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**STUDY ON THE REPRESENTATIVENESS OF THE SOCIAL PARTNER ORGANISATIONS
IN THE PROFESSIONAL FOOTBALL PLAYERS SECTOR
PROJECT NO VC/2004/0547**

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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).

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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 level⁸.

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 323 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). According to the particular case, the SEC contains more or less precise provisions with regard to the rights and

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.

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. 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

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.

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				

³⁸According 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."

Denmark	X	X	X	X
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

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)”*.

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.

- 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 The 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: Osterreichische 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: lpflbv.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

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, the 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.

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. 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)

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

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.

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.

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

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.

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-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."

NATIONAL REPORTS

AUSTRIA

1. Contextual data in the sector

There are no statistics on the number of professional players available⁶⁹. Regardless of this, a few estimates can be made (see table below).

Football below the first and second division is mainly non-professional, and the clubs are grouped in regional divisions. It should be noted, however, that some professional players operate even in these lower-level divisions.

Players (2004/2005 season – source: BL and ÖGB)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players	500-600	+/-66%	+/-17%	+/-17%
Semi-professional players	ND	ND	ND	ND
Amateur players	589,500			
Total	590,000			

Clubs (2004/2005 season – source: BL)

Sub-sectors	Number of clubs	% clubs in 1st or top division	% clubs in 2nd division	% clubs in 3rd and lower divisions
Professional clubs	20	50%	50%	0%
Non-professional clubs	2,289	0%	0%	100%
Total	2,309			

2. General regulation

There are three main collective participants, as far as the field of professional football is concerned: The Austrian Football Association (Österreichischer Fußballbund, ÖFB), the Austrian Federal League of Football (Österreichische Fußball-Bundesliga, BL) and the Union of the Arts, Media, Sporting Activities and the Liberal Professions (Gewerkschaft Kunst, Medien, Sport, freie Berufe, KMSfB).

⁶⁹ Reasons can be found in the last paragraph of the section "Status of professional player"

The Austrian Football Association (ÖFB) is the peak organisation of football in Austria. The professional as well as the non-professional football is under the umbrella of the ÖFB, which is the largest sport organisation in Austria. The ÖFB sets the basic rules of the game. In particular, this refers to the rules regarding the implementation of the national and local championships. In addition to this, the ÖFB regulations also include administrative rules, such as regulations on the transfer of players.

However, decisions on professional football are delegated to the Austrian Federal League of Football (Österreichische Fußball-Bundesliga, BL). Put more succinctly, this means that the organisation of the first and the second division falls within the purview of the BL, which is an affiliate of the ÖFB. Organising the two country-wide divisions includes activities relating to the sport as such, as well as to administrative and commercial matters. In cooperation with its clubs, the BL represents the employers' side of professional football.

In principle, sport comes under the competence of the federal state. The state has the formal competence to enact special regulations on professional sports, including football. Such legislation, however, is lacking. The reason of this is that the state follows a non-directive, consociational policy-line. This means that the government refrains from imposing regulations but waits for an accord to be reached among all the relevant representatives of sports. The government would then ratify this accord by passing corresponding legislation. Such an accord has not been reached so far, as the interests of the manifold associations representing sports have proved too heterogeneous. One factor behind this heterogeneity is that the government prefers an all-encompassing regulation that covers any kind of professional sports, including football. We can observe that the state has only a minor role in professional football.

3. Status of the professional player

There is no law that regulates either professional sporting activities in general, nor professional football in particular. This lack of legislation includes the employment terms of professional sporting activities. As a consequence of this situation, the legal status of professional football players had been ambiguous and unclear for a long time, until this question was clarified by the courts, namely the decision taken by the Supreme Court of Justice (Oberster Gerichtshof, OGH) in 2004. In line with previous decisions made by lower-level courts, the OGH ruled that professional football players are to be classified as blue-collar workers. As an implication, professional football players have the same rights and obligations as any other group of blue-collar workers. This includes social protection, as is institutionalised in Austria's encompassing system of public social insurance. Likewise, there are no special provisions for part time work.

Due to this lack of statutory regulation as well as of collective agreements (see below) there is no standard employment contract for professional players. That means that their employment terms are regulated exclusively by individual labour contracts. However, there is a "model contract", which was worked out jointly by the KMSfB and the BL. The KMSfB strongly recommends each professional player to refer to this model contract, when concluding a contract with a club (but the model contract is a non-binding recommendation).

The standard pattern is that the club is the employer of the professional players. However, players are sometimes employed by the club's sponsors (e.g. the company of the president of the club). Moreover, a certain kind of quasi-professionalism exists in the regional divisions, in that players who are strictly speaking non-professional, receive payment under the formal terms of reimbursement of such costs as travelling. In fact, such payments significantly exceed the player's costs, such that the scale of benefits does not much differ from the regular wage of a professional player. For these reasons, it is very difficult to draw a clear line between professional players and non-professional players, although the statutes of the ÖFB contain a classification of distinct categories of players.

The statutes differentiate between pure amateurs (Amateure), contract players (Vertragsspieler) and professional players (Berufsspieler). The upshot of this differentiation is that a contract player receives payment of in between EUR 323.46 and EUR 600 per month, whereas professional players get more than EUR 600, aside from reimbursement of cost in either case⁷⁰.

4. Social dialogue

There is no **tripartite** board. Nor are there regular forms of concertation and consultation specific to the sector. This does not rule out the possibility of ad hoc consultations. Together with the manifold other kinds of sport, the representatives of football were involved in tripartite talks about a federal law on professional sport (Berufssportgesetz) from 2002 to 2004. These talks failed because of pronounced diversity of interests among the representatives of sporting activities. For instance, the employers' side argued for treating professional athletes as self-employed people, something which met strong resistance from the KMSfB. Furthermore it proved difficult to draft a law common to team sports (like football) and individual sports (e.g. tennis). Given this lack of consensus, the authorities refrained from any legislation.

There is no collective agreement for professional football at either **sector or company level**. According to labour law, only a sector agreement would be feasible, since the clubs are not equipped with the legal capacity for collective bargaining. The KMSfB has called for negotiations over a collective agreement to be concluded with the BL, which is legally licensed as the employers' association of professional football to conclude collective agreements. As a result, even informal negotiations are lacking. Until fall 2005 there were only sporadic talks on entering into collective bargaining. Since then the talks have intensified and the issues have become more concrete⁷¹. The outcome of these talks still remains to be seen.

This means that the employer side has hesitated to embark on a collective approach to industrial relations in the sector. This also includes the single-employer level. In this respect, labour law provides for an institutionalised form of employee representation within the clubs. As in the other private sectors of the economy, this is the works council. In the mid-1990s, the majority of the professional clubs indeed had a works council established. Afterwards, they disappeared. This was mainly because several regulations are not easily applicable to the situation of professional football such as a high rate of fluctuation. For instance, the clubs as employers did not like works councils very much, as works councils enjoy statutory employment protection during their four-year term of office, something which is at odds with the short-term employment of professional players.

At European level, none of the organisations has been in contact with EFFC.

⁷⁰ It is important to mention that, according to the ÖFB statutes, contract players also count as professionals. Thus, if someone receives a payment higher than EUR 323, he will be considered a professional and under the ÖFB statutes there is a very clear demarcation as to whether someone is an amateur or not. According to the Austrian expert, *"In formal terms, there is a clear-cut differentiation. In practice, this differentiation is blurred in a number of cases. However, what is designated above as quasi-professionalism represents the exception to the rule"*.

⁷¹ UEFA insists: *There were informal meetings between the Bundesliga and the KMSfB in 2005. This means that an informal social dialogue exists in Austria. According to EPFL, "a first draft of a collective agreement should be presented in the near future". But the Austrian expert points out that "By social dialogue, I understand an institutionalized procedure. In the case of bipartite negotiation this means repeated collective bargaining rounds, by common Austrian standards. Since football is still in talks on whether there should be collective bargaining, this is not a social dialogue"*.

5. Organisation(s) active in the sector

a. National Association

The main task of the **Austrian Football Association (Österreichischer Fußballbund, ÖFB)** is to coordinate professional and non-professional football in Austria. In this respect, the ÖFB lays down the rules of the game which affect both kinds of football in fields such as synchronising the championships and the transfer of players. The BL as the representative of the professional clubs is a member of the ÖFB. As far as matters exclusively affecting professional football are concerned, the BL is autonomous. In addition to the BL, the nine Länder-level football associations (that are responsible for non-professional football within their respective territory) and the youth league are under the umbrella of the ÖFB. Overall, the ÖFB covers 2,309 clubs, with 10,200 teams. There are no special relationships with the KMSfB, as the ÖFB does not represent either the employers or the employees of professional football. The relations between the KMSfB, the BL and the ÖFB are complementary, as a consequence of the given division of labour, as outlined above.

The three main goals of the ÖFB are as follows:

- Since Austria will host the European championships in 2008, an efficient and successful organisation of this event has top priority.
- The performance of the Austrian team, especially in connection with the championships of 2008, should be improved.
- More generally, football should be kept attractive, as compared to other (competing) sporting activities.

The ÖFB is a member of the Austrian Olympic Committee, the Federal Peak Association of Sporting Organisations (Bundessportorganisation), the UEFA and the FIFA.

b. Organisation(s) of professional football players

The **Union of the Arts, Media, Sporting Activities and the Liberal Professions (KMSfB)** is the only union that represents workers' interests at sector level. The KMSfB is a member union of the Austrian Trade Union Federation (Österreichischer Gewerkschaftsbund, ÖGB) which was founded in 1945. The KMSfB's domain embraces the arts, media, sporting activities and the liberal professions. The ÖGB and its member unions are voluntary associations which are financed by voluntary dues paid by their members. Dues are largely unified in that the standard due to be paid by regular members is one percent of the member's wage. The staff of the KMSfB consists of about 50 employees.

It is only the ÖGB which possesses the status of a legal entity, whereas its member unions are dependent subunits, and thus ÖGB has the monopoly (in contrast to its member unions) to conclude collective agreements. But in practice, the unions autonomously (i.e. without interference by the ÖGB), as is the case with the KMSfB, negotiate the collective agreements for their members, while, formally, they have to sign the collective agreements in the name of the ÖGB. On behalf of the ÖGB, the KMSfB negotiates numerous collective agreements for employee groups within its domain. In 2003 the union signed 14 collective agreements. However, none of them covered professional football.

The density of unionisation in the area of professional players appears to come, according to the KMSfB, close to 100%. The reason for this is that the union's services for members (in particular legal advice and representation in matters of labour court proceedings) are a very strong incentive to unionise in a sector which is burdened with legal ambiguities and uncertainties of employment.

There is no need of the ÖGB and the KMSfB to be recognised by the “national association” (i.e. the ÖFB), since the ÖFB does not operate as an employer representative.

As regards football, the KMSfB’s three main goals for the next years are to bring about legal, economic and social security for the professional players and standardise their employment terms on the basis of the model contract elaborated in cooperation with the BL.

Professional footballers’ organisation(s) (2004/2005 season - year 2002 – source: KMSfB)

Organisation		Members	Members working as football players	Professional players working as footballers as a proportion of total membership	Density of professional footballers	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Number	Number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Gewerkschaft Kunst, Medien, Sport, freie Berufe (KMSfB)	Union of the Arts, Media, Sporting Activities and the Liberal Professions	11,857	900	7.5	Near 100%	No	ÖGB	No	EFJ, EuroMEI, AGAA	ETUC	FIFPro, FIM, FIA, IFJ, UNI-MEI, UNI	No

Density of professional players: number of affiliated professional footballers compared with the total number of professional footballers in the country CB: Does the organisation take part in collective bargaining?

c. Organisation(s) of professional football clubs

In 1991, the **Austrian Football League (BL)** was set up as a voluntary, legally independent association of the professional clubs and at the same time as a member of the ÖFB. The BL is functionally differentiated into several areas of tasks such as internal communication, championships, marketing, legal affairs etc. There are 11 staff members working in the office of the BL.

The BL’s revenues result from subsidies from the state-owned betting monopoly, the sale of television rights, sponsoring of the championships and a share of the tickets sold for matches. The other part of these revenues accrues to the clubs. The BL organises and represents all the 20 professional clubs which are playing in either of the two country-wide divisions. Hence, its density is 100%.

The mission of the BL is to organise and administer the championships of the first and second division and to represent professional football in Austria. The competences that the ÖFB have delegated to the BL are: establishing and monitoring the rules of the game, licensing the clubs, marketing of the championships (including the sale of commercial rights), refereeing⁷², and certain disciplinary matters. The BL is not involved in either issuing guidelines for pay of the players or in direct collective bargaining. Regardless of this, the BL has been equipped with the legal

⁷² There is a BL committee that nominates the referees for the different matches.

capacity to conclude collective agreements on behalf of its members since 1995. The BL participates in consultation procedures regarding matters of professional football. No special declarations of intention or similar expressions of opinion have been signed.

The three main goals for the next future are the consolidation of the clubs, the improvement of their management skills, as well as the improvement of football's infrastructure (e.g. the stadiums).

Professional football clubs organisation(s) (2004/2005 season – source: BL)

Organisation		Divisions covered	Number of clubs affiliated	% of professional clubs affiliated in the organisation	Density of professional clubs	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	type	number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Österreichische Fußball-Bundesliga (BL)	Austrian Football League	1 and 2	20	100%	100%	No ⁷³	ÖFB	No	EPFL	UEFA	No	FIFA

Density of professional clubs: number of professional affiliated clubs compared with the total number of professional clubs in the country CB: Does the organisation take part in collective bargaining?

⁷³ Currently, there is no institutionalised collective bargaining, but only informal contacts bringing together the Bundesliga and the KMSfB.

BELGIUM

1. Contextual data in the sector

Players (2004/2005 season – sources: URBSFA/KBVB, NFL/NF and the press)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players ⁷⁴	855 (of whom 311 are part-time players) ⁷⁵	55 (in first division)	17 (in first division)	28 (in first division)
Non amateur players	527 ⁷⁶	ND		
Amateur players	423,816	ND		
Total	425,198 (+19,142 indoor players)	ND		

Clubs (2004/2005 season – source: URBSFA/KBVB)

Sub-sectors	Number of clubs	% clubs in 1st or top division	% clubs in 2nd division	% clubs in 3rd and lower divisions
Professional clubs	18	100	0	0
Non-professional clubs and non-amateur clubs	1,856			
Total	1,874			

2. General regulation

The main stakeholders involved in professional football are:

- the Royal Belgian Football Federation (URBSFA/KBVB);
- organisations with first and second division club members;

⁷⁴ The terms professional players or footballers are used here to mean «sportsman who is remunerated on a full-time or part-time basis ».

⁷⁵ 481 play in the first division, 200 in the second division and 174 in clubs in the third division and lower divisions.

⁷⁶ 42 are play in the first division, 167 in the second division and 318 in clubs in the third division and lower divisions.

- football clubs themselves;
- union organisations involved in social dialogue (FGTB, CGSLB, CSC)

The league of first division clubs (LFP/LBV) is exclusively in charge of:

- Setting up and managing the calendar for the Jupiler League competition, in which first division national clubs participate.
- The negotiation of television rights for the aforementioned competition in areas where the clubs, who own their publicity rights, consent to global commercialisation.
- The commercialisation of the League's image (sponsorships and advertising agreements)

The designation of members of various jurisdiction committees of the URBSFA/KBVB (Sporting committee for Professional Football, Appeals committee for Professional Football, Arbitration committee for contractual disputes, within Professional Football, Committee for evocation, Calendar Committee, License Commission and Appeal Committee)

Professional players are represented within the URBSFA/KBVB in an arbitration committee (first division)⁷⁷. Indeed, professional players can elect one of the arbitrators and be represented by a representative of trade unions. This last possibility is not possible for players who do not belong to a first division club (but they can be represented by a lawyer).

The other areas of competence relating to professional football are administered by the federation (URBSFA/KBVB).

Although the professional football world is highly self-regulated, nonetheless, the public authorities have their say. Indeed, Parliament passed a law in 1978 concerning the status of professional players. Public authorities are also involved in issues such as security around football matches. To a larger extent, the professional football world and public authorities have numerous non-institutionalised relationships.

3. Status of the professional player

Several sources of law regulate the status of the professional player: International, European, and Belgian laws, as well as laws at Belgian community level. Following a reform of the institutions in Belgium (Law of 8 August 1980), communities received exclusive competence in sports. Employment law, however, remains within federal jurisdiction.

At federal level, the main sources of law are the following:

- Law of 24 February 1978 relating to the status of the paid player;
- Collective Labour Agreement of 26 March 2003 regarding the working conditions of the paid football player (for more details see below and point 5)⁷⁸

At community level, the main sources of law are the following:

- The Decree of the Flemish Community 24 July 1996 concerning the status of the amateur player;

⁷⁷ The EPFL comments: “*The arbitration committee is not competent for players who do not belong to a first division club*”.

⁷⁸ And, of course, the law of 3 July 1978 on working conditions in general.

- The Decree of the French Community 26 April 1999 relating to sports organisations in the French Community.

In Belgium, the paid athlete is considered an employee. The Law of 3 July 1978 relating to employment contract is consequently applicable, as well as any other law concerning employees. However, the status of the paid athlete differs to some extent from that of an employee. Indeed, the contract between the paid athlete and his employer is a fixed-term employment contract, which can not exceed five years duration and is renewable. Social security payments are worked out on the basis of the average guaranteed minimum income, not on earned revenue, which lowers the level of social security payments.

According to the Law of 24 February 1978, the paid athlete is considered a worker who commits himself to preparing or taking part in a sporting competition or show under the authority of a third-person and who receives in return a remuneration exceeding a certain amount. This amount is defined each year after being submitted to the National Joint Committee for Sports for advice. For the period from 1 July 2003 to 30 June 2004 the amount was EUR 7,858 (gross) per year⁷⁹.

In addition to this legal basis, the URBSFA/KBVB makes the distinction between three kinds of player: amateurs, non-amateurs and professional players. According to URBSFA/KBVB, the professional football player is a player committing himself through a contract to carry out his sporting activity as a profession within and for a professional club, to meet all regulations given by the club and to provide all services required by the club. This contract must comply with general terms and conditions. Concerning remuneration, the professional contract must include:

- a fixed remuneration amounting to at least the amount defined by the law relating to the employment contract of the paid player (see above Law of 24 February 1978),
- a bonus equivalent to or higher than EUR 280 per match in case of victory or EUR 140 for a drawn match in a first division team championship, in which the player totally or partially participated,
- a bonus equivalent to or higher than EUR 280 per match in a European competition or within the Belgian Cup, in which the player totally or partially participated.

A chapter of the Collective Labour Agreement 26 March 2003 relating to working conditions of paid footballers, concerns part-time employment contracts. It states that the conclusion of a part time employment contract for paid footballers is allowed provided that the football player's activity is carried out in addition to main gainful employment, whether a salaried or self-employed activity, or in combination with studies. It is also stipulated that this type of contract must meet the terms and conditions of the Collective Labour Agreement, concluded on 7 June 2000 within the National Joint Committee for Sports, which relates to part time employment contracts for paid players.

4. Social dialogue

At a sector level, collective labour relations relating to football take place within the framework of the National Joint Committee for Sports (JC 223).

The Joint Committee 223 has 22 actual members and an equal number of substitute members. Employers' representatives are members of the following organisations:

- Royal Cycling Union (3 actual members);
- Belgian Professional Football League (3 actual members);

⁷⁹ According to the figures provided by the FIFPro, for the period from 1 July 2005 to 30 June 2006 the amount will be EUR 7,858 (gross) per year.

- Belgian National Football League (3 actual members);
- Royal Basketball Union (1 actual member);
- Royal Volleyball Union (1 actual member).

Employees' representative's mandates are handled by:

- Belgian General Federation of Labour (5 actual members);
- Confederation of Christian Trade Unions (5 actual members);
- Federation of Liberal Trade Unions of Belgium (1 actual member).

In compliance with the Collective Employment Law in Belgium, these organisations are the only ones recognised to negotiate and conclude sector collective labour agreements.

Within JC 223, there is an Agreement (26 March 2003) concerned exclusively with working conditions of the footballer linked by a work contract in compliance with the Law of 24 February 1978 relating to employment contracts of paid players (see point 3)⁸⁰. The Collective Labour Agreement was established for a period from 1 July 2003 to 1 March 2005⁸¹, and covers the following points: appeal to the joint conciliation committee, contract stability, creation of players' delegation within employers' clubs, loans of players, part-time employment contract, players' remuneration, transfer of players, creation of a sector pension fund, insurance against accident at work, right to control the use of one's image, holiday bonus for paid footballers, travel expenses and access to equipment. This agreement strongly advises the use of a standard players' contract. For employers, it is applicable to football clubs which are members of the Belgian Professional Football League (LPF) and of the Belgian National Football League (LNF/NF).

On-going conflicts between the URSFA/KBVB are focus on the fact that Sporta claims that rules of the National Association is contrary to the labour law and that this latter has priority in terms of hierarchy of law rules. As for the LPF, the conflicts are focus on wage conditions, union rights,...

At European level, none of the organisations have been in contact with EFFC.

5. Organisation(s) active in the sector

a. National Association

The **Royal Belgian Football Federation (Union Royale Belge des Sociétés de Football Association/Koninklijke Belgische Voetbalbond, URBSFA/KBVB)** was founded in 1895 as a non-profit organisation. It employs 150 salaried workers. The URBSFA/KBVB is mainly composed of actual members (football clubs) and affiliated members (players). Its actual members include 1,874 clubs, with 19,142 teams. Affiliated members include 425,198 footballers and 19,142 in-door football players.

⁸⁰ There are two categories of sportsmen. Sportsmen who are paid [earning more than EUR 7,858 on an annual basis, herein known as professional players) and the non-remunerated [earning less than EUR 7,858 on an annual basis]. All sportsmen who earn more than EUR 7,858 per year (even those who are designated as non-amateurs) are covered by the same collective work contract.

⁸¹ This collective agreement has been extended till 30 June 2006.

The URBSFA/KBVB deals with all administrative and sporting aspects of Belgian football, including the organisation of the Belgian Cup or the training and appointment of referees. It has executive, legislative and judicial power. As a result, its Federal prosecutor's room examines cases relating to acts such as competition faking, doping or granting franchises (license) to professional clubs. It has a department of Franchise management, responsible for granting franchises to second and first division clubs. Without this licence, a club is not entitled to participate in the competition. In 1995, URBSFA/KBVB set up the Technical Centre Albert Roosens, whose aims are the following: organisation and supervision of training, fixtures and matches of all national teams, football promotion, identification of future football champions and training. To achieve this last objective, a Federal School was created.

Professional clubs are represented within the URBSFA/KBVB through the LFP/LBV. Indeed, the LFP/LBV is a member of the URBSFA/KBVB and only has residual powers. It is like its member clubs and is subject to the jurisdiction of the federation. The league is represented at the "higher" political level by 6 of the 23 members of the executive committee of the URBSFA/KBVB, without any special rights, except that of a veto on matters relating to football. With regard to "legislative" matters, the league has a blocking right or a right to veto when it comes to voting for regulations concerning any issue.

At the moment, one of its major objectives is to restructure the Belgian championship in order to foster the development of paid football.

The Federation is member of UEFA and FIFA.

b. Organisation(s) of professional football players

In Belgium, a union organisation must be considered as a representative to be admitted to collective bargaining. Only three union organisations are currently recognised as representative organisations: the Confederation of Christian Trade unions (CSC/ACV), the Belgian General Federation of Labour (FGTB/ABVV) and the Federal of Liberal Trade Unions of Belgium (CGSLB/ACLVB). In Belgium, union organisations are non-profit organisations and their source of income is mainly members' subscriptions. Following an agreement signed by the three trade unions, Sporta (professional confederation of CSC/ACV) represents all Belgian trade unions within FIFPro. The power of negotiation has been delegated to this last organisation. This is on condition that the positions defended by FIFPro are not contrary to the Belgian legislation.

The **Confederation of Christian Trade Unions – Sporta (CSC/ACV)** is the biggest multi-industry trade union organisation at federal level. The CSC/ACV is organised at both inter-professional and professional levels. The inter-professional level, structured on a geographical basis, is composed of local sections gathered in 21 regional federations. The professional level is structured into company sections according to two criteria: the work place (the company) and the worker's status (blue-collar worker, employee and executive). These sections are regrouped into 16 professional confederations, organised at national level. These professional confederations represent the CSC/ACV within the Joint Committees, where the sector social dialogue takes place.

Players affiliated to the CSC/ACV are gathered within the professional confederation Sporta-Player's Association (Sporta-Association de sportifs/Sporta-Vereiniging voor Sport-beoefenaars (Sport-as/Sport-vsbb)). The origins of Sporta-as date back to 1955. However, it was only in 1994 that it became a professional confederation of the CSC/ACV. Sporta-as has nearly 800 affiliated members, among them about 350 footballers in the three highest national divisions. It is by far the major union organisation active in the sporting sector.

One of the main objectives for the following years is to improve the social dialogue. It means notably to be recognised as a real trade union and all the consequences that this involves (as for the other sector of economic activities).

The **Belgian General Federation of Labour (FGTB/ABVV)** is a multi-industry trade union organisation at federal level and is the second largest trade union organisation in Belgium. The FGTB/ABVV is structured at both inter-professional and professional levels. At inter-professional level, it is composed of 18 regional and 3 interregional organisations, which bring members together according to geographical zone. At professional level, it has 7 branch federations (branch trade unions), which groups members according to work sector and worker's status.

Players are gathered within the Belgian Union of White-Collar Staff, Technicians and Managers (Syndicat des Employés, Techniciens et Cadres de Belgique/Bond der Bedienden, Technici en Kaders van België, SETCa/BBTK). The SETCa/BBTK represents all white-collar workers, technicians and operatives of the private sector, teachers and administrative workers in secular education, blue-collar workers and workers in books, graphic arts and media. Within SETCa/BBTK, the sporting sector is very marginal.

The **Federation of Liberal Trade Unions of Belgium (CGSLB/ACLVB)** is the smallest of the three multi-industry trade union organisations representative for workers. The CGSLB/ACLVB represents less than 10 footballers.

Professional footballers' organisation(s) (2004/2005 season – sources: the organisations (estimate))

Organisation		Members	Number of footballers	% of footballers as a proportion of total membership	Density of professional footballers	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Number	Number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Confédération des Syndicats Chrétiens/Algemeen Christelijk Vakverbond (CSC/ACV)	Confederation of Christian Trade Unions	1,6 million	350	0	ND ⁸²	No	No	No	ETUC	No	WLC	No
Sporta	Sporta	800	350	44	ND ⁸³	Yes	CSC/ACV	No	No	ETUC	FIFPro	WLC
Fédération Générale du Travail de Belgique/Algemeen Belgisch Vakverbond (FGTB/ABVV)	Belgian General Federation of Labour	1,3 million	10	0	ND	No	No	No	ETUC	No	ICFTU	No

⁸² It is not possible to define the exact density of Sporta because the share of professional footballers in the total number of members is not available. However, Sporta claims to have a coverage rate of about 50% in the sector.

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Syndicat des Employés, Techniciens et Cadres de Belgique/Bond der Bedienden, Technici en Kaders van België (SETCa/BBTK)	Belgian Union of White-Collar Staff, Technicians and Managers	324,294	10	0	ND	Yes	FGTB/ABVV	No	No	ETUC		ICFTU, FIFPro (through Sporta)
Centrale Générale des Syndicats Libéraux de Belgique/Algemene Centrale der Liberale Vakbonden van België (CGSLB/ACLVB)	Federation of Liberal Trade Unions of Belgium	220,000	6	0	ND	Yes	No	No	ETUC	No	ICFTU	FIFPro (through Sporta)

Density of football professional players: number of affiliated professional footballers compared with the total number of professional footballers in the country CB: Does the organisation take part in collective bargaining?

c. Organisation(s) of professional football clubs

The **Belgian Professional Football League (LFP/LBV)** was founded in 1974 as a non-profit organisation. It employs 3 salaried workers and its main source of income is TV-rights along with contributions from different sponsors.

The LFP/LBV deals with all aspects regarding the national first division, including the organisation of the championship. To a larger extent, it represents first division clubs within the different bodies, including the URBSFA/KBVB of which LFP/LBV is member (for more details see point 5a). Concerning social dialogue, it is one of the two sector-level organisations considered as representative bodies of clubs/employers in the football world. It has as a result 3 actual and substitute mandates within the National Joint Committee for Sports (see point 5).

At European level, the LFP/LBV's status accords the power of representation on "social" matters to the EPFL.

For the following years, the LFP/LBV is aiming to achieve greater recognition of its identity and a greater competence in all professional football related matters. At the moment, the league considers itself the only representative at national and international levels.

The **Belgian National Football League (NFL/NF)** was created in 1964 as a non-profit organisation with the aim of defending the specific interests of paid football. However, all the clubs did not evolve in the same way within paid football. Some clubs became professional clubs, while others remained semi-professional or semi-amateur clubs. In 1973, seven professional clubs left the NFL/NF. Three years later, eight other professional clubs left the NFL/NF to join the LFP/LBV. At the moment, the NFL/NF has no salaried workers. The source of income is the annual grant given by URBSFA/KBVB for running costs. In addition, until 2004/2005, it was granted EUR 297,000 by the LFP/LBV. From the 2005/2006 season, the NFL/NF will also receive income from television rights amounting to EUR 228,500 a year for 3 years (but these amounts are given directly to the affiliated clubs).

As for representativeness, the NFL/NF does not represent any professional clubs but 200 professional players are employed by clubs which are members of the NFL/NF.

The purpose of the NFL/NF is to defend its members' interests within the framework of the URBSFA/KBVB. To achieve this, it has representatives within federal bodies. Its role consists of co-ordinating proposals aimed at adjusting federal regulations and improving the way championships take place, in which member clubs participate. It facilitates relationships between its members and is involved with different clubs on joint issues such as security or personnel management. For social dialogue, it is one of the two sector-level organisations considered representative of clubs/employers in the football sector. For this reason, it has 3 actual and substitute mandates within the National Joint Committee for Sports (see point 5).

Professional football clubs organisation(s) (2004/2005 season – sources: LFP/LBV and LNF/NF)

Organisation		Divisions covered	Number of clubs affiliated	% of professional clubs affiliated in the organisation	Density of professional clubs	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	type	number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Ligue Professionnelle de Football/Liga Beroepsvoetbal (LFP/LBV)	Belgian Professional Football League	1	18	100	100	Yes	URBSFA/KBVB	No	EPFL	No	No	No
Ligue Nationale de Football/Natioanaal Footballliga (LNF/NF)	Belgian National Football League	2	18	0	0	No	URBSFA/KBVB	No	No	No	No	No

Density of professional clubs: number of professional affiliated clubs compared with the total number of professional clubs in the country CB: Does the organisation take part in collective bargaining?

CYPRUS⁸⁴

1. Contextual data in the sector

Players (2004/2005 season – source: CFA)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players (non-amateur players) ⁸⁵	851	87.0	8.4	4.6
Semi-professional players	Not relevant			
Amateur players	3,000	97.8	1.9	0.3
Total	3,851	95.4	3.4	1.2

Clubs (2004/2005 season – source: CFA)

Sub-sectors	Number of clubs	% in 1 or top division	% in second division	% in third and following divisions
Professional clubs	42	33	33	33
Non-professional clubs	14	0	0	100
Total	56	25	25	50

2. General regulation

The main parties involved in the organisation of professional football are the Cyprus Football Association (CFA), the various football clubs, the Pancyprian Footballers Association (PFA) and the Cyprus Referees Association (CRA). However, the organisation of professional football is the sole responsibility of the CFA. The other actors co-operate with CFA for the proper organisation and implementation of the decisions of CFA and the rules and regulations of FIFA and UEFA..

⁸⁴ The data and other information in this report pertain to football activities in the Government controlled areas, excluding the areas under Turkish occupation since the Turkish invasion of Cyprus in July 1974.

⁸⁵ It may be noted that in Cyprus players are classified by the Cyprus Football Association as non-amateurs and amateurs. In this report we use the term professional to mean non-amateur players

These organisations are linked between themselves as follows: the Clubs and the CRA are members of CFA. The PFA is linked to CFA indirectly through their Clubs. These organisations are autonomous and function within their own constitutions and take their own decisions but they always have to operate within the rules and regulations of CFA, UEFA and FIFA.

There are no major conflicts among these organisations. The most common ones are higher pay, more involvement in the appointment of referees for matches and procedural matters.

The organisation of professional football is left to the discretion of its participants. The State does not intervene in the organisation by imposing forms of regulation and/or accreditation. The intervention of the State is confined to providing members of the police force to keep law and order inside and outside the football stadium (the budget for this is covered by the Cyprus Sport Organisation).

3. Status of the professional player

There is an operational definition (established by rules and regulations by CFA) of the professional football player. It is a non-amateur player who receives fixed remuneration from his club over and above his real expenses for participating in a game and has a contract of employment with his Club. This contract is also deposited with the CFA. The status of a footballer is determined by CFA, after an application is filled in and submitted by the Club or the footballer himself.

The employer of a professional player is his Club. He is a salaried employee of the Club. There is no real distinction between full-time and part-time in football in Cyprus. The work contract is not subject in any way to the employment code in force for the other sectors of the economy as football has its own peculiarities. There is no specific legislation governing professional football players.

Professional footballers benefit from *social protection*. They have access to social security, insurance cover in the case of accidents, medical and pharmaceutical care, pensions and other benefits. Social insurance benefits are the same for workers in other sectors of the economy but other benefits tend to be different.

There is no standard employment contract for the professional player. Each Club has its own employment contract. In general, it covers the player's obligations, the club's obligations, training, compensation, insurance, and other terms of employment. A contract is compulsory with the Club.

In case of a dispute between the footballer and the Football Club regarding the terms of the Contract to be signed, this dispute will be decided by the Committee of Resolution of Disputes established under CFA. It consists of 5 members (the president, the vice-president and 1 member elected from the Administrative Council of CFA and the other 2 members elected by the Pancyprian Footballers Association by a procedure approved by CFA. The Committee is appointed by CFA but functions independently). If the dispute concerns the duration of the first professional contract of the player, this is resolved by adhering to the offer made by the Club but the maximum duration must be confined to 5 years. If the dispute refers to financial matters this is then resolved by the Committee, taking into consideration by order of importance, the rate of pay of other players of same age and skills within the same Club, the average rate of pay of other players of the same age and ability as well as the previous pay of the player. Other kinds of disputes are resolved by the Committee at its discretion. Appeals against the decisions of this Committee can be made to the Judiciary Committee of CFA (consisting of 7 members elected every 2 years by the General Assembly among football lovers of high standing and integrity not being a member of any Administrative Council of CFA or of its Clubs).The decisions of the Judiciary Committee are final.

4. Social dialogue

There is no tripartite social dialogue in the sector of football in Cyprus.

There is no bipartite social dialogue/collective negotiation in the sector, in the sense of a process of co-operation and negotiation between employer and trade union representatives. There are no collective agreements or conventions in the sector. Every professional footballer negotiates himself or with his lawyer or through an agency (usually for foreign players through FIFA's players agents) with his football club. No representative of the CFA is present in football clubs when discussion for a contract takes place. There is a contractual agreement with the respective football club. No rules are available to extend these agreements to other footballers.

The social dialogue takes place at informal level and these meetings intend to enlighten the CFA on various issues. Such meetings tend to improve the social dialogue and have a favourable impact in the long-run for a real social dialogue.

There are conflicts of various intensities. The most common ones are over higher pay, more involvement in the appointment of referees for matches and procedural matters. A major issue of this nature is the claim by the PFA that CFA should impose some kind of regulation that Clubs should employ a minimum number of local players especially of the younger age-groups, whilst the CFA insists on enforcing the rules and regulations of UEFA and FIFA, which allows the free movement of labour among EU countries.

The main obstacles which hinder the achievement of social dialogue in the sector seem to be the peculiarities of the sector with regards to such factors as the ability of each player, the financial resources of each Club, the category of each team, the loyalty of a player to one Club, the bonuses a player receives and the small number of professional full-time football players that cannot really have much power in negotiations.

There is no trade unions delegate within the clubs.

At European level, the organisations have not yet developed any links with EFFC, G-14 and EPFL. They do not seem to be aware much about the activities of these organisations. They will consider any links at some opportune time and in consultation with the Cyprus Football Association (CFA).

5. Organisation(s) active in the sector

a. National Association

The **Cyprus Football Association (Kypriaki Omospondia Podosferou, CFA)** was established in 1934. It consists of 56 clubs affiliated directly and divided into four league divisions of 14 clubs each. The sources of funding of the CFA are annual subscriptions of its football clubs' members, initial registration fees of clubs, annual grants from the Cyprus Sport Organisation, donations, receipts from official and friendly games of the national teams, share of receipts from all championships and games with foreign teams, penalties, revenue from rents of its movable and immovable property, radio and television transmission of games.

The CFA is the sole agency for the organisation and supervision of professional football in Cyprus. It establishes the rules of the game, determines the status of the players (amateurs and non-amateurs), the registration of players, their transfers, the scheduling of fixtures, the sale of commercial rights, refereeing, disciplinary matters, examination of pay complaints and other related matters. However, it does not deal with collective bargaining.

The professional clubs are represented within the CFA. The Highest Body of CFA is the General Assembly which consists of 14 1st Division Clubs, two representatives who are elected by the 2nd Division Clubs and one representative elected by the 3rd Division Clubs. There is also an observer from the 4th Division Clubs. This Body enacts the laws and regulations of CFA, elects the

President of the Association, approves the members of the Administrative Council, elects the members of the Disciplinary Committee, appoints the Auditors and approves the registration of new clubs.

The professional players and or their representative organisation are not really represented within CFA even if PFA does participate in the Committee of Resolution of Disputes⁸⁶.

The CFA has close a relationship with the representative organisation of the professional players and professional clubs as one of the aims of the Association is to foster and maintain friendly relationships among them and the safeguarding of their interests, as well as applying the rules and regulations of UEFA and FIFA. The relationship is mostly constructive and complementary. They are not competitive but occasionally there may be conflictual issues. However there are no major rivalries or trial of strength cases among the various entities and CFA.

The three main objectives of CFA for the next five years are:

- Further raise the standard at all levels of the game in collaboration with other institutions and authorities.
- Implement plans for the effective and sustainable development of football in Cyprus, focusing on Youth Football, Women's Football, Technical Development, Referring, Futsal/Beach and Marketing
- Launch campaign against hooliganism.

The CFA is a direct member of both UEFA and FIFA.

b. Organisation(s) of professional football players

The **Pancyprian Footballers Association (PFA)** was founded in 1987 as an Association with the Registrar of Associations at the Ministry of the Interior. The Association employs one salaried worker (the executive secretary). Its membership is confined to Cypriot nationals. Its funding comes mainly from registration fees and the annual subscriptions of its members, a fee of 50 Cyprus pounds for every employment contract its members deposit with the Cyprus Football Association, a grant from FIFPro and other donors. PFA is recognised by CFA.

PFA's main aims are : the union and organisation of professional footballers for the purpose of discussing and resolving the various problems faced by footballers and the Cyprus football in general, with all the other organisations involved ; safeguarding the necessary terms and pre-conditions and the setting-up of standards for the conduct of football games; maintain good relations, understanding, mutual respect and solidarity among footballers; contribute to the cultural, social and athletic development of Cyprus; and register and develop links with similar organisations abroad. These missions are conducted through the representation at FIFPro, the negotiations with the CFA and Football Clubs, and through meetings and consultations with Government Officials, the Cyprus Sport Organisation and the promotion of the general interests of professional footballers.

The PFA can negotiate on all issues related to its members. It takes part in formal and informal discussions. However, it does not sign any collective agreements, declarations of intention, joint declarations or similar declarations.

⁸⁶ But in the cases of a dispute between the footballer and the Football Club regarding the terms of the Contract to be signed, this dispute will be decided by the Committee of Resolution of Disputes established under the CFA. It consists of 5 members (the president, the vice-president and 1 member elected from the Administrative Council of CFA and the other 2 members elected by the Pancyprian Footballers Association by a procedure approved by CFA. The Committee is appointed by CFA but functions independently of CFA).

The three main goals of the Association in the next five years are:

- the classification of professional players into categories;
- participation in the decision taking process of the CFA;
- participation in all the activities of FIFPro

Professional football players' organisation(s) (2004/2005 season – source: PFA)

Organisation		Members	Members working as football players	Part of professional players in the members working as football players	Density of football professional players	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Number	Number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
PANKYPRIOS SYNDESMOS PODOSFERIS TON (P.A.S.P)	Pancyprian Footballers Association (PFA)	703	703 (of whom 20 are not active)	97	95	No	No	No	No	ETUC	FIFPro	No

Note: Membership of PFA is confined only to Cypriot nationals. Therefore, the data presented in this Table pertains to Cypriot nationals footballers only.

Density of football professional players: number of affiliated Cypriot professional footballers compared with the total number of Cypriot professional footballers in the country.

c. Organisation(s) of professional football clubs

There is no such organisation in Cyprus.

DENMARK

1. Contextual data in the sector

A university report in 2002 investigated professional football. From this report, we can obtain the information regarding the distribution of the different types of contract amongst the 1,090 professional players in 2002: 64% were employed as full-time, 21% as part-time and 16% as second-job (for more details on the definition of these categories, see point 3).

Players (2004/2005 season – source: DBU)

Category	Number of players	% of national players ⁸⁷	% of European players	% of non-European players
Professional players	1,066 ⁸⁸	93.9	3.5	2.6
Semi-professional players	ND			
Amateur players	ND			
Total	ND			

Clubs (2004/2005 season – source: DBU)

Sub-sectors	Number of clubs	% clubs in 1st or top division	% clubs in 2nd division	% clubs in 3rd and lower divisions
Professional clubs	43 (+3 women's clubs)	28	39.5	32.5
Non-professional clubs	1,562			
Total	1,608			

2. General regulation

The state does not intervene directly in the regulation of the sector and there is no specific legislation involved⁸⁹.

⁸⁷ Percentage of European and non-European players are only related the Super League.

⁸⁸ According to UEFA figures, there are 824 professional players.

⁸⁹ According to the FIFPro, preceptive Danish and EU legislation, however, influence and regulates the sector, in line with all other sectors.

The main participants in the organisation of professional football and in establishing the rules of the game are left to the discretion of the Danish Football Association (Dansk Boldspil Union, *DBU*) the professional clubs association named the Danish League Association (Divisionsforeningen, *the DF*) and the professional players' union the Danish Football Players' Association (Spillerforeningen, *SPF*). The DF is a mixed association, i.e. an employers' association and a trade (clubs') interest association and member of DBU, whereas the SPF is a trade union for mainly contract football players offering a number of services to members.

