Resolution on players' agents in sports

2010/2646(RSP) - 17/06/2010 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution on players’ agents in sports further to Oral Question with Debate O-0032/10.

The resolution was tabled by Doris Pack on behalf of the Committee on Culture and Education.

Parliament recalls that in its resolution of 29 March 2007 on the future of professional football in Europe, it calls on the Commission to support the football governing bodies' efforts to regulate players" agents, if necessary by presenting a proposal for a directive concerning such agents.

Although it welcomes the "Study on sports agents in the European Union" commissioned by the European Commission, it is particularly concerned about its findings with regard to criminal activities carried out in connection with sport citing episodes where sport is affected by organised crime with links to players' agents’ activities. It believes this development is detrimental to the image of sport, its integrity and ultimately to its role in society.

It notes the finding of the study that sport agents are central in the financial streams which are often not transparent, and which make them prone to illegal activities and welcomes initiatives by some clubs and governing bodies to increase the transparency of financial transactions. It also notes that the study points out the inherent opacity of transfer systems, particularly in team sports, which are conducive to illegal activities where agents, as well as clubs and players, are involved.

Parliament underlines:

- the specific vulnerability of young players and the risk of them becoming victims of human trafficking;
- the specific responsibility of players' agents and clubs, especially towards young players and therefore calls on both parties to assume this responsibility, in particular as regards the educational and vocational training of young players.

Parliament underscores the finding that the regulations of agents established by sports federations are basically aimed at controlling access to the profession and regulating its exercise. However, these bodies have only limited supervisory and sanctioning powers and are not entitled to impose civil or criminal penalties.

It calls on the Council to step up its coordinating efforts in the fight against criminal activities linked to agents' activities, including money laundering, match fixing and human trafficking.

In its judgment on the case T-193/02, the Court of Justice of the EC stated that, in principle, the regulation of players’ agents' activities which constitutes policing of an economic activity and touches on fundamental freedoms, **falls within the competence of the public authorities**. It also recognised that federations, such as FIFA, are entitled to regulate the profession of agents insofar as the objective of the regulation is to raise professional and ethical standards in agent's activities with a view of protecting players and that this regulation is not anti-competitive.

Parliament recalls that, collectively, agents are not organised at professional level and that the profession is subject to very limited regulation at the level of member states. It is convinced that, in a context of cross-border activities and diverse national regulations applicable to sports, the effectiveness of control and the

enforcement of sanctions can only be tackled by joint efforts of sports governing bodies and public authorities and that a coherent EU-wide approach is needed in order to avoid loopholes.

It, therefore, reiterates its call for an EU initiative concerning the activities of players' agents that should aim at:

- strict standards and examination criteria before anyone could operate as a players' agent,
- transparency in agents' transactions,
- a prohibition for remuneration to players agents related to the transfer of minors,
- minimum harmonised standards for agents' contracts,
- an efficient monitoring and disciplinary system,
- the introduction of a EU wide "agents' licensing system" and agents' register,
- the ending of the "dual representation",
- a gradual remuneration conditional on the fulfilment of the contract.