



Brussels, 9 February 2018

Sectoral Social Dialogue Committee on Professional Football

Minutes of the Plenary Meeting

17 November 2017

1. Welcome and adoption of the agenda

The meeting was chaired by Mr Zylberstein (UEFA).

The meeting started on a positive tone. All parties agreed that 2017 has seen a better recognition of social dialogue in professional football, a broadening of the topics discussed in social dialogue and a number of concrete improvements at national level. Social dialogue is increasingly recognised as a platform where balanced and meaningful negotiations take place.

Diederik Dewaele (ECA) excused his general secretary (Mr Centenaro), who had to cancel his participation with short notice.

The agenda was approved.

The minutes of the previous plenary meeting were adopted.

2. Exchange of information between the parties

2.1. UEFA

Mr. Zylberstein informed the meeting about the reforms of the UEFA statutes (see also ppt), which aim at transparency, modernisation and good governance. The reforms have set term limits for the UEFA president and the members of the Executive Committee, which now can at max be elected 3 times for a period of 4 years. The UEFA Executive Committee has now two representatives of ECA and one representative of EPFL as full statutory members.

Beyond this, UEFA has also improved the transparency of bidding procedures and strengthened the governance and compliance committee by inviting two external members.

Following work to reactivate the Professional Football Strategy Council (PFSC), a meeting will take place on 23 January 2018. This will be the first meeting since September 2015.

2.2. ECA

Mr Dewaele informed about the new ECA statutes, which were adopted by the General Assembly in September (see ppt). This General Assembly also elected a new president Mr Andrea Agnelli (Juventus Turin). The ECA Executive Board approved in October new organisational regulations. The main purpose of these reforms were to improve the governance of ECA and to facilitate a better participation of members from different regions and of different sizes in the decision making process.

Further elements are the prolongation of a membership cycle from two to four years (as from 2019), term limits for ECA Chairman and Board Members, safeguards to avoid cumulating positions and more transparent appointment procedures.

2.3. EPFL

Mr Pangel reported that cooperation between leagues has further improved and that EPFL has signed a Memorandum of Understanding with UEFA, which is – amongst others – expected to give a better protection to the European calendar and make the leagues part of the decision making process at European level.

He highlighted that the gap between small and big clubs remains the main issue for EPFL's members and that EPFL considers this gap as threatening the competitive balance.

The General Assembly of EPFL in November in Tel Aviv agreed on revised statutes strengthening or introducing good governance principles, such as term limits, more transparency and better inclusion of stakeholders in the decision making (see also ppt).

EPFL has set up a Club Advisory Platform to be able to provide support and advise to smaller clubs which are not member of ECA. EPFL will continue to operate on the basis of the 'one league one vote' principle. The quorum for decisions of the General Assembly has been moved from a simple majority to a 2/3 majority.

2.4. FIFPro

Mr Barnes stressed for FIFPro that he appreciated the possibility to represent the players at UEFA's governing body and that he has the impression that discussions and eventually also negotiations with the responsible representatives of UEFA, ECA and EPFL seemed now more constructive and promising than in the past.

FIFPro considers the agreements reached in 2017 as crucial milestones.

Also FIFPro will see a change of its statutes in 2017, during its congress in December in Cairo. A major point being the self-commitment to reserve places in the Board for female members. During this congress the new 4-year strategy paper will be adopted.

3. Working Group on the Implementation of the Autonomous Agreement

Since the last plenary meeting in November 2016 eight follow-up visits to improve compliance with the autonomous agreement have taken place. These visits were to Malta, Serbia, Georgia, Romania, Kazakhstan, Slovakia, Gibraltar and Turkey.

This is also due to the new approach, adopted in 2016. This includes more country visits, setting up of an action plan with strict deadlines, more detailed feedback to the national social partners and a thorough monitoring of the implementation of that plan. The European stakeholders review the national standard player contract against their compliance with the minimum requirements and provide the national social partners with a joint opinion which elements need to be adapted.

Croatia and Slovakia were named as countries where significant improvements have been achieved over the last year.

A FIFPro delegate agreed that overall progress has been made, however, he highlighted that the use of employment contracts remains exceptional in Croatia.

It was argued that instead of minimum requirements it would be better to have standard players contracts on an obligatory basis and to allow for opt-outs from having an employment contract only under certain well-defined conditions, such as based on a collective agreement, in case of monthly salary above a certain level and good players' representation in the licensing committees, thus to ensure that human resource issues can be taken into account when awarding the license (reference was made to Austria as a good example).

The Maltese FIFPro delegate reported that the standard contract is now widely used in the country. Slow progress has been made concerning paid leave. Employment contracts are often concluded for a period of 9 months, which also causes problems with the sickness insurance coverage. The Bosman ruling is not implemented, meaning that players are not free to move to another club at the end of their contract. The union is aware of many cases of late payments and the last social dialogue meeting at national level was only in March, thus creating frustration on the side of the players.

