Why the transfer system should be abolished

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Transfer System?

- No move to another job (club) without permission of club
- Even after expiration of the contract
- Consequences:
- came into existence more than 100 years ago in England
- From the start it was criticized: trading human beings
CONCRETE STEPS?

- Concrete steps: Jimmy Hill
- George Eastham 1964
- Outcome for England: end of retainer system
THE EUROPEAN UNION

1957

Economic cooperation

Freedom of trade, services and labour

Including legal framework
What about sports?

- Sports autonomy:

The big change

- 1974: Walrave: EU law applies if ....
The break through

1995 the Bosman ruling

• Challenging the system
• Professional athlete is a worker /workers’ rights
• Conclusion: end of transfer system
Who needs to act?

1. UEFA-FIFA?
2. 2001 informal agreement with European Commission
3. Specificities of sport: protected period/windows etc
4. Role of FIFPro?
FIFA RSTP

• Application? How and where?
• Bueno Rodriguez
FIFA RSTP vs 2001 agreement

Do the RSTP reflect the 2001 agreement/ EU law principles?
Problems in football:

- overdue payables
  Re: FIFPro Black Book 2012
- lack of labour law protection
- trafficking of minors
- TPO
- Match fixing
- role of agents / intermediaries
Minors

- Not only kids from Africa
- Western Europe: Chelsea; Barcelona

Measures: player passport (12 and up)
FIFPro: 10up
TMS - monitoring
Prohibition international transfer U18
Exceptions?
Exceptions?

1. Border area
2. Parents move
3. EU: U16

U16> Chelsea: tube drivers
Acuna Caballero
Other measures?

No fees for intermediaries
Circumvented / not enforced
Czech republic :10 year old player
TPO : alternative money flows
Impact misperceived ?
Are kids better off?

Barcelona argument
-what about other clubs?

Barca ban
Laos affair
Outside of football

Problem not taken seriously:
- National bureau on Child Trafficking
  parents’ thing
- within football > FIFA = single market model
- Enforcement > toolbox – sanctions

Can set an example for the rest of the world / other industries
Dispute resolution

Our problems with dispute resolution
FIFA DRC- NDRC’s
CAS (EU matters)
Too much problems caused by the system

1. -protective for clubs / abusive
2. -transfer system is only in football

Mechanisms to cope with problems?
- participation in UEFA/FIFA?
- Social Dialogue with ECA/EPFL?

> 2012 agreement on MRSC = European CBA
implementation min requirements

1. labour contracts
2. repetition of protected period
3. overdue payables > 30 days rule
4. new rules on intermediaries
14 year struggle

1. NO cooperation
2. NO progress
3. FIFPro Expert Working group: 23 reasons why system fails players

Conclusion: we can do without the transfer system!

Vs:

ECA: system works; trickling down effect
How to achieve our goal?

Court cases?
Complaint EU Commission
3 departments: employment/sports/competition
Free movement (Bosman)
Freedom of trade or
Human rights
FIFPro Strategy

- Competition law
- Strongest department
- Direct approach of private enterprises possible
- Can football survive without?
- Look at the other sports
- Look where football is going now (richer clubs richer)
- We need competitive sport/respect of players’ rights
- Players are human beings—not assets
Questions?

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Amsterdam