppose to represent sport to the government, in fact it does nothing of the sorts, it represents government to sport. Clearly the Sports Council feeling that the government was unsympathetic to it and indeed that was the position the government was totally unsympathetic. The Sports Council decided that they were against any intervention in sport by the EU. Despite the British Sports Forum, the BOA, the CCPR and the Scottish, Northern Irish and Welsh sports associations passing resolutions to the effect of they wanted it. In other words, the sports movement wanted this legislation, wanted this Article and the Sports Council acted entirely contrary to these wishes. Furthermore, the all party sports group, the BOA acts as the Secretariat for the all-party sports group in the House of Commons, but I was totally unable to get the matter discussed as an issue because the vice-President of the group Antony Coombes, an MP for Birmingham, was totally against discussing it.

Did you get support from the other parties?

Yes, I think that the other parties were largely sympathetic to it. Tom Pendry and Menzies Campbell were sympathetic and supportive but the Conservatives absolutely had

their minds set against anything of that nature.

Have you had any immediate reaction from the Sports Council now that it has become a Declaration?

Oh yes, they have now changed their mind totally and completely, absolutely. A complete farce by the Sports Council. It is absolutely bizarre.

Assuming that the Declaration and any Article that may come, will be based on the principle of subsidiarity it is going to secure your autonomy and your independence [...] Do you see any disadvantages, can you see any ways in which the EU may subsequently interfere?

The most obvious and perverse way in which they can interfere is by passing unsympathetic legislation and this is something they have already done with free movement and the circumstances surrounding Bosman and one or two other things that could be the worse threat that there could possibly be.

But again that is to do with the professional, economic side of sport. Do you think that you can start to pursue the social and cultural aspects, are you hoping that this will open to bigger budgets and broader consideration in cultural policy?

It might do but I am not sure [...] I think what it can be handed down is essentially for pan-European issues. It may be that it will be taken into account in regional schemes, off-setting the effects of poverty and deprivation and so on and sports can be included in those schemes which is all well and good. And it would also be to the good if some money is handed down for the European Youth Olympic Days, like we had at Bath a couple of years ago. That is for the whole of Europe, so those are the two types of schemes where I think money could be handed down.

But everybody is happy for EOC and ENGSO to join up for European projects, for example, the European Year Against Racism...

Oh yes, sure I think sports organisations should get involved, furthermore the Eurathlon scheme which if you asked anyone on the street what the Eurathlon was, people would not know what the hell you were talking about and, in fact, if you went into a CCPR Conference or a BOA Committee and said 'what's Eurathlon?' I guarantee that 90% of the people wouldn't have a clue what you were talking about, so it has had a minimal effect. The mere minimum amount of money has been put to national organisations and it has had a minimal impact.

Moving on, how did the IOC come to the decision to give the broadcasting rights to reject the Murdoch bid in favour of the EBU. What kind of criteria were used?

The one basic criteria that the IOC has used ... the IOC has been accused of being mega rich and acquisitive but in fact the IOC often gives away its broadcasting rights to African

broadcasters and third world broadcasters to ensure that all the 197 countries that participate in the Games can see the Games. And the IOC sees it as an important tool in the spread of Olympicism that the Olympic Games gets into as many homes as possible during period of the Games and that being the case I don't think that there is any doubt in the minds of the IOC that that was the course that they were going to pursue.

Did they feel that the Murdoch bid was going to be too restrictive?

Yes.

Bearing in mind those objectives of achieving universal access, how does the IOC feel about the creeping in of pay-per-view television and non-terrestrial television, because long term can the IOC defend itself and not be lured by the extra finance offered?

The answer is that I don't really know, it would depend how badly they need funds. The other thing you have to take into account is the fact that electronic media is changing all the time. The concepts of the BBC and the licence goes back almost 40 years and that concept is going to change and is going to be eroded and I think we are coming into a period of very rapid change and these changes are going to impact on the way sport is seen on television.

Outside of the Games, do you support proposals like those of the CCPR in their Code Of Conduct, saying that individual sports have the right to sell rights for sports events as they please ...

No, I think there should be a list of national events that are part of our heritage, like the Derby, Wimbledon, and these things should be free to watch on television. And I would find it particularly tedious if the Five Nations were ever to be only seen on Sky Television. The Lions Test could only be seen on Sky and I found that bloody frustrating and I'm not sure I agree with that.

Is the BOA or EOC involved in that wider debate? The European Parliament, for example, has been very active in trying to get recognition that some events are culturally significant and shouldn't just be seen as revenue ...

Yes there is clearly a dilemma here and the dilemma is about the sports themselves wanting the best deal

Back to the European Sports Movement, how do you develop relations between EOC, ENGSO and the EU institutions ... how frequent is communication between yourselves, the Commission and the DGs, for example, DGX?

I am as vice-President of the EOC, a member of the European Sports Forum Steering Committee. EOC has a guy Chrisophe de Kepper. He acts as our liaison in Brussels ... previously to that we had a lobbying company which, I thought, did not provide a service of the level of Chrisophe's ... we meet at the EU meetings as the 15 members and we meet

with ENGSO from time to time.

Have relations changed though? Do you think the Commission has become more sensitive to the needs of sport...

Well, certainly the Commission is slightly less arrogant. It is a particularly arrogant bunch of civil servants and as an institution but I have to say that it is less arrogant than it has been.

Going back to the Olympics again, it was in the papers about the in-fighting that took place between Rome and Milan when putting their bids together and there was the issue of Catalan using the Barcelona Games. Do you think that a European bidding system is something that could be considered?

