

UNIVERSITE CATHOLIQUE DE LOUVAIN
INSTITUT DES SCIENCES DU TRAVAIL



STUDY ON THE REPRESENTATIVENESS OF THE SOCIAL PARTNER ORGANISATIONS
IN THE PROFESSIONAL FOOTBALL PLAYERS SECTOR (EU-25 – BULGARIA, ROMANIA AND TURKEY)

SUMMARY

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STAFF WORKING ON THIS STUDY

AUTHOR OF THE REPORT

Alexandre CHAIDRON, researcher

Cécile Arnould, researcher

COORDINATORS

Prof. Armand SPINEUX and Prof. Evelyne LEONARD

RESEARCH TEAM

Prof. Bernard FUSULIER

Prof. Pierre REMAN

Delphine ROCHET, researcher

Isabelle VANDENBUSSCHE, researcher

ADMINISTRATIVE CO-ORDINATION

Myriam CHEVIGNE

NETWORK OF NATIONAL EXPERTS

Austria: Franz Traxler, Institut für Soziologie – Universität Wien.

Belgium: Jean Vandewattyne, Université Libre de Bruxelles (ULB)

Cyprus: Savvas Katsikides, Maria Modestou and Evros I. Demetriades, Department of Social and Political Science - University of Cyprus

Czech Republic: Ales Kroupa and Jaroslav Helena, Research Institute for Labour and Social Affairs - Charles University of Prague

Denmark: Carsten Jørgensen, Forskningscenter for Arbejdsmarkeds- og Organisationsstudier, FAOS – Department of Sociology, University of Copenhagen

Estonia: Kaia Philips and Raul Eamets, University of Tartu

Finland: Pekka Ylostalo, University of Helsinki, Department of Sociology

France:	Solveig Grimault, Institut d'Etudes Politiques de Paris
Germany:	Dieter Sadowski, Catharina Leilich, Dana Liebmann, Oliver Ludewig, Mihai Paunescu, Martin Schneider and Susanne Warning, Institut für Arbeitsrecht und Arbeitsbeziehungen in der Europäischen Gemeinschaft, IAAEG - Universität Trier
Greece:	Aliki Mouriki, National Center for Social Research – Athens
Hungary:	Csaba Makó, Institute of Sociology, Hungarian Academy of Sciences
Ireland:	Pauline Conroy and Niamh Murphy, Ralaheen Ltd
Italy:	Franca Alacevich and Andrea Bellini, Università degli studi di Firenze – Dipartimento di scienza della politica e sociologia politica.
Latvia:	Alf Vanags, Baltic International Centre for Economic Policy Studies
Lithuania:	Mark Chandler, EuroFaculty Vilnius Centre, Ekonomikos fakultetas, Vilniaus universitetas
Luxembourg:	Franz Clément, Centre d'Études de Populations, de Pauvreté et de Politiques Socio-Economiques (CEPS – INSTEAD).
Malta:	Saviour Rizzo and Manwel Debono, Workers' Participation Development Centre, Department of Sociology
Netherlands:	Marc Van Der Meer and Branco Martins, University of Amsterdam – Department of Sociology.
Poland:	Pierre Gréga, Coopération Technique Belge (CTB s.a.).
Portugal:	Marinus Pires de Lima and Ana Guerreiro, Universidade de Lisboa – Instituto de Ciências Sociais – Instituto Superior de Ciências do Trabalho e da Empresa (ISCTE).
Slovakia:	Lubica Bajzikova and Helena Sajgalikova, Faculty of Management, COMENIUS UNIVERSITY
Slovenia:	Alenka Krasovec and Damjan Lajh, University of Ljubljana
Spain:	Ramon De Alos-Moner Vila, Universitat Autònoma de Barcelona – Grup d'Estudis Sociològic sobre la Vida Quotidiana i el Treball
Sweden:	Dominique Anxo and Jacques Ferrat, Center for European Labour Market Studies (CELMS) – Department of Economics – Göteborg University.
The United Kingdom:	David Marsden, London School of Economics

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¹ Approval by the Commission does not imply the approval of any of the European organisations as to content (comment from UEFA).

ABBREVIATIONS

ORGANISATIONS' ABBREVIATIONS:

AFC1SFL (Association of Football Clubs of First Slovenian Football League)

AFE (Association of Spanish Footballers)

AFTU (All-Poland Footballers' Trade Union)

AGAA (Associations of German-speaking Actors and Actresses)

AIC (Italian Players' Association)

APF (Association of Professional Footballers - Slovakia)

BL (Austrian Federal League of Football)

BNS (National Union Block)

CED (Cooperation of the First [actually Second] Division – The Netherlands)

CEOE (Spanish Confederation of Employers' Associations)

CFA (Cyprus Football Association)

CGSLB/ACLVB (Federation of Liberal Trade Unions of Belgium)

CMFS (Czech-Moravian Football Association)

CSC/ACV (Confederation of Christian Trade Unions - Belgium)

CSTV (Czech Physical Education Association)

DBU (Danish Football Association)

DEF (Association of Danish Elite Athletes)

DF (Danish League Association)

DGB (German Confederation of Trade Unions)

ECV (First Division limited partnership – The Netherlands)

EFA (Estonian Football Association)

EFD (Women's Professional Football League - Sweden)
EFFC (European Federation of Professional Football Clubs)
EFJ (European Federation of Journalists)
EPAE (Association of Professional Football Clubs - Greece)
EPFL (European Professional Football Leagues)
EPO (Hellenic Football Federation)
ETUC (European Trade Union Confederation)
EuroMEI (European Media and Entertainment)
FA (Football Association – England)
FAF (Football Association of Finland)
FAI (Football Association of Ireland)
FAPL (Football Association Premier League - England)
FAS (Football Association of Slovenia)
FAW (Football Association of Wales)
FBO (Dutch Federation of Paid Football Organisations)
FFF (French Football Federation)
FGTB/ABVV (Belgian General Federation of Labour)
FIGC (Italian Football Federation)
FIM (Federation of International Musicians)
FIA (International Federation of Actors)
FIFA (Fédération Internationale de Football Association)
FIFPro (Fédération Internationale des Associations Footballeurs Professionnels)
FL (Football League - Finland)
FLF (Luxembourg Football Federation)
FNASS (Organisation for the management of social work by employees of territorial collectivities - France)

FNV (Confederation of Dutch trade unions)
FPAF (Football Players Association of Finland)
FPF (Portuguese Football Federation)
GMB (Britain's General Union)
GSEE (General Confederation of Greek Workers)
HLSZ (Hungarian Players Association)
ICFTU (International Confederation of Free Trade Unions)
IFJ (International Federation of Journalists)
KMsfB (Union of the Arts, Media, Sporting Activities and the Liberal Professions)
KNVB (Royal Dutch Football Association)
LC (League Commission – Slovakia)
Lega Calcio (National Professionals' League - Italy)
LFF (Latvian Football Federation)
LFF (Lithuanian Football Federation)
LFP (Professional Football League - France)
LFP (National League of Professional Football)
LFP/LBV (Belgian Professional Football League)
LO (Danish Confederation of Trade Unions)
LOW (League of Wales)
LPFP (Portuguese Professional Football League)
LPSC (Serie C Professionals' League - Italy)
MFA (Malta Football Association)
MLL (Hungarian Football League)
MLSZ (Hungarian Football Federation)
NFL/NF (Belgian National Football League)

ÖFB (Austrian Football Association)
PFA (Polish Football Association)
PFA (Professional Footballer Association - England)
PFA (Pancyprian Footballers Association)
PFAI (Professional Footballers Association of Ireland)
PFL (Polish Football League)
RFEF (Royal Spanish Federation of Football)
SEF (Swedish Elite Football Association)
SFA (Scottish Football Association)
SFA (Slovak Football Association)
SFS (Swedish Football Players Association)
SIPTU (Services Industrial and Professional Trade Union)
SJPF (Professional Footballers Trade Union)
SPF (Danish Football Players' Association)
SPFA (Scottish Professional Footballers' Association)
SPL (Scottish Premier League)
SvFF (Swedish Football Association)
TUC (Trade Unions Congress)
UCPF (Union of Professional Football Clubs - France)
UEFA (Union des associations européennes de football)
UNFP (National Professional Footballers' Union - France)
UNI (Union Network International)
UNICE (Union des Industries de la Communauté européenne)
UNI-MEI (Media and Entertainment)
UOV (Confederation for independent unions – The Netherlands)

UPFPS (Union of Professional Football Players of Slovenia)

URBSFA/KBVB (Royal Belgian Football Federation)

VVCS (Association of Players Under Contract – The Netherlands)

INTRODUCTION

PRESENTATION OF THE STUDY

This report has been produced as part of the research into the institutional representativeness of social partners in the European Union, and the situation of trade unions and employers' associations in new Member States and candidate countries. The research has been conducted by the Institut des Sciences du Travail (Université catholique de Louvain) at the request of the Employment and Social Affairs Directorate-General of the European Commission (Call for tenders No VC/2004/0547).

