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European (Dis-)Integration Theories, Brexit and Sport:

A Double Disconnect & Tentative Remedies

Alexander Brand, Arnout Geeraert and Arne Niemann¹

1. Introduction

What is the contribution of European Integration Theories (EIT) – grand theories and mid-range explanatory approaches – to predicting the impact of Brexit on EU sport policy? Some ideas derived from the main schools of thought in European integration may already frame the debate of Brexit’s implications for sport and sport regulation such as Jacob Kornbeck’s thoughts on “spill-over” (owing its popularity to Neofunctionalism) and potential future “spill-back” in the introduction to this volume. But a more systematic examination of EIT’s capacity to enhance our understanding of the post-Brexit shape of sport regulation and governance in Europe, as well as *through* European-level institutions, is still a desideratum.

It is in this sense that we start our foray into EIT, Brexit, and sport from the notion of a *double disconnect*. As disintegration presents a rather novel concern for most EITs – just think of the famous slogan of an “ever closer union”² – the non-existence of many such theorised links should not come as a huge surprise. True, the main paradigmatic schools of (European and regional) integration, namely Neofunctionalism, Intergovernmentalism, and Postfunctionalism have recently started to conceptualise dynamics of disintegration in the wake of Brexit (and other recent crises).³ Moreover, Neofunctionalism and Intergovernmentalism in particular have also been used, undoubtedly, to explain progressive integration dynamics in the field of sport in a separate track of the debate. Yet all in all, these grand theories have not yet been marshalled to gauge what Brexit implies *in the field of sport* (policy and regulation). We observe a first disconnect here, because of this so far missing link between grand theories engaging Brexit, and the same schools of thought extending such reflection to the field of sport governance and regulation.

¹ We want to thank Tim-Benjamin Heinrichs for his research assistance.

² Dinan 1994

³ Most pronounced in: Schmitter/Lefkofridi 2016; Czech/Krakowiak-Drzewiecka 2019; Hooghe/Marks 2019; Niemann et al. 2020.

On the other hand, various mid-range approaches and concepts (e.g. advocacy coalitions, the principal-agent framework and Europeanisation) were applied successfully to assess and explain integration impulses in the field of (European) sport policy. Such explanatory tools below the level of grand theories did arguably enjoy more prominence in the theory-oriented discussion and analysis of sport regulation and governance throughout Europe. However, scholars making use of these concepts etc. have not yet begun to adjust them to the realities of a European Union *minus* the UK. This we see as a second disconnect: The so far absent discussion of how much of a “reality shock” Brexit actually presents to the by now routinely applied concepts and mid-range approaches of Europeanisation, EU actorness and the like *in the realm of sport policy*, and whether any adaptation to the perspectives taken is warranted at all.⁴

In what follows, we will briefly sketch the mentioned debates and main literatures. We start by introducing the main grand theories of European integration, in particular in their capacity to theorise (dis-)integration in general, and the likely implications of Brexit on European integration more specifically. In a second step, we explore how both strands of the EIT debate – grand theories and mid-range approaches/concepts – have been deployed to illuminate dynamics in the fields of sport policy, regulation and governance so far. This is guided by an attempt to ask whether one can infer anything substantial about the post-Brexit future in these domains from the existing EIT-inspired literature. Finally, in the remainder of the chapter, we attempt to offer some tentative suggestions on this basis on how to go forward in theorising the likely implications of the specific disintegration in the form of Brexit on sport regulation and sport policy in Europe.

2. Main Theory Schools & the Hard Case of *Dis-Integration*

2.1. What Do the Grand Theories Say?

Being perhaps the most long-standing integration theory, *Neofunctionalism* assumes that: (1) integration is a process, which evolves over time and takes on its own dynamic; (2) *regional* integration is characterised by multiple, diverse and changing actors who

⁴ This is not to claim that a discussion of Brexit’s likely impact on sport, most notably on British football, has not yet started. To the contrary, cf. Perry/Steenson 2019. However, such analyses and forecasts have not proposed to marshal EIT in an effort to shed light on coming developments.

also build transnational coalitions⁵; (3) decisions are taken by rational actors, who nevertheless have the capacity to learn from their experiences in co-operative decision-making⁶; (4) decision-making tends to be incremental, where seemingly marginal adjustments are often driven by the unintended consequences of previous decisions; (5) the very integration process is dominated by elites. Early Neofunctionalists attached little significance to the role of public opinion. Instead, they assumed a “permissive consensus” in favour of European integration⁷, but later theorising suggested that politicisation may lead to stagnation or “spillback”.⁸ The key Neofunctionalist conception of change is encapsulated in the notion of “spillover”, of which three types are generally distinguished.⁹

