



Evidence to the Independent European Football Review

The Football Supporters' Federation



March 2006

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As members of the National Council of the Football Supporters' Federation we are pleased to present our evidence to you.

We were asked to write these brief introductory words on behalf of the football supporters of England and Wales. The three of us support clubs ranging from semi-professional through the Football League to the FA Premier League - AFC Wimbledon (of the Ryman Premier League, three steps below the Football League in the English pyramid), Cardiff City and Sunderland. Two of us support the England national team, one of us is a proud Welshman.

We enjoy the rivalries when our teams face each other in League and Cup competitions.

PETER DAYKIN



NICOLE HAMMOND



VINCE ALM



We treasure the successes of England and Wales and suffer their defeats. One thing unites us and all true football supporters though - a passion for the game.

Football is the world game. Because we love it so much we want to see it thrive in every corner of our continent and our globe.

We worry that the game is being hijacked by an arrogant elite. We hope that the deliberations of the Independent European Football Review will contribute to the success of OUR game, the beautiful game.

Professional football is nothing without the fans. We look forward to playing our part as full members of the football family.

1. INTRODUCTION

1.1. This written evidence is submitted to the Independent European Football Review (IEFR) on behalf of the Football Supporters' Federation (FSF).

1.2. The FSF was established on 1 August 2002 by a merger of its two founding partners, the National Federation of Football Supporters' Clubs (NFFSC), formed in 1927, and the Football Supporters' Association (FSA), formed in 1982.

1.3. FSF membership is open to both democratic, independent organisations of football supporters and individuals. Its more than 130,000 individual and affiliated members support clubs and national teams at all levels from the English national game pyramid and the Welsh Premier League, through the Football League to the FA Premier League throughout England and Wales.

1.4. Its legal status is that of an unincorporated association and is democratically governed under the terms of its constitution, rules and by-laws. It is recognised by and has established relations with the Football Association (FA), the Football Association of Wales (FAW), the Football League and the Football Association Premier League (FAPL). The FSF has recently begun to develop a working relationship with UEFA (*Union Europeennes de Football Association*, the European Union of Football Associations).

1.5. The FSF's income is derived from membership subscriptions and affiliation fees, a sponsorship agreement with the Professional Footballers' Association (the trade union which represents professional and semi-professional players in England and Wales) and small occasional grants and other benefits in kind from the Football Association, FA Premier League and the Football League. The FSF's international work with the respective supporters of the England and Wales national teams

is also supported by the the Home Office (the interior ministry of the UK Government) and (in respect of the England national team only) via a commercial sponsorship agreement with the Nationwide Building Society (a mutually-owned housing and savings bank). T-Mobile, the mobile telephone company, also offer assistance in kind the the FSF's work with supporters of the England national team.

1.6. The FSF works closely with Supporters Direct (SD), the UK Government and Scottish Executive-supported mutual organisation that promotes the development of supporter ownership of professional football clubs in Great Britain. So-called "supporters' trusts" have rapidly developed at many professional football clubs in Great Britain; many are affiliated to the FSF in addition to being members of SD, reflecting the close working relationship and the complementary nature of both organisations' missions.

1.7. For many years, supporters of the game in England and Wales have been concerned about the direction that football has taken. This concern has led supporters to mobilise and organise. There are two absolutely indispensable elements to professional football: supporters to watch and players to perform on the field. It often seems that the interests of the match-going supporter are not taken proper account of in the management and administration of the game in Europe.

1.8. The constant attempts by the bigger clubs across the European continent, concentrated in northern and southern Europe, to expand their income and power - perhaps best evidenced by the creation of the rich clubs' club, the G14 - are not in the wider interests of the game or its supporters.

1.9. For this reason the FSF has debated and approved the *Fans' Blueprint for Football*,

the main summary points of which are attached to this evidence as an appendix.

1.10. The FSF is delighted to have been given the opportunity to submit both written and oral evidence to the IEFR. The FSF believes that it is crucial to the long-term future and health of the game across the 52 football nations represented within UEFA that the unique cultural and social aspects of sport, recognised in the Declaration on Sport of the European Council, adopted at Nice, France in December 2000 (the so-called *Nice Declaration*) are enshrined in European Union law.

1.11. The intervention of the European and domestic competition authorities in the collective negotiation of broadcasting rights for transmission of matches in the FAPL has not been in the interests of either the game or its most committed supporters. On the other hand the FSF has been critical of the increasing concentration of wealth in both England and Wales and elsewhere in Europe amongst a few elite clubs.

1.12. The advances in broadcast technology over the past two decades have unlocked huge wealth in the form of broadcast income for domestic and international football but that money has not been used wisely. Greed and short-term thinking have dominated. There can be no apex of the football pyramid without a thriving base.

1.13. The FSF calls in this evidence for a new settlement for football in our continent, one that accepts the unique characteristics of sport and the fundamental role that football plays in the sporting, social and cultural life of millions of European citizens and entrenches this in both European and domestic law, whilst at the same time recognising that the governance and administration of our great game, the world game, must be executed in the interests of all those who play and watch, not just an elite few.



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1.14. For the convenience of the members of the IEFR, our evidence has been divided into sections covering the areas specifically mentioned in the review's terms of reference. These are:

- the central role of the football authorities
- the ownership, control and management of clubs
- the level of expenditure in respect of players
- activities of agents
- the system of player registration and movement
- the distribution of revenues within European football
- the provision of funding to generate opportunities for all people to participate in football; (youth/amateur football, involvement of central/regional/local government)
- investment in football stadia with a focus on safety and security.

1.15. The FSF applauds the initiative of the British Presidency of the European Council in establishing this independent review. We wish the review panel members success in their deliberations and look forward to the opportunity of expanding on our written submission in oral evidence.

2. THE CENTRAL ROLE OF THE FOOTBALL AUTHORITIES

2.1. To summarise for those not familiar with the governance of football, the control of the game is invested at three levels, the world game is directed by FIFA (Federation Internationale de Football Association, the international association football federation). FIFA promotes and regulates the World Cup, the world's biggest one-sport event. Their statutes provide binding membership criteria for all member associations throughout the world. The laws of the game are set by the International Football Association Board, upon which sit representatives of FIFA, along with the FA, the Football Association of Wales, the Irish Football Association and the Scottish Football Association.

2.2. We shall however concentrate on the European game, where UEFA controls and promotes the European Championship for national teams and the UEFA Champions' League, the UEFA Cup and the Inter-Toto Cup for professional clubs. Its 52 national associations control the game at a national level.

2.3. UEFA adopted at its 2005 Annual Congress at Tallinn, Estonia a strategy document entitled *Vision Europe*. This provides, inter-alia that:

- *UEFA should "deal with all questions relating to European football" – as stated in the current UEFA Statutes.*
- *European football is structured as a pyramid and, as with any pyramid, a strong base is the only way to ensure a strong apex.*
- *Within football, one specific part – elite and professional football – is not only a sport but also a business, but sporting and ethical values should always be preserved and prioritised.*
- *Elite, professional, semi-professional and amateur football are inextricably linked through the pyramid, and each level supports the other levels.*
- *There is a magic thread running through the whole of football, from the most unknown player to the best player in the world – this link*

and chain should never be broken since it is a key component of the magic of football.

