Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2420 (2022)[1]

Football governance: business and values

Parliamentary Assembly

1. The Parliamentary Assembly underlines the important role played by sport in general and football in particular in conveying values that are essential for social cohesion and living together, and in promoting well-being and social advancement. Football has changed in many ways and it is only natural that it should continue to do so. It has become a major industry involving huge sums invested in infrastructure, broadcasting rights, sponsorship, merchandising, equipment sales, gaming and sports betting, etc. Football's economic success, particularly that of European football, is to be welcomed. Business must not, however, take precedence over values: football and sport should not be reduced to money-spinning entertainment, and sports governance should continue to be rooted in promoting human rights. Upholding such standards must always be the force driving the major umbrella organisations' actions, starting with the sporting events they stage.

2. Countries wishing to host major sports events must be prepared to assume stringent obligations in various fields and meet them effectively. For example, their development projects related to sports events (construction or renewal of sporting, accommodation, communication and transport infrastructure, etc.) and the planning of the corresponding investments must comply with the criteria of economic, social and environmental sustainability. They must also ensure the safety of all sports equipment and the security of the national and foreign audience attending the events, and of people leaving or moving within the areas where they take place. Likewise, all bidders for major international sport events, such as FIFA (International Federation of Association Football) and UEFA (Union of European Football Associations) competitions, must commit in concrete terms to ensuring compliance with key human rights standards.

3. The Assembly notes that collaboration between host countries, the relevant international sports federations and human rights organisations can yield valuable results. This was undoubtedly the case in Qatar. The Assembly commends the efforts of FIFA, which played a role in getting the labour law reform process under way in Qatar, and the work of the International Labour Organization (ILO), the international trade union movement and non-governmental organisations operating in Qatar. The Assembly also commends the Qatari authorities for making real advances in this field. The Assembly cannot, however, express its full satisfaction, as the situation of workers in Qatar remains worrying and the number of tragic accidents continues to run into the hundreds. The reforms need consolidating to ensure that all economic operators in the country comply with the new rules, and efforts to solve the issue of unpaid wages and to improve working conditions for all workers must continue.

4. The Assembly cannot ignore the harsh working conditions experienced by workers in Qatar since the country was chosen to host the 2022 FIFA World Cup, and the thousands of work-related injuries, including fatal ones, during this period (although not all of these were related to World Cup construction sites). Compliance with the ILO's core labour standards should be a prerequisite for being a credible candidate and not a target to reach after being chosen to host the FIFA World Cup or any another major sporting event.

1. *Assembly debate* on 26 January 2022 (5th sitting) (see Doc. 15430, report of the Committee on Culture, Science, Education and Media, rapporteur: Lord George Foulkes). *Text adopted by the Assembly* on 26 January 2022 (5th sitting).
See also Recommendation 2221 (2022).

5. Workers' rights are not the only rights that need to be taken into account. The Assembly welcomes the steps taken by FIFA and UEFA in response to its request to include human rights compliance in the commitments that countries bidding to host major football competitions must enter into, but current regulations must also be supplemented and tightened.

6. Requiring that the hosting and staging of a competition and any legacy and post-event-related activities do not involve adverse impacts on internationally recognised human rights is not enough. First, bidding countries must provide a minimum level of guarantees of respect for human rights, or at least some specific rights, for their bids to be considered. For example, the Assembly considers that any country where women do not have the right to participate freely in sport or where there is clear discrimination in their access to sport should simply be disqualified. Second, staging competitions must contribute to real and lasting progress in the field of human rights.

7. The Assembly is fully aware that this is a sensitive issue and that sport must remain politically neutral but believes that strict rules on human rights compliance are coherent with such neutrality and even strengthen it. The Assembly stands ready to continue working with its partners to find realistic and balanced solutions together.

8. The Assembly considers that protecting underage players and promoting gender equality, as well as fighting discrimination on any grounds, should be priorities for all levels of the wider sports movement and of football organisations in particular. A greater proportion of available resources should be allocated to measures to achieve these goals.

9. With regard, more specifically, to protecting minors, the Assembly welcomes the regulatory developments and concrete initiatives developed by FIFA and UEFA. In particular, it welcomes the roll-out of the FIFA Guardians™ programme and the toolkit produced with the help of experts from the Council of Europe and the United Nations Children's Fund (UNICEF), among others, and the "uefa-safeguarding.eu" digital platform launched by UEFA in collaboration with the Terre des hommes Foundation. These are all initiatives that can make a real contribution to creating a safer environment for children and teenagers who play football.