The DF and the SPF have concluded a collective agreement (CA) concerning minimum wage and working conditions of the players, the responsibilities towards the clubs and the resolution of conflicts in the case of disputes (for more details see point 4). The national football association, DBU, has responsibility for the organisation of the national tournaments and the national team. DBU does not take part in collective bargaining but is the highest authority in everything that is connected to the performance of the game, including managing the professional licensing system. DBU follows the international rules settled by FIFA.

As a direct member of DBU, the DF is represented in the democratic structure of DBU. DBU and the DF have formal cooperation in a professional football committee.

3. Status of the professional player

There is no specific legal status of a professional football player⁹⁰. In practice it is the contractual engagement with the club that decides to what degree a player is professional. The relationship between the player (the employee) and the club (the employer) is laid down in a collective agreement between the SPF and the DF, which was last renewed in October 2004.

The agreement encompasses those clubs that DBU has acknowledged as contract clubs and which are members of the DF – and the contractual players employed in these clubs. The collective agreement (the only one in professional football between players and clubs) constitutes the minimum demands to be fulfilled at the signature of an employment contract. Deviations can only occur in certain areas and always to the benefit of the player. Contractual players can only be employed in irrevocable fixed term contracts in accordance with the CA.

The professional player, whether or not he is covered by the CA, can enter into one of three types of employment contracts:

- (a) A second-job or sideline contract: The correct translation of this type of contract is actually 'sideline contract' – meaning that the player has football as a second job or a sideline job. Football is not the main occupation. In this particular connection 'sideline' has quite another meaning and consequently the more direct 'second job' is chosen. Training for players under this contract will normally take place outside normal working hours and if not the player will be compensated for the loss of earnings. The same goes for participation in tournament matches.
- (b) A part-time contract: According to this contract, the player can only take up other work with the approval of the club and only on days and hours specified in the contract. The players will receive compensation as in case (a).
- (c) A full-time contract: The player cannot take up other work unless specifically approved by the club, and the player will participate in training, training camps and matches according to the clubs' decisions.

⁹⁰ The FIFPro stresses that "the employment relationship of a professional football player is that of a wage earner and consequently the rules and regulations that apply to wage earners in general also apply to the professional football player".

These provisions and types of employment contract are reflected in the standard contract made by DBU. The standard contract was changed in accordance with the collective agreement signed in October 2004 between the DF and the SPF (for more details see point 4). The contract contains both clauses according to the CA between the SPF and the DF and clauses which are outside of the CA. Most of the provisions are equal. It is marked up on the front page of the contract whether the contract follows the CA or not. One of the differences is that the agreement contains minimum wages for the players. And only contract players covered by the agreement have the right to strike. In case of disciplinary offences, random dismissals, non-fulfilment and breach of contract, the agreement covered by the contract points to the rules as laid down in The Act on the legal relationship between employers and salaried employees (Funktionærloven), which is a national law.

The employer of the player is the club, and the club, thus, possesses the managerial rights. There is no specific legislation or employment code governing professional sportsmen, including football players in Denmark. The CA governs the relationship between the signatory parties on the same basis as collective agreements in other sectors of economic activity. This also means that the professional footballer enjoys the same right to social protection as anybody else (access to social security, a state health insurance, pension, etc.). Apart from this, the club is legally bound (as all employers) to sign an insurance covering accidents, etc. covering the employee. A part of the player's wage is saved as pension and withdrawn from the monthly pay before tax – the employer pays two-thirds of the agreed pension payment and the player the last third. This pension is a specific occupational pension, introduced in the beginning of the 1990s and is, today, part of all collective agreements in Denmark. This also means that contracts not covered by this agreement do not qualify for inclusion under the clause in the contract (quote: §15 “Obligatory pension scheme – in force if the contractual relationship is in accordance with the CA”).

4. Social dialogue

Tripartite cooperation takes place between DBU, the DF and the SPF in DBU's Contract Football Committee. There are two representatives from each organisation. The competences of the committee are laid down in the article 36 of the laws of DBU. The main responsibilities are:

- To issue licenses to clubs applying to open a professional department
- To cancel or suspend a license if the existing rules are not observed
- To recognise player contracts, i.e. to ensure that only the formula of the standard contract is used
- To examine and evaluate applicants for a license as a football agent
- To rule in legal disputes between players and clubs, etc., as a court of first instance. The committee's decision can either be referred to the board of DBU as a second court of instance or to the Football Arbitration Tribunal (*Fodboldens Voldgiftsret*) as second court of instance⁹¹.

A **bipartite social dialogue** including collective bargaining, based on mutual recognition, about general wage and working conditions take place between the SPF and the DF. The CB is formalised in the Basic Agreement, which stipulates the circumstances under which the CB take place and the CA is renewed. Even if an agreement is cancelled or terminated the provisions are still in force until a new agreement is signed or a work stoppage is issued in accordance with the rules on handling conflicts. In connection with renewal of the CA the parties are thus allowed to

⁹¹ The last point is controversial. The SPF does not recognise the committee as a court of first instance. After all the clubs have four representatives out of six. The SPF supports a system agreed with the DF where a dispute is treated in the first instance at an arbitration meeting between the associations. This is normal procedure at the Danish labour market. If arbitration is unsuccessful the case goes directly to the Football Arbitration Tribunal under DBU.

take industrial action (strikes or lockouts) whereas an agreement in force has to be respected. The CA applies to all professional players playing in clubs affiliated to the DF that has adopted the Basic Agreement between the DF and the SPF. The CA thus covers 64.3% of the clubs in the Danish Tournament. It should be noted that in May 2005, the SPF concluded a collective agreement with DBU concerning the players on the national team.

A **formal co-operation** takes place between the DF and the SPF in accordance with the Co-operation Agreement, which settles the structure and aim of the co-operation. A joint meeting is arranged on a yearly basis with participation of two club representatives and two players' representatives from each club. The standing co-operation committee, consisting of three representatives from the DF and the SPF respectively prepares the yearly meeting. This committee meets four times a year and under the direction of the respective directors for the DF and the SPF. Conflict deriving from the understanding or interpretation of the agreement is solved at the Football's Arbitration Court of DBU. The decision of the court is binding and cannot be brought before any other court of law. The parties furthermore agree that no national or European football organisation, i.e. DBU and UEFA are able to impose rules on the parties which are in contradiction to the provisions of the agreements concluded between the DF and the SPF⁹².

Conflicts have occurred between the parties. In 2004, the players went on strike after a breakdown of negotiations in the Public Conciliation Service (Forligsinstitutionen). The dispute was about the interpretation of the collective agreement in force.

Part of the conflict were new transfer rules for players under the age of 23, issued by football's world governing body, FIFA, which gives clubs the right to demand compensation for training and developing young players, if these players are transferred to clubs in other countries after the expiry of their contracts⁹³. In August 2003, DBU implemented the FIFA rule in the players' standard contract, inserting a provision that a football club, in connection with transfer of a player under 23 to a foreign club, can demand compensation as 'back payment for talent development'. The DF agreed with this new rule while the SPF declared that it was a breach of the collective agreement in force and in contravention of the European Court of Justice's 1995 ruling in the *Bosman* case (Case C-415/93), which found that players were entitled to a free transfer at the end of their contract with a club, in application of the EU Treaty principle of free movement of labour. DBU did not withdraw the new contracts and consequently the SPF also brought a case to the civil courts, the High Court, which may be referred to the European Court of Justice.⁹⁴

The case is still sub judice. The court has so far ruled that the case will follow two parallel tracks, a national and a European. In the first case, the court will decide whether DBU interfered with the collective agreement between the DF and the SPF. And secondly, the court will decide whether the case should be referred to the European Court of Justice. Should the case be referred to the ECJ, on the basis of the *Bosman* ruling, it will, naturally, be followed with great attention by all the parties of professional football in Europe, including UEFA⁹⁵.

The DF, on their side, claims that professional football is more international than national and that FIFA rules must be followed if international football cooperation is to make any sense. FIFA's rules should be viewed as having greater weight than a national collective agreement. According to the DF, FIFA has confirmed that international transfer rules cannot be overturned by

⁹² According to the FIFPro, *"the main reason for the strike was that the players would not accept interference from DBU and FIFA with the collective agreement in force"*.

⁹³ UEFA points out that *"It is important also to bear in mind that the players themselves have turned down an offer from the present club in order for the club to be able to claim compensation"*. According to the Danish expert, *"a club has to present the young player with an offer in due time before the contract expires, so that he can look for another offer before the contract expires. But according to FIFA rules, if the parent club is not interested in making an offer it can still claim compensation from the new club. They do not have to present an offer to claim legitimate compensation"*.

⁹⁴ EIROnline, 26.08.2005, Footballers go on strike (record id: DK0408102F)

⁹⁵ According to UEFA, FIFA has entered into the case as secondary intervener.

collective agreements in particular countries. The SPF, on the other hand, states that on various occasions, the football associations in Spain, France, Holland and the UK have overruled FIFA and, most importantly, that in Denmark, it is the collective agreement that regulates conditions on the labour market, and not an international organisation. FIFA has no jurisdiction to overturn Danish collective agreements.

In October 2004, the SPF and the DF eventually came to an understanding and renewed the collective agreement, which had not been renewed since its signature in 1999. After the conclusion, DBU implemented the agreement in the player contract, but only for 90% of it. Transfer rules for players under 23 of age were not implemented, and for this reason the SPF has not withdrawn the case from the courts.

The point of departure in the future, according to the agreement, will be negotiations between the DF and the SPF about all conditions that influence the relationship between player and club. New rules from FIFA and DBU that influence employment conditions will be subject to an agreement between the partners. Basically, FIFA and DBU do not have the authority to overrule or interfere with a collective agreement concluded between mutually recognised parties at the Danish labour market. A collective agreement is binding during the agreed period and can only be changed in connection with a renewal.

5. Organisation(s) active in the sector

a. National Association

The **Danish Football Association (Dansk Boldspil Union, DBU)** was founded in 1889.

DBU is the formal representative of Danish football in all matters relating to the sport. That is to say, it establishes the rules of the game, schedules the national fixtures, manages sales of commercial rights, education of referees and agents, recognition of professional clubs, etc.

DBU's highest authority is the Council where the DF is represented (by direct affiliation) together with the regional football associations. The council elects a board and an executive committee is formed among the members of the board.

It was DBU's member clubs that founded the DF with the aim of focusing on the special interests of the elite clubs in the divisions rather than those of all clubs at whatever level. In the year of the foundation of the DF, DBU had 1,377 members (clubs) divided between the six regional associations (2005: 1,615 members). The structure of DBU was democratic and the founders of the DF felt a need to put special focus on the elite in order to benefit Danish football, which should be directed through a special interest association. The members of the DF were thus recruited from the ranks of DBU. This means that a representative from an elite club can be on the board of the DF as well as the board of DBU. This close relationship naturally characterises the co-operation between DBU and the DF, especially when it comes to the interests and promotion of Danish elite football.

But as of today, the DF is also an employers' association, and this means that, in this particular role, the partner is the SPF and not DBU. The DF wears two hats, and there is, consequently, a grey zone where it is not entirely clear which hat should be worn. This was obvious during the conflict in 2004 (see point 4) where the DF, in the beginning, supported DBU, because it is stated in the legal regulations of DBU that it is the highest football authority in Denmark, and as a member of UEFA and FIFA, DBU consequently follows the current rules of these organisations (§ 5.2). As a member of DBU, the DF is consequently obliged to follow these rules (§ 7.2). As an employers' association, however, the DF is obliged to follow another set of rules when it comes to negotiating employment and working conditions of the Danish players, namely the rules of collective bargaining in Denmark.

This overall ambiguity has also affected the relationship of DBU with SPF. In the annual report of the board at the Meeting of the Council in February 2005, the president of DBU underlined that “Transfer rules between clubs, entitlement to play and similar rules are not encompassed by the competencies of a collective agreement. These are rules that are determined and regulated by the national and international football associations.”⁹⁶ He rejects the accusation that DBU has interfered with the agreement between the DF and the SPF by introducing FIFA rules in the standard contract “which contains 90% of the provisions in the collective agreement”.

He furthermore regretted that the SPF has changed from being an interest association, as was the intention of DBU in the first place, to playing the role of a trade union and he added: “...And in a number of relations at being in definitely opposition to us, the Association of Professional Clubs and DBU sponsorship. These are options are not compatible with cooperation with DBU and being a part of the decision-making organs in Danish football.”

Therefore, he concluded that the representatives of the SPF on the Contract Football Committee should, in the future, be elected by *active* players among their midst and not as currently elected by the SPF alone. The two representatives, at that time, were players who had ended their careers and had a relevant educational background for this kind of work. The current players’ representatives are consequently two young active players from the Super League, but also members of the SPF.

So, DBU has no direct role in collective bargaining, concerning wages and working conditions of professional players, except for the national team. Indeed, in May 2005, DBU concluded a collective agreement with the SPF concerning the players on the national team.

DBU is a direct member of UEFA and FIFA.

b. Organisation(s) of professional football players

The **Danish Football Players’ Association (SPF)** was established as an organisation for division football players in Denmark in 1977. It is entirely financed by membership fees. The staff consists of seven salaried workers.

The SPF’s highest authority is the Council that consists of players’ representatives of the clubs in the Danish Tournament, which has members in the SPF, and a representative for the Danish professional players abroad. The council chooses a board of seven people. The board chooses the president from its midst. The board maintains the management of the SPF together with a director chosen by the board.

The SPF advises the members in all matters concerning their position as a professional player, including banking advice, medical care and signature of a contract. The SPF has a special transfer list for members on its website, which facilitates direct contact with the individual player by agents or clubs. The SPF has, furthermore, two licensed football agents attached to the association.

The SPF conducts collective bargaining on behalf of the members with the professional clubs’ organisation the DF. The rules regulating the social dialogue including collective bargaining and conflict resolution are laid down in a Basic Agreement and a Co-operation Agreement signed by the two parties. In May 2005, the SPF concluded a collective agreement with DBU concerning the players on the national team. The SPF has, furthermore, two members in the Contract Football Committee (as have DBU and the DF each).

⁹⁶ Quoted from the speech published at DBU website

Among the SPF's main objectives for the following years, there are:

- The will to improve co-operation with the DF, the clubs and DBU: the SPF has concluded a collective agreement as of October 2004 until end of June 2007. It is the aim to develop industrial relations through the collective agreement system. It is the aim to renew the agreement in 2007.
- The will to work at influencing FIFPro to consider the interests of the small nations and that FIFPro enter into an agreement with a relevant counterpart at international level to supplement the national collective agreements, i.e. the agreement in Denmark.

Professional footballers' organisation(s) (2004/2005 season – source: SPF)

Organisation		Members	Members working as football players	Professional players working as footballers as a proportion of total membership	Density of football professional players	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Number	Number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Spillerforening n (SPF)	Danish Football Players' Association	700-800 (including non-active, foreign and women players)	ND	ND	ND, but at least over 50%	yes	LO, DEF	No	No	ETUC	FIFPro	No

Density of football professional players: number of affiliated professional footballers compared with the total number of professional footballers in the country CB: Does the organisation take part in collective bargaining?

c. Organisation(s) of professional football clubs

The **Danish League Association (DF)** was founded in 1969, before the introduction of professional football⁹⁷, as an organisation for the clubs in the so-called Division Tournament (the league), which, in short, was the tournament of the approximately 50 best clubs in Denmark. The finances of the DF are dependant on the membership subscriptions and contributions according to the rules of DBU.

Not all clubs (members) in the divisions are professional: 12 clubs are pure amateur clubs; 11 are professional, but with no player receiving more than EUR 11,200 a year; in 19 clubs, at least one player is listed as receiving more than EUR 11,200 a year; information is lacking for 2 clubs⁹⁸. In addition there are the 12 full-time professional clubs of the Super League. The DF has 52

⁹⁷ Professional football was introduced in 1978.

members plus 4 'second teams' from the biggest clubs. In all, there are 56 members divided between the Super League (12), the first division (14), and the two second divisions (14+14). The four 'second teams' take part in the second divisions according to special rules agreed with the clubs in the second division.

The DF is a direct member of DBU. As a member of DBU the association and its members are subject to the laws and provisions of DBU⁹⁹. Members of the DF are those clubs that, at any given time, are represented in the National Tournament (which consists of the Super League, first division and two second divisions).

The DF can negotiate on behalf of its members on social matters. It has signed one collective agreement with the SPF.

For the following years, the DF has fixed some goals. Among them, there are

- The will to enter into negotiations with DBU about a modernised organisational structure (including the tournament) for Danish football in which professional football gets a more central and independent role.
- The will to enter into negotiations with DBU about a modernisation of the co-operation agreement including establishment of a co-operation committee with independent competencies
- The will to enter into fixed agreements on economy, partly between the members of the DF partly in relation to DBU, and
- That it is recognised as a condition for participation in international and national tournaments to recognise democratic principles of organisational relations both at national as well as international level

Professional football clubs organisation(s) (2004/2005 season – source: DF)

Organisation		Divisions covered	Number of clubs affiliated	% of professional clubs affiliated in the organisation	Density of professional clubs	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	type	number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Divisionsforening en (DF)	Danish League Association	Super League, 1 and 2 divisions	52	82.7	100	yes	DBU	No	EPFL	UEFA	No	FIFA

Density of professional clubs: number of professional affiliated clubs compared with the total number of professional clubs in the country CB: Does the organisation take part in collective bargaining?

⁹⁸ DF: List of professionals and amateurs, autumn 2005. The list is used for internal accountancy concerning membership dues.

⁹⁹ A special 'winter-meeting' is held prior to the annual ordinary meeting in the Council of DBU. At this meeting DF chooses representatives to DBU (council and board) and to the many different committees under DBU, for instance the Contract Football Committee. These committees have no decision-making authority. They are advisory and administrative.

CZECH REPUBLIC

1. Contextual data in the sector

Players (2004/2005 season – sources: CMFS and Research Institute of Labour and Social Affairs estimate)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players	750	88	9.3	2.7
Semi-professional players	1,500	95	5	0
Amateur players	623,302	100	0	0
Total	625,552	99.97	0.02	0.003

Clubs (2004/2005 season – source: CMFS)

Sub-sectors	Number of clubs	% in 1 or top division	% in second division	% in third and following divisions
Professional clubs	32	50	50	0
Non-professional clubs	3,923	0	0	100
Total	3,955	0.4	0.4	99.2

2. General regulation

The Czech-Moravian Football Association (CMFS) is the only over-arching organisation to act as an umbrella organisation for all the professional (and non-professional, i.e. amateur) bodies in the game. The CMFS has expert committees working on all aspects of the game's governance (e.g. disciplinary issues, licensing, refereeing, arbitration, appeals and review, and conciliation committees, in addition to a committee for the rules of game). The League Council (for more information on the CMFS's structure, see point 5a) resolves issues raised by professional clubs (i.e. those playing in the 1st and 2nd Divisions).

The CMFS is responsible for all functions relating to the professional and non-professional game, including the organisation of the sport, the national teams and financial matters. In a situation like this with no single body governing professional football, there is no social dialogue or collective bargaining. It is out of the question. There are no professional players' unions (professional players are not employees) or employers' organisations: none of the football divisions has its separate legal status, and they do not, and cannot, fulfil the role of employers' organisation, as the above-mentioned League Council, which is a body that embraces the professional clubs, works expressly within the framework of the CMFS.

Although the state supports non-professional football and youth football in particular, by way of subsidies from a separate section of the national budget, it does not intervene in any way in the authority of the CMFS.

Organised football in the Czech Republic (CR) may be divided into three groups: "Top" football, "High Standard" football and "Mass" football. The "Top" group involves football played at a professional level by clubs in the 1st and 2nd Divisions. Changes are taking place with regard to professionalism in the 2nd Division, and licensing procedures are unlikely to be eased in the future. There are currently appropriate licensing procedures in place for recognising professional status in the 2nd Division as well as the 1st Division. "High Standard" football includes the 3rd Division, and the Divisional leagues, a total of 114 clubs, 34 of which play in two 3rd Divisions, and 80 in 5 divisional leagues- of 16 clubs each. For all practical purposes, these are semi-professional clubs. "Mass" football involves the Regional and District competitions; these have non-professional status.

3. Status of the professional player

Czech law has no definition for the status of a professional football player, and the profession is not specifically identified under the Trades Licensing Act. Equally, there is no legal definition of the status of professional sports player¹⁰⁰.

Under Czech employment law, professional players do not have an employer because, as self-employed workers, they do have an employment relationship, and therefore do not receive wages as employees (in a broader, more general sense, professional footballers in the Czech Republic may of course consider the club to be their employer). As footballers who play professionally in the CR are self-employed, the issue of full- or part-time employment does not arise, and nor do other aspects of employment relations, such as place of work, working hours and holidays. The fact that professional players are self-employed is explicitly set out in players' contracts with their clubs.

Contracts between players and clubs are not governed by the Labour Code, which sets out employment relationships between employers and employees, and are not set out as labour relations documents according to current Czech law. In legal terms, contracts are concluded between clubs and players on the basis of the Civil Code.

Although individual contractual conditions vary, there is a standard legal form of contract between professional players and their professional clubs despite the fact that no standard contract officially exists. All professional contracts are registered (recorded) with the CMFS. They are concluded for defined periods, and contain clauses governing the mutual rights and obligations of the players and clubs in respect of payment (including bonuses), training conditions, the organisational and material conditions provided for the player by the club, the player's obligation not to damage the club's good name and, among other things, to meet conditions laid down for competitions. The contract does not contain any provision relating to the minimum wage. Contracts may include sanctions in the event of the terms of the contract not being fulfilled.

As professional footballers in the CR are not employees under labour legislation, all social issues and all pension, health and accident insurance matters are dealt with by the players themselves, who pay related costs out of their own pockets. In this respect, the player's situation is the same as that of any other self-employed person working in any other sector of the economy.

¹⁰⁰ The CMFS defines the professional status of players in its own internal regulations. This definition is set out in the CMFS Executive Committee regulation of 19 October 2003, "FIFA Regulations on the Status and Transfer of Players", Article 2(1) of which states that "A professional player is a player who has a written contract with a club, and whose pay exceeds the costs incurred whilst performing footballing activities. All other players are deemed to be amateurs."

4. Social dialogue

There is no **tripartite social dialogue** in professional football.

There is no **bipartite social dialogue** in the professional football players sector either. Nor is there any collective bargaining, and no collective agreements are concluded either. The decisive factor in this situation is the fact that professional footballers do not have employee status in their clubs, and clubs that play in professional competitions are not legally their players' employers; there are therefore no trade unions acting on behalf of club employees. There is no structure for sectoral social dialogue

There are no trade union delegates in professional clubs.

There is no link between EFFC and Czech professional football¹⁰¹.

5. Organisation(s) active in the sector

a. National Association

The **Czech-Moravian Football Association (Českomoravský fotbalový svaz, CMFS)** is the sole umbrella organisation for all professional and non-professional (i.e. amateur) bodies in the game. The Association has an organisational structure made up of the various Regional and District associations, and also has separate governing committees for the Czech region and Moravia. In addition, the CMFS has expert committees focusing on all aspects of the game's governance (e.g. the disciplinary, licensing, refereeing, arbitration, appeal and review, and conciliation committees, and a committee dealing with the rules of game). It also takes charge of commercial rights.

The CMFS is the instigator, owner, host and organiser of football matches and competitions of all kinds, and governs them via its internal bodies according to rules of football issued by FIFA and to the rules and regulations which it issues itself. In addition to the rules for organising and governing competitions (these include competition regulations, competition fixtures lists, registration regulations, transfer regulations and disciplinary regulations), it issues statutes and regulations laying down the activities of CMFS bodies, the conditions for participating in competitions, and the principles for resolving disputes within the CMFS, and for disposing of the Association's assets.

The key bodies of the CMFS are the General Assembly, the Executive Committee, the Association President, and the Association Secretariat headed by the General Secretary. The League Council deals with issues raised by professional clubs (i.e. those playing in the 1st and 2nd Divisions). The existence of this Council is laid down in the Association's Articles of Association (Article 8, adopted on 27 January 1990, as amended and supplemented): "The League Council is a body of the 1st and 2nd Divisions. Each club shall provide its statutory representative, who shall have one vote." The subordinate position of the League Council in relation to the CMFS Executive Committee is illustrated by the provision that: "the activities of the League Council are defined in detail by a statute proposed by the clubs in the 1st and 2nd Divisions, approved by the League Council, and then confirmed by the CMFS Executive Committee."

¹⁰¹ According to UEFA, "the most important aspect of football employment relations (employers/employees) in the Czech Republic is to protect the exclusivity and specific features of football within the framework of the Czech FA regulations and within labour law and other laws in the Czech Republic and the EU".

The League Council's activities include approval of the statute of the Licensing Committee for the 1st and 2nd Divisions the principles for governing professional competitions, and the sharing out of revenue from audio-visual and advertising rights for professional competitions between 1st and 2nd Division clubs, all on the basis of proposals made by the representatives from these clubs. It is also authorised to recommend as follows to the Executive Committee: candidates for statutory bodies and the supervisory boards of companies which deal with audio-visual and marketing rights for 1st and 2nd Division clubs; changes to the CMFS Articles of Association and its other rules and regulations; and League Council candidates for FIFA and UEFA committees, of which the CMFS is a regular member. There have been tendencies, both in the past and more recently, for Czech professional football to become self-sufficient and to break away from the Association's structures, but attempts to achieve this have made little headway, and the ideas have not been put into practice. For this reason, the Czech leagues are not, and cannot be, members of European organisations that bring national football leagues together.

The periods of office for the various bodies within the Association are coming to an end, and elections for new officials are under way. Until the various bodies commence their activities with new or re-elected officials, there can be no concrete programme of priorities for the coming period, but the Association's basic mission makes clear that priority will undoubtedly be given to the comprehensive development of football in the CR and, in particular, to the development of youth football.

Professional players are members of the CMFS, and apply their rights via their clubs.

The CMFS has no collective bargaining rights because there is no collective bargaining in Czech professional football.

The CMFS is a member of the CSTV, and a direct member of FIFA and UEFA.

b. Organisation(s) of professional football players

There are no unions in professional football and no professional players' organisations. There have been attempts in the past to set up professional players' associations, but these have usually taken the form of informal initiatives by former players. None of these attempts has reached the stage at which practical activities have been carried out for any significant period of time.

c. Organisation(s) of professional football clubs

There are no professional organisations for clubs. The professional leagues (i.e. the 1st and 2nd Divisions) do not have a separate legal status, and accordingly may not act on their own behalf; they therefore carry out their activities as part of the CMFS (for more information on this, see point 5a).

ESTONIA

1. Contextual data in the sector

Players (season 2005 – source: EFA)

Category	Number of players	% of national players	% of European players ¹⁰²	% of non-European players
Professional players	137	84.7%	14.6%	0.7%
Semi-professional players	104	91.4%	8.6%	0%
Amateur players	11,689	92.6%	7.3%	0.1%
Total	11,930	92.5%	7.4%	0.1%

Clubs (season 2005 – source: EFA)

Sub-sectors	Number of clubs	% in 1 or top division	% in second division	% in third and following divisions
Professional clubs	5	100%	0	0
Non-professional clubs	5	60%	40%	0
Total	10	80%	20%	0

2. General regulation

The main participant in the professional football players sector in Estonia is the Estonian Football Association (EFA). The EFA establishes a general framework for football activities like scheduling of fixtures, refereeing, disciplinary matters and organisation of matches. The sale of commercial rights has been left to the football clubs, except in the case of the national teams, when the abovementioned rights are left to the EFA. The role of the state in the sector is marginal – activities are limited to issues relating to safety of the stadiums and support for youth football players. Youth football players are also supported by the EFA and local municipalities. The state is not involved in the development of legislation specific to the football sector (for example the status of professional football player is not defined in the state level).

¹⁰² Term Europe is used here in geographical meaning, i.e. Russia and Ukraine are included.

3. Status of the professional player

The legal definition of the status of the professional football player is absent in Estonia. A professional player is a person who has an employment contract with a club. In the professional football players sector in Estonia, no distinction is made between active and non-active players. In cases when the contract comes to an end, the footballer is no longer considered to be a professional player.

The EFA has worked out a standard employment contract, in which the rights and obligations of players and clubs are set out, together with wages and training issues, etc. It also determines the minimum and maximum length of the contract (1-5 years), which on the one hand protects clubs from sudden loss of a player and on the other hand, protects players from losing their job. The wage level is determined through the national minimum wage¹⁰³ — players up to 25 years get a minimum of three times the minimum wage, players up to 28 years get four times the minimum wage and foreigner players get a minimum of six times the minimum wage. Due to bargaining, the contracts may differ slightly between players and clubs, but the main characteristics are the same. This standard employment contract guarantees that the club pays wages to the players, otherwise sanctions may be applied (penalties and in the extreme cases club may lose its licence).

The employer of a professional player is a club and players are salaried employees, which is determined by a standard labour contract (players cannot be self-employed). According to the Employment Contracts Act, the main aspects of the labour contract are negotiated (mostly issues related to the financial aspects of contract). One exception is that the labour contract cannot be cancelled in advance (in the case of cancellation, the player cannot play in another football club) and the contract cannot be indefinite. Some issues in the labour contract are regulated by the EFA (Instruction of Competition and Instruction of Transfer of Players). Professional players benefit from the social protection similarly to the other workers (they have access to the social security system, pensions, etc.), additionally clubs insure players against accidents (life insurance contracts).

There is no distinction made between part-time and full-time players. Players under 19 years old may have the status of students.

4. Social dialogue

In Estonia, **tripartism** is only satisfactorily developed at the national level and as with the other sectors, there is no tripartite concertation either in the football players sector. The other kind of consultation or meetings between the government and the social partners at the sector level in football sector is also absent since there is only one organisation, the EFA, which is active in the sector. There is no central organisation to represent the interests of the clubs, but this role is partly delegated to EFA, which defends the rights of the footballers as well. There are no trade union organisations in the sector.

As social partnership organisations are missing in football sector, this means that no **bipartite collective negotiations** take place in the football sector. Although trade unions of professional footballers are missing in Estonia, the EFA has taken the role of the mediator between club and players in case of conflicts. When the state regulates wage conditions, then the EFA regulates wages and the status of professional footballers. As this study reveals, the EFA has worked out a standard employment contract, which regulates the minimum level of wages, working conditions and other rights and obligations of clubs and footballers.

¹⁰³ The minimum wage in 2005 is 2690 EEK (the exchange rate is 1 EUR = 15.6464 EEK).

In the football sector the minimum wages are several times higher than the national minimum wage and it is definitely one of the reasons why tripartite and bipartite negotiations are not actively put into practice. As was mentioned before, the role of the state is marginal, with practically the only sphere where it influences the football sector being determination of the minimum wage level. The State also attends as one participant in the cases when conflicts come to court.

So, the EFA has partially taken on the task of being a representative of professional footballers and it also is representative of the clubs, so it participates actively as a mediator between players and clubs. As the EFA carries out several roles specific to trade unions and as the number of players is quite small and footballers are aware of the scarcity of resources at clubs, there has been no need for trade unions and it is not likely that the need will arise in the next few years.

The EFA has never been in contact with EFFC.

5. Organisation(s) active in the sector

a. National Association

The **Estonian Football Association (Eesti Jalgpalli Liit, EFA)** was founded on 14th December 1921. The EFA is a non-profit organisation which has been created to promote the football sector and coordinate associated activities. It brings together non-profit organisations connected to football. The activity of the EFA is based on principles of democracy and voluntary work, the self-initiative of members and their joint actions. In its activities, the EFA follows the Estonian legislation, resolutions and legislation of the Union of European Football Associations (UEFA) and the International Federation of Football Association (FIFA).

The EFA consists of 108 football clubs, including all professional clubs¹⁰⁴. It is lead and represented by the board of management, which has 13 members (president, 2 vice-presidents, 10 members) and three of them are representatives of professional clubs at the moment. At the EFA, there is a Top Football Commission (Tippjalgpalli Komsjon), where the professional clubs are also represented. Although professional footballers are not directly represented, so far, in the EFA, this may change soon.

The mission of the EFA is to advance the non-profit extension of football in Estonia, management of the football-related activities and representation of Estonian football in international football organisations. The three main goals of the EFA for the next five years are:

- Expansion of the number of amateurs in football – at the moment only 1.2% of the total population of Estonia plays football as a hobby, the goal is to expand it to 5% (in some European countries this number is 10% of the total population). Among amateurs approximately 11,000 are registered and 5,000-7,000 are unregistered players.
- Development of football related infrastructure.
- Training of coaches and referees.

¹⁰⁴ Most football clubs (professional, semi-professional) are members of the EFA. However, relationships with the rest of the football clubs, who are not members of EFA and independent footballers, are rather indirect.

EFA is member of Estonian Olympic Committee (Eesti Olümpiakomitee), UEFA and FIFA.

b. Organisation(s) of professional football players

There is no such organisation.

c. Organisation(s) of professional football clubs

There is no such organisation.

FINLAND

1. Contextual data in the sector

The number of professional players in Finland is around 250 - 350 depending on the definition (see below). There are no female professional players in Finland.

Players (2004/2005 season – sources: see point 3 “status of the professional player”)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players	250-350 (in Veikkausliiga League and in Division 1)	86% (in Veikkausliiga League)	7% (Veikkausliiga League)	7% (Veikkausliiga League)
Semi-professional players	Not relevant			
Amateur players	110,000	ND	ND	ND
Total	+/-110,000	ND	ND	ND

Clubs (2004/2005 season - source: FAF)

Sub-sectors	Number of clubs	% clubs in 1st or top division	% clubs in 2nd division	% clubs in 3rd and lower divisions
Professional clubs	16 ¹⁰⁵	86	14	0
Non-professional clubs	+/- 986			
Total	+/-1,000			

¹⁰⁵ If we define ‘a professional club’ broadly we can find from the “League One” two or three, clubs which operate quite ‘professionally’. It is impossible to draw the exact line between a professional and a non-professional club. The League One is an amateur league and the only professional league in Finland is the Veikkausliiga League.

2. General regulation

There are three participants in the organisation of the Finnish professional football: the Football Association of Finland (FAF), the Football League (FL) and the Football Players Association of Finland (FPAF).

As member of FIFA, the FAF has responsibility for all activities connected to football in Finland. Indeed, the League One and all other leagues or competitions are managed by the FAF. The licensing, transfers, referees and disciplinary rules are managed for all divisions by FAF. However, the highest league Veikkausliiga (Veikkausliiga league (League One)) makes an exception. Its management is partly delegated to an independent association, the FL (for the main following matters: scheduling of fixtures and sales of commercial rights).

Some conflicting interests can be found between the Football League and the Football Association concerning the proceeds of the Veikkausliiga League.

There are no serious conflicts between the FPAF and the FAF. The players association has even a right to attend some official meetings of the FAF.

Generally speaking, the relationship between the Finnish organisations is clearly more constructive than conflicting.

The state does not intervene directly in professional football, although the legislation concerning sports in general also applies to football (for example, the national law concerning accident and pension insurance of athletes). On the whole the Finnish state does not directly support professional sports.

3. Status of the professional player

In Finland, there is a law for competitive sports, which states that if a person earns over EUR 9,526 per year (gross), he or she acquires the status of a professional player¹⁰⁶ and is entitled to social security benefits. According to this classification there are some 250 professional football players in Finland. Most of these play in the Veikkausliiga (the highest level of football) and some in the first division. In the Veikkausliiga, there are also around 75 players who are not considered as professionals by this categorisation. And on the other hand there are around 80 players in the first division categorised as professionals. From the second division downwards there are no professional players, only amateurs.

Although the gross salary limit is so low, there is no category for half professionals in Finland. This means that even though many players might have additional jobs, they are still considered as professional footballers. These professional players are not considered as self-employed, but act as salaried employees employed by the clubs (which are mainly registered associations).

There is also another definition of a professional player, which is stated by the FAF. It states that if a player earns more than EUR 2,000 per year (gross), he or she is under the international regulations (UEFA and FIFA). There are approximately 350 players in Finland who earn more than EUR 2,000 and even with this classification over 1/3 of the players in the first division are considered as amateurs. And this classification does not affect the social dialogue in the sector.

¹⁰⁶ An amateur player is one who earns a maximum of EUR 2,000 taxable income in one season. A professional player is one who earns or will earn a minimum of EUR 9,526.16 (2005) taxable income in one season. The amount is based on the national law on accident and pension insurance for sportsmen from the year 2000. The regulations do not recognise 'half professionals', but instead they recognise a non-amateur, who is over 16 years old (or will turn 16 during the season) and who earns over EUR 2,000 during one season.

FPAF has carry out a study of the salaries of football players in Finland. The average pay for all the professional players was EUR 20,121 per year (including benefits, such as housing and car benefit) without these benefits the average salary was 18,440 per year in 2004. According to the most recent study carried out in the year 2005 the average salaries (including benefits) has fallen down to EUR 17,060 per year (without the benefits to EUR 15,470).

There is a standard employment contract, which has been concluded between Veikkausliiga league and FPAF¹⁰⁷. It covers the following main topics: Point and Bonus Pay and Team Compensation, Rights to Representation, Wages During Incapacity, Annual Leave, Termination of the Contract, Insurance. It does not include a provision about minimum wage.

4. Social dialogue

Tripartite dialogue does not take place in the professional football players sector in Finland.

Some other forms of social dialogue and collective negotiation take place at the **sector level** but quite restrictively¹⁰⁸. The participants in social dialogue are the Football League (FL), the Football Players Association of Finland (FPAF) and the Football Association of Finland (FAF).

There are no specific joint committees or other corresponding formal structures. The existing social dialogue is mostly informal but formal signs have developed. The FPAF has the right to participate in some formal meetings of the FAF and, as another example, there is an agreement concerning the general terms of players' contracts. The FPAF and the FL agreed on the model of the players' contract (the general terms of agreement¹⁰⁹). This general agreement cannot be considered as a sector collective agreement¹¹⁰. There are negotiations between the FPAF and the FAF for the same kind of contract model for the lower leagues as well, but the current contract rules are applied merely to the players in the Veikkausliiga League.

The FPAF states that there are still a lot of open problems in the field of professional football. An example: At the moment professional players in Finland are entitled to social security benefits, but there is a problem when the teams are in financial troubles, they do not always pay their share of the social security fees to the government and so the players may not get their benefits. There is no legal way to make the teams pay these fees, but this is under discussion at the moment.

There has been a lot of informal cooperation between the organisations. It has concerned, among other things, players' education and training of professional skills, insurances, social security, wage security etc. In addition the organisations have been members of working groups concerning world class sports etc.

¹⁰⁷ There are no special sanctions if you do not follow the general terms and if you don't have the standard contract. The most severe sanction could be dissolution of the original agreement. In practice there are a few (exact number is not available) players in the League One who don't even follow the general terms of agreement not to speak of the standard contract.

¹⁰⁸ The FPAF states that it would be important, that their role in the decision making process would be larger. At the moment they are not able to negotiate the most terms for employment for the players, but are only an advisory board.

¹⁰⁹ Important issues in the general terms of agreement are among others sick leave pay and annual holidays. Although there were no open or serious conflicts in negotiating this contract model, it took approximately two years to be accomplished. The contract has a clear clarifying effect. The aim of the FPAF is to promote common terms of agreements for the European football players.

¹¹⁰ Indeed, the general terms of agreement cover only a small part of players in Finland (only the Veikkausliiga league) even if it is true that most professional players play in the Veikkausliiga League. A second reason is the fact that there are no sanctions if you don't obey the agreement signed between FPAF and FL. Another reason is a limited scope of the general terms. There are many important topics outside. If we compare the agreement between the FL and the FPAF to normal sectoral collective agreements we can see the big difference. It would be more appropriate to characterise this agreement as a first start or an agreement in embryo.

It is hard to estimate how the social dialogue structure will evolve in the long run and how similar it will be to the 'normal' social dialogue structure. The FPAF is very concerned to move forward in this direction. It sees European co-operation as essential. The development of European social dialogue is also an essential way for a small country to receive information about plans and decisions of the associations representing football. The decisions are often made in the large associations in Europe, and the players in smaller countries may not even get all the information they should about these agreements.

The main obstacles to achieving social dialogue in the professional football players sector in Finland, which may also be an advantage, is the small number of professional clubs and players in Finland. Many features of the professional football players sector highlight some universal obstacles (players' agents, transfer rules, wide salary differentials between players and huge differences in financial possibilities of clubs etc.)

Social dialogue does not take place either within the professional clubs and there are no trade union delegates within the Finnish professional clubs.

None of the organisations are linked with EFFC¹¹¹.

5. Organisation(s) active in the sector

a. National Association

The **Football Association of Finland (Suomen Palloliitto, FAF)** was founded in 1907. It employs about 50 salaried workers. The sources of finance are subscription fees, income from their own activities and their own sales proceeds and co-operation and partnership agreements

The FAF is responsible for all activities connected to football in Finland. It confirms and supervises the regulations, the setting up of different leagues, disciplinary matters, the sale of commercial rights etc. However, The FL has exclusivity for scheduling of fixtures and sales of commercial rights in the top division (Veikkausliiga league). The FAF arranges all other series and competitions and it is responsible (all series including the Veikkausliiga League) for licensing, transfers, referees, disciplinary matters etc. FAF also grants the clubs and players the licences and supervises that the terms of the licences are met. It also approves and supervises the activities of the player-agents.

All the professional clubs are members of the FAF. The Football League (FL) is not a member of the FAF as well as the players' association FPAF is not its member.

Two main objectives of the FAF for the next five years are:

- Permanent international success/advancement of the Finnish football (the Finnish Football as world-class sports).
- Spirit of Fair Play at every level of football activities.

At international level, FAF is direct member of the UEFA and FIFA.

¹¹¹ EFFC was in contact with some clubs of the Veikkausliiga League a few years ago but without any practical consequences.

b. Organisation(s) of professional football players

The **Football Players Association of Finland (FPAF)** was founded in 1992. Its one salaried worker and source of finance are based on the subscription fees, co-operation agreements (sponsors) and some support from FIFPro.

The organisation is recognised by the National Association (FAF), but it has not yet been recognised as a full party to the negotiations.

The FPAF's mandate to negotiate on behalf its members is limited because it is not a fully recognised party to social dialogue of professional football players. Its position has got stronger steadily during the years of activity. It has signed an agreement concerning the general terms of agreement (see point 4). In addition, it has been active with the matters like players' insurances, opportunities for training, wage security etc. The association has build up a players' pool.

The FPAF is active and it takes part in consultations at several levels. It has the right to attend some official meetings of the FAF (Annual general meetings of the Central Council of the FAF). It has joint projects with the Finnish training programs and training institution that are tailored for the young football players at international level.

Among the missions assigned to it by its members, there are : the publication of the members' magazine 'Players'; visiting all the teams in the Veikkausliiga and active communication with the players in the lower leagues and women's leagues through contact people; improving the education possibilities of the members in cooperation with the National Sporting Academy of Finland (Suomen Urheiluoipisto). The education programmes enable both football and studying at the same time. The FPAF oversees that the General Regulations are followed in the Veikkausliiga. The Association has started to prepare a standard contract for players and teams in the lower leagues in cooperation with the FAF; taking part in two Nordic meetings and the yearly congress of FIFPro in 2005. The Association participates actively in the 'Social Dialogue in Professional Football' project set up by EU.