- *Clubs releasing players to national teams is a form of solidarity that has existed since the creation of football – this is UEFA's main source of funding for grassroots football in Europe and must be protected.*
- *UEFA speaks for the whole of European football.*
- *Money is never an end in itself – it is always a means to an end. In UEFA's case this means achieving our vision and fulfilling our purpose.*
- *UEFA must always strive to keep the football family together.*

2.4. The FSF strongly associates itself with the sentiments and objectives expressed in *Vision Europe* and specifically those points set out in 2.3. The FSF believes that the FA and the FAW should reflect these objectives and priorities in their governing statutes, policies and practices.

2.5. The *Fans' Blueprint* calls for:

- *"The creation of one unified governing body governing all levels of football in England to replace the current multiplicity of leagues and associations."*

2.6. Through historical accident, the senior professional game in England traditionally had two governing bodies, the FA and the FL. The FA's role as the governing body and organiser of the FA Cup and the England national team has always given rise to some conflict with the FL which managed the 92-team, four-division league, consisting of all the senior clubs in England and Wales. This led to the FA supporting the creation of a breakaway league by the top 20 clubs. The newly-created Football Association Premier League (FAPL) commenced play in 1992/3. The only organic legal and institutional relationship with the FA is in its name. The governing statutes of the FAPL give the FA no control whatsoever over the business and financial affairs of the FAPL.

2.7. Amongst the stated purposes behind the creation of the FAPL was the strengthening of the England national team by decreasing the number of FAPL clubs to 18 and giving the FA more control and influence over the elite clubs in England, as a first step towards unifying the control and management of the game at all levels. This has never happened.

2.8. Far from unifying the administration of English football, the formation of the FAPL created three national bodies concerned with professional football where there were previously two. It also meant that almost all the new money coming into the game from subscription television went to the elite clubs. Whilst the FL, even with the loss of its top 20 clubs, was able to negotiate more lucrative broadcasting contracts, most notably with ITV Digital (a competitor with British Sky Broadcasting which was put into liquidation by its parent owners with huge losses) the traditional financial gap between the top professional league and the second level became a chasm more difficult than ever to traverse. The income loss/gain on relegation or promotion to the FAPL is now of the order of £20 million (≈28 million) per year per club.

2.9. The current FAPL broadcasting contract with British Sky Broadcasting (BSkyB) that expires at the end of the 2006/7 is worth £1,024,000,000 (≈1,443,800,000) over three seasons to the FAPL's 20 clubs.

Added to this is income from separate contracts for highlights on terrestrial television (£105,000,000/≈148,050,000) and foreign broadcast rights (£320,000,000/≈451,200,000), as well as a lucrative radio rights deal with the state-owned BBC. The FL's 72 clubs share in the current £110,000,000 (≈155,100,000) contract with BSkyB and ITV (Britain's com-

mercial free to air broadcaster) for both live and highlights rights. The distribution of broadcasting income within the FL is heavily weighted towards the 24 clubs in its top division, the Football League Championship that receives the lion's share of this money.

2.10. The lack of control of the FA over the FAPL is evident in the FAPL rules governing the quota of players each team may sign and field from outside the European Economic Area (EEA). Quite simply there are, uniquely in Europe, no rules whatsoever. The only brake on non-EEA players in the FAPL is the work permit restrictions imposed by the UK Government which are somewhat more strict than other EU Member States. Without these restrictions it would be quite possible for an FAPL team to field an entire team comprising non-EEA nationals. This could in fact happen today under current FAPL rules but is very unlikely, as all such players would have to satisfy the strict work permit criteria which require all non-EEA players to be established members of their country's national team and to have played in three-quarters of the national team's games in the two seasons prior to being granted a work permit.



2.11. For some years UEFA imposed a strict three-foreigner rule in UEFA competitions. This had a particularly heightened effect on teams in England and Wales as players from other UK associations counted as foreigners under this rule. Traditionally players from Wales, Scotland, Northern Ireland and the Republic of Ireland did not count as "foreigners" under FA and FL rules. Until 1978/9 the FA operated the most restrictive ban on non-UK and Irish foreign players in Europe (similar bans on foreign players in Spain and Italy were never quite as restrictive). Such foreigners could only play in England after two year's residence in the UK. This meant that the only foreign players seen in English and Welsh domestic competitions were a few who had played in Scotland (where the Scottish Football Association nor the Scottish Football League ever applied such a restriction) or who could claim dual nationality.

2.12. From this far too restrictive rule the gates were gradually opened, starting in the 1978/9 season when teams were permitted to sign then field first two then three foreign players.

2.13. Many of the players who entered under the new dispensation were very successful, illuminating and improving the quality of the game in England and Wales. Players such as Eric Cantona and Dennis Bergkamp have become legends at their clubs.

2.14. The pendulum has however swung far too far the other way. For this reason the FSF welcomed the introduction by UEFA of its new rules requiring a minimum number of home-trained players in UEFA competitions. The FSF is disappointed that the FA was the only national association to oppose these new regulations and that the FA has not followed the call of the 2005 UEFA Congress for all national associations to introduce similar regulations in their national competitions.

2.15. Rightly, EU law obliges all Member States to ensure that discrimination is not

permitted in the employment of nationals of other EEA states in any sector of the economy. There are however a very limited number of exceptions to this. The FSF believes there is a case for allowing a very limited exception to EU employment law in the field of sports.

2.16. The FSF calls for detailed study of an EU legal exception to permit UEFA and national association competition rules to require a small minimum number of nationals of the appropriate Member State to be on the field at any one time in both European and domestic competitions. We also believe there should be legal provision for UEFA and national associations to be permitted to impose a maximum quota of non-EEA nationals who may be registered and selected to play by any club.

2.17. In any such study it would be important to closely examine every aspect of such legal exceptions to guard against the law of unintended consequences. The FSF is aware of cases in England and Italy for example where South American players have claimed EU dual nationality on the basis of forged documentation to evade non-EEA player quotas and/or UK work permit rules. This problem might be dealt with by requiring players born outside the EEA claiming dual nationality to have their EEA nationality authenticated by UEFA and the appropriate EEA state prior to registration as an EEA national. In any event, the majority of such players hail from the Americas and Australia. Most EEA states' dual nationality laws require at least one grandparent to have nationality in the appropriate country, so this problem will lessen over time in respect of players from Latin America where there has been no significant migration for most of the past sixty years. The potential problem may however increase in respect of North America and Australia which still have substantial inward migration from EEA states.

2.18. Any such exception in terms of national players would also have to be introduced with sufficient lead-time to ensure

that there were players available of sufficient quality and quantity so as not to inflate player costs significantly.

2.19. Such legal exemptions, properly prepared and introduced, would build on the new UEFA home-grown player rules. They would be popular too, the FSF believes, with football supporters across Europe, promoting



investment in domestic training and coaching of players whilst at the same time strengthening community identification and support for local clubs. Such rules would also assist the development of players for Europe's national teams.

2.20. The only way the FSF sees of effectively preventing any legal challenge to such restrictions is for the European Council to enact appropriate, limited exceptions to EU law and treaties. We call on the Enquiry to recommend such a detailed study in which the FSF would be delighted to participate.

2.21. Alongside and complementary to such exceptions, we believe the Enquiry should recommend study of the situation of European clubs recruiting young players from outside Europe, particularly Africa and Latin America. The economic situation in both continents makes offers to young players to travel to Europe all but irresistible. Until recently such players may have come to Europe in their early twenties; European clubs are now scouting players as young as nine in those continents.