Functional spillover pressures come about when an original objective can be achieved only by taking further integrative actions due to the interdependence of policy sectors and issue areas that cannot be treated in isolation.¹⁰ However, such functional structures do not determine actors’ behaviour in a mechanical or predictable manner. Actors must regard functional logics as plausible in order for them to unfold their potential.¹¹

Cultivated spillover concerns the role of supranational institutions that, concerned with increasing their own powers, become agents of integration, because they are likely to benefit from its progression. Once established, they tend to take on a life of their own and are difficult to control by those who created them. And thirdly, *political spillover* encapsulates the process whereby (national) elites come to perceive that problems of substantial interest cannot be effectively addressed at the domestic level. This should lead to a gradual learning process whereby elites shift their expectations and political activities to a new European centre. Consequently, national elites – both governmental as well as outside government – would come to promote further integration, thus adding a political stimulus to the process.¹²

In contrast, *(Liberal) Intergovernmentalism* considers national member governments (as rational, utility-maximising actors) to be the key actors in the integration process. The

⁵ Haas 1964: 68ff.

⁶ Haas 1958: 291

⁷ Haas 1968: xii

⁸ Schmitter 1970; Niemann et al. 2020: 4-5

⁹ Tranholm-Mikkelsen 1991

¹⁰ Haas 1958: 297, 383; Lindberg 1963: 10

¹¹ Niemann 2006: 31

¹² Cf. Haas 1958: chs. 8+9; Lindberg 1963: chs. I+IV

latter is deemed to progress only when it is in the national interest. Specifically liberal variants of Intergovernmentalism define such national interests as being (mainly) tied to the economic preferences of national interest groups.¹³ According to such Liberal Intergovernmentalism, governmental preferences emerge through domestic political conflict in which groups compete for political influence, national and transnational coalitions form, and new policy alternatives are recognised by governments. As the primary interest of governments is to maintain themselves in office, the support of a coalition of domestic actors is required. Governments' external policy objectives are thus regarded as varying in response to changing pressure from domestic groups, whose preferences are aggregated through political institutions.¹⁴ Due to the imperatives induced by interdependence and the increase in cross-border business opportunities, it is "primarily the commercial interests of powerful economic producers", which motivate national preferences.¹⁵ Governments' preferences stay exogenous, i.e. they are largely assumed to be unaffected by the integration process.

At the EU level, member states consequently develop strategies and bargain with one another to reach substantive agreements that realise those national preferences more efficiently than unilateral actions do. This intergovernmental bargaining process is characterised by "credible threats to veto proposals, to withhold financial side-payments, and to form alternative alliances excluding recalcitrant governments", with the outcomes reflecting the relative power of states.¹⁶ . In intergovernmental bargaining, outcomes 'reflected the relative power of states [...]. Under this perspective, supranational institutions are established by states primarily to address problems of incomplete contracting, compliance and monitoring. They act on behalf of states and can be controlled by them.¹⁷ In the process of delegating power to institutions, state sovereignty is unaffected or may even strengthen or "rescue" the nation-state.¹⁸

The most recently introduced grand theory of European integration is presented by *Postfunctionalism*. In their "post-functional theory", Hooghe and Marks¹⁹ seek to include

¹³ Moravcsik 1998

¹⁴ Moravcsik 1993: 481

¹⁵ Moravcsik 1998: 3, 20-26

¹⁶ Ibid., 3

¹⁷ Ibid., 490-494

¹⁸ Millward 1992

¹⁹ Hooghe/Marks 2009

aspects that earlier explanatory frameworks of European integration had failed to address. They suggest that the Neofunctionalist and Intergovernmentalist focus on elites, interest groups, technocracy and economic interests was justified in the initial phase of European integration. Since the 1990s, however, integration has increasingly extended to policies that affect citizens' identities and that have had a profound impact on people's lives. It thus became more and more difficult for EU institutions, national governments, civil services and interest groups to shield the European integration process from mass politics. Media, political parties and social movements played an increasingly active role in this process, which has been accompanied by a growing level of politicisation. Hence, the "permissive consensus" that had prevailed in the first few decades of the European Community turned into a "constraining dissensus" that may obstruct further integration.

According to Postfunctionalism, European integration has hence become an identity issue and offers populist parties the chance to achieve electoral success. As a result, EU politics and society gradually becomes polarised on a cultural divide that may also constitute a new socio-political cleavage.²⁰ Countries particularly affected by this tend to be those where exclusive attachment to the national in-group is popular and where institutional procedures open to direct mass public interest articulation (such as referendums on EU treaties or membership) foster Eurosceptic mobilisation.

