Plenary Meeting of the Sectoral Social Dialogue Sector on “Professional Football”

Welcome by the Chair
1. Adoption of agenda

Agenda

1. Adoption of the agenda
2. Report from the Steering group
   a) Working group on implementation of the “Autonomous Agreement”
      i. Status quo
      ii. Next steps
      iii. Seminar on national dispute resolution chambers and club disciplinary procedures
   b) Working group on respect of contracts
      i. Update on UEFA and FIFA working groups
      ii. Mapping of regulations on overdue payables
      iii. Next steps
   c) Working group on career funds
      i. Status quo
      ii. Career funds toolkit
3. Work programme 2015
4. Information from the Commission on other sports-related initiatives
5. Study on sports organisers’ rights in the EU
6. Calendar of meetings for 2015 (plenary meeting: 19 November 2015)
7. Any other business
2. Report from the steering group

a. Working group on implementation of the “Autonomous Agreement”

i. Status quo

Implementation of the “Autonomous Agreement”

Kick-off meeting
- Presentation of agreement
- Implementation process

Preparation of visit
- Discussions at national level
- Questionnaires

Visit of the taskforce
- Current status
- Open issues
- Action plan and timeline

Monitoring of progress
- Letter and report of visit
- Dialogue at national level
- Implementation of action plan
Summary of visits to priority countries

• High quality feedback received from NA and stakeholders ahead of the meeting

• Positive effect of visits of European stakeholders

• Constructive and positive atmosphere in most meetings

Summary of visits to priority countries

• Each country has diverse issues and structures (Applicable legislation, existence of organisation representing social partners, etc)

• Case-by-case approach is required

• Progress following visit vary significantly
Development at European level

Extension of the agreement approved by the PFSC

2015 → 2017

Priority countries

- Side-letter
- Priority countries
- Rest of the countries
Timing for priority countries

What is the timeframe of the implementation?

2012 ➔ 2015

Other countries

- Side-letter
- Priority countries
- Rest of the countries
Timing for other countries

What is the timeframe of the implementation?

2012 → 2016

Prolongation of “Autonomous Agreement”

Deadline extension for implementation on a case-by-case basis

If additional time required, clear action plan to be agreed at national level

Increased monitoring and support in case of extended deadline
Self-employed contract: Position of steering group

- Specific reference to “employment contract”
- Ensure a level-playing field
- Minimum standards of protection across UEFA territory

- Full compliance
- Employment contracts to be used
- National social partners to find solutions together
- If no employment contract
- Address issue with assistance of the European social dialogue taskforce
Self-employed contract – Step-by-step approach

Detailed analysis of contractual relationship:
- Consequences for employers and employees
- Factual financial and legal data
- Protections lost and gained
- Content to be agreed by national stakeholders

Analysis to be provided to European stakeholders

Joint plan to be prepared with commitment from national stakeholders

Support from European stakeholders during all phases

Priority countries

Side-letter
Priority countries
Rest of the countries
Priority countries

- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Hungary
- Poland

- Romania
- Russia
- Serbia
- Slovenia
- Turkey
- Ukraine

2. Report from the steering group
a. Working group on implementation of the “Autonomous Agreement”
ii. Next steps
Next steps – Priority countries

- Continuous monitoring and support
- Additional visits to be organised if required
- Follow-up in countries with issues related to the type of contract

Next steps – Remaining countries

- Presentation of autonomous agreement to NA's
- Assessment done of all remaining countries
- Countries requiring visit of the social dialogue task force identified
Next steps – Remaining countries

- November: Montenegro
- December: FYR Macedonia, Lithuania, Estonia
- January: Malta, Slovakia
- February: Latvia, Georgia, Azerbaijan, Armenia
- March: Israel, Moldova
- April: Kazakhstan, Belarus
- TBD: Albania, Bosnia-Herzegovina
2. Report from the steering group
   a. Working group on implementation of the “Autonomous Agreement”
      iii. Seminar on national dispute resolution chambers and club disciplinary procedures
   b. Working group on respect of contracts
      i. Update on UEFA and FIFA working groups
Agenda