Three main goals of the organisation for the next five years are

- to be a recognised as a sovereign organisation of the Finnish football players
- to obtain basically the same kind of legal and effective status for professional players as normal wage earners have
- to support football players' education and their professional development both in the field of football and outside football.

Professional footballers' organisation(s) (2004/2005 season – source: FPAF)

Organisation		Members	Members working as football players	Professional players working as footballers as a proportion of total membership	Density of professional footballers	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Number	Number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Jalkapallon Pelaajayhdistys	Football Players Association of Finland (FPAF)	400	400 (around 230 professionals working outside)	100	90 (in Finland)	No	No	No	No	ETUC	FIFPro	No

			Finland)									
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Density of football professional players: number of affiliated professional footballers compared with the total number of professional footballers in the country CB: Does the organisation take part in collective bargaining?

c. Organisation(s) of professional football clubs

The **Football League (FL)** was founded in 1990, and represents professional clubs playing in the Veikkausliiga League. It is fully recognised by the National Association (FAF). It is an independent organisation. It is not a sub-division of the FAF, nor even a member of it.

The important missions assigned by the members to the Football League are:

- Advancement of football clubs in Finland so that the premier football league becomes the most popular sport series in Finland in the year 2007
- That the clubs are put into a healthy financial position.

The member clubs have delegated to it:

- Establishing the special rules for the Veikkausliiga league.
- scheduling of fixtures in the Veikkausliiga league
- sales of commercial rights of the Veikkausliiga league

The Football League has signed the general terms of agreement for the Veikkausliiga League with the FPAF. Some joint declarations have been signed with the FAF relating to anti-racism, anti-doping, fair play etc.

Three main goals of the Football League for the next five years are:

- International success
- Victory of a division/qualifying group in a UEFA competition
- Vitality of the clubs.

Professional football clubs organisation(s) (2004/2005 season – source: FL)

Organisation		Divisions covered	Number of clubs affiliated	% of professional clubs affiliated in the organisation	Density of professional clubs	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	type	number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect

Jalkapalloliiga ry	Football League (FL)	Top division (Veikkausliiga League)	14	100	86	No	No	No	EPFL	No	No	No
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Density of professional clubs: number of professional affiliated clubs compared with the total number of professional clubs in the country CB: Does the organisation take part in collective bargaining?

FRANCE

1. Contextual data in the sector

Players (2004/2005 season – source: LFP)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players	1,845	82%	3,7%	14,3%
Semi-professional players		%	%	%
Amateur players	ND			
Total	ND			

Clubs (2004/2005 season – source: LFP)

Sub-sectors	Number of clubs	Number of clubs in 1st or top division	Number of clubs in 2nd division	Number of clubs in 3rd and lower divisions
Professional clubs	300	20	20	260
Non-professional clubs	ND			
Total	ND			

2. General regulation

The French Football Federation (Fédération Française de Football, FFF) has been delegated by the Sports Minister to organise, develop and oversee football training and the activity of football in all its forms by players of varying status. The Federation “governs amateur football and oversees professional football” (FFF Regulations, Article 1). The professional football players sector is therefore regulated by the sports community, which has in turn been delegated by the state to do so.

Regulation of the game is organised differently depending on the level of championship. Under a delegation from the FFF, this is handed over to the Professional Football League (Ligue du Football Professionnel, LFP) as far as the championships and players in Leagues 1 and 2 are concerned; the professional game is therefore administered by a separate body, with the LFP tasked with representing, administering and coordinating the professional sports activities of associations affiliated to the FFF and of their constituent societies. By contrast, the sole mission of the Union of Professional Football Clubs (Union des Clubs Professionnels de Football, UCPF) is to represent professional clubs, and particularly in respect of social dialogue (for more details, see points 4 and 5c).

The FFF directly organises the other championships in which federal players develop, and monitors the application of current regulations covering these players' contracts of employment. It also ratifies federal contracts through its Central Transfer Control Committee (Commission centrale de Contrôle des Mutations), but delegates ratification of professional contracts to the LFP.

Relations between the FFF and the LFP are governed by an agreement, Article 1 of which sets out the principle of delegating professional football to the LFP, and also states in particular that the FFF remains responsible for refereeing, the training and further training of senior officials, trainers and federal trainers, the definition and overview of compliance with rules relating to safety, training and the ethics of discipline, and selection of national sides.

The President of the LFP is an *ex officio* member of the FFF Federal Assembly (Assemblée fédérale), but the Assembly, most of whose members come from amateur football, mainly deals with issues relating to the amateur game.

3. Status of the professional player

There are two categories of player in France: amateur players¹¹² and players under contract (i.e. players for whom football constitutes salaried employment). Players under contract fall under two headings, each of which is covered by specific rules:

- professional players (to whom we have to add elite players and players on training schemes e.g. hopefuls, players on training schemes, *aspirants* (young players mid-way between hopefuls and established players) and apprentices. The provisions of the status of professional players, and also of elite players and players on training schemes, are set out in the Professional Football Charter (Charte du Football professionnel);
- federal players.

Professional players may not sign an initial professional contract without having passed through the stage immediately below that of fully-fledged professional (*stagiaire*) or hopeful¹¹³. Players who have the status of professional footballer are those who play in Leagues 1 and 2¹¹⁴. Only professional clubs may sign players who have the status of professional footballer.

In addition to the status of professional player, the Professional Football Charter sets out the statuses of apprentice, *aspirant*, *stagiaire* and hopeful (i.e. the conditions in which young players may acquire these statuses, the duration of the contract, and obligations relating to training).

The status of elite player was introduced more recently, following negotiations between the social partners in 2003: this corresponds to an intermediary contract standing half-way between trainee and fully-fledged professional for players aged between 18 and 23. Under the terms of the 'elite' contract, professional clubs are obliged to complete players' professional training over a maximum of two seasons, and then to engage them for a period of three seasons under an initial professional contract.

¹¹² An amateur is defined as anyone who plays football on an unpaid basis, and who only receives additional income from the game, if any. An amateur player must be able to demonstrate at any time that he has a job, or that he has enough money from outside playing football.

¹¹³ An exception is made in the case of players who come directly from the amateur ranks, and who are aged at least 20 on 31 December of the first season in which the contract runs.

¹¹⁴ The Professional Football Charter states that in order to play in the League 1 or League 2 Championship, clubs must show that they have a minimum number of ratified contracts: 13 professional contracts for clubs in League 1, 10 for clubs in League 2, and 5 for clubs relegated from League 2 in the National Championship. Players who have the status of professionals are those who play in Leagues 1 and 2 and in clubs relegated from League 2 to the National Championship, who keep their professional status in accordance with the LFP's regulations (two years maximum.)

Federal players may be defined as those who earn their living from the game, but who do not compete in the professional sector (i.e. Leagues 1 and 2), and instead play in French amateur championships and regional leagues. The “federal player status” is therefore applicable to all clubs that are not permitted to use professional players, and which take part in the National Championship, and to amateur clubs that field federal players in the French Amateur Championship (Championnat de France Amateur), the French Amateur Championship 2 and the Higher League Division-Senior Division (Division supérieure de Ligue-Division d'honneur). In particular, this status applies to all reclassified professional players who move to the lower leagues after playing in Leagues 1 and 2, and also to those who have never played in Leagues 1 and 2 at all¹¹⁵.

As for **professional players with salaried worker status**, the club is their employer. Professional footballers' contracts of employment are fixed-term with a maximum duration of 18 calendar months, insofar as professional football is defined by the Labour Code as a sector where “*it is normal practice not to offer open-ended employment contracts*” (Articles L122-1-1 and D121-2 of the Labour Code). Under his first professional contract, a player is tied to the club that recruits him for a period of three seasons unless ratification is withdrawn. Subsequent contracts are signed for a minimum of one season: the average duration of these contracts is two or three years. They are full-time contracts, and professional players are not allowed to have other jobs.

The **professional player's standard contract of employment** includes organisational constraints appropriate to the work: in particular, it contains the player's career setting out such matters as his previous employers and rates of pay, and incorporates all the elements that any contract of employment has to contain. This minimum contract is complemented by a schedule that is directly negotiated between the club and the player¹¹⁶. The contract does not provide for minimum salaries, as these are negotiated in talks that amend the Professional Football Charter. Clubs, that is to say the players' employers, are obliged to affiliate to, and to enrol their **professional players** in, a **social security** scheme to cover the cost of players' work-related accidents and occupational illnesses¹¹⁷.

With regard to *prévoyance* (saving for the future), the Charter provides for a *prévoyance*-allowance that is designed to enable professional players to re-train through an end-of-career allowance. The scheme also provides for a lump sum in the event of invalidity or death.

4. Social dialogue

There is no social established dialogue (**tripartism**) with the state in the professional football players sector, although the state sometimes consults the various partners – in particular, the National Union of Professional Footballers (Union nationale des footballeurs professionnels, UNFP) and the Union of Professional Football Clubs (Union des Clubs Professionnels, UCPF) – on particular matters in a very focused manner (e.g. quotas of foreign players, and the proportion of image to be reflected in remuneration).

(Bipartite) social dialogue in the professional football players sector has long been determined in line with the provisions of the Professional Football Charter: this was signed in 1972, and serves as an extended collective agreement for the professional sector, while at the same time developing relationships between employers' bodies and staff (salaried players, excluding federal

¹¹⁵ In the French Amateur Championships and the senior divisions of the regional leagues, there is a limit on the number of federal contracts of one player per club. Furthermore, amateur clubs may only pay salaries to federal players (in the same way, a club with the status of professional club may only sign players that have the status of federal player).

¹¹⁶ The Legal Committee of the Professional Football League (LFP) ratifies contracts of employment between clubs and professional players. These contracts must comply with the rules set by the Professional Football Charter, LFP regulations, general regulations laid down by the French Football Federation (FFF), and the general regulations of FIFA and UEFA when they concern players from abroad.

¹¹⁷ The Professional Football Charter provides that, in the event of a work-related accident or illness, the club must continue to pay the player's salary for at least three months, with the club making up the difference between compensatory payments received from the social security scheme and the player's fixed monthly salary.

players, and trainers;)¹¹⁸. In particular, the Charter fixes players' statuses according to the varying kinds of contract they have signed depending on their age (apprentice, *aspirant*, *stagiaire*, hopeful, élite and professional). It additionally contains provisions relating to the status of football trainer, to the regulation and organisation of training centres, and to the *prévoyance* scheme.

The Charter has evolved in the course of negotiations between the players' representatives (UNFP), trainers' representatives (UNECATEF) and the employers' representatives (UCPF). In practice, the document is continually being updated within the remit of the National Joint Committee of the National Collective Agreement for Football Employment (Commission nationale paritaire de la convention collective nationale des métiers du football) (Article 67 of the Charter). This Committee consists of equal numbers of representatives of salaried workers and of employers. The employers' side is made up as follows: the President of the FFF, or his representative; the President of the LFP, or his representative; and four members appointed by the UCPF, at least two of whom must sit on the LFP's Board of Directors. The salaried workers' side consists of three members appointed by the UNFP, and three others appointed by UNECATEF (trainers). The Committee is also broken down into two National Joint Sub-Committees: one for players, and the other for trainers. They are empowered to discuss any request for amendment or alteration to the Charter. The decisions of the Sub-Committees and of the full Committee are forwarded to the FFF and the LFP. These two bodies cannot challenge the Sub-Committees' decisions unless the FFF deems them to contrary to the higher interests of football or to statutes and regulations (except in matters relating to discipline) (see Article 193 of the FFF Statutes). As in "standard" occupational branches, there is also a Joint Conciliation Committee that gives rulings on problems of interpreting or applying the Charter. The full Committee meets regularly (about ten times a year), and decisions are taken on the basis of unanimous votes. The LFP provides the Committee's secretariat, but never takes positions as such in discussions. The League is only directly involved in applying regulations insofar as it has the power to ratify contracts through its Legal Committee, which is in turn made up of 10 LFP members, and 8 others from among representatives of players, trainers, clubs and the FFF¹¹⁹. Negotiations mainly focus on training, the duration of contracts and minimum salaries. The issue of internationalisation is also discussed.

There is very little **social dialogue within the professional clubs**¹²⁰. Clubs have their own internal rules. Club-level collective agreements (on any company savings plans, and match and promotion bonuses) do exist, but they are unusual¹²¹.

The **actors' positions** on this social dialogue are as follows:

The **LFP** believes that the Charter sometimes tends to result in the usual components of a collective agreement, and cuts across rules (e.g. matters relating to the conditions for recruiting foreign players, and provisions concerning training centres) that should lie within the competence of the LFP. The LFP also says that rugby has just acquired a collective agreement whose formalism, which is a far cry from that of the Professional Football Charter, derives more from the formalism of a collective agreement. Lastly, the League considers that it has a consultative say in joint negotiations in professional football: it argues that the status of the Charter, which continues to be weak – it is not a collective agreement in the true sense of the phrase – also influences agreements negotiated in joint meetings.

¹¹⁸ Decisions handed down by the Supreme Court (Cour de cassation) in 1993 "gave collective agreement force" to a document that is not really a collective agreement in the legal sense.

¹¹⁹ According to EPFL, there are 10 others members in this committee (our French expert maintains the number of eight). It is a fact that some members of the SNAAF (administrative employees' representatives) can be involved in this committee but only in the case of a dispute between a club and an administrative body.

¹²⁰ EPFL insists on the existence of a social dialogue.

¹²¹ However, the UNFP states in this context that when legislation was passed on the establishment of company savings plans and profit-sharing schemes, some clubs did set them up, but the ceilings were too low. Discussions are now taking place with the Minister over setting up a savings plan for re-training sports players with an eye to forthcoming legislation.

The **UNFP** thinks that social dialogue is compact and works well in favourable conditions. The main stumbling-block, it says, is training: clubs try to have control over young players from the age of 13 to 23 allegedly for training purposes, but the trade union would like players to be able to be free again when their contracts of employment terminate, and that these contracts may not be renewed unilaterally. Undoubtedly, it will only be possible to move forward on this situation at international level.

The **UCPF** says that the issue of protecting players' training has produced tension between itself and the UNFP. For some years now, the players have questioned the ability of clubs – an ability laid down in the Professional Football Charter – to sign an initial contract with a player that they have trained. The most important thing is that social dialogue should remain positive, and should not become an obstacle to decision-making, because each of the parties has a right of veto in the bilateral joint sub-committees set up for both players and trainers. The right of veto protects each party, but it is also very restrictive. Nonetheless, the UCPF believes that, through this dialogue, it has succeeded together with the UNFP in dealing with all the questions that may be asked of clubs and players.

The **FFF** says that, for the last two years, it has remained at a remove from the functioning of social dialogue in the professional football players sector, although amendments to the Charter are presented to its General Meeting¹²².

At **European level**, none of these national organisations are members of the European Federation of Professional Football Clubs (EFFC). Only the UCPF has been in contact with the EFFC in the past, but the European body did not follow up on this initial approach¹²³.

The status of **federal players** is continually being updated and, if necessary, in the framework of a special FFF committee. Until recently, there was no properly established joint dialogue, but the FFF says that working groups are now being set up and are involving players' representatives (UNFP) and clubs (the Association of Clubs in Federal Football Championships (Association des Clubs des Championnats Fédéraux de Football, A2C2F)). In the re-organisation now taking place in sport as a whole (see next paragraph), one of the questions is whether the status of federal players should be incorporated into the scope of the Professional Football Charter and, if that were to come about, the need to introduce more structured social dialogue.

Attention should be drawn to a recent initiative aimed at **globally structuring social dialogue for all sport** through the conclusion of a national sports collective agreement on 13 July 2005. The objectives of the agreement include the establishment of “standard” sectoral collective agreements for professional sport that are particularly designed to achieve a single corpus of statuses in a given sport. Certain conditions for the recognition of such sectoral agreements have been expressed.

As professional football had a Charter with the force of a collective agreement before the new agreement was concluded, the new conditions do not apply. However, the FFF has said that it is happy that a collective agreement will be negotiated for the whole of professional sport, particularly as it will clarify, in the short term at least, the status of federal player, which has “fallen between two stools”. The issue of integrating this status, or part of it, into what is now the Professional Football Charter remains an open question. The FFF points out that it is not directly involved in these talks, but also says that it supports the idea that federal players should come within the scope of a future Chapter 12 of the sports collective agreement. The UCPF has expressed reservations about the new collective agreement, stressing the need to maintain social dialogue at the level of each sport, and points out that it is not a member of Cosmos, the sole

¹²² EPFL notes: “*In professional football, even if the FFF and LFP have representatives in the National Joint Committee of the National Collective Agreement for Football Employment (Commission nationale paritaire de la convention collective nationale des métiers du football), they are not really concerned about social dialogue because they are not the players' employers*”.

¹²³ According to EPFL: “*At present, UCPF has relations and contact with EPFL*”.

signatory of the agreement for the employers. The Union also questions the representativeness on the employers' side of the federations of associations and of the leagues, since it considers that the clubs and unions of clubs are the real employers, and that they must take part directly in social dialogue. Lastly, the UNFP is in agreement with the new collectively agreed structure, and generally argues that the Labour Code should be applied increasingly in the professional sports sector now that the specific features of the sector can be taken into account.

5. Organisation(s) active in the sector

a. National Association

The **French Football Federation (Fédération Française de Football, FFF)** was founded in 1919 and was recognised as a body of common public interest in 1922. The FFF employs 185 people. It is mainly funded by club membership fees, rights linked to exploitation of the image of the French national team ("tele rights") and the Ministry of Sports subsidy granted under the aegis of an "agreement on objectives". The Federation's total budget comes to EUR 130 million.

The FFF is made up of sports bodies (clubs) whose principal or secondary objective is to play football. The FFF's main objective is to organise, develop and oversee training and playing in all its forms by players of different statuses, and throughout Metropolitan France and in French Overseas Departments and Overseas Territories. As far as professional football is concerned, the FFF has delegated to the Professional Football League (LFP) its competences in respect of League 1 and League 2 championships and players (for more details, see points 2 and 5b).

The Federation's resources for action are the LFP, the Federal Amateur Football League, the regional leagues and the Districts, and its main functions are the organisation of competitions between clubs; the awarding of sporting titles; organising and overseeing the quality of sports training; the organisation of courses, conferences, training schemes and examinations; and the establishment of all technical regulations concerning football, and the issuing of licences for club membership.

Of the current most important issues, the FFF highlights the following: maintaining the link between the professional game, which is the most financial rewarding, and the amateur game; and maintaining economic relations between the professional sector and the amateur sector in such a way that some of the "tele rights" negotiated by the Professional Football League continues to be remitted to amateur football under the FFF/LFP agreement.

The FFF is a member of the French Olympic Committee and, through this affiliation, is involved in regulating sporting activities as a whole. At European and international level, the FFF is directly affiliated to UEFA and FIFA.

b. National League

The **Professional Football League (Ligue de Football Professionnel, LFP)** emanates from several former associations. It employs about 50 people, and its financial resources are made up of 98% of television rights.

The LFP is an association governed by the Law of 1901; it has authority, on being delegated to do so by the FFF, to take all decisions relating to the organisation and development of professional football. In particular, it is tasked, under FFF control, both with administering, organising and regulating the French League 1 and League 2 championships in which professional clubs (also affiliated to the FFF) play, and with overseeing the training of future professional footballers, to help train trainers, and to ensure that professional players are made available to the FFF for international matches. The League, too, looks after the interests of professional football, and ensures compliance with legal and regulatory provisions that apply to sporting activity. In substantive terms, the LFP adopts measures that concern relations between clubs and the LFP, the obligations on club directors, and general conditions relating to participation in competitions

organised by the LFP. It also takes measures that relate to players (e.g. ratification of contracts, players' qualifications and transfers). The LFP has committees that deal with several important aspects of professional football (e.g. disciplinary, appeal and legal committees, stadiums, and even social committees and re-training assistance committees).

The LFP is made up of the professional clubs that play in Leagues 1 and 2.; its General Meeting, which defines, directs and oversees the League's overall policy, consists of club representatives. It is administered by a 25-strong Board of Directors which in particular includes 11 club representatives, 1 FFF representative (the LFP President is an *ex officio* member of the FFF Federal Assembly), 2 player representatives and 2 trainer representatives¹²⁴.

At European level, the LFP has given no mandate in legal terms to the European Professional Football League (EPFL) in negotiations at European level. The LFP is simply a member, but believes that the EPFL could emerge as a legitimate actor in European social dialogue¹²⁵.

Its chief objectives for the coming years are increasing the competitiveness of French clubs at European level, effectively protecting the training of players in French clubs, and promoting the Leagues 1 and 2 championships by ensuring coherent economic growth.

c. Organisation(s) of professional football players

The **National Professional Footballers' Union (Union Nationale des Footballeurs Professionnels, UNFP)** was founded in 1961. It is the representative trade union for players in the professional football players sector. Its funding comes from members' contributions, a percentage of the LFP's television rights and commercial activities, and a percentage of the use of the collective image of the French national team. As an economic entity, the Union employs a total of 29 people.

The UNFP, which was a Charter signatory and participates in social dialogue, believes that social dialogue in professional football is satisfactory. The Union argues that more work should be done currently to improve players' tax situation, and on the establishment of company savings plans and on preparing for re-training. The UNFP also stresses the need, under the aegis of a European collective agreement, to negotiate the rules for transferring footballers between clubs so that the players are not exclusively governed by international laws¹²⁶.

At European level, the UNFP has delegated its negotiating power to the FIFPro.

¹²⁴ In this context, one of the representatives points to the occasional difficulty in maintaining their independence *vis-à-vis* the clubs (which elect the President of the LFP) with a view to working in the general interest of the job. This tension is to be found in the composition of the Board of Directors (which has responsibility for defending the general interest of professional football) and of the General Meeting (which is exclusively made up of clubs).

¹²⁵ According to UEFA, the LFP has 40 affiliated clubs. At national level, the LFP is directly affiliated to the FFF. At European level, the LFP is indirectly affiliated to the UEFA (and also to the FIFA, at international level).

¹²⁶ The UNFP says that it has now been invited by G-14 to discussions on salary ceilings, issues relating to retirement, collective savings plans linking member clubs of G-14, and other matters.

Professional footballers' organisation(s) (2004/2005 season – source: UNFP)

Organisation		Members	Members working as football players	Professional players working as footballers as a proportion of total membership	Density of professional footballers	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Number	Number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Union Nationale des Footballeurs Professionnels (UNFP)	National Union of Professional Footballers	1,750	1,400	80%	82%	Yes	FNASS	No	No	ETUC	FIFPro	No

Density of football professional players: number of affiliated professional footballers compared with the total number of professional footballers in the country CB: Does the organisation take part in collective bargaining?

d. Organisation(s) of professional football clubs

The **Union of Professional Football Clubs (Union des Clubs Professionnels de Football, UCPF)** was set up in 1990, and has four permanent salaried workers. Its sources of funding are membership fees from clubs and subsidies from the League. The Union's foundation was one of the outcomes of the original statutes of the leading bodies of French professional football, and particularly the composition of the Board of Directors of the LFP, the League's executive body. As the Board brings together all the "families" in professional football, there was originally no structure that specifically represented the interests of clubs, and it was this void that was filled by the setting up of the UCPF. The establishment of the UCPF also met the need of employers to be signatories to the Professional Football Charter, and the Charter now serves as a genuine collective agreement for football. The UCPF defends and promotes the interests of professional clubs on the various bodies that control professional football. All clubs in Leagues 1 and 2, as well as a few other clubs¹²⁷ are UCPF members.

The Union's main objectives are as follows: pushing France up the European classification list (it is currently in 5th place), boosting training in professional football, promoting better regulation at European level, and encouraging European collective agreements with a view to standardising regulations at European level.

¹²⁷ The UCPF points out that G-14 brings together the very big clubs, "the showcases of international football. These clubs have put forward the idea that they need representation on international football bodies in order to take part in decisions affecting the organisation of international competitions. UEFA and FIFA are umbrella bodies for federations, that is to say mainly amateur football. It follows that the professional game wants to have its say as far as international competitions are concerned. There is tension between the national and international institutions that wield legal and political power, but the clubs have little legal clout. These days, people who put a lot of money into clubs are less and less prepared to have no say in the decisions that affect them." However, the UCPF states that G14 is not representative.

Professional football clubs organisation(s) (2004/2005 season – sources: LFP and UCPF)

Organisation		Divisions covered	Number of clubs affiliated	% of professional clubs affiliated in the organisation	Density of professional clubs	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	type	number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Union des Clubs Professionnels de Football (UCPF)	Union of Professional Football Clubs	League 1 and League 2 (and some National Championship clubs)	42	100	14	Yes	No	No	No ¹²⁸	No	No ¹²⁹	No

Density of professional clubs: number of professional affiliated clubs compared with the total number of professional clubs in the country CB: Does the organisation take part in collective bargaining?

¹²⁸ UEFA's data.

¹²⁹ UEFA's data.

GERMANY

1. Contextual data in the sector

Players (2004/2005 season - sources: expert/VdV/Kicker/DFB)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players	2,400 (estimate)	71%	19%	10%
Semi-professional players	ND	ND	ND	ND
Amateur players	+/- 2 million	ND	ND	ND
Total	+/- 2 million	ND	ND	ND

Clubs (2004/2005 season - sources: expert/VdV/Kicker/DFB)

Sub-sectors	Number of clubs	% clubs in 1st or top division	% clubs in 2nd division	% clubs in 3rd and lower divisions
Professional clubs	86 (estimate)	20% (estimate)	20% (estimate)	60% (estimate)
Non-professional clubs	+/- 26,000	0%	0%	100%
Total	+/- 26,000			

2. General regulation

Professional football is mainly regulated and organised by the two main associations in German football, the League Association/German Soccer League (Ligaverband/Deutsche Fußball Liga Ligaverband, DFL) and the German Football Association (Deutscher Fußball-Bund, DFB). There are no specific state regulations covering professional football, but general regulations enacted by the federal and state governments are, of course, applicable to the game. It follows that the player-club employment relationship, the business of football and other issues are subject solely to general and labour law, and to general European regulations and rulings on these matters: for example, although the DFL and the DFB are responsible for licensing clubs in the leagues, the clubs themselves are still subject to German business law, and could be deemed insolvent under this legislation even if they have obtained a valid licence at the beginning of the season.

In formal terms, the DFB holds the rights of the Federal Soccer League (Bundesliga) and the Second Federal Soccer League (2. Bundesliga)¹³⁰, but in 2001, the Ligaverband was founded by clubs from these two leagues (membership is compulsory for clubs in the top two). This Ligaverband does not compete with the DFB, but is a member of it. It was founded to give professional

¹³⁰ In fact, there are many (levels of) football leagues in Germany, but there is no competition between them; they are structured hierarchically, with movement between leagues depending on clubs' success in competitions.

clubs greater autonomy within the DFB. The DFB delegated many of the top two leagues' rights, particularly commercial rights and the right to set fixtures within the DFB's general timeframe, to the Ligaverband, and the Ligaverband then founded the Deutsche Fußball Liga GmbH (DFL), a limited liability corporation to which it transferred the rights that it had been given by the DFB. The General Manager of the DFL and the President and Vice-President of the Ligaverband are automatically members of the DFB Supervisory Board (Präsidium) ; there are also Ligaverband delegates on the Executive Board (Vorstand) of the DFB.

In general terms, the Ligaverband/DFL organises more professional football, while the DFB and its regional and state-level organisations (Regional- and Landesverbände) organise the amateur game¹³¹. One would imagine it would be easy, on the basis of this information, to draw a distinction between the regional leagues and the two top leagues by separating the amateur game from its professional counterpart, but nearly all of clubs in the regional leagues (organised by the DFB) and some in the "higher leagues" (the Oberligen, which are organised by state-level bodies of the DFB) work under professional, or at least semi-professional, conditions and have players under contract who could be regarded as professional footballers.

3. Status of the professional player

The Association of Contract Football Players (VdV, Vereinigung der Vertragsfußballspieler – Die Spielergewerkschaft) defines a person whose regular occupation is football and who generates most of his income by this occupation as a professional footballer. All licensed players are all players of the Bundesliga and 2. Bundesliga, are professional football players. However, there is the so called 'Lizenzordnung Spieler LOS'. It is a long legal text, which regulates in detail many aspects: changing clubs, vocational training, players who are subject to military service etc. It also regulates which conditions must be fulfilled to become a "Lizenzspieler" (licensed player) of the "Ligaverband". "Lizenzspieler" are essentially the professional footballers. The LOS defines those 'Non-amateurs with a licence as players who play football based on a written contract with a licensed club or a corporation and which is accredited to take part in games in the "Ligaverband" (which again requires a written licence contract with the Ligaverband). Such players are contractual partners of a club or corporation that has been licensed by the Ligaverband. (LOS section 1 paragraph 3). A player becomes a non-amateur the moment he has a contract with a club that grants him more than EUR 149.99 per month. Amateurs receive a maximum of EUR 149.99 per month as reimbursement of expenses. They are not paid for the work done for the club. Non-amateurs must not earn more than EUR 150 per month (over and above expenses, which can be reimbursed). (LOS section 1 paragraph 1 and 2). A licence will be granted under the following conditions (LOS section 2 paragraph 1 and 2): The licence is granted on the basis of a licence contract between the player and the Ligaverband. This licence-contract does *not* constitute an employment contract between the player and the Ligaverband. The licence is granted for perpetuity. The licence contract regulates the rights and duties of a non-amateur player, holder of a licence, his acceptance of being ruled by the statutes of the Ligaverband and the DFB as well as his submission to decisions taken by DFB and DFL officials. When receiving a Ligaverband licence, a licence granted by the DFB (including the implicit acceptance of the DFB statutes) remains valid. The Ligaverband licence is granted if the player has signed the licence contract and presents a contract with a licensed club or corporation that was signed under reserve of the signature of a Ligaverband licence. The player must be more than 18 years old. Then, there are several detailed regulations concerning the required health tests prior to signing the contract and thereafter on an annual basis, (which medical checks and who pays for them). Conformity to the obligations imposed by the Ligaverband, the DFB and its member clubs is necessary. The player's FIFA Player Passport has to be presented, which indicates all previous clubs he has played for. A valid residence permit for non-EU players is required.

There are no special legal regulations governing the employment status of professional footballers. They are deemed to be ordinary employees, and their situation is governed by the rules of the compulsory social security system. Professional players therefore belong to the pension and unemployment schemes, but they can opt out of mandatory health insurance if their yearly income rises above EUR 46,800. The Players' Union (Die Spielergewerkschaft, VdV) and the DFB have founded the Versorgungswerk, a kind of inter-club relief fund providing old-age plans,

¹³¹ The DFB has the sole right in both professional and amateur football to establish the rules of the game (in compliance with FIFA requirements)

and widows' and orphans' pensions, as a measure to complement the compulsory social security system. All players may join the fund, but membership is voluntary. By an arrangement with MLP, a private financial services company, the VdV provides insurance for invalidity, (partial) occupational disability, and sickness and legal expenses. According to the Ligaverband, about 5%-8% of players participate in these schemes, but they are naturally free to join any other private social security or insurance plans.

The DFL also provides a model contract (Mustervertrag)¹³², which can be used by all professional clubs and players; its use is not mandatory. Players' contracts are covered by legislation regulating the freedom of contracts, and are negotiated between clubs and players (or their advisers) on an individual basis.

The German game also has part-time players, but as they play in the lowest leagues, the organisations contacted were unable to provide estimates of how many there are. No other statistics were to be found.

4. Social dialogue

There are few elements of collective social dialogue in professional football, and the state is not involved in any of them; any dialogue is therefore bipartite in the sense that it takes place between organisations representing the players and the clubs. There are no general and industry-wide agreements. Negotiations of contracts are conducted on an individual basis between players and their private advisers on one side, and by clubs and their legal and managerial staff on the other.

However, this does not mean that there is no social dialogue at all. The players' organisation VdV is consulted by the DFB and the Ligaverband on several issues. Consultations of this kind led to the model contract that can be used by clubs and players in their negotiations, but it is not a binding standard contract, and the negotiating parties are free to deviate on one point or another, as long as they comply with the regulations of the Ligaverband and the DFB and German law in general. Another element of social dialogue is the Versorgungswerk (see point 3), which was negotiated and set up jointly by the VdV and the DFB.

VdV representatives are brought in by the DFB and the Ligaverband/DFL to deal with issues concerning players, but, unlike the practice in other German sectors, there is no formal or established framework for regularly repeated negotiations on pre-specified topics. Discussions evolve around current issues as they arise.

There are no official VdV representatives as such in clubs, but almost all teams have VdV members, and some players may hold office in the VdV.

It is hard to give concrete reasons for the weakness of the social dialogue as there are no legal restrictions, and the legal framework is the same as for all other industries. The reasons must lie with the people who are active in professional football. One reason might be that top players are in a strong position when negotiating, and are much more likely to sign contracts that give them better incomes, and which are better suited to their needs, than they can expect from collective agreements. Additionally, there is much movement of players between teams and the leagues, particularly since the Bosman ruling. With European foreigners and German players moving freely and frequently between teams and leagues, it is hard to organise this "workforce"; moreover, the players' unions sometimes struggle to recruit members, and if they do manage to succeed, members have varied interests that are hard to feed into industry-wide social dialogue. However, this does not mean that players have no use at all for collective interest representation and the resulting social dialogue: there are several issues, especially concerning social security in the case of invalidity and financial security at the conclusion of their active career, which seem better suited to discussion on a collective basis. The VdV is therefore engaged in these areas, but the incentive to join the VdV seems to come not only from an interest in collective representation, but also from the wide array of services that the union offers.

¹³² Though this model contract contains clauses that are mandatory due to relations in the LOS, e.g. concerning the transfer of certain personality rights of the player to the club.

At European level, none of the organisations active in the sector knows about the EFFC, or has any contacts with it.

5. Organisation(s) active in the sector

There are two club organisations: the DFB and Ligaverband/DFL. While the latter is primarily involved in the organisation of professional clubs, it also has close links with the DFB, and the former is also involved in the organisation of professional football. Their relationship is mostly characterised by cooperation. By contrast, the relationship of the two players' organisations, the VdV and the Sports Union in ver.di, is marked by competition, with the VdV acting as the incumbent and the Sports Union being the new entrant.

a. National Association

The **German Football Association (DFB)** was founded on 28 January 1900 in Leipzig¹³³. In 2004, it had a membership of around 6.3 million people, 26,010 clubs and 170,106 teams. These membership figures include seniors, juniors and women.

The DFB consists of 5 regional associations (Regionalverbände) and 21 state-level organisations (Landesverbände). The DFB is governed by an Executive Board (Vorstand) consisting of 24 members¹³⁴: this Board is accountable to the 14-strong Supervisory Board (Präsidium).

The DFB itself and its regional and state-level organisations are in charge of the leagues below the Second Federal League, are they are therefore also responsible for the Regionalligen and Oberligen, which also include professional players. The DFB is also responsible for the following matters:

- the national team and the national cup competition, and clubs in both of the national Leagues;
- organisation of womens' leagues and of the womens' national team;
- organisation of the U19 national league;
- the organisation and marketing of commercial and broadcasting rights for the leagues and competitions referred to above;
- providing referees (there are around 75,000 referees, including 1,600 women) and the organisation of refereeing, including dispute resolution and disciplinary matters in all leagues; definition of the game's rules, and interpretation of these rules within the framework set by FIFA;
- the organisation, supervision and regulation of all issues concerning coaches in all leagues;
- the specification of a general time-schedule with which the Ligaverband/DFL and the lower leagues must comply, although the lower Leagues and the Ligaverband are free to set fixtures within this schedule framework;

¹³³ The DFB merged with the East-German Soccer Association (Deutscher Fußball Verband (DFV)) in 1990. The congress that marked this merger was held in Leipzig, a reference to the two associations' common roots.

¹³⁴ The DFB has a two-tier management, which consists in an Executive Board and a Supervisory Board. The Executive Board of the DFB has 24 members. The German expert confirms these figures. According to the EPFL, the DFB Executive Board has 36 members and according to the UEFA, 39.

- providing licensed players within the lower leagues.

The DFB and the Ligaverband/DFL are officialy separate organisations¹³⁵; the Ligaverband is a voting member of the DFB, and the President and Vice-President of the Ligaverband and the General Manager of the DFL are members of the DFB Supervisory Board, and 10 representatives of the Ligaverband/DFL are members of the DFB's executive board. The exact distribution of tasks, rights and duties are laid down in a basic contract (see above).

The DFB is a member of UEFA and FIFA.

The main goals for the next few years are as follows:

- winning the World Cup, and successfully organising the event (Germany as a good host for international visitors and possibly an optimal organisation);
- sporting success for all teams selected by the DFB, and the continued fostering of young football talent;
- the development of an attractive concept for amateur teams (additional facilities at local level, stronger commitment to the societal duties of football, and increasing the number of DFB members, particularly among women and girls).

b. Organisation(s) of professional football players

The **Association of Contract Football Players – the Players' Union (VdV)** was founded in 1987 by some professional footballers in Dortmund.

Since its foundation, the VdV has expanded its membership services: these include collective interest representation, consultation for members (provision for retirement, and other social hardships, legal issues and education), the assessment of sport-specific insurance contracts, free training for players without clubs, discounts on various products and services, media and psychological coaching, the Versorgungswerk (see point 3), the production of a journal informing members about VdV activities.

Formally and under the terms of its statutes, the VdV has the right to conduct collective bargaining and to conclude collective agreements on working conditions. This is also the VdV's objective. However, these powers are not used: this is partly due to the fact that the DFB and the DFL/Ligaverband are not employers' organisations, and therefore do not take part in collective bargaining.

The VdV is recognised by the DFL and the DFB. The three bodies are in constant contact and exchange views regularly, but there is no industry-level collective bargaining in the conventional sense. There are no collective agreements although, according to the VdV, mediation was recently mandated by some teams with collective interest representation over cases of the financial difficulties facing their respective clubs: the aim here was to find acceptable solutions to issues relating to the payment of wages, which had on some occasions been paid several months late.

The VdV is independent of other organisations. It is not represented on political bodies, although it has close ties with the DFL and DFB. It also issues statements on general political issues, as long as they are felt to be in the players' interest.

The main goals for the next few years are as follows :

¹³⁵ The DFB and the DFL are separate legal entities, but have strong personal and legal connections. Actually, the separation of the two organisations is only formal. The Ligaverband and the DFL are always mentioned together as 'Ligaverband/DFL'. And due to the very close management connections they may be regarded as one organisation in terms of social dialogue (although not legally).

- to protect players from arbitrary salary shortages more effectively;
- to reduce the contractual penalty clauses in model employment contracts in the future to clearly defined main liability offences. Breaches by employers to be subsequently be dealt with by contractual penalties in favour of the players;
- to abolish regulations that discriminate on the basis of age (in regional and national leagues);
- to improve procedures dealing with transfers and loans, . and to review the regulations for granting education and training compensation in cases where players are transferred (offering better solutions for the players who wish to move);
- to regulate players' personal rights in an explicit and concrete way.

The second players' organisation (**Sports Union in ver.di**) is much younger, and is much less well established in professional football. It was founded in 2001 by ver.di, the large German services sector trade union. Altogether, ver.di has around 2.6 million members, but the Sports Union contributes only 350 members (July 2004) to this impressive total. While the VdV is a single industry union that only organises football players, the Sports Union seeks to recruit all professional sports players, both men and women: most of the Sports Union's membership comes from basketball and hockey; the union currently welcomes footballers as members, but offers them no special services.

The Sports Union is not fully accepted by the DFL and the DFB: according to newspaper reports, Werner Hackmann, then President of the Ligaverband and Chairman of the DFL's Board, stated in 2004 that the VdV provided very good interest representation and there was no need for a second players' union.

The Sports Union provides legal advice, aims to conclude collective agreements (it is mandated by its members to conduct collective bargaining and to negotiate on working condition, but it is too weak to do anything about it in the football players sector), tries to consult professional sportsmen on career planning and the transition into non-active periods, and provides discounts on various products and services but, as this report has already described, there are not yet any collective agreements in professional football.

Professional footballers' organisation(s) (2004/2005 season – sources: the organisations)

Organisation		Members	Members working as football players	Professional players working as footballers as a proportion of total membership	Density of professional footballers	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Number	Number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Vereinigung der Vertragsfußballspieler e.V. – Die Spielergewerkschaft (VdV)	Association of Contract Football Players – the Players' Union	+/- 1,000	+/- 1,000	+/- 85%	+/- 35%	No, but informal social dialogue	No	No	No	ETUC	FIFPro	No

Sports Union in ver.di	Sports Union in ver.di	ND	ND, but the union has a total membership of +/- 350, of whom only a minority are football players	ND	ND	No	ver.di	DGB	No	ETUC, UNI	No	ICFTU
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Density of football professional players: number of affiliated professional footballers compared with the total number of professional footballers in the country CB: Does the organisation take part in collective bargaining?

c. Organisation(s) of professional football clubs

The **League Association (Ligaverband)** and the **German Soccer League Limited Liability Company (DFL)** were founded by the professional clubs in 2001 to provide them with greater independence within the national association, the DFB¹³⁶. The Ligaverband is member of the DFB. All clubs in the two top leagues (the Bundesliga and 2. Bundesliga) are member of these two organisations membership of the Ligaverband is compulsory and of the DFL is indirect through the Ligaverband).

Technically, the organisation and rights of the two national leagues belong to the national body, the DFB, but the Association transferred these rights in a basic contract (Grundlagenvertrag) and in its statutes to the Ligaverband, which in turn delegated most of these rights and the operating activities to the DFL. The 12 members of the Ligaverband's Executive Committee¹³⁷ are distributed among clubs in the Bundesliga and 2. Bundesliga, and the members of this Executive Committee also make up the DFL Supervisory Board. It follows that the division between the Ligaverband and the DFL is primarily a legal one.

The Ligaverband/DFL is responsible for:

- the licensing of clubs: this procedure, which is carried out before the beginning of every season, is meant to ensure that none of the 36 clubs will become insolvent during the season about to commence; granting a licence is not a statement about a club's general financial health, but about the likelihood or otherwise of financial collapse during that time;
- the licensing procedure for players who are going to play in the two leagues organised by the DFL, although this procedure is bound by rules laid down by the DFB; within this licensing process, the player signs a licence contract with the Ligaverband, and an agreement on an arbitration board with Ligaverband, DFL and DFB (the latter body is in charge of arbitration).
- marketing the two national leagues' broadcasting rights and most other major rights; the Ligaverband/DFL is responsible for distributing this money among clubs, but this distribution is bound by rules, with each club receiving a lump sum and additional payments according to its performance during the season;

¹³⁶ Before the Ligaverband was founded, professional clubs discussed their business on the DFB's League Committee (Ligausschuss), but they wanted more independence, particularly in the wake of a number of disputes over issues relating to the representation of amateurs in the DFB. This led to the foundation of the Ligaverband.

