



Education and Culture DG



Study on Sports Agents in the EU

VSR Sports Law Conference
Zeist, 12th November 2009

The starting point: the White Paper on Sport (2007)

- Point 4.4 of the White Paper: reports on bad practices, differing regulations (public, private), calls on the EU to regulate the activity of players' agents
- Action point 41 of the Pierre de Coubertin plan: "The Commission will carry out an impact assessment to provide a clear overview of the activities of players' agents in the EU and an evaluation of whether action at EU level is necessary, which will also analyse the different possible options"

The implementation of the White Paper (2008-2009)

- External study commissioned in order to have a clear view of the situation regarding sports agents in the EU
- Call for tender published in July 2008, contractor selected at the end of 2008 (consortium coordinated by KEA and composed of CDES, EOSE + EOC-EU Office)
- Study carried out in 2009 (January – October)
- Final results available in French end 2009. English translation: first quarter 2010

The objectives of the study

- To chart the current situation regarding sports agents in the European Union
- To identify, analyse and describe the problems posed by sports agents' activities
- To identify the public and private stakeholders involved in regulating the activities of sports agents in the European Union
- To identify the laws and regulations, whether public or private, applying to sports agents in the European Union
- To assess the degree to which these laws and regulations, whether public or private, offer an adequate response to the problems posed by the activities of sports agents

The study - structure

- Part 1: overview of the activities of sports agents
 - Assessment of the social and economic importance of agents' activities
 - Representative organisations
- Part 2: the legal framework applying to the activities of sports' agents
 - Public and private regulations
 - Different issues raised in connection with the activities of agents (protection of sportspeople, financial crime, human trafficking, protection of minors)
- Part 3: the EU regulatory framework
 - Competition law
 - Internal Market law
- Part 4: Recommendations

Part 1: Sports agents

- Chapter 1: historical background, the different categories of agents
- **Definition:**
 - **Sports agent:** any individual/corporation involved on a regular or occasional basis, against remuneration, in one of the following activities:
 - Putting into contact stakeholders interested in negotiating and signing a contract related to the remunerated exercise of a sport activity;
 - Negotiating and signing of different contracts on behalf of sportspeople (image rights, sponsoring, advertising);
 - Managing sportspeople assets.

Part 1: Sports agents

- Chapter 2: the social and economic importance of agents' activities
- **Some figures:**
 - Agents' activities in 32 out of 71 sport disciplines examined
 - Number of official registered agents in the EU: 3,600 (5 "big" MS: 75% of total)
 - Football: 81% of total agents
 - Official + non-official agents in the EU: between 5,700 and 6,100 (estimated)
 - Agents' activities turnover: €200 M for the 2007/2008 season (estimated)

Part 1: Sports agents

- Chapter 3: representative bodies
- **Three levels:**
 - International: AAM (athletics) & IAFA (football)
 - European: EFAA (football) & AEBA (basketball)
 - National: several bodies in football, basketball and rugby

Part 2: The regulatory frameworks

- Chapter 1: justifications
- **Two main reasons:**
 - Legalising the activity of sports agent
 - Protecting sports' image and reputation

Part 2: The regulatory frameworks

- Chapter 2: the different regulators
- **Public authorities:**
 - Job placement regulation (18 MS)
 - Specific regulation on sports agents (5 MS: Bulgaria, France, Greece, Hungary, Portugal)
 - Contract law (all MS)
- **Private bodies:**
 - International regulations (FIFA, FIBA, IRB, IAAF)
 - National regulations
 - Football (all MS), athletics (9 MS) and basketball (8 MS)
 - Handball (AT, DE, PT), ice-hockey (FI), cricket (EN)

Part 2: The regulatory frameworks

- Chapter 3: analysis of the different regulations
- **Legal status of sports agents**
- **Access and exercise of the activity**
 - Obligation to obtain a licence
 - Modalities for obtaining a licence
 - Duration of the licence
 - Status of agents' collaborators
 - Lawyers
- **Remuneration of agents**
- **Sanctions**
 - Disciplinary and civil sanctions

Part 2: The regulatory frameworks

- Chapter 4: the issues raised by agents' activities
- **Difficulties in regulating agents' activities**
 - Proposed overhaul of FIFA Regulations
- **Protection of professional sportspeople**
 - Provisions laid down in sporting regulations
 - Qualitative analysis – sample consultation
 - Limits of the existing rules
- **Financial transparency and financial crime**
 - Definitions (money laundering, corruption, fiscal fraud)
 - Practices
 - Existing solutions
- **Trafficking of sportspeople**
 - Practices
- **Protection of minors**

Part 3: EU legal framework

- Chapter 1: EU law and agents' activities
- **EU Treaty provisions:**
 - Freedom of establishment (art. 43 to 48)
 - Free provision of services (art. 49 to 55)
 - Competition (art. 81 & 82)
 - Social dialogue (art. 137 to 139)
 - Sport (art. 165 Lisbon Treaty)
- **EU Directives:**
 - Services Directive (2006/123/EC)
 - Directive on the Recognition of Professional Qualifications (2005/36/EC)

Part 3: EU legal framework

- Chapter 2: possible obstacles to the activities of agents arising from national and international legislation
- **Issues in the area of contract law**
- **Issues in the area of competition law**
 - The Piau case
- **Issues in the area of Internal Market law (services)**
 - The issue of “double licensing”
 - Administrative approvals prior to the exercise of the profession
 - Residency requirements
 - Financial obstacles

Part 4: Synthesis and recommendations

- Chapter 1: Synthesis
- **Differing regulations**
- **Ethical issues**
- **Need for an intervention?**
 - Difficulty in justifying an EU intervention on the basis of Internal Market rules
 - No problem identified in practice
- **Options for an intervention at international level**
 - Doping as an example (WADA)
 - ILO Convention?

Part 4: Synthesis and recommendations

- Chapter 2: Recommendations
- **Member States**
 - Ethical and public order issues
 - Strengthening existing rules + enforcement
- **EU institutions**
 - Dialogue & consultation
 - Information
 - Coordinating and promoting action of sport movement
- **Sport movement**
 - Dialogue with agents, self-regulatory licensing scheme
 - Education and training
 - Transparency
 - Ethics – code of conduct
 - Controls and sanctions

Next steps

- **Commission will analyse the results of the study**
- **Study presented to Member States under Spanish Presidency (first semester 2010)**
- **Possibility of carrying out impact assessment in case an action is envisaged**

Thank you for your attention !

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