



EU Sectoral Social Dialogue Committee for Professional Football

Resolution on intermediaries/agents

Meeting under the auspices of the European Commission within the EU sectoral social dialogue committee for professional football, UEFA (as chair of the committee), FIFPro Division Europe (as the social partner representing employees), the ECA and the EPFL (both as social partners representing employers) have agreed on the following joint resolution:

Context

- In 2015, FIFA introduced new regulations on working with intermediaries (the “new FIFA regulations”), which replaced the former FIFA regulations on agents. The new FIFA regulations contain minimum requirements which have been implemented in various ways at national level by UEFA member associations, without prejudice to existing domestic legislation.
- In 2016, the parties to the EU sectoral social dialogue committee for professional football (the “Parties”) established a dedicated working group to discuss football labour market regulations, with a first focus on the role played by intermediaries/agents in Europe.
- In the course of 2017, the Parties carried out extensive consultations with their respective members with a view to collecting information on the practical effects of the new FIFA regulations and their experiences in this regard.

Findings

- Overall, the Parties found that the new FIFA regulations failed to address serious concerns in relation to the activities of intermediaries/agents. More specifically, it was reported that:
 - the implementation process did not consistently seek out the views and input of the relevant national stakeholders (i.e. clubs, players, leagues);
 - transparency in financial transactions involving intermediaries/agents had not improved as a consequence of the new FIFA regulations;
 - the number of individuals or companies acting as intermediaries/agents had increased substantially, which may have had the effect of pushing demand for ever younger players;

- the quality of the services provided to clubs and players by intermediaries/agents had generally decreased;
 - the new FIFA regulations had had little impact on slowing down the inflation of fees paid to intermediaries/agents (who, it was felt, were disproportionately well-remunerated for their services) but actually contributed to further disproportionate growth of such payments;
 - the new FIFA regulations and the concept of the “intermediary” contributed to manifesting business practices, which could lead to conflicts of interest;
 - a lack of consistency in the implementation of the rules from one territory to another had made some national “markets” more attractive than others for intermediaries/agents;
 - the administrative burden on all parties (i.e. national associations, national leagues, clubs and players) had increased unnecessarily and to no positive effect;
 - the sanctions provided for under the new rules did not appear to be far reaching enough;
 - the rules could be circumvented too easily (and a high number of intermediaries/agents remained unregistered).
- On the basis of these findings, the Parties agree that a more effective and sustainable regulatory framework is required to address the many challenges associated with the activities of intermediaries/agents.
 - Adequate, stronger regulatory oversight is essential to guarantee an appropriate level of protection for players (in particular minors), clubs and other relevant stakeholders, including the intermediaries/agents themselves.

Next steps

- A harmonised, uniform European approach should be considered in order to ensure higher professional and ethical standards are applied to all intra-European and national transactions across the territory of UEFA’s member associations, by introducing (subject to national law):
 - a reasonable, proportionate cap on fees for intermediaries/agents;
 - enhanced transparency, disclosures and accountability;
 - appropriate and dissuasive sanctions in case of non-compliance;

- stronger provisions to protect minors in their relations with intermediaries/agents;
 - an efficient monitoring and enforcement framework; and
 - other items to be discussed.
- The Parties consider that if properly developed and implemented, these common principles would constitute a significant step towards better regulatory oversight of the activities of intermediaries/agents. Such principles would further strengthen the supervision and transparency of financial flows in the transfer market and promote good governance in football.
 - Finally, the Parties stress that the support of public authorities, including the European Commission, is instrumental in addressing illegal practices, some of which may even have a criminal dimension (e.g. economic exploitation of young players, fraud, corruption and money laundering).
 - In the months to come, the Parties will further discuss possible regulatory changes governing the way in which football transactions involving intermediaries/agents are conducted and regulated. In this regard, the Parties view social dialogue as a useful means of establishing credible and effective practices within the industry.

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Brussels, 17 November 2017