While Neofunctionalism and Intergovernmentalism consider European integration as an efficiency-oriented process that may be characterised as mostly cooperative in nature, Postfunctionalism points to the disruptive and conflictual tendencies of identity-related polarisation and politicisation. It also highlights the limits and setbacks of an elite-driven technocratic and efficiency maximising process, which seems to leave this newly emerged grand theory with greater potential to theorise disintegration than earlier approaches.

2.2. Explaining Brexit (and Its Impacts)

²⁰ Hooghe/Marks 2018

While Brexit, as a case of horizontal disintegration, is a particularly hard case for Neofunctionalism, the theory still considerably adds to our understanding of Brexit, in particular due to it taking politicisation more seriously in its more current variants.²¹ Whereas crises as such had been viewed as a relatively normal feature of the integration process from the start, early Neofunctionalists had not foreseen that politicisation and identity politics might seriously threaten the integration process as such, or even precipitate the exit of a member state.²² The assumption was rather that politicisation might question further integration possibly leading to stagnation or even spill-back in particular policy areas, not challenge the process *as a whole*.²³ As a pluralist and transformative theory, Neofunctionalism assumes multiple actors who may learn, which in principle implies that also citizens may choose to take (critically) part in a process of increasingly deep functional integration to which they had previously merely acquiesced.

Interestingly, a number of Neofunctionalist logics were invoked by Remainers in the run up to the referendum. These might still be relevant for the EU27, and even perhaps for the future UK-EU relationship. Neofunctionalist pressures pushing for Britain to remain an EU member (and now, after Brexit, in very close cooperation with the Union) included: the functional rationale relating to the benefits of the single market, the economic costs of leaving it, the benefits of other areas of EU integration such as internal security or climate change, and the adverse repercussions likely to result from leaving the EU. In addition, there were other path dependencies – including sub-optimal bargaining positions when negotiating new trade agreements – that made membership sticky and renationalisation costly.²⁴ Many interest groups in the UK were therefore strongly in favour of remaining within the EU, and later advocated a “soft Brexit”, which may explain the decision for a transition period²⁵ and will probably continue to support a closer bi-lateral relationship in the future.

In addition, Neofunctionalism is a dynamic theory in the sense that a specification of the conditions of spill-over can usefully delimit its scope of application and thus be seen as

²¹ Cf. Niemann et al. 2020

²² Schmitter 2009

²³ Schmitter 1970

²⁴ Niemann et al. 2020: 6-7

²⁵ Czech/Krakowiak-Drzewiecka 2019: 598

an exercise in revising it. Several factors can be identified which help to explain why the (functional) rationales for “Remain” found little traction: (1) When issues are substantially politicised and polarised, as during the Brexit referendum, they tend to be framed in emotive terms, beyond the reach of (functional) rationality. (2) When citizens have only limited knowledge of the EU, when successive governments have done little themselves to explain European policy, and when experts are distrusted, understanding the complexities of the pros and cons of membership again becomes problematic. (3) When the bulk of the media campaigns against membership in a simplified manner, often framed in a biased and (sometimes) misleading way, an assessment of the costs and benefits becomes difficult as benefits and functional logics can hardly register. (4) When integration measures stretch the perceived adaptive capacity of societies/economies, such as the decision for early liberalisation of the free movement following Eastern enlargement, they can lead to unintended countervailing dynamics and, in the case Brexit, provide an easy target for hostile nationalistic campaigns. Finally, (5) when the debate is not only one of domestic politics but when “Brussels” itself becomes the problem, the supranational institutions, one of the main agents of European integration, cannot play any substantive role. An important Neofunctionalist dynamic (cultivated spillover) is thus taken out of the equation.²⁶

Several studies suggest that the Brexit referendum was a wake-up call for other European countries, with positive attitudes towards the EU having increased.²⁷ It is uncertain, though, whether this trend continues and Brexit remains an aberration, and whether this implies that one of the earlier Neofunctionalist assumptions may eventually be (at least partly) fulfilled – i.e. that politicisation leads to greater citizen involvement and support for integration.²⁸ Likewise, it remains to be seen if the exit of its most sceptical member will pave the way towards further deepening²⁹, and if so, in which policy fields.

