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DG Employment, Social Affairs and Inclusion

Employment & Social Governance
Social dialogue

Brussels, 16 September 2016

Sectoral Social Dialogue Committee on Professional Football

Minutes of the Working Group Meeting Implementation of the Autonomous Agreement

29 August 2016

1. Adoption of Agenda

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

2. Minutes from previous meeting

The minutes of the previous meeting (1 February 2016) were approved.

3. Updates and exchange of information

The decisions taken by the UEFA executive committee in the week before were seen critically by some members of the Committee, without going into the details.

The social partners reassured each other of the importance to achieve results within a set timeframe. This should also mean that if results are not achieved, consequences would have to follow.

Mr. Pangl stressed that for EPFL the relation between the smaller (poorer) professional clubs and the big ones will continue to be an important topic, even so EPFL did not succeed with its proposal to put it on the agenda of the Committee.

Mr. Baer-Hoffmann informed the other members of the Committee that FIFPro is working on a study on working conditions in professional football. More details should be available at the plenary meeting in November.

4. Implementation of the Autonomous Agreement

Early in August UEFA, FIFPro, ECA and EPFL had sent a questionnaire to their members concerning the implementation of the autonomous agreement.

UEFA has received feedback from 18 FA, responses from Albania, Azerbaijan, Bulgaria, Kazakhstan, Latvia, Poland, Russia, Slovakia, Slovenia, Ukraine have not yet arrived.

FIFPro had sent the questionnaire to fewer countries (not in all UEFA countries members); no response so far from Slovakia and Slovenia.

The response rates were considered quite high, however, it was agreed to encourage the members which had not yet replied to respond. Objective is to have an up-to-date overview of the situation in all UEFA-countries as far as possible.

The members of the SD-Committee agreed to mutually exchange the information received from their respective members.

The Committee went through the UEFA countries, where the implementation of the agreement is under discussion in alphabetical order.

Albania: no news

Armenia: quite satisfactory situation, the agreement is (formally) implemented since one season, the discussion between FA and clubs is ongoing. Player representatives are involved in the NDRC, however, so far no union has been set up.

Azerbaijan: no answer provided to UEFA. EPFL indicated: situation has not changed.

Belarus: a standard contract has been endorsed by the government, a working group on a NDRC is about to start; the FA describes the atmosphere of the discussions as positive/constructive, this is shared by the clubs. There seems to be little interest from players to set up a union; a professional league was recently set up.

Bosnia: registration of a players' union is ongoing at national level and membership application with FIFPro. Frequent meetings between social partners, however: trade union is less optimistic about the quality of the social dialogue than FA.

Bulgaria: no feedback to UEFA; FIFPro reports that the situation has not changed fundamentally. Some steps towards formal implementation have been made, but NDRC and national law remain problems. ECA agrees that while the agreement seems to be implemented on paper, in reality problems persist. Professional football takes place in a framework which is problematic for clubs and players. Key-words are undeclared work and license trading.

Croatia: one of the problematic countries; league directly managed by FA; low impact of SD; fight between clubs; political system and upcoming presidential elections are expected to have direct impact on the situation. A standard contract exists, but use of employment contract is optional, so in all but very few cases not used.

Cyprus: no formalized SD structure, but de facto working, although problems (overdue payables) persist. It is considered that some support to overcome practical implementation problems could make a difference.

Czech Republic: a professional league was established on July 1st. UEFA and FIFPro will attend a meeting in the following week trying to resolve a conflict between players and FA. Government is expected to adopt by the end of 2016 a new bill of sports, which should facilitate transition to employment contracts for professional football players. FIFPro is very much concerned to know how the bill will look like and UEFA informs that they will meet the government and sees potential for a European level intervention.

Estonia: ongoing dialogue; lacking a union the FA involves the captains of the 1st league in discussions. However: a union is about to be set up.

FYROM: UEFA has received a particularly detailed reply from FYROM. Following a good start, discussions on the NDRC are difficult. The union reports a deteriorating dialogue with the FA. FIFPro assumes that EU-level attention to the situation could provide a critical push forward.

Georgia: the actors in Georgia have requested a visit from the European-level. The conflict between clubs sponsored by public authorities (state) and those relying on private sponsors seems to have settled; there is a standard contract which is registered. However, there are no checks on this procedure.

Hungary: the Committee agrees that HU could be considered an example how European level influence can help to improve the national situation in critical moments. A standard contract has finally been adopted and implemented, leaving only the NDRC reform to be achieved. Social dialogue is reported by the national social partners as being friendly and challenging. Topics under discussion are questions around the salary in case of relegation and issues around players' health insurance in case of longer sicknesses.