2.22. It has always been the case that a tiny minority of players recruited as young trainee players by elite club youth schemes go on to be elite professionals. A larger number, but still a small minority become professionals in the lower leagues.

2.23. The European Council specifically recognised this problem in the Nice Declaration as follows:

"The European Council expresses concern about commercial transactions targeting minors in sport, including those from third countries, inasmuch as they do not comply with existing labour legislation or endanger the health and

welfare of young sportsmen and -women. "It calls on sporting organisations and the Member States to investigate and monitor such practices and, where necessary, to consider appropriate measures."

2.24. There are documented cases of young players brought to Europe who have failed to make the grade as professionals being abandoned to their fate without even a return air ticket home. This is scandalous.

2.25. The FSF also believes that, welcome as the recognition of this problem is, the *Nice Declaration* fails to recognise the effect that the increasing trend to bring players from other continents to Europe at a younger and younger age is having on the development of the game on those continents. This effect is not restricted to Africa and Latin America. There is little doubt that the young American player Freddie Adu would have come to Europe if legal and sporting restrictions had not have prevented it. Now that this player has completed his second professional season in the USA there is some doubt whether his initial promise displayed in many youth international tournaments as a major world-class talent, which attracted so many European clubs, will be fully borne out. So it is with hundreds of young players of promise. If he had come to Europe two years ago, would he and the game in either Europe or the USA been better off? The answer is clearly "no"

2.26. The attraction of coming to Europe is greatly amplified in the case of Latin America and Africa for economic reasons. The increase in this trend over the past quarter-century can be illustrated by looking at one Latin American national team – Argentina, one of the great traditional powers of world football. The 22-player squad that won the 1978 World Cup contained only one player playing abroad. In the last World Cup in 2002 only three of the 23-player squad were playing in South America, two in Argentina and one in Brazil. It is possible that the Argentine squad for this year's World Cup finals will contain 23 European-based players.

2.27. This is partly a reflection in the huge increase in income from television experienced by European clubs that started in the mid 1980s. The mass exodus of players from other continents at an ever-younger age is not in the interests of the game either in Europe or elsewhere in the World, particularly Africa and Latin America.

2.28. The FSF believes the Enquiry should recommend a detailed study of a legal exception to permit UEFA to prohibit the registration by any national association of players from outside of Europe under the age of 21. The FSF can see many of the difficulties associated with such a rule, amongst them the treatment of players with

legitimate claims to dual nationality and young players whose families migrate permanently or temporarily to Europe. Despite these potential problems the FSF believes this problem is worthy of further study in consultation with all interested parties. At a time when EU Member States increasingly recognise the role of Europe, along with the other developed nations in working in partnership with the poorer nations and continents to eliminate world poverty, football should play its part. Such a restriction would at least cut down on the abandonment of young trainee professional players where they fail to make the grade, whilst permitting followers of the game on other continents to see their stars for at least one or two seasons before they transfer to European clubs.

2.29. To summarise, the FSF believes that the role of UEFA and the national associations, along with the associated professional leagues (where these exist as autonomous or semi-autonomous entities) should be to organise and control football in the broader interests of the game at all levels from elite to amateur. This should be enabled by appropriate exceptions to EU and domestic law to regulate the game on the continent in the wider interests of the game in Europe, free of the fear of legal challenge from either the European Court of Justice (ECJ) or the corresponding national courts.



3.1. Any debate or policy on club ownership at a European level must proceed from an appreciation of the differing cultural, political, social and legal circumstances of the nations of Europe.

3.2. Taking the different histories, traditions, law and culture into account however, one can draw many common threads that commend and enable a European Union (EU) wide approach and legislative action.

3.3. Professional football, which spread from Britain right across the rest of Europe at the close of the nineteenth century and the opening decades of the last century, sprang directly from the growth of the game at an amateur level. Some of Europe's, indeed the world's, biggest clubs were established as and remain member-owned clubs, owned and controlled by their supporters.

3.4. In Britain, clubs became limited companies in order to limit the personal financial liability of club members when the growth of the game and rising spectator interest led to major investments in stadia and players.

3.5. Shares were often sold in these companies to fund the development of club stadia. Supporters of the club mainly subscribed to these shares. For most of the nineteenth and twentieth centuries the rules of the FA, FAW and FL proscribed payments to directors and capped dividend payments. The registration of clubs as companies limited by shares under domestic British law was never intended to promote commercial investment in football clubs as private profit and dividend paying concerns.

3.6. These rules were never subject to challenge or question until the explosion of income from sources other than ticket sales in the late twentieth century.



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3.7. The first wave of speculative investment in football was from sources that saw private gain from selling the clubs' biggest single locked asset, the land upon which their stadium was built. Early examples of this in Britain were Southend United and Brighton & Hove Albion.

3.8. The second wave of private investor interest centred around the rapid growth of income from live broadcasting of matches. This was driven partly by the game belatedly realising the real level of income that could be gained from this source and partly by technological advances, principally satellite and digital multi-channel subscription and pay-per-view TV.

3.9. A number of clubs were floated on Britain's two commercial stock exchanges, the London Stock Exchange and the Alternative Investment Market. This move was in contravention of Football Association rules, which were circumvented by keeping the football club itself as a private limited company but transferring ownership to a floated holding company.

3.10. This opened up many clubs to investment from those whose interest was not in promoting and developing the club as a sporting and cultural institution but as a profit-making private sector business.

3.11. UEFA has concluded that the public limited company is not an appropriate form of ownership for a football club. This issue as it relates specifically to Britain will be addressed in detail in the evidence presented to the Enquiry by our partners at Supporters Direct.

3.12. We shall concentrate on the effective management rather than ownership of clubs in this section.

3.13. The *Fans' Blueprint* calls for:

- *Minimum standards of governance, administration and financial control for all clubs to be enforced by the governing body as a condition of membership and league entry, including a "fit and proper" person test for all persons owning or directing a football club*

3.14. Some limited progress has been made towards meeting these goals by the FA, FAPL, FL and professional leagues in the English national pyramid over recent years. This is most welcome. The FSF would like to see far more robust binding rules introduced, however, as part of a national club licensing system which the *Fans' Blueprint* also calls for.

3.15. If football clubs, leagues and national associations are to receive legal recognition as entities with particular cultural and social significance then the basic component part



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of the game, the club, must base itself to a significant degree on its sporting, social and cultural mission. Football cannot expect legal exceptions to EU and domestic competition and employment law in the sale of broadcasting rights or player contracts, for instance, unless it demonstrates a binding adherence to sporting, cultural and social objectives rather than operating as a profit-driven business.

3.16. On the other hand, the FSF believes that, where clubs, leagues and national associations can demonstrate binding legal adherence to such goals, then European and domestic law should reflect this by granting special treatment in the areas of competition and employment law. There are a number of routes to achieving this objective. The first step is however for Member State governments represented in the European Council to legally acknowledge the necessity of such special recognition of sport. The first step was taken towards this goal in the *Declaration on Sport* approved at the Inter-Governmental Conference at Nice in December 2000, which provided, inter alia, that:

"...the Community must, in its action under the various Treaty provisions, take account of the social, educational and cultural functions inherent in sport and making it special, in order that the code of ethics and the solidarity essential to the preservation of its social role may be respected and nurtured..."

3.17. The FSF agrees. The time has now come for the European Council to take steps to enshrine this in European law, PROVIDED that the football authorities and clubs in the Member States take binding steps to ensure that their sporting, cultural missions are enshrined in their governing statutes.