A (Liberal) Intergovernmentalist (LI) account also provides a number of insights into the Brexit process. First, it underlines the importance of national interests and national diversities in the integration process. Second, by opening up the black-box of the state,

²⁶ Niemann et al. 2020

²⁷ van Kessel et al. 2020

²⁸ Niemann et al. 2020

²⁹ Czech/Krakowiak-Drzewiecka 2019: 598

LI scholars have rightly indicated that governmental preferences emerge through domestic political *conflict*, even if interest groups (and not citizens/voters) were given a privileged role therein. Third, from a LI perspective, Brexit is of an illusory nature – i.e. it mainly has repercussions UK domestic policies and politics but less so for the UK relationship with the EU. For example, then-PM David Cameron did not call the EU referendum due to genuine dissatisfaction with the Union but in a strategic move to appease and quieten the Eurosceptics in his own party.³⁰ As Hooghe and Marks explain, the “view that Brexit is epiphenomenal is logically consistent with two core premises of intergovernmentalism”³¹, namely that any benefits of cooperation are decided upon and hammered out in intergovernmental bargains, and second that such bargains depend “not on referendum outcomes but on economic interests, relative power, and credible commitments.”³² This only ties in with Moravcsik’s early prediction of a power asymmetry in favour of the EU, which provided it with greater leverage in the (post-)Brexit negotiations, because the UK has had much more to lose from a no-deal given its greater dependence on trade with the EU than vice versa.³³ Such an asymmetry was only strengthened through the multitude of potential veto players within the political system of the EU (27 *ms* along with the European Parliament), whose assent was and is needed.³⁴

Of the three grand theories, however, Postfunctionalism seems to have the most suitable toolkit for conceptualising and explaining Brexit. Here, it becomes a classic example where functional rationality adopted by elites in the arena of interest group and technocratic politics is overcome by an identity logic; and all this through a shift to the arena of mass politics during a process of growing politicisation and polarisation. Several favourable conditions facilitated this process.³⁵ First, the pre-Brexit period was characterised by unintended integration effects that challenged national identity and self-determination. The very substantial migration to the UK, especially since the decision for early liberalisation of the free movement following Eastern enlargement in 2004, became the decisive issue in the run-up to the referendum and provided an easy target for the nationalistic “Leave” campaign. Second, there was the rise of a non-

³⁰ Moravcsik 2016

³¹ Hooghe/Marks 2019: 1123

³² *Ibid.*

³³ Moravcsik 2016

³⁴ Cf. Hooghe/Marks 2019: 1123

³⁵ For the whole argument, cf. Schimmelfennig 2018.

mainstream Eurosceptic party, UKIP, which seized on these developments and thus managed to mobilise voters. Third, a binary in-out referendum proved to be a conducive institutional venue. As suggested by Hooghe and Marks:

“[f]ew events reveal so clearly the disruptive effect of a referendum in a climate of politicization. Far from resolving tensions in the Conservative party, the referendum exacerbated them. The vote provided just a single *bit* of information. It presented voters with the simplest possible choice on a profoundly complex issue. A dichotomous choice says nothing about the trade-offs, the compromises needed to realize them, or the likely consequences.”³⁶

In that sense, Brexit may so far be the clearest case of the emergence of a “constraining dissensus”; however, this constraint is one, which is bound to the confluence of quite a few specific conditions, trends, and political decisions. It remains to be seen how much this stands a chance of being replicated elsewhere, or sending existential ripple effects through the EU. Even as integration as such might not be fundamentally challenged for the moment, the rules of the game within the politics of European integration may have already changed profoundly.³⁷

3. Grand Theories, Mid-Range Approaches and Concepts in EIT Addressing Sport Policy and Governance

3.1. Grand Theories & EU Sport Policy

As stated in the beginning of this chapter, EIT’s inroads into making sense of Brexit and its impact have developed recently and *in parallel* to the obviously much more long-standing efforts to apply EIT to the area of sport governance and regulation. So far, a substantive discussion of the role of Brexit for this policy field *from the perspective of EIT* is consequently lacking. It is thus warranted to briefly ascertain how EIT have approached sport policy in and through the EU before Brexit. In particular, Neofunctionalism and Intergovernmentalism have already been successfully employed to explain important aspects of the emergence and development of EU action in the field of sport. Nonetheless, neither can fully account for the dynamics that drive and constrain

³⁶ Hooghe & Marks 2019: 1124

³⁷ Czech/Krakowiak-Dziewiecka 2019: 600

this action.³⁸ The main reason is that EU integration in the field of sport has unfolded in different phases, in which either the EU institutions or the member states appear to have taken control.