I think that that would be taking pan-Europeanism far too far. I think that the European legislators have got to recognise that there is an integrity about the NOC, it is a national entity, it has a national identity. I think the present IOC will state that the decision as to where the Games are held is entirely the matter for the national committee and, in the case of Barcelona and the Catalans, that was a matter for Madrid to either agree with or disagree with. And in the case of Milan and Rome, it was the case for the Italians. I don't favour a working group of MEPs deciding where the Olympics are held I think that that is a concern for sport and particularly for national sport.

And the one thing that the Euro-maniacs in Brussels, and there are a few of them there, who see everything in pan-European terms and want one 'State of Europe' rather like the United States of America or the Union of Soviet Socialist Republics. They see Europe in those terms. I'm afraid that the majority of Europe, in sports terms, does not see it in those terms at all, and it is the sports people that fuel national identity and in a very significant way. This may seem as threatening to the Euro-maniacs but that is the reality. If Great Britain didn't put out a Rugby Union side or England didn't put out a Football side then there I don't think there would be any identity at all with a European Union team. People wouldn't be interested.

Were you aware of a report in the mid-80s called the People's Europe in which it was suggested that one of the things that could be done would be to field a European team.

I know, there was a chap, I can't remember their name, who was wanting the EU teams for Europe at the Games. He failed on that and was told to go away in no uncertain terms he then wanted all the European teams to parade with the EU badge on their tracksuits and again he was told to go away. So he lost badly on that but clearly there was a strong feeling that he wanted to do that.

Do you think in the future there may be room for friendly fixtures competing as 'Europe' or do you think that people will say that international sport is...

That is a very good example, for Europe against Africa against Asia against America against Oceania really wouldn't cause anyone to light a candle to watch it. It's got no sex appeal at all its just a none charismatic event and that's with the whole of Europe involved. So, I think that that has got no mileage at all. The people want something that they can reach out and touch and they can reach out and touch the grandstand at Manchester United, they can reach out and touch the soil of Cardiff Arms Park, they can reach out and touch the soil of Great Britain. But if you have a European team its got no relevance, its too big. So there is no way that its going to take off and have some mileage at all. In fact as the world gets bigger and more anonymous people will want to identify with things closer to themselves rather than remote to themselves. One of the interesting areas is how devolution will affect us and how devolved it [sport] becomes.

Appendix Three

Selected Interview Transcripts from the Regional Policy Study

Interview with an official of the Nottinghamshire County Council Economic Development Unit. 22nd May 1997.

We are involved in getting Structural Funds and the Community Initiatives. Now, they are all about, their main thing is economic regeneration. Now, an aspect of that *can* be encouraging the promotion of sport. For instance, we have had projects that, say, have done up old coal tips, as part of a package that would involve providing space for businesses, now if you have done it up and made it nice and made it 'recreational' then that may encourage sports. Similarly, one of our Objective 2 projects is called 'Double H' and it is in conjunction with [...] a project running under Objective 2, it's a cycle route so its [...] the reason its under Objective 2 because it is a tourism, its promoting economic regeneration, its tourism. But an aspect of it is also promoting cycling.

Bassetlaw District Council also made a sensory garden ...

Yes. It's a similar thing. We got this Double H [...] RECHAR is a Community Initiative aimed at area affected by coal industry decline and there are some RECHAR areas that are not under Objective 2, we have put in a Double H application for the bits that are in RECHAR but not under Objective 2. We have not heard yet but it looks unlikely that it is going to be successful.

On what grounds?

What happens with these is that everybody puts in their bids and they are given scores according to selection criteria and it did not score highly enough on the list to be within the amount of money available. Whereas the Objective 2 one did. Just slightly different criteria for different programmes.

Are you receptive to trying to get money for sports-related bids?

Yes. See the difficulty with the Structural Funds is, one of the aspects of any of the tourism initiatives, whether it is Double H, or anything else, if you say it is recreational the Commission are not interested. It has to be tourism, it has to be, as far as they are concerned, 'recreational' is not economic regeneration, whereas tourism is. So, you have to angle it that way, you have to say this is a tourism facility rather than a recreational facility. Within, say tourism, there is a definition that they have to come from outside the county to be considered tourists, rather than recreational from within the county.

The Commission's view is that the Structural Funds and the Community Initiatives are very much about dealing with unemployment, promoting economic regeneration, whether it is industrial or rural. They are economic and that's where they are targeting their money and the recreational side is only really a Member State

government responsibility. I think that is their view. So, it would be very difficult to get a sports project, for example, through mainstream Structural Funds, unless it was about creating jobs in sport.

I have interviewed someone at a Government Office and they say that despite possible spin-offs or in indirect jobs or investments, they can only justify bids in terms of total direct employment ...

They prefer direct jobs, indirect jobs add to your argument but if all you can give is indirect jobs then you will not score very highly in the selection criteria. The Commission, like any funding body, is concerned with, has this made a difference and this is a way to show that it has made a difference. So many unemployed people have gone back to work, so many more jobs have been created or safeguarded, so many companies have been created or have survived and that's what they are interested in.

As a county council, do you see the direct impact that sport and leisure can have?

I definitely saw Double H as a tourist bid. I think it is a very exciting project, its got terrific potential but I think I saw it in terms of its regional and national significance because it does link up with cycle routes from all over the country. I suppose that does involve sport but I did not see it as recreation.

You tend to think of the other rationales rather than sport?

