



Brussels, 11 March 2016

## **Sectoral Social Dialogue Committee on Professional Football**

### **Minutes of the Working Group Meeting Implementation of the Autonomous Agreement**

**1 February 2016**

#### **1. Adoption of the Agenda**

The meeting was chaired by Mr. Zylberstein (UEFA). The agenda was adopted.

#### **2. Approval of the minutes**

The minutes of the working group meeting (1 September 2015) and the plenary meeting held on 19 November were approved.

#### **3. Implementation of the Autonomous Agreement**

##### **a) Update on priority countries**

The **Czech** Football Association has expressed its willingness to switch to employment contracts (instead of civil law contracts), but indicated that a legislative change is needed beforehand. There has also been an attempt to create a working-group involving all stakeholders in order to speed up the process. ECA acknowledges the complexity of the process having regard, in particular, to the recent resignation of the Sports Minister in the Czech Republic. FIFPro confirms the facts provided by UEFA and ECA, but deplores the attitude of the FA and considers some of the arguments as pretext. Both sides agreed a push from all stakeholders would be welcome.

Accordingly, the social partners and UEFA agreed to write a joint letter from the European level to the Czech FA to urge for the acceleration of the process. It was also agreed that similar letters will be sent to further countries with similar problems.

Concerning the arbitration process, FIFPro indicated that the problems persist. The national delegate from the Czech club confirmed that so far no solution has been found and that the FA has taken the lead on that issue.

For **Bulgaria** UEFA confirmed that an intervention is needed to motivate the clubs to stick to employment contracts (and not to shift back to civil law contracts). The social partners agreed that such a step back would not be acceptable. Bulgaria was identified as a country which in theory is – for most parts – in compliance with the autonomous agreement, but where the practical situation is problematic. The most problematic elements being a weak payment morale (overdue payables) and a problematic arbitration structure. Social partners agreed to monitor the situation closely and to reply to the Bulgarian players' union affirming the clear requirement of employment contracts. The parties agreed that a similar letter than the one to be sent to the Czech FA would be sent to the Bulgarian FA.

In **Croatia** the amended regulations entered in December into force. Contrary to FIFA rules and the CAS-jurisprudence, players are not allowed to leave a club and employment contracts are only optional. All parties agree that the situation is unacceptable. The social partners ask for a clear signal from UEFA, which indicates that this should in the first place be followed-up by FIFA, the latter being competent to approve the national regulations on the status and transfer of players.

In **Hungary** work on a standard player's contract is still ongoing and a draft will be circulated shortly. A new attempt to enter into social dialogue has been registered. The outcome is not yet clear. UEFA will follow-up as appropriate.

In **Turkey** some developments towards organizational consolidation, i.e. the clubs forming a league and players a player's union have been registered. However, the situation is very unstable with frequently changing leadership. No progress in implementation can be reported.

For **Romania** FIFPro reports that the situation is difficult with a high number of insolvencies and open disputes. Self-employment and other problems previously acknowledged persist.

#### **b) Update on other countries**

Concerning the non-priority countries the following developments have been registered:

In December 2015 a new standard contract was adopted by the Executive Committee of the Football Federation of **Armenia**.

In **Lithuania** a players' union was formally established and new regulations were adopted in January. Social partners expect that the nature of the contract is addressed, but will only be able to check, once the ongoing translations are available.

In December in **Latvia** a new standard contract was adopted and will enter into force as of the next sporting season. No players' union is active in the country and FIFPro does not expect a change in the near future.

In **Moldova** progress has been registered. Several meetings with held between the FA and the social partners. A new disciplinary regulation is in preparation and ECA has been invited to provide support (e.g. template for a regulation). Players were involved in the work; several unions exist.

In **Israel** problems with payables and discipline persisted. In a court case on whether football matches in the 2<sup>nd</sup> league could be played on Shabbat, FIFPro and ECA

agreed on the need to get back to their affiliates to better understand the judgement. A working-group, involving representatives from all stakeholders, has held various meetings and discussions are ongoing.

