



**EUROPEAN COMMISSION**  
Employment, Social Affairs and Inclusion DG

Employment and Social Legislation, Social Dialogue  
**Social Dialogue, Industrial Relations**

Brussels, 19/04/2012  
EMPL/FST D(2011)

**European sectoral social dialogue committee**  
**for professional football**  
**Plenary meeting**  
**28 February 2011**

Minutes

**1. Welcome and opening**

In the absence of Mr Michel PLATINI the meeting was chaired by Mr Michael VAN PRAAG, Member of the UEFA Executive Committee and President of the Dutch Football Association. In his opening speech he highlighted the key role of social dialogue in professional football and in particular the positive contribution that European social dialogue can make to greater legal certainty in professional football. He welcomed the commitment taken by the committee to make the players' contract minimum requirements (previously adopted by the UEFA Executive Committee) a reality by way of an autonomous agreement to be implemented by all relevant national parties in full respect of the principle of subsidiarity. He confirmed UEFA's commitment to support an open and transparent dialogue between the European social partners and to contribute to the effective implementation of the minimum requirements.

Mr Frank SIEBERN-THOMAS (European Commission, DG EMPL) informed participants that Mr Heinrich WOLLNY has taken up a new function with the Secretariat General and that the recruitment procedure for his replacement was underway. Participants thanked Mr Wollny for his commitment and important contribution to the work of the committee in general and to the negotiations on contract minimum requirements in particular.

**2. European professional football player contract minimum requirements (MRSPC) – update and exchange of views**

Following the introductory remarks by Mr Van Praag, the social partners provided their views on the state of negotiations on contract minimum requirements:

Mr Emanuel MACEDO DE MEDEIROS (EPFL) confirmed that European social dialogue was considered as useful by all actors and stated that EPFL was fully committed to develop this dialogue. He also thanked UEFA and the European Commission for their support to this dialogue. With regard to the negotiations on contract minimum requirements he recognised that, after a long and constructive process, the committee was getting closer to a consensus. He stressed that the agreement had to allow for real progress while respecting subsidiarity and the role of national social partners. He informed participants that more time was needed to strike a proper compromise regarding the social partner agreement on minimum requirements. This issue would also be at the core of the agenda of the EPFL General Assembly of end March 2011.

Mr Theo VAN SEGGELEN (FIFPro) stated that important progress had been made in the negotiations on the contract minimum requirements, notably with regard to the issues of subsidiarity and implementation, and that FIFPro was willing to accept the latest compromise proposal (suggested by Heinrich Wollny). He stressed that FIFPro did consider this version a real compromise and did accept in particular the principle of subsidiarity for implementation within the EU and the reference to recommendations for implementation outside the EU. He stated that, for FIFPro, there was no need for further delays and asked for the signature of the compromise proposal.

While also underlining ECA's commitment to European social dialogue, Mr Michele CENTENARO (ECA) stated that the agreement on contract minimum requirements was an ambitious endeavour, that he was not aware of any other sector having agreed on such strong commitments in the context of European social dialogue and that a few more steps were needed to reach an acceptable solution. He agreed that splitting the different sections of the agreement was a good approach and informed that ECA had already set some internal deadlines which would allow for a conclusion of the process by the beginning of 2012.

In reaction to the statements by EPFL and ECA, Mr Mads OLAND (FIFPro) clarified that FIFPro did consider the current proposal as a solid compromise, but not as a starting point. He underlined that, taking note of the fact that the process had started back in 2003, FIFPro was ready to sign the compromise proposal but was did not intend to re-open negotiations on it.

Mr Alastair BELL (UEFA) recalled that the agreement would contain legal obligations of the members. He also recalled that Heinrich Wollny had presented the compromise proposal himself as "a new starting point for discussion." Mr Philippe PIAT (FIFPro/UNFP, FR) further recalled that, while Heinrich Wollny agreed that the text could be further improved, he also had stated that it could be signed as it stands.