The dynamics behind the EU's initial encounters with sport provide strong support for Neofunctionalism's propositions.³⁹ It is indeed appealing to argue, as Parrish has it, that the EU became involved as a consequence of a functional spillover from internal market laws into the field of sport.⁴⁰ Though sport was not considered a competency or a jurisdiction upon inception, it naturally came under the scope of EU law as it developed from an amateur activity into a commercial industry.⁴¹ In particular, several rulings of the Court of Justice of the EU (CJEU) argued that sport-related activities fall subject to EU law in so far as they constitute an economic activity within the meaning of the Treaty; the much mediatised *Bosman* ruling may have proved to be a "watershed"⁴² here. Not only did it unearth the far-reaching effects of the application of EU internal market law on sport governing bodies such as FIFA and UEFA. It also empowered the Commission to act more decisively in ensuring that these sport-governing bodies comply with EU law. From a Neofunctionalist perspective, the ruling, a deregulatory measure and, thus, an example of *negative integration*, triggered a functional spillover into prescriptive and encouraging measures associated with *positive integration*. Unhappy with what was perceived as an (overly) technocratic approach to sport, the Member States and the European Parliament indeed called upon the Commission to take initiatives to safeguard the current sport structures, maintain the sociocultural function of sport, and provide legal certainty for sport-governing bodies.⁴³ This would eventually result in the emergence of an EU sport policy facilitated and propelled by the creation of a Sport Unit within the Directorate-General Education and Culture in 1998 and an EU sporting competence introduced by the Lisbon Treaty in 2009.

The development of such an EU sport policy was, much in line with Neofunctionalist tenets, cultivated by community-level institutions that promoted EU integration in the

³⁸ Cf. Parrish 2003; Barani 2005; Meier 2009

³⁹ Meier 2009: 11

⁴⁰ Parrish 2003: 33

⁴¹ Cf. García 2007

⁴² Parrish 2003: 9

⁴³ Ibid.

field of sport by using their delegated autonomy.⁴⁴ Partly building on this European Parliament's support⁴⁵, the Commission acted as a policy entrepreneur. These activities culminated in the 2007 White Paper on Sport, which was accompanied by 53 specific actions⁴⁶, and the 2011 Communication on the European Dimension in Sport.⁴⁷ Apart from covering issues such as physical activity and social dialogue, a functional spillover from negative integration towards policies aimed at encouraging good governance could also be discerned. It is the result of increased litigation by disgruntled stakeholders against their sport-governing bodies following *Bosman*, which both exposed democratic deficits in international sport governance and caused an overflowing Commission caseload.⁴⁸

There is somewhat less empirical evidence of political spillover in the field of sport.⁴⁹ However, it is worth pointing out that sport-governing bodies and their stakeholders seem to have encouraged EU action on matters of public order, such as match-fixing and doping, and the promotion of physical activity and grassroots sport, as long as such measures did not encroach on their autonomy. On the other hand, recent corruption scandals in international sport governance have prompted a desire on the part of the Member States to use the European level to promote good governance and integrity in sport.⁵⁰

EU integration in the field of sport also shares clear Intergovernmentalist characteristics. True, the Member States and their governments may have only rarely been the key drivers behind such integration. Most notably, they did not appreciate nor expect the CJEU's ruling in *Bosman* and the Commission's subsequent increased regulatory practice in sport cases.⁵¹ Yet an Intergovernmentalist would argue that the Member States have allowed integration in sport to progress only if and when it was in their national interest. They have controlled the Commission both in its application of EU law on sport-governing bodies as well as in its execution of sport policies.⁵²

⁴⁴ Geeraert 2016

⁴⁵ Vermeersch 2009

⁴⁶ European Commission 2007

⁴⁷ European Commission 2011

⁴⁸ Meier 2009: 32; Geeraert 2016: 116

⁴⁹ Cf. Parrish 2003; Meier 2009; Geeraert 2020

⁵⁰ Geeraert 2016

⁵¹ Cf. García 2007

⁵² Geeraert/Drieskens 2015; Geeraert 2016

Even though the Commission thus had acted as a policy entrepreneur in sport, the Member States at the very least had given it a “soft political mandate” for doing so.⁵³ In turn, the Commission indeed always sought to ensure that it had “solid political support” from the governments before issuing and executing sport-specific measures. With the entry into force of the Lisbon Treaty, the EU may have been assigned a sporting competence; indeed, the strategy behind adopting such a sporting competence was however “empowering the EU in order to restrain it.”⁵⁴ Echoing Liberal Intergovernmentalism’s emphasis on interest groups as determining factors of the Member States’ preferences, this strategy was shaped by lobbying efforts of a transnational coalition of sport stakeholders.⁵⁵

3.2. Mid-range Theories of EU Governance in the Field of Sport

Over the years, EU scholars shifted their focus from explaining the process of integration towards understanding the EU as a political system, and the dynamics of governance within. Likewise, in the first comprehensive theoretical study of the EU and sport, Parrish argued that, rather than drawing on EIT grand theories, “an approach is needed that is best able to capture the real nature of EU governance.”⁵⁶ Others have followed suit and applied theories of EU governance to explain the day-to-day working of the EU in the field of sport.

