

<p><b>Institution:</b> Edge Hill University</p>
<p><b>Unit of Assessment:</b> 20 - Law</p>
<p><b>Title of case study:</b> Influencing the Development of EU Sports Law and Policy Through the Provision of Expert Advice to Key Policymakers.</p>
<p><b>1. Summary of the impact</b> The entry into force of the Treaty on the Functioning of the European Union (TFEU) in December 2009 granted the European Union a competence to develop a sports policy. Parrish substantially influenced the development and implementation of this new competence providing professional advice and expert testimony to key policymakers. These included the European Commission, the European Parliament and the House of Lords. Specifically, the work of Parrish has helped define EU policy priorities for sport, shaped the content of sports related legislation and informed the dialogue between the European Commission and sports stakeholders and Member States. The appointment to these advisory positions, and the advice dispensed as part of these roles, drew materially and distinctly from Parrish's underpinning research.</p>
<p><b>2. Underpinning research</b> The underpinning research was undertaken by Parrish during his employment at Edge Hill University (1995 to present, currently Director of the Centre for Sports Law Research). 'Sports Law and Policy in the European Union' (2003) was the first systematic and theoretically informed English language monograph to explore this area. Similarly, 'The Politics of Sports Regulation in the European Union' (2003) was the first sports article to be published in the Journal of European Public Policy. These works, and 'The Sporting Exception in European Union Law' (2008), systematically explored the relationship between EU internal market law and sport, the sources of legal uncertainty in the sports sector, the meaning of the 'specificity of sport', EU policy priorities for the sector, and whether Treaty reform could stabilise the relationship between sport and EU law. The works concluded that legal disputes within the sports sector could be effectively managed within the framework of EU law without undermining the specificities of sport. This research established Parrish as a key expert in the field and led to his participation in a number of EU research projects, the quality of published outputs and the expertise of the research team being criteria for the award of competitive EU tenders:</p> <ol style="list-style-type: none"> <li>1. A European Parliament report informing MEPs on the impact of the TFEU on EU sports law and policy (2010) (see Section 5, Other Sources 5). This report drew heavily on the findings in 'The Sporting Exception in European Union Law' (2008). The report made recommendations on EU priorities in the area of sport that were subsequently adopted by the Commission in its Communication on Sport and endorsed by the Member States and the Parliament in two Resolutions on the Communication (June 2011 &amp; Feb 2012 respectively).</li> <li>2. Two European Commission reports examining nationality discrimination in individual sports (2010) (see Section 5, Other Sources 7) and alleged nationality discrimination in European professional football – 'the home-grown players' study (2013) (see Section 5, Other Sources 9).</li> </ol> <p>The underpinning research and the contribution made to the above EU projects resulted in Parrish being appointed to two senior advisory roles:</p> <ol style="list-style-type: none"> <li>1. Participation in the 2010 European Parliament study led to Parrish being appointed Special Advisor to the House of Lords EU Select Committee (Sub-Committee G: EU Social and Consumer Policies) Inquiry into Grassroots Sport and the EU (Nov 2010 – April 2011) (see Section 5, Other Sources 6). The approach to join the inquiry was made by the Clerk of the Committee following a presentation on the report made by Parrish at the Oval Cricket Ground in London in October 2010. An interview conducted by Baroness Young of Hornsea in the Palace of Westminster confirmed the appointment.</li> <li>2. Parrish was appointed by European Commissioner Vassiliou to the Group of Independent European Sports Experts (2010). The group produced a report for the Commission</li> </ol>

recommending general themes and specific priorities for EU action in sport (see Section 5, Other Sources 1). These themes were endorsed by the Commission in its Communication on Sport (see Section 5, Other Sources 2).

### 3. References to the research

Underpinning research (all items available on request):

1. Sole authored monograph: Parrish, R. (2003), *Sports Law and Policy in the European Union*, European Policy Research Unit Series, Manchester: Manchester University Press, pp.271. Cited by 103
2. Journal article: Parrish, R. (2003), The Politics of Sports Regulation in the European Union, *Journal of European Public Policy*, 10:2 April 2003, pp. 246-262. DOI:10.1080/1350176032000059026. 2012 Impact Factor: 1.197 (ranked 9/47 in Public Admin). 5-Year IF: 1.667 (9/47 in Public Admin). Cited by 42
3. Co-authored monograph. Parrish, R. & Miettinen, S. (2008), *The Sporting Exception in European Union Law*, International Sports Law Series, Den Haag: TMC Asser Press, pp.295. Cited by 35

Evidence of the quality of the underpinning research: 'Sports Law and Policy in the European Union' was described as a 'truly groundbreaking book' (*Journal of European Affairs*, 2004 2(2), May). Leading academic sports lawyer Ken Foster (Warwick) wrote that it gave the emerging discipline of sports law 'an indispensable resource and challenging theoretical framework' that 'has advanced the theoretical discussion of sports law considerably'. He continued that 'all future legal analysis will be impoverished if it ignores his framework' (*Sports Law Bulletin*, 2003 6(4), July/August). Stephen Weatherill (Oxford) commented that the book has 'done a great service to scholarship' and that the core of the thesis is a 'valuable framework for analysis' which is 'advanced with care and skill' (*International Sports Law Journal*, 2006 3/4). Meier (Potsdam) described the work as the 'seminal account of European sport regulation' (published paper, European Consortium for Political Research (ECPR) Conference, Budapest, September 8-10, 2005) and in a review of the book, the *Nottingham Law Journal* (2005 14(2)) added that 'Parrish must be considered to be amongst the pre-eminent authors in the field of European Community law and sport'.