Mr Van Praag informed that UEFA had to consult its committees and that it was planned to ratify the text at the December 2011 meeting of the UEFA Executive Committee, for submission to the UEFA Congress in March 2012. Mr Van Seggelen and Mr Piat objected to this plan which would run against the rules of procedure of the social dialogue committee, recalling that the agreement in question was an agreement between the European social partners. They suggested to bring this issue before the Strategic Council.

Mr Siebern-Thomas welcomed the progress made in the negotiations of a social partner agreement on contract minimum requirements. He also noted the particular role of UEFA in this context. He corrected the view that this would be the first legally binding

agreement reached in the context of European social dialogue and referred to recent Commission publications for further information (see also point 4 below). He recalled that the Commission had provided assistance to the parties with a view to clarifying the legal consequences of an autonomous agreement, while admitting that legal action had so far not been taken with regard to a European autonomous agreement. With regard to the discussions on the state of the agreement on minimum requirements he recalled the possibility to disentangle the negotiation process from the ratification process as appropriate.

Mr Macedo de Medeiros confirmed that EPFL still had some concerns on substance, including with regard to the principle of subsidiarity, for which EPFL would need to assess the possible legal consequences. He called for one more round of negotiations and for respect for internal consultation processes. ECA shared this view and considered that the current compromise proposal, when compared to the joint UEFA-EPFL-ECA proposal of January 2011, still contained some contradictions that would need to be solved. In reaction, FIFPro recalled that it could not accept the above joint proposal since the Commission had announced that it would consider it as a process-oriented text rather than as an autonomous agreement.

In conclusion, Mr van Praag called upon the social partners to speed up the process and aim at reaching internal consensus before the next working group meeting. Social partners would decide on the follow-up after their respective General Assemblies.

### **3. Work programme 2011-12 – presentations and exchange of views**

Fifpro had invited detailed presentations on respect for contract standards and the stability of contracts as well as on career funds (for detail, see slides used for presentation attached) and suggested to take up both issues in the committee work programme for 2011-2012. On contract stability, the presentations and subsequent interventions highlighted a number of reported abuses, unilateral contract changes and disputes (notably on non-payment issues and the calculation of compensations). On career funds, the experiences with pension funds for professional football players in 11 countries, and notably in the Netherlands, as well the scope for a pan-European pension fund and its possible contribution to the players' '2<sup>nd</sup> careers' were discussed.

EPFL and ECA thanked FIFPro for their presentations and proposals. Mr Michele CENTENARO (ECA) however pointed out that the creation of working groups on career funds or on contractual stability would require additional information on the scope, intention and objectives of these two topics before agreeing on establishing a working group and a working plan.

Due to time limitations no further discussions were held on the work programme and the dates of further meetings. Social partners informed the Commission on their wish to cancel the planned working group meeting and signing ceremony on 5 April 2011 and suggested to await the outcomes of the upcoming General Assemblies of EPFL and FIFPro before deciding on how to proceed with regard to a possible autonomous agreement on contract minimum standards and before discussing the further organisation and planning of the committee work. Social partners agreed to inform the Commission in due time on the need for further committee meetings to be organised in 2011.

#### **4. Information from the Commission**

The Commission representatives from DGs EAC and EMPL briefly informed participants about: the Commission Communication on sport and its follow-up; the main outcomes of the Sports Forum; a future study on economic and legal aspects of transfers; the new brochure on recent developments in European sectoral social dialogue; the upcoming Liaison Forum meetings of May and June 2011, with a focus on occupational health and safety and capacity-building for social partner organisations, respectively; the follow-up to the Commission Staff Working Document on the functioning and potential of European sectoral social dialogue of July 2011, with a focus on strengthening implementation, visibility and synergies; the creation of new SSDCs in 2011, including in sports and active leisure; and the priorities and deadlines for the calls for proposals 2011 under the social dialogue and industrial relations budget lines.