Yes.

Have you ever had any cases where you have had predominately sports-based bid and a group has come in and said we would like to promote this idea and as a consequence you have said 'come back with another rationale'?

I don't think we have with sport, we do sometimes with other things and it is conceivable we could and we would say, 'yes, this has got potential but we could give it another slant'. Sometimes we have to, even with one project, say, depending on who you are going to for funding, then you will put a different slant on it and say 'this is what it is all about'.

You have to highlight different things?

It's the same project but, if it's the European Union you might say this is about economic regeneration, if it is someone else you might say that it is to improve something else. That certainly happens but I think as long as its all true, its just a different angle then its fine. You have to be careful. Its how you market something. You are probably right that the potential of sport for economic regeneration has not really been looked at by anyone. Not by the Commission and not by ourselves.

[...] the way Objective 2 has gone is that it flirted with that and then it went away again. I can remember in previous programmes there were priorities aimed much more at cultural industries and leisure, if you like, and that seemed important at the time because that is obviously a growth area, in all sorts of ways but they [...] in the later Objective programmes.

There is one just beginning and there is not anything like that in the one just ended, whereas there had been in the previous programmes. Certainly in the West Midlands, where I used to be more involved, we went that way and then, presumably, because of the Commission influence we came away. Now, I don't know why, don't know whether it was because it was felt it was a Member State responsibility that sort of thing, or whether they just felt it wasn't a particularly important economic regeneration area.

Is that the impression you get, particularly in an area like this where there is high unemployment. Do you think that may be the decision makers feel they should be investing in SMEs ...

Certainly SMEs are the final target of Objective 2. I think you could prove that a leisure company could be an SME and if you could show that you were going to create jobs, etc. you could work in that area. I think probably that we are affected by ... its sort of a 'chicken and egg' situation, may be you have policy makers that are not that overtly imaginative in where to direct some of their efforts and you also get what is coming up from the ground, what people are doing, in terms of setting up a business. And I suppose most people setting up businesses are in the conventional areas.

[...]

The Nottingham Tennis Centre was a major bid in the late 1980s and it got through ...

It was not the competitive bidding that there is now, as local authorities and all our voluntary organisations, everybody has had less and less money available, the competition for European funds has got much, much more intensive and the selection criteria have got much stricter.

[...]

It is interesting what you say, particularly in the change in emphasis. Do you think the intervention of the European Commission has changed the way units like yours think about re-development in general?

Yes, in the sense that there are certain areas that are targeted, it may well be the areas that we target anyway because they are some of the worst areas. Although there are some disadvantaged areas that are not covered because they are too small for the Commission to be interested in and it certainly funnels where we are going to concentrate our efforts, not entirely but also obviously the activities that we are going to do in those areas will be effected by what is eligible.

With regard to Community Initiatives, they are top down. Does the Commission come up with the criteria and then you nominate areas or wards?

They come up with criteria, yes and we nominate, yes. That's how the areas are selected. But we are facing a lot of questions [...] what we are facing after the year 2000 is much more uncertain, with enlargement looming. It's likely to dry up. No

Member State wants to increase its budget to Europe, so you are going to have [...] no Member State government is going to put in their manifesto that 'we are going to increase the budget', it's not a vote winner at all. So you are going to have a situation where you are going to have enlargement, you are going to have a lot of poor countries coming in from Eastern Europe and, if the same criteria are applied then they are going to get the Objective 1, 2 and 5b money. So there is not going to be any money for us, crudely. There is talk of enlargement taking much longer, there is talk of transition arrangements directed at areas which have had Objective 2 status for a long time and therefore need transitional time.

Where else are county councils going to this sort of money?

It's a big issue and we don't know [...] in terms of European money. We do have to look to non-Structural funding but there just aren't the enormous budgets that there are with the Structural Funds. That is an issue we are looking at now but we are also trying to retain, at least for a transitional period, the Structural Funds and the Community Initiatives.

Commission money was supposed to be additional. Do you think that this is the case?

I think it's additional in the sense that, yes it funds additional activity but there are projects which could not go ahead without it, which does not mean that it is not additional, it just means that it's part of a funding package which brings in ... it is value added but it is part of a larger funding package and you need all of it to make the project work. You can't run it with half or whatever because the EU normally puts in about half.

Does it represent a real increase in the money that you have available?

Yes.

So, if that goes ...

It's a problem.

Partnerships are a key part of the Commission's principles. At the moment, are people forming partnerships that are across sectors, or are they predominately local government?

No, there are a lot of cross sector partnerships. Partnerships with quangos, the TECs, organisations like that. There's partnerships with voluntary organisations, development agencies. Yes, there are a lot of partnerships not just through European work but also through SRB and things.

I think TECs and LAs often tend to be the lead partners but there are other organisations involved in many of our partnerships. We do get voluntary organisations involved, we do get Chambers of Commerce, business links and all those sorts of organisations are involved. And it is usually appropriate to get directly private companies involved. You need public money involved, yes but I think the partnerships are very broad. Also, we are quite involved in community and economic

development. Its something they want to see happening ... recognising that you put a lot of money in an area but unless they are interested in working on regeneration it might all disappear when you move.

I think you have already mentioned it. One reason why LAs get heavily involved is that they are financially accountable bodies.

Yes, but I also think they are one of the most important local activists. We are the key strategic interest, we are the key planning interest, in what happens in the county, that's a major reason for that. Certainly in terms of the development of SRB and action plans, then we would see ourselves as having a leading role. Partly because we are democratically accountable and partly because as an organisation we are very concerned about what happens in the county and seeing it become more prosperous and being a nice place to live.

