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Committee on Employment and Social Affairs

2006/2130(INI)

23.11.2006

OPINION

of the Committee on Employment and Social Affairs

for the Committee on Culture and Education

on the future of professional football in Europe
(2006/2130(INI))

Draftsman: Jean-Luc Bennahmias

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SUGGESTIONS

The Committee on Employment and Social Affairs calls on the Committee on Culture and Education, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. whereas the game of football, professional and amateur, is an integral part of Europe's identity and European citizenship,
- B. whereas football fulfils an important educative role in that it provides an excellent opportunity to learn values such as self-discipline, challenging personal limitations, staying power, team spirit, tolerance, and fair play,
- C. whereas football has a cultural role and whereas the collective self-esteem and pride of a town, a region, or a country can hinge on the result of a particular match,
- D. whereas football has a social function and can be regarded as a useful way both to foster a more inclusive society, social integration, and cultural understanding among people of different sexes, races, and faiths, and to combat discrimination, intolerance, racism, and violence,
- E. whereas the social function of football is being jeopardised by the exploitation of young players, illegal betting, money laundering, violence in stadiums, racism, the increased use of drugs, the fact that most clubs have been turned into business enterprises, and wider ownership by media companies; and whereas a holistic approach encompassing sport and national and European authorities is the only effective option,
- F. whereas the *Bosman* ruling¹ has distorted the initially beneficial role of deregulation in European football in that it has served to debase the game's underlying values and to undermine solidarity between professional and amateur sport,
- G. whereas sport is having a growing impact on the different European policies (freedom of movement, recognition of professional qualifications, competition, health, and audio-visual policy) and whereas a decision was taken to include it in the draft constitutional treaty as a matter of EU competence (Articles 16 and III-182) in order to give the EU powers to develop its European dimension,
1. Underlines the European Union's legitimate interest in football, in particular its social and cultural aspects as well as the values it transmits; recognises the Council Declaration on the specific characteristics of sport and its social function in Europe, of which account should be taken in implementing common policies, annexed to the Presidency Conclusions at the Nice European Council's of 7, 8 and 9 December 2000); notes however that both the jurisprudence of the Court of Justice of the European Communities and the basic principles of the EC Treaty apply to the commercial and employment aspects of sport; and observes that an ad hoc approach to regulation provides sport with insufficient legal certainty;

¹ Case C-415/93, *Bosman* [1995] ECR I-4921.

2. Notes that professional football is an economic activity within the meaning of Article 2 of the EC Treaty and as such comes within the scope of the internal market; believes that, as a result, employment and social affairs legislation is fully applicable to the European professional football sector;
3. Considers that football has suffered from the absence of a clear, stable and predictable legal framework; notes, moreover, that sport is having to deal with a number of disputes, bearing on the legality of its structures and rules, which are likely to cast doubt on the very organisation of the European sports model; therefore calls on the Commission, the Member States and the football authorities to define, in close consultation, an appropriate legal framework in the light of the Independent European Sport Review 2006, so as to prevent further disputes and ensure that the Court of Justice does not determine the future of professional football in Europe; recommends that the framework take as its basis the recognition of the specific nature of sport and of the principles necessary to safeguard fairness and solidarity, and its educative function, and the implementation of harmonised rules guaranteeing healthy competition between European clubs and a level playing field; takes the view, however, that the approach to professional football should not be governed by legal and financial considerations alone; the social and educational dimensions are also important;
4. Recommends that the Commission **adopt measures consistent with the** European football authorities' efforts to ensure that all European clubs are subject to identical financial control in order notably to guarantee financial transparency and prevent financial irregularities and unequal treatment leading to distortions of competition in relation to the economic capacity of clubs; recommends a cost control system;
5. Recommends the establishment of a European agency for financial transparency in European football clubs, to be called the Sport Agency, consisting of independent lawyers and accountancy experts; and proposes that the agency monitor the financial health of all European professional clubs and that it have a real capacity to impose sanctions;
6. Welcomes the move by FIFPro (Fédération Internationale des Footballeurs Professionnels), UEFA and the European Professional Football Leagues (EPFL) to further players' rights by ensuring that players always are given written contracts with certain minimum requirements;
7. Calls on Parliament and the Commission together with the stakeholders to propose guidelines which recognise the primary role of training centres and which allow for compensation ensuring a certain equality between trainer clubs and non-trainer clubs; proposes that the Member States grant tax incentives to clubs whose training centres are recognised by the ministry concerned according to precise objective criteria; recommends the adoption of the UEFA proposals concerning training of young players and supports the measures proposed by the UEFA to assure that the clubs employ a minimum number of local trained young players; calls for increased investment in youth training, education, and the expansion of non-commercial activities (local community work, women's teams, etc.);
8. Encourages UEFA and FIFA together with the European clubs to reach an agreement on the issue of the insurance of the players while they are playing in the national team;