10. Sexual abuse is unfortunately a reality in sport; so is impunity within the highest ranks of several sports associations and clubs. The Council of Europe has mobilised efforts to tackle the problem. The "Start to talk" initiative invites member States to take three types of action and offers a set of tools to develop them. The Enlarged Partial Agreement on Sport (EPAS) is launching pilot projects to establish networks of child welfare officers in sport under its Child Safeguarding in Sport scheme. This module is likely to be added to the "Start to Talk" initiative. To date, about 20 Council of Europe countries are using the Organisation's tools. The Assembly hopes that the remaining member States will take steps to get involved in this initiative.

11. Both the sports movement and public authorities must make much greater investments in this area. The Assembly therefore welcomes the idea (discussed within the context of the EU sectoral social dialogue committee by UEFA, the ECA (European Club Association)), the European Leagues and FIFPRO (Fédération Internationale des Associations de Footballeurs Professionnels – the World Players' Union) of setting up a European research project to map existing standards for the protection of minors in elite academies and for identifying potential gaps with regard to the rights of the child.

12. The Assembly is also following with great interest a project (which FIFA is considering with other partners) to set up a safe sport centre or agency: a multisport, interinstitutional and intergovernmental body to deal with cases of abuse in sport, providing a pool of services and expertise that could assist all stakeholders to eradicate such abuse, putting the needs of victims first. The Assembly fully supports this project and hopes that all governments will make a commitment to ensuring it can be implemented quickly.

13. The Assembly is convinced that sport plays a pivotal role in promoting gender equality since its symbolic value and the messages it conveys are so powerful. This is particularly the case for football with its hundreds of millions of (male and female) fans all around the world. Accordingly, the Assembly, while welcoming the progress that has already been made in this field, considers that stakeholder action in this area should be further enhanced, including in terms of greater financial solidarity between men's and women's football, and given a higher profile.

14. In the current context marked by the damage wrought by the Covid-19 pandemic, including in the world of sport in general, the Assembly believes that it is time to give thorough consideration to measures that can help redress the most glaring imbalances in the football ecosystem. Financial disparities between clubs and leagues are to some extent inevitable; they also depend on each country's specific socio-economic situation and the diverging scale of their media markets. The Assembly is, however, concerned about football's

polarisation and increasing disparities, as well as some blatant financial excesses, and it calls for more solidarity within the football system. It believes that the principle of open competitions must be preserved, considers that UEFA must remain the entity responsible for the organisation of the European club competitions and firmly opposes the European Super League project.

15. The Assembly attaches great importance to the reform of the transfer system – including new regulations on agents – undertaken by FIFA in co-operation with other stakeholders, and is convinced that the main objectives underlying this reform are justified: ensuring transparency of financial flows; reducing contractual instability and speculation while also setting reasonable limits on the sometimes exorbitant agents' fees; strengthening redistribution in favour of training clubs; and providing better protection for minors to prevent exploitation.

16. The Assembly is aware that the competence of FIFA to regulate the profession of agent or intermediary in the world of football is controversial. Nevertheless, the interests at stake call for uniform regulations at the global level to avoid distortions on the international transfer market; as far as the Assembly is concerned, FIFA is entitled to adopt such regulations provided that the constraints and limitations established therein are reasonable and do not go beyond what is necessary to protect the legitimate interests in question.

17. The Assembly questions the advisability of the plan currently under consideration by FIFA to hold the World Cup every two years. It considers that such a change would have disastrous consequences for European football, which is why both UEFA and the European Leagues are strongly opposed to the project. It could also harm the entire sports ecosystem by making the two main global sporting events – the World Cup and the Olympic Games – compete for media coverage and therefore also financial support.

18. The Assembly is closely monitoring the roll-out of UEFA's new format for club competition and would like to see it improve the revenue redistribution system. The Assembly is also interested in the ongoing discussion on reforming financial fair play rules which should continue to promote sound management of club finances and help improve competitive balance.

19. Despite the heavy financial losses incurred during the health crisis, the football industry is poised to bounce back more quickly than other sectors and, in the Assembly's view, the sport has a valuable role to play, particularly at grass-roots level. It is crucial that clubs, according to their means, and fans join forces to revive local socio-economic systems and build their resilience through social responsibility programmes, which need reinforcing. Despite the fallout from the crisis, this could be an opportunity for football to forge even stronger ties with communities and let players, fans and their associations play a more important role, including by increasing their involvement in decision-making processes as part of more inclusive football governance at all levels.