Parrish himself introduced Sabatier’s *Advocacy Coalition Framework* (1998) to explain the development of EU sport law and policy.⁵⁷ He argued that a “sports policy subsystem” had emerged in the EU, which is composed of two actor coalitions that attempt to steer sport policy in a direction consistent with their respective belief systems. Whereas the Single Market advocacy coalition was to emphasise the economic aspects of sport and thus advocated a regulatory approach to sport, the Socio-cultural coalition stressed the social, cultural and educational roles of sport, which therefore differs from normal economic sectors and thus deserves a tailored (i.e., more

⁵³ Parrish/Miettinen 2008: 35

⁵⁴ García/Weatherill 2012, 248

⁵⁵ Ibid.

⁵⁶ Parrish 2003: 35

⁵⁷ Parrish 2003, 2011; also Yilmaz, 2018

“generous”) approach.⁵⁸ Drawing on insights from Rational Choice Institutionalism, Parrish argued that the status quo in EU sport policy can be seen as an equilibrium that is a function of strategic interactions between the rival advocacy coalitions, which utilise institutions and institutional venues as critical resources in their pursuits.

An appreciation of complexity has informed *multi-level governance* approaches, which set out to explaining the nature of the EU as a polity, in which decision-making capabilities are shared rather than monopolised. Consequently, nested governments continuously negotiate at supranational, national, regional and local tiers.⁵⁹ Several authors have explored the consequences of such multilevel dynamics for policy-making in European sport governance. They emphasise how sport policy output is “crowded and difficult”⁶⁰ and determined by activities in a “myriad of policy-specific subsystems.”⁶¹ Taken together, sport-governing bodies and their stakeholders as well as the EU’s interactions with these bodies can be conceived of as forming a multi-level governance system.⁶² Within this system, the EU acts as a “metagovernor” and shapes the interactions between sport governing bodies and their stakeholders.⁶³

Yet another line of inquiry into EU governance of sport focuses on the proper conceptualisation of agency and the strategies, which actors do employ. Scholars in this tradition assume that actors in the field of sport policy and regulation behave strategically to attain their (pre-established) goals and are both empowered and constrained by formal institutions in their pursuits.⁶⁴ Meier and García, for instance, draw on veto player theory to make causal predictions about the consequences of granting sport-governing bodies veto power within EU sport policy making.⁶⁵ They argue that the latter would be undesirable since it could result in bargaining deadlock. Geeraert’s and Drieskens’ *principal-agent (PA)* analysis of the EU’s control of FIFA and UEFA⁶⁶ also relies on assumptions of rational actor behaviour; yet it significantly broadens traditional dyadic PA conceptions by employing a triangular principal-

⁵⁸ Weatherill 2003: 92

⁵⁹ Hooghe/Marks 2004

⁶⁰ García 2008: 123

⁶¹ Parrish 2003: 202

⁶² García, 2008; Geeraert/Scheerder/Bruyninckx 2013

⁶³ Geeraert 2014

⁶⁴ e.g. Parrish 2003; Garcia 2008; Meier/García 2013

⁶⁵ Ibid.

⁶⁶ Geeraert 2016; Geeraert/Drieskens 2015

supervisor-agent model. In doing so, they are able to demonstrate that, whereas football stakeholders and public authorities as principals lack control options over FIFA and UEFA (the agents), they may rely on the CJEU and the Commission (the supervisors) to exercise control on their behalf. These “supervisors” are capable of controlling FIFA and UEFA by deploying three instruments (monitoring, sanctioning, and steering) that are applied through two control routes: the EU law route and the EU sports policy route. In turn, within this triangular principal-supervisor-agent set-up, FIFA and UEFA can mitigate EU control through a range of strategies. Next to directly engaging with the Commission, they can seek to manipulate the preferences of the European Parliament and the Member States in an effort to decrease the Commission's incentive to control. Similarly, by manipulating the preferences of football principals, FIFA and UEFA can prevent their recourse to the CJEU and the Commission. A constant interplay between FIFA and UEFA, their principals and their supervisors therefore dictates whether or not the CJEU and the Commission can deploy the control instruments at their disposal. As this makes clear, any serious conceptual engagement with EU governance in the field of sport has to grapple with a multitude of vectors and thoroughly complex systems of the making and moulding of decisions.