The issue of the representativeness of European organisations came to the fore in the context of the promotion of social dialogue. In a communication published in 1993², the European Commission set out three criteria determining the access that employers' and workers' organisations had to the consultation process under Article 3 of the Agreement on Social Policy. According to the terms of this communication, the organisation must: (1) *be cross-industry or relate to specific sectors or categories and be organised at European level; (2) consist of organisations which are themselves part of the social partners structures of Member States which have the capacity to negotiate agreements, and which are representative of all Member States, as far as possible; (3) have adequate resources to ensure their effective participation in the consultation process.* In 1996, it adopted a consultation document³ that sought to bring together the widest range of views on the measures to be employed in fostering and strengthening European social dialogue. At that point, given that the social partners at European level were, and still are, in the process of structuring themselves and accepting new applications for membership, the European Commission conducted a study on the representativeness of inter-professional and sector organisations in the European Union, and in a new communication⁴ in 1998, announced the measures that it proposed to take in order to adapt and promote social dialogue at European Union level. In it, the Commission reaffirmed the three criteria established by the 1993 Communication, permitting European organisations to be recognised as representative for consultation purposes under Article 3 of the Social Policy Agreement. Finally, in 2002, the Commission reaffirmed its support for a strengthening of social dialogue in its communication *The European social dialogue, a force for innovation and change*⁵. In the respect of the three criteria set up by the Commission, as has been pointed out in previous studies⁶, *the changes focus on the disappearance of demands relating to the inter-sector nature of organisations and on the fact that they are established in all Member States; the new rules have not been formulated in a very restrictive manner, they only require employers' and workers' organisations to represent "several" Member States. This relaxation of the implementation condition might pose a demarcation problem in the sense that there is no criterion setting out a minimum number of Member States to activate it.*

Against this background, it is clear that one of the main issues, both for the Commission and for the European social partners, is the enlargement of the European Union and its impact on the process of social dialogue at Community level: *The Communication underlines the vital role and the weaknesses of social dialogue in the candidate countries. Much has been achieved over the*

² COM(93) 600 final of 14 December 1993, Communication from the Commission concerning *the application of the Protocol on Social Policy*.

³ COM(96) 448 final of 18 September 1996 concerning *the development of the social dialogue at Community level*.

⁴ COM(98) 322 final of 20 May 1998, Communication from the Commission, *Adapting and promoting the Social Dialogue at Community level*.

⁵ COM(2002) 341 final of 26 June 2002, Communication from the Commission, *The European social dialogue, a force for innovation and change*.

⁶ Spineux A., Walthery P. et al., *Report on the representativeness of European social partners organisations*, Report coordinated by the Institut des Sciences du Travail of the Université catholique de Louvain, for the European Commission, Directorate General for Employment, Industrial Relations and Social Affairs, Louvain-la-Neuve, 1998.

past decade with the support of Community programmes and initiatives. However, a lot remains to be done to strengthen the capacities of social partners and involve them in the accession process⁷. As far as the European Commission is concerned, it is *only with sufficiently robust national structures that the social partners will be able to participate effectively in negotiations and in other European social dialogue activities and also implement agreements at national level*⁸.

The development of social dialogue, therefore, formed part of the "*acquis communautaire*" (community achievement): *The Treaty requires that social dialogue be promoted and gives additional powers to the social partners. The candidate countries are, therefore, invited to confirm that social dialogue is accorded the importance required and that the social partners are sufficiently developed in order to discharge their responsibilities at European Union and national level, and to indicate whether they are consulted on legislative drafts relating to the taking over of the employment and social policy acquis... Therefore, the development not only of tripartite structures but also of autonomous, representative bipartite social dialogue is an important aspect for the future involvement of the candidates countries' social partners in the social dialogue activities developed at European and national level*⁹.

Enlargement of the European Union is a major issue from a quantitative and qualitative point of view: *The quantitative leap is quite clear as soon as the number of partners rises. The delegations taking part in social dialogue will be enlarged, and that, as we know, does not facilitate dialogue. However, the leap is also qualitative in that the new entrants present the industrial relations systems they have inherited from their national histories*¹⁰.

The aim of the report is to produce a study that sets out both brief descriptions of the way that social dialogue functions in the countries concerned, and descriptions of the various workers' and employers' organisations involved in social dialogue at sector level¹¹. This study may be seen as a tool to help understand these quantitative and qualitative factors. It will also make it possible to understand the various systems of industrial relations in different countries, and to introduce the actors involved in social dialogue.

RESEARCH APPROACH AND COMMENTS ON METHODOLOGY

For the purposes of this study, a network of University researchers throughout the 25 European Union Member States was set up. These researchers in Industrial Relations are independent of both the European Commission and employers' and workers' organisations¹². Each researcher was charged with drawing up a report based on a common template. A questionnaire tailored to the specific realities of the professional football players sector was elaborated to that effect. Each national report issued by the expert was submitted to the national organisations in order to enable them to make comments on collected data. The IST took charge of coordinating the study and drawing up the summaries. Constant communication and ongoing collaboration between the IST, national experts and national organisations takes place in order to associate the various players of the process of research. The report is also checked by the European organisations

⁷ *Op cit.*

⁸ *Op cit.*

⁹ *Enlargement of the European Union. Guide to the negotiations. Chapter by chapter*, European Commission, DG Enlargement, June 2003.

¹⁰ Léonard E., Spineux A., *Les relations industrielles en Europe aujourd'hui*, Institut des Sciences du Travail, UCL, 2003 (unpublished).

¹¹ UEFA rightly points to the fact that the report covers professional football players only, as agreed with the European Commission at the start of the study. This precision has been made in the text where needed, by replacing "professional football sector" by "professional football players sector"

¹² UEFA says that this is incorrect, but there is no precise indication on the points where this would generate a problem.

and their members in order to enable them to make comments on the report. This phase of consultation represents an important stage of research. Lastly, the report is checked by the European Commission's services. The IST wishes to stress its independence with regard to the political consequences and decisions which may be made on the basis of this study.

The research process, in its design, comprises a phase of collection of data on the players and the social dialogue in which they participate, but also an active approach embracing the building of a consensus, which is an integral part of the process of social dialogue itself. Thus, whereas in a good number of cases the data collected do not permit total definition of the role played by the organisations, the contacts made during the data collection and the discussions with the different players concerned should be an integral part of a process of mutual recognition¹³. The main sources used within the framework of this study are thus the social partners themselves.

Lastly, a few words on the consultation process involving the European social partners must be added. The organisations which have been consulted are cited in annex. The comments that the IST received from these organisations, and those of their members have been incorporated in different ways, depending on the kind of information received:

- The observation is directly included in the content of the report
- When a difference of opinion exists between the employers' or workers' organisation and the expert, the observation is included as a footnote in the report, as well as the justification of the expert.

