

Jean Monnet Chair, EUCONST - The European Union's fundamental values:

Democracy, Rule of Law and Human Rights

Batumi Shota Rustaveli State University ,Faculty of Law and Social Sciences

The right to participate in sport VS privacy and data protection regulation

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Used (research) methodology

➤ Quantitative research methods (content analysis, data analysis)

- Online data collection . Targeted online published public documents and official legal acts official acts (national strategies, policies, EU recommendations, reports, laws and bylaws, official websites of governmental and non-governmental bodies). Relevant data from media and web announcements from national and international representatives.

- Data synthesis and content analyses

➤ Qualitative research method (Grounded theories, case studies)

➤ Interviews with organizers of national road races

The right to sport in EU law

Mainly based on policies

The EU act into sport via 'soft' policy tools (guidelines, recommendations and supporting programs for different sport activities like European Week of Sport, #be Active

Article 6 The Union shall have competence to carry out actions to support, coordinate or supplement the actions of the Member States. The areas of such action shall, at European level, be: (a) protection and improvement of human health; (b) industry; (c) culture; (d) tourism; (e) education, vocational training, youth and sport; (f) civil protection; (g) administrative cooperation . *

Article 165 , Consolidated version Treaty of the Functioning of the European Union (TFEU) — (ex Article 149 TEC)

The Union and the Member States shall foster cooperation with third countries and the competent international organizations in the field of education and sport, in particular the Council of Europe. the Council, on a proposal from the Commission, shall adopt recommendations.

Article 165 (3) of TFEU — The Union and the Member States shall foster cooperation with third countries and the competent international organizations in the field of education and sport, in particular the Council of Europe.

The right to sport & General Data Protection Regulation (GDPR)

-Data protection as a fundamental right -

The GDPR applies to:

1. a company or entity which processes personal data as part of the activities of one of its branches established in the EU, regardless of where the data is processed; or
2. a company established outside the EU and is offering goods/services (paid or for free) or is monitoring the behaviour of individuals in the EU.

The GDPR Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

Applies from 25 May 2018.

The right to sport (*lex sportiva*) and national law

The Constitution of the Republic of North Macedonia,

1 **Article 47** The freedom of scholarly, artistic and other forms of creative work is guaranteed. Rights deriving from scholarly, artistic or other intellectual creative work are guaranteed. The Republic stimulates, assists and protects the development of scholarship, the arts and culture. The Republic stimulates and assists scientific and technological development. The Republic stimulates and assists technical education and **sport**.

Article 25 Each citizen is guaranteed the respect and protection of the privacy of his/her personal and family life and of his/her dignity and repute.

2 The Law on sports

3 Company law

4 The Law on data protection, adopted February 2020.

This Law is almost entirely aligned with the GDPR. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

Thank you

Comments & Questions

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