### 4. Details of the impact

The following impacts were generated between January 2008 and July 2013, each flowing from the provision of expert advice. As noted in Section 2, the decisions to appoint Parrish to these advisory roles – and the advice then given - drew materially and distinctly upon the underpinning research.

#### **Impact 1 – Expert advice informs EU priority themes for the implementation of Article 165:**

In 2010 Parrish was appointed by European Commissioner Vassiliou to the European Commission's Group of Independent European Sports Experts. Ten experts from Europe were appointed, with only two from the UK. Parrish was the only lawyer in the group. The Group met with Commission officials twice in Brussels and produced a report advising the Commission on the general themes and specific priorities that should be contained in the Commission's 'Communication on Sport' (see Section 5, Other Sources 1). The Communication set out the Commission's approach to implementing Article 165 TFEU. The recommendations made by the Group were accepted by the Commission and formed the basis of the subsequent Communication on Sport entitled: 'Developing the European Dimension of Sport' (see Section 5, Other Sources 2).

**Impact 2 – Expert advice informs EU sports legislation:** Following the Communication, the two legislative chambers of the EU, the Council of the European Union and the European Parliament, adopted two Resolutions in response to the Communication. A Resolution is a legal instrument setting out the legislature's jointly held views and intentions regarding the overall merits of the policy and the performance of the specific tasks contained in the Communication. The Council adopted a Resolution 'On a European Union Work Plan for Sport for 2011-2014' (see Section 5, Other Sources 3). In the Resolution, the 27 Member States endorsed the priority themes identified by the Group of Independent European Sports Experts and "[w]elcome(d) the Commission's Communication on Developing the European Dimension in Sport and the main fields of action

## Impact case study (REF3b)

within its thematic chapters...". Simultaneously, the European Parliament adopted its own Resolution on the Communication (see Section 5, Other Sources 4). The Resolution endorsed many of the priority themes contained in the Communication. In preparation for its vote on the Resolution, the European Parliament commissioned a Study on 'The Lisbon Treaty and EU Sports Policy' (see Section 5, Other Sources 5). The study was co-authored by Parrish and he presented its findings to the European Parliament (Culture Committee), September 28th 2010, in Brussels. On the role of the expert group (impact 1) and the European Parliament study (impact 2), the Commission stated: "while preparing this Communication, the Commission consulted with a wide range of stakeholders to identify key themes to be addressed at EU level, including consultations with Member States and key sport stakeholders (EU Sport Forum, bilateral consultations), an online consultation and **an independent expert group**. It has also taken account of the results of a study on "**The Lisbon Treaty and EU Sports Policy**" commissioned by the European Parliament (European Commission Communication on Sport, 18/01/11, p.2/3, emphasis added. See Section 5, Other Sources 2).

**Impact 3 - Expert advice informs UK Parliament democratic debate and enhances scrutiny of UK Governmental approach to EU sports policy:** The role of UK Parliamentary inquiries is to consider EU documents in advance of decisions being taken on them in Brussels in order to influence the UK Government's position and to hold it to account. As a means of influencing the UK Government's position on EU sports policy in preparation for the Council's Resolution, the House of Lords launched an inquiry into EU sports policy. Parrish was appointed Special Advisor to the House of Lords EU Select Committee (Sub-Committee G: EU Social and Consumer Policies), Inquiry into Grassroots Sport and the EU (Nov 2010 – April 2011). Meeting weekly in Westminster, Parrish briefed the Chairman and the Committee members verbally and in writing, provided questions for oral evidence sessions, read and assessed evidence, attended committee meetings and drafted the final report (see Section 5, Other Sources 6). The government responded to the report in April 2011 and the European Commission officially responded in September 2011. The report was debated on the chamber floor in November 2011 and recorded in Hansard, with two references to Parrish, in Vol.732, No.221, Thursday 10 November 2011 at page 420-441. In a factual statement, the Chairman of the Select Committee wrote: "In your case, our committee's analyst and clerk were aware of your research and its relevance to our enquiry through your publications including *Sports Law and Policy in the European Union* and *The Sporting Exception in European Union Law* and through your participation in conferences and seminars". She added: "Without your input it would have been very difficult for our committee to understand enough about the specificity of sport to be able to comment on written submissions and witness statements on the subject"... "Other complex areas dealt with in your academic research were how EU law affects the operation of sport at all levels, from the grassroots to elite level, particularly in relation to broadcasting rights and the rights of workers. These books also dealt with the question of whether the EU Treaty required an article on sport as a means of resolving on-going problems, so the fit between your research and our aims in pursuing the issue of sport and the EU was excellent"... "I am pleased to report that the Government gave careful consideration to our report and concurred with most of our recommendations, thanking the Select Committee for making a timely contribution to on-going debates"... "I am pleased to say that your input – written and oral – was of the highest order and greatly contributed to the seriousness with which the report was read"... "At least one member of the sub-committee had initially questioned whether the subject of grassroots sport was a serious enough topic for the Committee to consider. You should take much of the credit for changing that Member's view to the point where he was prepared to explain its importance to other doubting peers" (see Section 5, Factual Statements 1).

