



Brussels, 17 November 2016

Sectoral Social Dialogue Committee on Professional Football

Minutes of the Plenary Meeting

19 November 2015

1. Welcome and adoption of the agenda

The meeting was chaired by Mr Grafström (UEFA).

The agenda for this meeting was adopted without changes.

The social partners mutually reconfirmed their positive approach and the expectation to achieve results with social dialogue.¹

FIFPro reiterated the request to take social dialogue serious and to consider the actual situation in professional football governance as an opportunity to substantially change the situation of the sector for the better. EPFL agreed with FIFPro that there exist significant problems in the treatment of professional players in the sector and considers improvements in that respect as in its own interests. ECA agreed with FIFPro and EPFL in its commitment to social dialogue, stressed however, that the legal complaint against the transfer system overshadows the work in the committee.

UEFA confirmed for their side also the commitment to the work of the committee.

2. Working Group on implementation of the Autonomous Agreement

The situation in the two countries visited last was reported by UEFA:

Albania: While employment contracts are the norm, there exist no players' union and no standard contracts. Work is ongoing to arrive at a standard contract. In place of negotiations with a trade union, the captains of the clubs with professional players have been consulted. European social partners recognised that the autonomous agreement was not known in Albania, but – once informed – there appeared to be willingness to implement.

¹ Since the last meeting of the Committee the President of UEFA, Mr. Platini, had – as well as the president of FIFA, Mr. Blatter – been suspended from office and FiFPro had launched a complaint against the transfer system with DG COMP.

Bosnia-Herzegovina: Somewhat difficult situation because the country is split in 3 different communities with different legislation. Positively it was mentioned that a standard player's contract already exists, some changes are needed to align the existing contract with the minimum requirements. Without follow-up there is a risk that the clubs in this country might move to civil law contracts.

All priority countries had been visited and in four countries (Croatia, Hungary, Poland and Romania) a second round of visits with intensive discussions took place. An overview of the situation is provided in the minutes of the September meeting.

The national FIFPro-members complemented this information as follows

- for **Romania** progress was extremely slow while the situation is very problematic, so that the players of the 2nd league undertake strikes;
- in **Croatia** the minimum requirements were not fulfilled and the situation was bad for the players (concretely: labour contracts just an option and 59 players with blocked bank accounts as 4 clubs are in bankruptcy and 3 clubs are at the edge of being bankrupt). The situation has not changed since the last meeting.
- in **Hungary** federation and clubs consider paper-compliance as enough – indicating that further action from ECA, EPFL and UEFA was needed. ECA informed, that they had pushed each of their member clubs individually and that soon the employers' side will agree on a negotiation position for a standard player's contract.
- For **Cyprus** the FIFPro representative acknowledged the successful alignment of the rules, mainly because the clubs were convinced of the requirements, however, follow-up will be needed to ensure compliance in practice.
- In **Slovenia** the clubs pretend that the tax regime makes it very attractive for clubs to not provide players with employment contracts, which the FIFPro representative indicated as not being justified.
- While the standard contracts are implemented in **Malta**, problems persist with the NDRC and conflict resolution in general. When taking resort to general jurisdiction, players risk suspension from professional football.
- In **Poland** licensing, timely payment and DRCs are under discussion. Discussions are ongoing, yet concerns over the commitment to social dialogue based agreements were voiced by the union.
- In **Russia** dialogue between players and league does de facto not exist, the arbitrators in the NDRC are not independent.

EPFL confirmed that some of the problems mentioned by the FIFPro members are not acceptable to persist in European countries, thereby asking for a realistic roadmap to improve the situation.

FIFPro stated that – notwithstanding some progress – none of the visited countries has fully implemented the requirements of the autonomous agreement and had ensured that they were respected in practice. FIFPro requested that the other members of the Committee talk to their members in the countries concerned and convince them of the

necessity to comply. In that sense it was suggested that the committee should consider routes to stronger enforcement of compliance with the autonomous agreement, e.g. via an obligation for participation in international competitions or an element in the licensing procedures.

It was recognised that this would mean a change compared to the previous approach according to which the autonomous agreement was to be implemented via dialogue at national level and not via regulation. It was agreed to look into the possibilities of such instruments.

The social partners have agreed to ask the Commission's labour law network for five countries (HU, HR, PL, SL and RO) for an independent analysis of the hindrances to a quick implementation of the autonomous agreement. ECA suggested discussing the next steps once the analysis would be available, whereas FIFPro requested a plan on the next steps in case the assessment indicates that there were no binding legal hindrances. The social partners and UEFA reiterated their commitment to the agreement, to achieve results and the need to get the analysis asap.

3. FIFPro legal action against FIFA Transfer System

FIFPro explained that the legal action against the transfer system was not intended to 'kill' the football industry, but to effectively address the existing problems and to find solutions. The main problems being inability of players to defend themselves against overdue payables, insufficient protection of minors, third parties (agents) having a too important role in the system (1 billion) and big clubs benefitting overproportionately from the current industry structure. This action was taken following several attempts to resolve the problems in other ways.

ECA complained that the transfer system was central for football and indicated that in their opinion it also helps small clubs. It was admitted that non-payment is a big issue, but stated that there was no link between the complaint and overdue payables.