4.1. It is easy to think that the worry over the escalating expenditure on players, both in terms of transfer fees and salaries is new. Older football supporters will recall the gasps which greeted the transfers of Argentine international Omar Sivori from River Plate of Buenos Aires for a world record £93,000 (≈130,500) and Wales's greatest-ever player John Charles of Leeds United to Juventus of Turin for a British record £65,000 (≈91,500) in 1957. This is the equivalent of around £3,255,000 (≈4,590,000) and £2,275,000 (≈3,207,750) respectively in today's terms. For a European economy still recovering from six years of devastating war that had ended only twelve years previously, this was indeed stunning.

4.2. These figures, even accounting for the inflation and income increases are dwarfed by the current world record of £54,800,000 (≈77,268,000) paid by Real Madrid to Juventus for Zinedine Zidane in 2001.

4.3. The increasing concentration of wealth amongst an ever-smaller number of elite clubs is however reflected by the clubs paying record transfer fees. In England as late as the 1980s clubs such as Nottingham For-

est and Manchester City were in a position to break the British transfer record. It is inconceivable that this could happen in the current century.

4.4. It has been argued that transfer fees are a way of spreading the football wealth. This is however less true today than previously. The income derived to South American clubs selling players to Europe has tended to drop with players leaving their native continent at a much earlier age. Within Europe, the income from transfers accruing to non-elite professional clubs has tended to drop as restrictions on the recruitment of foreign players have been lessened or in the case of England, completely abolished.

4.5. It is difficult to conceive of a legal or regulatory approach to this problem in isolation. The FSF believes that the answer lies in a mixture of strict licensing conditions that require clubs not to spend money they do not have; that restrict the level of debt they may incur; and require the development of enhanced income redistribution within and between the European nations via UEFA-driven income redistribution to promote balanced competition.



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5.1. The role of agents in European football has become controversial. The deliberate unsettling of players under contract to club A in order to get club A to agree to a transfer to club B, earning the agent lucrative commissions, occurs frequently. In some cases agents are acting for both the buying club AND the player. There have been some examples of agents acting for all three parties in a transfer – the selling club, the buying club and the player.

5.2. The FSF does not portray all agents as villains. There are many honourable and ethical professionals working as football agents. The FSF does believe however that disreputable agents find it all too easy to evade the current FIFA licensing system. The FSF also believes that the licensing requirements are not nearly stringent enough.

5.3. The dual representation of both player and buying club is also a prima facie conflict of interest. The interest of the player is in obtaining the best available contractual terms and conditions in the context of his overall career. The interest of the club is in obtaining the services of players at the lowest possible transfer fee (if any) and upon the lowest obtainable contractual terms.

5.4. The FSF believes steps must be taken by FIFA, UEFA and national associations to prohibit such dual representation. Agents acting for clubs had its roots in Europe in

restrictions on player movement. From the late 1960s to the fall of the Berlin Wall and the subsequent collapse of the Soviet Union and its eastern European allies and the collapse of the former Yugoslavia and the Communist government in Romania, there was a lucrative trade for agents who were able to obtain the release of Eastern Bloc players for transfer to western European clubs.

5.5. The use of such agents by western clubs meant they could remain at arms length from the manoeuvres used to obtain the release of players to travel west. Such agents were also involved in bringing players of alleged Spanish and Italian descent from Latin America to those countries when their national associations enforced rules prohibiting foreign players in the 1960s and 1970s. There were a number of players of alleged dual nationality imported to Spain from Paraguay in this period, as well as a number of so-called “oriundi” imported from Latin America and elsewhere into Italy in this era.

5.6. The easing of such restrictions in Italy, Spain and England and the increase in the quota of foreign players permitted under the rules of other national associations in the 1980s, together with the collapse of Communist governments right across eastern Europe, should logically have lessened the incentive for clubs to use such agents. The trade having been created, however, those agents disposed

to trade in murky waters have found a niche in importing young teenage players from outside Europe, particularly Africa.

5.7. It is also true that clubs have used such agents to approach players under contract elsewhere, a practice known as “tapping-up” in Britain. “Tapping up” is prohibited by the rules of FIFA, UEFA and all national associations. It has always gone on however, and the huge sums involved in football transfers and salaries these days create a bigger incentive than ever for unscrupulous agents to bend and break the rules. It must also be said that such agents provide a convenient conduit for clubs to approach players under contract elsewhere whilst being able to deny approaching the player in contravention of national and international rules.

5.8. The FSF believes that dual representation of clubs and player in the same transfer should be prohibited by rule and that such rules should be exempt from legal challenge under European and domestic law.

5.9. Such a prohibition would not prevent the incentive for agents to unsettle a player whose personal best interests may be served by remaining at his current club, in order for the agent to obtain enhanced commissions from the player moving clubs. The FSF would never suggest that an agent should be prohibited from advising his client player to move on at the expiry of his contract or where a club has agreed to release a player, with or without transfer fee, to further his professional and financial interests.

5.10. However, sporting considerations require that players under contract and agents should be prohibited from approaching other clubs to solicit a transfer. An effective and well-policed agent registration scheme would assist in preventing these abuses. The FSF is not naïve. There will always be the incentive

for both clubs and agents to indulge in such abuses. A proper system of registration and a strict prohibition on the use by players or clubs of unregistered agents, together with the prohibition of dual representation of both player and either the vending and/or purchasing club in the same transfer, would however reduce such abuses.

5.11. The FSF also wishes to note the new FL regulation that requires all its 72 clubs in England and Wales to publish all fees paid to agents. Such transparency helps regulate the flow of cash out of the game to agents.

5.12. Whilst the FSF would not suggest that there be a blanket prohibition on agents acting for clubs, in the digital age where very few players remain unknown to the scouting departments of major clubs, the FSF can see little reason for professional clubs in Europe to employ agents. Agents should principally act for and be paid by players.

5.13. There may also be value in studying the system in professional sports in North America where player agents must be registered with the appropriate player trade union.

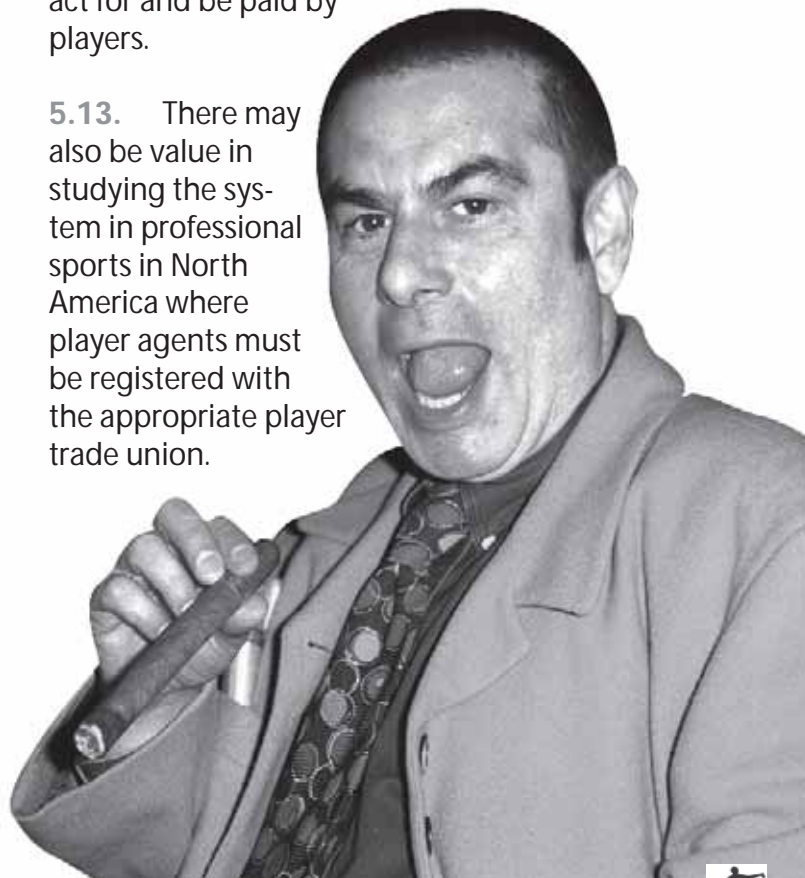


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6. PLAYER REGISTRATION & MOVEMENT