- Background
- PFSC recommendations
- Follow-up
A. Background

A look back in time

- Bosman ruling: 1995
- EU agreement: 2001
- EU study on economic and legal aspects: 2013
A. Background – Creation of PFSC WG

1. Transfer matters identified as priority
2. Creation of PFSC WG
3. Agreement on terms of reference

A. Background – Defining objectives of PFSC WG

1. Holistic approach
2. Agree on European position
3. Draft recommendations to relevant bodies
A. Background – Identifying priorities

- Overdue payables rules
- Quicker dispute resolution
- Possible stronger sanctions for non-respect of contracts

- Transparency in decisions
- Trials of young players
A. Background – Reaching results

- Concrete ideas proposed by parties
- Agreement on proposals
- Creation of drafting sub-WG
- Initial draft recommendations
- Feedback from parties

B. First PFSC recommendations
B. PFSC recommendations – A product of teamwork

**Extensive consultation** with all the parties

**Fair and balanced consensus** taking account input of all parties

Set of recommendations approved by PFSC

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B. PFSC recommendations – A product of teamwork

**Respect of contracts**

- Overdue payables towards clubs
- Overdue payables towards players
- Monitoring and transparency
- Dispute resolution

**Young players and training clubs**

- Transparency of decisions
- Trials of young players
B. Overdue payables towards clubs

- Overdue payables or other similar rules at national level
- Appropriate tools for competition organisers
- Amendment by FIFA of relevant regulations

B. Overdue payables towards players

- Overdue payables or other similar rules at national level
- Amendment by FIFA of relevant regulations
B. Monitoring, transparency and clearing houses

- Clearing houses or other systems for the payment of transfer fees
- Inclusion of relevant details of each player passport in FIFA TMS
- Monitoring systems via FIFA TMS to identify recidivist behaviour
- Monitoring of payment obligations added in FIFA TMS

B. Dispute resolution

- Reform and improvement of the operational efficiency of the FIFA DRC
- Encouragement, promotion and monitoring of NDRCs by FIFA
- Access to arbitration ensured for clubs and players as a means of dispute resolution in accordance with the standards of the FIFA DRC
- Adoption of NDRCs by national associations or leagues as per the recommended FIFA standards
B. Young players and training clubs

- Publication of decisions by the FIFA Sub-Committee on the transfers of minors
- Regulations on trials to be provided by national associations and leagues

C. Follow-up
C. Follow-up

- PFSC recommendations formally approved by PFSC, UEFA Executive Committee and other relevant bodies

- Ready for submission to relevant bodies for possible implementation:
  - FIFA
  - Social dialogue respect of contract working group

- Ongoing work of PFSC working group
C. Follow-up

**FIFA PSC working group on players’ status matters**

- Recommendations of PFSC WG:
  Overdue payables, procedural aspects, TMS, etc
- Training compensation
- Short-term loans
- Protection of minors
- Implementation of NDRC
- Amendments to Regulations on the Status and Transfer of Players

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C. Follow-up

**FIFA PSC working group on third-party ownership of players**

- Principle of banning TPO approved by FIFA Executive Committee
- Transitional period to be defined
- Continued work in FIFA working group
Next topics – PFSC WG on transfer matters

• **Creation of sub-working group on intermediaries:**
  – Support of all stakeholders for European approach:
    – Uniform approach applicable to all UEFA member associations
    – Potentially higher standards than FIFA minimum requirements
  – Topics to be looked at:
    ✓ Potential cap
    ✓ Transparency and disclosure mechanisms
    ✓ Enforcement of regulations and related sanctions
    ✓ Protection of minors
    ✓ Other items

Next topics – PFSC WG on transfer matters

• **Other matters to be discussed in future:**
  – Loans
  – Transfer windows
  – Squad size limits
  – Unilateral breach of contract
  – Others
2. Report from the steering group
   b. Working group on respect of contracts
      ii. Mapping of regulations on overdue payables

Overdue payables at domestic level –
*Analysis of current rules and regulations*
Overdue payables at domestic level –  
*Analysis of current rules and regulations*

- As part of on-going EU discussions concerning social dialogue and the respect of contracts, and following the recommendations of the Professional Football Strategy Council (PFSC) in relation to transfer matters, the UEFA Club Licensing and Financial Fair Play unit performed an analysis of how overdue payables are currently regulated in respect of domestic competitions:
  - a questionnaire was sent to the licensors of all 54 UEFA member associations in April 2014;
  - an analysis was performed based on the information received from all the licensors.