You mention action plans. Have you seen a change in the way the East Midlands, or Nottinghamshire have structured the way they have approached ...

Well, we are going to have to bring in Action Plans, there are going to be three. We will be involved, to an extent, in the City ... we will be one of the leads in North Notts. [...] the Conservative government decided last year that Objective 2 would be administered differently. Previously, anyone from anywhere in the Objective 2 area could bid under the different measures [...] but now, instead of each individual project bidding, there will be a North Nottinghamshire Action Plan ... and so it will be a bit more like SRB, that projects actually have to fit in with the Action Plan and its objectives and the criteria for the Action Plan in order to get funding. So, yes it will be decentralised and it will encourage more partnerships, you will be developing a plan for the area and hopefully it will mean that the money will be spread right over the area.

Is that something you are in favour of?

Action planning, its got its positive signs. I think there are advantages and disadvantages to any system. Yes, I mean, if you have a good project that you have developed after the Action Plan have been published and it does not fit in then it does not get funding, so there are always people being left out.

It's got to be finalised this summer. The programme is 1997-9 and so we want to have the chance of some bidding this year but the actual programme has not been agreed yet.

There are so many different groups and different partnerships. Can it be a frustrating system?

Aspects of it can be but that can be just as much Member State [...] as the Commission. I don't know how it will be with this new government being more Europe-friendly, that might make it easier but certainly in the past you had problems sometimes where the Commission has a vision but by the time its been interpreted by a government that isn't particularly sympathetic to it, what you get is a kind of 'mish mash'. Also the government departments that actually administer the funds have

quite often been under resourced, which means there have been horrible delays in getting the funds sorted out. Hopefully it will change now they have got a more Europe-friendly government, I don't know.

The problems associated with the system of administering grants. Speaking to another county council, they said there were three main problems. One was the intensity and complexity of the bidding process, the lead time before a decision and delays in payment.

Yes, absolutely, on the nail. Definitely!

What is so complicated about the application process?

The application forms are very detailed ... sometime you get hardly any time before a deadline and you are asked for a lot of information. And then it is a long time before you get a decision and then it is a long time before you get any money. I think also it has been a problem with the selection criteria that have been used to judge projects. You often get the feeling that there are hidden criteria that are also used and that the process is not transparent enough. And that is something that we have taken up with the government Office. And again that is something that will change with the new government.

Is that a specific problem within the UK system or ...

I think it is a UK problem. I do not know but I think that it is a UK thing. It's a Government Office thing, some have been more open than others but when we first ... when this Office took over Objective 2 and we had the first round of bidding, they did not even tell projects what they scored. They just put them in a list and refused to tell us what they scored and we had to hassle them in order to get that information. Now they do, they have got more open but they were ever so suspicious.

You found yourself second-guessing ...

Yes. And sometimes the whole process that they have administered has not been particularly transparent. It has not always seemed as if justice has been done, or seen to be done.

I think it has got better as the programme has gone on because they have got more confident about what they are doing and they have got a lot less secretive. But I mean initially there was a lot of not letting you see. I think it is still an issue with all civil servants. It is on the borderline on whether or not they should tell you, then they don't. They will always have that approach.

Do you think that the Government Offices act as an arm of government or do they act in the interests of the region?

Yes, definitely. I do think they are here as regional outposts of national government. I know that the suggestion was, when they set up the Government Offices, that it would be a kind of decentralisation. I do not think [they are] in many ways, certainly

in terms of policy. We would like to see an independent Secretariat overseeing things.

Do you have any direct communication with the Commission?

Yes, we have an East Midlands Office in Brussels that is county councils and TECs and various other organisations. It is an effective way of getting information and getting our opinion across.

Interview with a representative of the Government Office for the North West. 2nd June 1998.

To start with some general information on the programmes involving the North West. If you could outline how the SPD for the region was developed and perhaps the link between the ERDF and ESF, if there is one.

For ESF, we have currently got four programmes running, which complicates things, two Objective 2 programmes, for Greater Manchester, Lancashire and Cheshire and a totally separate one for Cumbria and Furness. We have an Objective 3 programme, we also have part of an Objective 5b programme. All of them have their own SPD and all are administered differently, which complicates things no end. Taking the Objective 2 programmes together, there is a fairly similar system for designing the SPDs. Basically, what we did was we developed the documents very, very closely with the regional partners, in the 2 regions. I think, perhaps in the past, the document tended to be written by the GO and it would then go out and consult the partners. It took a different line, with both areas. They are actually developed with the partners. Our role can be, often one of honest broker, because quite often what the partners would like to do either doesn't fit with the Commission's agenda or sometimes we [will have something] from the UK government.

So quite a lot of our role and quite a lot of the SPD is involved in negotiation and brokery between the two. The first draft of the document is very much drawn up with the partners, what they felt they needed, how they felt they could best use funds. We then went off and did the formal negotiations with the Commission, which again, for both the programmes, we took a group of partners with us, so they could put their views and so the Commission couldn't accuse us of not involving the partners in the drafting. And a team of official from the Headquarters also go, representing the three departments with the biggest interest, which is DTI, DETR and DFEE, so they will send a representative as well, to make sure what we agree doesn't cut across the UK government's regeneration strategy. So basically, we went and negotiated and agreed with the Commission and eventually, with bits of re-drafting and renegotiations, we ended up with the agreed document.

How long did that whole process take?

