



Resolution 1204 (1999)¹

Europe and professional sport

Parliamentary Assembly

1. The Assembly recalls the judgement of the Court of Justice of the European Communities in the Bosman case of December 1995 which declared illegal in the countries of the European Economic Area the transfer rules and the nationality clause applied by the Union of European Football Associations (UEFA) in respect of professional football in Europe.
2. While being fully aware that this judgment ensures that professional footballers are able to exercise the right to the free movement of workers, the Assembly nevertheless draws attention to the appreciable repercussions for professional sport in general (and particularly team sports), the financial survival of small clubs, and the training and employment of young sportsmen and women in Europe as a whole.
3. The Assembly shares the desire, voiced first of all by UEFA, to find a way of reducing the negative impact of these implications in a way compatible not only with European law and other recognised legal texts, but also with the satisfactory development of sport throughout Europe.
4. Accordingly, the Assembly points out that the impact on developments in professional sport in Europe, and team sports in particular, of the liberalisation and technological development of television, resulting from the remarkable increase in demand for sports broadcasts and the prices paid for these broadcasts, has been at least as important as that of the Bosman judgment.
5. The Assembly is particularly concerned about the implications of the transformation of high-level football from a sport in its own right to a television event and the widening financial gap between high-level professional clubs and the rest of the football community.
6. It is concerned about the possible malfunctions of the procedures for the licensing of sports equipment (in particular with regard to exclusive agreements).
7. There is a danger that the conversion of sports clubs into joint stock or other corporate forms may result in the same economic group controlling several teams participating in the same competition. This would give rise to concern about the genuine nature of a match between two teams controlled by the same economic group, especially when major financial incentives are at stake.
8. It is also concerned about the veiled threats from some major European clubs to create their own European championship. While welcoming UEFA's efforts to overcome these threats by adapting the rules of the Champions' League, the Assembly notes that unless sufficient funds are spread throughout the game there is a danger of widening disparities between "rich" and "poor" clubs, thereby having an adverse effect on the competitiveness of national championships.
9. The Assembly asserts the specific, social, unifying, educational and cultural role of sport. It recalls, in this connection, the European Sports Charter and the European Code of Sports Ethics adopted by the Council of Europe in 1992. Sport is much more than a mere business matter: the opponents depend on each other, unlike in industry and the service sectors.

1. See [Doc. 8555](#), report of the Committee on Culture and Education, rapporteur: Mr Dias. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 4 November 1999.



10. Consequently, the Assembly calls on the competent authorities in the member states of the Council of Europe:
 - 10.1. to authorise the centralised marketing, for example by federations, of sports events broadcasting rights in so far as this would ensure a fair distribution of income among the participants;
 - 10.2. to include the main sports competitions on the list of events of major significance provided for in the European Convention on Transfrontier Television;
 - 10.3. to support non-governmental sports organisations and the millions working for sport on a voluntary and unpaid basis throughout Europe.
11. The Assembly also calls on European sports federations, and in particular on UEFA:
 - 11.1. to implement or continue implementing the centralised marketing of television rights for competitions coming under its competence and to ensure the fair distribution of income among participants so as to maintain a financial balance and a spirit of solidarity in European sport;
 - 11.2. to ensure that the new rules of the Champions' League do not have any adverse effect on the competitiveness of national championships;
 - 11.3. to propose, as a means of remunerating clubs for their activities in the training of young players, a non-discriminatory "training fee" which could be limited to the first transfer of a player as a professional, or to transfers of players under a given age;
 - 11.4. to prohibit the participation in the same competition of more than one club belonging to the same owner;
 - 11.5. to ensure that the rules applied by the European Union to the European Economic Area are compatible, from the standpoint of sporting equity, with those in force within each state and outside the European Economic Area.
12. Finally, the Assembly calls on the European Union:
 - 12.1. to recognise the specific nature of sport whose social, unifying, educational and cultural role should not be undermined by commercial activities;
 - 12.2. to accept the principle of remunerating clubs for their activities in the training of young players through non-discriminatory training fees;
 - 12.3. to accept the legality of the centralised marketing of sports events broadcasting rights with a view to the fair distribution of income among participating clubs and to the grass roots of the sport;
 - 12.4. to accept the continued organisation of sporting competition in Europe along national territorial lines;
 - 12.5. to apply in the European Economic Area rules that are compatible, from the standpoint of sporting equity, with those in force within each state and outside the European Economic Area.