The consultation for this report on the professional football players sector took place during the months of November-December 2005 and January 2006.

Finally, given that national situations are very changeable and evolve rapidly, it is important to stress that the aim of this study is to take "a snapshot" of the situation of the organisations in 2005. Interviews with the organisations took place, and the national reports were written, between July and September 2005.

¹³ Reply to Call for Tenders VT/2002/83. *Studies on the representativeness of the social partners at sector level in the European Union and monographs on the situation of the social partners in the candidate countries*, Institut des Sciences du Travail, UCL, 2002.

PROFESSIONAL FOOTBALL PLAYERS SECTOR AT EUROPEAN LEVEL

Definition of the objectives of the study given to the experts following agreement with the European Commission: There is no NACE classification corresponding to the sector. The subject of this study is professional footballers (PFs). Amateur footballers (or amateur football) are not targeted¹⁴, but if the expert feels that it is necessary or interesting to collect data on them, in order to gain a better understanding of the sector, he may include it in the report. Finally, professional activities related to professional football (trainers, physiotherapists, doctors, technical personnel etc.) have also been excluded from the field of the study.

Remarks:

- In this section, in order to maintain clarity and comparability, we will not enter into the detail of the arrangements or the rules. We invite the reader to consult the (summaries) of the national reports in order to obtain further detail on the national references used.
- When the term "country" is used, this also includes England, Scotland, Wales and Northern Ireland.

1. Comparison

1.1. THE PROFESSIONAL PLAYER

1.1.1. Definition(s)

The study concerns itself with professional players¹⁵. According to the country, a definition of what constitutes a professional player is provided¹⁶, either by legislation and / or collective agreement and / or by the National Association (NA). FIFA rules provide reference points for the setting up of the categories¹⁷, with some countries limiting themselves strictly to these definitions and others refining the terms. Other countries do not seem to make any reference to these regulations. It should be pointed out that sometimes, the distinction between professional and amateur is assimilated into the difference between the status of non-amateurs and that of amateurs (as is the case, for example, in Cyprus, Luxembourg, Slovenia, or Sweden). Hereunder, the countries studied are categorised according to the influence of FIFA regulations on their definition of the professional footballer.

¹⁴ Others sports, other types of employee, players' agents, female professional football players, the national and European football associations and other groupings are not targeted by this study either.

¹⁵ UEFA takes the view that professional players constitute a subset of professional football as a whole (cf. Nice Declaration).

¹⁶ " FIFPro's comment: *"We noticed the importance of the difference in definitions of a professional player. This is important also for future developments of establishing a collective agreement on the various national levels but also on the European level."*

¹⁷ According to FIFA, a "professional player" is one who has a written contract with a club and whose remuneration exceeds the costs or expenses involved with the practice of football. Any player who benefits from a contract with a club and who receives compensation in excess of the amount of real expenses incurred in the exercise of this football activity is reputed to be a professional player. All other players are reputed to be « amateur players » (as per the regulation on the status and transfer of players based on article 5 of the FIFA statutes of the 19th October 2003).

- Countries which implement entirely and exclusively the FIFA regulations: Cyprus, Poland, Czech Republic and Malta.
- Countries which draw inspiration from the FIFA regulations and refine or add variations (with no legislative intervention). For example, in Austria, there are three categories : the amateur player, the player under contract (earning between EUR 301 and EUR 600 per month) and the professional player (earning more than EUR 600 per month, over and above reimbursement of costs incurred as a result of the activity)¹⁸. In France, they refer to amateur players, federation players (players living on the income from their football activity but at amateur level or within regional leagues) and players under contract (players belonging to a club from one of the two first divisions). In Sweden, a player receiving more than EUR 326 per year is officially considered to be a non- amateur (professional). In the Netherlands, there is no real definition of a professional player but two categories of player can be identified: players under contract playing in the first two divisions who are considered to be true professionals and amateur players from the lower divisions. In Germany, to be classified as non-amateur, players must earn more than EUR 150 per month (in addition to the reimbursement of expenses). The non-amateur player, who wants to progress to the top two national divisions, must also obtain a licence from the Ligaverband (but this licence does not constitute a work contract).
- Countries where the legislation is included in the definition. The professional football player (usually included in the larger category of « professional or remunerated sportsmen ») is defined by legislation, as in Belgium (in concertation with the joint-appeals committee on sport – minimum earnings EUR 7,858 gross per annum), in Finland (minimum earnings EUR 9,526 gross per annum), in Hungary, in Lithuania, in Latvia, in Portugal, in Slovenia, in Spain, and in Italy. This does not prevent the NA, in certain cases, from proposing its own complementary categories (for example, three in Belgium, specifically based on legislation, between amateur, non-amateur and professional) or simply to take the FIFA distinction but adding certain financial criteria, as in Slovenia, where as from earnings of EUR 292 per annum one is considered to be non-amateur.
- In Denmark, England, Scotland, Estonia, Ireland and Northern Ireland and Wales the only way of distinguishing between an amateur and a professional player is that the latter holds a work contract. In Greece, any player who has a contract with a professional club and who has signed the register of professional footballers, maintained by the NA, is considered to be a professional player.
- Countries in which there are no professional players, such as Luxembourg. One can make the distinction between non-amateurs who have a contract with a club, but whose remuneration does not exceed the costs directly related to playing football and amateurs who have no contract.

Remark on the methodology of the review of professional footballers

Even if the definition of a football player would appear to be well staked out and circumscribed in the countries in this study, in reality there are still many grey areas. In fact, there are players who do not have the official status of professional players (or non-amateurs for certain countries), but who actually are people who draw their only or principal income from their activity as footballers (with or without an employment contract). There are different variations of this situation from one country to another with consequences for social insurance, social dialogue and the representativeness of organisations. Let us consider some examples. In Italy, reference is made to players belonging to lower divisions, which are not recognised as being professional. These players have the status of amateurs but earn their living with undeclared payments, with all the consequences of not being covered by social security and not being able to benefit from the

¹⁸ UEFA and EPFL do not fully agree on this categorisation (see report on Austria).

collective agreement for professional footballers. In Belgium, a certain number of players, who do not have the official status of professional players, but who have the status of non-amateur, earn enough from their football activity to be able to live from it. It is only when they earn over a certain amount that these players have the right to benefit from the provisions of the collective agreement for professional players. However, they are not considered in the representativeness calculations. In the Netherlands, there are players who are included in the category of amateurs (active) even though they have an employment contract (or a de facto agreement), which allows them to earn their living, partially or entirely, given that their income exceeds the official costs of the activity they are engaged in and therefore, from the point of view of FIFA, may be considered as professional. Nevertheless, they are not taken into account in the category of professional players (called players under contract), which is a category created by the NA. These players are not covered by the measures resulting from the social dialogue, nor are they represented or covered by the organisations participating in this dialogue. In France, players who draw their principal income from football, thanks to an employment contract, but who do not carry out their work at the level of the two top divisions (called federal players) are excluded from the field of application of the collective agreement and are not represented by the organisations. In Sweden, a player is considered to be a professional when he earns more than EUR 326 per annum. This amount does not enable the person to live from his football activity but has been established in order to keep young talented players by offering them a contract.

This remark on the methodology enables an observation to be made on the criteria of representativeness. In fact, both on the side of the trade union organisations and the organisations representing the professional football clubs, there is a category of players not officially considered to be professional players, who are not taken into account in the evaluation of representativeness, even though they are effectively professional players. These players are not always represented by a players' organisation. In the same way, some of the clubs which use these players are not all professional clubs (or at least they are not recognised as such) and do not belong to any professional club organisation. This tends to skew the representativeness of the professional club organisations, both in terms of the rate of coverage of players who are called « professional » and also in terms of the number of employers (clubs) affiliated to these organisations.

Considering this remark on the methodology, we propose to **estimate**, on an indicative basis, the number of professional footballers and the number of professional clubs.

