

8 November 2013

Decision

of the *Bundesrat*

Translation from German

Proposal for a Council Recommendation on promoting health-enhancing physical activity across sectors

COM(2013) 603 final; Council doc. 13277/13

At its 916th session on 8 November 2013, under Sections 3 and 5 of the Act on Cooperation between the Federation and the *Länder* in European Union Affairs (EUZBLG), the *Bundesrat* adopted the following opinion:

1. The *Bundesrat* agrees that physical activity and exercise are very important for reducing health risks in all age groups.

However, Article 165 TFEU, which refers to ‘developing the European dimension in sport’ is not a suitable legal basis for the proposal. The health-promoting effects of physical activity and exercise apply to many areas in addition to sport, as is borne out by the indicators proposed in the Annex. The main target groups envisaged are therefore not to be found in organised sport, and it would be difficult to encourage them in that direction. Furthermore, in many Member States and specifically in Germany, the influence of the State and the scope for getting involved in organised sport with a view to implementing action plans and programmes are limited.

2. Article 165 TFEU does not include powers to harmonise national rules relating to sport. It therefore cannot provide a legal basis for the endeavours associated with the proposal aimed at coordinating national action strategies in the context of a joint action plan and on the basis of a monitoring framework.
3. Given the cost involved, introducing monitoring frameworks in an area which relies entirely on the voluntary participation of the people concerned in the Member States is regarded as inappropriate and, on the whole, disproportionate.
4. For these reasons, in the opinion of the *Bundesrat*, the financial implications of the monitoring framework cannot be justified. The *Bundesrat* therefore objects to the plan to cover the cost of capacity building to support the Member States’ monitoring activities by using the Sport Chapter of the Erasmus+ programme, as

the budget for that Chapter is already very limited and, in the absence of a direct relationship to the areas of responsibility of sport in the Member States as described in paragraph 1, this would not be a correct way to spend it.

5. The *Bundesrat* is sending this opinion directly to the Commission.