6.1. Since the Bosman ruling by the ECJ in 1995, national associations and clubs have had to adjust to a new legal environment in the transfer of players. The lack of forethought of the European football family to this development was disappointing. Any person with a background in employment law could have predicted that the ECJ would strike down the pre-Bosman transfer rules as a restraint of trade.

6.2. Successive reforms from the 1960s onwards which brought the end of the maximum wage and the so-called “retain and transfer” system in professional football in England and Wales, were followed by the “freedom of contract” reforms in the late 1970s. Previously, the players had been very much at a disadvantage in contractual relationships with the clubs. The Bosman decision, followed by the out of court settlement in the Balog case between FIFA, UEFA and the player, led to the following rules being introduced by FIFA. These came into effect in August 2002:

International transfers of players under 18 are restricted to special circumstances

- *Clubs will be able to receive compensation for players aged under 23, who move during the currency or at the end of their contracts*
- *This will no longer be a negotiated transfer fee, it will be calculated instead to specific criteria*
- *Contracts will be for a minimum of 1 and a maximum of 5 years*
- *There will be one transfer period per season, with a limited mid-season window. Only one transfer per player per season*
- *When a contract is signed up till the players 28th birthday, a unilateral breach in the first three years will give rise to compensation and the application of sports sanctions restricting a players ability to play immediately for his new club*
- *When a player is signed after his 28th birth-*

day, the above applies but only for the first two years of the contract

- *A new arbitration system was established to provide an effective and swift alternative to civil litigation*

6.3. A recent case in England has the potential to undermine any restriction on a player or his representatives approaching other clubs whilst under contract. Arsenal and England player Ashley Cole has sought to have the fine imposed on him by the FAPL for a breach of League anti-“tapping up” rules overturned. He was found guilty of meeting with representatives of another club with a view to a possible transfer whilst under contract.

6.4. Cole’s legal counsel issued proceedings before the International Court of Arbitration for Sport (CAS) at Lausanne. The FAPL has refused however to recognise the jurisdiction of the CAS in this case. Since Cole’s counsel argues that the fine imposed on their client by the FAPL constitutes a breach of Cole’s rights under the European Convention on Human Rights and a restraint of trade, it is possible that proceedings maybe issued in the British courts which may result in a referral or appeal to either the ECJ at Luxembourg or the European Court of Human Rights (ECHR) at Strasbourg.

6.5. The consequences of a ruling in favour of Cole in either the ECJ or the ECHR could completely undermine any restriction whatsoever on the movement to other clubs of contracted players. This would be EXTREMELY undesirable on sporting grounds. The FSF hopes that the Enquiry will recommend that the European Council takes appropriate judicial steps to ensure an exception from European employment law (and that Member States enact similar exceptions where necessary) to protect the unique characteristics of sport.



6.6. Players at elite professional clubs receive very high salaries. Even those players contracted to more junior professional clubs generally receive salaries well in advance of those paid in other professions. Even accepting that the career of a professional player is short and that they enter the post-football employment market at a disadvantage to their contemporaries having dedicated the early part of their working lives to football, the FSF believes it is not unfair to ask players to temporarily surrender their rights to negotiate with other clubs whilst under contract.

6.7. The FSF believes that FIFA rules introduced in 2002 represent a fair balance between player and club at the elite level. The issue of fair compensation for players transferring to bigger clubs from more junior teams is however one which needs to be addressed. We now move on to address the so-called "transfer window."

6.8. The introduction of the universal transfer window can be justified for elite

clubs in each nation's most senior league. This restriction is however unfair, the FSF believes, on clubs below elite league level.

6.9. In the case of England and Wales, the FSF can see no reason why the transfer "window" restrictions should apply to the 72 FL clubs. These clubs operate on budgets which restrict the number of professional players with whom they can contract and the number of young trainee players they can afford in their junior teams.

6.10. The FSF believes there is a strong case for liberalising the transfer of players outside the elite league of each national association. There should clearly be some restriction but the current rules are far too strict and operate against the interest of the smaller clubs. These clubs are essential to the health of the game in every country. We recommend the liberalisation of player transfers during the playing season for clubs below elite league level.

7. DISTRIBUTION OF INCOME WITHIN EUROPEAN FOOTBALL

7.1. This area is perhaps the most controversial that will be examined by the Enquiry. One cannot address this question without examining the role of the so-called G14, an unofficial grouping of eighteen western European clubs (interestingly, Chelsea, whose owner's personal wealth makes it the richest club in the world, has failed to gain admittance to this self-selecting and self-serving elite).

7.2. The FSF believes that whole ethos and *raison d'être* of G14 is contrary to the interests of the game. At the invitation of Internazionale, Milan and Juventus (pictured) a series of meetings of some of western Europe's biggest clubs was held in 1998 to discuss a possible breakaway European Super League (ESL). This was condemned by DFB (Deutscher Fussball Bund, the German Football Federation) spokesperson Wolfgang Niersbach, who said, "*Here you have clubs who are already rolling in cash who want to earn yet more.*" The FSF strongly supports these sentiments.



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7.3. The redistribution of income and associated sense of solidarity, of being part of a football family, is in severe danger of disappearing from European football. The abandonment of collective selling of broadcasting rights in Italy is an example. The contrast in income from television in that country is now startling.

At one end of the scale is Juventus taking in nearly £85.7 million (≈120 million) per season. At the other end, the smallest clubs are receiving only just over £7 million (≈10 million). The ever-increasing disparity has led smaller clubs in Italy to threaten to field their reserve and youth teams against the bigger clubs, arguing that if they have no chance of competing, why bother trying?

7.4. Commenting on this, Giorgio Marchetti, UEFA's director of professional football and former General Secretary of the Lega Nazionale Professionisti (Italian National Professional League) said in a recent interview "Clubs (in Italy) are all limited companies, and in some cases public limited companies which means they have obligations towards their shareholders to maximise their revenue and their profits. But this has to be made compatible with the needs and the logic of football and we cannot put the economic interests of clubs above sporting interests." The FSF supports this sentiment without reservation.

7.5. In England and Wales we have seen the same trend, although less extreme, as collective selling of broadcasting rights has been maintained by the FAPL and FL, albeit that both the European Commission (EC) and the UK domestic competition authorities have challenged this. In 1999 the Office of Fair Trading lost a case against the FAPL before the Restrictive Practices Court.