Number of professional footballers: 28,000

Number of semi-professional footballers: 2,900

Total number of professional footballers: 30,900¹⁹

Number of professional clubs : 1,600

¹⁹ The United Kingdom professional players are not included, since no estimate could be carried out.

1.1.2. Social protection

As most professional footballers have the status of salaried worker²⁰, they usually qualify for the same basic social benefits (e.g. social security, pension,...) as salaried workers in other economic sectors. This type of social security is not available in a minority of countries: The Czech Republic, Hungary, Latvia, Malta, Poland and Slovenia²¹. All footballers in the Czech Republic have the status of freelancer, whereas in Poland and in Slovenia two types of status exist side by side, with most players being freelancers: this status is less costly in terms of social and employer contributions). In these countries, a professional player's employer is the club. Some players, for example in Austria, are directly under contract to a club sponsor or to a company belonging to the Club President. Freelance players are de facto directly subject to the authority of the club.

Moreover, according to the country, these rights are reinforced or complemented in different ways, which give rise to important shades of variation. For example, in Belgium, the social contributions are based on the minimum legal income and not the real income, which limits the social protection afforded. In Germany, a player earning more than EUR 46,800 is not required to contribute to medical insurance. A players' trade union has set up a special fund for professional retraining as well as a fund for widows and orphans of footballers. In Greece equal access is provided but the medical and accident insurance is paid by the employer (the club). Irish professional players have the benefit of an insurance paid by the club, but the cover is minimal. Furthermore, there are no pension rights for footballers. In Italy, as per the collective agreement, in the case of an accident or illness, the club must pay all costs and the player's salary for six months. In the Netherlands, a special pension fund for professional players has been set up under the auspices of the NA. So, these examples show a wide variety of situations which demonstrate the extent to which the social cover is unequal from one country to another.

It should be noted that the differential treatment of professional footballers compared to other professional groups is often justified by the characteristics of the sector (for example in terms of working hours, holidays, contract duration,...). This leads to exceptional measures in comparison with the social legislation in force. For example, France recognises by statute the impossibility of being able to offer a professional player a contract with an indefinite duration. Portugal also gives legal recognition to the particular working conditions for professional players. Moreover, the collective agreements, when they exist, add precision with specific measures.

1.1.3. Standard employment contract

In the majority of countries, there is a model contract or standard employment contract (SEC), which serves as a reference at the time of setting up and signing a contract. However, the following countries have not adopted such a contract: Cyprus, Slovakia, Slovenia, Latvia, Luxembourg and Ireland²². The SEC is normally set up by the organisations representative of the players and clubs and / or the NA (in Greece this is done through legislation).

²⁰ According to G-14, *"the fact that the relationship between professional football players and their clubs in a number of new member states is still not indisputably based on labour law further complicates the possible establishment and functioning of players' unions, and also negatively affects the conditions for commencing social dialogue and subsequently concluding collective agreements in the respective national professional football sectors"*.

²¹ FIFPro's comment: *"First of all the question if a player can count on social security is very important, it could be one of the items to be discussed in the Social Dialogue. Also we consider it important to be aware of the fact that not in every country a player is considered as a worker."*

²² In Ireland, the standard employment contract is in process and will be made mandatory.

According to the particular case, the SEC contains more or less precise provisions with regard to the rights and obligations of the contracting parties. No SEC defines the minimum salary, except in Estonia and Malta²³. With regard to this model contract or standard employment contract, its use is left to the discretion of the parties in the following countries: Austria, Belgium, Finland, Germany, and Lithuania.

1.2. SOCIAL DIALOGUE²⁴ AND REPRESENTATIVE ORGANISATIONS AT NATIONAL LEVEL.

1.2.1. The players' representative organisations

It may be noted that in 8 countries out of 28 (29%) professional footballers are not represented by any organisation. Amongst the countries which do have such organisations, in three of them, Belgium, Germany, and the Netherlands (11%), there are several organisations, which implies competition between them. With regard to the capacity for collective negotiation of these existing organisations²⁵, out of the 23 organisations reviewed, only 2²⁶ have not been accorded this authority by their members.

In terms of the coverage rate of the representative organisations, (the rate of affiliation of the professional footballers), in the 18 (+1)²⁷ countries which have one or several organisations, the affiliation rate²⁸ of professional footballers²⁹ is less than 50% in 4 countries (22%), between 50% and 80% in 6 countries (23%) and equal to or greater than 80% in 8 countries (45%). The affiliation rate for professional footballers within the 28 countries is 52% (estimate)³⁰.

²³ Indirectly through a circular from the NA. Moreover, in certain countries a minimum salary may be defined by collective agreement, as for example in Italy. Furthermore, the salary must, in general terms, comply with the level of the national minimum wage in force.

²⁴ Here, we are concerned with the themes linked directly to the employment relationship and the working conditions. Other issues such as television rights, match calendars, rules of the game and disciplinary rules, etc. are not included.

²⁵ Negotiating capacity accorded by its members to the organisation on the subjects linked directly to the employment relationship and to working conditions. Other issues such as television rights, match calendars, rules of the game and disciplinary rules, etc. are not included. Moreover, the term capacity refers to the notion of « potential », which means that whether or not this authority is used in possible participation in the social dialogue (for example, in Finland, the footballers' organisation received the authority to negotiate collective agreements from its members but without the power to implement them, due to a lack of partners accorded a similar authority on the side of the clubs).

²⁶ Information not available for Scotland

²⁷ Actually, there is one more organisation in Scotland but information on rate of affiliation is not available.

²⁸ This rate is only indicative, given that it must always be taken in the context of the remark on methodology regarding the difficulty in defining and therefore in compiling data on professional footballers.

²⁹ In those countries where there are several organisations, the cumulative rate has been taken into account.

³⁰ This rate is only indicative, given that it must always be taken in the context of the remark on methodology regarding the difficulty in defining and therefore in compiling data on professional footballers. This figure does not include the United Kingdom. According to UEFA, the affiliation rate in the 28 countries altogether is less than 50% in 14 countries (50%), between 50% and 80% in 6 countries (21%), and 80% or more in 8 countries (29%).

1.2.2. The clubs' representative organisations

By representative organisations for clubs, it should be understood an organisation / league or a body, whether or not it is independent of the NA, which represents all or the majority of professional clubs³¹.

It may be observed that in 8 countries out of 28 (29%) the professional clubs are not included within any specific authority. Amongst the countries which have such organisations, in 6 countries (21%), there are several organisations. However, they are never in competition with each other since, either they represent clubs from different divisions or their competence refers to different matters.

When it comes to the capacity for collective bargaining of existing organisations, out of the 25 organisations reviewed, 13 (52%) have this capacity³².

In terms of the coverage rate of the professional clubs by the organisations³³, out of the 17 (+3)³⁴ countries which have one or several organisations, the coverage rate of these organisations is less than 40% in 3 countries (18%), between 40% and 99% in 1 country (6%) and equal to 100% in 13 countries (76%). The total coverage rate of professional clubs within the 28 countries is 33%³⁵.

1.2.3. The National Associations

The National Associations (NA) are present within all the countries studied. Their role in the field of collective negotiation³⁶, when this exists, is, in the vast majority of countries, inexistent or of limited scope³⁷. However, in Greece and Italy, the NA can be considered as participants in collective bargaining with the representative organisations of the clubs and the players. The NA of Poland also participates but confines itself to an informal consultative role with the other participants. In Spain, the NA plays the role of social partner with the football players' organisation, but only in the lower divisions.

³¹ On the subject of the representativeness of the social partners, and especially the National Associations, G-14 comments that *"[we] here touch upon an essential element of the institutional representative-ness of social partners, given that although the role of NAs as central governing bodies in the pyramid structure (European Sports Model) may be compared with that of the government of a country in a democratic society, it is difficult to imagine how a conflict of interests can be avoided between governing bodies and (statutorily, contractually or factually non-independent) social partners representing the clubs as employers in social dialogue. In principle, a similar position applies to the issue of the representativeness of employers' organisations at European level."*

³² This capacity could not be defined for Scotland, Wales, and Northern Ireland.