¹³⁷ The German expert confirms these figures. According to the EPFL and UEFA, the Ligaverband's Executive Board has 8 members.

- setting fixtures within the general framework provided by the DFB.

The main goals of Ligaverband/DFL for the next few years are as follows:

- the best possible commercialisation/marketing for member teams insofar as the marketing presents them as a “group product”;
- the safe and smooth progression of the national league season – considering the concerns of their customers (fans and VIPs)';
- the conclusion of a new television contract for 2006 onwards (a central issue for the DFL).

The **Regionalliga** clubs are also professional clubs. The Regionalliga deals with players who are de facto professionals but not legally so. It is a kind of hybrid position. As mentioned above and in the report, however, for a lot of the players involved, playing football in their Regionalliga club is their main source of income (although this does not apply to all Regionalliga players). We therefore count the Regionalliga clubs as professionals for the study. Legally, however, professional football is the business of the Ligaverband/DFL (and the Regionalliga is managed by the DFB).

Professional football clubs organisation(s) (2004/2005 season – sources: the organisations)

Organisation		Divisions covered	Number of clubs affiliated	% of professional clubs affiliated in the organisation	Density of professional clubs	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	type	number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Ligaverband	League Association	The two top divisions	36	100%	32% ¹³⁸	No, but informal social dialogue	DFB	No	EPFL	No	No	No
Deutsche Fußball Liga GmbH (DFL)	German Soccer League	The two top divisions	36	100%	32% ¹³⁹	No, but informal social dialogue	DFB/Ligaverband	No	EPFL	No	No	No

Density of professional clubs: number of professional affiliated clubs compared with the total number of professional clubs in the country CB: Does the organisation take part in collective bargaining?

¹³⁸ According to the UEFA, the density rate is 100%. The German expert does not confirm this.

¹³⁹ According to the UEFA, the density rate is 100%. The German expert does not confirm this.

GREECE

1. Contextual data in the sector

Players (2004/2005 season – source: EPO)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players	1,859 ¹⁴⁰	80	12	8
Semi-professional players	Not relevant			
Amateur players	ND			
Total	ND			

Clubs (2004/2005 season – source: EPO)

Sub-sectors	Number of clubs	% clubs in 1st or top division	% clubs in 2nd division	% clubs in 3rd and lower divisions
Professional clubs	65	25	25	50 ¹⁴¹
Non-professional clubs	3,635			
Total	3,700			

2. General regulation

The actors involved in the organisation of professional football are as follows:

- the Hellenic Football Federation (EPO) organises the amateur championships (Division 4), as well as the Greek Cup; EPO is at the head of the pyramid of Greek football
- the Association of Professional Football Clubs (EPAE) is responsible for the organisation of the national championships of Divisions 1,2 & 3. However, it has no competence in establishing the rules of the game, for refereeing and disciplinary matters, issues that are to the prerogative of the EPO.

¹⁴⁰ To this figure –according to PSAP- one must also add 124 trainee footballers with a contract, all of Greek nationality (except one German).

¹⁴¹ In Division 3, 9 out of 33 clubs, called TAP (Sections of Professional Footballers), have a different status from the rest, as they are exempt from publishing an annual balance sheet. Nonetheless, they are still considered as professional.

There are links between these organisations: the EPAA participates in the Administrative Board of the EPO with 5 members out of 21. The President of EPAA is ex officio 1st Vice-President of EPO.

Relations between the EPO and the EPAA are conflictual on a number of issues such as:

- the perspective of establishing a Super League, in view of strengthening competition between the clubs (EPO is in favour, whilst EPAA is against it);
- the inclusion of Greek professional clubs in the pools lottery. Fears of match-fixing have, so far, prevented this from happening;
- media rights and marketing rights.

3. Status of the professional player

The professional football player is the one who is linked to a professional club with a contract of dependent employment for the provision of sports' services. The status of a professional footballer is acquired following the conclusion of a contract with a professional club and his registration in the Professional Footballers' Registry (kept by the EPO). The professional footballer is a salaried, full time employee (there are no part-time footballers in Greece). The employment contract, binding the professional footballer to his club, is fully subject to the provisions of labour legislation that apply to all categories of workers. Minimum rates cannot be, under any circumstances, lower than those stipulated in the National General Collective Labour Agreement. The terms and conditions included in the contract are regulated by special legislation regarding transfer rights and pay issues of professional footballers (Regulations 1 & 2, article 87, law 2725/1999, as amended by law 3057/2002). This legislation is laid down by government, in collaboration with EPO and EPAA.

The standard employment contract for the professional footballers spells out the duties and rights of the two sides and covers a wide range of issues such as: terms, duration and type of contract, remuneration, ways of payment/instalments, cessation or dissolution of the contract, bonuses, rest periods, vacations, training, etc. The duration of the contract can be between 1-5 years (1-3 years for the under-18s) with the club having the right to unilaterally renew the contract every year.

Regarding social security and pension rights, all professional footballers in Greece have access to pension rights through their classification at the Foundation of Social Insurance (IKA), but their social protection in case of sickness or accident is ensured by a private insurance cover financed by their employer. This private insurance policy also covers the protected members of the footballer's family.

4. Social dialogue

Professional football is one of the rare sectors where tripartite social consultation takes place. This, however, depends on the political circumstances. The state intervenes directly in the social dialogue by introducing and reforming the institutional framework, and indirectly through the channelling of funds and political pressure. The other partners in the social dialogue process are the Association of Professional Football Clubs (EPAA), on behalf of employers, and the Pan-Hellenic Association of Football Players (PSAP), on behalf of footballers. All sides are mutually recognised and co-sign the agreements concluded, that apply to all professional footballers, irrespective of nationality and origin. However, in practice, PSAP has been excluded from the ad hoc joint committee that has been established by the Hellenic Football Federation with the mandate to put forward in October 2005 proposals regarding the amendment of the current institutional framework on professional football and the new regulations. The Regulations of Professional Football have a 3 year duration and the previous Regulations, based on law 2725/99, covered the period 2001-2004.

Thus, the hot issues that directly concern all the players involved in professional football, are not the object of a structured and coherent tripartite social dialogue procedure; instead, they are addressed in an accidental and erratic way, strongly flavoured by personal antagonisms and political squabble. Most of all, with the representatives of professional footballers excluded from the discussions. This is the case, for example, for the following issues:

- the establishment of a Super League
- the establishment of a single type of contract for professional footballers
- media and marketing rights
- the exercise of greater control over the activities of players' agents
- the inclusion of the Greek professional championship in the pools lottery
- access to direct state funding.

There is no bipartite social dialogue (formal or informal) between PSAP and EPAE.

There are no trade union delegates within the professional clubs.

It can thus be said, that given the overall industrial relations' context in Greece, the foundations for a substantive social dialogue in Greek football, have not yet been laid.

At European level, none of the organisations have been in contact with the EFFC.

5. Organisation(s) active in the sector

a. National Association

The **Hellenic Football Federation (Elliniki Podosfairiki Omospondia, EPO)** was established in 1926 as a non-profit organisation and employs 100 full time salaried workers. Its main sources come from receipts of the professional football competitions, gross receipts of the football forecasting competitions (PROPO, PROTO, LOTTO), receipts from the national team games, radio and TV transmission rights, as well as advertising rights from the national team games and members' registration fees and annual dues. EPO also receives funding from the state budget, through the General Secretariat for Sports, but at present this has been suspended as the Federation has not presented an annual financial review.

EPO is the sole competent authority for representing the Greek football. EPO, according to its statutes, ensures that all regulations, directives and decisions issued by UEFA and FIFA are endorsed by all the actors involved in the Greek football. The organisations' membership consists of these 53 Regional Unions and EPAE. The latter is responsible for organising the professional competitions, whilst the amateurs' competition, the Greek Cup and the indoor football competition are organised by EPO. EPO issues regulations regarding the principles and the rules governing football, the contacts of footballers, refereeing and the profession of trainer, as well as the exercise of disciplinary control. It also concludes sponsorship or commercial contracts, and retains the exclusive rights of all events that fall under its jurisdiction.

The professional clubs are represented in EPO's administrative board with 5 members, whilst professional footballers are represented by a member of PAPF (PSAP) with no voting rights.

EPO is member of UEFA and FIFA.

For the next five years, the organisations main efforts will focus on:

- increasing the prestige of Greek football, and especially of the national team, at home and abroad;
- ensuring the necessary upgrading of Greek football, through the production of new indigenous players;
- eradicating doping from football (it must be pointed out that EPO is responsible for the doping control in all the championships).

b. Organisation(s) of professional football players

The **Pan-Hellenic Association of Professional Footballers (PAPF/PSAP)** was established in 1976 as the first and sole trade union organisation representing the interests of professional footballers in Greece. Its exclusive source of finance is the membership fees and solidarity payments from FIFPro. It employs 2 full time salaried workers.

Although the union is recognised by EPO and EPAE as the legitimate representative of professional footballers and is the official representative of Greek professional footballers, it does not participate in the committee that has recently been set up to reform the Regulations of Professional Football. These Regulations were the product of common agreement between EPO, EPAE and PSAP, subject to the provisions of sports' law 2725/99. The organisation participates as an observer (with no right to vote) in the Administrative Board of EPO.

The main goals of the Union are as follows:

- to unite all Greek professional footballers in view of addressing, in common, all the problems related to professional football
- to recognise professional footballers as a particular sector of professionals, that deserves the attention of the state and to classify their profession in the category of arduous and unhealthy professions
- to provide social security coverage to professional footballers and their families, as well as pension rights
- to ensure the right for free transfers and free movement of footballers
- to eliminate any provision that restricts the pay of its members
- to safeguard footballers from abuses originating from either the management of clubs or the leadership of Greek football.

At European level, PAPF has delegated to FIFPro its power of negotiation (in the employment field) at the European level.

According to the organisation, its three main goals for the next five years are the following:

- to protect local footballers from their marginalisation, owing to the increasing influx of foreign players, most of which are considered EU-nationals. To this end, PSAP firmly pursues the implementation of the UEFA directive on home-grown players.
- to ensure that the terms and conditions included in the players' contracts are fully respected by their employers;
- to safeguard footballers' agreed financial rights, in the event that their employer /professional club has gone into liquidation (article 44).

Professional footballers' organisation(s) (2004/2005 season – source: PAF/PSAP)

Organisation		Members	Members working as football players	Professional players working as footballers as a proportion of total membership	Density of professional footballers	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Number	Number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Panellinios Syndesmos Ameivomenon Podosfairiston (PSAP)	Pan-Hellenic Association of Professional Footballers (PAPF)	1,961 ¹⁴²	1,859	100 ¹⁴³	100 ¹⁴⁴	Yes	GSEE	No	No	ETUC	FIFPro	No

Density of football professional players: number of affiliated professional footballers compared with the total number of professional footballers in the country CB: Does the organisation take part in collective bargaining?

c. Organisation(s) of professional football clubs

The **EPAE (Association of Professional Football Clubs)** was founded in 1979 as the association of the football clubs that had acquired the status of a football Joint Stock Company (Société Anonyme). It is a non-profit association (private law legal entity) employing 60 full time salaried workers. Its main sources of finance include receipts from the games of the professional competitions; receipts from the football forecasting competitions PRO-PO and PROPO-GOAL; percentage of TV contracts signed by each professional club; receipts from UEFA ÷ varying share of all fines imposed on teams, as well as of all deposits and fees.

EPAE participates in the Hellenic Football Federation (EPO) with 5 members in the Administrative Board. The latter organisation delegates to the EPAE the right to organise the professional football championships. It has no competence in establishing the rules of the game, for refereeing and disciplinary matters, issues that are the prerogative of EPO. EPAE, however, is the official interlocutor on behalf of professional football clubs in the negotiations taking place to amend the current institutional framework and to formulate the new Regulations of Professional Football that establish the terms and conditions of professional footballers. These Regulations constitute a form of collective agreement binding the 3 sides: the National Federation, the employers and the players.

At European level, EPAE has delegated to EPFL its power of negotiation (in the employment field) at the European level.

The three main goals of EPAE for the next five years are as follows:

¹⁴² Of which 124 are trainee footballers.

¹⁴³ By definition, all members of PSAP are professional footballers.

¹⁴⁴ Density of professional players: PSAP claims that all professional footballers are members of the organisation and pay their dues.

- to drastically re-organise and upgrade professional football in Greece;
- to crack down violence within and outside the football grounds;
- to eradicate doping from football.

Professional football clubs organisation(s) (2004/2005 season – source: EPAAE)

Organisation		Divisions covered	Number of clubs affiliated	% of professional clubs affiliated in the organisation	Density of professional clubs	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	type	number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Enossi Podosfairikon Anonymon Etairion (EPAAE)	Association of Professional Football Clubs	Divisions 1-3	65 (56 professional clubs and 9 TAP)	100	100	Yes	No	No	UEFA, EPFL	No	No	No

Density of professional clubs: number of professional affiliated clubs compared with the total number of professional clubs in the country CB: Does the organisation take part in collective bargaining?

HUNGARY

1. Contextual data in the sector

Players (2004-2005 season – source: the organisations and Nemzeti Sport Online)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players	700-800 (in Divisions 1 and 2)	85 (in Division 1)	3 (in Division 1)	12 (in Division 1)
Semi-professional players	ND			
Amateur players	ND			
Total	ND			

Clubs (2004-2005 season – source: MLL)

Sub-sectors	Number of clubs	% in 1 or top division	% in second division	% in third and following divisions
Professional clubs	30	53	47	0
Non-professional clubs	ND			
Total	ND			

2. General regulation

As a professional sports branch association, the Hungarian Football Federation (Magyar Labdarúgó Szövetség, MLSZ) is responsible for work on matters related to Hungarian football. In 2000, the MLSZ set up two sub-federations to run competitions at professional and non-professional level, and on 1 January 2001, these sub-federations were turned into leagues: the Hungarian Football League (Magyar Labdarúgó Liga, MLL), which is responsible for professional football competitions, and the Hungarian Amateur Football League (MALL) which covers the non-professional game.

The MLL forms part of the MLSZ's hierarchical organisational structure; its fundamental aims are to establish a business- and profit-oriented operation for actors at the centre stage of professional football. The MLL's responsibilities include the organisation and management of the national championships (NB1 "National League Division 1" and NB1 B "National League Division 2") and the Hungarian Cup, issuing the licences that teams need to enter these competitions, and chairing disciplinary hearings with the right of appeal.

There is also the Hungarian footballers' trade union, the Hungarian Players' Association (Hivatásos Labdarúgók Szervezete (HLSZ)).

The role of the state is confined to three broader areas: the securing of a legal framework, the development of a new generation of footballers, and the indirect management and development of sport facilities and football stadiums. In relation to the latter objective, it is noteworthy that a feature of Hungarian football is that stadiums are usually owned not by the clubs themselves, but by various government bodies and by local government. Typically, clubs do not pay to use these facilities, which is a considerable boost given their parlous financial situations, but professional football receives no direct state support: this is outlawed by EU regulations. The current system of government in Hungary has no independent Ministry that focuses on sport: sports-related issues are dealt with by the National Sports Office, which operates under the supervision of the Ministry of the Interior: here, sport executives work thematically on individual branches of sport.

3. Status of the professional player

Professional sports players are covered by a specific piece of legislation: the Sport Act 2004. This law begins with a definition of the legal status of sports player: “an individual who engages in some sort of sporting activity.”¹⁴⁵ The law identifies four types of athlete: spare-time athletes, non-professional (amateur) athletes, competitive athletes and professional athletes, and the fundamental actor identified by the law is the competitor, that is to say an athlete who can be either non-professional or professional: “A competitor is an athlete who participates in competitions that are (a) announced, (b) organised and (c) approved by the sports association [points (a), (b) and (c) are to be understood disjunctively].”¹⁴⁶ Two conditions underpinning the definition of the professional sports player are that the individual participates in sports activity to earn a living, and does so as a profession. The law deduces the legal status of the non-professional sports player from the latter definition that is to say that a non-professional (i.e. amateur) sports player is someone who takes part in a sport activity non-professionally.

The Sport Act 2004 states specifically that professional athletes may only be employed under a contract of employment¹⁴⁷. The law provides for contracts concluded before 31 December 2006 to be terminated. Generally speaking, professional athletes in regular employment are covered by the Labour Code but, given the idiosyncrasies of the athletes’ labour market and their right to compete as a special form of commodity, the Sport Act lays down certain exceptions:

- the contract of employment must contain an agreement on working hours, rest days, and employment costs ;
- the contract may only be valid for a fixed period of time, and under the Labour Code, there is a maximum of five years;

¹⁴⁵ Sárközy, Tamás (2004) *Sportjog – a 2004-es Sporttörvény magyarázata (Sport Law –an explanation of the Sport Act 2004.)*, Budapest, HVGorac Lap- és Könyvkiadó Vállalat, p. 109.

¹⁴⁶ Op cit. p. 110.

¹⁴⁷ In the last decade and a half, one of the biggest problems has been the definition of the legal status of professional sports players. It has been general practice for players not to be employed under regular contracts of employment, but through a partnership system in the form of a commission contract. The reason for this is that clubs as quasi-employers did not need to pay social security contributions, and players did not have to pay income tax, and the solution was therefore cheaper for both parties. However, the disadvantage was that athletes were not protected by any individual or collective labour law rights. The Sport Laws of 1996 and 2000 attempted to abolish this loophole, but they incomprehensibly preserved the practice of “employing” self-employed athletes on commission contracts. “This has resulted in there being two types of footballer in Hungary: foreign players who are employed on normal contracts of employment that are in line with FIFA regulations and self-employed Hungarian players, whose status infringes FIFA regulations.” (Op cit. p. 137)

- no professional athlete may be employed for a trial period;
- professional athletes may be employed regularly on weekdays;
- “A professional athlete may only enter into contracts of the following types with the prior consent of the employer:
 - a. individual sponsoring contracts;
 - b. miscellaneous contracts unrelated to sports activity;
 - c. contracts of employment for a sports activity in another branch as a professional, or under a civil law contract (e.g. where the athlete is a non-professional in another branch of sport);
- the professional federation may specify a common ceiling of wages and of other benefits to be paid to athletes by the employer;
- special rules apply to the delegation of professional athletes to the national squad and to other sports organisations¹⁴⁸;
- the sports organisation may not provide any type of financial benefit beyond those set out in the contract of employment;
- the employer is guilty of a serious breach of contract if, because the sports association fails to pay certain fees or for similar reasons, a professional athlete cannot enter the association’s competitions, or else the association is subsequently disqualified.”¹⁴⁹

Although it might be inferred from this that professional football players have no separate definition of their own in law, the status of professional athlete generally provides players with clear legal frameworks. The Sport Law 2004 theoretically put an end to the possibility of professional footballers being employed under civil law contracts, or as private entrepreneurs or members of joint ventures with commission contracts. Contracts that have already been signed must be rescinded by 31 December 2006. The actors have observed that in practice, the stricter legal regulation did not always live up to the expectations, with quasi-entrepreneur contracts being partly exchanged for fictitious advertisement contracts, monthly salary-type benefits being given to players under the terms of such agreements.

Since the Sport Law has been harmonised in line with the Labour Code, it is theoretically possible for players to be employed on a part-time or a full-time basis, but in practice, part-time employment is not at all common among professional footballers.

¹⁴⁸ Contrary to the provisions of the Labour Code, the length of delegation to the national squad may exceed 44 days. A player’s temporary transfer to another club is also a case of delegation, although this requires the athlete’s signed agreement. An oral agreement is sufficient in the event of squad delegation.

¹⁴⁹ Ibid., p. 139–140.

4. Social dialogue

There is no tripartite dialogue in the sector, the state having completely withdrawn from the day-to-day operation of professional football.

There is no specific formal structure given over to collective bargaining, and no collective agreements or joint declarations. The main reason for this is the lack of commitment on the part of professional clubs: firstly, the economic power, ownership structures and other aspects of clubs vary enormously, and it is therefore extremely difficult for them to reach agreements; secondly, the most important feature of Hungarian professional football is the fact that clubs suffer from a high level of economic uncertainty, and this encourages a general practice of disobeying the rules and of failing to comply with agreements between groups of actors such as clubs and players and clubs and trainers/managers. Some observers have noted that although the MLL is able to achieve some kind of self-regulation among clubs, the problem is that the clubs rarely keep to the rules. Under circumstances such as these in which it is hard to predict what will happen, it is scarcely surprising that clubs do not want to sign any agreements that might restrict their freedom. It is interesting to note that the same situation prevails with the introduction of the so-called “salary cap”, which could be an effective tool in limiting expenditure: some clubs that enjoy relatively secure economic health do not see that the “cap” could be useful for them as well in the long run. The professional players, too, are keen on the idea of the salary cap, but they want it to be introduced “down-up”: they would like to agree on a footballers’ minimum wage, but the players rarely confront their employers on this matter because of the poor economic situation that the clubs are in.

Nevertheless, even though there are no collective agreements in the sector, the negotiating parties recognise each other and engage in informal social dialogue: these negotiating parties are the MLL representing the professional clubs and the HLSZ representing the professional players.

There are no trade union delegates in professional clubs.

At European level, neither the MLSZ nor the MLL have been in contact with the EFFC or the EPFL.

5. Organisation(s) active in the sector

a. National Association

The legal predecessor of the **Hungarian Football League (Magyar Labdarúgó Liga, MLL)** was the Professional Sub-Federation; this was set up as a branch of the **Hungarian Football Federation (Magyar Labdarúgó Szövetség, MLSZ)** in 2000, which in turn became a league on 1 January 2001. As András (2003)¹⁵⁰ points out, the word “league” may be misleading as it is international practice for “league” to describe the interest representation organisation of club owners. In fact, the MLL is “the professional branch of the MLSZ, and is therefore one of its internal organisational units... under its Constitution, the MLSZ regulates the organisational and operational system of the branch, as well as its degree of internal independence.”¹⁵¹ However, the MML is a premier special-status not-for-profit association with an independent legal entity, budget and representation in the MLSZ General Assembly..¹⁵²

¹⁵⁰ András, Krisztina – Szabados, Gábor (2004) *Futballvállalatok stratégiai működése – esettanulmány-kötet (Strategic Functioning of Football Companies – a case study collection)*, készült a Gyermekek- Ifjúsági és Sportminisztérium támogatásával (with support from the Ministry for Children, Youth and Sport).

¹⁵¹ András, op. cit., p. 202, endnote xxiv.

¹⁵² In the 100-strong General Assembly, the MLL has 40 members with the right to vote; in respect of non-professional teams, the MLL has 60 members with voting rights.

The work of the MLL consists of the interest representation of professional clubs, the organisation and management of the championship, the development of the quality of professional football and sporting life, and the setting up of a financial base through the best possible sale of property value rights. The MLL is made up of representatives of professional teams (those playing in NB1 and NB1 B): the President (Chairman) and Presidency that they elect for a set period responsible for the organisation's work.

The clubs cede certain competences to the League, including almost anything to do with entry into competitions: as the body that announces the holding of competitions, the League sets the budget that clubs must have on entering, and how much debt they may have, and lays down that there must be a trainer with the right qualifications, that all players must have a contract, and that there must be no debt or negative capital so that if the club is involved in the beginning of the championship, it can remain a participant for the duration without experiencing any kind of financial disaster. The League is also authorised by its members to negotiate on issues relating to the use of property value rights.

The MLL ought to have bargaining power on the employers' side, but it does not do so for several reasons, including the existence of deep divisions and a fragmentation of interests among the clubs.

All the members of the League are professional clubs, and since all the professional clubs are members of the League, its density is 100%. The League is not directly a member of any European association, but through the MLSZ, it is indirectly a member of UEFA and FIFA.

b. Organisation(s) of professional football players

The **Hungarian Players' Association (Hivatásos Labdarúgók Szervezete – HLSZ)** was founded in 1990, and has in the legal status of association. Its main source of finance is the membership fee¹⁵³. The HLSZ is officially recognised by the MLSZ and the MLL.

The HLSZ operates as a quasi-trade union, - and is the only organisation of its type in the football sector. Two types of professional footballer can join: those who play in the top two divisions, regardless of nationality, and Hungarian professionals playing in foreign professional leagues. The organisation's most important activity is to represent the interests of professional football players in discussions with clubs (individual representation) and in sectoral-level collective bargaining with the MLL or MLSZ (collective representation); its most important aim is to sign a collective agreement at sectoral level, although this has not yet been achieved. The HLSZ drew up a proposed collective agreement, but due to the clubs' heterogeneous interests, it was not signed, although the issue is still raised every year. The Association has also proposed setting up a sort of "wage-guarantee fund", which, according to the HLSZ expert, could be brought into being within one or two years. This year, the HLSZ organised a programme for players who have no contract.

At European level, the HLSZ has delegated its power of negotiation at European level to FIFPro.

¹⁵³ Some portion of the membership fee is automatically put into an insurance fund

Professional football players' organisation(s) (2004/2005 season – source: the organisation)

Organisation		Members	Members working as football players	Part of professional players in the members working as football players	Density of football professional players	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Number	Number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Hivatásos Labdarúgók Szervezete (HLSZ)	Hungarian Players' Association	400-500	400-500	100	65%	No	No	No	No	ETUC	FIFPro	No

Density of football professional players: number of affiliated professional footballers compared with the total number of professional footballers in the country CB: Does the organisation take part in collective bargaining?

c. Organisation(s) of professional football clubs

See point 5a.

IRELAND

1. Contextual data in the sector

Players (2004/2005 season – source: FAI)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players	100 (estimate)	ND	ND	ND
Semi-professional players	405 (estimate)	ND	ND	ND
Amateur players	ND			
Total	ND			

Clubs (2004/2005 season – source: FAI)

Sub-sectors	Number of clubs	% in 1 or top division	% in second division	% in third and following divisions
Professional clubs	22 ¹⁵⁴	Not applicable	Not applicable	Not applicable
Non-professional clubs	+/- 1,000	Not applicable	Not applicable	Not applicable
Total	+/- 1,000			

2. General regulation

There are three main actors in the football sector in Ireland. The governing body of football in Ireland is the Football Association of Ireland (FAI). The Professional Footballers Association of Ireland (PFAI) represents the professional and semi-professional players in Ireland. Finally, the Eircom League represents the football clubs.

As the FAI is the Governing body of Irish football, their duties include the scheduling of fixtures, devising rules (under FIFA and UEFA guidelines), responsibility for the licensing of clubs, refereeing, the sale of commercial rights and fostering and developing the game.

The PFAI is the sole representative body for professional and semi-professional football players in Ireland. It promotes and protects the individual and collective rights of players.

¹⁵⁴ The exact number of professional and semi-professional clubs is not clear as some clubs have full-time and part-time players playing for them.

The Eircom League represents the football clubs. All contractual detail of professional footballers must be lodged with the League in case of a dispute. However, the Eircom League has no say in wage levels as wages are negotiated between an individual player and their club.

These organisations are all in close contact with each other. The FAI and the Eircom League are in the same building but are separate organisations. A merger of the FAI and the Eircom League may happen in the near future. The PFAI also has close links to both of these organisations and they are in regular contact. At present, no significant conflicts were identified between the organisations, although the PFAI did express annoyance that they were never consulted for input during the three years that the FAI spent devising their Technical Development Plan. Also, conflicts have been identified between the PFAI and individual clubs¹⁵⁵.

The organisation of football in Ireland is mainly left to the various actors without the state intervening. However, the state does issue grants through The Sports Council of Ireland, which is a statutory body, and it also administers drug tests.

The EFFC is not linked with any of the organisations active in the sector.

3. Status of the professional player

There is no specific legislation dealing with professional football players; they just fall under the general labour legislation that covers all employees. Therefore, they are entitled to the same employment rights and entitlements as all other workers¹⁵⁶. As they pay tax, they are entitled to social welfare. However, as yet, no footballers' pension exists in Ireland. Each individual club covers insurance but the cover is minimal.

Professional footballers are the employees of their individual clubs and may be employed on a part-time or full-time basis. At present, there is no standard contract of employment for professional footballers. However, this will soon change, as all but one clause of a contract are agreed by the various football organisations and it is expected that the standard contract will be introduced later in 2005. The standard player's contract will be compulsory. It will be the only contract that the players will sign. It will not include a provision on a minimum wage but because it will fall under general employment law the general minimum wage legislation stands.

4. Social dialogue

There is no **tripartite social dialogue** in Ireland for the football sector.

Bipartite dialogue exists between the three bodies in the football sector in Ireland; the PFAI, the Eircom League and the FAI. It is not tripartite, as all three bodies do not sit down at the table together, rather they negotiate with the appropriate party as issues arise. The social dialogue within this sector is quite dynamic at present. An example of current talks would be the formulating of a standard players employment contract which is being negotiated by the Eircom League and the PFAI.

Despite this dynamic activity, there are no specific formal structures, such as joint committees, devoted to sector social dialogue. Also, there are no collective agreements that have been signed by the various bodies in the football sector. Much of the dialogue in the Irish football sector is informal. When an issue is initially brought to the PFAI they try to deal with it informally but if it

¹⁵⁵ A number of clubs have been taken to the Labour Court due to issues around the payment of wages.

¹⁵⁶ In relation to semi-professional part-time Eircom League players, some are not receiving the minimum wage for their employment in the sport.

cannot be resolved, the dialogue becomes more formal. The FAI and the Eircom League expressed no desire to change the dialogue structure. However, the PFAI stated that they often find it difficult to identify a partner to have dialogue with.

There are trade union delegates within all of the clubs. The PFAI advises delegates in all clubs to form a small committee of three members. These committees exist in around 70 % of all clubs. Within these clubs, any problems that players encounter are brought to the attention of the committee¹⁵⁷ who try to deal with the issues informally at a local level. If they cannot sort out the problem then they bring it to the PFAI. If the PFAI are still unable to resolve the issue they bring it to SIPTU. If it gets to this stage the problem is a very serious one and the dialogue would get very formal.

The PFAI stated that setting up a formal social dialogue with the organisations probably would not be a problem. However, resistance may come from some individuals within the organisations due to a lack of understanding of social dialogue.

5. Organisation(s) active in the sector

a. National Association

The **Football Association of Ireland (FAI)** is the governing body of football in the Republic of Ireland. In 2004, it has a turnover of EUR 24 million¹⁵⁸. The FAI will have 85 salaried employees by the end of the year 2005. A number of years ago the FAI only employed 2 full-time coaches. This figure will have risen to 50 by the end of 2005. The FAI also employs one full-time Child Protection Officer.

The FAI controls the activities of the international football teams. Through its own affiliated bodies the FAI also organises all domestic competitions from the Eircom league and Carlsberg Cup to the FAI Schools' 6-a-side competition.

The FAI has a Council of 60 members. Each senior club is represented on the Council. There is also a FAI Board with 10 members. One senior Eircom League executive is automatically a Board member.

The clubs and players are not represented directly through the FAI but through the Eircom League and the PFAI. However, all these organisations would be in close contact with each other (the relationship between them appears to be constructive and complementary at present). In relation to the clubs, the FAI has a certain amount of power in that they issue club licences. Clubs must comply with the rules set out in the FAI licensing manual in order to maintain/receive a licence. In relation to pay, clubs are their own entities and can decide wage levels. However, the FAI has some control in that there are certain financial criteria that a club must meet in the club-licensing manual.

Recently, the FAI developed a Technical Development Plan 2004-2008. This plan is the vehicle through which an agreed, effective and integrated coaching, training and competitive framework will be achieved. Under the leadership of the Football Association of Ireland the provision of more enjoyable and fulfilling opportunities and pathways for all people involved in the game will be achieved through the delivery of high quality programmes, structures and facilities.

¹⁵⁷ Or to the trade union delegate if there is no committee.

¹⁵⁸ EUR 7 million from television deals; EUR 2 million from the Irish Sports Council; EUR 1 million from UEFA and FIFA grants; EUR 4 million from Sponsorship; EUR 10 million from the senior international matches

The FAI states that the merger of themselves and the Eircom League is one of their goals for the next five years (currently the FAI is a separate entity from the Eircom League). The organisation's other goals are to move to their new premises and to complete the National Stadium rebuild.

The FAI is affiliated to UEFA and FIFA.

b. Organisation(s) of professional football players

The **Professional Footballers Association of Ireland (PFAI)** was set up on a voluntary basis in 1960 by a group of older players in the League of Ireland.

Over the years, the association has faced a number of problems, often due to the transient nature of the football sector. In the late 1990s it was felt that the association needed two main changes in order to survive. The first change was that the PFAI joined FIFPro and with this were able to obtain advice on labour law issues and also receive some funding. The second change involved the amalgamation of PFAI with the Services Industrial and Professional Trade Union (SIPTU). The PFAI became a division of the Marine Port and General Workers Group, which is a branch of SIPTU.

The PFAI receives a percentage of the membership fee which its members pay directly to the branch and employs two full-time staff.

To become a member of the PFAI a player must hold a contract of employment. In other words, a professional or a semi-professional player can join the association, but an amateur cannot – although they will give advice to amateurs.

The PFAI negotiates with various actors on behalf of its members. Negotiations have taken place with the Eircom League and the FAI, as well as at European level, with the EPFL, through FIFPro. It negotiates on all areas of employment, such as wage levels, working hours and contracts of employment.

In relation to the goals of the association, three main issues identified in the course of the study include the introduction of a standard contract of employment for professional football players, the introduction of footballers' pensions and the negotiation of a general collective agreement. The issue of a standard contract of employment is almost resolved and is to be introduced later this year.

Professional football player's organisation(s) (2004/2005 season – source: PFAI)

Organisation		Members	Members working as football players	Part of professional players in the members working as football players	Density of football professional players	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Number	Number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Professional Footballers Association of Ireland (PFAI)	Same	376	376	100%	60-70%	No	SIPTU	No	No	ETUC	FIFPro	No

Density of football professional players: number of affiliated professional footballers compared with the total number of professional footballers in the country CB: Does the organisation take part in collective bargaining?

c. Organisation(s) of professional football clubs

The **Eircom League** was founded in 1921 as the League of Ireland. The Eircom League's main source of income is from their sponsor. They are also in receipt of money for various television deals with Sky television, Setanta Sport, TG4 and RTÉ. They receive some grant money from the Sports Council and UEFA through the FAI.

The Eircom League is not a legal entity in itself as its six full time staff are paid by the FAI, even though they are two independent organisations. However, the League and the FAI have been negotiating recently over a merger and it is expected to happen in the near future. This merger is supported by the FAI, the Eircom League and the PFAI, who see it as a *'progressive step'* for the League. The League recognises that they are subservient to the FAI as the FAI are the national association.

The Eircom League negotiates on behalf of its members on certain matters. At present it is negotiating a standard contract of employment for players. Other negotiations that take place are in relation to television deals and sponsorship. They do not negotiate with the PFAI on wage levels as wages are negotiated between individual players and their clubs. Although some problems have been identified with wage levels for part time players, the PFAI have taken up these issues with the individual clubs, as they are the players' employers. The League would be in close contact with both the FAI and the PFAI.

The Eircom League does not have a business or strategic plan, but possible goals for the next five years include the improvement of facilities in football grounds. The League views this as the single biggest problem facing League football at present. It is hoped that this would lead to increased attendance at football matches. Secondly, the Eircom League would like to see the Technical Development Plan being implemented as Irish football loses most of its best players to English clubs. Thirdly, the League would like to see an Eircom League club make it to the latter stages of the Champion's League.

Professional football clubs organisation(s) (2004/2005 season – source: Eircom League)

Organisation		Divisions covered	Number of clubs affiliated	% of professional clubs affiliated in the organisation	Density of professional clubs	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	type	number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Eircom League	Same	Premier Division and First Division	22	100 (including semi-pro)	100	No	No	No	EPFL	No	No	No

Density of professional clubs: number of professional affiliated clubs compared with the total number of professional clubs in the country CB: Does the organisation take part in collective bargaining?

ITALY

1. Contextual data in the sector

Players (2004/2005 season – Sources: Il Calciatore, official publication of the AIC, n°6-7, 2005; and LND)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players ¹⁵⁹	3,269 ¹⁶⁰	87.37	6.64	4.96
Semi-professional players	Not relevant			
Amateur players	462,824 ¹⁶¹			
Total	ND			

Clubs (2004/2005 season – Source: Lega Calcio)

Sub-sectors	Number of clubs	Number of clubs in 1st or top division	Number of clubs in 2nd division	Number of clubs in 3rd and lower divisions
Professional clubs	135	14.81	16.30	68.89
Non-professional clubs	9,261	-	-	100
Total	9,411	0.21	0.23	99.56

2. General regulation

As a general rule, the organisation of football is left to the discretion of its participants. Sport in Italy is a sort of "self-regulating" area of activity. In effect, sports bodies have a high degree of autonomy from State intervention, and this is widely considered a basic requirement in order to guarantee the regularity of sports competitions.

The "principle of autonomy of sports organisation" has been recently sanctioned by Law 280 of 17 October 2003. Actually, according to Article 1 of Law 280, CONI¹⁶² and Sports Federations' measures are not impugnable to ordinary justice bodies only in the case they prejudice to sports interests; otherwise they can be appealed to the Administrative Courts. Therefore, the so-called

¹⁵⁹ The number of young players is not taken into account in this figure (for more details see point 3).

¹⁶⁰ It includes foreign players first-time registered as professionals (1.04%).

¹⁶¹ Statistics refer only to men's non professional football, but probably include young players taking part in specific regional and provincial competitions, and also players whose LND membership is formally still valid, although they do not practise football anymore.

¹⁶² *Comitato Olimpico Nazionale Italiano* – Italian Olympic Committee.

TAR¹⁶³ has nowadays competence in disciplinary and administrative matters. Then, the Sentence 2244 of 21 April 2005 of the TAR of Latium has sanctioned the illegitimacy of the so-called *vincolo di giustizia* (binding force of sports justice)¹⁶⁴, which prohibits FIGC members from appealing to ordinary justice¹⁶⁵.

On the other hand, a rising interaction between sport and law is today observable. In the case of football, this is largely due to the necessity of solving both structural and contingent financial or social problems (i.e. spiralling debts, cases of bankruptcy, betting scandals, and hooliganism).

The main State Law influencing significantly the organisation of football is undoubtedly Law 91 of 23 March 1981, setting general rules on the relationships between sports clubs and professional sportsmen. Other interventions to be mentioned are: Law 586 of 18 November 1996, setting rules for professional sports clubs; Law 78 of 29 March 1999, which regulated the acquisition of encoded television broadcasting rights¹⁶⁶; Law 88 of 24 April 2003, which introduced measures to combat hooliganism; Ministerial Decree of 18 March 1996, which provided safety rules for the construction and management of sports arenas; Law 210 of 17 October 2005, which provides stricter rules for the access to Serie A and B stadiums, with the purpose of preventing hooliganism. An increasingly important role has been played by the Italian Competition Authority (Antitrust) in the prevention of the creation or maintenance of dominant positions in radio and television broadcasting, as well as in the control over the price of tickets.

The FIGC is the National Association which promotes, regulates and organizes football in Italy. In particular, it establishes the rules of the game and exerts directly the guarantee functions through the football justice bodies and a specific technical body for the financial supervision over football clubs. Furthermore, it guarantees sports-medical assistance, and provides anti-doping regulations and technical facilities.

The FIGC is organized both horizontally and vertically. Horizontally, the FIGC delegates to the National Leagues (Lega Calcio, Serie C Professionals' League, and National Amateurs' League)¹⁶⁷ all the activities related to the factual organisation of football, such as the organisation of the agonistic activity into the several divisions; the scheduling of fixtures; the regulation of relationships between football clubs and mass media; the internal allocation of financial resources; the clubs' interest representation functions. Also the FIGC ensures financial resources and organisational and technical facilities for the performance of refereeing, which is delegated to the Italian Referees' Association (AIA¹⁶⁸). And finally, the FIGC has two important "service" bodies: the Technical Sector¹⁶⁹, which is responsible for carrying out research and qualifying activities for the development of football techniques and the Youth and Scholastic Sector¹⁷⁰, which is responsible for promoting, regulating and organizing the activities of young players between 6 and 16 years of age.

¹⁶³ *Tribunale Amministrativo Regionale* – Regional Administrative Courts.

¹⁶⁴ See Article 27 of the FIGC Statute, and Article 11-*bis* of the FIGC Justice Code.

¹⁶⁵ Source: Lubrano E. (2005), *Il TAR Lazio segna la fine del vincolo di giustizia. La FIGC si adegua*, in "Rivista di Diritto ed Economia dello Sport", Vol. I, No. 2, Avellino, EDUS Law International, pp. 21-37.

¹⁶⁶ In accordance with Law 78, it is forbidden to purchase, directly or indirectly, more than 60% of encoded broadcasting rights of *Serie A* championship matches.

¹⁶⁷ The Leagues are associations with legal entity under private law, affiliated and belonging directly to the FIGC, although with organisational and administrative (in the case of the National Amateurs' League, also financial) autonomy.

¹⁶⁸ The so-called *Associazione Italiana Arbitri* is formally part of and belongs directly to the FIGC, despite the fact that it has operational, administrative and managerial autonomy. It is structured mainly vertically, into Regional Committees and Local Sections (at the sub-regional level).

¹⁶⁹ *Settore Tecnico*.

¹⁷⁰ *Settore Giovanile e Scolastico*.

Vertically, the FIGC avails itself of the vertical structures (Regional and Provincial/Local Committees) of the National Amateurs' League (LND), in order to ensure its presence at all territorial levels.

Other actors neither affiliated nor belonging to the FIGC, mainly free trade unions¹⁷¹, play a key role within the sector. The Italian Players' Association (AIC) and the Italian Football Coaches' Association (AIAC) are the main counterparts of the Leagues and, at the same time, are represented within the FIGC institutional bodies. In addition, they carry out service activities aimed at their members. There are also organisations representing other categories of workers employed in football, such as the Italian Football Trainers' Association (AIPAC), the Italian Club Directors' Association (ADISE), the Italian Association of Players' Agents (Assoprocuratori), and the Italian Federation of Sports Medicine (FMSI).

As for clubs pursuing the goal of playing football in Italy, both at professional and non-professional level, they are automatically affiliated to the League that organises the division in which they compete. Such clubs can employ only FIGC registered players (Article 6 of the FIGC Statute). The FIGC also provides the criteria for a club moving from amateur to professional football, and *vice versa*. Clubs employing professional players take the legal form of incorporated companies (*SPA* or *SRL*).

