



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

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

Brussels, 6 March 2014

## **Sectoral Social Dialogue Committee on Professional Football**

### **Minutes of the Working Group Meeting "Contractual Stability and Respect of Contracts"**

**19 September 2013**

#### **1. Adoption of the agenda and of the minutes of last meeting**

The meeting was chaired by Mr Phillips (UEFA) who reminded the members of the objectives of the working group as set out in the terms of reference and the difference to the PFSC working group on transfer matters. The agenda was adopted after skipping items 4 and 5 (the sub-working group meeting had not taken place). A new point – presentation by EPFL of best practice to tackle overdue payables – was added. The minutes of the last meeting (16 May 2013) were adopted.

#### **2. Report from the PFSC working group on transfer matters**

The PFSC working group had met twice. ECA considered that there was a bit of an overlap between the social dialogue working group and the PFSC working group. The last PFSC working group had been very fruitful and the main issue identified was that clubs shall pay their players. ECA provided the social dialogue working group with an overview of the recommendations discussed and agreed upon at PFSC level. These recommendations were sent out together with a summary of ideas supported by the working group.

EPFL welcomed the fact that the PFSC working group focused on feasible things, e.g. on items which would reach consensus. FIFPro confirmed that the focus had been narrowed down in order to make positive steps forward.

In FIFPro's view, it was important to work in coordination with the social dialogue working group and that validation by the social dialogue committee would add weight to potential agreements or recommendations. Both EPFL and ECA felt that the same people were discussing similar issues in two different fora, although according to FIFPro the PFSC working group had a potentially wider scope but was limited in time (to deliver by December 2013).

EPFL considered that the social dialogue working group could provide the UEFA PFSC working group with timely and suitable info about recommended best practices applied at European and national level to efficiently tackle the issue of overdue payables towards football players. The chair agreed that any duplication of work should be avoided. The social dialogue working group should come with concrete proposals, for example on overdue payables.

### **3. Presentation by EPFL of best practice to tackle overdue payables**

The chairman informed the members that the ESD sub-working group, whose task was to collect all the relevant data about overdue payables (e.g. FIFA DRC and national DRCs' cases, UEFA Financial Fair Play number of sanctions, leagues' measures and regulations, etc.), did not have the opportunity to meet in order to evaluate the best manner to present such information to the working group. UEFA explained that FIFA informed them that, at the moment, there are no official statistics about the number of cases related to overdue payables dealt with by the DRC.

EPFL made a factual presentation on best practice with regard to overdue payables (see slides). Some aspects of the best practices were further discussed, such as the question of (retroactive) sanctions, bans on transfers, the pressure on workers to accept late payments, the lack of consequences for clubs.

FIFPro thanked EPFL for the detailed presentation and announced that they would consult their members in order to get their feedback on the effectiveness of the different measures, while the union representative from Spain voiced concerns about the presented example from their country.

### **4. Concrete proposals**

FIFPro made five concrete proposals: 1.) the social partners should, in parallel to the work conducted in the PFSC working group, develop additional recommendations to improve the transfer regulation. 2.) the social partners should share and promote best practices. 3.) The social partners should promote self-regulatory instruments in the industry (between the social partners) and 4.) bring the relevant regulations in line with EU law (e.g. the Bernard case). 5.) FIFPro proposed that further research was required on matters such as salary caps or squad size limits.

EPFL and ECA stressed that the fourth points did not form part of the terms of reference and were therefore outside the scope of the mandate provided to the ESD working group on respect of contracts.

Consequently, if FIFPro wanted to include these matters for discussion, the ESD Steering Group would have to take a decision on this. For example, ECA considered that proposal 4.) in relation to training compensation was factually incorrect as in line with European union law but that such issue would have to be dealt with by the steering committee.

FIFPro proposed that it shall further elaborate and put forward the above mentioned proposals for discussion of the ESD Steering Group can consider and discuss them, bearing in mind the terms of reference of the social dialogue working group.

### **5. Any other business**

No points were raised.

### **6. Next meeting**

The plenary meeting will be held on 2 December 2013 in Brussels.

## 7. Calendar of meetings 2014

The plenary meeting is planned for 20 November 2014 in Brussels. The three dates for the 2014 working group meetings (to be held in Brussels) shall be fixed at the 2 December 2013 plenary meeting at the latest.

### *Participants 19/9/2013*

<b>Employers (4 ♂, 0 ♀)</b>  <u>ECA</u> Mr Frommer Mr Lambrecht  <u>EPFL</u> Mr Bertoni Mr Diallo	<b>Workers (6 ♂, 0 ♀)</b>  <u>FIFPro</u> Mr Bär-Hoffmann Mr Boeykens (BE) Mr Dias Peramos (ES) Mr Evangelista (PT) Mr Øland (DK) Mr Stefanovic (SI) Mr van Megen
<b>European Commission</b>  Ms Durst (DG EMPL) Mr Monte (DG EAC)	<b>UEFA</b>  Mr Phillips Mr Zylberstein