3.3. Concepts Addressing Consequences of European Integration and the EU as an Actor in Sport Policy

By the end of the 1990s, EU scholars started exploring the implications of the EU's development into a political system in terms of its overriding impact on national policies as well as vis-à-vis the outside world. They particularly focused their attention on *Europeanisation* effects in the field of sport policy with specific attention placed on the interplay between EU-level Europeanisation pressures and creative implementation at the national level⁶⁷ as well as transnational sources of Europeanisation.⁶⁸ As the impact of the EU on domestic and international sport governance seemed to increase, question of *EU actorness* in global sport also became relevant.

⁶⁷ Brand/Niemann 2007

⁶⁸ Brand/Niemann/Spitaler 2013

The “Europeanisation of sport”-literature has, to a large extent, exhibited a “Europeanisation of football”-bias to this day.⁶⁹ Starting from a conventional understanding of Europeanisation as a process of change in the domestic arena resulting from the European level directions and demands⁷⁰, it first pointed toward the fact that actors at the domestic level are not merely receivers but also creatively adapt to pressures from EU institutions, as much as they seek to influence them in the future. This has been true for football in the wake of the CJEU’s Bosman ruling much as in the case of the Commission looking into broadcasting rights around the turn of the century.⁷¹ Europeanisation, however, also received (and continues to receive) significant impulses from transnationalising forces, be it the formation of transnational lobby networks or the creation of a de facto pan-European football league.⁷² The main point in this strand of literature arguably is that the protagonists (top-level association and club representatives in particular) have changed their frame of reference: to quite some extent their frame of action, attention and reference has become Europeanised. More recently, this argument has been advanced to include football fans across Europe, and by that a significant share of the wider European public, which are nevertheless “affected” by sport and football in particular. The guiding question then becomes, whether we can also witness forms of “subjective Europeanisation”, or even a subconscious Europeanisation of identities through investing time and emotion into a by now thoroughly Europeanised game.⁷³

As previously internal policies gradually took external dimensions and external competences, such as the Common Foreign and Security Policy, were successively added to the Treaties, the EU developed into an important global actor. Scholars consequently have developed theoretical frameworks to explore and explain the EU’s external action. Many of these are relevant for the analysis of the EU and sport as well. Indeed, the EU’s significant impact on global sport governance occurred through interactions with external private actors, namely sport-governing bodies. Scholars in this camp have borrowed analytical concepts from International Political Economy to explain the EU’s

⁶⁹ See for exceptions: Sakka/Chatzigianni 2012; Gasparini 2020. For the discussion of football, cf. Niemann et al. 2011 and Brand/Niemann/Spitaler 2013.

⁷⁰ Cf. Schmidt 2002

⁷¹ Niemann/Brand 2008

⁷² Brand/Niemann/Spitaler 2013; Niemann/Brand 2020

⁷³ Weber et al. 2020

(in-)effectiveness as a global regulator.⁷⁴ Drawing on this literature, García & Meier postulated that the EU's market size and regulatory capacity, and the broader political opportunity structure are important determinants of its influence on the global regulation of sport.⁷⁵ Geeraert's and Drieksens' holistic analysis of the EU's market power in global sport governance generally confirmed these findings yet also stressed the importance of cohesiveness in the Member States' respective positions and actions.⁷⁶

Further addressing the question of EU actorness in the realm of sport, the two authors employed three components of general actorness (as defined by Bretherton and Vogler): opportunity, presence, and capability to explore and explain the EU's evolving participation in global sport governance.⁷⁷ Their analysis revealed that the EU's actorness within the field is established, but not guaranteed. Whereas EU has been able to shape the perceptions, expectations, and behaviour of sport-governing bodies because of its market power (presence), the sport world's successful defense of its autonomy (opportunity) as well as a lack of consensus between the member states on the need for EU interventions in sport (capability) have prevented it from fully capitalizing on its potential.

