



Brussels, 04 October 2018

Sectoral Social Dialogue Committee on Professional Football

Minutes of the Working Group Meeting Implementation of the Autonomous Agreement

27 September 2018

The meeting was chaired by Mr. Zylberstein. Agenda of this meeting and minutes of the meeting on 5 February were accepted.

1. Update and information between the parties

The recent decisions reached within the FIFA Football Stakeholders' Committee on the future of the transfer system based on the work of a dedicated Task Force 'Transfer System' were welcomed by all parties. This constructive approach should be underlined at the plenary meeting to send a positive message. Likewise, the approval at the plenary meeting of an implementation protocol would help to facilitate further progress towards the general implementation of the autonomous agreement.

On behalf of European Leagues Mr. Pangl underlined that it was – for the sustainable functioning of the sector – of utmost importance for the social dialogue committee to deliver concrete achievements.

Mr. Frommer reported from the ECA general assembly, which had taken place in Split on 11 and 12 September. He informed that ECA has made public its wish to see changes introduced to the overall structures of the UEFA Club Competitions as from 2021 based around the principles of ensuring participation of a greater number of clubs and protecting the overall quality of the competitions. Looking ahead, ECA is beginning to focus its attention on possible changes to the international match calendar as of 2024. Mr Frommer added that ECA has reorganized itself. Part of this reorganization process is an increase of the number of departments, and the appointment of a Managing Director. Mr. Frommer has been appointed Director Communications & Public Affairs. Mr. Andrade joined ECA recently and is General Counsel.

Mr. Baer-Hoffmann informed that Mr. Bielefeld had joined his team recently. One of his tasks being to link the FIFPro headquarter in Hoofddorp with Brussels. Echoing previous statements, Mr. Baer-Hoffmann stressed the importance of results and of the overall constructive discussions. He also stressed, that in some countries there persist substantial problems with the implementation of the agreement. These problems motivated FIFPro to invite their Croatian and Serbian member to join the meeting.

2. Implementation of the Autonomous Agreement

a. Update on priority countries

For Croatia Mr. Kasalo explained that some progress had been made towards the implementation, however, players still sign exclusively self-employment contracts. He explained that trade unions and clubs agree, that the only effective means to change the situation was the adoption of a new law. A draft which was considered acceptable by both clubs and athletes, has been on hold for a year. The draft law foresees obligatory employment contracts. While in principle clubs and players agree that this should be the way forward, in practice the support and the pressure on the government to actually legislate has remained limited. Mr. Kasalo stated that the national situation is also characterized by a rivalry between (in particular) the big clubs which makes cooperation to the benefit of the sport difficult.

The situation in Serbia was perceived as worse than the one in Croatia: for players there is no standard players contract, and around 20% of the players have employers which do not or not fully comply with their contractual obligations (overdue payables). Meetings between FA and Union do not take place, the league as such was seen as poorly organized and managed. Social partners agreed that Serbia is rather at the bottom of the 55 UEFA associations, not complying with the minimum requirements, not having employment contracts and not having an independent dispute resolution mechanism.

b. Implementation protocol

Social Partners agreed that for the – by now – limited number of countries with substantial implementation problems, a renewed effort would be required. To that purpose, FIFPro had proposed an implementation protocol consisting of a number of activities. Social partners discussed which of these activities they could potentially jointly implement and how. ECA noted that any implementation protocol would have to be approved by its relevant bodies.

Point 1A: The discussion about a European standard contract to step in if there was no valid national contract was delegated to a small working group. This working group is supposed to look into the technical aspects but also into the legal feasibility.

Point 1B, requiring a National Dispute Resolution Chamber (NDRC) was accepted subject to national legislation. FIFPro explained that the word ‘legitimate’ was introduced mainly to stress that someone who is linked to the management of a club or the league cannot be considered as legitimate representative of the players. The last sentence refers to situations like in Denmark, where all parties agree that regular civil courts are able to resolve the cases, which usually go to NDRCs.

ECA raised concerns regarding those countries where players are not represented by an entity affiliated to FIFPro. ECA also noted that, in certain countries, employment disputes are not arbitrable.

Points 2B and 2E were agreed without discussion.

Concerning point 2C (incentive payments from the HatTrick programme) UEFA assured the social partners, that they will soon be informed about the plans for the new HatTrick programme cycle. Mr. Zylberstein also explained, that there might be limitations on where the HatTrick programme could be used and that in cases where the overall

governance is a problem UEFA has been thinking of using other UEFA development programmes.

Point 2F was considered particularly important for FIFPro, which suggested that this point should also include the renewal of the autonomous agreement.

The envisaged detailed country-by-country assessment of the legal situation which contributes to point 1C will cover a small number (6-7) of countries only and should be undertaken when the national stakeholders cannot agree on a joint assessment of the situation. In these cases it was considered useful to have an independent view of the situation. Thereby these independent assessments should be limited to provide clarity on those issues which are conflictual for the national stakeholders, i.e. a first step is to identify the areas of disagreement between the national parties. Social partners plan to involve the Swiss institute for comparative law as a recognized independent body.

Concerning point 2D, UEFA is looking into the licensing system, and whether it is possible to oblige national associations to check at random whether players' contracts comply with the minimum requirements. Responding to the concerns of UEFA that this might be perceived as a quite far-reaching obligation for the national associations and some insecurity whether such strong intervention is possible, FIFPro referred to other checks such as on overdue payables or concerning financial fairplay, which were seen as similar. A technical analysis was currently being conducted by UEFA. Obligations in the licensing system to address problems with the NDRC were considered not suitable by UEFA and ECA insofar as the club licensing system sets out obligations for clubs to be monitored by NAs. UEFA thought however that in in this case support could be provided via the GROW programme. ECA expressed its reservations towards linking the implementation of the minimum standards to club licensing suggesting that more thought should be given to this particular proposal.

All parties agreed to undertake best endeavors and to involve independent external expertise in cases they could not obtain clear and consensual information from the national stakeholders. Thus for point 2A the parties promised to aim at results as quickly as possible but agreed that it might be necessary to postpone the deadline to Winter 2020.

3. A.o.B.

The next steering group meeting will take place on 11 October at the FIFPro premises.

It will start at 11:00. It will work on the implementation of the agreement, on the topics of the working group 'labour market regulations' and it will prepare the plenary meeting.

Participants 27/09/2018

Employers (3 ♂) <u>ECA</u> Mr. David Frommer Mr. José Andrade <u>European Leagues</u> Mr Georg Pangel	Workers (5 ♂) <u>FIFPro</u> Mr Jonas Bär-Hoffmann Mr. Tomislav Kasalo Mr. Mirko Poledica Mr. Alexander Bielefeld Mr Roy Vermeer
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European Commission (1 ♀)
Ms Sigried Caspar (DG EMPL)

UEFA (2 ♂)
Mr Julien Zylberstein
Mr. Giovannini Valerio