20. The Assembly therefore calls on FIFA and UEFA to review the conditions that countries bidding to host major football events must meet in terms of safeguarding human rights and to provide for, if they do not already:

20.1. a thorough, contextual human rights compliance assessment as one of the key criteria for accepting any country's bid; this assessment should be based on up-to-date reports from the relevant international institutions and/or independent non-governmental organisations recognised for their competence in the field; in the case of Council of Europe member States, reports and analyses by the Organisation's monitoring bodies on compliance with key human rights standards should be taken into account;

20.2. the requirement to comply with predetermined minimum standards on, for example, workers' (including migrants') rights, gender equality (including in sport, but also elsewhere), protecting athletes of minor age from sexual abuse and all forms of violence, combating discrimination in sport and safeguarding fundamental civil and political rights, in particular freedom of expression – including media freedom – and freedom of peaceful assembly, both as regards staging the competitions in question and otherwise;

20.3. the identification, as part of the thorough assessment, of the measures required to meet the minimum standards set out above, with a timetable for implementation which countries should adhere to for their bids to be considered, and a human rights action plan which countries must pledge to follow if they win the bidding process; as regards workers' rights, the ILO's role should be systematically highlighted and host countries should commit to co-operating with the ILO to draw up and carry out the necessary reforms;

20.4. the binding nature of these commitments not only by national associations but also – and especially – by host countries' governments, given their role in ensuring respect for human rights by all public bodies and by any private operator under their jurisdiction involved in organising the event in question;

20.5. the setting up of effective mechanisms for monitoring compliance with the commitments made, including specific procedures for regular assessment by independent external stakeholders of the responses to human rights risks involved in staging the event, as well as mechanisms for direct dialogue with the public authorities of the host countries to analyse and solve any problems;

20.6. the accessibility of effective remedies in host countries, with independent bodies empowered to investigate, punish and redress any human rights violations;

20.7. the imposition of appropriate penalties on host countries and their national associations in the event of failure to comply with the commitments made or to implement follow-up measures required by monitoring bodies, which must include taking the decision to relocate the competition in question to a different country.

21. With regard to the protection and human development of minors, the Assembly:

21.1. calls on the International Olympic Committee and all international sports federations, as well as national sporting bodies, to join FIFA in setting up a safe sport centre or agency which is financially viable and which can operate in collaboration with sporting bodies and public authorities to jointly combat cases of abuse in sport and help the victims of such abuse;

21.2. encourages UEFA, the ECA, the European Leagues and FIFPRO to continue their European research project to map existing standards for the protection of minors in elite football academies and identify potential gaps with regard to children's rights in football;

21.3. calls on FIFA, UEFA, the ECA, the European Leagues and FIFPRO to strengthen the elements of their programmes aimed at young players' education and human development and urges them to work together to foster efforts in this regard by national football associations.

22. With regard to gender equality, the Assembly calls on FIFA and UEFA to:

22.1. encourage, including through the adoption of more stringent provisions, their member associations to enshrine rules in their statutes to ensure that the composition of their executive boards and standing or ad hoc committees includes a number of women at least proportional to the number of female members registered, with a quota of at least 25% of seats reserved for women; compliance with this minimum quota – which should be gradually raised to 40% within a reasonable timeline – should be made a prerequisite for receiving development funds;

22.2. promote equal pay and rewards for national team players of any gender by the respective national associations;

22.3. further strengthen development schemes in women's football and training programmes to promote women's leadership at national level and increase the number of female coaches and referees, in collaboration with national associations;

22.4. step up their efforts to counter sexual harassment and gender discrimination by reinforcing the liability of their member associations in this respect and by developing, where appropriate, targeted projects in collaboration with associations in countries where these problems are more prevalent.

23. With regard to the reform of the transfer system, the introduction of FIFA's clearing house for international transfers and regulations on football agents, the Assembly:

23.1. calls on the Council of Europe member States to recognise FIFA's competence to regulate at global level the football transfer system, including the adoption of rules seeking to ensure protection of minors, the transparency of financial flows linked to players transfers and a sound framework for the access to and exercise of the profession of agent or intermediary, also with a view to avoiding conflicts of interest and exorbitant fees, provided that the constraints and limitations established by these rules are reasonable and do not go beyond what is necessary to protect the legitimate interests at stake;

23.2. asks FIFA to take due account of the opinion of the Council of Europe Group of States against Corruption (GRECO) on the reform project and encourages FIFA to continue its collaboration with GRECO;