Israel was also considered a positive example. The members of the SSDC recognized very positively that national social partners have provided a coordinated response.

Kazakhstan: UEFA had not received a feedback, whereas FIFPro signaled a need for support. Overall very weak governance system.

Latvia: no news

Lithuania: a players' union has been created. Feedback received was that employment contracts were said to be less attractive as compared to other relationships as labor law was considered as giving insufficient protection. – Better understanding of what was meant is needed.

Malta: members of the SSDC agree that the situation is problematic. FIFPro sees a need to pay another visit to this country.

Moldova: progress has been recognized. UEFA has received an English version of the standard players' contract and the NDRC meets the formal requirements

Montenegro: a review of labor legislation is ongoing and social partners meet regularly.

Poland: is a country where the SSDC members have received diverging feedback from their members, thus indicating a need to have a close look at the state of the social dialogue. Some efforts towards a standard players contract and a compliant NDRC have been made – opinions diverge significantly on the quality of the progress.

Romania: Both FIFPro and UEFA acknowledge having received a feedback in need of further interpretation, which seems partly due to ongoing legislative work of the government.

Russia: the chair of the NDRC whose impartiality was heavily contested by the trade union is no longer in office. There is still no standard contract.

Serbia: substantially different feedback from players on the one side and clubs and FA on the other. FIFPro is concerned about the situation of the players and understands that the overall situation is quite instable.

Slovakia: although UEFA has not received a response to the questionnaire, in particular the union side is somewhat optimistic that ongoing legislative changes and efforts to set up a new union might ultimately help to improve the situation.

Slovenia: No improvements were to be reported. The members agreed on the need to wait for the UEFA elections and assess the appropriate steps afterwards.

Turkey: contact points have changed over last weeks and months, meaning that the process will basically need to restart once the political situation has stabilised. The recently adopted standard contract and the new statutes of the NDRC will need to be analyzed.

Ukraine: A standards contract has been implemented yet is not mandatory. A reform of the NDRC was recently undertaken and requires an analysis by the European stakeholders. The overall situation (also in practice) remains difficult; the autonomous agreement is not implemented.

In summarizing this assessment the members of the Committee concluded:

- to share the responses received from the national members
- to go for a 2nd round of country visits in selected countries. The social partners discuss about Malta, FYROM, Serbia, Romania, Georgia, Poland, and Kazakhstan.
- to try to visit 3-4 countries before the plenary meeting in November. FIFPro will talk with its counterparts in Romania how urgent they consider such visit, otherwise priority will be given to Malta, FYROM and Serbia.
- UEFA and the social partners should send – soon after the elections – a letter to the countries with open implementation issues, highlighting that also the new management of UEFA supports the agreement. FIFPro stated that such letter – differently from the past – should carry greater political weight and be signed by the Presidents and/or General Secretaries of the European stakeholders.
- to further look into the possibilities to enforce the agreement also with (negative) consequences in case the minimum standards are not implemented in a country. It was envisaged to use the regulatory power of UEFA. FIFPro reiterated its expectation that the implementation process was supported by a regulatory basis and enforcement of the Minimum Requirements through e.g. the club licensing system of UEFA.

5. Interpretation of the Autonomous Agreement

These requests were delegated to the task force.

6. Legal Opinions on civil/employment law contracts

Social partners agree to first collect all available documents, assess them internally and to only see then, which questions would require further legal expertise.

7. Expert Groups “Nature of Contracts” and “NDRC and Club Disciplinary Procedures”

The tasks of these expert groups will be merged into the task force.

8. Any other business and next meeting

Exchange within task force 2nd half of September.

Steering group meeting on 6 October in Nyon.

Plenary meeting on 17 November in Brussels.

Participants 29/08/2016

<p>Employers (8 ♂, 3 ♀)</p> <p><u>ECA</u> Mr Wouter Lambrecht (ECA) Mr Daan de Jong Mr Diederik Dewaele (ECA) Mr Martin Prochazka (CZ) Mr David Frommer</p> <p><u>EPFL</u> Mr Georg Pangel (EPFL) Ms Ornella Bellia (EPFL) Ms Yelena Hazim Ms Laura Vilches (LaLiga – ES) Mr Serge Rossmeisl (NL) Mr Phillipe Diallo (FR)</p>	<p>Workers (2 ♂)</p> <p><u>FIFPro</u> Mr Jonas Bär-Hoffmann (DE) Mr Roy Vermeer (NL)</p>
<p>European Commission (1 ♀) Ms Sigried Caspar (DG EMPL)</p>	<p>UEFA (1 ♂) Mr Julien Zylberstein</p>