³³ This rate is only indicative, given that it must always be taken in the context of the remark on methodology regarding the difficulty in defining and therefore in compiling data on professional footballers.

³⁴ Information not available for England, Scotland and Wales.

³⁵ This rate is only indicative, given that it must always be taken in the context of the remark on methodology regarding the difficulty in defining and therefore in compiling data on professional footballers.

³⁶ Here, we are concerned with the themes linked directly to the employment relationship and the working conditions. Other issues such as television rights, match calendars, rules of the game and disciplinary rules, etc. are not included.

³⁷ The FIFPro points out that, under FIFA Regulations, National Associations have certain entitlements to involve themselves in the process at national level: this could lead to confusion. An important factor to bear in mind is that National Associations do not represent clubs.

In England, the NA is involved in a committee which brings together the active organisations in professional football and which debates the issues of working conditions for professional footballers. In Denmark, the NA plays the role of employers' representative in the social dialogue with the trade unions only for the national team. Finally, in France, the NA decided some years ago to keep out of the social dialogue, even if it retains the right to have a representative on the relevant joint-appeals committee³⁸.

1.2.4. The social dialogue

When a social dialogue is set up, it usually takes place between the organisation(s) representing the professional footballers and the organisation(s) representing the professional clubs³⁹.

Out of the 28 countries studied, one observes the presence of social dialogue (formal or informal) in 17 countries (61%)⁴⁰. Amongst the 17 countries, for 9 of them (32% of the total), the social dialogue resulted in the conclusion of one or several collective work agreements. These agreements, in general, apply to all those players employed by the clubs which belong to the organisation of clubs which are signatories to the agreement.

At club level, there is no trade union delegation in traditional sense of the term. However, in certain countries, players' councils have been put in place, such as in Ireland and the Netherlands. It should be pointed out that in Austria, real works councils were set up within the professional clubs, but in the middle of the 90s, these were abandoned, since they were not appropriate to the reality of the world of football.

Country	Organisation(s) of professional clubs	Organisation(s) of professional players	Informal and/or formal social dialogue	Signature of collective agreement(s)
Austria	X	X	(X) ⁴¹	
Belgium	X	X	X	X
Cyprus		X	X (with NA)	
Czech Republic				
Denmark	X	X	X	X

³⁸ According to UEFA, "[t]he question of the possible role of Associations in cases where professional footballers perform their activities on behalf of the national teams is currently under discussion."

³⁹ With the exception (to a certain degree) of Greece, Italy, Poland, Spain and England, countries in which the NA may intervene but rarely as a principal participant.

⁴⁰ It has not been possible to establish the existence or lack of it of an informal social dialogue in Scotland, Wales and Northern Ireland.

⁴¹ According to EPFL and UEFA, "several informal meetings were held between the Bundesliga and the KMSfB during 2005, and they continue to take place. This means that informal social dialogue, one of the key points of the study, takes place in Austria." According to the Austrian expert, "Until the autumn of 2005, talks on commencing collective bargaining only occurred sporadically. Since then talks have intensified and the issues have become more concrete. It remains to be seen what comes out of these talks. Social dialogue is understood to mean an institutionalised procedure: in the case of bipartite negotiations in Austria, this normally means a number of collective bargaining rounds, but since football is still in talks on whether to commence collective bargaining, this is not social dialogue."

Estonia				
Finland	X	X	X	
France	X	X	X	X
Germany	X	X	X	
Greece	X	X	X	X
Hungary	X	X	X	
Ireland	X	X	X	
Italy	X	X	X	X
Latvia				
Lithuania				
Luxembourg				
Malta				
Netherlands	X	X	X	X
Poland	X	X	X	
Portugal	X	X	X	X
Slovakia	X	X		
Slovenia	X	X	X	
Spain	X	X	X	X
Sweden	X	X	X	X
United Kingdom	X (in all parts of UK)	X (only in England and Scotland)	X (only in England)	(X) ⁴²

⁴² According to the PFA.

2. The European organisations

2.1. SPORT REGULATION AUTHORITY

UEFA (Union des associations européennes de football)

The UEFA (Union of European Football Associations – www.uefa.com), created in June 1954, is one of the regional confederations of the International Federation of Football Associations (FIFA – www.fifa.com). Its 52 members are national associations from each European country. The Union's various responsibilities include ⁴³:

- organising competitions for professional, youth, women's and amateur football;
- using its earnings to support reinvestment and redistribution in football;
- providing specific aid for the neediest member associations;
- acting as spokesperson for European football;
- guaranteeing consistency between decision makers' various approaches to issues of importance for football.

The UEFA has set up a Professional Football department within the organisation charged with developing, implementing, regulating and highlighting women's and men's competitions for national teams and clubs while guaranteeing respect for the essential values of sport. This department sets up partnerships with key stakeholders in professional football, such as member associations, clubs, leagues and unions. It also keeps a close watch on strategic issues related to professional football in its relations with the worlds of politics, economy and finance, labour and regulations⁴⁴. Finally, it is responsible for developing and managing a documentation centre that supports the UEFA in implementing strategy and taking decisions.

The UEFA has also created the Professional Football Committee in 1998. Its most important aims are as follows:

- To promote cooperation between leagues and the UEFA, in accordance with the UEFA statutes.
- To promote and safeguard the interests of professional football leagues in Europe while taking their specific problems into account.
- To ensure direct communication between football leagues and the UEFA while guaranteeing that national associations and professional football clubs are kept well informed.
- To promote the interests of professional football leagues

In accordance with the UEFA statutes (Article 37, paragraph 3), the duties of the committee consist in assisting the Chief Executive in carrying out his tasks by advising him and keeping him informed of the views and experiences of member leagues and associations.

⁴³ UEFA additionally includes all questions relating to European football as part of its responsibilities.

⁴⁴ UEFA comments: *"As a principle, we should also point out that UEFA is very open-minded as regards the potential advantages and disadvantages of a collective bargaining agreement, and we have stated this on several occasions to employee and employer representatives. If the circumstances were right, UEFA would indeed be prepared to promote such an initiative. However, it is a very complex subject, and we are very keen that the sector is both properly defined, but also mature enough, before any Sectoral Dialogue Committee is set up or before a formal EU sector dialogue is started. It is partly for this reason that we have taken steps in this direction already (and indeed in the past we have facilitated social dialogue on European level)".*

- As representatives of their leagues and clubs, the members of the Professional Football Committee are charged with submitting solutions and proposals to the Chief Executive. They may submit recommendations and draft proposals in the following areas: contractual relations between clubs and players; principle of compensation for player training and education; code of conduct for European professional football; procedure for licencing clubs
- Discussion of major issues related to professional football: period of transitional service of players selected for national teams; (judicial) arbitration in European professional football; solidarity system, including holders of commercial rights
- Discussion and implementation of positions on subjects addressed by other committees and which also concern professional football (on a case-by-case basis).

This committee comprises professional football leagues at national level and five representatives of the European Professional Football Leagues (EPFL).

The National Associations which are members of UEFA are present within the 28 countries studied. In general, they do not play a preponderant role in the social dialogue (see point 1.2.3.). Their missions are focused on the global organisation of football (rules of the game, disciplinary rules, match calendars, television rights, youth training, refereeing, national team...). In a series of countries, some of these competences are shared or delegated to the associations of clubs which then benefit from total or partial organisational autonomy in these matters⁴⁵.

2.2. REPRESENTATIVE ORGANISATION FOR EMPLOYEES

FIFPro (Fédération Internationale des Footballeurs Professionnels)

The FIFPro (Fédération Internationale des Associations de Footballeurs Professionnels), founded in December 1965, is the only European and worldwide representative organisation for professional football players. It has 40 members across five continents⁴⁶.

