



Play the Game



REPUBLIKA E SHQIPËRIE
MINISTRIA E ARSIMIT
SPORTIT DHE RINISË

FOR A GOOD GOVERNANCE STARTING BY THE LAW OF SPORT

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ALBANIA

The need for a new Law for Sport

During the period of 2005-2013, the legislation in the field of sport in Albania has undergone frequent transformations, with the aim of providing the necessary bases for a better governance of sport. But in spite of the good intentions, these changes have brought in several cases, regression and chaos, sometimes with no solutions.

Given the immediate need for a law, which would be the starting point for regulating the identified problems, foundations of which would be the principles for good governance, on May of 2017 in Albania was adopted a new Law of Sport (79/2017).

The main problems with the previous Law of Sport

- The clear expression in the previous law of Sport, of the influence of the state upon the sport organization, constituting in this way the interference of the state in the independent structures of the national sports system.
- The prediction of a mostly political composition of the consultative bodies: High Council of Sport and Anti-Violence Commission.
- Lack of necessary predictions of incentive policies in support of elite athletes.
- Lack of prediction of the legal status of sports clubs (inherited from the period of centralized economy).
- Lack of necessary legal provisions, referring to the physical education subject, as well of curricular and extracurricular sportive activities in pre-university and university education system.
- Lack of necessary legal provisions, referring to the Federation of School Sport and Federation of Sport in University establishment, as sportive organization with a special status compared to other sports federations.
- Vagueness referring to the provision of preventive measures for punishable actions during the sports activities at all levels, which has led to further stimulation of the phenomenon of violence in sport.
- Lack of very important definitions, necessary as referrals to other legal and by-laws, in order to regulate the activity in the field of sport.

The purpose of the Law of Sports (79/2017)

Improving policies for elite sport and sports in educational institutions in the organizational, technical and functional direction, involving central and local government. Creating equal opportunities and conditions for participation in sports activities of all Albanian citizens based on human rights to exercise physical and sports activities by creating the necessary legal, financial and physical infrastructure, enabling full independence of sports institutions dealing with anti-doping, violence and justice in sport, as well enabling good relationship between state and sport organizations.

Law of Sports (79/2017) is based on the fundamental principles of the organization of sport in the Albania Republic:

- The principle of equality, as a right of every citizen to practice sport;
- The principle of systematic, scientific and differential approach to physical education and sport during life span of everyone;
- The principle of linking physical education and sports with health, education and culture as a single functional system, to increase its impact in a balanced way on the population;
- The principles of fair play and sportsmanship, guided by the Olympic ideals and the principles of sports ethics;
- The principle of security, which relates to the right to practice sports activities in a safe environment.

The state and the sport

The main predictions:

- ✓ The state's duties for providing to all citizens of the Albanian Republic, physical education and sports activities.
- ✓ The duties of the Ministry responsible for sport and local government, in drafting policies in order to fulfil the governmental program for sport and physical education, by setting out clearly the competences, obligations and rights of both central and local government in the field of sport.
- ✓ Fiscal facilities that sports federations benefit.
- ✓ The establishment and the mission of the High Council of Sport, with emphasis on the non-political composition of this consultative body.

Physical education

- A broader definition of the Physical Education subject and Sports in the education system, as well the definition of this subject mandatory load in pre-university education (three lessons per week in grades 1-12).
- legal provision for Federation of School Sport and Federation of Sport in University establishment (also their mission), as sportive organization with a special status compared to other sports federations.

Sports organizations

- The facilitation of the legal procedures for the approval of new statutes and statutory changes of sports organizations (Olympic Committee and Sports Federation) by the Ministry responsible for sport, the set of the deadline of 60 days for the approval of statutory changes in silence by the Ministry responsible for sport.
- The provision of the financing of the Albanian National Olympic Committee and the Sports Federations with funds provided by the Public Budget in the form of grand-transfers.
- The recognition of "sports federations" by the state as the only organizations to which the state delegates the right to organize and conduct sporting activities in certain sports, (also the cases of revocation of this denominational), as well a by-law which foresees a new organizational setup for these organizations, referring to the management of funds benefited from the state budget, creating greater space for independence in self-government, respect for internal democracy, as well as awareness and discipline of use of the funds they benefit from the state budget, while determining the criteria and conditions that these organizations must meet in order to benefit from public budget funds.
- The definition of the legal status for the "public sports clubs" which still operate in the sportive system (as a legacy of the centralized economy period, the "owner" of which is still the state), administered and financially supported by local government.

The financing and monitoring of sports organizations

- The provision for the financing way and financial resources of the Sports Federations and the Albanian National Olympic Committee (despite the state budget).
- The provision of the delegation of public budget funds to the sportive organizations will be governed by a mutual directive (a by-law) of the Ministry responsible for sport and the Ministry of Finance, bringing for the first time a radical change in the financial system in sport, in respect of their administrative internal autonomy.
- The provision of the creation of the National Fund for the Development of Sport, which is generated from income received from sports betting companies.
- In accordance with the principle of efficiency and effectiveness, as a right of the subsidizing institution to monitor and control the way use and efficiency of the given funds, in the law it is also envisaged that the Ministry responsible for sport monitors (through mechanisms provided for in by-laws) the state funds that these organizations receive.

Justice in Sport

- Strengthening of the Court of Arbitration for Sport competences, with the expectation to ensure stability in relations and in resolving conflicts/disputes between sports organizations, coaches and athletes, members of the national sports system.
- Determination of the Court of Arbitration in Sport as the only court in which sports institutions should be run to deal with sporting conflicts (first instance), in order to avoid the confusion that creates the running to different courts for conflict resolution (civil or administrative courts) as well as reducing the timing of issues dealing.