**Impact 4 - Expert advice informs the European Commission's post-Lisbon approach to nationality discrimination in European sport:** As part of the post-Lisbon sports agenda, the Commission funded two studies into nationality discrimination in sport. The first concerned discrimination against non-nationals in individual sporting competitions. Parrish co-authored the study as the high level EU sports law expert (see Section 5, Other Sources 7). The study provided advice, inter alia, on the impact of Article 165 TFEU on the ability of sports bodies to discriminate against athletes on the grounds of their nationality. This was a European Commission priority project as outlined in its 2007 White Paper on Sport (see Section 5, Other Sources 8). The second study stemmed from a commitment contained in the 2011 Communication on Sport, in which the

## Impact case study (REF3b)

Commission committed itself to “assess the consequences of rules on home-grown players in team sports in 2012” (See Section 5, Other Sources 2). Parrish co-authored the study as the high level EU and sports law expert. The study was delivered to the Commission in December 2012 and was published in August 2013 (see Section 5, Other Sources 9). Parrish delivered the findings of the study to the European Commission’s Technical Committee on Free Movement of Workers (11/04/2013). The results of the studies have informed Commission policy in this field and improved dialogue between the Commission and sports stakeholders.

### 5. Sources to corroborate the impact

The aspect of the case study addressed by each source below is identified by reference number in Section 4.

#### Factual Statements:

1. Chair of the House of Lords EU Select Committee (Sub-Committee G: EU Social and Consumer Policies) – addresses role of underpinning research in appointment as a Special Advisor to House of Lords EU Select Committee (Sub-Committee G: EU Social and Consumer Policies), Inquiry into Grassroots Sport and the EU (Nov 2010 – April 2011).
2. Policy Officer, Sports Unit (Education and Culture Directorate-General), European Commission, Brussels – addresses benefits of expert advice informing the European Commission’s post-Lisbon approach to nationality discrimination in European sport.

#### Other Sources:

1. European Commission (2010), Group of Independent European Sport Experts, Report on *EU Priorities in the Field of Sport* [http://ec.europa.eu/sport/documents/100702\\_gise\\_final\\_report.pdf](http://ec.europa.eu/sport/documents/100702_gise_final_report.pdf)
2. European Commission (2011), *Developing the European Dimension of Sport*, COM(2011) 12 Final, 18/01/2011 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0012:FIN:en:PDF>
3. Council Resolution of 1.6.2011 *On a European Union Work Plan for Sport for 2011-2014*, 2011/C 162/01 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:162:0001:0005:EN:PDF>
4. European Parliament Resolution of 2.2.2012 *On the European Dimension in Sport*, 2011/2087(INI) <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0025+0+DOC+XML+V0//EN>
5. European Parliament (2010), Study on *The Lisbon Treaty and EU Sports Policy*. <http://www.europarl.europa.eu/committees/en/studiesdownload.html?languageDocument=EN&file=32471>
6. House of Lords (2011), Inquiry into *Grassroots Sport and the European Union*. <http://www.publications.parliament.uk/pa/ld201011/ldselect/ldecom/130/130.pdf>
7. European Commission (2010), *Study on the Equal Treatment of Non-nationals in Individual Sports Competitions*. [http://ec.europa.eu/sport/library/doc/f\\_studies/study\\_equal\\_treatment\\_non\\_nationals\\_final\\_rpt%20\\_dec\\_2010.pdf](http://ec.europa.eu/sport/library/doc/f_studies/study_equal_treatment_non_nationals_final_rpt%20_dec_2010.pdf)
8. European Commission (2007), *White Paper on Sport*, COM(2007), 391 Final, Brussels 11/07/2007, Action Point 40. [http://ec.europa.eu/sport/documents/wp\\_on\\_sport\\_en.pdf](http://ec.europa.eu/sport/documents/wp_on_sport_en.pdf)
9. European Commission (2013), *Study on the Assessment of UEFA’s Home-Grown Player Rule*. <http://ec.europa.eu/sport/library/documents/f-studies/final-rpt-april2013-homegrownplayer.pdf>