The SPDs were agreed at the end of last June, finally, and the programmes were launched. I guess intensive work, in terms of drafting and evaluation probably took about a year but for probably for six months before that ... there was debate and discussion going on. Obviously an evaluation of the previous programmes to work out what needed to be different. I think we have ended up with documents that actually integrate the ERDF and ESF quite well. Each have them have a series of priorities which include ERDF measures and which is supported by an ESF measure at the end, to provide [...] development. They share a rationale which explains the reason why they are needed. So I think we have actually got much closer integration between the two than we have had in the past. The problem comes in the operation because you have the ESF being driven by the annual process and ERDF is on a completely different time scale.

We have tried very hard to have common bidding rounds for the ESF and ERDF, which ... the 1997 ... we have just had a bidding round for the ESF ... we haven't be able to get ERDF up and running for all sorts of complex reasons so we had to separate them, for 1998 we have tried very hard to have common bidding rounds. But I think as long as they have completely

different timescales and regulations it always going to be very hard to actually get a good match between the two. I am sure that is something that you have heard from others. We do our best to bring the two together. We also do quite a lot of work on the project selection criteria. Originally we were hoping to have common selection criteria, at least a number of common selection criteria, that didn't prove possible but there is a fair amount of common ground in the formats the same. They cover a lot of the same issues, particular on the core criteria and so we have done our level best to make them work.

How much of these improvements been a reaction to the previous SPD, what did you feel that you had to alter, were there gaps noticed in the last programme?

I came in half way through the drafting process and I haven't got a huge amount of experience of the last programme, perhaps the last 6 months of it. So it would probably be quite hard to say. I think general things that we looked for was a more strategic focus, an SPD which made sense as a package of priorities that complemented each other. I think there is a stronger current of common themes running through it, for example, most of the support is aimed SMEs. I think alot of the work was simply to make it more logical and complementary and to actually work as a package with a coherent set of aims at the end of it. I am sure that the people that drafted the 1994-6 programmes would argue that was

I what they tried to do but I think that was the main thing. The points of detail are less clear on what was dropped and what was added ... I think it is fair to say we haven't drawn a sudden cut off at the end of 1994-6 and said 'right we are going to do something completely different'. I think that a lot of it is a packaging, presentational things. The regulations regarding what is eligible and what is not ... hasn't changed between the two, so I think it is more of a presentational and structural exercise. The other thing that I think has changed, driven by the Commission, particularly on the ERDF, is a push towards softer revenue measures away from hard capital. They are certainly keen that more money went on the revenue of the ERDF, I think that is more of a definite shift.

You also mentioned you got the partners involved. Are they the LPGs (LAs and TECs)

It basically involves all players: LAs, TECs, HEI, the voluntary sector, the TUC and the private sector. That is probably the core of partners, there are others, obviously the Tourist Board is usually represented plus the Environment Agency. Basically the full range of people that you would expect to be interested in regenerating an area. They are much broader than just LAs.

Specifically looking at the ESF. That was regionalised in the last year. What impact is that likely to have on the current and future management of those funds. Has it changed your role at GO at all?

They are doing the regionalisation process in two phases. The first phase is now, basically, complete and that is that we manage the programmes regionally and we issue the approval letters ourselves. The main chunk of that has been taking the management of Objective 3 away from sector managers and having regional pots with totally open competition. That has completely changed the way Objective 3 is administered. Whereas universities, colleges, TECs and the voluntary sector could all guarantee, at the national level, it would get so much money. For the first time they have had to compete. We have just gone through the first cycle, I think it has been quite painful for some applicants that are use to being very successful, suddenly

competing against regional criteria. Again, I think there has been a level of disappointment, in that, although it has been regionalised, Objective 3 and now Objective 4 are national programmes and there is actually a limit on how flexible we can be. For example, we are going to have regional selection criteria but what tends to happen is that when you get the national framework that it is already so comprehensive that regional partners are loathed to complicate it further by adding extra regional criteria which are already half covered here and there.

We have got as far as ... we can actually approve projects right across all the programmes, which I think is a big step forward because it means that we can prioritise regionally now and we have certainly been getting approval letters out within a couple of weeks of meetings, whereas I am sure you have heard, that in the past it has been months before the letters have come out. So, I think that it is a big plus. The next phase, which we take on next January, is actually paying the claims regionally. Now that is at a slightly earlier stage but again, similarly, it does mean we can prioritise regionally which will give us a bit more flexibility, in terms of managing the budgets. Having said that, a lot of the problems that they have centrally, in terms of getting payments out quickly, haven't gone. All the issues surrounding getting the money out of Brussels are still there, all the requirements in terms of final claims are still there, so it is not ... there will still be those sorts of issues to tackle.

Leisure and sport as such cannot be directly funded, how receptive is the region to leisure-related bids? The only bid I know in this area is the coaching programme by MCC ...

I think we have certainly had some Objective 3 bids that have been around the leisure industry, whether they have been sports-related ... I think what we tend to look for across all the programmes ... the strongest focus in all our selection criteria is establishing a labour market need project. If someone can come to us with a project, which is eligible activity, in other words, it is offering vocational training, or some wage-subsidy job creation scheme, provided that they can say to us 'SMEs in the area have shown that there is a growth sector in this, these are the skills that are missing, these are the skills the project will provide and there are jobs at the end of it for people, then the sector it is in, we don't tend to discriminate. So, on the face of it we wouldn't say no we are not interested in leisure projects. It is what type of activities they are doing and what they end up with at the end of it and whether that is likely to give them a job and help the small companies to become more competitive.