#### **5. AOB**

no points raised

#### **Annexes (accessible on the European social dialogue CIRCA website)**

- invitation, agenda and work programme proposal;
- presentation by Wil VAN MEGEN (FIFPro) on “Stability in football contracts”;
- presentation by Ben-Ivar KOLSTER (CFK) on “Career funds for football players”;
- presentation by Wiebe BRINK (Ernst & Young) on “Tax Fair Play and career funds”.

## List of participants

<u>Employers</u>	<u>Workers</u>
<ol style="list-style-type: none"><li>1. Mr Michele CENTENARO, ECA (IT)</li><li>2. Mr Diederick DEWAELE, ECA (BE)</li><li>3. Mr Neil DONCASTER, Scottish Premier League (UK)</li><li>4. Mr Christian EBENBAUER, Bundesliga (AT)</li><li>5. Mr Mike FOSTER, FAPL (UK)</li><li>6. Mr David FROMMER, ECA (BE)</li><li>7. Mr Wouter LAMBRECHT, ECA (BE)</li><li>8. Mr Emanuel MACEDO DE MEDEIROS, EPFL (PT)</li><li>9. Mr Robert PONGRACZ, LFP (ES)</li><li>10. Mr Serge ROSSMEISL, FBO (NL)</li><li>11. Ms Raúl SAVILLEMI, ECA (ES)</li><li>12. Mr Ruggero STINCARDINI, Lega Serie A (IT)</li><li>13. Mr Michael TATTERSALL, The Football League (UK)</li><li>14. Mr Sami VERNO, Veikkausliiga (FIN)</li></ol>	<ol style="list-style-type: none"><li>1. Mr Costin AUMITRU, AFAN (RO)</li><li>2. Ms Suzanne BAKKER, FIFPro (NL)</li><li>3. Mr David BARNES, PFA England (UK)</li><li>4. Mr Raymond BEAARD, FIFPro (NL)</li><li>5. Mr Stijn BOEYKENS, ACV-CSC (BE)</li><li>6. Mr Stéphane BURCHKALTER, UNFP (FR)</li><li>7. Mr Jesus DIAZ PERAMOS, AFE (ES)</li><li>8. Mr Tony HIGGINS, PFA Scotland (UK)</li><li>9. Mr Markus JUHOLA, JPY (FIN)</li><li>10. Mr Maciej KRZEMINSKI, PZP (PL)</li><li>11. Mr Stephen Mc GUINNESS, PFAI (IE)</li><li>12. Ms Mila MRISTOVA, ABF (BG)</li><li>13. Mr Spyros NEOFITIDES, PASP (CY)</li><li>14. Mr Rudy NOVOTNY, VDF (AT)</li><li>15. Mr Mads OLAND, Spillerforeningen (DK)</li><li>16. Mr Gert PERSSON, SFS (SE)</li><li>17. Mr Philippe PIAT, UNFP (FR)</li><li>18. Mr Dejan STEFANOVIC, SPINS (SI)</li><li>19. Ms Gabriella SZABO, HLSZ (HU)</li><li>20. Ms Maria TSIGONI PELLA, PSAP (EL)</li><li>21. Mr Lucien VALLONI, SAFP (CH)</li><li>22. Mr Wil VAN MEGEN, FIFPro (NL)</li><li>23. Mr Theo VAN SEGGELEN, FIFPro (NL)</li><li>24. Ms Frédérique WINIA, FIFPro (NL)</li></ol>
<p style="text-align: center;"><u>Other parties; experts / contractors:</u></p> <p>Mr Alastair BELL, Mr Michael VAN PRAAG, Mr Julien ZYLBERSTEIN (UEFA); Mr Wiebe BRINK (Ernst &amp; Young); Mr Ben-Ivar KOLSTER (CFK, NL)</p> <p style="text-align: center;"><u>European Commission:</u></p> <p>Mr Rares BULARCA, Ms Ellen DURST, Mr Dimitrios KONTIZAS, Mr Frank SIEBERN-THOMAS (EMPL); Mr Gianluca MONTE, Mr Pedro VELAZQUEZ (EAC)</p>	

*stats: 49 (15:23:11; 5:32:1; 5:33)*