Following the 1995 Bosman ruling, the FIFPro was recognised as a players' representative organisation by the UEFA and the FIFA. The Federation is an important stakeholder in the world of football and is often involved in collaboration and the negotiation of various key issues. For example, the FIFA sought the FIFPro's expertise in developing its new regulation on players' agents, which was approved by the European Commission and introduced in 2000. The FIFPro (with the UEFA and the FIFA⁴⁷) was also involved in the drafting of the regulation on international transfers with a view to meeting the European Commission's requirements.

The FIFPro is directly affiliated to the European Trade Union Confederation (ETUC).

⁴⁵ UEFA is ready to provide more information on request.

⁴⁶ UEFA points out that the FIFPro is therefore not a European organisation, although it has discussed about plans for creating a European division.

⁴⁷ EPFL also includes the European leagues.

Out of the 28 countries studied, FIFPro is present in 19 countries (68%), counting one member per country⁴⁸. In the countries where there is competition between players' organisations (Germany, Belgium and the Netherlands), FIFPro only affiliates one of these organisations⁴⁹. With the exception of these three countries and Slovakia (where there is a players' organisation which is not a member of FIFPro), all the existing players' representative organisations, within the 28 countries studied, are members of FIFPro. The latter therefore affiliates 83% of the professional footballers' organisations. According to figures provided by the FIFPro, its affiliation rate for professional players is around 70.9% among EU members (68.5% including Romania), but it is important to bear in mind that this rate is based on active professional players that have contracts, and who are members of the players' union.

.As a consequence, as soon as a social dialogue (formal or informal) is set up, it is almost always the organisation which is a member of FIFPro which represents the players in negotiations.

In almost all of the countries, the players' representative organisation is an entity which is totally independent of the NA (not being affiliated to the latter). This independence does not exclude the possibility for the players' organisation to sit on and participate in the NA committees to represent and / or defend the players. In some countries, the players' organisation participates in a more structured way in the NA. In Greece, the players' organisation has a representative on the administrative board but without voting rights. In Italy, the organisation is represented in the National Assembly, the Executive Committee and the Federal Council of the NA. In Portugal, the organisation is affiliated to the NA and participates in the General Assembly of the NA. In Spain, the organisation takes part in the executive committee of the NA.

2.3. REPRESENTATIVE ORGANISATIONS FOR EMPLOYERS

2.3.1. EPFL (European Professional Football League)

The EPFL (European Professional Football Leagues) is an organisation created in 1997, originally under the name Association of the European Union Premier Professional Football Leagues (EUPPFL). Its members are the professional football leagues of 15 countries:

- Austria: Österreichische Fussball Bundesliga (www.bundesliga.at)
- Belgium: Ligue Professionnelle de Football: Avenue Houba de Strooper, 145 1020 Brussels (telephone: 02/477.12.29/13.13; e-mail: lpflby.philips@footbel.com; President: Jean-Marie Philips)
- Denmark: Divisionsforeningen (www.bold.dk)
- Ireland: Eircom/Fai National League (www.fai.ie)⁵⁰
- England: The F.A. Premier League (www.premierleague.com)
- Finland: Jalkapalloliiga (www.veikkausliiga.com)

⁴⁸ FIFPro, through internal regulation, has decided to limit itself to an affiliation of representative organisations for the players of a country.

⁴⁹ It should be noted that in Belgium an agreement between the three competing trade unions allows them to overcome this constraint since one union is authorised to represent the other two within FIFPro.

⁵⁰ The FAI has sought membership, and the application has been approved, subject to the normal paperwork. The EPFL says that the membership application process is likely to be concluded very soon. The Slovenian Professional Football League is in a similar position.

- France: Ligue de Football Professionnel (www.footpro.fr)
- Germany: Die Liga – Fussballverband e.v. Business Affairs: Deutsche Fussball Liga GmbH (www.bundesliga.de)
- Greece: Hellenic Football League (www.hfl.gr)
- The Netherlands: Eredivisie (www.hollandcasino-eredivisie.nl)
- Italy: Lega Nazionale Professionisti (www.lega-calcio.it)
- Portugal: Liga Portuguesa de Futebol Profissional (Rua da Constituicao 2555 – PT – 4250 – 173, Porto; telephone: +351.22.8348740, e-mail : geral@lpfp.netcabo.pt)
- Spain: Liga Nacional de Futbol Profesional (www.lfp.es)
- Sweden: Foreningen Svensk Elitfotboll (www.svenskelitfotboll.se)
- Switzerland: Swiss Football League

A national professional league generally includes the professional football clubs active in first or top division (sometimes also the professional clubs of lower divisions). The EPFL's objectives are namely:

- to develop and encourage cooperation between leagues
- to work with the UEFA for the welfare of professional football associations in Europe, particularly through the Professional Football Committee of the UEFA
- to promote the interests of its member leagues
- to develop and encourage relations between the organisation and non-member leagues.
- to establish a unified system while respecting players' freedom of movement between member leagues.

The EPFL elects five representatives to the UEFA Professional Football Committee, and is empowered to appoint representatives to the FIFA Dispute Resolution Chamber. The EPFL is also represented on the UEFA, Leagues and FIFPro Panel.

Of the 28 countries studied, the EPFL is present in 14 countries (50%). In the majority of cases where it is active the EPFL affiliates the entirety of the existing organisation of clubs, except in the Netherlands, in France, in Belgium, in England, in Scotland and in Italy.

It may be noted that in 7 countries out of 9 in which a formal social dialogue is established with signature of collective agreements, it is the organisation which is a member of the EPFL which signed the collective agreement as the representative of the employers (the clubs). There are two exceptions: France and the Netherlands. In France, another organisation (the Union of Professional Football Clubs (Union des Clubs professionnels, UCPF) plays the role of employers' (clubs) representative in collective bargaining and social dialogue: more than 80% of its funding comes from contributions from clubs. The UCPF also participates in EPFL General Assembly meetings.

In the Netherlands, the member organisation of the EPFL has no role in the social dialogue concerning matters relating to employment. Another organisation of clubs, which are not members of the EPFL, takes care of it. It should be noted that in Italy, one of the two leagues (the one operating at the level of professional divisions C and D) participates in the social dialogue but is not a member of the EPFL, contrasting with the organisation which represents the professional clubs of the two first divisions, A and B, which also participates in the social dialogue whilst being a member of the EPFL⁵¹.

In the other countries where the EPFL is not present, one finds that no organisation of professional clubs has been set up, with the exception of Hungary (the organisation has negotiating authority but does not exercise it), Poland, Slovakia and Slovenia (the latter does not have the authority to negotiate on behalf of its members). These organisations are not member of any European organisation.

In summary, the EPFL represents 14 of the 18 organisations of existing professional clubs (78%) in the 28 countries studied. The EPFL has a coverage rate of the professional clubs of 24% (estimate)⁵². This rate must be seen in the context of the fact that the EPFL only represents premier leagues (and in most cases just the top 1 or 2 divisions), that is to say the most important clubs in terms of budgets, financial flows and match attendance figures.

As for the links between the organisations and the NA's, in most cases, this translates into affiliation to (membership of) the NA by the organisation, with a higher degree of interdependence in certain countries (beyond the simple affiliation)⁵³.

Finally, EPFL is empowered to represent the Leagues within the scope of the European social dialogue, on the side of employers. In the constitution of the EPFL (approved by all members), the point 1.3.9 mentions that EPFL⁵⁴ has notably the following purpose "to consider Social Dialogue issues at a European level and where appropriate act as social partner"⁵⁵.

2.3.2. EFFC (European Federation of Professional Football Clubs)

The EFFC (European Federation of Professional Football Clubs) was created in the Netherlands in September 2002, on the initiative of the FBO (Dutch Federation of Paid Football Organisations), which represents professional football clubs in the Netherlands as an employer in national social dialogue. The EFFC serves as a platform for creating awareness of social dialogue and of labour laws and regulations at European level in different countries of the Union. The EFFC implemented the project 'Promoting social dialogue in European professional football', financed by the European Commission in 2003/2004. Defining itself as an academic research tool, in close cooperation with the Asser Institute, the EFFC has carried out the "Promoting the Social Dialogue in the EU" project. The EFFC created awareness of social dialogue, and attempted to make clubs start, or pursue, social dialogue with a view to meeting the criteria for participation in European social dialogue set by the European Commission. One of its main objectives is to be able to conclude collective agreements

⁵¹ Furthermore, as from the first of January 2006, the professional league for the A and B series (divisions 1 and 2) will be split into two distinct entities.