Linking in to that. Manchester had the Olympic bid and the Commonwealth Games coming in 2002. Do you think those bids will have an impact on the level of interest you will get in leisure and tourism training schemes?

I guess, potentially. I am not sure it was anything we took in to account when the SPDs were being done but perhaps it was a little early for them. At the moment we are starting to look what happens after 1999. There is big question marks over whether we will continue to get funding but I would certainly thought it would be an element that would need to be considered. Already in the GMLC SPD, I am sure you are aware there are some cultural industries, it is quite a strong theme. It is also in West Cumbria and Furness, though less so, it tends to be tourism generating there rather than cultural and media type.

Do you think though, if you get similar status with the review of the funds, that you would consider putting a specific reference to 'sport and leisure industries, because it was mentioned in the 1994-6 SPD but was taken out for this one. Do you think there is scope for the region to use it...

It is hard to say. A lot of the SPD is looking at the where the economy is at and where it is going and I would have thought that certainly the Commonwealth Games might well have an impact on the economy in the years of the next SPD. Where some of your problems come is that, ERDF is some what harder because it has stricter sectoral eligibility rules and I suspect it was taken out for a reason which is that under the old programme it raised expectations of things that simply couldn't be funded. So how it was worded, I don't know, but certainly I would have thought it would be a factor in the economy.

Moving on to specific projects and programmes. The application process. You have already mentioned that there are different timetables, within ESF (Jan-Dec) are you able to work to that timetable or are there inherent delays and problems between when you can announce the availability of funding rounds and the decision to allocate those funds?

The ideal situation and the way it is intended to work is that the projects for 1999 should have been through the Committee and received their approval by the end of 1998 and all start on 1 January and they have a full 12 months to actually run. What has happened in the old programme and the new one is that they always start late. They are invariably ... I think this time round they were 6 months late with the ones for the Objective 2 programmes. With the old programme we were over a year late. And you always tend to be running to catch up. I think, actually, we are getting there. GMLC has been complicated by the ... have you come across the Action Plan process? Which has complicated things slightly because it is now groups of partners which are now responsible for looking at individual bids. We look at their strategic plan and approve those and that is a bit of a spanner in the works. For West Cumbria we had projects approved by 15 January, most of the Objective 3 were done by 17 February.

We had to have an appeals process and some were later but we have certainly pulled the timetable back considerably compared to how it used to be. And for both programmes, the timetables we have now, we would have the projects approved before Christmas and we are fairly determined to do it. We have managed to cut them back quite a lot [... 1 partners [... 1 streamlined the amount of time they have to do things and the amount of time we have to do things. I think we have got most bidding rounds down to about 3 months now, from the call for projects down to the final decision being made. One of the problems we have, particularly with Objective 3, is that we get nearly 600 projects in so I guess we are at about the shortest we can get with that. But yes, we are working very hard to try and pull the timetables back. And now, hopefully, certainly the ones we have control over ourselves, shouldn't be too much of a problem. Objective 3, there is a lot of stuff that has to be done at the national level still and if that slips ... but again the partners are committed to it and we will try and shorten our times and they will try and shorten theirs, to try and hit [...] ...

Partnerships, as you have already mentioned, are central to bids, do you think the various sectors, the voluntary sectors, private and local government are effectively drawing on each others expertise and skills when putting bids together?

The only way I can approach that is in the way they actually word the bids on their applications. The sections where they say what their partnerships are, how they work in relation to this project and what they are going to achieve tend to be quite weak. Whether that is because the partnerships don't exist or whether they found it hard to explain or whether because we ask the wrong questions, I am not sure. But I have found right across all the programmes you can almost guarantee that the question on partnership will probably be one of the weakest answered. As I say, we haven't analysed why but I certainly expect that there are a lot of things that could be done and certainly I know the voluntary sector regularly mention the fact that they feel they are being excluded or left out.

Do you feel there is one sector that has got to grips with European funding and others that are not fully utilising it or aren't aware of how to go about things?

I think we have actually got some quite strong organisations in the region that do provide good support for the voluntary sector. The [hardest] point, to be honest with you, is accessing the voluntary groups. Under Objective 3, we have just done a regional profile of what there is out there and they estimated that there were about 35,000 small voluntary groups operating in the NW region, of which only a tiny proportion we actually know about or that know about European funds. Having said that, there is the issue of raising expectations, its very competitive, there isn't a lot of money, its a complex process for small groups so, you need to get that balance. We get a lot of very good bids from the voluntary sector and, proportionately, I think they are relatively successful. I don't know how it compares with other regions, other sectors vary depending on how geared up they are to bids. I am not sure we have one dominant sector right across all Objectives but they all think they are hard done by compared to the others! They are all victims! It doesn't tend to come up in open meetings, I suspect that it comes up in mutterings behind the scenes but the conspiracy theories don't often explode into public meetings.

The evaluation of projects once you have adopted something. Do you think there are any flaws or strengths to the scoring system that you apply to projects?

I am sure there are. We are currently reviewing the selection criteria across all the programmes, particularly the Objective 2 programmes and also Objective 3. I think what we have got now is more user-friendly than it has been in the past. We did a survey of applicants, which most didn't respond to, which I would take to suggest they haven't got any particular strong anti-feeling. Most of those that did respond did think it was fairly user-friendly, but they came up with a few ideas. We tried something very different with the Objective 2 ones, we moved away from what we had had before and went with something new and different. I think it is clear we need to give people more guidance on what they need to include. As I say there are one or two sections where people, quite spectacularly, people have not understood what we were looking for, so we are certainly looking at better guidance to support it.