The Maltese representative for ECA stressed that most grievances were addressed towards the FA. He explained that contracts non-compliant with the Bosman ruling are about to be phased out and confirmed that there are considerable differences between the bigger and the smaller clubs in the league, whereby the smaller (non-professional) clubs hinder compliance.

As a conclusion from the Maltese situation, FIFPro suggested to set-up during the site visit a schedule for meetings and further visits. UEFA promised to report this criticism back to the Maltese FA.

The Romanian FIFPro delegate reported that the modification of the sport law has not taken place. Instead civil law contracts and self-employment are still promoted by law, thus making it difficult for the trade union to assist the players. He also called for support from the European level to encourage the transition to employment contracts.

Building on this intervention Mr Baer-Hoffmann saw a need to revisit the process: Since the country visits in 2013/14 in a number of these countries national legislation has facilitated or reinforced the use of non-employment contracts in sport. As in general stakeholders are involved or consulted on such legislative initiatives, he saw a need to look into the process.

Mr Zylberstein referred to Slovakia as a good example and to demonstrate that national authorities can be supportive to the implementation of the agreement. There new legislation facilitated to move to employment contracts. Mr. Stefanovic replied that this

progress was mainly due to the positive attitude of the FA and that UEFA should take more influence on the national FA's. FIFPro members explained that it was not easy for national trade union representatives to become member of the working groups, which support the legislator and if they are a member they might see themselves as the only ones to defend the agreement. This was confirmed by the intervention from the Romanian delegate of FIFPro.

The Serbian FIFPro member explained that the minimum requirements are not applied in Serbia and that the FA has changed the rules without consulting the players. He saw the disrespect for players' rights on the side of the FA as a rather frequent problem in Central and Eastern Europe. Also for the Czech Republic the situation of social dialogue in general and of the FA in particular was described as problematic. UEFA considers intervening after the FA elections.

Asked for the relationship between players and clubs, Mr Barnes responded on behalf of FIFPro members in particular from Eastern Europe that support and possibly also sanctions from the European level were required to direct the national actors. Linking HatTrick payments to the implementation of the agreement was seen as a step into the right direction.

For Poland FIFPro and ECA delegate agreed that the working relations between the social partners were (more or less) functioning and jointly identified the relationship with the FA as a major problem. The FA was considered responsible that issues which were actually agreed between clubs and players had not been implemented; giving the impression that social dialogue was not taken serious.

Following up on previous remarks Mr Pangel asked for the value added of the discussion and whether/how one could ensure that the EU level debate contributes to improvements on the ground.

Mr Dewaele highlighted that it was important to continue the work of working group and saw value added in the exchange of information. He suggested to put together an overview of the implementation situation prior to the next meeting and to think about adapting the strategy.

Mr Baer-Hoffmann expressed frustration that it still seems possible that amateur clubs are in a position to hinder the implementation of the agreement and asked for joint and strong action of the social partners against that. He saw the need to work on the credibility of the process, thus supporting the suggestion of Mr Dewaele to think about strengthening the strategy.

Mr Frommer saw the whole discussion circling around governance and he saw good reason to be somewhat optimistic as the key player was be UEFA and the new president of UEFA, Mr Čeferin appeared to take social dialogue serious. Furthermore all organisations involved in the EU level social dialogue have adapted their statutes and modernised their governance structure over the last 12 months to improve the governance of football.

FIFPro delegates expressed a wish to go for a next level of social dialogue, building on the rule-setting possibilities of UEFA and to put social dialogue in the position of setting sectoral standards and developing a common vision for the whole.

Mr Pangel committed to discuss at the next board meeting of the EPFL how the results of social dialogue could be better implemented and Mr Zylberstein promised that social dialogue will be on the agenda of the upcoming PFSC meeting.

4. Working Group on Labour Market Regulations

Mr Zylberstein introduced the draft resolution on intermediaries and agents. He explained that the document was the result of a survey, which UEFA, FIFPro, ECA and EPFL sent to their members and which had received very high response rates. The responses from the different actors showed large overlap, so that it was not difficult to arrive at the joint document.

He stressed that the resolution would be non-binding, but was expected to provide direction for further activities.

Following a discussion the resolution was unanimously approved. The social partners agreed to bring the document to the attention of the PFSC.

5. Initial discussion on 2018 working programme

This discussion was seen as preparing for a conclusive debate at the PFSC meeting.

The parties agreed to continue working on the implementation of the Autonomous Agreement.

ECA suggested enriching the work on the implementation of the agreement by also looking at and sharing best practices. Explicit interest was expressed towards exchange of experience on how disciplinary issues are dealt with. ECA agreed to continue the working group on labour market regulation and was interested to follow-up on the resolution on agents.

FIFPro also argued that the implementation working group should adopt a broader scope and enrich its activities into the area of health and safety issues, where topics could get into focus which are relevant throughout Europe. It also signalled interest to continue with the working group on labour market regulation to continue the work already done but also to be ready for new topics in case opportunity arises.

UEFA suggested exploring specific elements of the transfer regulatory framework where relevant.

EPFL agreed to the suggestions made by ECA, FIFPro and UEFA. The parties envisaged to work out these ideas more concretely and so to provide input for the PFSC meeting.