⁵² This rate is only indicative, given that it must always be taken in the context of the remark on methodology regarding the difficulty in defining and therefore in compiling data on professional footballers.

⁵³ Notwithstanding, EPFL stresses that it is an independent organisation. It is affiliated to any NA, UEFA and FIFA.

⁵⁴ UEFA points out that the EPFL is "subject to the undertakings that it subsequently made with UEFA in their Memorandum of Understanding (also approved by FIFA)".

⁵⁵ Note that EPFL's members in France and in the Netherlands do not act as employers' representative at national level.

The EFFC does not have members, there having been no initiative to recruit members⁵⁶. The EFFC had one member in the Netherlands for the purposes of setting up a non-profit organisation to carry out the EU project.

The EFFC tried to establish contacts with all of the EPFL's national league members: some were favourable of to the commencement of social dialogue. The EFFC has notably established contacts in the Netherlands, Spain and France.

The Polish football league, which brings together first division clubs, is the only league that intends to apply in 2006.

2.3.3 G-14

The G-14, founded in September 2000 as a European Economic Interest Group (EEIG), represents 18 European top-level professional clubs in terms of both budget and sport results. The aim of the association is to lobby the football authorities (UEFA and FIFA) and the European institutions to defend the interests of its members. More specifically, the association's aims are to:

- Enhance cooperation between member clubs
- Promote cooperation with the UEFA, the FIFA and other sport associations
- Contribute to decisions on the organisation, administration and commercial aspects of football clubs with an international dimension
- Support the economic development of member clubs.

More generally, the G-14 strives to promote the interests of its member football clubs in all bodies liable to influence the functioning and development of its members. The idea is to be part of decision-making structures so that member clubs can manage their interests most effectively.

The members of G-14 are thus professional clubs affiliated directly on an individual basis to this European organisation. These clubs are spread out within 7 countries out of 28 (25%). They are not participants in social dialogue within their countries. In fact, these clubs are members of a national organisation or league for professional clubs and are never summoned as distinct partners in negotiations at national level.

At European level, G-14 represents about 1% of professional clubs in the 28 countries under examination⁵⁷, and covers an even smaller percentage of professional players (employees)⁵⁸.

As for the G-14's ability to represent its members as employers at European level, new power has been recently given to G-14⁵⁹. Indeed, at its General Meeting on 9 June 2005 in Amsterdam, the G-14 member clubs unanimously decided to give the organisation a mandate to participate actively in European social dialogue, without opposing the idea of national professional leagues (represented by the EPFL) fully playing their role as social partners⁶⁰.

⁵⁶ UEFA wonders how the EFFC can be an European organisation if it does not have any member in the 28 countries under examination.

⁵⁷ This percentage is only approximate in that it must always be read in the context of the methodological comment concerning the difficulty of defining professional footballers, and therefore of counting how many there are.

⁵⁸ On the basis very broadly of 50 professional players (employees) per club, employees covered by G-14 total 900 (0.04% of all professional players - employees)

3. The European social dialogue in the professional football players sector

European social dialogue currently does not exist for professional football as it does in other sectors of the economy, many of which have a European sectoral social dialogue committee⁶¹.

In the wake of the Bosman ruling and the new transfer system developed by the UEFA and approved by the European Commission as a result, professional football has been organising with a view to taking up the different challenges facing the sector while respecting the different interests of the parties concerned. The employment relationship and compliance with labour laws and European regulations are also major concerns to be discussed as part of social dialogue at European level⁶². Initiatives have already been launched in recent years with the aim of creating first and foremost a mentality, followed by structures likely to meet this demand. The European Commission, for instance, finances programmes through the FIFPro to encourage awareness of social dialogue and good practices. In parallel, in January 2004, certain organisations active in the sector (FIFPro, EPFL and UEFA) set up an 'external' tripartite dialogue (i.e. not coordinated by the Commission). This dialogue involves the UEFA, FIFPro and EPFL. The G-14 and EFFC⁶³ are not part of this external tripartite dialogue. The three priorities set by this structure are a standard contract for professional players, European social dialogue (with the European institutions) and the problem of doping.

The issue, when all is said and done, is the setting up of a genuine European sectoral social dialogue committee that will deal with the social issues of professional football (the relationship between a player and a club as employee and employer).

For the players, the only representative organisation (FIFPro) already appears to be well established in the various countries under examination (19 of the 28 countries), and where there is (formal or informal) national social dialogue, Federation members are nearly always there to represent employees (i.e. the players)⁶⁴.

⁵⁹ Referring to "Promoting the Social Dialogue in European Professional Football, Final Report on EFFC Project under budget heading B3- 4000, September 2004", G-14 stresses that "G-14 is the result of a functioning economic sector in a free market.(...) Generally speaking, the clubs at the UEFA Cup level and below could be qualified as small and medium-sized enterprises (SME) involved in other matters at EU level than the "multinationals" whose activities are in good part international. (...)Consequently the G-14, having the major clubs from the so-called "Big Five" professional football countries (that is, the competitively best Premier Leagues with the most financial resources) plus Portugal and The Netherlands, in Europe amongst its members is an organization that in respect of the Social Dialogue is by nature in the first place interested in international football issues as such and, secondly in the harmonization of specific issues from an international perspective. (...)As to the issue of harmonization, it could for example be considered whether, for reasons of fair competition between clubs the different statutory rules and sporting regulations concerning the admissibility of non-EU players per country should not be made subject to approximation, harmonization or even unification at European level, G-14 being globally in favor of an open and flexible regulation".

⁶⁰ The EPFL reminds that "G-14's members can represent its members as employers at European level, only if in compliance with the Statutes of their Leagues".

⁶¹ UEFA's comment: "professional sport is not a sector which is purely an economic activity (as is the case for all the existing EU sectoral dialogues). This is not only the view of UEFA or the other international sporting organisations, but it is also the view of all of the major EU institutions such as, for example the European Council (cf. Nice Declaration⁶¹) and the European Court of Justice (cf. various decisions including, for example Bosman, Lehtonen, etc.). This specificity is reflected in many areas. For example, professional football players have generally a very short career, and they are also normally represented by an agent, but these are just two small examples of how professional football players have specific employment conditions (as opposed to the other sectors where an EU Sector Dialogue Committee has been created). In addition, professional football (and professional sport in general), takes place in a framework of sporting rules, which are inherent to the operation of sporting competition, but which also have an impact on the labour situation for employers and employees in the sector, requiring the involvement of the sporting associations in such dialogue."

⁶² UEFA reacts to this point by asking whether this means that the agenda for an EU Sectoral Dialogue Committee and/or an EU social dialogue has been set already. If so, who has decided on this agenda?.

⁶³ The UEFA specifies that also coaches' representative organisations, agents' representative organisations, the European Club Forum, non-EPFL leagues and non-FIFPro members were not part of this external tripartite dialogue.

⁶⁴ The FIFPro states that it "has carried out projects with European Commission support to establish social dialogue in professional football.

In the first year (2002/2003), we created better awareness and looked to see who could be our social partner.

As far as the professional clubs are concerned, the EPFL is interesting in that some of its members already take part in social dialogue at national level as employer representatives, a situation that sometimes leads to the signing of collective agreements. The EPFL also represents most leagues/organisations of professional clubs in the 28 countries under examination. Moreover, the association, and recently (6 June 2005) became a legal entity. The fact that the association has only recently been established means that it will need some time before it develops fully⁶⁵. As for G-14, it represents a very small number of professional clubs, and only marginal coverage of employees. G-14's members can represent its members as employers at European level⁶⁶. As for the EFFC, there are no grounds, for the time being, for according it any legitimacy in terms of representativeness because it does not have any members. UEFA and its members do not seem to play a significant role as representative of clubs as employers⁶⁷. UEFA and its members do not represent, and no longer defends, players as employees⁶⁸.