I guess if you ask most applicants, they would say they are far too long, far too much information is requested and it duplicates itself. I think sometimes when they think it duplicates itself, actually that wasn't what we wanted, we wanted different things. That's a guidance issue. They are difficult things selection criteria, there are a lot of things you need to cover because ... there are a lot of things the SPD says needs prioritising, there are a lot of things the Commission likes to see in. At the end of the day, you need enough things in that you can actually divide projects out. It would be wonderful if we could come up with 4 or 5

criteria that would actually do the job for us but when you have got very competitive programmes, we are actually looking to rank and to use the criteria to make quite difficult decisions on who gets the money and who doesn't. It is not just a question of getting people over the quality threshold, in which you probably get away with 4 or 5 ... it is something we are keen to get streamlined and to make as simple as possible but again I suspect that it is one of those impossible jobs because for what we need to use them for they need to cover quite a range of things.

I have looked at the forms for the MCC coaching project and you have got your criteria and you have got 'if this is right tick this box' etc. Have the scores always been identified on the forms, so the bidder knows ... they can almost judge for themselves how their project is weighing up against criteria?

We certainly try to be transparent. The ideal is that an applicant should be able to score their own project and see what they are likely to get. Obviously perceptions ... you get some very, very creative ticks. One of the reasons we went for that was quite deliberately to try and focus people on what their project was doing and to fitting it into boxes. The old system just tended to have a general question on 'how does your project meet the needs of the SPD?' and you would get a couple of paragraphs of waffle that was very hard to divide out. So, it was quite a deliberate reaction to that to make people sit and think and come up with a couple of sentences of justification for every bid, so we have tried to make it as clear as possible, what people should do. Similarly, with the Objective 3 system, it tries to be quite transparent about what people need to do. And that is something we should try to make yet better in our review.

Are project scores, once you have evaluated a bid, made available to the bidders afterwards?

Objective 3 routinely churns out from the database quite a detailed breakdown of how the score was made up. Objective 2, we haven't got quite such a sophisticated database that will do that for us, so we don't routinely breakdown the score for people but if people want to know how their score was made up then I will give them a breakdown of what they scored in each section and, if they want feedback on why they got that score, rather than a higher one then we will always give it to them but it is not something on Objective 2, with the number of projects, that we can actually go routinely because we have to do it manually. But quite a lot of people do come to us for feedback and it is something ... when we notify people of how their project has done it is a service we offer. So it is there if they want to take it up.

Do you think there are areas of common difficulty?

Most of the ESF projects we are getting in now are eligible, in terms of the activity, the beneficiaries they are looking for and what they wanted to spend the money on. You get the odd one or two but the huge majority come in as eligible. There has been a bit of a debate about matching funding. I think be able to match-fund in kind and use volunteer time has caused a bit of confusion about what is eligible. The main area, looking at the project selection criteria, is getting to the root of what constitutes a labour market [related] project. I think if there is one *area* of the scoring that is quite heavily weighted, where people routinely get it wrong, it is on what the local labour market needed. That is something we will certainly be wanting to address in the guidance.

Once a project has been adopted, there is an evaluation process because they have to, to get their claims in. Are there guidelines produced either by yourself or by government departments on what should be put on those forms?

With ESF there is always a set of guidance notes of some sort. When the projects are approved, in their approval pack, they get a booklet on audit procedures which sets out, in quite a lot of detail, the sorts of records people need to keep and how they may be checked, if audit decide to sample them on one of their visits. Similarly, I think the monitoring point forms have a brief bit of information on what to do, certainly the final claim's forms have a whole booklet. I would never claim that they are the clearest or best presented in the world but, having said that, the ones that use ERDF don't have anything at all. We or the regional partners are all at the end of the telephone to help people.

So project leaders are encouraged to come for advice on how to keep their records

Certainly, I think we have got ... Greater Manchester ... take that separately ... I think we have got two groups of applicants: those that come cross us for whatever reason and see, us as nice friendly, helpful people they can ring up and we will help them and another huge group that probably think we are this huge, frightening organisation that they dare not ring. There are still a disappointingly large number of applicants that don't tell us that their project is not doing so well and they are going to have to have a significant change to their final claim. They have improved it a lot because we have started to send out a friendly mailshot reminding people and asking them to let us know. So, we have improved it, so that helps there. In West Cumbria we have got the local liaison unit and we are working with them there to have a series of what we cal 'priority focus groups', where basically all successful applicants will be invited to a workshop to go through what happens now, what they are expected to do, what they should do if something goes wrong, what sorts of records they have to keep, who is going to come and check on them and under what circumstances. The Secretariat will have somebody there to try to breakdown those barriers, so we will see how that works, in Greater Manchester it will be a bit harder now because you have actually got the Partnerships involved and I am not how they are going manage that new role but certainly it is something we are very much aware of here, certainly I am on ESF, that we need to be breaking down the barriers and getting people to come to us with problems and for advice.

Relations with EU institutions, do you have direct links with the Commission and on what basis?