6. Information from the European Commission on EU-sports related initiatives

a) Competition cases related to sports

Mr Parmentier (DG COMP) informed about recent developments on competition related complaints relevant for professional football:

- FIFPro has withdrawn the complaint against the transfer system. Thus this case is about to be closed.
- The complaint of Doyen Sports against the ban of third party ownership (TPO) by FIFA has been closed. The closure followed a letter from the Commission to the complainants under article 7(1) of Regulation 773/2004 stating that the Commission considers the national courts better placed to judge on the matter (there are pending cases at Belgian and French courts) and that the Commission does not see *prima facie* a lack of proportionality in the TPO ban. As the complainants have not reacted to the letter which was sent out in September, the complaint is deemed withdrawn under article 7(3) of Regulation 773/2004.
- Still ongoing is a similar complaint of the Spanish and Portuguese leagues. Given a different national situation a specific assessment has to be made. This process is still ongoing and the Commission will decide in the coming months on the merits of the complaint.
- Also ongoing is a complaint of FIFPro and UEFA against the TPO system as such.
- The Commission is in the final stage of assessing the complaint against the IceSkatingUnion (ISU) (skater complaining against life-time ban from competitions for having participated in skating-events not organised by ISU).
- In basketball FIBA has made a complaint against Euroleague and Euroleague has made a counter-complaint against FIBA. The events organised by the two organisations are scheduled in a conflictual way. In respect for the integrity of sport the Commission can be expected to remind the parties of their responsibilities towards good governance and respect for players' health and safety and to encourage a bilateral solution.

b) Commission Sports Unit

- Mr Linartas thanked for the participation of football organisations in the European Week of Sport and informed about the Be Inclusive Award which aims to promote social inclusion via sport.
- He informed that a new call under ERASMUS+ has been published and encouraged participation.
- He recalled that in May 2017 the new Commission Workplan for sport had been adopted, which can be found under: <http://data.consilium.europa.eu/doc/document/ST-9639-2017-INIT/en/pdf> – The topics will remain largely the same as under the previous work programme, however, the working methods have changed somewhat. The Commission aims at an inclusive approach when setting up the expert groups.
- Recently a follow-up study to the 2012 study of the transfer system has been launched. Building on the previous study, the purpose is to analyse the changes since then and identifying remaining or new needs for action. The consultants (KEA) will contact the sectoral stakeholders soon. Mr Linartas asked the social partner to support this research. The final report is expected for early 2018.

7. Calendar of meetings for 2018

Working group meetings will take place on 5/02/2018 and 17/09/2018. The plenary is scheduled for 23/11/2018.

Participants 17/11/2017

<p>Employers (13 ♂, 2 ♀)</p> <p><u>ECA</u> Mr Agathokleous (Apoel FC, CY) Mr Borg (Birkirkara FC, MT) Mr Cosentino (FC Internazionale Milano, IT) Mr Coskun (Fenerbahçe SK, Turkey) Mr de Jong (ECA) Mr Dewaele (ECA) Mr Frommer (ECA) Mr Golda (Wisla Krakow, PL) Mr Laskowski (Legia Warszawa, PL) Mr Melero (Paris Saint-Germain FC, FR) Mr Prochazka (AC Sparta Praha, CZ) Ms Róka (Debreceni VSC, HU)</p> <p><u>EPFL</u> Mr Nair (EPFL) Mr Pangel (EPFL) Ms Vilches (La Liga, ES)</p>	<p>Workers (27 ♂, 6 ♀)</p> <p><u>FIFPro</u> Mr Bär-Hoffmann (FiFPro) Ms Bakker (FIFPro) Mr Barnes (England, UK) Mr Belebeyev (APF, Ukraine, observer) Mr Boeykens (ACV Sporta, BE) Mr Costin (RO) Mr Delzant (FR) Mr Erdős (HLSZ, HU) Mr Erlingmark (SFS, SE) Mr Gauci (FPA, MT) Mr Georgiou (EL) Mr Grosso (AIC, IT) Ms Haindlova (ČAFH, CZ) Ms Hristova (ABF, BG) Mr Juhola (JPY, FI) Mr Kasalo (CAFU, HR) Mr Kjumbev (SFM, Macedonia, observer) Mr Krsmanović (TVPFPP, Montenegro, observer) Mr. Krzemiski (PL) Mr Lazanas Mr Monsen (NOR) Mr Neofytidis (CY) Mr Novotny (AT) Mr Øland (DK) Mr Oliveira (PT) Mr Ouderland (FIFPro) Ms Pletosu (RO) Ms Pojskic-Cutura Mr Poledica (SRB) Ms Sabralieva (KAZ) Mr Stefanovic (SI) Mr Valloni (CH) Mr Wishart (PFA Scotland, UK)</p>
<p>European Commission</p> <p>Ms Caspar (DG EMPL) Mr Linartas (DG EAC) Mr Parmentier (DG COMP)</p>	<p>UEFA</p> <p>Mr Zylberstein</p>