Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1875 (2012)[1]
Final version

Good governance and ethics in sport

Parliamentary Assembly

1. Sport plays an important role in personal development and social cohesion as it is a powerful vehicle for the transmission of positive values and role models, particularly to young people. This role is closely linked to the respect and promotion, by all involved in the world of sport, of high ethical principles.

2. The Parliamentary Assembly notes that, in the globalised world of sport, high economic stakes and the uncontrolled emergence of purely financial considerations are seriously jeopardising the ethics of sport and increasing the risk of abuses, or even criminal acts, either by individuals or by organised crime. Not only are doping, corruption and match-fixing growing insidiously, other problems are also undermining the world of sport and tarnishing its image.

3. The Assembly is concerned that sports competitions are becoming unfair because the discrepancy between competitors' resources is too great. It regards as particularly serious and alarming the fact that ever-younger athletes, and even children, are treated as commodities. Furthermore, the Assembly cannot help noting with concern that good sports governance, a precondition for ethical sport, is affected by the power stakes and by a certain opacity in decision-taking processes. In this context, football is at the forefront, but the problem is gradually spreading to every sport.

4. The Assembly therefore recommends that Council of Europe member States and national and international governing bodies of the sports movement strive to strengthen financial fair play, ensure that young athletes are effectively protected and improve the mechanisms of governance within sports institutions, taking due account of the "Guidelines on good governance and ethics in sport" appended to the present resolution, of which they form an integral part.

5. The Assembly also recommends that Council of Europe member States support the work of the Council of Europe's Enlarged Partial Agreement on Sport (EPAS), and particularly the preparation of the draft recommendation of the Committee of Ministers to member States on the problems associated with migration flows in sport.

6. The Assembly specifically calls on the Fédération Internationale de Football Association (FIFA) to take the necessary steps to fully investigate the facts underlying the various scandals which, in recent years, have tarnished its image and that of international football. The Assembly insists that FIFA:

6.1. speed up the process of reform of its internal governance and, in this context, significantly increase the investigative powers of its Ethics Committee, authorising it, *inter alia*, to undertake, on its own initiative and at any point, internal investigations, including with regard to former officials, and ensuring that the arrangements for electing its members guarantee the committee's full independence;

6.2. publish in full any judicial and other documents relating to the ISL/ISMM case which may be in its possession, and in particular the decision of 11 May 2010 which suspended the criminal proceedings initiated by the Zug prosecution service against two natural persons and FIFA;

1. Assembly debate on 25 April 2012 (14th Sitting) (see Doc. 12889 and addendum, report of the Committee on Culture, Science, Education and Media, rapporteur: Mr Rochebloine). Text adopted by the Assembly on 25 April 2012 (14th Sitting).

6.3. hold a detailed and exhaustive internal investigation in order to determine whether, and to what extent, during the latest campaign for the office of president, the elected candidate exploited his institutional position to obtain unfair advantages for himself or for potential voters.

Appendix – Guidelines on good governance and ethics in sport

1. These guidelines are addressed to the member States of the Council of Europe and to all governing bodies of the sports movement, all of which have their own responsibilities but need to work in a co-ordinated manner and co-operate effectively in the search for common solutions.

2. They are intended to promote a number of activities designed to:

2.1. prevent certain financial abuses which affect sports clubs' financial balance and, at the same time, give rise to inequalities between those clubs, thus distorting competitions;

2.2. provide effective protection to young athletes;

2.3. improve governance mechanisms within sports institutions.

3. They do not therefore directly relate to some other extremely serious issues which undermine sport and jeopardise its future, such as doping, match-fixing and other problems which have been the subject of other Assembly reports.

4. Intervention by States in the fields covered must allow for the need to preserve the autonomy of the sports movement, but also for the need to ensure that this autonomy does not become an excuse for failure to react to the abuses eroding sports ethics and to acts covered, or which should be covered, by criminal law.

5. National legal systems should include legislation regulating sports activity as a whole and including specific provisions to deal with the problems which cannot effectively be resolved through sport's own regulations.

6. The sports movement's governing bodies must strive for effective co-operation among themselves and for synergies with public authorities' efforts to combat the abuses threatening sports ethics. They must remain exemplary in their internal functioning and, in the context of their own autonomy, take action without ever losing sight of the fact that sport must remain a vehicle of positive values which contribute to personal development, social cohesion and the bringing together of peoples.

7. In order to foster co-ordinated action, government authorities and the sports movement's governing bodies must promote the setting up of national platforms regularly bringing together the organisations in charge of sport and professional athletes' trade unions.