With regard to labour relations, since 1969 the AIC threatened to call a strike 26 times, staged successfully 10 strike actions (often solidarity strikes, mainly of 10-45 minutes' duration and limited to one or two divisions) and a general strike¹⁷². More recently, conflicts have arisen also between the two main components of the National Professionals' League (Serie A and B clubs) and between clubs on the whole, mainly as a result of a struggle for the allocation of revenue deriving from the sale of television broadcasting rights. In addition, cases of bankruptcy and betting scandals have given rise to conflicts and fierce legal battles between clubs and sports justice bodies, and between sports and ordinary justice bodies. A very important role in the mediation of different interests and in the regulation of financial and social problems of football is played by the Professionals' Leagues and by the FIGC itself.

3. Status of the professional player

The relevant provisions of FIFA regulations on the status of football players have been implemented at the national level. According to Article 6 of the FIGC Statute and Article 27 of the FIGC Internal Organisation Rules (NOIF), the FIGC football players are classified as follows: (a) Professionals; (b) Non-professionals (amateurs); (c) Young players¹⁷³.

Professional football players have the "professional sportsman status" defined by Law 91. According to Article 2, they are those players who carry out sporting activities on a continuous basis in exchange for payment¹⁷⁴. The professional nature of a player's performance is established through a contract of employment (normally, a fixed-term and full-time contract) between the player himself and the club, which is the formal employer.

¹⁷¹ Actually, the FIGC has the authority to recognise the most representative associations entitled to exercise all the functions required by the Statute.

¹⁷² On 1996, March the 16th and 17th, the first general strike in Italian football took place, in consequence of a further worsening of the relationships between the actors. The players' claims were focused on a wide range of subjects, among which the management of the Guarantee Fund for Football Players and Coaches, the reform of Law 91/1981, the renewal of the collective agreement for professional football players, the reform of social insurance, the re-organisation of national championships, and above all, the extension to players and coaches of the right to vote for the federal elections.

¹⁷³ Players between 8 and 15 years of age are classified as young players. A further distinction is made between young amateurs and young professionals (so-called "giovani di serie"). The former are players of non-professional clubs, who are between 14 and 18 years of age. The latter are players of professional clubs, who are at least 14 years old.

¹⁷⁴ Since 1982, 16 years old players may enter their first professional contract, which is obligatory if they are deployed in at least ten official matches. Since the 1974/1975 Season, professionals can be employed also in the Serie C divisions. In 1978, the status of "semi-professional player" was finally abolished and Serie C players were fully recognized as professionals. Since 1980, the employment of non-professional players in the Serie C divisions is forbidden.

In accordance with Article 4 of Law 91, employment relations between professional football clubs and players are regulated by a specific collective agreement between the AIC and the Professional Leagues (in addition to the FIGC). The latest one has been signed on 2005, October the 4th. The collective agreement provides also a standard contract of employment (so-called *contratto-tipo*), which has the form of a private contract through which a professional player agrees to perform his activity for a specific club in exchange for payment (i.e. annual basic salary, bonuses and the share of incomes from the club's promotional activities).

Professional players also benefit from social protection. According to the above-mentioned collective agreement, in the case of illness or accidents clubs are obliged to pay regularly the players and to cover all hospital, medical and pharmaceutical expenses for at least six months. Clubs also guarantee the players health insurance coverage and ensure the payment of social security contributions for the compulsory insurance schemes for invalidity, old age and survivors. In addition, clubs ensure the payment of contributions to a special Accumulation Fund for Professional Players' End-of-Career Allowance¹⁷⁵. Since the 1983/1984 Season, end-of-contract players are entitled to receive unemployment benefit¹⁷⁶.

As for non-professionals¹⁷⁷, they are those players who carry out sporting activities without receiving any payment or sponsorship. Actually, such players are often professionals in actual facts (above all in Serie D), as football is their main or only income, though they do not benefit from social protection. Non-professional football in Italy represents not only an example of informal economy, as it is widely supposed to bypass labour costs and to be excluded from labour law and social protection. It is also a case of unrecorded employment, since it does not fulfil the reporting requirements of the National Institute of Statistics. On the other hand, it shows the strength of informality. As reimbursements usually exceed the actual expenses even at the lower levels, non-professional football fulfils a social function of income support, which is very important in the case of students or unemployed people.

4. Social dialogue

Tripartism *strictu sensu* is a rare phenomenon in Italian football¹⁷⁸.

The main actors, the FIGC, the Professionals' Leagues, and the AIC, are mainly involved in bipartite social dialogue. As already pointed out, all the participants benefit from formal recognition. In particular, the FIGC is recognised by the CONI, while the Leagues are part of the FIGC itself. Moreover, the latter has also the authority to recognise the most representative players' (and coaches') organisations.

Bipartite consultation

Bipartite social dialogue normally takes place in an informal manner. Since the beginning of the Eighties, such a dialogue has led to important results. In 1981, the AIC and the Leagues reached an agreement on advertising.

¹⁷⁵ *Fondo di Accantonamento dell'Indennità di Fine Carriera*.

¹⁷⁶ End-of-contract players are entitled to receive from their last club a monthly benefit equal to 1/12 of minimum wage until they enter into a new contract, for a maximum of two football seasons.

¹⁷⁷ This category also covers women's football, futsal, beach soccer, and so-called recreational activities.

¹⁷⁸ Actually, it took place only once, in the case of the agreement of 6 May 1996, which followed the most important Serie A players' general strike. The agreement led to the so-called "Melandri Decree", which among other matters extended also to athletes and coaches the right to vote within the institutional bodies of the CONI and Sports Federations.

In 1987, a sports centre for unemployed players was created thanks to the cooperation between the FIGC and the AIC. In 1993, the AIC and the AIAC signed a joint declaration, in which they fixed common goals. More recently, on 2004, October the 21st, the AIC and Lega Calcio have reached an agreement in which have been defined subjects of common interest and issued general guidelines for the AIC itself and the LND.

Formal bipartite consultations, instead, took place only within two joint commissions, inactive since at least 10 years. The first one composed of AIC and Leagues' representatives, was created in 1971 in order to regulate the relationships between clubs and players, and fix minimum wages. The second one composed of AIC and FIGC representatives, was established in 1981 and was responsible for solving problems relating to the application and interpretation of the collective agreement for professional football players.

Collective bargaining at national level

As regards collective bargaining, which is normally defined as a "bipartite" process of negotiation between the employer and employees' representatives, here it seems to take the form of a "tripartite" process. In effect, the actors involved are three: the AIC (employees), the Professionals' Leagues (employers), and the FIGC (Third Actor?). Nevertheless, talking about tripartism would be misleading, given that the Leagues formally belong to the FIGC, and negotiations do not refer to the policy debate, but only to the regulation of employment relations. What is more, the FIGC itself recognises those football players' associations which are the most representative.

The first collective agreement of such a kind was signed on July 8th 1981, and was renewed the first time in 1986 and the second in 1990, in accordance with Law 91/1981. Its validity formally expired at the end of 1992, without any renewal until October 2005. The collective agreement mainly focuses on pay regulation, but also fixes the players' obligations and provides a specific social protection system for professional players. In particular, it guarantees the players free hospital care and medical and pharmaceutical assistance in the case of illness or accidents; ensures the players health insurance coverage; regulates the procedures for the payment of contributions for compulsory insurance schemes "for invalidity, old age and survivors"; provides a standard contract of employment (so-called *contratto-tipo*), having the form of a private contract through which a professional player agrees to perform his activity for a specific club in exchange for payment.

A joint commission, composed of FIGC and AIC representatives, is responsible for solving problems related to the application and interpretation of the collective agreement.

After 13 years of *prorogatio*, a new agreement has been finally signed on 2005, October the 4th, by the FIGC, *Lega Calcio*, and the AIC¹⁷⁹. The most important innovation introduced is undoubtedly the re-definition of a wage structure, designed as fixed pay or variable (performance-related) pay, not exceeding 50% of fixed pay. The payment of bonuses can be related both to team-based performances (winning of titles, qualification to European cups, promotion to an upper division, placements) or individual ones (appearances, goals, etc.).

Very important, the new agreement has introduced the obligation both for clubs and players to respect CONI and FIGC anti-doping regulations. Above all, it stipulates that professional players have the obligation to submit themselves to periodical medical controls or anti-doping tests (combined urine-blood analyses) established by clubs, the CONI or the FIGC.

Other FIGC-Leagues-AIC agreements led to the creation of the Accumulation Fund for professional players' end-of-career allowance (1974), and of the Guarantee Fund for Football Players and Coaches (1990).

¹⁷⁹ At the time of writing, the LPSC has not signed it yet.

Employment relations at club level

At club level, employment conditions are normally negotiated individually. Here, a key figure is that of players' agents, which usually undertake negotiations on behalf of the players themselves. Finally, there are no trade union delegates representing players within the single clubs, but each club has a players' representative within the General Assembly of the AIC.

Finally, none of the Italian organisations is linked to the EFFC and none of them has expressed interest in its activities.

5. Organisation(s) active in the sector

a. National Association

The **Italian Football Federation (Federazione Italiana Giuoco Calcio, FIGC)** was founded in 1898. It is a recognised association with legal entity under private law.

The FIGC establishes the rules of the game; regulates the affiliation of clubs, associations, players and coaches; provides the regulations for the organisation of divisions; ratifies promotions and relegations; and assigns titles. Moreover, it carries out the management of National Teams and defines the programme objectives for the Technical Sector and the Youth and Scholastic Sector. Its role in scheduling of fixtures is limited to the maintenance of international relations for the purpose of harmonising calendars. Scheduling of fixtures as well as the sale of commercial rights are delegated to the Leagues.

Clubs, players, and their associations, even if they do not belong to the FIGC, are represented in the Assembly¹⁸⁰, the Administrative Committee¹⁸¹, and the Executive Committee¹⁸².

The FIGC is actively involved in the sector social dialogue and collective bargaining. Normally, it takes part in negotiations and signs collective agreements together with: the National Leagues, representing the clubs; the technical components, representing players and coaches; and other actors such as ADISE. Since it belongs directly to the Italian Olympic Committee (IOC), which is the institution responsible for the organisation of sports activities in Italy and a public body at the same time, the FIGC could be regarded as a sort of "Third Actor" within the sector. More to the point, the FIGC itself recognises those football players' and coaches' associations which are the most representative, by number of members as well as by region and category, for the purpose of organising the elections for the federal bodies and of exercising all the other functions required by the Statute. This represents a clear exception to the Italian representation system, which is normally based only on mutual recognition due to the lack of the ordinary law ex Article 39 of the Constitution.

The FIGC is a direct member of the IOC and of the UEFA and the FIFA.

¹⁸⁰ The Assembly (Articles 17-20 of the Statute) is the body which, among other things adopts the Statute, appoints the Federal President and Vice-Presidents, and elects the President of the Federal Court and the President of the Board of Auditors. It is composed of a variable number of delegates, depending on the electoral regulations of the Federal Council. The Professionals' Leagues are represented by the Presidents of each club. All other delegates are elected by ballot on the basis of electoral regulations of their own organisations, and their term of office is four years.

¹⁸¹ The Administrative Committee (Article 22), which has mainly accounting functions (i.e. drafting budgets), is composed of a representative from each of the Leagues and the technical components, in addition to the Federal President and Vice-Presidents. The representatives are appointed within their respective organisations, at the beginning of every four-year Olympic period.

¹⁸² The Executive Committee (Articles 23-24) is a regulatory, administrative and political body, and thus, is the main institutional body of the FIGC. It is composed of the Federal President and Vice-Presidents, the President of the AIA, 8 members elected by the LND, 8 members elected by the two Professionals' Leagues, 6 players and 3 coaches (amongst which the Presidents of their associations). As for players and coaches, both professionals and amateurs have to be represented.

b. Organisation(s) of professional football players

The **Italian Players' Association (AIC, Associazione Italiana Calciatori)** was founded in 1968 as a free non-profit organisation. The association employs 10 salaried workers and several freelance workers. Since 2000, this organisation is also open to non-professional players. Its main financial sources are the following: membership subscriptions; incomes from the sale of members' image rights; and donations. AIC is fully recognised by the FIGC.

The mission of the AIC is to protect members' moral, professional and economic interests (Article 2 of the AIC Statute). In particular, it aims at the enhancement of working conditions, focusing attention on physical health and safety, with the purpose of establishing a wide social security system in football. It represents professional players in collective bargaining and in the preparation of the individual standard contract of employment. The Association is also actively involved in bipartite social dialogue with each of the main actors in the sector. In particular, it created a joint commission (AIC-Leagues) for the regulation of relationships between clubs and players, and for the determination of minimum wages (1971); established another joint commission (AIC-Leagues) for the solution of problems relating to the application and interpretation of the collective agreement (1981); reached an important agreement on advertising with the Professionals' Leagues (1981); cooperated with the FIGC for the creation of a sports centre for unemployed football players (1987); signed a joint declaration with the AIAC, to fix common goals (1993), and reached an agreement with Lega Calcio, to identify subjects of common interest, and issue guidelines for the AIC itself and the LND (2004).

Since the collective agreement for professional players has been renewed, the main goal of the AIC for the future is now supporting players and defending their rights. It also pursues, together with the FIGC, the common goal of finding solutions to raise the problem of clubs' spiralling debts, and monitor the clubs' balance sheets.

Professional footballers' organisation(s) (2004/2005 season – Source: AIC)

Organisation		Members	Members working as football players	Professional players working as footballers as a proportion of total membership	Density of professional footballers	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Number	Number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Associazione Italiana Calciatori (AIC)	Italian Players' Association	8,978	1,838	20.47	+/- 50	Yes	CIDS ¹⁸³	No	No	No	FIFPro	No

Density of football professional players: number of affiliated professional footballers compared with the total number of professional footballers in the country

CB: Does the organisation take part in collective bargaining?

c. Organisation(s) of professional football clubs

According to Article 7, clause 1 of the FIGC Statute, football clubs employing professional players and competing in professional divisions constitute *one or more* associations named "Leagues", which are affiliated and belong directly to the FIGC, although they have organisational and administrative autonomy.

¹⁸³ *Confederazione Italiana dello Sport* – Confederation of Sports.

As part of the FIGC, they have the mandate to organise the competitive activity into the several divisions (Article 7, clause 2 of the Statute) and carry out all the activities related to the sale of commercial and broadcasting rights, sponsorships and the commercialisation of trademarks (Article 9, clause 1). As interest organisations, the Professionals' Leagues organise and represent their member clubs and associations, which belong to them under conditions of functional autonomy (Article 3, clause 2). In particular, they represent professional clubs in collective bargaining as well as in the preparation of football players' and coaches' standard contracts of employment (Article 7, clause 4). There are two of these organisations:

The **National Professionals' League** (*Lega Calcio – Lega Nazionale Professionisti*) was founded in 1946. It is a non-profit association with legal entity under private law. It gathers together all professional clubs belonging to Serie A and B divisions. The financial sources of Lega Calcio are: registration fees paid by the clubs for participating in championships; taxes paid for formal claims rejected by League bodies; fines paid by member clubs; contributions paid by the clubs on revenues from competitions and supporters' subscriptions; direct revenues from competitions of the League's representative teams; indirect revenues from the sale of advertising, commercial and broadcasting rights; and FIGC resources.

The League carries out the organisation of competitions, member clubs' interests representation, and group marketing activities. In particular, it is responsible for the definition of the scheduling of official fixtures, dates and kick-off times; the discipline of the access of media operators to football playgrounds; the definition and allocation of financial resources among professional clubs (Solidarity System); the definition of administrative rules for member clubs; the homologation, monitoring and improvement of Serie A and B stadiums. It is responsible for the management of a Guarantee Fund (Article 21 of the Regulations), composed of payments made by Serie A and B clubs and whose purpose is to cover future debts of the clubs themselves. To conclude, it carries out the collective sale of radio and television broadcasting rights on behalf of the member clubs, in accordance with Law 78/1999; the sale of commercial rights belonging to the League itself, such as the championships official sponsors; and the collection of commercial deals signed by the member clubs individually.

At present, the organisation has to face up to some internal tensions¹⁸⁴.

The **Serie C Professionals' League (LPSC)** is a non-profit association with legal entity under private law. The main financial sources of the LPSC (Article 20) are more or less the same as those of Lega Calcio. In addition, Lega Calcio devolves to Serie C clubs periodical contributions, in accordance with the sports solidarity principles.

The LPSC carries out more or less the same activities as Lega Calcio. In addition, it represents Serie C clubs in the negotiation of the periodical contributions devolved by Lega Calcio. The League is also responsible for the definition of the Serie C clubs' standard budget (so-called *budget-tipo*). It fixes both collective and individual standard budgets, referring to the totality of players' contracts and single contracts respectively¹⁸⁵. Budgets exceeding the standard have to be covered by the clubs through bank guarantees.

¹⁸⁴ The League oversees different interests. The relationships between its two main components (Serie A and B clubs) have recently worsened. In effect, as they have a higher number of voting rights (22 to 20) within the General Assembly, the latter normally influence the election of the President as well as the main decisions. On 2005, July the 7th, the Serie B clubs' Presidents refused to sign an agreement on the allocation of revenues deriving from the sale of broadcasting rights. They also demanded the election of a new Vice-President, to be chosen among and by the Serie B clubs' Presidents themselves. This prompted an angry response from the Serie A clubs, which threatened to withdraw from Lega Calcio and form their own League. On October the 14th, it was decided that two separate Leagues will be formed as from January the 1st 2006. The agreement stipulates that EUR 95 million for the first three years and EUR 65 million for the following 6 years will be given to the Serie B clubs.

¹⁸⁵ In 2004, the total standard budget was EUR 1,240,000 for C1 clubs, and EUR 672,000 for C2 clubs; the individual standard budget was EUR 62,000 for C1 clubs and EUR 39,000 for C2 clubs.

Professional football clubs organisation(s) (2004/2005 season – Sources: Lega Calcio and LPSC)

Organisation		Divisions covered	Number of clubs affiliated	% of professional clubs affiliated in the organisation	Density of professional clubs	CB	National affiliations		European affiliations		International affiliations	
<u>Original name</u>	<u>English name</u>	<u>type</u>	<u>number</u>	<u>%</u>	<u>%</u>	<u>yes/no</u>	<u>Direct</u>	<u>Indirect</u>	<u>Direct</u>	<u>Indirect</u>	<u>Direct</u>	<u>Indirect</u>
Lega Nazionale Professionisti (Lega Calcio)	National Professionals' League	Serie A and Serie B	42	100.0	31.1	Yes	FIGC	No	EPFL	No	No	No
Lega Professionisti Serie C	Serie C Professionals' League	Serie C1 and Serie C2	93	100.0	68.9	Yes	FIGC	No	No	No	No	No

Density of professional clubs: number of professional affiliated clubs compared with the total number of professional clubs in the country

CB: Does the organisation take part in collective bargaining?

N.B.: IST comment: This version of the Italian report has been accepted by the AIC and the LPSC (which did not respond in the negative at the end of the consultation phase). It has been considered "acceptable" by the Italian Professional Football League. The Lega Calcio has not approved the report, but has given no explanation.

LATVIA

1. Contextual data in the sector

Players (2004/2005 season – source: LFF)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players	+/-250	ND		
Semi-professional players	Not relevant			
Amateur players	5,681			
Total	5,931			

Clubs (2004/2005 season – source: LFF)

Sub-sectors	Number of clubs	% in 1 or top division	% in second division	% in third and following divisions
Professional clubs	8 (out of which 5 are semi-professional ¹⁸⁶)	100	0	0
Non-professional clubs	66			
Total	74			

2. General regulation

The organisation of professional football is mainly left to the discretion of its participants and the government does not intervene much in the organisation of football in Latvia. However, the government does regulate legislative issues of sports activities.

The Sports Law adopted by government, on 13th November 2002, aims at “determining a general and legal basis for the organisation and development of sport, fostering mutual relations between sporting organisations and the State and local government institutions, and defining the main tasks for development of sport, the basic funding mechanisms for sport as well as the principles to comply with in the case of participating in international sporting movements”¹⁸⁷.

¹⁸⁶ The difference between professional and semi-professional clubs is that the latter do not have training sessions every day, footballers salaries are less or they may not even be paid at all.

¹⁸⁷ “Sports law of the Republic of Latvia”, published in “Vestnesis”, 13 Nov. 2002, No. 165 (2740);

The content of this law is rather general; it sets out mainly the basic the competences of the state institutions with regard to sport and defines the rights and duties of national sports associations and the principles of the organisation of various sporting events¹⁸⁸. It also establishes a few very important ground rules for individual sportsmen, like the definition of a professional sportsman (for more details see point 3).

There are two main government institutions, which administer and determine the ground rules for sports in Latvia. The first one is the Latvian National Sports Council, which is a public consultative institution that participates in the development of the state sports policy, fosters development of sport and cooperation in the field of sport as well as decision making within areas relating to sport. The other one is the Latvian Sports Administration, which is the supreme institution of sport that develops state policy within field of physical education and sports, in cooperation with other governmental and non-governmental institutions and organisations.

The organisation which is the main real actor in the professional football players sector is the Latvian Football Federation (LFF). LFF is the only organisation in Latvia that has the right to:

- Enter the teams to the competitions organised by FIFA and UEFA;
- Hold and adjudicate on national football competitions, in which LFF members are involved;
- Accept the participation of national teams in other competitions as well as agree on the competitions organised by LFF members.

In conclusion, the government's and its institutions' role in the organisation and regulation of Latvian football is rather remote. Thus, football is mainly left to discretion of private participants. However, the state provides some financing to football in Latvia through the Ministry of Education Latvian Sports Administration program. However, it must be mentioned that this support is quite negligible and constitutes less than EUR 6,000 annually.

3. Status of the professional player

There is no definition of a professional player given by legislation. However, Section 19 of Sports Law of Republic of Latvia says the following: "A professional athlete is a natural person who is preparing himself for and is about to participate in sporting competitions on a labour contract basis for an agreed payment"¹⁸⁹. Thus, in Latvia sportsmen are officially considered as employees working under contract agreement, not as self-employed persons.

In the football sector, the general practise is to use employment contracts to establish a club-player relationship. That is to say, the general employment law, i.e. Labour Law of Latvia, governs this relation. Indeed, a legal basis for this practice can be found in the Sporta Likuma (Sports Law), adopted on 13 November 2002¹⁹⁰.

¹⁸⁸ For example, Sports law determines that a sports club is a legal entity that defines the way sport is organised. Sports clubs may join the sports federation. The Sports Law states that the sports federation has the right to manage and to co-ordinate work within specified sport within the State as well as to represent the State within the appropriate international sports organisation, providing it complies with the criteria developed by the Latvian National Sports Council. Only one sports federation shall be recognised within one type of sport or sporting category, but each sports federation can represent several types of sport or sporting categories.

¹⁸⁹ "Sports law of the Republic of Latvia", published in "Vestnesis", 13 Nov. 2002, No. 165 (2740);

¹⁹⁰ Nevertheless, as in most ex-Soviet countries, the Latvian sport sector, football in particular, is in a transition phase from the centrally controlled and state funded sector to a liberal and commercial industry. The significance of employment contracts, in practice, is still underestimated by both players and clubs. Players usually sign the standard contracts, which are identical in content and are just copied with a different name.

Professional football players in Latvia are not eligible for any kind of social protection that would be different from that enjoyed by other workers in Latvia. It could be a serious problem, because professional football players can be involved in sports only up to age of 35 and they have to think about what they are going to do afterwards because although their career in football is finished, the government does not provide any pensions or any other kinds of transfer at this age.

4. Social dialogue

There is no social dialogue in the professional football players sector in Latvia. There are no trade union delegates in professional football clubs.

Although there is a legal requirement for a successful collective dialogue between football players and football clubs, collective agreements between them currently are not put into effect. In fact a reason for this is that social dialogue is generally quite neglected in all industries throughout the country. In addition, lack of financial resources creates insecurity for the whole sector, but of course particularly for the players, which weakens them even more in relation to the clubs. Taking into consideration their weakness and lack of motivation to organise their representation, the creation of a players' trade union is not likely to happen in the near future.

Considering all the problems relating to establishing a national collective agreement in Latvian professional football, the alternative of the social dialogue at European level seems more advantageous. Such a conclusion is well accepted by the local football sector representatives, who participated in the Round Table Sessions held during the project in the New Member States of the EU. But then again, the missing elements for this opportunity to be realised are formally recognised and well-functioning social partners. Latvian football clubs probably have a credible representative (the Association of Latvian Football Clubs), but the players once again seem to be more interested in the real game on the pitch.

5. Organisation(s) active in the sector

a. National Association

The **Latvian Football Federation (Latvijas Futbola Federācija in Latvian, LFF)** was founded in 1921. The principles on which it was founded, registration and the operation of LFF, as with any other sports organisation in Latvia, are determined by the Law On Public Organisations and Trade Unions, the Commercial Law, Sports Law and other normative acts of the Republic of Latvia. The Latvian Sports Administration is empowered to grant or to abolish the registration licence of the LFF. It employs 25 salaried workers and 19 are employed part-time. LFF is financed from membership subscriptions, UEFA and FIFA retentions, sponsors' donations, teams' and competitions' participation fees, and allocations from government and municipal budgets for the financing of particular programs and revenues from the sale of admission tickets¹⁹¹.

According to our source in the Latvian football world, sometimes the visual quality of signed contracts is so bad that it is impossible to read the names of the parties. And sometimes, the club keeps both copies of the contract. Therefore, although the law, in theory, clearly contributes to the development of professional football and protection of the players' rights, in practice the legacy of the Soviet sports system is still present (Promoting the social dialogue in European professional football (candidate EU member states), Project under heading B3-4000, pp. 23)

¹⁹¹ One of the most important outcomes of Latvia's qualification for Euro 2004 was by far the biggest sponsorship deal in Latvia—between the LFF and Nordea Bank, the largest bank in Scandinavia and the Baltics. The deal, signed on May 18, 2004, virtually makes the Virsliga (Premier League) the best financed football in the Baltics. The investment, worth around half a million euros over two years, will be used to improve the country's infrastructure, to strengthen the national league, to "help popularise football, increase young people's interest, and generally encourage the development of football in Latvia." The sponsorship deal is a confirmation of Nordea's trust and conviction in the ability of Latvian football players (Mark A. Mabanag "Latvia, Football, and the EU: An Analysis of Latvia's Qualification for Euro 2004", SCAND 455/SISRE 465 Baltic States Since 1991, Winter 2005).

The LFF is in charge of professional and amateur footballers and clubs (for data see point 1). All the rules of the game, as well as the terms of refereeing accepted by the LFF are “imported “ from Europe and regulated by UEFA and FIFA, which regulate all the national football clubs around European countries. For national competitions, the LFF has the right to fix schedules. It also oversees the sale of commercial rights.

The Presidents Board is a structure within the LFF or the LFF executive body, where every football clubs` president is represented. The decisions are taken by negotiation and vote. Negotiations are usually very constructive. The main competences of the Presidents Board concern administrative issues, as well as determination of the collaboration of the LFF with other organisations, the planning of the schedule of competitions and transfer of players between the teams. The Presidents Board develops regulations and approves the executives of committees inside the LFF, as well as determines their competences and remuneration. As for professional players, they are only partially represented in the LFF through the presidents of participating football clubs that are members of the Presidents Board.

The LFF is a member of the Latvian Sports Federations Committee (Latvijas Sporta Federaciju Padome), which is an independent alliance of sports federations officially approved by the government. Its main goal is to coordinate the work of the sports federations, represent them and implement their common interests as well as representing Latvia in the European Non-Governmental Sports Organisation (ENGSO). A member, who also has voting rights, represents the LFF as every sports federation in Latvia in the General Meeting of the Latvian Sports Federations Committee, which is the highest institution of this organisation. The Latvian Sports Federations Committee coordinates the work of all the sports federations and represents the common interests of all sports federations in Latvia. This institution mainly represents federations in the planning of government financing; however, its role in the organisation of the work of sports federations is still not clear. Neither is it clear if this organisation is going to represent the sports federations in the tripartite dialogue in Latvia.

At European and international level, LFF is both member of UEFA and FIFA.

The main objectives for the following years are:

- To promote and develop youth football;
- To promote football's image in Latvia and facilitate football's image as the Nr.1 sport in Latvia;

To facilitate and modernise the material and technical aspects of football and implement the UEFA and FIFA investments in it;

b. Organisation(s) of professional football players

According to the LFF, there is no organisation representing football clubs on the social matters in Latvia. The Association of Latvian Football Clubs was established recently, although it is not yet clear that it could represent the clubs in collective bargaining. At this time, it is a quite small organisation, and none of the main football clubs in Latvia are current participants. Since it was established recently, the goals and objectives and efficiency of this association are still unclear, but its representatives confirmed that for now it is not involved in social dialogue issues. There is no reason to think that it has any role in social dialogue in the football sector at this time, however, it was mentioned as a potential future social dialogue representative.

c. Organisation(s) of professional football clubs

There is no such organisation in Latvia.

LITHUANIA

1. Contextual data in the sector

Players (year 2005 – source: LFF)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players	314	92.05	2.55	5.4
Semi-professional players	514	100	0	0
Amateur players	2,800	100	0	0
Total	3,628	99	0.2	0.8

Clubs (year 2005 – source: LFF)

Sub-sectors	Number of clubs	% in 1 or top division	% in second division	% in third and following divisions
Professional clubs	17	59	41	0
Non-professional clubs	173	0	6.4	93.6
Total	190	5.3	9.5	85.2

2. General regulation

The parties involved in the organisation of the professional football are: the Lithuanian government (through the Department of Physical Education and Sports under the Government of the Republic of Lithuania), the Lithuanian Football Federation (LFF), international organisations (UEFA, FIFA) and local professional football clubs.

The government role in this mainly includes the passing of certain laws and regulations that define the way in which professional sport works (including professional football).

International organisations provide the football sector with certain requirements that have to be followed and reports provided.

The LFF is the chief coordinator of the whole football sector in Lithuania and has to report to the Department of Physical Education and Sports. The LFF is responsible for licensing football clubs according to the requirements of UEFA. All clubs are ruled by it; clubs are the lowest link in the chain.

Professional football clubs have the right to choose the formal status of the club (to be a limited liability company or joint-stock company). They are responsible for financing the preparation of professional footballers for games, and paying the salaries of professional footballers. Professional football clubs have to carry out all the regulations as passed by the Lithuanian government and UEFA.

In general, there are no conflicts between these different participants. If some problems arise, they are more often of only local significance (i.e. payment delay issues, that are dealt with by the LFF, club, and the sports men and women involved).

3. Status of the professional player

There is a legal definition of the professional sportsman to which the professional football players belong. The definition says that any permanent resident of the Republic of Lithuania or any temporary visitor to Lithuania has a right to be a professional sportsman. A professional sportsman is a sportsman, who receives a legal payment/salary (not compensation or any kind of support/benefit) for the preparation for the game and for participating in it. The payment is made by the organisation that has signed the sports activity agreement (contract) with the sportsman.

The employer of the professional footballer (PF) is a club. The PF is contracted as a salaried employee (there are no PFs employed as part-time employees since there is no advantage in this according to the law), and according to the existing laws, two work agreements have to be signed. One agreement is the normal work contract (signed between any employee and employer in Lithuania) and the other is a sports activity contract. The problem here is that the latter is not recognised by the Lithuanian Government¹⁹².

The sports activity contract is a more extensive agreement between the sportsman and the employer (club or coach), including the PF's obligation to prepare and participate in matches according to the rules of the club to which the PF belongs, and the employer's obligation to pay the salary to the PF and to ensure the conditions for preparation and participation in matches are met. The sports activity contract must include: the name of the organisation for which the PF will play; agreement about the functions of the PF; the PF's obligation to adhere to the rules of the club and any other association to which the club belongs; the salary to be paid to the PF; the PF's health insurance conditions; the conditions relating to compensation for accidents that might happen while preparing for or when participating matches; the term of the agreement; responsibilities of the parties if the agreement is not adhered to.

The organisation that signs a contract with the PF must pay social security contributions for this sportsman. Conditions with regard to additional insurance (in case of accidents, etc) are negotiated between the PF and the employer and might differ from one club to another.

4. Social dialogue

The tripartite relationship between the government, professional footballers, and their employers is mainly expressed through the legal regulations. No separate communication or relationship was revealed by the parties involved. A close relationship is developed between the clubs and players since they are directly working with each other.

The social dialogue in the sector takes place through the communication between the LFF, clubs, and professional footballers. Currently the situation is much better than it was some 3-4 years ago in terms of discipline, structure, and regulation of the clubs and sportsmen. Development was encouraged by the licensing process that is required by UEFA and performed through the LFF.

¹⁹² The Lithuanian government does not recognise the sports activity agreement in the sense of recognising an employer-employee relationship. So although the sports-activity agreement is a legally required document it does not give any employee rights to the sports people.

Since all the clubs that work in the professional football players sector have to be legal institutions, formal mutual recognition between the parties involved in the social dialogue in the sector exists.

Informal meetings take place depending on the initiative of the parties involved. Mostly, the informal relations are closer between the clubs and professional players than between some other parties. The club seeks to help the PFs who can no longer play as professional players and therefore offers positions in the club to keep them in the football sector. The informal communication between the football representatives and society is coordinated by the LFF, since its main goal is to promote football and this is done through participation in social projects (organising children's football competitions, etc).

There is no single formal board or committee formed of various representatives of professional football which takes care of and coordinates the social dialogue in the sector.

There are no legally signed collective sector conventions. There are no sector level agreements on salaries or bonuses of the PF. One of the distinctive informal agreements between the clubs is that the PF can not be lent or passed on without a contract by one club to another.

One of the problems revealed is the lack of proper communication and inability to establish mutually beneficial relationships between the parties involved in professional football. Another problem identified is the slow development of football itself in the country. The sector needs more attention from the government, as all the technical development (e.g. renovation of the football fields and involvement of children in the sport) requires financing. Currently, even the support law is not favourable for the sports sector in Lithuania in general and for professional football in particular. The companies/parties that are willing to support the football sector (or any other sports) have to pay taxes on donations, which reduces the willingness to support the development of sport in Lithuania. This, unfortunately, does not facilitate the development of the sports sector, including football in Lithuania.

5. Organisation(s) active in the sector

a. National Association

The **Lithuanian Football Federation (Lietuvos Futbolo Federacija, LFF)** is the only representative of the Lithuanian football sector and, according to the law is established as a non-profit organisation.

It has a right to: represent the Lithuanian Football sector in international organisations, allow Lithuanian footballers to participate in the activities of foreign clubs according to the regulations of the international federations and for foreign players to participate in local clubs; to form national football teams; to coordinate sports activities of other organisations involved in the football sector; organise international football competitions in Lithuania where Lithuanian national teams could participate; and to represent the football sector in the Lithuanian National Olympic Committee (LNOC). Also the federation: organises national and international competitions. It is responsible for the development of the sport, takes care of its material technical base, secures the preparation and participation of the national teams in the games, prepares long-term development programs of the football sector and is responsible for other programs that involve the development of football (promoting women's, children's and disabled people's football).

The LFF represents the professional clubs in the sense that it takes care of the problems the clubs might face. This mostly includes the financial side (e.g. if the club can not pay certain fees, the federation is then involved in solving this problem). The relationship between the clubs and the LFF is described as a club-relationship, which means that the LFF does not intervene in the activities of the clubs. It only provides clubs with the contract examples, protects the rights of the players according to the rules imposed by FIFA (e.g. checks if the health requirements are met, whether there are appropriate conditions proposed regarding studies or holidays, etc).

The LFF has established separate committees that take care of the work of particular clubs (professional, non-professional) and associations (women, students, children, etc). Inside the clubs, there are usually certain committees, like a board of the team (re-elected annually). Also, the teams hold informal discussions with coaches or the club administration if some questions or problems arise.

The LFF represents professional football players in case of disputes arising between PFs' and the clubs, medical examinations and work registrations. It also takes care of the PFs' activities when his/her career is over (looks for an appropriate job in the football sector) and takes care of coach training. It also provides the PF with all the necessary consultations if such are needed.

The major objective of the LFF for the coming years is to promote football throughout the population.

The LFF also is a direct member of the LNOC, UEFA and FIFA. There do not appear to be any links between the EFFC and LFF.

b. Organisation(s) of professional football players

There are no PF trade unions, although they are allowed to be formed by law.

c. Organisation(s) of professional football clubs

There are no such organisations.

LUXEMBOURG

1. Contextual data in the sector

Players (2004/2005 season – source: FLF)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players	Not relevant			
Semi-professional players	Not relevant			
Amateur players	27,742 (number of licences)			
Total	27,742 (number of licences)			

Clubs (2004/2005 season – source: FLF)

Sub-sectors	Number of clubs	% in 1 st or top division	% in 2 nd division	% in 3 rd or lower divisions
Professional clubs	Not relevant			
Non-professional clubs	112	11%	13%	76%
Total	112			

2. General regulation

No professional football is played in Luxembourg: there are neither players nor clubs. The only organisation active in the sector is the Luxembourg Football Federation (Fédération Luxembourgeoise de Football, FLF).

Luxembourg has only one professional player, Jeff Strasser, although he does not play in Luxembourg, but for the German club Mönchen-Gladbach, which is his employer.

3. Status of the professional player

There is no legal definition of football player in Luxembourg, and nor is there a legal status for sports players. Neither of these legal definitions has yet reached the drafting stage.

As a result, there is no standard contract for professional footballers. Furthermore, as there are no professional players in Luxembourg, there are no provisions relating to contracts of employment or social legislation covering players in clubs: such players are involved in football in addition to their normal jobs.

To be precise, Luxembourg has some so-called “non-amateur” players, who are bound by contracts to clubs set up as not-for-profit associations: these players are employed by the clubs, but they receive no pay or salary from them. What they do receive mainly consists of compensatory payments, travelling expenses and “win bonuses”. There are also “amateur” players who are not bound to clubs by a contract.

4. Social dialogue

There is no social dialogue in the Luxembourg football sector, and there are no collective agreements. Because of the way that football is organised in Luxembourg, the FLF and the trade unions have no reason to meet.

Neither of the country's main trade union confederations, the Confederation of Independent Trade Unions (Onafhängege Gewerkschafts-Bond Lëtzebuerg, OGB-L) and the Luxembourg Confederation of Christian Trade Unions (Lëtzebuerger Chrëschtliche Gewerkschafts-Bond, LCGB), have sections specialising in sporting activities.

5. Organisation(s) active in the sector

a. National Association

The **Luxembourg Football Federation (Fédération Luxembourgeoise de Football, FLF)** was founded on 22 November 1908 and enjoys the status of a not-for-profit association. It has 12 staff. The FLF is mainly financed by sponsorships from private enterprises and by fees paid for televised matches: to a lesser extent, it benefits from “red card” infringements, which are converted into fines that the clubs pay to the Federation, and also from dues paid by affiliated clubs and state subsidies.

The FLF enjoys complete autonomy. The Luxembourg state does not intervene in its work in any way, except to grant subsidies.

The Federation's “members” fall into two categories: affiliated clubs, and club representatives, that is to say individuals with the right to vote at meetings of FLF committees. The FLF is also empowered to make recommendations to its members, which may in turn adopt these recommendations on a vote taken by the clubs.

The FLF takes part in consultative meetings with:

- the Ministry of Sports (over the management of subsidies);
- the Luxembourg Olympic and Sports Committee (Comité Olympique et Sportif Luxembourgeois, COSL)

The Federation is recognised at national level by the COSL, and is directly affiliated to UEFA and FIFA. The FLF delegates none of its powers to any association, although it naturally complies with UEFA and FIFA regulations.

b. Organisation(s) of professional football players

There is no such organisation in Luxembourg.

c. Organisation(s) of professional football clubs

There is no such organisation in Luxembourg.

MALTA

1. Contextual data in the sector

Players (2004/2005 season – source: MFA)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players (non-amateur players)	841 (out of which 305 are non-active)	94.7	0.8	4.5
Amateur players	4,307	98.7	0.6	0.7
Total	5,148	98	0.6	1.4

Clubs (2004/2005 season – source: MFA)

Sub-sectors	Number of clubs	% clubs in 1st or top division	% clubs in 2nd division	% clubs in 3rd and lower divisions
Professional clubs	37	27	27	46
Non-professional clubs	12	0	0	100
Total	49	20.4	20.4	59.2

2. General regulation

The Malta Football Association (MFA) is the only organisation in Malta that covers all aspects of non-amateur and amateur football. There does not appear to be any division of competences in the organisation of football activities in Malta as the MFA is in the enviable position of not having to compete with other bodies outside its field.

There is no state intervention in the form of the imposition of regulations and/or accreditation.

3. Status of the professional player

Maltese footballers can enjoy either non-amateur or amateur status. A player who receives remuneration in respect of participation in any activity connected with association football is registered as a non-amateur, although travel and hotel expenses incurred through involvement in a match and the costs of a player's equipment, insurance and training may be reimbursed without jeopardising his amateur status.

Non-amateur players can be full-time and part time. A fulltime non-amateur player is one whose only or principal occupation is that of training and/or playing football for an MFA member club, and who is therefore available to give his services to his club and/or national team, on any day and at any time, either in Malta or abroad (MFA Regulations for Control of Remuneration: Part B

Clause No 3). A part-time non-amateur player does not fall within the definition of a full-time non-amateur player, and he is therefore under an obligation to give his services to his club and/or national team by training and/or playing football on a part time basis (MFA Regulations Clause 4).

The player's employer is the club with which he is registered. The contract signed between the player and the club, a copy of which must be filed with the Association's Secretariat within seven days of the date of the agreement, has to conform to the standards and provisions contained in the regulations laid down by the Association. These regulations tend to set a standard employment contract for non-amateur players in the sense that they include a number of provisions with which clubs and players are obliged to comply in the agreement made between them (see MFA Regulations Regarding Players' Registration Clause 1.iv). These provisions include the following:

- the period of the agreement must be clearly defined. It may not be terminated "prior to the end of the current season and shall not exceed five (5) seasons, including the current season" (MFA Regulations Clause 5.ii.a), although it may be terminated by mutual consent between club and player;
- the remuneration of the player has to be within the upper and lower limits of the rate of remuneration in force at the time of the agreement as established by the Council of the Association (MFA Regulations Clause 5.ii.b);
- payment has to be made on a monthly basis (MFA Regulations for the Control of the Remuneration of Non-Amateur Players, Part B, Clauses 6 and 7);
- all payments to players shall be made by cheque (MFA Regulations Clause 15.i).

MFA Regulations specify the remuneration due to full-time and part-time non-amateur players. During May and June, the Council of the Association issues a circular setting out the rates of remuneration for full-time and part-time non-amateur players that are applicable for that particular year. According to the June 2005 circular, the minimum pay for full-time players will be the statutory minimum wage, which currently stands at Lm 55 a week (EUR 128.7)¹⁹³, and a maximum of Lm 450 per month (EUR 1,053), plus a monthly allowance of Lm 200 (EUR 468) if the player is a foreigner or is a member of the national "A" team. The minimum rate for a part-time non-amateur player is Lm100 (EUR 234) per year. The maximum rate is fixed on a monthly basis, and varies according to the division in which he is playing¹⁹⁴. The maximum signing fee that may be given to a non-amateur player is 50% of the maximum annual salary that he receives as player.