7.6. Conditions imposed by the EC have led to an increase in the number of FAPL games broadcast. Following further EC intervention the FAPL's next television contract will be broken into "packages" of games. Sale of all the packages to one broadcaster will be prohibited, potentially damaging the overall income received by the game.

7.7. The ever-increasing number of games on television in England and Wales has

led to many games being moved to days and times that are inconvenient for regular supporters. The FSF *Fans' Blueprint* calls for:

- *An end to constant fixture changes to suit television or policing*
- *Prior consultation with supporters on broadcasting contracts to ensure a fair deal for the match-going fan and an end to TV "overkill"*
- *The development of a regular television-free midweek evening with no live broadcast Premiership, Football League, UEFA Champions League or UEFA Cup games for midweek fixtures to encourage live attendance at junior professional games*

7.8. In respect of the redistribution of income to promote competitive balance the *Fans' Blueprint* calls for:

- *The introduction of revenue sharing between all professional clubs where one quarter of all league TV and gate revenue (including executive boxes) is pooled and divided equally.*

7.9. Until 1985 the visiting club in all four divisions of the FL received a share of the home club's income from ticket sales. In an era when television income was a small proportion of even the elite club's total turnover, this had a major positive effect on redistribution.

7.10. The 1980s also saw the first live television broadcast contracts in the FL. Until then the only domestic game shown live was the FA Cup Final. The first FL contracts were with the two principle terrestrial free to air broadcasters, the state owned BBC and the private ITV network.

7.11. The arrival of satellite then digital satellite and cable television coincided with the establishment of the FAPL. The big clubs were determined to keep almost all of the new riches for themselves.

7.12. In the post-Second World War period up until 1991/2, the FL First Division, then the top professional League in England and Wales and the forerunner of today's FAPL, was won by Portsmouth (twice), Ipswich Town, Nottingham Forest (twice), Aston Villa, Wolverhampton Wanderers (three times), Leeds United (3), Everton (4), Tottenham Hotspur (twice), Derby County (twice), Burnley and Manchester City.



7.13. Of those clubs, Nottingham Forest also won the European Champion Clubs' Cup (forerunner of the UEFA Champions League) twice with Aston Villa winning the same trophy once. Manchester City won the European Cup Winners' Cup, as did Tottenham Hotspur who also won the UEFA Cup. Ipswich Town won the UEFA Cup, a tournament in which Wolverhampton Wanderers were runners-up. Leeds United won the European Fairs Cup and were runners-up in the European Champion Clubs' Cup.

7.14. This level of competitive balance is highly unlikely to be repeated in the 21st century unless steps are taken to address the distribution of income in the game. Having reached the semi-finals of the UEFA Champions League in 2001, Leeds United subsequently failed to qualify for the tournament. The loss of income, combined with drastic overspending whilst, in the words of their then chairman, "Living the dream," plunged the club into relegation and massive debt. The club now plays in the Football League Championship, the second tier in England and Wales.



7.15. Nottingham Forest have descended even further. They now play in FL One, the third tier, and are plagued by debt. By no means all these two clubs' problems are associated with the ever-increasing gap between the richest clubs and the rest. Both clubs managed their finances poorly. Clubs must learn



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that the only growth worth having is sustainable growth, an admirable policy being pursued by the FL's chairman Lord Mawhinney (pictured above).

7.16. Both UEFA and the national associations can assist in obtaining competitive balance by insisting that clubs only spend the income they can generate and that a reasonable proportion of the mountain of money that has been generated by broadcasting rights is redistributed.

7.17. One does not have to take a distinctly European approach to this subject to see the strong business case for such solidarity. In the United States and Canada, all the professional sports leagues there pool and redistribute broadcasting income.

7.18. In the National Football League (NFL), the 32-team professional American Football league, this income redistribution enables a club like the Green Bay Packers to compete and win the NFL championship, known as the Super Bowl. Green Bay has a population of just over 100,000. The state of Wisconsin in which it is situated has a population of around 5.5 million. New York City alone has a population of over 8 million.

7.19. Thanks principally to the redistribution of income from the teams with larger

populations to draw on for both live attendance and television audiences the Green Bay Packers won the Super Bowl as recently as 1997 and were runners-up the following season.

7.20. The history and development of professional sport in North America is of course very different from that of Europe. Similarly the culture, social, political and economic histories are distinct. There are however some concepts that do transfer.

7.21. It is interesting to note that professional sports in North America receive by statute some limited protection from competition (known in the USA as anti-trust) law. The FSF believes that football in Europe should enjoy similar exceptions from European and national competition and employment law, as we have said above.

7.22. These exceptions should however be contingent on the adoption by national associations, leagues and clubs and by UEFA of appropriate and sufficient measures of financial redistribution and solidarity aimed at ensuring a thriving game at all levels from amateur, through semi-professional to elite league and national team competitions.

7.23. UEFA can play its part by re-designing the distribution of income from the centrally negotiated broadcasting and sponsorship contracts for (principally) the UEFA Champions League towards distribution to national associations rather than competing clubs.

7.24. Clubs competing in UEFA competitions should of course receive reward for their success but the current distribution system means clubs from the bigger television markets reaching the group stage are receiving a sum of the order of £8 million (≈11.2 million) in central income from UEFA alone. When added to additional gate and commercial revenue this reinforces the advantage of clubs who tend to be amongst the wealthiest in the world already.

7.25. Money is not of course the only factor in sporting success. The Wimbledon story in England best demonstrates how it should be. Coming up from the junior semi-professional Southern League they went through the divisions to the FL First Division, winning the FA Cup in 1988 and maintaining their place through the creation of the FAPL until they were relegated back to the FL in 2000.

7.26. This wonderful ascent by a small club did not have a happy ending however. The club was sold into the hands of owners who, against overwhelming supporter opposition, moved the club 70 miles (112 kilometres) north from Wimbledon (a south-western suburb on London) to the town of Milton Keynes.

7.27. Refusing to accept this move, Wimbledon supporters established a fan-owned club to continue the traditions of their beloved team. AFC Wimbledon now play in the Isthmian Premier League, the seventh level of the English professional pyramid structure, having been promoted twice since their establishment.

7.28. The rise of Auxerre in France from the Burgundy regional Division d'Honneur to the elite Ligue 1 and the UEFA Champions League under their extraordinary coach Guy Roux, at the helm for over 40 years, also demonstrates what can be done, as does the rise of FC Thun of Switzerland to the UEFA Champions League. Every club should be able to believe they can work towards such an ascent on

merit, but to mean anything such success must be earned not bought. It must be possible for clubs to become and remain successful at the top levels of each national association, not on the basis of the vanities of rich owners but building upon sustainable development and growth, supported by appropriate levels of income redistribution.

7.29. There will always be bigger and smaller clubs; the gap is in danger, however, of becoming unbreachable.

7.30. A further demonstration of the greed and self-interest of the biggest clubs is demonstrated by issuing of proceedings in the French courts by Olympique Lyonnaise (OL) and G14 in December 2005. The writ claims that FIFA's statutes and regulations requiring the release of players for national team duty are a violation of European competition law. It may be that the claim has some legal merit. It is substantially without sporting merit however.

7.31. The case was prompted by an injury to one of OL's players whilst on duty for the French national team. For a considerable period the G14 clubs have been arguing that the national associations should pay their players' salaries whilst they are on national team duty. The principle behind this would appear to be, "to he who has, shall be given more."