EPFL did not agree with taking legal action, but admitted that the system has severe problems and that there is a need to reform the current industry structure and governance in European football.

The employer representatives asked whether FIFPro did have an idea how a new industry model to replace the transfer system could look like. FIFPro indicated that they were interested in creating an industry with decent quality working conditions for all professional players and sustainably run clubs, but that they were open to discuss concrete arrangements with the social partners.

4. Information from the Commission on sports-related initiative

From the expert groups launched under the EU Work Plan for Sport, the one concerning good governance and concerning the economic dimension of sport are directly relevant for professional football. Both groups are expected to come up with a first deliverable by the end of 2015. These will be 'guiding principles relating to democracy, human rights and labour rights in the context of the awarding procedure for major sport events' and

'recommendations on the legacy of major sports events'. The Commission is expected to present these recommendations for adoption in Council in January 2016.

The next three presidencies of the EU (Netherlands, Slovakia and Malta) will focus their sports related activities on major sport events. Thereby the Netherlands will concentrate on good governance and the integrity of major sport events, Slovakia on sport diplomacy and Malta on volunteering at major sport events.

Erasmus+ will provide more funding for sports-related projects in 2016 (33 million) than in 2015 (22 million). New provisions have been introduced to support smaller collaborative partnerships, with a ceiling of 60 000 Euro and a minimum of representatives from three Member States participating, thus also allowing smaller organisations to participate. The calls for proposals are open until 21 January for projects related to the European Week of Sports and until 12 May for other projects.

In 2015 the Commission received 341 proposals and selected 40 projects.

The European Week of Sport, to which the social partners of football contributed, featured 7000 events in 34 countries with about 5 million participants. The evaluation is ongoing and the Commission is interested to receive feedback, which could help to improve the event.

The Council will nominate in December three delegates to represent Europe in the foundation board of WADA.

Next to the complaint from FIFPro two other sports-related complaints with potential impact on football have been filed with DG COMP:

- The professional leagues of Spain and Portugal have filed a complaint against the TPO ban. The Commission has not yet taken a decision whether a case will be opened.
- A complaint concerning the non-eligibility of athletes in competitions of the International Skating Union (ISU) when these athletes also participate in competitions which are not approved by the ISU. Here the Commission has decided to open the case. It will however take some time before a decision can be expected.

In the evolving discussion around good governance and the autonomy of sport, ECA and FIFPro agreed that good governance is a precondition for the autonomy of sport. It was also highlighted, that (a functioning) social dialogue can provide democratic legitimacy to the governance structures and should therefore receive more recognition and support from governmental bodies. Derogations from ordinary law should only be allowed based on collective agreements by employers and employees. FIFPro stressed that athletes have no say in WADA, explaining that the athletes' committee is to be understood as part of management and not as representing a trade union perspective.

Concerning the responsibility of public authorities in general and the Commission in particular for the governance of sports, it was highlighted that Member States experts had agreed on a set of principles of good governance. The implementation of these principles would already provide significant improvements.

The Commission representatives were not aware of upcoming sports-related state-aid decisions.

By the end of 2015 a study on minimum quality requirements for dual career services will be published.

5. Work programme 2016-17

In line with the draft work programme it was agreed to work in 2016 again in two different working groups. The work programme for the 'Implementation WG' – working on the implementation of the acquis established with the autonomous agreement – was agreed as described in the draft.

For the work-programme of the working group 'Labour market regulations' some further discussion was needed before the end of 2015, aiming at a common understanding of the issues to be discussed and of the expected results. It was however consensus that the social dialogue could provide a suitable umbrella to discuss the issues proposed for this working group.

6. Calendar of meetings for 2016

Working group meetings will take place on 1/02/2016 and 29/08/2016. The plenary will be on 17/11/2016.

7. Any other business

No points were raised.

Participants 19/11/2015

Employers (5 ♂, 1 ♀)	Workers (26 ♂, 3 ♀)
<u>ECA</u> Mr Dewaele Mr Frommer Mr Lambrecht	<u>FIFPro</u> Mr Bär-Hoffmann Ms Bakker Mr Barnes (UK) Mr Belebeyev (Ukraine, observer) Mr Boeykens (BE) Mr Diaz Peramos (ES) Mr Erdös (HU) Mr Erlingmark (SE) Mr Grammatikov (Russia, observer) Mr Grosso (IT) Ms Haindlova (CZ) Ms Hristova (BG) Mr Hulubei (RO) Mr Juhola (FI) Mr Juric (HR) Mr Krsmanovic (Montenegro, observer) Mr Krzeminski (PL)

	<p>Mr Mamo (MT) Mr Neofitides (CY) Mr Novotny (AT) Mr Øland (DK) Mr Poledica (Serbia, observer) Mr Stamatios (GR) Mr Stefanovic (SI) Mr van Megen (NL) Mr van Seggelen (NL) Mr Valloni (CH – observer) Mr Walltin (Norway, observer) Mr Wishart (UK, Scotland)</p>
<p>European Commission</p> <p>Ms Caspar (DG EMPL) Mr Severis (DG EAC)</p>	<p>UEFA</p> <p>Mr Grafström Mr Rigopoulos</p>