Club finances and "financial fair play"

8. "Financial fair play" must be strengthened by adopting standards requiring financial transparency, limiting debt and fostering the self-financing of clubs. Budgetary constraints of this kind, and the requisite monitoring mechanisms to ensure effective compliance with them, should be imposed by the sports federations or organisations concerned, in the context of self-regulation. The financial fair play rules adopted by the Union of European Football Associations (UEFA) could serve as a model.

9. The generalisation of financial fair play also implies the laying down of standards and monitoring mechanisms by national federations which are necessary to ensure that the conditions for fair competition between clubs exist, to contribute to their financial stability and to guarantee the fairness of sport. French football's Direction nationale de contrôle de gestion (DNCG) offers an example which other States and other sports could follow.

10. European States could back up these reforms by the sports movement through better harmonisation of national standards regarding sports companies' accounts, with a view to improving financial transparency.

11. Moreover, States should ensure that the prohibition of public aid to professional sports companies is strictly applied according to European Union law.

Protection of young athletes

12. In order to combat the most serious problems relating to the exploitation of young athletes and their being treated as commodities, the Council of Europe member States, including those that have not yet ratified the texts mentioned below, should guarantee, also by means of efficient controls, rigorous application of the relevant provisions of the United Nation Convention on the Rights of the Child, the revised Council of Europe European Social Charter (ETS No. 163) and the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197).

13. National legislation on sport should contain provisions to protect young national and migrant athletes, including to:

13.1. prohibit commercial transfers of athletes under the age of 16, in order to prevent minors from becoming mere objects of financial transactions;

13.2. prohibit remuneration of intermediaries for athletes aged under 16 (a prohibition which would also apply to non-commercial transfers);

13.3. give binding force (for all sports) to measures derived from the 10 recommendations issued by France's Union of Professional Football Clubs (UCPF) on looking after foreign players who are minors;

13.4. make compulsory the combining of sport with schooling/vocational training, failing which a change of club should be null and void, whatever legal form it may take (transfer, loan, etc.);

13.5. prohibit the issue to athletes of "student" or "tourist" visas and consider introducing a special visa allowing for the specificity of sport and enabling migratory movements of athletes to be monitored.

14. In the absence of national legislation on sport and pending the adoption of such specific legislation, States should at least secure protection for athletes who are minors through appropriate provisions in the legislation regulating the rights of employed children.

15. Work should start, in co-operation with the European Union, on harmonising national legislation concerning sports agents, in order to regulate in a consistent manner, as has been done for other professional categories, the activities of these agents and of intermediaries not registered as sports agents but acting as such.

16. National sports associations should promote the adoption of charters which aim to prevent any moral or physical ill-treatment of athletes who are minors and should establish the requisite monitoring mechanisms to ensure compliance with these charters.

17. UEFA, in order to increase its supervisory capacity, could introduce a compulsory contribution to be used to fund a system for monitoring the conditions in which athletes who are minors are transferred and looked after, with a view to detecting and punishing abuses.

Governance, transparency and the combating of corruption and self-interest in sports bodies

18. Federations, associations, professional leagues and other sports organisations should include in their codes of sports ethics the provisions needed to prevent criminal associations from infiltrating the management bodies of sports companies or authorities. The purchase of sports clubs using capital of unknown origin should be prevented by making it compulsory for clubs to seek information about potential owners.

19. The Basic Universal Principles of Good Governance of the Olympic and Sports Movement, drawn up by the International Olympic Committee (IOC) in 2008, should be complied with by all sports organisations.

20. Within sports federations, it is necessary to introduce supervisory mechanisms achieving a new balance in the powers of their presidents and ensuring that presidents are accountable to members' assemblies.

21. In this context, the term of office for which presidents of federations are elected should be limited (for example a four-year term, renewable only once). In addition, within sports federations, multiple candidates should be encouraged to stand for election as president, as should female candidates at every level.

22. The statutes of sports federations should prevent any form of conflict of interest by prohibiting individuals from holding senior offices within those federations if, at the same time, they hold senior posts in a club.

23. The governance mechanisms of sports federations should be such as to involve athletes in the major decisions relating to the regulation of their sport. In this respect, encouragement could be given to the representation of players' and athletes' trade unions and to the presence of former athletes of acknowledged integrity on federation committees.

24. It would be necessary to improve, within all sports federations, the provisions concerning the committees responsible for examining candidatures for the hosting of major international sports events. Strict rules on eligibility and on these committees' election and operating arrangements should be drawn up in order to prevent and punish any conflicts of interest or acts of self-interest among members, and strict checks

should be provided for in order to avoid any attempted bribery or the exercise of improper influence on voting members' final decision. The possibility of including outside observers on such committees without the right to vote should be considered.

25. Sports associations and federations at every level (regional, national, continental and international) should publish annually (on their websites and in their activity reports) details of their income and expenditure and the remuneration of their senior executives and elected managers.