The athlete, the coach and the status of a high-level athlete

- Provision of the rights and obligations of athletes and coaches in the exercise of their sporting activities as member of a sports organization.
- Provision of a special status for the elite athlete, which includes the criteria and the benefits that this status brings, as an obligation of the state to stimulate and support talented young athletes (with prospects) and athletes with high scores in the international arena, to prevent the abandonment of Albania from very talented and promising young athletes, who chose to compete for other countries.

Sports infrastructure

- The definition of the special status for "National Sports Centres", which are objects of particular importance for the development of sports, which will provide sports services at the national level.
- Prediction of restriction on the change of the destination of sport facilities in case of change of their ownership or user.

This prediction was made for not allowing the demolition of inherited sport facilities, as experience over the past years, which has shown misuse and abuse with sportive infrastructure from the change of its sportive destination, or worst cases the demolition of sportive facilities, to get free space of construction for other purposes.

Anti-doping

- The prohibition of the use of doping substances doping methods by the athletes and the its promotion (during the training process and sports activities), as well as legal references to the list of substances and methods considered doping (WADA).
- The foundation of National Anti-doping Organization, the institution in charge for the anti-doping in Albania, which will completely replace the actual National Anti-Doping Commission, (which is a consultative body to the minister responsible for sport).

By creating an independent structure in the management of anti-doping activity in Albania, not only is it configured one of the most important structures independent of state and politics (as in the Commission's case) in service of an ethical and healthy sport, but there is also accomplished one of the continued demands of international anti-doping authorities.

Medical check-up and health insurance for athletes

- Provisions for preliminary conditions regarding the medical control of athletes during the training process and before the sports activity participation (provisions of the responsibility of the organizers of a sporting activity for the admission to athletes without a medical card and the obligation of Federation to carry out medical check-ups for national teams at the Sports Service Centre and the Preparation of National Teams).
- The foreseen of the responsibility of the Federations to provide health insurance of athletes of national teams during the training process and participation in international activities.
- The foreseen of the responsibility that sports organizations have to cover all expenses for the rehabilitation of injured athletes during sporting activities, in cases when they have not previously been provided with health insurance.

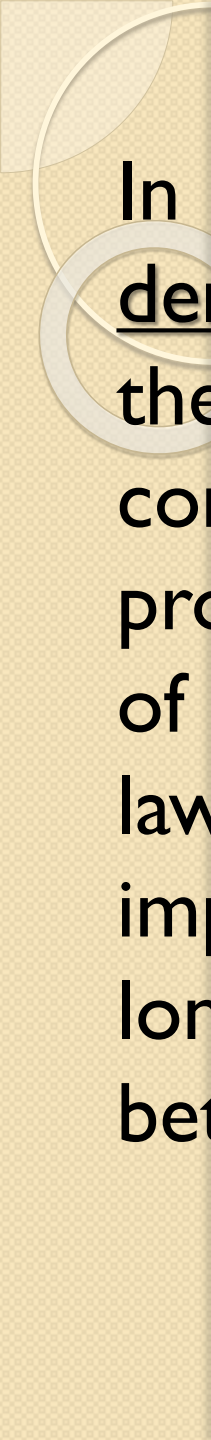
Preventing Sports Violence

The drafting of the chapter dedicated to violence in sport was prepared in close cooperation with representatives of the Ministry of Internal Affairs and the State Police, in order not only to have a professional opinion but also to reconcile the law of sport with The Penal Code and other laws regulating specific areas, for example with the Law for State Police, as well reflection of the required obligations coming from the ratification of the European Convention against Sport Violence.

- Provision of a new composition of the National Commission against Violence (as an advisory body the minister responsible for sport, for the drafting policies for the prevention of violence during sports activities and sporting events), which will be completely independent politically.
- Provision of a larger list of actions considered "provocations" for violence, as well as sanctioning of tires (including political and religious propaganda during sporting activities).
- Provision of a detailed list of prohibited items during sports activities and sporting events (fireworks, fireworks, pyrotechnics, weapons of all kinds, use and trading of alcoholic beverages, and other dangerous items for the life and health of the participants).
- Provision of the obligation of the State Police, for taking all necessary measures for the maintenance of public order and safety in sports facilities and the obligation that the organizer of sporting activities have for the inclusion of the Private Physical Security Service (SPSF).
- Provision of the obligation of the Sports Federations to obtain a security officer who will accompany the national teams during the international sporting activities inside and outside the country.

Contributors of drafting the Law of Sports (79/2017)

- Ministry of Education and Sports;
- Albanian National Olympic Committee;
- Sports Federations;
- University of Sports of Tirana;
- Various experts in the field of sports legislation;
- High Council of Sport members;
- Ministry of Justice;
- Ministry of Finance;
- Ministry of Internal Affairs;
- Ministry of Defence;
- Ministry of Economy, Tourism, Trade and Entrepreneurship;
- Ministry of Social Welfare and Youth;
- Ministry of Culture.



In compliance with the principles of transparency, democracy and inclusiveness in decision-making, the draft of the law underwent through extensive consultations, to enable a real reflection on the problems and needs, for an accurate forecasting of legal arrangements to enable the design of a law that meets citizens' requirements, as an important tool for sustainable development and long-term orientation in meeting policies for a better governance in sport.

Thank you

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