7.32. Such an approach is short-sighted and unsporting. The call-up of players to their national team should be considered



an honour for the club as well as the player. Whilst some supporters of club teams have little or no interest in their national teams, the clubs receive direct financial benefit from the interest generated by the World Cup and the European Championships.

7.33. The current boom in English football can be traced back to the success of the national team in the 1990 World Cup. There needs to be a proper balance between the interests of the club and national teams. For national associations to be forced to pay the salaries of players on international duty would effectively exclude most federations from outside Europe selecting players contracted to European clubs. It would also financially challenge many European federations.

7.34. The constant complaints about losing players to the African Cup of Nations and South American players arriving back tired

from World Cup qualifiers is also irritating. There is an easy solution, don't sign players from Africa and South America.

7.35. That said, there is a case for better harmonisation of the international and domestic playing seasons. The FSF believes that UEFA, FIFA and the national associations should work together to produce a harmonised fixture programme with domestic and international tournaments dovetailing together more harmoniously than currently.

7.36. To summarise, the distribution of wealth both within and between the national associations of Europe is a question that needs to be urgently addressed. UEFA can play its part in this process by changing the distribution of monies generated by its club competitions more in favour of the national associations and less to the competing clubs.

8. FUNDING FOR PARTICIPATION IN FOOTBALL

8.1. This is a crucial area for the game, including the elite game. The more people who play football, the bigger the pool of potential talent. Governments across Europe are now starting to see the problems caused by a sedentary population taking little physical exercise.

8.2. The United Kingdom has traditionally invested far less public money in sport



that other European countries such as France and Germany. This will be obvious to anybody who has compared facilities in the three countries.

8.3. The FA and the FAW also need to step up their game however in building community partnerships aimed at producing high-quality grass-roots facilities and coaching. The pressure is always upon the FA particularly to give far more of the money it generates to the elite clubs. This must be resisted. The funding of grass-roots football is crucial to the overall health of the game in England and Wales.

8.4. The UK government, the National Assembly for Wales and local government must also accept their responsibility for investment in sporting facilities. The FSF would like to see the level of investment in sport (and football in particular) that many of our European neighbours achieve.



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9.1. Both ends of the spectrum in terms of well-funded and planned stadia can be seen in the last two UEFA Champions League finals in Gelsenkirchen and Istanbul.

9.2. The reaction of all FSF members who have attended both domestic and international matches at the Arena Auf Schalke (pictured above) has been universal approval. The stadium is, in the opinion of one FSF member who has attended matches throughout Europe, the Americas, Africa and Australia, the best he has ever visited.

9.3. Transport links to the stadium via a dedicated tram stop from the town railway station are excellent. The only criticism the FSF heard from supporters at the 2004 UEFA Champions League Final were of the external stadium signage which was a little confusing for new visitors and the lighting of public areas outside the ground, both of which could

be improved but neither of which were major problems.

9.4. Catering and other spectator facilities inside the stadium are first class (although perhaps more notices on how to use the stadium's cashless system in appropriate languages would be helpful).

9.5. The 2005 Final was played at the new Ataturk Olympic Stadium in the west of Istanbul. Many supporters in England and Wales felt it sent completely the wrong message holding the game in Turkey. It is an unfortunate fact that Turkish club and national team supporters have been guilty of frequent acts of violence both inside and outside stadia both in Turkey and elsewhere. The awarding of the 2005 Champions League final to Istanbul could be read as being tolerant of such acts. The recent events at the Turkey v Switzerland World Cup qualifying play-off second

leg have now led to Turkey being required to play to play its next six national team games in neutral venues behind closed doors.

9.6. There has been heightened tension between English and Turkish supporters since the murder of two Leeds United fans in Istanbul for a UEFA Cup match against Galatasary in 2000. This led to England supporters being prohibited by decision of the FA from attending the European Championship 2004 qualifying match in Istanbul. It also meant a large police and security operation had to be mounted to ensure the safety of Turkish supporters at the return match at the Stadium of Light (pictured below) in Sunderland in October 2003.

9.7. Given this background there was cause for concern at an English club playing a major final in Turkey. Fortunately there were no major incidents. There was however much criticism of the arrangements for this game. The stadium itself has no public transport links (or certainly did not at the time of the 2005 Final) and was accessible by one narrow road. Many supporters had to walk long distances to reach the stadium, having had to abandon the coaches or taxis in which they were travelling due to the huge traffic jam in the hours before kick-off.

9.8. The FSF has many reports of chaos at the stadium entrances with very slow entry to

the ground and no effective and stewarded queuing system. Upon gaining entry to the ground refreshment facilities were close to non-existent, even water being unavailable to parched supporters on a warm evening. Toilet facilities were also inadequate, especially for female supporters.

9.9. The lack of accessible transport facilities to the stadium particularly affected disabled supporters. After the match, the disproportionate number of Milan and Liverpool supporters led to many Liverpool fans being directed to buses originally intended for use by Milan followers. Those Liverpool supporters travelling back into the city were dropped in the sector of Istanbul intended for Milan fans rather than being diverted to the Liverpool sector of the city.

9.10. The environs of the stadium were described by many as being like a building site with plenty of loose objects such as rubble that could have been used as missiles had anybody been so minded. Fortunately they weren't.

9.11. None of this should be taken as anti-Turkish invective. Many citizens of Turkish descent live and work in Britain. Hundreds of thousands of Britons travel to Turkey each year on holiday, returning home full of stories of the hospitality of the Turkish people. It is however an objective fact that visiting supporters of many nationalities have had to

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endure repeated acts of unprovoked aggression. Indeed, sections of the Turkish media have begun to question the violence which has been associated with games in Turkey in the aftermath of the recent FIFA ban, despite the ban being appealed to the CAS.

9.12. One of the FSF's founding partners the FSA was founded by English supporters in the aftermath of the Heysel and Hillsborough disasters. This makes the FSF particularly sensitive to stadium safety. The FSF believes from practical experience that supporter involvement and consultation pays dividends, this applies to stadium design and management as much as to any other area. The Arena Auf Schalke had a high level of supporter involvement in its design phase. It shows. One aspect of the design of this stadium that particularly impresses the FSF is the fact that areas of the ground are designed to allow them to be converted into standing areas for domestic matches where standing is permitted.

9.13. The *Fans' Blueprint* calls for:

- *The (UK) Government to permit safe standing areas at stadia where clubs and their supporters so wish*

9.14. This is a concept common to many modern German stadia. The FSF applauds the DFB for this. It has listened to the voice of fans. Many supporters in England and Wales would much prefer to stand too. There is no empirical evidence whatsoever which demonstrates that sitting rather than standing to watch a game is intrinsically safer. The FSF has consistently pressed this case and will continue to do so with the UK government (standing areas at stadia hosting matches in the top two professional leagues in England and Wales is currently prohibited by law) and the football authorities in England and Wales.

9.15. Permitting standing at major stadia gives a choice to the many who prefer to stand as a matter of choice. It is also socially inclusive. The fact that more spectators can safely stand in the same area than if that area



were seated means that admission prices can be lower without affecting income. This makes the game more affordable for all. We hope that the Enquiry will recommend that standing in suitable safe areas of stadia should be permitted at UEFA competitions. We would also like FIFA to amend its regulations to permit safe standing. It should be noted that the disaster, which resulted in 43 deaths at the Kaizer Chiefs v Orlando Pirates game in April 2001 at Ellis Park in South Africa, happened at a modern all-seated stadium.