There is no state legislation specifically governing non-amateur players. A player's contract of employment does not seem to be subject to Maltese employment regulations under the Employment Industrial Relations Act (EIRA), which makes provision for the setting up of Industrial Tribunals to deal with disputes between employers and employees and with allegations of unfair dismissal, and the Act gives the aggrieved party the right to file an appeal in the civil court against the Tribunal's decision. Since the MFA authorises its boards to deal with disputes and complaints, the MFA Council's permission is needed for any party involved in a dispute to have recourse to the civil court to settle the dispute.

Players, coaches and clubs are all subject to the regulations established by the MFA: these give them the right to lodge a complaint with the Association against any decision or act which is alleged to be in breach of the agreement signed between the parties (MFA Regulations Regarding Players Registered with member Club, Clause 6). Such complaints have to be made to the Players, Coaches and Clubs Complaint Board in accordance with rules established by the MFA (MFA Regulations Clause 7). This Board has authority to fix the compensatory payment if it finds in the player's favour. Penalties, which might include banning the club from activities organised by the Association, may be imposed on the club if it fails to abide by the Board's rulings.

¹⁹³ One Maltese pound (Lm) is equivalent to EUR 2.34

¹⁹⁴ Premier Division: Lm 150 per month (EUR 351); First Division: Lm 80 per month (EUR 187); Second Division: Lm 50 per month (EUR 117); Third Division: Lm 30 per month (EUR 70)

Players generally have insurance coverage for football-related injuries. Clubs are responsible to non-amateur players for any medical expenses arising out of injuries sustained during football activities related to the club, but MFA Regulations do not compel clubs to insure their players. The only reference to players' insurance (Clause 34) deals with amateur players, and states that amateur players *may* be insured by their clubs.

4. Social dialogue

There is no formal mechanism of social dialogue in the Maltese football sector. This is due to the following factors:

- there is no footballers' organisation;
- no players are members of a trade union;
- players often negotiate with their clubs on an individual basis through a licensed agent, who acts as interlocutor;
- disputes that arise between player and club are settled by Boards set up by the MFA in accordance with its Statutes; there is no conciliation and arbitration mechanism in the industrial relations system: the MFA is the sole arbiter;
- the state makes no interventions except in respect of general legislation governing sport (e.g. the banning of advertising of tobacco products and sponsorship by tobacco firms); the MFA otherwise enjoys full autonomy in the organisation of football activity;
- there are no organisations (e.g. Professional Football League) with divided competencies, and there is no representative of professional clubs who can engage in negotiations with the MFA; it follows that there is no need for a social dialogue mechanism in industrial relations that could be instrumental in resolving conflictual relations between bodies or parties with divergent interests.

At European level, the Maltese football sector has no links with the EFFC, EPFL or FIFPro.

5. Organisation(s) active in the sector

a. National Association

The **Malta Football Association (MFA)** was founded in 1900, and is the country's sole organisation for non-amateur and amateur football in the island. It covers all aspects including establishing the rules of the game, the scheduling of fixtures, the sale of commercial rights, refereeing, disciplinary matters, and the setting up of boards to deal with complaints and/or grievances by players in connection with their relations with their clubs over the implementation and/or interpretation of the terms of their agreements.

The Association's administrative bodies are the Executive and the Council. The function of the Executive Committee is to make proposals and recommendations, which are very often implemented by the Council. Premier League and First Division clubs are represented on the Executive by two members, while Second Division teams have one representative. The Council, which is the Association's highest administrative organ, is the policy- and decision-making body. Each of the Premier League and First Divisions clubs has a representative on this Council, and they are joined by 20 representatives of the other clubs in the lower Divisions (10 from the Second Division and another 10 from the Third Division). The President of the Association chairs both

the Executive and the Council. The other five people who are involved in the day-to-day running of Association are also members of these two administrative bodies: they are the Senior Vice-President, two Vice-Presidents, the Treasurer and the General Secretary.

The MFA's three main objectives for the next three years are:

- to increase the organisation's cashflow to enable it to cope with demands, and more adequately meet football's increasingly higher demands;
- to boost attendance at football matches;
- to improve technical standards by re-organising training centres for young players and upgrading coaching and training standards.

The MFA is a direct member of both UEFA and FIFA.

b. Organisation(s) of professional football players

There are no organisations of professional footballers or any form of players' trade union. Non-amateur players hire the services of an agent to negotiate with the clubs on their behalf. These agents are awarded a licence by the MFA after sitting a written examination set by the Association. Players and clubs are forbidden from to use services of a non-licensed players' agent (Players' Agents Regulations, Art.1 No. 2). The agent also has to take out a professional liability insurance policy with an insurance company acceptable to the MFA (MFA Regulations Art. 6 No. 1). The aim of this insurance policy is to cover any claims for compensation from a player, club or another players' agent. Disputes between a players' agent and a player, a club and/or another players' agent are addressed by the competent body to deal with such disputes, the MFA Arbitration Board (MFA Regulations Art. 21 No. 1).

c. Organisation(s) of professional football clubs

There are no organisations of professional clubs.

POLAND

1. Contextual data in the sector

Players (2004/2005 season – sources: AFTU and PFA)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players	2,360 or 5,000	95	2.5	2.5
Semi-professional players	Not relevant			
Amateur players	305,000 or 415,000	ND	ND	ND
Total	310,000 or 420,000	ND	ND	ND

Clubs (2004/2005 season – source: PFA)

Sub-sectors	Number of clubs	% clubs in 1st or top division	% clubs in 2nd division	% clubs in 3rd and lower divisions
Professional clubs	110	14.5	16.4	69.9
Non-professional clubs	4,390	0	0	100
Total	4,500			

2. General regulation

The Polish Football Association (PFA) is responsible for the organisation of football activities for both professionals and amateurs. This national association brings together all the various actors in the football world such as clubs, referees and players. All clubs that meet the criteria set by the PFA, and which seek affiliation of a regional or provincial association must be accepted. The public authorities do not intervene in the control of this body or in the accreditation of clubs.

So far, there has been no division of competences in the running of the Polish championship: everything is still managed at the level of the PFA.

All the various actors are represented on the PFA. There is no real hierarchical link between the PFA's various components that are not formally represented by representative bodies: clubs have to affiliate individually to the PFA if they want to take part in the championship, but they can also be members of the Polish Football League (PFL) on a voluntary basis. The latter is not formally the clubs' representative in the national association, although it is involved in some PFA refereeing matters on behalf of the clubs. The same is true of players.

There is no conflict as such between the actors, but the interests of the clubs¹⁹⁵ and players differ: on the one hand, there are those who want a professional league to be set up (see next paragraph), and on the other, the PFA does not seem to be in a hurry to conclude such a process given that it would risk losing some of its prerogatives. Moreover, the Polish football world is being undermined by many problems and conflicts at other levels: these include contractual disputes between players and clubs, and between coaches and clubs, (see point 3 below on the status of players), and accusations of corruption levelled at several referees, which sometimes result in the officials being punished under the law (judicial matters currently under investigation seem to suggest that the problem of corruption that is destabilising the world of the Polish refereeing is widespread)¹⁹⁶.

Some big changes will take place in the organisation of football in Poland from the very beginning of the 2005/2006 season)¹⁹⁷. Indeed, there are even discussions about the setting up of a new structure that would aim to separate the running of First Division clubs from that of other clubs in the championship. Negotiations are currently heading towards the creation of a joint-stock company called EKSTRAKLASA s.a. This new structure would group together the clubs in the First Division (92.8% of the capital on the basis of 5.8% for each club) and the PFA (the remaining 7.2% of the capital) into a professional league. The league would then organise events, rights to trade, and the broadcasting of First Division matches. Little is known yet about the operating rules and allocation of responsibilities in EKSTRAKLASA. The limited company is still being put together: its structure (e.g. distribution and sharing out of capital) appears to have been in place since 14 June this year, and a framework agreement is currently under discussion with the PFA with a view to allocating responsibilities, but legal recognition by the courts is still required before the limited company becomes genuinely operative. As far as the First Division is concerned, EKSTRAKLASA should normally be responsible for organising of the championship, running the media rights, marketing, and disciplinary and refereeing matters; the PFA will probably keep retain its role of appeal for the latter functions.

According to the PFL, this new structure is not the result of real dialogue between clubs and the PFA, but rather the outcome of some amendments to legislations that have forced the PFA to accept the change it has postponing for as long as it could. Two new legislative elements have had an impact on this reform:

¹⁹⁵ The possibility of a professional league is strongly advocated by a more active group, G4, which consists of four clubs that are among the more powerful in the championship: Amica Wronki, Groclin Grodzisk Wlkp, Legia Warszawa, and Polonia Warszawa.

¹⁹⁶ On Wednesday 3 August 2005, Piotr Dziurawicz, President of the GKS Katowice club, used the columns of Gazeta Wyborcza, a leading Polish newspaper, to make revelations about numerous – daily, according to Dziurawicz – examples of corruption in football (e.g. buying results, and the corruption of players and referees, particularly for certain clubs being promoted to, or remaining in, Division 1 during the critical period when Ekstraklasa was being set up). These revelations encouraged many others to speak out, and the biggest corruption scandal in Polish sport was brought into the public arena. Dziurawicz's proposals were confirmed by others, and many more people began to add their views in the early weeks of August 2005.

¹⁹⁷ Both players and football clubs are calling for this reform. The professional players' trade union would like the situation to be clarified by the setting up of such a league of professional clubs. The union argues that the PFA's overall running of all aspects of the Polish championship, both amateur and professional, has led neither to real solidarity of receipts between rich and poor clubs, nor to a real policy for the training of young players. If the professional league sees the light and deals exclusively with clubs in the higher divisions, the PFA could focus on the national team and on managing clubs in other divisions and the training of young players. The Polish Football League (PFL) believes that the PFA currently operates in a way that lacks transparency and effectiveness. The union argues that whereas some big clubs in the First Division are now run in a more professional way by managers from the economic or commercial world, the PFA has hung onto older, more traditional practices that should be changed. An example is the training policy for young players: the PFA has increased the number of centres for young people in each province (there are now 16), although it would have been better, because of a lack of funding, to avoid such a traditional scheme and set up one or two leading schools in the country while at the same time asking clubs to invest in the training of young people as well.

- at the level of the sports organisation in general, a change in the decree on physical training came into force at the end of May 2005. This states that professional league of football clubs must be created if at least half of the clubs in a division are formed into limited companies. At the moment, 11 of the 14 clubs in the Polish First Division are limited companies. The decree therefore demands the setting up of a league for the First Division. It is important to point out that this league will not affect the Second Division, where the majority of the clubs are still formed into the form of *de facto* association;
- an amendment to criminal law of 1 July 2003 has made it possible to strengthen the means used to fight corruption: this has led to a sharp increase in the number of investigations into the world of the sport, and there are problems of suspected corruption in several national sports associations.

What is more, the Sports Minister would like to pass more restrictive legislation before the end of the present legislature, in order to make the national associations more transparent and more professional.

3. Status of the professional player

The **status** of the professional football player is defined in a resolution passed on 29 June 1992 by the PFA committee on the basis of measures provided by FIFA. It defines the status of Polish footballers, the rights and duties of professional players, the principles and details of the recognition of professional players, the principles and details of a change in a club's affiliation; the principles and details of authorisation to play, the principles covering the transfer of a foreign player; the authorisation for a foreign player to play, and financial matters.

In most cases, the professional player has signed a contract with his club (**the employer**). This is usually a contract of employment, which means that the club is directly the player's employer. However, contracts of employment are being used less and less, and are being replaced by civil rights contracts between the club and a company that has been set up by the player and under cover of which he can act as a self-employed worker. This second approach makes it possible to pay very much less tax on earnings¹⁹⁸, and is therefore being promoted by the PFL, which sees it as a way of bringing the gross remuneration paid by clubs closer to the net pay that the player actually receives. By contrast, the players' union, the AFTU (All-Poland Footballers' Trade Union) is clearly opposed to this abuse, and condemns the absence of social welfare for players when they do not have a properly constituted contract of employment.

The PFA has therefore drawn up a **standard contract** to be used when hiring professional footballers whatever type of contract it is – a contract of employment or a civil rights contract. Briefly, these two standard contracts specify:

- the duration;
- gross pay (but not including the minimum wage);
- methods of payment,
- additional procedures decided by both parties;
- the resolution of disputes using PFA arbitration procedures;

¹⁹⁸ Average taxation is of about 40% in the case of a contract of employment, but only 19% if there is a contract between companies.

- a statement to the effect that the content of the contract is in accordance with Provision No II/12 passed on 19 May 2002 by the PFA concerning “the regulation of relations between the sports club and the professional player”.

The contract of employment also specifies the date when the contract begins, and the fact that disagreements concerning salary are to be determined by a Labour Tribunal.

Disputes between clubs and professional players about financial terms (e.g. payment of bonuses and salaries) of the contract (whether a contract of employment or a civil rights contract) are dealt with by the football arbitration court set up within the PFA. This court reaches decisions on responsibilities and the level of punishment. This PFA's “game department” is the body that guarantees the implementation of penalties and general compliance with the terms of the contract. Its members include a players’ representative and a representative of the clubs¹⁹⁹.

The contracts of employment of professional workers cannot be out of kilter with the **Labour Code**. In the specific context of professional football, this contract must also accord with PFA resolutions. Disputes are settled internally by the PFA's own arbitration court.

As long as a professional player has signed a contract of employment, he is automatically entitled to the **social benefits** linked to it (i.e. compulsory general social welfare: insurance cover against illness, pensions and unemployment benefit); this does not happen under a civil rights contract. However, according to the players’ union, contracts of employment are usually signed on the basis of a reduced salary only slightly above the guaranteed minimum wage, the rest of the salary coming from bonuses or a civil rights contract. As the basic salary is minimal, the linked social cover is therefore minimal as well. It follows that these players have often to take out additional insurance cover.

4. Social dialogue

There is no **tripartite dialogue**.

There is no institutionalised **bipartite social dialogue** since there is no formalised employers’ organisation. According to the PFA, the absence of collective social dialogue is due to the weakness of professional footballers’ collective action, with each player acting individually. The clubs are happy with a relationship like this, and do not feel the need to form a representative employers’ association. There is no opposition to such dialogue; it is rather a question of the absence of collective will. This absence of dialogue necessarily leads to an absence of proposals on the collective management concerning the social problems confronting professional footballers (e.g. no solidarity funds for injured players, and no negotiations of a collective complementary insurance policy specific to the sector). This absence of any way of organising the job’s social aspects also affects coaches²⁰⁰.

This absence of formal social dialogue means that there is no formal place for concertation and for the mutual recognition of the social partners in the sector. No collective agreement has been signed, and no such agreement is being negotiated.

¹⁹⁹ In this context, the players’ union, the AFTU, considers that the allocation of licences should be more strictly applied by the PFA, which would then have a way of putting pressure on clubs. The AFTU argues that the awarding of a licence should be subject to the quality of contracts of employment, the payment of insurance instalments and taxes, and transparent bookkeeping; this would have a direct impact on the quality of social relations with the players.

²⁰⁰ The players’ union has carried out collective action only once: a ten-minute strike in 2002 when broadcasting rights were cut by half following a bankruptcy and the contracts had to be renegotiated, which made the players afraid that their pay would be seriously cut. In most other cases, pay disputes are dealt with by an arbitration court within the PFA. Those arbitration decisions are being increasingly applied, and have reduced the gap between the content of contracts of employment and reality (e.g. in respect of salaries). This gap was still quite significant at the end of the last century.

However, there is some informal consultation, not between the employers' and workers' representatives, but between the different components of the PFA (clubs, local federations of clubs, players, coaches and referees) on all the main changes to the PFA's rules; these include clauses on social relations between clubs and players (e.g. standard contracts of employment). The main reason for this absence of social dialogue, according to the PFA, is not deliberate opposition on the part of the social partners, but rather a desire to avoid collective management of those questions by those who are the most in need of it (i.e. the players). The AFTU thinks that a kind of social dialogue takes place with some results (e.g. a standard employment contract and a court for resolving disputes), but it also recognises that the players have no experience of collective bargaining. The AFTU argues that this together with the fact that clubs prefer to negotiate individually with players) is the reason for the lack of social dialogue. The PLF thinks that the current level of social dialogue is sufficient, and has no wish to strengthen it.

There is no collective agreement on social relations at the **level of the clubs** either: even though contracts of employment and the social conditions applied to players generally comply with the framework of the standard contract, they are still individually negotiated. There are no union delegations in clubs, although many clubs have a players' board generally made up of the oldest players who are co-opted to negotiate complementary salary elements such as bonuses. Those players' committees have considerable influence, and the power struggles that take place on them are generally a threat to the quality of the football.

5. Organisation(s) active in the sector

a. National Association

The **Polish Football Association (Polski Związek Piłki Nożnej, PFA)** was founded in 1919²⁰¹, and employs 45 salaried workers²⁰². Its financial resources mainly come from its statutory activities (e.g. commercial rights, broadcasting rights through the media, and ticket sales). The Association hardly receives any subsidy from the state.

The PFA brings together all the provincial football leagues to which clubs are affiliated in their respective areas. The scheduling of fixtures in the First and Second Divisions is directly determined by the PFA, and by the provincial leagues in the lower divisions under the PFA's supervision. Regulation of the game, refereeing, disciplinary matters and commercial and broadcasting rights are all PFA responsibilities.

The PFA is made up of all the football actors that have established the common operational rules within it. It is therefore not a question of the PFA's role of representation of one category of actors or another, but rather of a meeting place for those actors.

A system of refereeing recognised by PFA members structures the management of internal disputes:

- the "football refereeing court" reaches decisions on disputes and on the level of possible sanctions;

²⁰¹ The Association operated very differently prior to 1989 because the very notion of professional football did not theoretically exist at the time. The notion of amateur football was very specific to the communist system: as far as all top-level clubs were concerned, the players were employed by the company or by the public institution on which the club was dependent (e.g. a mine, a factory, a shipyard or the army); they were salaried workers of the institution, and at the same time "amateur" players in the institution's or company's football club.

²⁰² UEFA comments: "The general structure of Polish professional football has not been changed from 2005. The main change (from November 2005) is that first league competitions are organized by the joint stock company "Ekstraklasa" S.A. According to Art. 15.7 of the Act of 29 July 2005 on professional sports, the rules of functioning of a professional league are stated in the Agreement between the appropriate Polish sports association and the professional league managed by a limited liability company or joint stock company. A League Committee has been appointed within the "Ekstraklasa" S.A. and it considers all matters concerning competitions in the first instance".

- the “game department” ensures that sanctions for disputes mainly linked to the employment relationship, and more precisely to conditions of employment and salaries are implemented. This body is made up of 13 members, and includes 1 players’ representative, 1 club representative and some independents;
- the discipline department makes sure that awarded as a result of disputes are implemented²⁰³.
- a high-level appeal board.

Relations between the PFA and its members are neither particularly conflictual nor competitive. Above all, it is a place where all the actors in the football world must meet: clubs in particular must affiliate in order to take part in the championship. However some tensions do exist around the project of a professional league (for more details, see point 2), which is what the big clubs in the higher divisions want, and around the desire for a status quo on the part of the national association.

The PFA’s three main goals for the next five years are:

- the development and improvement of the quality of Polish football;
- the training of young players’;
- increased financial resources to achieve the two first goals.

The PFA is a direct member of UEFA and FIFA.

b. Organisation(s) of professional football players

The **All-Poland Footballers’ Trade Union (AFTU)** was founded in 1997, and was set up on the basis of the Law of the 23 May 1991, which defines the legal form of trade unions. It employs five salaried workers, and its funding comes from economic activities (activities around hotels and restaurants), donations and membership fees.

The AFTU was set up with the essential goal of strengthening solidarity between players, and disseminating and defending players’ rights. With the help from FIFPro, the union provides players with assistance and legal advice, notably when they are negotiating and signing their contracts. The union has also led some solidarity actions (e.g. benefit games) on behalf of players who have been injured. However, the AFTU is not empowered to negotiate collective agreements on behalf of its members. No such agreement has ever been signed.

The AFTU is recognised by the PFA, and one of its members sits on the PFA “game department” that ensures implementation of the arbitration court’s decisions. Another of the AFTU’s tasks, which it performs in response to a members’ mandate, is to defend footballers’ interests when the PFA is drafting regulations. The latter generally consults the representatives of players and clubs while drafting these measures.

²⁰³ Should a professional league come into being before next season, there is no indication as to whether it will have its own refereeing bodies, or whether the PFA’s refereeing bodies will continue to be used for all the championship’s matches.

At European level, AFTU has established a close working relationship with FIFPro, and has recently taken part in several of this international organisation's activities. It does not formally delegate any of its competences to FIFPro, but regularly works through it in order to have an international-level a regulation or law applied in Poland. More and more often, the negotiations are conducted indirectly like this, rather than directly with the PFA.

The AFTU's three main objectives for the next five years are:

- to increase its influence on decisions concerning actors taken in the PFA (and subsequently in EKSTRAKLASA) in order to defend their interests more effectively;
- to increase membership, and to convince players of the value of a collective attitude and of solidarity with their colleagues;
- to develop the trade union in order to make direct contact between the union and clubs easier.

Professional footballers' organisation(s) (2004/2005 season – source: AFTU)

Organisation		Members	Members working as football players	Professional players working as footballers as a proportion of total membership	Density of professional footballers	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Number	Number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Ogólnopolski Związek Zawodowy Piłkarzy	All-Poland Footballers' Trade Union (AFTU)	418 (56 are non-active (unemployed))	362	100	7.2 or 15.3 (based on data from point 1)	No	No	No	No	ETUC	FIFPro	No

Density of football professional players: number of affiliated professional footballers compared with the total number of professional footballers in the country CB: Does the organisation take part in collective bargaining?

c. Organisation(s) of professional football clubs

The **Polish Football League (PFL)** was founded in 1992 as a *de facto* association.

It functions on limited means consisting of a small office, which serves as its registered office, and a few voluntary helpers: since 2003, one person, the Executive Secretary, has been taken on full-time. At first, the League was financed through affiliation fees from clubs, but since the salaried employee was taken on, the PFL has looked for sponsorships to help it function on a yearly budget of about PLN 220,000.

The PFL brings together all the clubs in the First and Second Divisions. Ever since it was established, the League's main goal has been to organise the championship and manage the rights of clubs in the two Divisions²⁰⁴. The League has put most of its energy during the twelve years of its existence into negotiating, lobbying Members of Parliament, and proposing legislative reforms, and the outcome has been the emergence of a professional league with the impending establishment of EKSTRAKLASA (for more details, see point 2).

The PFL is recognised by the PFA, and one of its representatives sits on the PFA's "game department" and "discipline department", but it is independent of the PFA; there is no hierarchical link between the two institutions. The clubs have to be members of the PFA to take part in the championship, whereas the PFL is not a member, although when the League was set up, the national association sought membership, and thereby, a hierarchical link between them.

The mission allocated by the clubs to the PFL was to obtain the rights to organise the championship in the two first Divisions: there was no other competence delegated at the level of social dialogue with the players, there is no competence for negotiating collective agreements, and no such agreement has been signed.

With the setting up of EKSTRAKLASA, either the PFL will be dissolved, or it will be kept in being in order to group clubs in the Second Division only, so that a future professional league at this level can be established. Currently, EKSTRAKLASA is not planning to be recognised as an employer's organisation, and only wants to conduct informal dialogue, or reach informal agreements, with the players.

The three main goals of the PFL/EKSTRAKLASA for the next years are:

- to improve the League's financial position and increase the number of spectators;
- to create new high-quality stadiums for all the clubs in the First Division ;
- to improve the quality of Polish football in order to raise its ranking at European level.

At European level, the PFL has had contacts with the EFFC, but was not a member. It is waiting for EKSTRAKLASA to be established before joining: the PFL will send in its application in November.

Professional football club organisation(s) (2004/2005 season – source: PFL)

Organisation		Divisions covered	Number of clubs affiliated	% of professional clubs affiliated in the organisation	Density of professional clubs	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	type	number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Piilkarska Liga Polska	Polish Football League (PFL)	1 and 2	34	100	+/-35 (100 in the First and Second	No	No	No	No	No	No	No

²⁰⁴ UEFA notes: "Mentioned in the report, the Polish football League (PLP), founded in 1992, deals with matters concerning second-division clubs. Second-division competitions are managed by the Polish FA."

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Density of professional clubs: number of professional affiliated clubs compared with the total number of professional clubs in the country CB: Does the organisation take part in collective bargaining?

PORTUGAL

1. Contextual data in the sector

Players (2004/2005 season – sources: LPFP and FPF)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players	997 (LPFP)	67.8%	5.4%	26.8%
	1,172 (FPF in May 2005)	56.2%	43.8%	0
Semi-professional players	Not relevant			
Amateur players	ND			
Total	128,870 (FPF)			

Clubs (2004/2005 season – sources: LPFP and FPF)

Sub-sectors	Number of clubs	% clubs in 1st or top division	% clubs in 2nd division	% clubs in 3rd and lower divisions
Professional clubs ²⁰⁵	36	50	50	0
Non-professional clubs	2,263	0	0	100
Total	2,299			

2. General regulation

According to the law and Federative Statutes, the organisation, regulation, management and administration of professional football in Portugal comes exclusively under the Portuguese Professional Football League (LPFP)²⁰⁶.

²⁰⁵ Portuguese legislation draws no distinction between professional and semi-professional clubs.

²⁰⁶ The Super League (SuperLiga) and the League of Honour (Liga de Honra) are deemed to be professional competitions. The law states that they must both be organised, managed and regulated by the LPFP, (Law No. 30/2004 of 21 July, and Decree Law No. 144/93 of 26 April, in wording set out in Decree Law No. 111/97). The two competitions are currently contested by 18 clubs (which function under a special management system) and 18 sports limited companies (Sociedades Anónimas Desportivas, SADs), that is to say a total of 36 Clubs and SADs in professional competitions.

The organisation of professional football is the responsibility of the LPFP, and the State plays a merely regulatory role. Without prejudicing associative freedom as defined in the Constitution, there are several laws which deal with sporting activity at professional level, and the LPFP is responsible for implementing and regulating them.

Non-professional football is organised by the Portuguese Football Federation (FPF) as far as national championships are concerned, and indirectly through the Regional Associations in the case of district championships. The FPF also promotes, regulates and oversees the training and the activity of football in all competitions.

The LPFP is an ordinary member of the FPF, and therefore has a seat in the FPF Assembly with a third of the voting rights; it therefore also plays a fundamental role in the determination, organisation and development of professional and non-professional football.

A protocol between the FPF and the LPFP establishes the criteria and regulations for interaction between the two organisations, particularly with regard to the signing of players, televised matches, financial contributions to training, refereeing and discipline in the “Portuguese Cup” competition (organised by FPF), and the system for promotion and demotion between the divisions.

3. Status of the professional player

Law No 28/98 of 26 June, which revoked Decree-Law No 305/95 of 18 November, sets out a new legal system to cover the contracts of employment for sportsmen and sportswomen and for sports training contracts.

According to this law, a professional sports player is deemed to be someone who, under a sports contract of employment and following the necessary technical and professional training, plays a sport as their exclusive or main job and is paid for it. A sports contract of employment is deemed to be one under which the person playing the sport is obliged, in exchange for a salary, to carry out a sporting activity for a single or legal person who promotes or participates in sporting activities, and under this body’s authority and direction. A sports contract of employment is also deemed to be a contract between a training body and a trainee under which the body is obliged to provide suitable training with a view to developing his/her technical skill and knowledge necessary to play a sport, and under which the trainee is obliged to fulfil all tasks necessary for this training.

Professional footballers are sports players who, after completing the necessary technical and professional training, sign a sports contract of employment (a standard contract of employment) that is registered with the respective Sports Federation, and who are paid for playing football as their exclusive or main profession under the authority and direction of a football club or SAD. By contrast, amateur players are only entitled to receive grants which allow them to pay for food, transport and accommodation arising out of their sporting activity.

Professional footballers are salaried workers; their employer is the club or SAD. Contracts of employment are signed between the player concerned and the club or SAD, and participation in competitions promoted by a federation recognised as a public sports utility depends on prior registration of the contract with the appropriate federation. When registering the contract, the employing sports body must prove that it has taken out the appropriate insurance policy against work-related accidents.

The contract of employment for professional footballers is governed by the general rules of the Labour Code in force, although it also contains special rules covering the parties’ rights, duties and guarantees (with particular reference to the duties of the employing body and the player, payment for normal working hours, holidays, national holidays and weekly rest periods, disciplinary powers, and the freedom to work), the cessation and transfer of sporting activity, sports managers, suspension of the sports contract of employment, and the sports training contract.

In Portugal, a professional footballer who has signed and registered a professional contract of employment is a full-time worker and the employing body is responsible for determining the player’s working hours within legal constraints.

Professional footballers as well as clubs and SADs are compulsorily covered as social security beneficiaries and tax payers by the general social security system for salaried workers; players qualify for all payments under the scheme except for sick pay. The special conditions that govern the job and the kind of contract that binds professional footballers to their clubs dispense with the need to include sick pay in the system of payments guaranteed by social security, and all players registered with the FPF, both professional and amateur, must have accident insurance. In the case of professional footballers, this is insurance against work-related accidents, and in the case of amateur players, accident insurance.

Foreign professional footballers who play for Portuguese clubs and SADs are also covered by the general social security system for salaried workers unless they continue to be covered by the social security system operating in their countries of origin.

The job of a professional footballer is characterised by a number of specific features. The law recognises that a career in football is of limited duration and causes rapid physical wear and tear in addition to the demands of the organisation and professionalism of modern sports employment; moreover, competition in sport is tough and a footballer's professional life is short, and it follows that it is normally only possible to carry on playing professionally for a few years, that is to say for a much shorter period than in other professional activities.

Professional footballers therefore come under a special heading as far as income tax and social security contributions is concerned: they qualify for certain benefit in respect of their income tax contributions, and under social security rules, they pay lower rates and their salaries are calculated in a particular way (Decree-Law No 300/89, 4 September).

4. Social dialogue

Collective bargaining in the professional football players sector takes place between the LPFP, representing the employers (i.e. its member clubs and SADS) and the Professional Footballers' Trade Union (SJPF), representing the players. There is therefore bipartite social dialogue in the sector, but no tripartite social bargaining.

The professional footballers' collective labour contract between the LPFP and the SJPF was signed in 1999 and published in the Work and Employment Bulletin (Boletim do Trabalho e do Emprego, BTE), 1st series, No. 33 of 8 September 1999. The first agreement was signed by the parties on 21 December 1990.

The agreement establishes and oversees the rules governing the statutory labour relations that flow from sports contracts of employment between professional footballers and the clubs and SADs in the LPFP. It applies to all footballers and member clubs and SADs based in Portugal. Both parties to the contract (i.e. the LPFP and the SJPF) agree to encourage extension of the agreement to all labour relations deriving from the contracts signed between professional footballers and all clubs and SADs, whether or not they are LPFP members; they have also called on the responsible Ministers to make such an extension to the law. Under the terms of the agreement, professional footballers in the First Division must receive a wage that is at least three times more than the national minimum wage, those in the Second Division, a wage two-and-a-half times that of the national minimum wage, those in the Second Division B two times, and those in the Third Division one-and-a-half times. Professional players under the age of 18 are also entitled to the national minimum wage.

Rules set out in the legal framework of the sports players' contract of employment together with arrangements relating to the contracts are applicable to relations arising out of the contract that is signed by the players and the clubs and SADs, except for matters that are found to be incompatible with specific features of labour relations in professional football, and particularly regarding working hours. There are no disputes between the LPFP and the SJPF; in fact, the two bodies enjoy excellent institutional relations.

There are no trade unions delegates at club level, but the SJPF has two members of staff who visit clubs and players all over the country.

Social dialogue also occurs informally in the sector, and there are regular meetings to discuss matters of common interest to the social partners and to reach consensus on questions of benefit to both sides.

The social partners recognise one another for negotiating purposes, and there are no disputes between them on this issue.

At European level, the EFFC is not linked to any of the organisations active in the sector.

5. Organisation(s) active in the sector

a. National Association

The **Portuguese Football Federation (Federação Portuguesa de Futebol, FPF)** was founded in 1914. The FPF is a legal person under private law; it is also a not-for-profit organisation, and a public sports utility governed by its own statutes, by rules laid down through its membership of FIFA and UEFA, by the regulations and deliberations of its General Assembly, and by all other applicable law.

Under the law, the FPF has public powers for self-regulation by delegation from the State.

The FPF's main objectives are to promote, organise, regulate and oversee the training and activity of football in all competitions. In pursuit of these objectives, FPF is responsible in particular for:

- coordinating its activities and initiatives with its members and with clubs that belong to it;
- representing Portuguese football at national and international level;
- defending football's prestige, ethics, sporting spirit and material interests.

The organisation, management and regulation of professional football competitions is the responsibility of the LPFP²⁰⁷.

Professional clubs are represented on the FPF General Assembly through the LPFP. The General Assembly of the FPF can intervene in a wide range of areas, without prejudice to the legal and statutory powers of the LPFP with regard to professional football, because it can propose the approval and implementation of measures of various kinds, most of them regulatory, and any other changes that are found to be necessary.

Professional players are represented on the FPF General Assembly through the SJPF; it can intervene in a wide range of competences because it can propose the approval and implementation of various kinds of measures, mainly regulatory measures and other changes that are found to be necessary: for example, the current rules covering *numerus clausus* on the signing of foreign professional players were the work of SJPF (i.e. they were the result of a proposal put forward by the SJPF).

²⁰⁷ Decree-Law No. 303/99 of 6 August defines the parameters for the professional recognition of sports competitions and the resulting criteria for participation. It sets out the parameters with which professional clubs must comply for the state to recognise them as professional competitions. With regard to the FPF's intervention in this recognition process of professional competitions, the law only says that the organisation's President must request the parameters and criteria for the professional competition in question from the Higher Sports Council (Conselho Superior de Desporto). The Decree-Law states that FPF shall establish the parameters if the LPFP does not do so.

Institutional relations are generally cordial: every year, the FPF ensures that it has the financial resources available in its budget to contribute to the LPFP²⁰⁸, to the players' trade union, and to ordinary members.

However, there can occasionally be some friction, mainly with the LPFP, and usually because of the way the latter runs competitions, because it has autonomy to regulate professional football competitions, and does not always act in line with the thinking of the FPF leadership²⁰⁹: this occasionally causes tensions. However the FPF has no way of intervening in this situation as this is how the arrangements are set out in the law.

One of the FPF's main activities over the next few years is to organise national teams and their participation in the European Championship and the World Cup. As a result, FPF programming is undertaken in terms of Portugal's participation in these international competitions. That is the reason for the investment in players and their training, and in trying to find new talent to represent Portugal in international competitions.

At national level, FPF is a direct member of Secretary of State for Youth and Sport²¹⁰. At European and international level, the FPF is a direct member of UEFA and FIFA.

b. Organisation(s) of professional football players

The **Professional Footballers' Trade Union (Sindicato de Jogadores Profissionais de Futebol, SJPF)** was founded in 1972, and employs 11 full-time salaried workers. Its funding comes from membership dues, partnerships, an agreement with the FPF and the LPFD, the commercial use of players' collective rights, and FIFPro. The SJPF's main missions are to defend the individual and collective interests of professional footballers, and to work in education, employment and training, sports regulations and legislation, fiscal control, social security, and sports insurance and medicine.

The SJPF offers its members a number of services; they include: automatic collective insurance included in the cost of membership, with an entitlement to benefits, particularly in the event of unemployment; advice and answers to questions; regional and local delegates; legal and fiscal support and advice; a players' solidarity fund (socio-economic support for members and their families in serious and in urgent situations concerning such matters as problems with education, health and housing); a pension fund; life insurance; free medical support (in addition to any service supplied by the club) and answers to questions on prevention, doping, injury and accidents; privileges and benefits in access to various commercial items; vocational training; training periods for unemployed players; the promotion of social dialogue in the sector; and promotion of institutional dialogue with clubs, SADs, and other associations and public institutions.

The SJPF's most important responsibilities are:

- entering into collective labour contracts, thereby enabling the union to negotiate on behalf of its members, and signing the professional footballers' collective bargaining agreements with the LPFP (published in the BTE, 1st series, No. 33, 8 September 1999);

²⁰⁸ The EPFL mentions that: "Under the terms of the Protocol signed with the LPFP, the FPF receives a financial contribution every season from the LPFP, to support amateur football run by the Regional and District Associations and for the training and education of young players".

²⁰⁹ According to the EPFL, use of the term "leadership" is inappropriate and may distort reality, as the law itself gives the League the power to organise, run, regulate and supervise professional football.

²¹⁰ According to the EPFL, the FPF does not have such status. It is not a member of Government. But the Portuguese expert maintains this information.

- insisting on, and overseeing, the application of employment legislation and collective labour contracts;
- representing members in disciplinary hearings with their employers, and in all cases of dismissal;
- providing members taking part in labour disputes with trade union, legal and other assistance;
- managing social institutions;
- being a member of sports structures as required by current law and regulations.

The SJPF's three priorities for the next few years are as follows:

- to set up a sports vocational training centre;
- To improve players' rights, given that their careers last a short time and are highly demanding;
- To train players so that they can take on an increasingly active role in national and international organisations.

Professional footballers' organisation(s) (2004/2005 season – source: SJPF)

Organisation		Members	Members working as football players	Professional players working as footballers as a proportion of total membership	Density of professional footballers	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Number	Number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Sindicato dos Jogadores Profissionais de Futebol (SJPF)	Professional Footballers' Trade Union	2,294	946 (active players) + 537 (unemployed)	64%	70-80%	Yes	FPF, Higher Sports Council, National Council against Violence in Sport ²¹¹	No	No	ETUC	FIFPro	No

Density of football professional players: number of affiliated professional footballers compared with the total number of professional footballers in the country CB: Does the organisation take part in collective bargaining?

²¹¹ The EPFL explains that "the SPFF is represented in these bodies (Higher Sports Council, National Council against Violence in Sport)[0], but it does not have membership status".

c. Organisation(s) of professional football clubs

The **Portuguese Professional Football League (LPFP)** was founded in 1978 and is a legal person under private law; it is also a not-for-profit association²¹². The LPFP employs 24 full-time salaried workers, and its funding comes from sponsors, the commercial exploitation of competitions, charges for services rendered to members, subscriptions and financial contributions paid by members, and fines that form part of disciplinary penalties.

Although the LPFP takes part in the FPF General Assembly (see point 5a), it is a legal person distinct from the Federation²¹³.

The LPFP's main aims are:

- to fulfil its obligations as an autonomous body of the FPF in accordance with basic sporting legislation;
- to defend and further the common interests of its members, and manage matters involved in the organisation and practice of professional football and its competitions;
- to organise and regulate professional competitions that take place under the aegis of the FPF.

The LPFP's legal, statutory and regulatory obligations include:

- the organisation and regulation of professional competitions;
- the approval of legal, infrastructural, administrative and financial requirements and criteria of clubs and SADs intending to take part in the competitions;
- to determine the maximum number of professional players that can be signed by each club and SAD;
- to determine how footballers contracted by clubs and SADs may be signed, and the requirements associated with this, including duration;
- to register the contracts of employment of professional sports players;
- to establish the criteria and conditions for radio and television broadcasts of matches games in professional competitions, and to grant appropriate authorisations;
- to represent all its members before all bodies that share common interests in the pursuit and defence of these interests, and particularly with the Public Administration, national and international sporting organisations, the SJPF, the National Association of Football Coaches, the trade unions, and with other socio-professional associations including people connected with clubs and SADs (through the contract of employment and the media), and to negotiate and conclude agreements and contracts (i.e. collective labour contracts) for clubs and SADs and their associates.

²¹² The LPFP was originally only an employers' organisation, but when Decree-Law No. 144/93 of 26 April came into force, it additionally acquired the role of autonomous body of the FPF, and from the 1995/1996 season onwards assumed responsibility for the organisation and management of professional competitions.

²¹³ As an employers' organisation, it is totally independent of the FPF, and as the organiser of professional competitions, it enjoys administrative, technical and financial autonomy in the terms of the law and federative Statutes.

The LPFP is able to negotiate on behalf of its members, and has signed the professional footballers' collective labour contract with the SJFP (published in the BTE, 1st series, No. 33, 8 September 1999).

The LPFP's main objectives are as follows:

- an improvement in the economic situation of Portuguese football generally, and of clubs and SADs in particular;
- the qualitative development of professional football;
- the promotion of legislative, economic and sporting measures needed to help construct a stable legal framework that is compatible with the requirements of, and challenges to, football.

At European level, it has delegated to EPFL its power of negotiation as an employer for the European social dialogue.

Professional football clubs organisation(s) (2004/2005 season – source: LPFP)

Organisation		Divisions covered	Number of clubs affiliated	% of professional clubs affiliated in the organisation	Density of professional clubs	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	type	number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Liga Portuguesa de Futebol Profissional (LPFP)	Portuguese Professional Football League	SuperLiga Galp Energia (1st Division) and Liga de Honra (2nd Division)	36	100%	100%	Yes	FPF, Higher Sports Council, National Council against Violence in Sport ²¹⁴	No	EPFL, UEFA Professional Committee ²¹⁵	No	Is represented in FIFA's Dispute Resolution Chamber	No

Density of professional clubs: number of professional affiliated clubs compared with the total number of professional clubs in the country CB: Does the organisation take part in collective bargaining ?

²¹⁴ According to the EPFL, "the LPFP is represented in these bodies (Higher Sports Council, National Council against Violence in Sport) [0], but it is not affiliated to them".

²¹⁵ The EPFL notes that "The LPFP is represented in the UEFA[0], Professional Committee, but it is not affiliated to UEFA".

SLOVAK REPUBLIC

1. Contextual data in the sector

Players (as of 30 September 2005 – source: SFA)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players	497	ND	ND	ND
Semi-professional players	Not relevant			
Amateur players	263,340			
Total	263,837			

Clubs (as of 30 September 2005 – source: SFA)

Sub-sectors	Number of clubs	% in 1 st or top division	% in 2 nd division	% in 3 rd and lower divisions
Professional clubs	17 ²¹⁶			
Non-professional clubs	2,398			
Total	2,415			

2. General regulation

The Slovak Football Association (SFA) is the top umbrella body in the football sector. The structure of the SFA involves 4 regional football associations with 38 district football associations.

All aspects of professional football are dealt with within one of the committee of the SFA. The professional players are represented by a very new association founded in 2004.

The Government is only involved in football activities related to subsidies for youth footballers.