9. Acknowledges the need to implement employment legislation more effectively in all Member States to ensure that professional players are granted the rights they are entitled to and fulfil the obligations they must adhere to as employees;
10. Urges the Commission, the Member States and the stakeholders to offer better protection of young players, making sure that they do not depend entirely on the clubs, and to make provisions for their health, education and professional training;
11. Recommends the creation of a European statute, supervised by a certification body, for football agents, other sport agents and sports clubs allowing therefore supervision and harmonisation;
12. Believes that the introduction of European licences and diplomas in the field of the provision of services in professional sports would mark a considerable step forward;
13. Supports a Europe-wide return to quotas for national players in their clubs in the interest of protecting local and national identities, this position being that of FIFA and UEFA who advocate a 6+5 rule (6 nationals for every 5 foreign players);
14. Calls on professional clubs to implement strictly the rule pursuant to which each professional club should, as from the 2006/2007 season, have at least four players who were trained in the home region of the club;
15. Calls on the Commission to adopt measures for the protection, care and education of minors to prevent them ending up on the street if they are not eventually selected and to respect immigration law in relation to the recruitment of young talent abroad, notably in Africa and eastern Europe, in order to prevent the exploitation of minors and ensure that they receive a proper education;
16. Recommends that players' contractual and social rights be promoted and proposes in particular that regulations dealing with players' social status, in particular the term of contracts, the definition of the transfer window, possibilities for breaking a contract before its term and compensation for trainer clubs be defined after a social dialogue bringing together the bodies representing the players, clubs, leagues and UEFA; proposes a mechanism allowing trainer clubs to receive compensation calculated objectively on the basis of the costs actually incurred by the club to train the player concerned, the application of 'resale rights' to safeguard the principle of solidarity; recommends an in-depth consultation will all parties involved in football with a view to establishing 'protected periods' (during which players may not change clubs or where the number of transfers are limited);
17. Calls on Member States, football governing bodies and football clubs to make a commitment to the protection of the health and safety of workers and to take the player as a factor in regulating the sporting calendar, setting a maximum number of games to be played per season not including games played for the national side; calls on the Commission to ensure that relevant health and safety and employment legislation applies to footballers as it would do in regard to any other worker in the EU;
18. Recommends that the prevention of and fight against doping should constitute an important concern for the Member States; calls for a policy aimed at preventing and

combating doping and stresses the need to fight irregularities through checks, research, testing, long-term monitoring by independent doctors and through education and, at the same time, prevention and training; calls on professional clubs to adopt a pledge to combat doping and to monitor compliance through internal checks;

19. Calls on the Commission to pursue actions against discrimination, racism and violence, as under European directives footballers too are entitled to a workplace free of racism, following on from Parliament's Declaration of 14 March 2006 on tackling racism in football¹ in which it condemned all forms of racism and violence in general and in stadiums in particular, and to call on all parties concerned to play an active role, eliciting more stringent sanctions against racism and violence, be they on the field or in the stands and to further encourage the exchange of best practices in this area; notes that a key tool to achieving this is for the Commission to ensure the effective implementation by Member States of Council Directive 2000/43, which prohibits discrimination on the basis of racial or ethnic origin;
20. Considers that sports merchandising and the production of sports articles accounts for EUR 1 000 000 000 per annum (the equivalent of producing 40 million footballs per annum); recognises child labour and the abuse of health and safety and labour rights is a severe problem; asks the Commission actively to support initiatives and campaigns to fight child labour in football related industries and examine all political and legal possibilities to ensure that the rights of all workers, including children, are respected.

¹ *Texts Adopted*, P6_TA(2006)0080.

PROCEDURE

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|---|--|--------------|------------|
| Title | The future of professional football in Europe | | |
| Procedure number | 2006/2130(INI) | | |
| Committee responsible | CULT | | |
| Opinion by Date announced in plenary | EMPL 15.6.2006 | | |
| Enhanced cooperation – date announced in plenary | | | |
| Drafts(wo)man Date appointed | Jean-Luc Bennahmias 1.2.2006 | | |
| Previous drafts(wo)man | | | |
| Discussed in committee | 13.9.2006 | 4.10.2006 | 22.11.2006 |
| Date adopted | 23.11.2006 | | |
| Result of final vote | +: –: 0: | 25 3 0 | |
| Members present for the final vote | Jan Andersson, Roselyne Bachelot-Narquin, Jean-Luc Bennahmias, Alejandro Cercas, Ole Christensen, Derek Roland Clark, Luigi Cocilovo, Jean Louis Cottigny, Harlem Désir, Harald Ettl, Carlo Fatuzzo, Ilda Figueiredo, Joel Hasse Ferreira, Roger Helmer, Stephen Hughes, Sepp Kustatscher, Jean Lambert, Thomas Mann, Csaba Óry, Marie Panayotopoulos-Cassiotou, Pier Antonio Panzeri, Jacek Protasiewicz, José Albino Silva Peneda, Jean Spautz | | |
| Substitute(s) present for the final vote | Mihael Brejc, Françoise Castex, Luca Romagnoli, Gabriele Stauner, Patrizia Toia, Anja Weisgerber | | |
| Substitute(s) under Rule 178(2) present for the final vote | | | |
| Comments (available in one language only) | ... | | |