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**Regulation of overdue payables towards football clubs in respect of domestic competitions**

- *48 out of 54 (89%)* NAs have some form of regulation of overdue payables towards football clubs;
- The majority of NAs which regulate OP towards football clubs perform their assessments through the existing licensing system;
- Other rules and regulations of the NAs are also used to govern overdue payables in respect of domestic competitions.
Scope of clubs assessed for overdue payables towards other football clubs

- **Not regulated**: 6 (11%)
- **Only top division**: 9 (17%)
- **Top and lower divisions**: 39 (72%)

Scope of transfers assessed

- **National and international**: 43 (80%)
- **Only national**: 5 (9%)
- **Not regulated**: 6 (11%)

Legend:
- National and international
  - ALB, CRO, FRA, ISL, MDA, SRB, WAL
  - AUT, CYP, FRO, ISR, NIR, SUI
  - AZE, CZE, GEO, KAZ, NOR, SVK
  - BEL, DEN, GER, LIE, POL, SVN
  - BUL, ESP, GRE, EST, HUN, LUX, ROU, SVN
  - BLR, ENG, GRE, LTU, POR, SWE
  - MDA, NIR, ROU, RUS, TUR
  - LIE, LTU, LUX, LVA, MNE, MKD, SMR

- Only national
  - ESP, ITA, MLT, NED, SCO
  - ARM, BEL, ARM, MNE, GIB, SMR
Assessment dates (OP towards football clubs)

- **Majority of NAs (57%)** have 1 assessment date for overdue payables towards football clubs. In most cases (18 NAs) clubs have to prove that they have no overdue payables at 31 March.
- **4 NAs out of 54 (7%)** have 2 assessment dates.
- **13 out of 54 (24%)** have more than 2 assessment dates, e.g.:
  - **ENG**: assessments performed on a rolling basis via transfer clearing house;
  - **NED, SCO**: continuous monitoring with several dates.

Regulation of overdue payables towards employees and social/tax authorities in respect of domestic competitions

- **48 out of 54 (89%)** NAs – same as for overdue payables towards clubs - have some form of regulation of overdue payables towards employees and social/tax authorities;
- The majority of NAs which regulate overdue payables towards employees and social/tax authorities perform their assessments through the existing licensing system;
- Other rules and regulations of the NAs are also used to govern overdue payables in respect of domestic competitions.
Scope of assessment on overdue payables towards employees and social/tax authorities

- **Not regulated** 6 (11%)
- **Only top division** 6 (11%)
- **Top and lower divisions** 42 (78%)

**Top and lower divisions**
- ALB, CRO, EST, GRE, KAZ, POL, SVK
- AUT, CYP, FIN, HUN, LIE, POR, SVN
- AZE, CZE, FRA, IRL, LTU, RUS, SWE
- BEL, DEN, FRO, ISL, MLT, SCO, TUR
- BLR, ENG, GEO, ISR, NED, SRB, UKR
- BUL, ESP, GER, ITA, NOR, SUI, WAL

**Not regulated**
- AND, MKD
- ARM, MNE
- GIB, SMR

Assessment dates (OP towards employees and social/tax authorities)

- **Majority of NAs (54%)** have 1 assessment date for overdue payables towards football clubs. In most cases (17 NAs) clubs have to prove that they have no overdue payables at 31 March.
- **4 NAs out of 54 (7%)** have 2 assessment dates.
- **15 out of 54 (28%)** have more than 2 assessment dates, eg:
  - ENG: quarterly reporting
  - NED, SCO: continuous monitoring with several dates.
Prevalence of overdue payables v no. of assessment dates

- The FIFPro Division Europe national player union survey classified 13 out of 26 countries as having a high/very high prevalence of overdue payables towards employees and the other half as having a low or medium prevalence.