²¹⁶ it must be stressed that "professional" does not correspond exactly to the meaning of the term in those countries which have a long-term tradition of professionalism, these clubs might be better referred to as "licensed" ones

3. Status of the professional player

The professional footballer is defined (by the SFA) as the one who has an effective player contract, in which the terms and conditions of his position are set out, such as the length of the contract effectiveness, the remuneration, performance and activities (i.e. training and match processes), club representation etc. The player contract is based on the Commercial Code and it cannot break the provisions of the Labour Code. The social aspects of the professional player status are part of the contract. The employers are exclusively football clubs.

4. Social dialogue

Social dialogue does not exist at national level in the football sector, or at bipartite, i.e. sector level. The terms and conditions of employment are negotiated exclusively at club level. The bargaining is mostly initiated either by football players themselves or by their contracted agents. Due to the fact that the Association of Professional Footballers (APF) was only set up in the 2004/2005 season, there has not been time to establish any formal and routine relationship yet.

There are no trade unions within professional clubs.

At European level, none of the organisations have been in contact with EFFC.

5. Organisation(s) active in the sector

a. National Association

The football sector in the Slovak Republic is represented by **the Slovak Football Association (Slovensky futbalovy zväz, SFA)** founded in 1938. It represents all Slovak football clubs that have joined voluntarily and, at present, involves 4 regional football associations with 38 district football associations. It directly represents professional football players playing in the domestic league.

The structure of the Slovak Football Association is as follows:

- Slovak Football Association's Conference (its highest body)
- Council of the Slovak Football Association (33 members headed by the President)
- Executive Committee of the Slovak Football Association (operations management)
- Secretariat of the Slovak Football Association (setting material conditions for the Slovak Football Association's operations)
- Commissions of the Slovak Football Association (specialised bodies of the Slovak Football Association managing single specific operations of the Slovak Football Association)

SFA is both member of UEFA and FIFA.

b. Organisation(s) of professional football players

The **Association of Professional Footballers (APF)** was established in 2004 as an organisation of professionals registered at the Ministry of Internal Affairs. It is financed exclusively from the membership subscriptions. It is recognised by the SFA as its social partner but it is not represented within this organisation.

In the coming period the main objectives of the Association are as follows:

- protection of the footballers' interests
- cooperation with national football clubs
- provision of information

Professional footballers' organisation(s) (2004/2005 season – source: APF)

Organisation		Members	Members working as football players	Professional players working as footballers as a proportion of total membership	Density of professional footballers	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Number	Number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Asociacia profesionalnych futbalistov	Association of Professional Footballers (APF)	73	73	100	13	No	No	No	No	No	No	No

Density of football professional players: number of affiliated professional footballers compared with the total number of professional footballers in the country CB: Does the organisation take part in collective bargaining?

c. Organisation(s) of professional football clubs

The **League Commission (LC)** was established in 1993. It employs two full-time salaried workers and its only funding comes from membership subscriptions. Legally, it is registered as an *association of clubs* but it is one of 16 committees of the SFA. It is headed by a 12-member commission consisting of 10 representatives of the 1st League and 2 representatives of the 2nd League with the Commission Chairman and Secretary.

The role of the LC is to be the marketing partner of the SFA, to represent the clubs on the National Association committees (SFA) and at the bodies of UEFA. The delegated authority is explicitly covered by the Statutes of the LC.

The main objectives for the coming 5-year period include:

- establishing high-quality professional competition
- implementing the “UEFA licensing system” in the highest league
- obtaining a better position in the UEFA Cup competitions.

Professional football clubs organisation(s) (2004/2005 season – source: SFA)

Organisation		Divisions covered	Number of clubs affiliated	% of professional clubs affiliated in the organisation	Density of professional clubs	CB	National affiliations		European affiliations		International affiliations	
<u>Original name</u>	<u>English name</u>	<u>type</u>	<u>number</u>	<u>%</u>	<u>%</u>	<u>yes/no</u>	<u>Direct</u>	<u>Indirect</u>	<u>Direct</u>	<u>Indirect</u>	<u>Direct</u>	<u>Indirect</u>
Ligova komisija	League Commission	Division 1-2	26	100	65	No	SFA	No	No	UEFA	No	FIFA

Density of professional clubs: number of professional affiliated clubs compared with the total number of professional clubs in the country CB: Does the organisation take part in collective bargaining?

SLOVENIA

1. Contextual data in the sector

Players (2004/2005 season - source: FAS)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players	372	83 (estimates by the interviewers)	15 (estimates by the interviewers)	2 (estimates by the interviewers)
Semi-professional players	Not relevant			
Amateur players	25,389			
Total	25,761			

Clubs (2004/2005 season - source: FAS)

Sub-sectors	Number of clubs	% of clubs in 1st or top division	% of clubs in 2nd division	% of clubs in 3rd and lower divisions
Professional clubs	12	100	0	0
Non-professional clubs	226	0	5	95
Total	238			

2. General regulation

Organisation of professional football in Slovenia is completely left to the discretion of its participants, so the state does not intervene in the organisation by imposing any forms of regulation or accreditation. The following bodies are involved in the organisation of professional football in Slovenia: the Football Association of Slovenia (FAS), the Association of Football Clubs of First Slovenian Football League (AFC1SFL), the Organisation of Football Referees of Slovenia (OFRS), the Regional Football Associations (RFA) and the Union of Professional Football Players of Slovenia (UPFPS). Key functions in the organisation of professional football in Slovenia are split between FAS and AFC1SFL. In general, the first establishes a broader framework (it is a kind of "policy maker"), while the latter conducts the specific tasks (it is a kind of "policy implementer").

- The FAS determines the general framework of the organisation of professional football in Slovenia. In this respect it is responsible for establishing the rules of the game, primarily for determining the system of the first division competition and prescribing conditions that each club must fulfil to be able to participate in the competition. In this respect it is responsible for conferring the licenses to football clubs for participating in competitions organised by the Slovenian national football association as well as UEFA.
- The OFRS, although completely independent, is also a member of the FAS. Hence, from a broader point of view, the FAS is also responsible for the qualifying of referees. Finally, it also establishes the disciplinary rules.
- The scheduling of fixtures is conducted together by the FAS and the AFC1SFL. On the other hand, implementation of disciplinary matters, delegation of referees (refereeing) and sale of commercial rights are the responsibility of AFC1SFL. Thereby, sale of commercial rights falls entirely within the competence of AFC1SFL, while it is only partially competent for refereeing and disciplinary issues (split with the FAS). In this respect, the AFC1SFL is responsible for actually managing the first division (implementation level). AFC1SFL and UPFPS are included in collective bargaining (which is mostly still, however, in the process of emerging) in the field of professional football.

Although all mentioned parties are completely independent of each other, they are, at the same time, also closely interdependent and linked. The FAS as an umbrella organisation, in the investigated field, is logically the focal point of the network (as such, it is also the highest in the hierarchy). Although completely independent, the Organisation of Football Referees of Slovenia and the Organisation of Football Trainers of Slovenia have subordinate status (i.e. are its members) within the FAS and are, in this respect, formally linked to the FAS. Regional Football Associations are also members of the FAS; through these regional associations individual clubs are represented within FAS. The AFC1SFL actively and continuously cooperates with the FAS, while their formal link is visible in the fact that the president of the AFC1SFL is also one of five vice-presidents of the FAS. Finally, the Union of Professional Football Players of Slovenia, which has been in existence for less than two years, also tries to actively cooperate with both key organisations (AFC1SFL and FAS). Members of the Union are even formally included in two organs of the FAS: the Commission for Regulations and the Commission for the Status of Football Players.

Like all sectors, professional football players sector is also not an exception to be absent of any kind of conflicts. These conflicts are rather constructive. AFC1SFL and FAS have had some different standpoints regarding the strictness of conferring the licenses to football clubs for participating in competitions at national and European levels. Probably the biggest tensions could be seen between AFC1SFL and UPFPS. AFC1SFL has problems with recognising the status of representativeness of the Union. On the other hand, Union reproaches AFC1SFL that is delaying the adoption of national collective bargaining agreement; according to the Union's representative, it even does not show any interest to accept such agreement at all. However, AFC1SFL rejects such reproaches and claims it is also in its interest to accept collective agreement as soon as possible.

3. Status of the professional player

In Slovenia there is no legal definition of the status of the professional football player. Professional footballers thus belong to the professional sportsman status, which is defined in the Law on Sport (Official Gazette of the Republic of Slovenia, No. 22-929/1998), adopted in 1998. The Law on Sport, in Article 35, specifies that the status of professional sportsman (woman) may be attributed to an individual who is a) at least 15 years old, b) an active sportsman / woman, c) a member of a national sport association and has d) permanent or temporary residence in the Republic of Slovenia.

According to the Regulation on Registration and Status of Footballers (adopted by FAS) in Slovenia, footballers may be amateurs or non-amateurs. Amateurs are players which do not receive any payment for playing, apart from repayment of actual costs related to their football activities, like travel, nutrition or accommodation costs, costs for football equipment etc. In such cases, a

footballer should not receive more than 70,000 SIT²¹⁷ per month. On the other hand, players who receive more than these above mentioned allowed repayment costs on a monthly basis are classified as non-amateurs. According to valid regulations in Slovenia there is no difference between part-time and full-time footballers.

In Slovenia, football players can be either salaried employees or self-employed. In practice (and in accordance with above mentioned status of professional sportsman) a large majority of players are self-employed. In Slovenia, there is (still) no national collective bargaining agreement. There is no formally valid standard employment contract for professional football players. The AFC1SFL has prepared a framework (a model) for all clubs of such a standard contract (with no legal basis), but its consideration is completely left to the discretion of individual clubs. According to a representative of the AFC1SFL, in the majority cases, clubs ignore these “recommendations”. In addition, the UPFPS has also prepared its own proposal for a standard employment contract, which is very similar to the framework prepared by AFC1SFL²¹⁸.

Currently, the work contract is neither partly nor completely subject to the employment code in force for the other sectors of economic activity. As already mentioned, there is also no specific legislation governing professional footballers. As all sportsmen in the state they come under the Law on Sport (Official Gazette of the Republic of Slovenia, No. 22-929/1998).

In most cases, professional footballers in Slovenia do not have a working relationship with a football club (as we already noted the majority of them are self-employed). Consequently they do not benefit from social protection similar to that enjoyed by other workers. They, thus, have to make their own social security arrangements, as self-employed people. According to the president of the UPFPS, from the social protection point of view, this continuing low protection of footballers is especially problematic in cases of injury, suspension of contracts from the clubs without justified reasons or financial punishments which do not have a basis in individual contracts or clubs regulations.

4. Social dialogue

In Slovenia, in the professional football sector there is no tripartite social concertation or tripartite dialogue. Moreover, there is even no “real”, or at least no long tradition of, social dialogue or collective negotiations present in this field. Only recently have we been able to observe the gradual establishment of social dialogue and collective negotiations in this sector. In the past, negotiations in general were conducted only between the football club and the football player.

The key participants in establishing social dialogue are the AFC1SFL and the UPFPS. In fact, it could be said that that social dialogue has only started to be restored after the establishment of the Union in 2003. There is mutual recognition between the participants, although the AFC1SFL, to some extent, is still denying the representative status of the Union. In the sector, there is no specific formal structure (for example joint committees etc.) devoted to social dialogue. According to the President of the Union, so far, partners (AFC1SFL and UPFPS) have met at four meetings. Such meetings are convened *ad hoc*, but mostly following meetings of the Presidency of AFC1SFL. There are still no signed collective sector conventions. At the moment, the key issue on negotiating agenda is the question of preparation and adoption of a national collective bargaining agreement.

²¹⁷ 1 EUR = 240 SIT.

²¹⁸ Regarding the national collective bargaining agreement, recently the UPFPS prepared a proposal with the intention that through the social dialogue it would get the legal basis and would be, as such, obligatory for all clubs. According to the Union’s president, the proposed contract is based on the Italian model and covers both the player’s and the club’s obligations. It also predicts that a constituent part of the contract should also be all clubs’ regulations. At this point we should also emphasise that the Regulation on Registration and Status of Footballers (adopted by FAS), which has legal force, for example already, at this time, determines that each contract 1) must include the obligations of all partners (i.e. players and clubs), while 2) its validity should not be less than one and more than five years.

According to a representative of the AFC1SFL, the main obstacle to achieving social dialogue at sector level is the negative legacy of large funding gaps in the clubs' finances. On the other hand, the UPFPS sees the main obstacle as being incompetent, inflexible and "blind" functionaries in some clubs, in the AFC1SFL, as well as in the FAS. However, the authors own estimation here is that football "policy" in Slovenia has indeed become personalised; for example, the President of FAS is the same person since 1989 (including also the period Slovenia was still a part of former Yugoslavia).

There are no collective negotiations or social dialogue within each professional club. There are the Union's delegates or representatives (delegates) within respective professional clubs. They are appointed by the Union's Board for a period of one year. Each football club can only have one delegate of the Union and his deputy. The Union's delegates represent the Union in football clubs within the powers granted to them. They establish and develop permanent contacts between the members and the Union, inform the members about activities and other functions of the Union, and attend annual conferences of the Union.

5. Organisation(s) active in the sector

a. National Association

The **Football Association of Slovenia (Nogometna zveza Slovenije, FAS)** was founded in 1920. The sources of finance are the subscription fees of its members; contributions for conducting different competitions/leagues; revenue from the lottery; their own sources (sponsorship revenues, donations etc.). 14 salaried workers (+3 students) are employed by the Association.

It is responsible for establishing the rules of the game, primarily for determining the system of the first division competition and prescribing conditions that each club must fulfil to be able to participate in the competition. In this respect, it is responsible for conferring the licenses to football clubs for participating in competitions organised by the FAS as well as UEFA. For more details on the sharing of competences, conflicts and representation of professional clubs within FAS, see point 2.

The three main objectives of the FAS for the next five years are:

- successful work with and good progress of youth football players;
- Financial recovery of football clubs;
- improvement of the football infrastructure (stadiums) in Slovenia.

FAS is member of the UEFA and the FIFA.

b. Organisation(s) of professional football players

The **Union of Professional Football Players of Slovenia (UPFPS)** was founded in 2003. At the moment, the Union does not have any salaried employees. According to the Union's President, they plan to employ two people in November 2005. Activities of the Union are financed from the subscription fees, other contributions and other sources, in accordance with the annual financial plan. The Union is recognised by the FAS. The Union is an independent organisation, established for an indefinite period of time, whose members are sportsmen, who are or have been registered as football players at FAS and three years since the sportsman's last registration have not yet elapsed.

The Union's main missions are to enter into a collective agreement with football clubs and to control its implementation, then to intervene in disciplinary procedures taken against its members and to actively cooperate in case of a club's unilateral breach of the contractual relationship with a member of the Union, and to offer any kind of legal or other support to the members of the Union in conflicts arising from contractual relations with football clubs. Recently, in the beginning of July 2005, the Union in cooperation with FAS, also started to organise training sessions for those of its members who momentarily do not have a contract with a club.

The UPFPS is permitted to negotiate on behalf of its members in the area of collective bargaining, especially in introducing a national collective bargaining agreement for professional football players. Until now, no collective conventions or restrictive agreements have been signed. The Union also takes part in various forms of consultation with the FAS, AFC1SFL and individual clubs. The Union does not sign any declarations of intention or joint declarations.

At European and international level, the Union has delegated to FIFPro the representation of interests of Slovenian players in relation to organs of the EU, UEFA and FIFA.

The three main goals of the organisation for the next five years are:

- to sign the national collective bargaining agreement for professional football players;
- to establish a pension fund for professional football players;
- to establish a special fund for "crisis" situations, like bankruptcy of football clubs.

Professional footballers' organisation(s) (2004/2005 season – source: UPFPS)

Organisation		Members	Members working as football players	Professional players working as footballers as a proportion of total membership	Density of professional footballers	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Number	Number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Sindikát profesionalnih igralcev nogometa Slovenije	Union of Professional Football Players of Slovenia (UPFPS)	160	160	100	43	No but informal social dialogue	Union of Sportsmen of Slovenia	Association of Free Trade Unions of Slovenia	No	ETUC	FIFPro	No

Density of football professional players: number of affiliated professional footballers compared with the total number of professional footballers in the country CB: Does the organisation take part in collective bargaining?

c. Organisation(s) of professional football clubs

The **Association of Football Clubs of First Slovenian Football League (AFC1SFL)** was founded in 2004 as an independent legal body with two salaried workers. It is financed from subscription fees, sponsorship funds, donations, public sources and contributions and payments for management of the first division competition. The AFC1SFL is completely independent from the FAS, although it is recognised by it. Both Associations actively cooperate with each other in the organisation of professional football (for more details see point 2).

The AFC1SFL has the competences to schedule the fixtures (together with FAS), to implement disciplinary matters and the delegation of referees (refereeing), and the sale of commercial rights. The Association is not intended to negotiate on behalf of its members. Its mission is, as already mentioned, to pursue the common interests of the clubs. No collective conventions or restrictive agreements have been signed.

Occasionally, the AFC1SFL also takes part in different forms of consultations. It consults regularly with the FAS with regard to various aspects of organisation of the first division. It also consults regularly with the police with regard to the general safety of spectators, and especially before matches which are potentially defined as having a high level of risk. However, in respect of such consultations the Association does not sign any declarations of intention or joint declarations.

At European level, the organisation has not delegated any of its power of negotiation as an employer to a European organisation. It is also not a member of any of European or international organisations. In the national context it is closely linked with the FAS but it is not its member.

The three main goals for the next five years are:

- to settle conditions, related to the licensing of clubs and in this respect to normalise financial situations and stability in individual clubs;
- to raise the level of the quality of club football in Slovenia;
- to improve the reputation of football with the public and thus increase the number of spectators at first division matches.

Professional football clubs organisation(s) (2004/2005 season – source: AFC1SFL)

Organisation		Divisions covered	Number of clubs affiliated	% of professional clubs affiliated in the organisation	Density of professional clubs	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	type	number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Združenje nogometnih klubov 1. slovenske nogometne lige	Association of Football Clubs of First Slovenian Football League (AFC1SFL)	1	12	100	100	Yes (informal)	No	No	No	No	No	No

Density of professional clubs: number of professional affiliated clubs compared with the total number of professional clubs in the country CB: Does the organisation take part in collective bargaining?

THE NETHERLANDS

1. Contextual data in the sector

Players (2004/2005 season – source: KNVB and estimates by expert)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players ²¹⁹	1,000 (+ 1,200 non active)	70	25	5
Amateur players	+/- 1,06 million			
Total	+/- 1,06 million			

Clubs (2004/2005 season – source: KNVB, ECV and CED)

Sub-sectors	Number of clubs	% clubs in 1st or top division	% clubs in 2nd division	% clubs in 3rd and lower divisions
Professional clubs ²²⁰	38	47	53	0
Non-professional clubs	+/- 3700			
Total	+/- 3,700			

2. General regulation

Regulation of the game is primarily based on the statutes and regulations of the governing body in football, the national football association. In the Netherlands, the governing body is the KNVB. As far as regulation of the game is concerned, the KNVB is the sole authority in the Netherlands that can draft the rules of the game. The KNVB rules and regulations have to be in accordance with UEFA and FIFA regulations.

In order to be able to perform in professional competitions, which are governed by the KNVB, all the clubs need to become a member of the KNVB. This includes all the professional football clubs in the Netherlands. Besides this membership of the KNVB, the clubs need to obtain a compulsory license to have access to the competition. The license is issued after the club has proven that it meets the criteria defined in the licensing regulations of the KNVB.

²¹⁹ For more information on what covers the definition of “professional players”, see point 3 and note foot 5

²²⁰ For more information on what covers the definition of “professional clubs”, see point 3 and note foot 5.

When defining the professional football players sector, three main areas can be identified and broadly defined as follows:

- The regulation of the game including refereeing, fixtures and discipline. A specific department of the national association (KNVB) is responsible for these matters : the KNVB “Sectie Betaald Voetbal” (“paid football section” - department professional football)
- The surrounding commercial issues, such as sponsorship agreements and collective selling of rights. There are two official bodies affiliated to KNVB “Sectie Betaald Voetbal” which are responsible for these matters. The first is the ECV, which consists of the 18 clubs playing in the most important league in the Netherlands, the “*Eredivisie*”. The ECV was created to collectively represent the clubs of the *Eredivisie* in commercial matters such as sponsoring and the negotiation of broadcasting rights. The other body is the CED which defends the commercial interests for the collective of clubs of the first division in the Netherlands, a total of 20 clubs in the 2005/2006 season. The main tasks of the CED are the negotiation of broadcasting rights, sponsorship agreements and profitable collective contracts.
- The legal (employment law) regulation of the sector. For the employers’ side (clubs), there is one representative organisation, the FBO representing a total of 38 clubs from the Eredivisie and the Eerste Divisie in the collective bargaining process. It is an independent organisation. As for professional players, two rival representative organisations participate in the collective bargaining: VVCS and Proprof.

With regard to the interconnection between the organisations, we can observe that the professional clubs are indirect member of KNVB through their affiliation to ECV and CED²²¹ and directly through as individual members of the general assembly professional football. There also linked between the players and KNVB through the players’ council²²². The players’ council is an official body of the department professional football. The players’ council has two representatives in the general assembly professional football. The players’ of the clubs in the ECV or CED may choose, in a self-determined way, the players that represent them in the KNVB. The players’ council has advisory powers in various matters and decisive votes in matters dealing with re-registration and transfers. Lastly, there is no institutional connection between the FBO and the KNVB or the players.

As for the potential conflicts between the organisations, there are no clear disputes between ECV/CED and KNVB. The disagreements that may exist between the VVCS / Proprof and the FBO can be characterised as matters which are normally connected to collective bargaining. Between the KNVB and the FBO there exists a history of conflicts, although the situation has become calmer over the last year and a half²²³. Between the ECV / CED and the FBO there have been some difficulties as well. These difficulties have arisen from the fact that there are three different organisations dealing with three different goals and mandates but all having the same members²²⁴. This sometimes leads to unclear situations regarding the competences.

Finally, the Netherlands is a so-called non-interventionist country in relation to sport. No specific sports act exists. Sport falls under general legislation.

²²¹ As mentioned above, ECV and CED are direct bodies of the KNVB. This interconnection is stressed by the situation that exists in practice at the offices of the ECV and CED, both organisations use human resources capacities of the KNVB for legal and administrative matters. According to the EPFL, ECV and CED are affiliated to the KNVB.

²²² According to the EPFL, the professional clubs are direct members of KNVB, which is an association under Dutch Law. There is also a link between the players and KNVB.

²²³ The main points of conflict lie in the fact that the KNVB wanted the FBO to move its seat from Rotterdam to Zeist, to the headquarters of the KNVB. The FBO has always stressed the necessity to stay independent of the KNVB due to the nature of its internal statutory goal. Another reason for clashes is the interconnection between the organisations and the sometimes unclear division of competences. According to G-14, “*the latest development in the Netherlands is that the employer’s organization FBO moved from Maarsbergen to Rotterdam and is now located in the same building with ECV (premier league club) and CED (first division clubs). Maarsbergen is situated near the FA’s (KNVB) headquarters in Zeist*”.

²²⁴ According to EPFL, “*these difficulties have been solved since the three organisations have decided to work jointly and a cooperation, including a position in the board of the FBO for the ECV and CED*”.

3. Status of the professional player

There is no legal definition of a professional football player in the Netherlands. The clubs in the two highest divisions in the Netherlands are considered professional clubs, hence a player that plays in one of these teams is considered to be a professional. Although not defined anywhere, the general consensus in the sector and amongst the participants is that a professional football player is a player with a full-time employment contract²²⁵. A semi-professional is a player with a part-time employment contract.

The employer of the professional football player is the club. The player is a regular salaried worker. As regards to the terms and conditions of the contract, there is no difference between a part-time or full-time employee.

There exists a standard employment contract for the player. This contract is issued by the KNVB and includes the following: duration, salary, a statement on the applicability of the rules and regulations of the KNVB, UEFA and FIFA, the explicit choice for the KNVB disciplinary and arbitration system in case of conflicts with the prohibition to go to a civil court and a compulsory compliance with the CFK regulations. The standard contract exists next to the Collective Bargaining Agreement. The employment contract of the player is completely subject to the employment code in force for the other economic sectors. General employment law is applicable to the employment relation between a player and a club. There is no sport specific employment code or employment legislation.

Professional football players benefit completely from social protection, just like any other worker. In relation to insurance costs in case of illness or accidents, the player is obliged to conclude separate insurance in case he does not fall under the state regulation. For football players a specific pension regulation is in force. It is called the CFK: Contractspelersfonds KNVB. The CFK-fund was created in 1972 and can be characterised as a financial bridging regulation. An arrangement that enables the professional football player to save money for a later stage in his life, after his professional career, under beneficial fiscal terms and conditions. The CFK fund also includes a financial compensation for surviving relatives. Currently there are around 2000 participants in the fund.

²²⁵ The KNVB does not use the term “professional footballer”. The KNVB makes a distinction between a “contract player” being a player that is under contract at a “BVO” (betaald voetbal organisatie or paid football organisation) playing in one of the two top leagues, and an “active amateur” being a player that does not play at a BVO and who is not allowed to earn more than a realistic reimbursement of expenses (according to the EPFL, amateur players can play at a BVO). In the Netherlands, there is no definition of professional football. As a consequence it is not feasible to provide a total number of professional and semi-professional football clubs. If we decide that a professional football club is a club that has engaged professional football players, we first must define what a professional football player is. Taking the scope of this research into consideration it makes sense to use the perspective of the employment contract as a basis for the definition of a professional footballer. A player with an employment contract is a professional. If this is the case, then there is a substantial number of clubs that are professional. Hence, employment contracts are not only used in the two top divisions but also in the amateur divisions, “amateur” according to the regulations of the KNVB (the major difference is that in professional football the player has an employment contract with the club. The club is therefore the employer. In amateur football, employment contracts with clubs are not allowed. The player usually has an employment contract with a foundation of sponsors related to the amateur club). However, there is a vast grey area between contract players and active amateurs. The KNVB regulations do not foresee a definition for that grey area. Under Dutch national employment law, all these football players in this grey area could have an employment contract, at least de facto employment contracts. Therefore, there could be hundreds not to say thousands of professional football clubs and professional football players, being every player that receives a higher remuneration than the total of his actual expenses. We have focused on the division that is made by the KNVB as the focus of the research lies on the national level of the member states. We have therefore taken this fact, based on historical “sporting” reasons into account. We do point out the aspect of the employment contracts that exist in amateur football.

4. Social dialogue

In the Netherlands there is no formal tripartite social dialogue. There are aspects of football regulation that are established after consultation of all parties in professional football, such as the regulation of the issuing relevant work permits. Concerning employment aspects, it is typical for football that every contract concluded between a player and a club needs to be registered by the KNVB. This registration is only compulsory for players at the clubs at the highest divisions. These players are the so-called “contractspelers”.

In the official, bipartite social dialogue the parties represent both sides of the industry: the contractspelers and the football clubs in the two highest divisions. The players are represented by the VVCS and the Proprof, the clubs are represented by the FBO. There is formal recognition; they are the signatory parties to the collective bargaining agreement. The three mentioned organisations perform a continuous role as a representative organisation. There is, on a regular basis, contact between the official organisations, therefore one can say that informal social dialogue is always in process. Every three years, there is a formal social dialogue in the sense that a collective bargaining agreement is negotiated and concluded. The collective bargaining agreement applies to all professional footballers in the two highest divisions (professional football).

Among the issues mentioned in the agreement, there are provisions on duration of the labour / working hours, remuneration, holiday payments and health insurance. During this research a new collective bargaining agreement was concluded for the next three years. The main difference with the one mentioned above is the creation of a social fund for the education of players during and after their career. What is also new is the introduction of a minimum wage for part-time workers, but that still needs some fine-tuning.

At the level of the club, there are no trade union delegates but rather so-called “spelersraden”. This is a council of players that act as a collective voice of the players towards the single employer. Out of the various player councils the Centrale Spelers Raad is created.

5. Organisation(s) active in the sector

a. National Association

The **Royal Dutch Football Association (Koninklijke Nederlandse Voetbalbond, KNVB)** was founded in 1889 and can globally be divided into two areas. Firstly, there is the organisation of football and events. Secondly, there are the events, and all the issues relating to national teams and tournaments for national teams. Professional football falls under the organisation of football. The department of professional football of the KNVB (KNVB “Sectie Betaald Voetbal”) deals with everything concerning professional football. The department of professional football of the KNVB deals with everything concerning professional football besides employment aspects. One employment aspect that can be identified however is that in the employment contracts between a player and a club the rules and regulations from the KNVB are made applicable. The contracts also need to be registered at the KNVB. KNVB deals with disciplinary matters, the fixtures (planning of competition) and is the founder of the licensing system.

The clubs are generally members of the KNVB. The clubs are also voting members of the general assembly for professional football, which is an official body of the KNVB. The players, represented through the players’ council are also voting members of the general assembly²²⁶.

²²⁶ The tasks of the general assembly are: to decide upon the regulations and to amend the regulations dealing with professional football, being the: regulations professional football; regulation of professional football matches; disciplinary regulations; sponsoring regulations; the licensing system; player re-registration regulations; training regulations.

KNVB is member of UEFA and FIFA.

b. Organisation(s) of professional football players

The **Association of Players under Contract (VVCS)** was founded in 1961 as an association according to Dutch law. It employs six salaried workers²²⁷ and sources of finance of the organisation are the membership fees of the connected football players, a percentage of the paid-up capital in the CFK fund and a percentage deriving from the *Stichting CAO*. These contributions out of the CFK and *Stichting CAO* can be characterised as management fees. The VVCS is recognised by the National Association, more importantly the VVCS has received a so-called Royal approval in 1963.

The main mission of the organisation is to actively promote the collective and individual interest of the players. The organisation is permitted to negotiate on behalf of its members. The VVCS is involved in the following negotiations: the national collective bargaining agreement for contract players and negotiations concerning the criteria for work permits for non-EU nationals. The VVCS is also involved in various informal negotiations, mainly dealing with labour aspects; image rights of the collective of players and post career education.

The **Proprof** was founded in 1999 after a rather tumultuous period in collective bargaining in the Netherlands' professional football players sector. The Proprof is recognised by the National Association and it employs two salaried workers (the director and the administrative worker). This trade union is permitted to negotiate on behalf of its members. Proprof takes part as representative organisation in collective bargaining.

Professional football players organisation(s) (2004/2005 season – sources: VVCS and Proprof)

Organisation		Members	Members working as football players	Professional players working as footballers as a proportion of total membership	Density of professional footballers	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Number	Number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Vereniging van Contractspelers (VVCS)	Association of Players Under Contract	1,050	800 (active players)	80	75-80 ²²⁸	Yes	FNV	No	No	ETUC	FIFPro	No
Proprof	Proprof	500	420 (active players)	84	45-50 ²²⁹	Yes	Unie, UOV	No	No	UNI-Europa	No	No

²²⁷ In legal matters the VVCS is assisted by the staff of the FIFPro. The VVCS and the FIFPro use the same office space in Hoofddorp and share administrative staff.

²²⁸ Bearing in mind that some football players have a double membership of a trade union, the other union being the Proprof.

²²⁹ Bearing in mind that some football players have a double membership of a trade union, the other union being the VVCS.

Density of football professional players: number of affiliated professional footballers compared with the total number of professional footballers in the country CB: Does the organisation take part in collective bargaining?

c. Organisation(s) of professional football clubs

The **Dutch Federation of Paid Football Organisations (FBO)** was founded in 1974 to serve as a counterpart to the players' union VVCS, which became much more powerful after the 1967 Theo Laseroms judgment which held that a football player and a club were bound to each other by an employment contract. The public authorities also stressed the importance of the creation of a separate and independent body due to the fact that it became more and more clear that the football sector was just as much an economic sector as any other. The FBO has a salaried staff of two full time workers and two part time workers. Sources of finances of the FBO are membership subscriptions; management fees for managing the Stichting CAO and partnership fees with commercial parties. During the general meetings of the members they all have one vote.

Nowadays, the FBO has a long history in collective bargaining. The FBO defends the interests of its members on an individual and collective basis. The clubs have directly delegated their powers. Competences of the FBO are the continuous representation of the members in contacts and negotiations with player unions, unions of coaches and the government; advising on the structuring of the club in relation to employment and HR aspects; representing the members in conflicts of employment with players and in disciplinary matters; negotiation and conclusion of collective bargaining agreements. Furthermore, the FBO deals with the administrative aspects and the criteria surrounding for work permits for non-EU players. The FBO is, on the basis of its statutory goals, the party to represent the Dutch clubs in EU Social Dialogue. The European Federation of professional football clubs (EFFC) was a Dutch initiative, from the FBO. It was carried out with the knowledge of the Dutch clubs but only as a research project. EFFC served as a platform to create awareness about the EU Social Dialogue.

The **First Division limited partnership (ECV)** was founded on the basis of Eredivisie NV²³⁰. There are five salaried workers in the organisation. The source of finances of the ECV is based on the collective exploitation of the rights of the clubs from the *Eredivisie*. These rights are image rights, sponsorship rights (only for the clubs as a collectivity), broadcasting rights and other intellectual property rights. A percentage of the income is directly used for the operation of the ECV.

The organisation is recognised by the national association. It is an official body of the KNVB. The ECV believes that the membership of the KNVB²³¹ is necessary to carry out those tasks that need to be carried out by them and by the KNVB. The KNVB deals with disciplinary issues, fixtures and matches, the ECV provides the clubs with a degree of counterweight in matters that are handled by the KNVB. On the other hand the ECV operates as a "sparring partner" for the KNVB.

Whenever commercial or marketing aspects are at stake, the powers lie exclusively with the ECV. Currently, there is still dependency on the KNVB, it is not clear what the situation will be after 2008, which is when the current strategy plan finishes. Two situations are possible: is the current situation going to continue or will the ECV carry all the tasks out by itself and break free of the KNVB?

²³⁰ Eredivisie was founded in 1997 by clubs of the first division. These clubs were starting to become less content with the way in which the KNVB was operating (in the management of the professional football), the clubs had the feeling that there was a possibility to maximise revenues out of the commercial rights of the collective of clubs. In order for this to happen the clubs needed to take over these powers of the KNVB and bundle their individual power into a collective power. The ENV became the managing organisation of the ECV, the clubs all have certificates of the shares of the ENV.

²³¹ The EPFL explains that "*this is not an official membership (like club membership)*".

The **Cooperation of the First [actually Second] Division (CED)** was established in 1997 and has the status of a Cooperative Association. It employs three salaried workers²³². The finances of the CED are based on an indirect contribution from the clubs. The KNVB transfers a percentage of the positive amount generated by all the clubs in KNVB competitions and, from 2000, a percentage of the income of the tournament of the KNVB Cup is transferred to the CED to pay its expenses²³³. The CED is an official body of KNVB²³⁴.

The CED defends the interests of the affiliated clubs on an individual and collective level. They have a broad mission statement, excluding employment law aspects. The CED is involved in the selling of the broadcasting rights for the matches in the *Eerste Divisie*. Through the CED collective contracts have been concluded, such as a collective buying of medical goods. The clubs have delegated the powers necessary to conclude these types of agreements to the CED.

One of the big projects of the CED for the coming years is to evaluate the feasibility of a new format for the competition, where the top layer of the amateurs will be involved.

Professional football clubs organisation(s) (2004/2005 season – sources: FBO, ECV and CED)

Organisation		Divisions covered	Number of clubs affiliated	% of professional clubs affiliated in the organisation	Density of professional clubs	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	type	number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
De Nederlandse Federatie van Betaald Voetbal Organisaties (FBO)	Dutch Federation of Paid Football Organisations	Division 1-2	38	100	100	Yes	VNO-NCW	No	No	UNICE	No	No
Eredivisie Commanditaire Vennootschap (ECV)	First Division limited partnership	Division 1	18	100	47	Not in the employment regulations	No	No	EPFL	No	No	No
Coöperatie Eerste Divisie (CED)	Cooperation of the First (actually)	Division 2	20	100	53	Not in the employment	No	No	No	No	No	No

²³² The KNVB is responsible for the payment of part of the salaries of the employees of the CED.

²³³ According to the EPFL, the finances of the CED are based on an indirect contribution from the clubs. As from 2000, a percentage of the income of the tournament of the KNVB Cup is transferred to the CED and the ECV to pay its expenses.

²³⁴ The CED and the ECV representatives are members of various KNVB committees, such as the technical platform, a ticketing platform, training and education committee, working group for the format of the Amstel Cup.

	Second) division					ent regulatio ns						
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Density of professional clubs: number of professional affiliated clubs compared with the total number of professional clubs in the country CB: Does the organisation take part in collective bargaining?

SPAIN

1. Contextual data in the sector

Players (2004/2005 season – source: AFE)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players	4,265	93.0	4.3	2.4
Semi-professional players	ND			
Amateur players	ND			
Total	ND			

Clubs (2004/2005 season – source: AFE)

Sub-sectors	Number of clubs	% clubs in 1st or top division	% clubs in 2nd division	% clubs in 3rd and lower divisions
Professional clubs	42	4.3	22.1	73.6
Non-professional clubs	ND	0	0	100
Total	ND			

2. General regulation

The main actors involved in organizing the sector are the Higher Sports Council (Consejo Superior de Deportes, CSD)²³⁵, the Royal Spanish Football Federation (Real Federación Española de Fútbol, RFEF), the National Professional Football League (Liga Nacional de Fútbol Profesional) and the Spanish Footballers' Association (Asociación de Futbolistas Españoles, AFE)

Professional football is a highly regulated sector or industry. A key element of the basic legislation that provides a regulatory framework is the Sports Act 10/1990, some of whose clauses were amended by the Law 50/1998, and by Royal Decree 1835 of 20 December 1991 relating to Spanish sports federations. The industrial relations situation of professional footballers comes under

²³⁵ The CSD is an independent administrative body attached to the Ministry of Education and Science (Ministerio de Educación y Ciencia). The President of the CSD is appointed by the Cabinet. The CSD has a Governing Board made up of representatives from central, Autonomous Community (or regional) and local administrations and Spanish Sports Federations, and of persons with a special standing in the sporting world. The remit of the Board includes the authorising of the constitutions and statutes of Spanish sports federations and the grading of nationwide professional sporting events. The CSD also has competence to reach agreements with sports federations on the aims, sports programmes and budgets of these bodies, and to authorise the holding of official, international sports competitions.

the category of “special” in the Workers’ Statute (Estatuto de los Trabajadores), and is further defined in Royal Decree 1006/1985. Royal Decree 287/2003 also states that professional footballers come under the general category of the National Insurance system. Finally, there is the collective agreement between the LFP and the AFE.

3. Status of the professional player

Royal Decree 1006/1985 defines professional footballers as individuals who, by virtue of a relationship established on a regular basis, voluntarily take part in the sport under the organisation and guidance of a club or sporting entity in return for payment.

A professional footballer’s employer is the club or sports limited company for which he or she works. Professional footballers are employed as salaried staff on the payroll of the company and are not self-employed. However, the contractual relationship with the employer is a special one. The collective agreement in force in the sector prescribes a type of employment contract that sets out the duration of the contract, and forms of payment (contract bonus, monthly salary, match bonuses and other payments). For other aspects such as training and obligations pertaining to the signatories to the contract, the collective agreement refers to Royal Decree 1006/1985.

The payment received by professional footballers from their employer is legally deemed to be salary, and is therefore subject to national insurance contributions which entitles them to such rights as health care, sickness, unemployment and incapacity benefit, and pension just like other salaried workers. Players may voluntarily sign up for, and contribute to, the Professional Sportsplayers’ Benefit Society (Mutualidad de Deportistas Profesionales).

4. Social dialogue

There is no genuine forum for **tripartite discussions** in the professional football players sector, although it does take place to some extent in RFEF General Assemblies in the sense that the sector’s main actors attend these meetings. Social dialogue takes place at particular moments and over particular issues, such as the signing of a protocol for measures against racism, xenophobia and intolerance in football, the introduction of measures against violence, and the drawing up of rationalisation plans for clubs.

Bipartite discussions mainly take place between the LFP and the AFE on matters relating to the 1st and 2nd Divisions, and between the AFE and the RFEF on matters relating to the other Divisions. The LFP and the AFE are involved in determining working conditions in the 1st and 2nd Divisions by negotiating the collective agreement. The most recent agreement was in force until the end of last season, and the two organisations are currently engaged in collectively bargaining a new one. The agreement is binding on all clubs and professional players in 1st and 2nd Divisions. It sets out the type of employment contract, working hours, weekly rest days and holidays, the structure of the wage packet including basic salary, premiums and bonuses, compensation for preparation and training, rights to trade union representation, and the disciplinary procedure²³⁶. Although the collective agreement fixes the basic salary of 1st and 2nd Division players, it should also be borne in mind that pay is an important factor in direct negotiations between clubs and players or their agents. Current disputes between the organisations relate to difficulties over the renewal of collective agreements between the AFE and the LFP, and between the AFE and the RFEF, and to the signing of a co-ordination agreement between the LFP and the RFEF.

²³⁶ An important point not covered by collective bargaining is the issue of termination clauses in players’ contracts. The current system entails an agreement on the terms of the cancellation clause when the contract is signed by the player. The sum fixed, which is sometimes of astronomical proportions, must be paid back by the player if he or she decides to leave the club. In these cases, the club wishing to sign the player usually pays the stipulated amount, as the new club may otherwise refuse to “free” the player.

There are no trade union delegates at club level, and only a few clubs have informal delegates; as a result, players themselves take on this role as leaders.

The main obstacle to the extension of tripartite agreements and collective bargaining in the sector, according to LFP, is the absence of a system for mitigating the economic impact of relegation (from the 1st to the 2nd Division, and from the 2nd to the 2nd Division "B").

An agreement on the 2nd Division "B" Division between the AFE and the RFEF has been in force since 1989.

5. Organisation(s) active in the sector

a. National Association

The **Royal Spanish Football Federation (Real Federación Española de Fútbol, RFEF)** is an independent body made up of sports federations at regional autonomous community level, sports clubs, sportsmen and sportswomen, technical staff, referees, and the LFP. The RFEF has a staff of 133 employees, and receives 7% of its funding from public subsidies and 93% from private sources.

The mission of the RFEF, acting under the auspices of the CSD, includes:

- to organise and assess sports activities and competitions at national level;
- to work together with the regional-level federations with a view to promoting sport in general;
- to organise and oversee official international competitions held in Spain.

The RFEF also has responsibility for:

- disciplinary matters;
- training;
- the grading of referees;
- anti-doping control.

Professional players are represented in the organisation through the AFE, the Association attending meetings of the RFEF Governing Board and of joint committees set up to resolve disputes between clubs and players. These committees can intervene on the rules used in interpreting disputes, and also in individual disputes, but only if they are of particular importance.

The RFEF only intervenes as an employer in collective bargaining in respect of clubs and players in the 2nd Division "B". These players are represented by the AFE.

The RFEF's three main objectives over the next five years are genuine economic development in the sector, institutional restructuring, and the signing of a co-ordination agreement with the LFP.