We have got relations at several levels in the Commission. We have our Desk Officers who we deal with very regularly and quite often informally. We have built up quite a good relationship with them, it depends very much on personality, some Desk Officers are happier to work informally and others aren't. Certainly, those we have got at the moment we have got a pretty good relationship with, we talk to them regularly on the 'phone and bounce ideas off them, we quite, often send them drafts of things to see how they react and visit them and they visit us quite regularly to talk through particular issues. We also encourage groups of partners to go out if they have got particular issues they want to talk through or to get the message across that we are actively managing this and are on top of it. I think we have quite a good relationship with the Commission, similarly we have done a lot of work building a relationship with the ESF Unit in London. We have regular networking meetings with them, we sit down and talk

through priorities, what is coming up and how to make things easy. So, I think we have a pretty good relationship with them.

What about relations with government departments, can you act autonomously from departments or do you have to formally go through them?

There are certain set procedures they have to be involved in, for example. obviously negotiating SPDs, they have an involvement in, they also have involvement in various financial bits and pieces, like rolling money forward from year to year and varying money between priorities, that sort of thing. There are some things that we are obliged to consult them on, there are all sorts of other things we can choose to go to them on, for advice if it is a novel or contentious case or something we are not quite sure about. Again, I think we have a reasonable relationship with them, we have a fair amount of flexibility but, yes, they all issue guidance and Desk Notes that they will expect us to follow. We can't overrule UK policy on something but I think the setting up of the GORs and the regionalising of bits has given us more flexibility than we have had in the past ... [tape, ends] ...

Do you think that things like the growing European interest plus the RDAs coming in, that the administrative regions in the UK are going to have a changing role, perhaps a more significant role, in the future of regional developments?

Certainly, that is quite clearly ... regionalisation is a central plank in the government's regeneration policy. I think what is not quite clear at the moment, which will develop with the RDAs, is quite how much power, if you like, they will be 'prepared to let go off from the centre. I think that yes, there will be an increasing role regionally, for example, for the first time we will be allowed to have a regional strategy that we work to. Under the old government, anything that looked like a regional strategy being produced by the GO was not allowed because it smacked of regional government which they weren't aware of, so just simply being able to have an economic strategy for the region, that you can actually use to inform all your regeneration activities is going to be a huge step forward. Obviously, centrally they are still going to have a lot of their own policies, particularly on training, university for industry, life long learning, Welfare to Work, which we are still going to have to complement and conform with.

But there has been a change in attitude?

Definitely. There is very much a change in attitude towards regionalising things. Again, whether what we are allowed to do or what partners are allowed to do, in reality, matches what we hope, it is probably too early to judge.

Going back to the UK system of grant aid. Having done previous interviews there are three main issues that people have come up which are: the intensity and complexity of the application process, the long lead times before decisions and delays in payments. If you could briefly say whether you agree with those points and perhaps where the GO can help alleviate them.

I don't think anyone would argue that it is not a complex process. I think the Commission is aware itself of that and I think one of their main planks for their post-99 policy is that they want to simplify it, simplify the processes and hopefully the paperwork that goes with it. So, I

wouldn't argue that it wasn't a complex process. There tends to be a reason for anything that is in the form and for all the processes but we could probably explain better but as I have said, I suspect that you could explain it as well as you like, until you were blue in the face but if you were an applicant faced with actually having to fill those bits of paper in its difficult. The bit we do have control over, the project selection criteria, which as I say we are reviewing and I know there are bits that people feel are duplicated. One of the things we try to do is make the project selection criteria self-standing, simply to allow us to do things more quickly, which again we try to explain to people. Its surprising, if you have 600 bids having to cross-refer to 6 sections on the application form, rather than just having to tick a box, the project selection criteria does add an amazing amount of time to the appraisal process, so sometimes its a ... *pro quo*, the applicant has to take some of the pain to try and shorten the process.

Lead in times. I think, in terms of the time we actually take to appraise I think in the new programme we have managed to cut it down considerably. I think the GMLC, for example, we have managed to get through almost 600 bids in 4 weeks, which was fairly unprecedented, and got them out to Committee 4 weeks after that. Part of the problem is that there is a Commission requirement, that papers to decision making meetings should go out 3 weeks in advance of the meeting, so that immediately adds in 3 weeks to the process, so I think we have probably cut down the time from the bids coming in to us to the Committee making the decision just about down to the wire. It is hard for the applicant with one bid, but we need to go through 600 bids, all in at once, all needing to go through some quite careful checks and appraisal and being crunched into a few pages for a Committee to agree. So, I think we have got that down to the minimum. In terms of actually getting the approval letters out, that is something we do have control over and certainly our target now is to have all the approval letters out within 2 weeks of the Committee meeting. Which I think is a significant improvement on what they could do centrally. Largely because we do the prioritising ourselves, if they happen to have all three big Objective 2 programmes in all at once for approval obviously they have problems we don't have.

In terms of the finance. I know that centrally they have recently announced that, whereas previously they insisted on waiting for the money to arrive from Brussels before they would pay anything out. They have found some mechanism, through the Treasury rules, to actually not do that, they don't have to wait. Part of the problem is, again, as long as it is centralised you still have the prioritising problem. For example, at the moment they are concentrating, in the ESF Unit, on paying the final claims from 1997, which means they are not processing 1998 projects first advances, for the simple reason that they have got all the programmes in at once for final claims. I think, when we have got it regionalised, in terms of payments, certainly it is something that we will try to speed up. Quite how much flexibility we are going to have to do that I don't know but I would have thought that we could achieve the sort of improvements that we have done on the offer letters and certainly it will make it easy for applicants because the person to shout at will be sat in the region! I think we have probably a better understanding of the pressures on the individual applicants, obviously at the centre, where they are dealing nationally with things they just can't.