

MEMO

I. Introduction

Recently there has been a lot of discussion regarding the protection of young players and the protection of the training centres of professional football clubs. Within several meetings this topic has been discussed.

During a meeting on 30th of May 2008, the FIFA Congress has voted in favour of a resolution on the so called "6+5 rule". Several Commissioners of the European Commission as well as several Members of the European Parliament have stated that the 6+5 rule is contrary to European legislation.

Not only the 6+5 rule has been a point of discussion, but also the so called Home Grown Player rule from the UEFA as well as the suggestion that the training club should be the first one to have the possibility to sign a contract with a player that the club in question has trained.

In the beginning of July 2008 several representatives of Dutch Professional Football had a round table meeting with Commissioner McCreevy and Commissioner Figél as well as with some officers of the European Commission. During this meeting some suggestions regarding the protection of young players and training centres of clubs have been discussed. In this memo, these suggestions are summarized.

Firstly however, the reason behind the suggestions and why action has to be taken will be explained.

II. Why action has to be taken

Several years ago UEFA has implemented in its club competition regulations, the so called Home Grown Player rule. Based on this rule, a club participating in the European club competitions must have a minimum number of so called locally trained players on its registration list (List A) of twenty-five players. For the season 2008/2009, a club participating in the European club competitions must have at least eight locally trained players on its List A. If a club has fewer than eight locally trained players in its squad (i.e. in places 18 to 25 on List A), the maximum number of players on List A is reduced accordingly.

A locally trained player is either a club trained player or an association trained player. A club trained player is a player who between the age of fifteen (or the start of the season during which he turns fifteen) and twenty-one (or the end of the season during which he turns twenty-one) irrespective of his nationality and age, has been registered with his current club (which is participating in a European club competition) for a period, continuous or not, of three entire seasons or of thirty-six months.

An association trained player is a player who between the age of fifteen (or the start of the season during which the player turns fifteen) and twenty-one (or the end of the season during which the player turns twenty-one) and irrespective of his nationality and age has been registered with a club or with other clubs affiliated to the same national association as that of his current club (which is participating in the European club competition) for a period, continuous or not, of three entire seasons or thirty six months.

The ratio behind the Home Grown Player rule of the UEFA is to stimulate the training of young players by professional football clubs. A ratio which is being fully supported. However, the last couple of years, players are being transferred internationally at a much earlier age than before, which could be a consequence of the Home Grown Player Rule. If a club, for example, registers a player at the age of fifteen, the player will be "locally trained" after being registered with this club for only three years.

In this respect reference also has to be made to the FIFA Regulations for the Status and Transfer of Players. On the ground of these FIFA Regulations international transfers of players under the age of eighteen years are not allowed. However, the following three exceptions to this rule apply:

- a. The players' parents move to the country in which the new club is located for reasons not linked to football;
- b. The transfer takes place within the territory of the European Union or European Economic Area and the player is aged between sixteen and eighteen (in this case the new club must fulfil certain minimum obligations);
- c. The player lives not further than 50 km from a national boarder and the club with which the player wishes to be registered in the neighbouring association is also within 50 km of that boarder.

Especially the first exception is being misused. The initial aim of this provision was to make sure that a player that has to follow his parents to another country (i.e. as a result of an emigration of his parents), is not prohibited to play football in his new country until he is 18 years old. However, in practice this provision is called upon in situations the other way round. In several cases, the parents of a player were offered a job in the country of the new club (i.e. by the club or a sponsor of the club) and subsequently the young player follows his parents to the new country where he starts playing with his new club. In fact, the player does not follow his parents, but the parents follow the player. It goes without saying that this is a very negative development. The clubs that started the training of the players are not protected enough, since they can not prevent the player leaving the club. Furthermore, it is not good for the development of a young player when he is transferred internationally on such a young age (the aforementioned transfers often take place at the age of 14 or 15). Finally, in this way the most talented young players will be registered with only a few very rich clubs which will disturb the competitive balance within professional football.

Therefore measures have to be taken. In this memo four suggestions regarding the protection of young players and the training centres of clubs are being mentioned.

