Future of professional football in Europe

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The European Parliament adopted a resolution based on the own-initiative report drafted by Ivo **BELET** (EPP-ED, BE) on the future of professional football in Europe, and stressed its attachment to the European Football Model, with its symbiotic relationship between amateur and professional football. The the European Football Model was characterised by open sports competitions within a pyramid structure in which several hundred thousand amateur clubs and millions of volunteers and players form the base for the top professional clubs. Parliament felt that it was the result of longstanding democratic tradition and grass-roots support in the community. The greater professionalisation and commercialisation of sport in general and football in particular has made EC law much more relevant in this area, a fact reflected in the growing number of cases pending before the Court of Justice and the Commission. This has increased legal uncertainty, which was not only problematic in economic terms, but also in terms of the social, cultural and educational functions of football. Parliament also felt that professional football was threatened by the growing concentration of economic wealth and sports power. Despite the fact that the **Bosman** ruling in 1995 had a positive effect on players' contracts and players' mobility, there were several negative consequences for the sport. These included an increased ability on the part of the richest clubs to sign up the best players, a stronger link between financial power and sporting success, an inflationary spiral in players' salaries, reduced opportunities for locally-trained players to express their talent at the highest level and reduced solidarity between professional and amateur sport.

- **General context:** Parliament considered that the economic aspects of professional sport fell within the scope of the EC Treaty. It asked the Commission to start a consultation process with the aim of setting up a formal framework agreement between the EU and the European and national football governing bodies. The Commission should establish an action plan for European sport in general and football in particular which sets out the issues for the Commission to deal with and the instruments to be used in order to enhance legal certainty and a level playing-field.
- **Governance:** Parliament called on all football governing bodies better to define and coordinate their competences, responsibilities, functions and decision-making procedures. The Commission should provide guidance on which legitimate self-regulation is supported. Parliament took the view that applying to the civil courts, even when not justified in sports terms, cannot be penalised by disciplinary regulations, and it condemned the arbitrary decisions by the Federation of International Football Association (FIFA) in this respect. It went on to state that clubs should release their players for national team duty without entitlement to compensation, and encouraged UEFA and FIFA, together with the European clubs and leagues, to reach an agreement on the conditions applicable to players who are injured while representing their countries and on a system of collective insurance being put into place. Parliament supported the UEFA club licensing system, which aims at ensuring a level playing-field between clubs and contributing to their financial stability. The social and democratic role of football is important, and Parliament called on Member States and football governing bodies to promote the role of fans through the creation of Supporters Trusts, which could be involved in the ownership and management of the clubs, and through the appointment of a football ombudsman.
- **Fight against criminal activities:** Parliament supported the efforts of governing bodies to introduce greater transparency in the ownership structures of clubs and asked the Council to adopt measures for the fight against the criminal activities that haunt professional football. These include money laundering, illegal betting, doping and match fixing, and enforced prostitution on the sidelines of major football events. Furthermore, the Council must implement its Decision 2002/348/JHA concerning security in connection with football matches with an international dimension and if necessary, approve additional measures following recent violent incidents in and outside football stadiums. (Please see CNS/2006/0806.)
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Social, cultural and educational role of football: Parliament felt that additional arrangements were necessary to ensure that the home-grown players initiative, which it supported, did not lead to child trafficking, with some clubs giving contracts to very young children (below 16 years of age). Immigration law must always be respected in relation to the recruitment of young foreign talent. Parliament asked the Commission to tackle the problem of child trafficking, and pointed out that young players must be given the opportunity for a general education and vocational training in parallel with their club and training activity, so that they do not depend entirely on the clubs. There must be action to prevent the social exclusion of young people who are ultimately not selected. Parliament made some recommendations on the fight against human trafficking, including the notion that clubs should subscribe and the creation of a Solidarity Fund that would finance prevention programmes in countries most affected by human trafficking.

- **Employment and social issues:** the current economic reality surrounding players' agents required that football governing bodies at all levels, in consultation with the Commission, must improve the rules governing players' agents. The Commission should consider a proposal for a directive concerning players' agents which would include: strict standards and examination criteria before anyone could operate as a football players' agent; transparency in agents' transactions; minimum harmonised standards for agents' contracts; an efficient monitoring and disciplinary system by the European governing bodies; the introduction of an "agents' licensing system" and agents' register; and ending "dual representation" and payment of agents by the player.
- **Fight against racism:** all those involved in professional football must accept their responsibility for intensifying the fight against racism and xenophobia by condemning all forms of discrimination inside and outside the stadium. Parliament asked for stricter sanctions against any kind of discriminatory acts in football. UEFA and the national associations and leagues must apply disciplinary rules, without neglecting the financial situation of clubs.
- **Competition law and the internal market:** Parliament asked the Commission to draw up clear guidelines on the application of the State aid rules, indicating what kind of public support is acceptable and legitimate in order to fulfil the social, cultural and educational role played by football, such as financial or other support granted by public authorities for the provision or updating of football stadiums or facilities. Parliament also asked the Commission to reflect on the consequences of a possible liberalisation of the betting market and on mechanisms to secure the financing of sport in general and football in particular.
- **Selling of television rights and competition law:** collective selling in all competitions was fundamental to protecting the financial solidarity model of European football. Parliament welcomed further investigation by the Commission into whether this model should be adopted across Europe for both pan-European and domestic competitions, as suggested by the Independent Sport Review 2006. The Commission was asked to provide an evaluation of the economic and sports impact of its relevant media rights decisions and the extent to which they have or have not worked. Football broadcasts should be accessible to the widest possible range of people including through free-to-air channels. It was vital for professional football that the revenues from television rights be distributed in a fair way that ensured solidarity between the professional and amateur games, and between competing clubs in all competitions. The current distribution of television revenues in the UEFA Champions League to a significant degree reflects the size of the clubs' national television markets. Parliament noted that this favours big countries, thereby diminishing the power of clubs from smaller countries. It invited UEFA together with the Commission to create a more competitive balance in this field by increased redistribution.
- **Doping:** the fight against doping should constitute an important concern. Parliament stressed the need to fight irregularities through checks, research, testing, monitoring by independent doctors and through education. Professional clubs were asked to adopt a pledge to combat doping and to monitor compliance through internal checks.