69% of high/very high prevalence countries only have one assessment date

62% of low/medium prevalence countries have two or more assessment dates

Based on the report of FIFPro Division Europe covering 26 National player unions

The number of assessment dates in those associations where overdue payables towards players have high prevalence (13 NAs):

- 9 countries out of 13 (or 69%) have only 1 assessment date. 5 out of 9 assess overdue payables at March, 31
- 3 countries assess overdue payables twice or more times per year:
  - CRO – quarterly
  - CYP – monthly
  - KAZ – on 15th, January and 31st, March
- In MNE overdue payables at the domestic level are not regulated
Based on the report of FIFPro Division Europe covering 26 National player unions

The number of assessment dates in those associations where overdue payables towards players have low or medium prevalence (13 NAs):

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<thead>
<tr>
<th>Country</th>
<th>Percentage</th>
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<tr>
<td>AUT</td>
<td>38%</td>
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<td>FIN</td>
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</tbody>
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8 countries assess overdue payables twice or more times per year:
- SUI: monthly
- SCO: continuous monitoring
- NOR, BEL, ENG: quarterly
- ITA: 30 June + additional dates
- FRA: 31 March and 30 June
- NED: several dates

5 countries assess overdue payables only once per year:
- AUT, DEN: 31 March
- FIN, IRL, SWE: 31 October (FIN), 30 November (IRL), SWE (31 August)

Potential sanctions in case of existing overdue payables

Most common types of sanctions:
- ‘Refusal / withdrawal of a licence to participate in a domestic competition resulting in non-admission / relegation’ available in 36 NAs
- ‘Fines’ available in 25 NAs
- ‘Deduction of points’ and ‘Warning’ available in more than 21 NAs
- ‘Restriction on registering new players’ available in 17 NAs
Next steps

- Respect of contract working group
- Focus on overdue payables at national level
- Detailed recommendations
Next steps

- Importance of punctual payments
- All top division clubs and other professional clubs to be checked
- Both national and international transfers to be included
- Regular checks
  - Checks at least twice a season
  - Additional check if required
  - Further controls possible
- Regular exchange of reports between stakeholders
- Introduction of system to inform responsible national bodies
- Efficient enforcement regime with appropriate sanctions

Detailed recommendations to be finalised

To be sent together with PFSC recommendations to NA’s and other stakeholders
Next steps

- Overdue payables recommendations to be included in country visits
- Other topics to be further investigated to be defined and agreed

2. Report from the steering group
c. Working group on career funds
   i. Status quo
2. Report from the steering group
   c. Working group on career funds
      ii. Career funds toolkit

3. Work programme 2015
Work programme for 2015

Implementation

Respect of contract

Work programme for 2015

Implementation

- Overseeing implementation
- Monitoring compliance
- Assessing progress
- Promoting activities
- Overseeing expert groups
Work programme for 2015

**Implementation**

**Nature of contract**

- Focusing on assistance
- Collecting of factual data
- Providing guidance
- Follow-up of action plans
- Assessing progress achieved

NDRC and club disciplinary
Work programme for 2015

**NDRC and club disciplinary**

- Sharing of best practices
- Providing assistance
- Assessing progress achieved

**Respect of contract**

- Follow-up of PFSC recommendations
- Concluding detailed recommendations on overdue payables
- Including overdue payables as a topic in country visits when necessary
- Focusing on topics as requested by PFSC working group on transfer matters
Work programme for 2015

Does the plenary approve the 2015 work programme?

Implementation

Respect of contract

Work programme for 2015

Work programme 2015 approved
4. Information from the Commission on other sports-related initiatives

5. Study on sports organisers’ rights in the EU
6. Calendar of meetings for 2015

Calendar of meeting for 2015

**Working group meetings:**
- 3 February, Brussels
- 1 September, Brussels

**Steering group meetings:**
- 26 May, Warsaw
- 8 October, Hoofddorp

**Plenary meeting:**
- 19 November, Brussels
7. Any other business