In **Estonia** a standard player's contract is now in force; a national player's union has not yet been established.

In **Slovakia** an 'act of sports' has been approved. It foresees that as from 1.1.2016 all players have to sign labour contracts with special stipulations towards taxes and social contributions. These will be paid by the clubs and the players from 2019. Not contesting the improvement FIFPro regretted the long transition period. Slovakia was also identified as a positive example for setting up a player's union, by the players of 1<sup>st</sup> league and national team.

While there exists so far no recognized player's union in **Bosnia & Herzegovina**, ECA has registered a new initiative to set up a union.

#### **c) Legal Study on civil law contracts**

Concerning the study which was agreed in November, the social partners got after initial positive signals and a long time of waiting the information that the European labour law network was not in a position to provide the needed expertise. The social partners agreed to send an e-mail similar to the one send to the labour-law network to the new candidate, a network of law firms called 'jus laboris'. The e-mail should include the same request as the one sent initially to the labour law network. UEFA would be responsible to coordinate the delivery of this new request.

#### **d) Expert Groups 'Nature of Contract' and 'NDRC and club disciplinary procedures'**

Depending on the further developments around the legal study also the need for the expert group 'Nature of contract' might develop. Concerning the NDRC there might be some potential for exchange of best practices and support to mutual learning. The situation in Moldova potentially providing a first opportunity to collect some experience in that direction.

#### **e) Next Steps**

The members of the Committee agree that there are some positive developments with the implementation of the Autonomous Agreement mainly in the non-priority countries. However, it is also acknowledged that in some other countries little or no progress can be registered.

They confirm the intention to continue working on the factual implementation also once the formal rules are in place – i.e. not to be satisfied by a pro-forma implementation.

### **4. Renegotiation of the Autonomous Agreement**

Art. 20 of the Autonomous Agreement states that the agreement expires four years after approval and ratification by all parties. Article 20.2 sets up an obligation to negotiate a renewal of the agreement on the social partners. Social partners discussed

how far reaching such re-negotiations should be, triggered by FIFPro's initiative to open a renegotiation of both content and implementation mechanisms immediately.

Following an open discussion it was agreed that the parties exchange, by 8<sup>th</sup> April their views on which clauses of the agreement should be amended, including how strong implementation and enforcement mechanisms could be integrated. The next meeting to discuss this shall be the steering group meeting on 19 May 2016 in Basel.

## 5. Conclusions

As action points it was agreed to

- Draft letters to the Czech and Bulgarian FAs;
- Sent an e-mail to the 'jus laboris' network;
- Follow-up on the situation in Moldova where a request for support was obtained; and
- Develop proposals to prepare for the re-negotiation/prolongation of the agreement and exchange those by 8 April 2016.

### *Participants 01/02/2016*

<p>Employers (10 ♂, 1 ♀)</p> <p><u>ECA</u>            Mr Wouter Lambrecht (ECA)            Mr Martin Prochazka (CZ)            Mr Diederik Dewaele (ECA)            Mr David Frommer (BE)</p> <p><u>EPFL</u>            Georg Pangl (EPFL)            Ornella Bellia (EPFL)            Carlos del Campo (LaLiga – ES)            Serge Rossmel (FBO – Netherland)            Mathieu Moreuil (Premier League – FR)            Philippe Diallo (UCPF-France)            Ian Blair (SPFL – Scotland)</p>	<p>Workers (3 ♂, 0 ♀)</p> <p><u>FIFPro</u>            Mr Jonas Bär-Hoffmann (DE)            Mr Mads Øland (DK)            Mr Wil van Megen (NL)</p>
<p><b>European Commission (1 ♂, 1 ♀)</b>            Ms Sigried Caspar (DG EMPL)            Mr. Zenon Severis (DG EAC)</p>	<p><b>UEFA (2 ♂)</b>            Mr Julien Zylberstein            Mr Angelo Rigopoulos</p>