23.3. stresses the importance of ensuring the transparency of all financial flows related to international transfers and calls on FIFA and other stakeholders to agree that not only commissions but also all agents' services fees related to international transfers should gradually be processed through the clearing house system and that agents and their activity should be subject to compliance assessment procedures; in this context, the system should include enforceable obligations to provide accurate data and the power to investigate and fittingly punish any failure to comply with such obligations, while ensuring robust personal data protection;

23.4. with a view to also ensuring the transparency of financial flows related to national transfers, calls on the relevant stakeholders to agree to set up, alongside the FIFA clearing house system, national clearing houses, which should operate according to the same standards so as to ensure uniform data collection and analysis;

23.5. urges FIFA and all stakeholders to reach a balanced agreement that respects the right of agents to be remunerated in a manner commensurate with the services they provide to clubs and players, but prohibits excesses and caps agents' fees by establishing a maximum percentage of the gross transfer price and/or wages that these fees may not exceed and an absolute limit on the total sums that may be paid to the agent of the releasing club for a transaction;

23.6. calls for an increase in the training compensation paid to clubs in the event of transfers and proposes that the overall amount of such compensation should be determined so as to be at least equal to the amount of the agent's fee paid by the club releasing the player.

24. With regard to transfers of minors, the Assembly calls on FIFA to:

24.1. maintain, for international transfers, the general prohibition of Article 19 of the Regulations on the Status and Transfer of Players and to postpone the possible extension of the exception concerning players aged between 16 and 18 years, currently limited to the European Union and the European Economic Area, in particular to prevent this from increasing the risk of exploitation;

24.2. ensure that, in all cases, transfers of minors are subject to very strict conditions, compliance with which by the national associations and clubs must be verified before granting transfer authorisations; national associations and clubs should commit to ensuring, at the least:

24.2.1. effective protection of all players of minor age against any form of exploitation and abuse;

24.2.2. the effective provision, by the clubs to the minor-age players they register, of a stable environment not only for professional (football) development, but also for education and/or vocational training, and adequate health and social insurance benefits;

24.2.3. the stability of the contractual relation with the minor-age player at least until the end of the season of the player's 18th birthday;

24.2.4. general working conditions no less favourable than those of the other players of the club and not below the international ILO standards;

24.2.5. any assistance the minor-age player may need to find his or her place within the local host community;

24.3. draw up, in collaboration with the confederations and FIFPRO, as well as with other partners and experts:

24.3.1. model provisions to be included in the regulations of the confederations and/or of the national associations on monitoring mechanisms, effective remedies and the system of sanctions to uphold the protection of minor-age players;

24.3.2. a guide to transfers of minor-age players and their protection, including all relevant information, for example on the risks of trafficking by fake agents and their phishing and scamming practices on the internet (as well as ways to detect and avoid them), official procedures for international transfers, standard rights and obligations of minor-age players and clubs, and contact points at FIFA, confederation, country and local levels; this guide should be published on the websites of FIFA and the confederations, in the most common languages, and national associations should translate it and publish it in their respective languages;

24.4. require, within the new regulatory framework for agents and intermediaries, specific qualifications for anyone wishing to represent minor-age players, in addition to those needed to obtain a professional licence, and to set up a public, centralised, international agent register listing all licensed agents authorised to represent minors, which would be made available via the FIFA website.

25. With regard to FIFA's current deliberations on whether to hold the World Cup every two years, the Assembly calls on FIFA not to take decisions that are potentially detrimental to European football and sport worldwide without the agreement of European stakeholders and the International Olympic Committee.

26. The Assembly invites UEFA to reconsider the criteria retained for allocating the UEFA Champions League prize money and to reduce the 10-year club coefficient (at present 30% of the revenue) so that more resources could be given to solidarity redistribution, seeking to support youth training and education and the development of women's football.

27. The Assembly invites the European Leagues to establish a solidarity fund, which could be fed by a small percentage of TV rights received at national level by the richest leagues; this fund could be designed to finance projects (including joint projects involving different leagues) in line with strategic development goals predefined by the European Leagues. In the context of recovery from the Covid-19 pandemic, such a fund could also be intended to support projects created and implemented in collaboration with fans' associations.

28. Finally, the Assembly calls on all stakeholders to value institutional dialogue among themselves, ensure more inclusive decision making, encourage effective involvement of players' and fans' representatives in football governance at all levels and reinforce collaboration and co-ordination of actions they implement to support the balanced development of football, and to avoid misusing resources made available for solidarity because of overlapping initiatives and duplication of efforts.