

UEFA rule on 'home-grown players': compatibility with the principle of free movement of persons

The European Commission has published an independent study on the 'home-grown players' rule adopted by UEFA. This rule requires clubs participating in the Champions League and the UEFA Cup to have a minimum number of 'home-grown players' in their squads. Compared with the '6+5' plan proposed by FIFA, which is incompatible with EU law, the Commission considers that UEFA has opted for an approach which seems to comply with the principle of free movement of workers while promoting the training of young European players. The Commission also notes that the measures are designed to support the promotion and protection of quality training for young footballers in the EU. This study had been announced in the White Paper on Sport in July 2007¹.

The results of the independent study on UEFA's 'home-grown players' rule are part of a broader independent study on the training of young sportsmen and sportswomen in Europe, which has been produced for the Commission and will be published in June. These results provide additional material for assessing the UEFA rule's compatibility with the provisions of the Treaty on freedom of movement for persons.

Vladimir Špidla, Member of the European Commission responsible for employment, social affairs and equal opportunities, today declared that 'Compared with the intentions announced by FIFA to impose the so-called '6+5' rule, which is directly discriminatory and therefore incompatible with EU law, the 'home-grown players' rule proposed by UEFA seems to me to be proportionate and to comply with the principle of free movement of workers'.

Ján Figel', European Commissioner in charge of education, training, culture and youth, has stated that 'Measures which require the top European clubs to preserve quality training structures seem to me to be necessary. The UEFA rules thus avoid the risk of professional football clubs abandoning training structures.'

According to Action 9 of the Pierre de Coubertin Action Plan, part of the White Paper on Sport, 'Rules requiring that teams include a certain quota of 'home-grown players' could be accepted as being compatible with the Treaty provisions on free movement of persons if they do not lead to any direct discrimination based on nationality and if possible indirect discrimination effects resulting from them can be justified as being proportionate to a legitimate objective pursued, such as enhancing and protecting the training and development of talented young players'. This approach received the support of the European Parliament in its recent Resolution on the White Paper on Sport².

¹ White Paper on Sport of 11 July 2007 (COM(2007) 391).

² Resolution on the White Paper on Sport — 2007/2261(INI).

'Home-grown players' are defined by UEFA as players who, regardless of their nationality or age, have been trained by their club or by another club in the national association for at least three years between the age of 15 and 21. The UEFA rule does not contain any nationality conditions. It also applies in the same way to all players and all clubs participating in competitions organised by UEFA.

Although it is difficult at the moment to state with any certainty that the 'home-grown players' rule will lead to indirect discrimination on the basis of nationality, the potential risk of this cannot be discounted, as young players attending a training centre at a club in a Member State tend to be from that Member State rather than from other EU countries.

Nevertheless, the objectives underlying UEFA's 'home-grown players' rule, namely promoting training for young players and consolidating the balance of competitions, seem to be legitimate objectives of general interest, as they are inherent to sporting activity.

Since the rules adopted by UEFA will be implemented gradually in successive stages (list A to include four 'home-grown players' out of 25 for the 2006/07 season and eight out of 25 as from the 2008/09 season), their practical effects will not be totally clear for a number of years.

Therefore, in order to be able to assess the implications of the UEFA rule in terms of the principle of free movement of workers, the Commission will closely monitor its implementation and undertake a further analysis of its consequences by 2012.

The independent study on UEFA's 'home-grown players' rule and the White Paper on Sport are available on the website:

http://ec.europa.eu/sport/whatsup/index_en.html

Free movement of workers:

http://ec.europa.eu/employment_social/free_movement/sports_en.htm