The RFEF does not have an ongoing relationship with the EPFL, EFFC, FIFPro or G14. At national level, it is a member of the Spanish Olympic Committee (Comité Olímpico Español, COE), and at international level of UEFA and FIFA. It takes part indirectly in the International Olympic Committee (COI).

b. Organisation(s) of professional football players

The **Spanish Footballers' Association (AFE)** was founded in 1978. It is a trade union organisation, and represents the interests of professional footballers. It has a staff of 18 who work on a regular basis, and they are joined by workers taken on temporarily during peak periods. The Association is funded basically by members' subscriptions.

The AFE forms part of the Governing Board of the RFEF, and also, along with the RFEF, attends joint committees set up to resolve disputes between clubs and players. It is accordingly *de facto* recognised by the RFEF. The AFE is also a member of the CSD's General Assembly of Sport, and is on the latter's Governing Board. In addition, it has one representative on the Football Arbitration Tribunal (Tribunal Arbitral de Fútbol), and another on FIFA's Dispute Resolution Chamber.

The AFE negotiates with the LFP on the sector's collective agreement covering clubs and teams in the 1st and 2nd Divisions, and with the RFEF in respect of the players and clubs in the 2nd Division 'B'. It also agrees the schedule of official matches with the LFP, and with the LFP and the RFEF, it agrees the number of players from outside the European Union who are authorised to play in official matches.

Its main aims over the coming years are to strengthen all institutional procedures that serve to defend footballers' interests, to further the development of rules that facilitate a more equal balance for negotiating with clubs, and to achieve the necessary guarantees for greater stability in the development of the profession.

Finally, the AFE does not have any dealings with the APFL, EFFC or G-14.

The **Communication and Transport Federation of the Workers' Commissions Trade Union (FCT-CCOO)** plays a very small role in the world of sport. The FCT-CCOO has no members in the professional football players sector and does not take part in collective bargaining; its involvement is limited to participation in very specific collective agreements, and in planning the televising of football matches.

The **Services Federation of the General Workers' Federation (FeS-UGT)** and the **Services - Basque Workers' Solidarity Trade Union (ELA-Zerbitzuak)** do not play any significant role in the sector.

Professional footballers' organisation(s) (2004/2005 season – sources: the organisations)

Organisation		Members	Members working as football players	Professional players working as footballers as a proportion of total membership	Density of professional footballers	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Number	Number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Asociación de Futbolistas	Spanish Footballers'	4,749	3,828 (other are non-active)	90	90	Yes	No	No	No	ETUC	FIFPro	No

Españoles (AFE)	Association											
Federación de Servicios de Unión General de Trabajadores (UGT)	Services Federation of the General Workers' Federation	No	0	0	0	No	UGT	No	No	ETUC	No	ICFTU
Euskal Langileen Alkartasuna - Zerbitzuak (ELA-Zerbitzuak)	Services - Basque Workers' Solidarity Trade Union	No	0	0	0	No	ELA	No	No	ETUC	No	ICFTU, WCL
Federación de Comunicación y Transporte de Comisiones Obreras (FCT-CCOO)	Communication and Transport Federation of the Workers' Commissions Trade Union	No	0	0	0	No	CCOO	No	No	ETUC	No	ICFTU

Density of football professional players: number of affiliated professional footballers compared with the total number of professional footballers in the country CB: Does the organisation take part in collective bargaining?

c. Organisation(s) of professional football clubs

The **National Professional Football League (LFP)** is an independent sports association set up in 1985. Under the terms of the Sports Act 10/1990, is composed exclusively and mandatorily of all clubs and sports limited companies that take part in official and nationwide professional football competitions (i.e. professional football clubs and sports limited companies in the 1st and 2nd Divisions). Only football clubs may be members of the LFP.

The LFP has complete freedom to pursue the achievement of its aims, and is free to decide about its internal organisation and mode of operations. The league is represented by the President. In addition its senior executives are the Director General and the General Secretary. The League has a staff of 18, and its funding comes from 10% of football pools profits and from the sale of licences and sponsored programmes.

The LFP has been allocated the following aims and areas of competence, either exclusively or in co-ordination with other bodies:

- to supervise, within the framework of industrial relations law, the contractual relationship between clubs and sport limited companies, and professional players;
- to fix the dates and times of professional matches, except in respect of alterations resulting from a decision of the disciplinary bodies of the RFEF;
- to agree on rules regarding the advertising of the kit worn by teams and club members within the framework laid down by international football organisations;

- to regulate and monitor the uniformity of conditions for competing teams, and advertising at matches, in accordance with international regulations and by agreement with the RFEF;
- to agree on rules about the format, issue, supply and sale of tickets at access points in stadiums belonging to clubs and sports associations, and any other questions related to ticket sales;
- to fix official standards for the ball in accordance with the regulations of the International FA Board;
- to deal with the registration and provisional permits of players in clubs and sports associations affiliated to the LFP;
- to agree on the economic and social requirements necessary for clubs and sports limited companies to obtain LFP membership;
- to fix rules concerning the selection of players for professional matches, and the relationship between clubs and sports limited companies and their second teams;
- to fix standards required for sports facilities and stadiums for professional matches, safety rules, the monitoring of access, and any other aspects deemed necessary;
- to draw up and approve the 1st and 2nd Division match programme to be submitted for ratification to the President of the RFEF;
- to decide how many, and which, teams will take part in professional matches (any changes require an agreement between the RFEF and the LFP);
- to implement proposals concerning the development of official and nationwide professional competitions, without detriment to the existing agreement with the RFEF;
- to determine, together with, and in agreement with, the RFEF, the number of professional players of nationalities other than those of member states of the European Union or the European Economic Area, who can be employed and registered by affiliated clubs and sports limited companies, and to lay down provisions relating to their selection in competitions;
- to agree on criteria for promotion and relegation between the 1st and 2nd Divisions, and between the 2nd Division and the 2nd Division “B” (the RFEF must be informed of these criteria);
- to inform the RFEF of changes of address of players attached to clubs and sports limited companies affiliated to the LFP;
- to fix, in agreement with the RFEF, the training fees and promotion bonuses which go along with the initial signing of a player by a club or sports limited company that takes part in professional competitions.

Matters involving both the LFP and the RFEF are coordinated via an agreement between the two organisations.

The commercial exploitation of matches and negotiation of the collective agreement with the representatives of professional players are delegated by sports limited companies and professional clubs to the LFP. The LFP does not delegate any of its activities – neither organisational matters nor negotiations with any other bodies in the sector – to any European body.

The LFP has an ongoing relationship with the following European organisations in the sector: the European Professional Football League (EPFL), the European Federation of Professional Football Clubs (EFFC)²³⁷, the International Federation of Association of Professional Football Players (FIFPro) and G14.

²³⁷ The relationship with the EFFC dates from June 2005, and is very new.

The LFP's main aims over the next five years are to secure economic resources for their affiliates and to supervise matches and ensure equal conditions, while continuing to guarantee criteria for free competition.

Professional football clubs organisation(s) (2004/2005 season – source: LFP)

Organisation		Divisions covered	Number of clubs affiliated	% of professional clubs affiliated in the organisation	Density of professional clubs	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	type	number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Liga Nacional de Fútbol Española (LFP)	National Professional Football League	1 & 2	42	21.6 (100 in the 1 st and 2 nd Divisions)	21.6 (100 in the 1 st and 2 nd Divisions)	Yes	RFEF, CEOE	No	EPFL	UNICE	No	No

Density of professional clubs: number of professional affiliated clubs compared with the total number of professional clubs in the country CB: Does the organisation take part in collective bargaining?

SWEDEN

1. Contextual data in the sector

Players (2004/2005 season – sources: Svensk Fotbollförbundet-SvFF and Svensk Elitfotboll-SEF)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players	475	74	12	14
Semi-professional players	180	ND	ND	ND
Amateur players	228,090	ND	ND	ND
Total	228,745			

Clubs (2004/2005 season – sources: Svensk Fotbollförbundet-SvFF and Svensk Elitfotboll-SEF)

Sub-sectors	Number of clubs	% in 1 st or top division	% in 2 nd division	% in 3 rd and lower divisions
Professional clubs	66 (of which 36 play women's football)	39	61	0
Non-professional clubs	3,209			
Total	3,275			

2. General regulation

The organisation of football in Sweden, as in most European countries, is in the form of a pyramid.

The base is made up of the clubs that have the status of a legal person or not-for-profit association, although since 1999 clubs have also been set up as professional sports companies incorporated by guarantee, and with the same designation as the association; examples of this include the AIK-AB and Hammarby clubs²³⁸. At the intermediary level, there are leagues (with the

²³⁸ The practice of professional clubs establishing companies got under way following the successes of the AIK ("allmänna Idrottsklubben", Stockholm) team from Stockholm at the European Championships. More capital was needed to address the competition and competitiveness coming from publicly-quoted European clubs, and the only way to acquire any was to set up parallel not-for-profit associations known as

status of a moral person or of a not-for-profit association) that bring local associations together. Their field of competences, in tandem with the national federation, is the organisation of competitions in which professional clubs take part.

At the top level, there is the national federation (with the status of a legal person or a not-for-profit association) that “heads up” the associations and clubs referred to earlier, and whose task is to organise, develop and oversee football coaching and activity of football, and to preserve the sporting ethic.

More precisely, the following bodies are involved at the level of the **organisation of professional football**: the Svenska Fotbollförbundet (Swedish Football Association, SvFF), the Swedish Élite Football Association (Föreningen Svensk Elitfotboll, SEF), the Women’s Professional Football League (Elite Elitföreningen Damfotboll, EFD), and the organisation that represents players, the Swedish Football Players’ Association (Svenska fotbollsspelare, SFS).

The **SvFF** has responsibility for overseeing professional football, and for handling organisational issues such as the selection and management of the national side, the timetable of meetings, refereeing, disciplinary matters, and the sale of television rights, advertising and related matters; it also takes part in collective bargaining as an observer. Moreover, the SvFF has more right of jurisdiction than any other body over players as a whole, over clubs, and over staff whether or not they are employed by clubs.

The **SEF** is charged with administering professional clubs, organising the professional clubs’ league championship, and representing its members (i.e. the clubs) in a range of settings, including collective bargaining.

The job of the **EFD** is to strengthen cooperation between member clubs, and to work for their common good in the context of women’s football.

Lastly, the **SFS** is the trade union tasked with representing professional players in collective bargaining, and with defending their interests.

Like other sectors of the labour market, professional football enjoys relative independence and autonomy from the public authorities.

3. Status of the professional player

A priori, there are no professional players in Sweden in the strict sense of the phrase if their conditions are compared with those prevailing in other European countries such as Germany, England and France. The dividing-line between the status of professional player and that of amateur player in Sweden is located at the level of the contract and of the rate of pay; it is accordingly established that as soon as a player signs a contract of employment (“spelaravtal” or player’s contract) with a club (of whatever kind, and irrespective of the division it is in), and receives an annual taxable salary of more than SEK 3,000 a year²³⁹, he or she is deemed to be a “non-amateur”²⁴⁰. This might lead one to conclude that the notion of “professional” has been distorted insofar it is impossible to live on an annual salary of EUR 326. This situation derives from the fact that, in order to promote loyalty among talented players, clubs offer contracts so that their hopes – the clubs have often invested heavily in coaching and training – do not evaporate. In practice, there are two categories of professional: those for whom football is their sole job; and

professional sports companies incorporated by guarantee; these companies operate like public limited companies except that most of the share capital (51% of the shares) must be held back by the association, which is then deemed to be a ‘company support association’. The Swedish Sports Federation has allowed commercial firms to invest in clubs since 1999.

²³⁹ 1 euro = SEK 9.20

²⁴⁰The FiFPro recognises members as professional players when they earn more than SEK 3000 a year. The Swedish expert notes that since August 2005 the notion of professional player is admitted by the statutes of the Swedish Federation.

those for whom it is an additional job, and who are therefore sometimes deemed to be semi-professional. The only ones who can make a living from playing football, and who therefore receive what is sometimes a substantial salary, are those who play for teams in Allsvenska Leagues, and for some teams in the Superettan and Damallsvenska Leagues. It follows that professional players are always club employees, and work full-time.

The contract of employment, for which there is a standard formula (see point 4), applies current Swedish labour law, albeit with certain exemptions to common law as it affects employment (e.g. working hours, legislation relating to co-management and participation, and law dealing with job security and paid leave). It is clear from this that, by comparison with collective agreements concluded in other sectors of the economy, the agreement covering football is something of a poor relation.

Like employees in other sectors of the economy, professional footballers players qualify for welfare benefits relating to health insurance, additional insurance covering accidents and invalidity, and a special insurance scheme covering extended breaks from work.

4. Social dialogue

There is no **tripartite** bargaining in the football sector.

Social dialogue (i.e. organised on a **bipartite** basis) in professional football has opted for its own forms of organisation, and adopted a bargaining system that is applied in other sectors of the economy: this is the Swedish social model, which is founded on responsible organisations and collective agreements, and functions in a climate of collaboration and consensus.

In common with the rest of the Swedish economy, negotiations take place at the level of the branch. Sectoral agreements are normally concluded for varying periods of time, and usually for two or three years, depending on the bargaining area. These agreements are then transferred to club/association level, triggering negotiations between the social partners at individual player level. These talks result in the player's contract ("spelaravtal"), in which clauses referring to monthly salary, the duration of the contract, and working hours are negotiated in the light of individualised criteria.

Two **actors** take part in social dialogue: the SEF, which represents clubs, and the SFS, which represents the players. The first collective agreement in the professional football players sector in Sweden came into force in January 2001 and will expire on 31 December 2005²⁴¹. It was signed by the SEF and the SFS. This agreement, which is known as the Federation Contract ("Förbundskontrakt"), contains provisions relating to relations between players and clubs, the general working conditions of professional players, training, and the complementary pension scheme ("idrottspension"). It constitutes the general framework, the basis, for negotiation. In addition, there is a supplementary player's contract ("spelaravtal") – this is the stage, one that mainly concerns foreign players, at which agents take part in negotiations between the employer and the players' trade union – which sets out rates of pay, deadlines for terminating the contract, the length of the period of employment, transfer conditions, the rights and duties of the club and of the player, and penalties in the event of drug-taking. These fixed-term contracts, which last from two years up to a maximum of five years, are standard, and are applicable to all professional footballers. According to the social partners interviewed, the **coverage rate** of collective agreements in the professional football players sector is very high, and is close to 100%.

²⁴¹ Negotiations for the renewal of the collective agreement for three years are already under way. According to trade union sources, talks are likely to focus mainly on matters relating to pensions and to opportunities for training leading to re-training.

It is also important to refer to the participation of the SvFF which, through its legal adviser, negotiates the contracts of players in the national team and the transfers and sale of players. The SvFF is involved formally, giving its agreement on transfers, and in the case of altercations and disputes between clubs if, for example, payments have not been made by agreed deadlines.

The negotiating climate is consensual, and the social partners always strive to reach a constructive agreement. According to the social partners in the sector, there have been no labour disputes in professional football during the last ten years.

Lastly, there are no union delegations in professional clubs.

Comment: Swedish clubs are not affiliated to the European Federation of Professional Football Clubs (EFFC). Those interviewed were unaware of its existence.

5. Organisation(s) active in the sector

a. National Association

The **Swedish Football Association (Svenska Fotbollförbundet, SvFF)** was founded in 1904. It is a not-for-profit association, and is the most important sports federation in Sweden. It has 149 staff. The SvFF is funded by members' fees and subscriptions, and also receives income from television and radio repeats, subsidies from the state, UEFA and FIFA, and income from ticket sales and from the "Svenska Spel" lottery.

The objectives (and exclusive competences) of the SvFF are:

- to defend the moral and material interests of Swedish football;
- to define, direct, develop and administer the activity of football in Sweden;
- to govern amateur football and to oversee professional football;
- to lay down technical rules concerning football and the issuing of players' licences to represent a club;
- to manage sports establishments and installations;
- to negotiate television rights.

The SvFF takes part in collective bargaining as an observer.

The SFS trade union is not represented in the Federation, and does not sit on its decision-making bodies. All it receives from the Federation is a contribution for services rendered during the negotiations relating to the conditions of employment and salaries of players in the national team. The SEF league is a partner of the SvFF.

The objectives that it has assigned itself for the coming five years are:

- to be in the top ten nations in men's football;
- to be in the top four nations in women's football;

- o to continue to be the country's main federation.

The SvFF is directly affiliated to the National Sports Federation (Riksidrottsförbundet, RF), UEFA and FIFA.

b. Organisation(s) of professional football players

The **Swedish Footballers' Association (SFS)** was founded in 1975. It has the status of legal person, or not-for-profit association. The SFS is the trade union with responsibility for representing and defending the interests of professional players, and is recognised by the SvFF. Its funding comes from members' fees and from FIFPro subsidies. The Association also receives a payment from the SvFF, although it is not represented on that body. The SFS has a staff of three.

The SFS is empowered to represent players and defend their interests, and was the instigator of the collective agreement and of the player's contract currently in force. It participates fully in sectoral social dialogue in the football sector.

During the next five years, the SFS plans to focus its work on issues relating to:

- improving the rate of players' health insurance compensation;
- increasing the rate of trade union membership among women players;
- improving the conditions for players to re-train when they reach the end of their playing careers.

At European level, the SFS has not delegated its bargaining power (in the field of employment relationships) to FIFPro, but would do so if the situation demanded it.

Professional football players' organisation(s) (2004/2005 season – source: SFS)

Organisation		Members	Members working as football players	Professional players as a percentage of the membership working as football players	Density of football professional players	CB	National affiliations		European affiliations		International affiliations	
<u>Original name</u>	<u>English name</u>	<u>Number</u>	<u>Number</u>	<u>%</u>	<u>%</u>	<u>yes/no</u>	<u>Direct</u>	<u>Indirect</u>	<u>Direct</u>	<u>Indirect</u>	<u>Direct</u>	<u>Indirect</u>
Svenska fotbollspelar (SFS)	The Swedish Football Players Association	1,000	1,000	47.5	98-100	Yes	No	No	No	ETUC	FIFPro	No

Density of football professional players: number of affiliated professional footballers compared with the total number of professional footballers in the country CB: Does the organisation take part in collective bargaining?

c. Organisation(s) of professional football clubs

The **Swedish Elite Football Association (SEF)** was founded in 1928. It has the status of a moral person, or of a not-for-profit association of 30 clubs in the Allsvenskan and Superettan Leagues and of those in the 1st Division. It enjoys administrative, financial and sporting autonomy in accordance with the statutes and regulations of the SvFF. The SEF has 3.5 salaried employees. The Association's funding comes from members' fees and subscriptions, and from income deriving from sponsorship contracts.

The SEF is affiliated to the SvFF; however, from an organisational point of view, the adoption of, and/or amendment to, general regulations, the general regulation concerning the activity of football and its organisation, refereeing issues, disciplinary rules, financial regulations and rules relating to combating drug-taking, financial agreements with the "Svenska Spel" lottery, and ways of distributing advertising revenue to clubs are the exclusive responsibility of the Federation, although an SEF representative usually attends the deliberations of the committee concerned. The SEF is in charge of organising league championship matches and, under the Federation's control, oversees the professional clubs. It is also responsible for promoting professional football, and for overseeing the financing of clubs' sponsorship contracts.

At European level, the SEF has delegated its competences (i.e. its negotiating power) in the field of employment relations to the European Professional Football Leagues (EPFL).

According to the General Secretary, the SEF has assigned itself the following objectives for the next five years:

- to maintain the popularity of football with a view to increasing income;
- to train players and discover new talent;
- to have a healthy economy.

The **Women's Professional Football League (EFD)** was founded in 1978. It has the status of moral person or not-for-profit association. The EFD is a voluntary association of 39 clubs in the Damallsvenskan, Norrettan and Söderettan Leagues and in the 1st Division, and enjoys administrative, financial and sporting autonomy in accordance with the SvFF's statutes and regulations. The EFD has a General Assembly and a Management Board, which are also involved in the way the organisation is administered and functions. The association has one employee. Its funding comes from members' fees and subscriptions, and from other revenue from sponsorship contracts. The EFD is affiliated to the SvFF, with which it shares competences relating to organisational matters, except for those that exclusively concern the national federation. The EFD is also a consultative body that the SvFF may approach for an opinion on issues relating to the development of football.

The EFD's objectives are as follows:

- to strengthen cooperation between member clubs;
- to work for the common interest within the framework of women's football;
- to act as mediator in the event of disputes when asked to do so by clubs;
- to influence the content of women players' contracts and of transfer contracts, despite the fact that the organisation does not take part in collective bargaining.

The EFD has assigned itself the following objectives for the next five years:

- by means of a well-targeted plan, to enable clubs to deal with the demands facing elite clubs;
- through intensive marketing, to develop professional clubs' resources with a view to promoting women's football;
- to ensure that the working environment of women players in clubs promotes their optimum development as elite players.

Professional football clubs organisation(s) (2004/2005 season – sources: the organisations)

Organisation		Divisions covered	Number of clubs affiliated	% of professional clubs affiliated in the organisation	Density of professional clubs	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	type	number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Föreningen Svensk Elitfotboll (SEF)	The Swedish Elite Football Association	Professional	30	100	100 (in men's football)	Yes	SvFF	Riksidrotts Förbund (RF)	EPFL	UEFA	No	FIFA
Elitföreningen Damfotboll (EFD)	ND	Professional /semi-amateurs	39	92	100 (in women's football)	No	SvFF	Riksidrotts Förbund (RF)	No	UEFA	No	FIFA

Density of professional clubs: number of professional affiliated clubs compared with the total number of professional clubs in the country CB: Does the organisation take part in collective bargaining?

THE UNITED KINGDOM

1. Contextual data in the sector

United Kingdom - Players (2004/2005 season)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players	ND			
Semi-professional players	ND			
Amateur players	ND			
Total	ND			

United Kingdom - Clubs (2004/2005 season)

Sub-sectors	Number of clubs	Number of clubs in 1st or top division	Number of clubs in 2nd division	Number of clubs in 3rd and lower divisions
Professional clubs	92 (England) and 42 (Scotland)	ND	ND	ND
Non-professional clubs	ND			
Total	ND			

2. General regulation

Within the UK, overall regulation of the game of football is handled by the Football Associations respectively of England, Northern Ireland, Scotland and Wales. The largest is that of England. In England and Scotland, the respective national football associations are the peak level authorities for the game, with management of the major league competitions, including commercial management of broadcasting revenues, being handled by each nation's premier and major football leagues. In England, and Scotland, the league structures were reorganised to establish elite premier leagues in the 1990s, and in Wales, a single national league.

In England, the Football Association is the overall regulatory authority for the game, whereas the Premier and Football Leagues handle employment issues for the clubs. The league structure comprises the FA Premier League, which administers the top 20 clubs in the country, the Football League, which runs the championship for divisions one, two and three, comprising 72 clubs;

and the Football Conference, which administers non-league football. There are 66 clubs now competing in the Football Conference, 22 clubs in the Nationwide Conference, with the sub-divisions split geographically, 22 in Nationwide North and 22 in Nationwide South'. The FA also administers the 43 County Football Associations, which run the game at local level, for amateur players. These include approximately 40,000 clubs. Broadly speaking, the FAPL and the FL comprise clubs with full-time professional players, and the FC covers the semi-professional game. However, according to Hamil et al. (2004 p. 34), in 2003, rising attendances had enabled 12 of the Football Conference clubs to field full-time squads.

In England, the Football Association Premier League (FAPL) and the Football League (FL) largely run their own leagues on a day-to-day basis. These are for professional football. The shareholders of these leagues are the individual clubs and the FA. Scotland has a similarly structured two-tier arrangement, whereas Northern Ireland and Wales have a single tier of national divisions.

3. Status of the professional player

Salary determination for individual players in the UK is largely by mutual agreement between professional players and their clubs. In this process, they are often represented by agents, and over 220 FIFA licensed agents operate in the sector in England. (Hamil et al. 2003). In the English Premier League, in 2001, agents dealt with salary negotiations for about 80% of players (Roderick 2001 cited by Walters (2003: 20). Agents also play a key part in the transfer market, especially after its liberalisation following the 'Brosman ruling' by the European Court of Justice. Nevertheless, the FAPL and the FL negotiate their respective model contracts, which regulate details of the employment relationship. The FAPL negotiated a new model contract with the PFA in 2003. The two bodies also deal with disputes between players and their clubs in connection with their contracts.

According to the IFA, in Northern Ireland, most league players are semi-professional, combining their sporting activity with other jobs.

The individual clubs are the employers, and players usually find employment and negotiate their salaries either individually or through agents who are very important intermediaries in the labour market for professional football players. The FA is responsible for regulating the rules applicable to agents, and in England, all transfers involving players signing for the professional clubs in England are dealt with by the Registrations Dept at the FA. There has been some concern recently about the activities of agents and the level of fees.

Employment relations in the professional football players sector, especially in **England**, have been overshadowed by the vast influx of money into the sport owing to the sale of television rights, followed by the sharp fall in these revenues, which threatened the financial viability of many smaller clubs. This has enabled clubs to upgrade their stadiums and improve spectator safety, and has brought increased rewards for the stars in the sport, and for the most successful clubs, but it has also brought greater income inequality, and concerns about job security at the other end. In England, matters came to a head in November and December 2001 with the tense negotiations between the Professional Footballers' Association (PFA) and Premier League (FAPL) over sharing of these revenues between the clubs and players' welfare activities run by the PFA (see below). A strike ballot was held with over 95% of those polled voting for strike action. Then in March 2003, the collapse of ITV Digital signalled financial difficulties for many clubs and players.

4. Social dialogue

In England, there is no collective bargaining over pay, but the Professional Footballers' Association (PFA) and the Football Leagues responsible for the league competitions negotiate over a number of financial issues of benefit to players, such as shares in the television revenues, which the PFA manages on behalf of players for a number of important welfare activities.

The Professional Football Negotiating and Consultative Committee (PFNCC), set up in 1992, comprises four representatives from the PFA, and the PFA Chief Executive, and two representatives from each of the Football League and the Football Association Premier League, one from the Football Association, and the Chief Executive from each of the governing bodies of the latter organisations. The purpose of the PFNCC is to discuss issues surrounding the employment terms of professional players, and to discuss key issues within the sector. (Hamil et al. 2003). The PFNCC is the forum in which the model contracts for players were negotiated, and it also deals with negotiations over rules for transfers. It does not deal with collective bargaining over pay. The PFNCC does not deal with negotiating the sharing of broadcasting revenues. These are negotiated directly by the PFA with the FAPL and the FL separately. There are no formal tripartite bodies for football in England, although regular dialogue takes place with the FA, the PFA, the leagues and the government. On occasion, the FA represents the employers of the players (the clubs) at a government level. Such representation may cover a wide variety of topics.

5. Organisation(s) active in the sector

a. National Association

In **England**, the Football Association (FA) was founded in 1863. The key source of income for the FA include the sale of broadcasting rights, sponsorship deals, licensing, and ticketing of FA hosted matches, including England games. It is comprised of two main bodies: the legislative (the Council and its Committees) and the executive (a permanent staff, predominantly based at its headquarters in London). The legislative body, the Council, comprises 92 elected representatives from the constituent parts of the game, including The FA Premier League, the Football League, County Associations and other bodies. The Council meets around six times a year to consider major policy issues and direction, as well as to approve proposals put forward by committee. Major business, and strategic and commercial decisions are taken by the Main Board. This comprises six representatives from the professional game and six from the national game, plus The FA Chief Executive and The FA Chairman. The Board was established in December 1999 to make the decision-making process more streamlined.

As an indication of the challenges facing the game across the UK, in its Structural Review (FA, 2005), the English FA identified the following challenges that it should address:

- reconciling the tensions created by the - at times - very different interests of the professional and national game;
- adapting its own role and structures in a context where revenues across the professional game have increased significantly;
- managing a wide range of FA commercial activities, including a fluctuating broadcasting rights market, developing and operating Wembley and considering whether to proceed with the National Football Centre;
- responding to new or heightened concerns about issues such as discipline on and off the field, doping and the role of agents;
- representing English football in a context in which, increasingly, international developments, through UEFA and FIFA, dictate aspects of the game;
- responding to concerns about the financial health and management of clubs, including on the part of supporters who may feel that owners or directors are not acting in a club's best long-term interests;
- determining in which matters it should be proactively involved and in which matters the running of the game should be the responsibility of the various leagues and the County FAs;
- making the game and its representative structures more inclusive, in particular through ensuring greater representation by women and minority groups.

The FA too has been active in regulating employment practices in the industry as shown by the proposals it elaborated to increase agent transparency in September 2003, which were designed to reduce the activities of what it termed 'rogue agents'. The FA convened a group of representatives from the Premier and Football Leagues, the PFA and the Football League Managers' Association to assist it in this work.

The FA is member of UEFA and FIFA.

In **Scotland**, The Scottish Football Association (SFA) was formed in 1872. In 1893 professionalism was approved in the Scottish game and within 12 months 83 clubs had registered almost 800 professional players. The SFA is a member of FIFA and UEFA. Accordingly, it is itself obliged to respect the statutes, regulations, directives and decisions of FIFA and UEFA. Like the English FA, it is responsible for the governance of the game in Scotland, both professional and amateur, and for running the national team and the Tennents Scottish Cup.

In **Wales**, the Football Association of Wales (FAW) is the third oldest association in the world, having come into existence in 1876. The association has governed football in Wales continually since that date. The FAW is a member of FIFA and UEFA and is one of the five associations that make up the International Football Association Board, the guardians of the "Laws of the Game". The FAW in addition to its administration responsibilities for football in Wales also has the responsibility of running the international teams.

In **Northern Ireland**, the Irish Football Association (IFA) was founded in Belfast in 1880 and is the fourth oldest governing body in the world. It is member of UEFA and FIFA.

b. Organisation(s) of professional football players

Professional footballers have representative organisations in England and Scotland, but not in Wales and in Northern Ireland.

In **England**, the Professional Footballers' Association (PFA) was founded in 1907. It employs directly and indirectly about 250 salaried workers. The rate of membership is 100% across the professional clubs, but it does not operate a closed shop (Walters 2003). Its membership dues are low, £95 a year for all players. One of the main reasons for membership lies in the members' welfare activities, outlined below, which are largely funded from a share in the broadcasting revenues. It is recognised by the FA (it provides members with representation in disciplinary hearings from the FA).

Through PFA Financial, it offers a range of financial services to its members, including pensions, retirement planning, and mortgages.

There is no collective bargaining over salaries for professional football players in the UK, but the PFA nevertheless engages in a number of important representational activities on behalf of its members.

- It negotiates with the Premier and the Football League over the share of broadcasting revenues paid to the PFA in order to run its benevolent activities for its members (see below);
- It negotiates a template or model contract with each of the two leagues, which covers general terms and conditions for players, leaving the players or their agents to negotiate the levels of payment individually;
- It employs a number of agents who negotiate salaries on behalf of individual players with their clubs through its player management agency (PFA 2004b)

In **Scotland**, the Scottish Professional Footballers' Association (SPFA) is an independent organisation. It has merged with the GMB, one of Britain's largest general unions, and is now within the Food and Leisure sector of the GMB. The same section of the GMB includes other sports associations, notably, the Rugby Players Association, the British Swimming Coaches and Teachers Association, and the British Boxers Association.

Professional footballers' organisation(s) (2004/2005 season – sources: PFA and SPFA)

Organisation		Members	Members working as football players	Professional players working as footballers as a proportion of total membership	Density of professional footballers	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Number	Number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Professional Footballers' Association (PFA)	Professional Footballers' Association (PFA)	4,000	2,500 (+1,500 trainees and scholars)	62	100 ²⁴²	Yes	TUC	No	No	ETUC	FIFPro	No
Scottish Professional Footballers' Association (SPFA)	Scottish Professional Footballers' Association (SPFA)	880 ²⁴³	825 ²⁴⁴	93 ²⁴⁵	ND	ND	GMB and TUC	No	No	ETUC	FIFPro	No

Density of football professional players: number of affiliated professional footballers compared with the total number of professional footballers in the country CB: Does the organisation take part in collective bargaining?

c. Organisation(s) of professional football clubs

In **England**, the Football Association Premier League (FAPL) and the Football League (FL) run the national league competitions, and manage sponsorship deals and regulate most aspects of the professional game not dealt with by the FA.

They play a major role in training and skills for young people aged under eighteen. The clubs undertake coaching of professional players. Through their jointly owned company, League Football Education, the FAPL and the FL run youth training activities under the auspices of the Learning and Skills Council²⁴⁶. These include 'Sporting Excellence', an apprenticeship scheme for 16-18 year-olds (The Football Scholarship), and football academies and centres of excellence for younger age groups. The FL has a youth development programme for under-sixteens.

²⁴² Source: FIFPro.

²⁴³ Source: FIFPro.

²⁴⁴ Source: FIFPro.

²⁴⁵ Source: FIFPro.

²⁴⁶ According to the EPFL, the FAPL and the FL separately run youth training activities under the auspices of the Learning and Skills Council. After verification, the English expert maintained his position on joint organisation.

In **Scotland**, the Scottish Premier League (SPL), formed in 2000, comprises 12 clubs, and the Scottish Football League (SFL), comprises three divisions of ten clubs each. The SPL has 12 shareholders who are made up of representatives of the member clubs. Important issues such as commercial contracts and broadcasting deals have to be approved by the SPL. The SPL describes its aims as building an internationally strong league competition, representing and safeguarding the interests of its members; to modernise the league structure; to maximise commercial earnings opportunities for SPL football; organise an attractive league competition; to provide leadership in developing the game; and to work with other organisations nationally and internationally. Commercial revenues generated by the SPL are put into a pot which funds a support plan for recently relegated clubs, and the remainder divided up 48% divided equally between the SPL clubs, and 52% divided according to the club's final position in the league at the end of the season. The SFL describes its objectives as promoting and extending the game of Association Football generally, and in particular to be a governing body for its Member Clubs; to promote, guard and further the interests of its Member Clubs; to provide League Championship and League Cup Competitions for its Member Clubs and to conclude commercial contracts relative to sponsorship and exploitation of the League's fixture copyrights and intellectual property rights including transmission or recording by television, radio, electronic data transmission, or other means, of fixtures provided by the League.

In **Wales**, the League of Wales (LOW), established in 1992, comprises the leading club competition in Wales, its winners qualifying to compete for the European Cup. This is Wales' only national competition, other leagues being of regional scope. One of Wales' leading clubs, Cardiff City plays in the English Coca Cola Football League Championship. The LOW describes the organisation of the game in Wales by means of the 'football pyramid'. At the top of the system, of course, is the recently-renamed "Welsh Premier", sponsored by JT Hughes Mitsubishi, formerly known as the League of Wales. This is the Welsh national league, established in 1992, and the only national competition - all leagues below it operate on a regional basis, the more localised the further down the pyramid you go. The second tier, immediately below the Welsh Premier, consists of two leagues, each covering 'half' the country: representing the south of the country there is the Welsh Football League (Division 1) and representing the North and Central Wales areas is the Huws Gray Fitlock Cymru Alliance. The champions of each may be promoted to the League of Wales, subject to ground criteria. If the champions are not eligible, the runners-up may be considered.

In **Northern Ireland** there is a Premier League comprising 16 clubs and the Intermediate First and Second Divisions each comprising 12 clubs. Unlike its counterparts in England and Scotland players in the Northern Ireland competition are part-time players, combining football with other paid jobs. As in the other countries of the UK, the leagues are responsible for commercial deals such as broadcasting on behalf of their member clubs.

Professional football clubs organisation(s) (2004/2005 season – sources: the organisations)

Organisation		Divisions covered	Number of clubs affiliated	% of professional clubs affiliated in the organisation	Density of professional clubs	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	type	number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Football Association Premier League (FAPL)	Football Association Premier League (FAPL)	Premier league (top division)	20	100	ND	Not over pay	FA	No	EPFL	UEFA	No	FIFA

Football League (FL)	Football League (FL)	Division 1-3	72	100	ND	Not over pay	FA	No	No	UEFA	No	FIFA
Scottish Premier League (SPL)	Scottish Premier League (SPL)	Premier league (top division)	12	100	ND	No	SFA	No	No	UEFA	No	FIFA
Scottish Football League (SFL)	Scottish Football League (SFL)	Division 1-3	30	100	ND	Yes	SFA	No	No	UEFA	No	FIFA
League of Wales (LOW)	League of Wales (LOW)	Premier league	18	100	ND	Not over pay	FAW	No	No	UEFA	No	FIFA

Density of professional clubs: number of professional affiliated clubs compared with the total number of professional clubs in the country CB: Does the organisation take part in collective bargaining?

ANNEX

Consultation

Austria

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
Union of the Arts, Media, Sporting Activities and the Liberal Professions (KMSfB)	Dr. Rudolf Novotny	Secretary
Austrian Football Association (ÖFB)	General Secretary	Alfred Ludwig
Austrian Federal League of Football (BL)	Media Speaker CEO	Christian Kircher Georg Pangl

Belgium

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
URBSFA-LPF	J-M Philips	Chairman LPF
LNF	J.-P. Van Droogenbroeck	general secretary
Sporta-as /CSC	De Vos	general secretary
Setca /FGTB	A. Langenus	general secretary
CGSLB	P. Boerner	secretary professional football sector

Cyprus

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
Cyprus Football Association	George Papastavrou Chris Georgiades Costas kyriakides	Director- General General Secretary Manger Information System
Center for Leisure, Tourism,	Dr Nicos Katrakoullis	Director of the Center

Sports (CLTS) Intercollege Cyprus		and Consultant to the Cyprus Football Association
Pancyprian Footballers Association(PA.S.P)	Costas Malekkos Nicolas Raphael Paris Spanos	Chairman of PA.S.P Ex-Director- General of PA.S.P Legal Adviser to PA.S.P

Czech Republic

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
The Football Association of the Czech Republic (Českomoravský fotbalový svaz, ČMFS)	Mgr. Petr Doležal	Director of Law and Legal Department
	JUDr. Petr Manhart	

Denmark

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
Danish Football Players Association	Mads Øland	Manager
Danish League Association	Vinni Toftemose	Consultant

Estonia

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
Estonian Football Association	Indrek Kannik Tõnu Sirel	President of board of management Principal secretary

Finland

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
Football Players Association of Finland	Mr Markus Juhola	Executive Director
Football League	Mr Jan Walden	Managing Director
Football Association of Finland	Mr Teuvo Holopainen	Secretary General

France

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
Fédération Française de Football	M. Drouvroy	Direction juridique

Union des clubs professionnels de football	M. Diallo	Directeur
Ligue de football professionnel	M. Rouger	Directeur des activités sportives

Germany

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
DFB	Thomas Dohren	Press office
Ligaverband/DFL	Jens König	Press office
VdV	Ulf Baranowsky	General manager
Sports union in ver.di	Heinrich Bleicher-Nagelsmann	Substitute for the general manager who was not available

Greece

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
Hellenic Football Federation (EPO)	Mr. Yfantis	Secretary of the Administrative Board
Association of Professional Football Clubs (EPAA)	Mr. Char. Pavlopoulos	General Secretary of the Administrative Board
Panhellenic Association of Professional Footballers (PSAP)	Mr. Chr. Kontzakiouridis	Director of PSAP

Hungary

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
MLL (Hungarian Football League)	Dr. Sélley, Zoltán	Director of Committee of Licence
Corvinus University of Budapest, Institute of Business Economics, Research Centre of Sportbusiness	András, Krisztina	Assistant Professor
HLSZ (Hungarian Players Association)	Dr. Horváth, Gábor	Secretary-general
NSH (National Sport Office)	Lukács, Zsuzsanna Déri, Diána	Head of division Rapporteur

Ireland

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
PFAI	Fran Gavin	Branch Secretary

Eircom League	Michael Hayes	Director
FAI	John Delaney	Chief Executive Officer

Italy

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
AIC	Nardello, Fidenzio	Labour Relations, Officer
Lega Calcio	Santoro, Fabio	Vice-Secretary and Responsible for Marketing
LPSC	Conigliaro, Marinella Macalli, Mario	Secretary President

Latvia

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
LFF	Krisjanis Klavins	Press officer

Lithuania

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
Lithuanian Football Federation	Julius Kvedaras	General Manager
Vetra Football Club	Romas Stasauskas	President

Malta

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
University of Malta	Azzopardi Maryse-Anne	Student graduating in B. Commerce
Malta Football Association (MFA)	Micallef Louis Lautier Oliver Gauce Joe	Secretary – Administration Registration Department General Secretary

Poland

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
Polish football Association	Marcin Stefanski	Head of Competition and Licensing Departement. Deputy General Secretary

All-Poland Footballers Trade Union	Marek Pieta	President
Polish Football League	Leszek Miklas	Executive Director

Portugal

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
LPFP	Dr. Emanuel Macedo de Medeiros	General Secretary
FPF	Dr. João Leal	Juridical Department
SJPF	Dr. Joaquim Evangelista	President

Slovak Republic

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
The Slovak Football Association	Mr. Wänke	Secretary

Slovenia

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
Association of Football Clubs of First Slovenian Football League	Andrej Zalar	Secretary
Football Association of Slovenia	Dane Jo't	Secretary-General
Union of Professional Football Players of Slovenia	Dejan Stefanovič	President

Spain

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
CCOO	Enrique Fossoul	Secretario general de la FCT-CCOO
Asociación de Futbolistas Españoles (AFE)	Gerardo González Movilla	Presidente
UGT	Carlos Ponce	S. Sectorial de Comunicación Social, Cultura y Deportes
ELA	Unai Martínez	
Liga de Futbol Profesional (LFP)	Carlos del Campo	Secretario general
Real Federación Española de Futbol (RFEF)	Daniela Aranowitz	

Sweden

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
Svenska Fotbollförbundet SvFF	Göran blomgren	Advisor
Svensk FotbollSpelare SFS	Gert Persson	Negotiator
Föreningen Svensk Elitfotboll-SEF	Tommy Theorin	General Secretary
Elitföreningen Damfotboll-EFD	Ulf Bergquist	General Secretary

The Netherlands

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
FBO (Clubs)	Serge Rossmesl	Legal Advisor
UnieProprof	Ko Andriessen	Director
VVCS	Ad Dieben	Administrator
ECV	Alex Tielbeke	General Director
KNVB	Mark Boetekees	Head Legal Service

United Kingdom

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
Professional Footballers' Association	Richard Jobson	PFA Executive
FA (England)	Ian Murphy	Head of Customer Relations
FA Premier League	Mike Foster	General Secretary
FA League	Andy Williamson	Director of Operations
Scottish Premier League	Mr. Iain Blair	Operations Director
SPFA	Tony Higgins	Chief Executive
IFA	Mr. William Campbell	Head of Personnel
Irish Premier League	David McVeigh	David McVeigh
Welsh Premier League	John Deakin	Secretary
FAW	Mr. D. G. Collins,	Secretary General