III. Suggestions for protection of young players and training centres

Before explaining these four suggestions, it is important to mention that based on the current European legislation, it will be difficult to implement the 6+5 rule by means of regulations. However, it is still worth discussing whether such a rule could be in conformity with the new Treaty, since in this Treaty the specificity of sport is recognised: "*The Union shall contribute to the promotion of European sporting issues, while taking into account the specific nature of sport, its structures based on voluntary activity and its social and educational function*" (article 149 paragraph 1). Furthermore, the following text will be laid down in the Treaty: "*...developing the European dimension in sport by promoting fairness and openness in sporting competition and cooperation between bodies responsible for sports, and by protecting the physical and moral integrity of sportsmen and sportswomen especially the youngest sportsmen and sportswomen*". Perhaps these amended articles could contribute to the discussion regarding the 6+5 rule.

With regard to the other measures that can be taken to protect young players and training centres of clubs, the following suggestions are being made.

A *Prolongation of the term for being a club trained or association trained player*

On the ground of the Home Grown Player Rule of UEFA, a player has to be registered with his current club or with other clubs affiliated to the same national association as the current club for a period, continuous or not, of three entire seasons or thirty-six months. This period should be extended to six years or six seasons.

It is without any doubt that the club for which the player is a locally trained player must have played a vital role in the training of the player. The current period of three years is in this respect not long enough. Especially since, as explained above, the current Home Grown Player Rule is working contra productive.

Moreover, on the ground of the FIFA Regulations for the Status and Transfers of Players a player's training and education takes place between the ages of 12 and 23. This is a period of 12 years. The current rule therefore implies that a player that has been trained by a club for only one fourth of his full training period, can be regarded as a locally trained player. It is clear that the initial aim of the Home Grown Player Rule, which is to encourage clubs to invest in the training of young players, is currently not being realised.

A period of six years could be a solution to the abovementioned problem and would also be in line with the provisions as mentioned in the FIFA Regulations for the Status and Transfers of Players (the period of six years being half of the total training period of 12 years). To have more uniformity with the FIFA Regulations this six years period should be between the age of twelve (or the start of the season during which the player turns twelve) and twenty-three (or the end of the season during which the players turns twenty-one).

B *Exception under FIFA Regulations*

As mentioned above, one of the exceptions for the prohibition of international transfers for players under eighteen years old, is the movement of the parents of the player to the country in which the new club is located for reasons not linked to football. Although this is an exception to the rule, there are clubs that have registered a lot of players based on this exception. This already proves that the exception is not being applied as an exemption but more as a possibility to register players in general. This should never be the effect of an exception.

A more strict application of the exception implemented in the FIFA Regulations is suggested. A special committee has to be installed with the task to investigate every situation in which a minor player wants to be transferred internationally based on the exception that the parents of this player move for reasons not linked to football to the country in which the new club is located. The transfer can only take place when this committee has approved this.

C *First possibility to contract a player for training club*

Firstly, a club trains a player with the purpose to eventually have the player playing in the first team of this club. Therefore, the club invests a lot of education, money and energy in their training centres and youth players.

To support this ratio of training players, the training club should have the first possibility to sign a contract with the players it has trained. This is also in conformity with the ratio of the regulations of FIFA regarding training compensation. That rule has been introduced to reward the club that has trained the player but who can not benefit from the skills of the player since the player was transferred to another club. In this way clubs are being motivated to invest in their training centres and young players.

It is needless to say that a club even gets more of a reward when they themselves can benefit from the education of the player, by getting the first possibility to sign a contract with the player. Suggestion is therefore made to provide a regulatory provision on the base of which clubs would receive the first possibility to contract the club trained player.

D A maximum number of professional players per club

Currently there are no regulations stipulating a maximum number of professional players for each club. As a result, clubs are able to sign as much players as they desire. Among those signed players are also a lot of young players. The fact however is, that only eleven players can be fielded.

It is therefore suggested to introduce a national list on which a maximum number of players per club has to be registered. Reference is in this regard made to the UEFA-club competitions lists (especially List A) that have to be provided to UEFA at the beginning of each season.

As a result of the introduction of such a list, clubs would no longer be stimulated to contract a lot of young players.

IV Next steps

The above-mentioned suggestions have been proposed for further discussion and have to be worked out in detail after which they can be implemented. For the avoidance of doubt, it is pointed out that the proposed suggestions can off course be implemented cumulatively.

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