Whether the nature or identity of the EU as a global power is anchored in being a "Normative Power", which is able to determine what is normal by projecting a catalogue of norms into international politics⁷⁸, or a "Market Power" (combining a comparatively large regulated market with "institutional features and interest group contestation"⁷⁹) is subject of an ongoing debate among EU scholars. With a view on sport policy, Geeraert and Drieksens have argued for an integrated perspective, in which normative and market dynamics alternate and intertwine to produce a "Normative Market Europe" as a significant force in global sport governance.⁸⁰ Though its market power has allowed it to become significant force in this domain, it is its dominant focus on dispersing liberal norms what truly makes the EU a unique species there.

⁷⁴ Young 2014

⁷⁵ García/Meier 2017

⁷⁶ Geeraert/Drieksens 2017; Geeraert 2016

⁷⁷ Geeraert/Drieksens 2018

⁷⁸ Cf. Manners 2020: 239-41

⁷⁹ Damro 2012: 696

⁸⁰ Geeraert/Drieksens 2017: 79

4. Brexit and Sport: Which Place for EIT?

Where does all this leave us as regards assessing likely implications of Brexit for sport policy and regulation in, and through the EU? Can Brexit be considered a “rupture” which may put the regulatory clout of the EU in sport into question, as Kornbeck asks in the introduction to this edited volume?

A few caveats are in order. First, one might ask how different and how similar sport policy (as well as adjacent regulation) is to the EU policy areas that are commonly assessed under a post-Brexit perspective. Safe to assume that different policy fields and nexuses will be affected not in a homogeneous manner. Second, in assessing any impact, we need to be clear about which kind of impact we allude to. Brexit might have very different kinds of consequences for the EU as an organisation, the relationships among the remaining 27, the future EU-UK relationship, and the EU’s role vis-à-vis external actors (say, in global sport governance). Third, we may not use Brexit and “disintegration” as wholly interchangeable phenomena, or concepts. We should reserve the latter term for a significantly declining level of transactions, authentic forms of re-nationalisation of community competences, and a discernibly weakened sense of community only.⁸¹ Whether this is going to materialise as a result of Brexit still remains to be seen.

EIT has only begun to tackle likely effects of Brexit on sport governance and regulation, if at all. Should we heed to Jones’ advice that the existing explanatory frameworks of integration are “ill-equipped to go in reverse”?⁸² We recommend to not act precipitately here and suggest that insights from EIT might indeed guide our inquiry into post-Brexit EU sport policy to quite some extent. Admittedly, Neofunctionalists also address spill-back, but mostly it makes us aware of how deeply entrenched and sticky Community-level policies became over time – difficult to unravel, even if a party leaves the multi-level decision-making system.

What is more, crises – exogenous but also endogenous ones, might trigger further integrative steps, if only to cushion or preserve achievements; and the exit of a country (until very recently only an abstract idea) which had not been a key driver behind integration might even strengthen the internal coherence of the remaining parties. This

⁸¹ Börzel/Risse 2018: 6

⁸² Jones 2018: 440

might prove true, to some extent, for sport policy as well due to the fact that UK governments usually were not much in favour of a grand role of the EU in sport and occasionally also politicised this issue. It is in this sense, that Neofunctionalism even provides a few hints at non-disintegrative impulses flowing from Brexit.

In a surprisingly similar vein, Liberal Intergovernmentalism thematises Brexit as an “illusion” meaning that even in light of a formal departure, the future relationship between the community and the country, which has exited, can be assumed to remain close and, in myriad ways “coordinated” in the face of Brexit imposed frictions. It is not too far-fetched to then assume a great deal of continuity in basic aspects of EU-UK relations, and also in many sport domains. The example of leading British football clubs and their efforts to establish farm teams throughout the continent with which to trade talented players in the future in an effort to prevent post-Brexit regulations, not least those newly installed by the FA, somewhat points into such a direction.

Postfunctionalism, in its capacity to describe the centrifugal forces in integration, may be brought in to gauge how much politicised sport and sport-related regulation can become as a policy field, or how much this arena might be affected by overall polarisation and EU fatigue. Most likely, we are to observe shifts and changes to Europeanisation dynamics of sport as a result of Brexit. This is particularly expectable for the more subjective and identity-related forms of Europeanisation, those in the minds of spectators and sport fans in particular. Here, Brexit, might become a central point of reference for Eurosceptics all over the EU, including those in sport industries and among sport fans, in challenging *any* EU authority. Finally, in terms of actorness in global sport governance, the EU's market power in sports, and thereby one pillar of its strength, is certain to decrease, at least in the short to mid run, because of Brexit, but not to the extent that it is rendered impotent. Ultimately, the effect of Brexit will only be felt meaningfully as soon as the UK steps up to challenge the EU and its positions in sport governance. This, however, seems rather unlikely at the moment.

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