

European Law and Sport: Home Grown Players and Quotas



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The logo for CCPR (Confederation of Commonwealth Professional Photographers) features the letters 'CCPR' in a bold, blue, sans-serif font. The letter 'R' is stylized with a red outline and a red shadow effect, giving it a three-dimensional appearance.

CCPR

One voice for sport and recreation

- **Current EU Powers**
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Sport & EU Competences

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One voice for sport and recreation

- **Sport Facilities**
State aid, environment, safety, services
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Media rights, ticketing, security
- **Sports Tourism**
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- **Professional Players**
Free movement of workers, recognition of diplomas
- **Sports Goods Industry**
Free movement of goods, sponsorship

Lisbon Treaty

The Union shall contribute to the promotion of European sporting issues, while taking account of the specific nature of sport

Specificity of Sport

The logo for CCPR (Commonwealth Council for Physical Recreation) features the letters 'CCPR' in a bold, blue, sans-serif font. A red ribbon-like graphic element is integrated into the letter 'R', looping around its top and right sides.

One voice for sport and recreation

Meca-Medina (2004)

- Two swimmers appealed against a drugs ban
- The ECJ agreed that these sporting rules fell outside the remit of the Treaty
- BUT that sporting activity in general could not be considered to fall outside the Treaty's remit, meaning the specificity of sport must be ruled on on a case-by-case basis.

Specificity of Sport

Dona v Mereto (1976)

- Ruled against quotas for non-nationals in Serie A
- “Rules or national practice, even adopted by sporting organisations, which limit the right to take part in football matches as professional or semi-professional players... are incompatible with the Treaty, unless such rules... exclude foreign players from participation for reasons which are not of an economic nature”.

Free Movement of Players

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Kolpak (2000)

- Slovakian handball player Maros Kolpak against the German Handball federation, which restricted the number of non-EU nationals in handball teams.

Simutenkov (2003)

- A Russian footballer against Spanish football which enforced quotas of non-EU players in domestic competition.

Cotonou (????)

- An EU trade agreement with 79 African, Pacific and Caribbean countries.

Sepp Blatter on Quotas

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“It’s not morally right, and competition loses all balance, when the big clubs buy 25 top players to deprive other teams of them and then hoard them because they can only have 11 players on the park”

-Sepp Blatter, April 2008

Free Movement of Players

Lehtonen (1996)

- A Finnish basketball player couldn't play in the Belgian league as his transfer occurred after the deadline.
- ECJ ruled that this DID impinge on movement of workers
- BUT this was acceptable as the aim was to prevent distortion of competition and wasn't on economic grounds

Arsene Wenger on Quotas

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“That would kill the Premier League. It would certainly no longer be the best league in the world. I would not be happy if somebody told me that I have to say to a player: 'Sorry, you have the ability to play but you weren't born in the right place'.”

- Arsene Wenger, Jan 2008

According to the White Paper for Sport...

Quotas may be acceptable if

- they do not lead to any direct discrimination based on nationality
- possible indirect discrimination effects resulting from them can be justified as being proportionate to a legitimate objective pursued

July 2007

Commission on 6 + 5



On the one hand, since there is no clear nationality clause, such rules could be accepted as helping to promote training of young players and encouraging sport clubs to invest in the training of young people.

On the other hand, there can be discriminatory effects of such rules due to the correlation between the location of training and nationality

Commissioner McCreevy, Jan 2008

Commission's Study on Quotas

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Under which criteria and conditions may young players join your training centre?

Are there any restrictions regarding the nationality of young players in your training centre?

What is your opinion regarding the home-grown players rule?

Commission's Study on Quotas

To what extent have you been involved or consulted for the adoption of such rule?

What do you think about the fact that the rule is applied by UEFA only to European competitions (UEFA and Champions league)?

Could you think of any other rule or initiative which could be more successful in promoting the training of young players?

Rugby Super League Quotas



5 Academy Player (8 by 2011)

10 Confederation Player (12 by 2011)

Maximum Squad Size 25

Thank you for your attention, I hope that you enjoyed the presentation.

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