In the second year (2003/2004), we embarked on consultations with key actors in professional football, and organised various meetings.

We also developed a consultation model in which we created a model for real sectoral dialogue and branch dialogue.

This coming year (2005/2006), we will continue to try and improve social dialogue at national levels in new entrant countries and in the smaller EU countries.

Finally, we wish to stress that we think that working further along the road to social dialogue is a real challenge, especially given the way that the key actors are organised in the EU."

⁶⁵ The EPFL states that "[i]t is properly organised at European level and that its members, as previously mentioned, consist of organisations which are themselves part of the social structures of several EU Member States, which have the capacity to negotiate collective labour agreements. The EPFL accordingly meets all the criteria set by the European Commission with regard to the representativeness of employers in the European professional football sector".

⁶⁶ G G-14 describes itself as "an independent, multinational organisation which, in financial terms, covers 35% of the EU professional football market". With regard to "Promoting the Social Dialogue in European Professional Football, Final Report on EFFC Project under budget heading B3- 4000, September 2004", it says that "G-14 is the product of a functioning economic sector in a free market." Generally speaking, clubs at UEFA Cup level and below could be described as small and medium-sized enterprises (SMEs) that are involved in EU-level matters and are different from "multinationals", whose activities are mostly international".

⁶⁷ It is noteworthy that many organisations of professional clubs are directly affiliated at national level to the National Association, the latter being automatically a member of UEFA (see point 2.3.1).

⁶⁸ UEFA claims that this section is not independent. It and the EPFL have agreed, "[t]o create and develop, in conjunction with player representatives, a tripartite European football dialogue between the LEAGUES, UEFA and player representatives so as to ensure the specificity of football is always included when discussing labour-related matters and, if appropriate, to reach agreements in this forum in accordance with the tripartite agreement dated 27 January 2004 – whilst also recognising UEFA's presence as a third party in any social dialogue in Europe in order that UEFA fulfils the roles of, inter alia: guardian of sporting rules and values; representative of those territories where clubs and players are not represented by the LEAGUES/player representatives involved in such a dialogue; and guarantor of the essential solidarity between the various levels of football practice, from recreational to top-level football."

THE PROFESSIONAL FOOTBALL PLAYERS SECTOR IN BULGARIA, ROMANIA, TURKEY :

Bulgaria :

General Regulation:

The three actors in the Bulgarian football sector are the Bulgarian Football Union (BFU), the Bulgarian Professional Football League (BPFL) and the Association of Bulgarian Footballers (ABF). The supreme organisation is the BFU. It determines such issues as the rules of the game and regulations, and issues licences. In practice, the BFU and the BPFL act together on many matters, although they are autonomous in terms of legal registration and insofar as they have separate ruling bodies. The relations between the three actors are based on cooperation. Collective bargaining is left to the BPFL and the ABF.

Status of the professional player:

A legal definition of the status of professional player has been enunciated by the BFU and recognised by the Ministry of Sport: it states that the club is the professional player's employer. From 2006 onwards, players will be employed under "civil contracts": these are usually short-term contracts, but in the case of footballers' contracts, they will be quite long-term, with a maximum of five years' duration. The status of the professional footballer is similar to that of free-lancers.

A standard employment contract has been developed by the BFU: it mainly covers training, and the obligations on players and clubs, but does not deal with a minimum wage for the sector.

Professional football players usually qualify for a similar form of social protection. The actors wish to set up soon a special pension fund.

Social dialogue

There is no real institutionalised social dialogue. Professional footballers negotiate with their employers on individual basis, and regular informal meetings take place between the three actors. On a bipartite level, informal meetings bring together the BPFL and the ABF. Social dialogue is being strongly influenced by the third body, the BFU, and it is therefore difficult at the present time to carry out an analytical division between bipartite and tripartite-like practices. When these informal meetings end in a joint decision, the BFU transposes it into an official mandatory regulation (ordinance).

Team captains are the trade union delegates in the professional clubs.

The trade union's long-term aim is to set up a genuine social dialogue structure in the sector.

At European level, the BFU receives subsidies from UEFA and FIFA.

Lastly, the BPFL has expressed an interest in joining the EPFL, but the Bulgarian League is dependent on the BFU's goodwill.

The ABF aims to affiliate to the FIFPro in the next five years.

Romania:

General regulation:

The actors involved in Romanian football are the Romanian Football Federation (FRF), the Professional Football League (LPF) and county football associations (AJFs). All the responsibilities about scheduling, repartition of the different level of competition, television rights are shared between these three organisations. From an organisational point of view, the FRF is the most important footballing body in Romania, the LPF being a subordinate structure. Each structure has its own boards, well defined statutes, obligations and competences. The main difference between them is mainly related to the level of footballing competences.

Status of the professional player

Professional players are deemed to be those who have signed an individual contract of employment with the club they are legally registered with, and are covered by all rights and obligations in employment legislation. Proof of the status of professional footballer is the licence issued by the FRF or the LPF. The footballer's employer is the football club with which the player signs an individual employment contract; this complies with employment legislation. Insurance against injury or death is mandatory for all clubs, and it follows that all players are insured, but these policies are worth very little, and individual players have to take out additional cover. There is no standard contract for professional footballers.

Social dialogue

There is no tripartite dialogue within an institutionalised structure in crisis situations.

One bipartite collective agreement was negotiated and signed in 1999 for a period of one year, and supplementary legislation provided for its validity to be extended to 31 December 2003. Since the validity of this collective agreement expired, no further agreements have been negotiated and signed. LPF representatives say that the Divisions are not constituted and organised on the basis of employment law, and that they therefore do not meet the conditions of collective agreement legislation. The LPF only represents players in Division A.

There is no formal, institutionalised structure of social dialogue. It takes place only informally. There is no collective bargaining at the level of professional clubs, and the clubs themselves have no trade union representatives.

At European level, the FRF is directly affiliated to UEFA/FIFA. Of all the organisations of professional football players, only the AFAN (Association of Amateur and Non Amateur Players in Romania) has delegated its bargaining power to FIFPro. The LPF has not delegated its bargaining power to any European organisation.

Turkey:

General regulation:

The Football Federation of Turkey (TFF) is the only organisation empowered to determine the rules of the game, the scheduling of fixtures, the sale of commercial rights, and referring and disciplinary matters.

Status of the professional player:

The TFF's Professional Football and Transfer Instruction (PFTI) defines a professional footballer as one "who receives a wage in addition to necessary expenses in return for participating in football activities, and who has a contract of employment with his club." It follows that professional footballers are deemed to be employees. The PFTI imposes a single form of employment contract for professional footballers, but contracts and employment relations are not regulated by current labour law. This situation can create serious problems for professional footballers in terms of protecting some of their employment rights.

Social dialogue:

There is no (formal or informal) tripartite or bipartite social dialogue at any level in the Turkish football industry, and there are no trade union delegates in professional clubs.

There are three separate organisations for players in the Turkish football sector, but only one represents professional footballers: the Professional Footballers' Association (PFA) is not a trade union but an ordinary association with a legal personality; the PFA is recognised by the TFF, but is unable to negotiate on behalf of professional players.

The Premier League Professional Football Clubs' Foundation of Turkey (KBV) is the sole organisation for professional football clubs in Turkey, and only covers clubs in the Premier Division. The KBV is neither authorised to represent clubs at the TFF General Assembly nor empowered to take part in collective bargaining and sign collective agreements.

At European level, the TFF is a direct member of UEFA/FIFA. The PFA and the KBV have no informal or formal relations with the EFFF or EPFL.