9.16. The design, structure, safety and security of stadia are critical to football fans. They should be involved at all stages of design, construction and management. Supporters have much to offer. We wish to be part of the solution rather than being seen as part of the problem.

9.17. Aside from safety and security, fans have strong views about issues such as stadia not having athletics tracks, which detract from the proximity to the action and the atmosphere at some major grounds. The FSF is pleased to note the move away from running tracks at new stadia, including the new Wembley Stadium in London (above). Track and field athletics merit their own stadia and facilities. The compromises in sightlines and other stadia facilities made necessary by such dual use suit neither sport. It is possible to design stadia to permit other uses without compromising utility as a football stadium. The Arena Auf Schalke is a perfect example of this. Its rollout pitch permits a first-class playing surface to be maintained whilst allowing the use of the stadium for exhibitions, concerts, motor-sport events and so on. The retractable roof also assists in this.

10. CONCLUSIONS

10.1. The FSF is pleased to present this evidence to the Independent European Football Review (IEFR). We look forward to the development of the supporter's role in the game as a full partner in the "football family". We hope that the IEFR will recommend the development of partnership with supporters on the part of UEFA, the institutions of the EU and Member State governments, other European states and national associations as part of a systematic insertion of supporters into all issues around the professional game.

10.2. Within our limited resources the FSF, working with our partners SD has tried to promote supporter ownership, involvement and participation in the game we love so much. Links have been developed with other supporter groups elsewhere in Europe. We hope that the IEFR will recommend that resources should be made available to allow supporters to meet and organise on a European level. The FSF constitution provides in its first clause that the organisation shall:

"encourage, promote and develop support of association football and goodwill between football supporters at all levels of the game, be it local, national or international."

10.3. As we approach the fiftieth anniversary of the signing of the Treaty of Rome on 25 March 2007, we believe that football supporters, working together across our continent can help promote the sentiment and objective of the open words of that historic document:

"...to lay the foundations of an ever closer union among the peoples of Europe..."

10.4. In summary the FSF hopes that the IEFR will be persuaded to make the following recommendations, based on the evidence submitted in this document and the further oral arguments we shall advance when invited to do so:

A. A detailed study towards the introduction of an exception to EU law permitting UEFA and national associations to require the fielding of a minimum number of players of local nationality qualified to play for that country's national team in UEFA and national competitions (*paragraphs 2.15-2.20*)

B. A detailed study, complimentary to that proposed in recommendation A, towards the introduction of an exception under EU law to facilitate the prohibition by UEFA and national associations of the registration of players from outside Europe under the age of 21 years (*paragraphs 2.21-2.29*)

C. A recommendation by the IEFR for the European Council to legislate to place the *Declaration on Sport* approved at Nice in 2002 on a statutory basis, allowing football a limited exception from EU competition and employment law PROVIDED that UEFA and national associations amend their statutes to place upon themselves binding obligations of sporting solidarity community and mutuality (*paragraphs 3.15-3.17*)

D. A recommendation by the IEFR that the "dual-representation" by agents of player and selling and/or vending club should be prohibited by FIFA, UEFA and national associations. Further that such rules should be subject to exception from challenge under EU law. Further that the FIFA agent registration rules and enforcement be strengthened (*paragraphs 5.1-5.8*)





E. A study of the system of player agents being registered and regulated by player trades unions as in North America (*paragraph 5.13*)

F. A recommendation by the IEFER for the liberalisation of player transfers all levels below the elite league of each national association outside the transfer “window” (*paragraphs 6.9-6.10*)

G. A recommendation by the IEFER to both UEFA and national associations that rules be introduced to require clubs to limit their spending to income generated and to more widely redistribute broadcasting revenues (*paragraph 7.16*)

H. A recommendation by the IEFER that UEFA, FIFA and national associations work together to harmonise playing seasons and national, European and international competitions and tournaments (*paragraph 7.35*)

I. A recommendation by the IEFER that UEFA amend the distribution formula for central broadcasting and sponsorship income to give a greater proportion to national associations and a lesser proportion to clubs competing in UEFA competitions (*paragraph 7.36*)

J. A recommendation by the IEFER that UEFA and FIFA amend their regulations to permit standing in stadia staging matches in UEFA tournaments (*paragraph 9.15*)

K. A recommendation by the IEFER that supporters should be organically involved in the conception, design, management and stewarding of football stadia in Europe by clubs, national associations and local, regional and national safety and security agencies (*paragraph 9.16*)

L. A recommendation by the IEFER that supporters across Europe be organically integrated as full participants and partners in the “football family” and that UEFA, national associations, the institutions of the EU and Member State governments develop working partnerships with supporters on all football-related matters. Further that supporter’ organisations should receive appropriate resources to achieve these objectives (*paragraph 10.1*)

10.5. The FSF is at the IEFER’s disposal for the submission of oral evidence or any enquiry related to this written evidence. We wish the Enquiry well with its deliberations.

Malcolm Clarke
CHAIR



Mike Williamson
SECRETARY



Alan Bloore
VICE-CHAIR



Carroll Clark
TREASURER



APPENDIX ONE - SUMMARY OF THE FSF FANS' BLUEPRINT FOR FOOTBALL

The Fans' Blueprint for Football calls for:

1. The creation of one unified governing body governing all levels of football in England to replace the current multiplicity of leagues and associations
2. The introduction of revenue sharing between all professional clubs where one quarter of all league TV and gate revenue (including executive boxes) is pooled and divided equally
3. Minimum standards of governance, administration and financial control for all clubs to be enforced by the governing body as a condition of membership and league entry, including a "fit and proper" person test for all persons owning or directing a football club
4. An annual club licensing system to be introduced over a five year period. A condition of licensing to include a ban on unfunded revenue deficits
5. The creation by statute of a special legal status giving appropriate forms of "not-for-profit" status for sporting clubs
6. The Government to permit safe standing areas at stadia where clubs and their supporters so wish
7. An end to constant fixture changes to suit television or policing
8. Prior consultation with supporters on broadcasting contracts to ensure a fair deal for the match-going fan and an end to TV "overkill"
9. An end to bans on away fans and an increase in away ticket allocations
10. A comprehensive review of the structure of all domestic league and cup competitions and the structure of the season involving supporters at every stage
11. Consultation with supporters on the structure of all European and international club and national team competitions and how they relate to domestic competitions
12. The development of clear rules in consultation with supporters to prevent any recurrence of the FA appeals tribunal decision to permit the former Wimbledon FC move to Milton Keynes
13. The development of clear, legally enforceable rules to prevent clubs selling their grounds without the explicit prior agreement of their supporters and other another ground being provided in the same town
14. Involvement of supporters in initiatives to combat racism on the field and in the stands
15. An end to discriminatory treatment of away supporters in terms of ticket prices and allocations in both domestic and international competitions and club levels
16. The development of a regular TV free midweek evening with no live broadcast Premiership, Football League or Champions' League games for midweek fixtures to encourage live attendance
17. An end to the constant above-inflation increase in ticket prices, particularly for lower priced tickets
18. Discount ticket prices for younger and retired supporters with national standards on age criteria
19. The development of disabled supporters' facilities at all levels of the game, including minimum standards
20. Involvement of supporters in all policing and stewarding policies affecting them
21. Encouragement and adequate funding of supporter organisation and involvement in the game at all levels
22. The introduction of statutory independent regulation of the game

Approved nem con at the FSF Football Fans' Parliament held at Arsenal Stadium, London in June 2003



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