

WRITTEN QUESTION E-0271/09  
by Elmar Brok (PPE-DE)  
to the Commission

Subject: Violation of European fundamental rights by the clause on foreign players adopted by the Volleyball Federation, prohibiting teams from having more than two foreign players on court at the same time

In the Bosman judgment, the Court of Justice of the EU made it clear that such clauses on foreign players violated the fundamental freedoms enshrined in the Treaty. The Commission recently confirmed this position in a white paper.

As such clauses also prevent competition among clubs on the market for the acquisition of players, it seems likely that Articles 81 and 82 of the EC Treaty are likewise violated.

From the point of view of the players and clubs concerned, there is currently no way of obtaining legal protection through the national courts, as the national associations have not yet implemented the clause. However, the clause is already having an impact in advance. A comparison of statistics on the licences issued to players in certain national leagues with statistics for the previous season reveals that the proportion of foreign players is declining.

It is also true that, because of the dependence of players and clubs on the International Federation, which is organised in a monopolistic way, it will be difficult for them to seek protection from the courts at a later stage.

In the field of fundamental freedoms, the Commission does not have adequate means to act against private undertakings. However, the Commission could take effective action against them using anti-trust law.

This case has already been referred to DG Competition.

1. Do the above-mentioned clauses concerning foreign players violate Articles 81 and 82 of the EC Treaty?
2. Would it not be of Community-wide interest for the Commission to initiate a procedure based on anti-trust law in this field?

The recurrent statements by the Commission concerning the illegality of clauses on foreign footballers have not been sufficient to persuade FIFA, for example, to abandon its plan on the subject.

3. Is it not time for the Commission, as guardian of the Treaties, to take a stand and secure a decision in anti-trust proceedings or at least to initiate such proceedings?