

MEMORANDUM OF UNDERSTANDING

- between -

**THE UNION DES ASSOCIATIONS EUROPEENNES DE FOOTBALL
(HEREAFTER : UEFA)**

and

**THE ASSOCIATION OF EUROPEAN PROFESSIONAL FOOTBALL LEAGUES
(HEREAFTER: EPFL)**

PREAMBLE**Whereas:**

- UEFA is the governing body of football at European level in accordance with UEFA Statutes and EPFL is the sole association representing the interests of the European professional national football leagues and is also an employers' organisation at European level.
- The UEFA Statutes foresee that UEFA may recognise groups representing the interests of stakeholders in European football, provided they are constituted in a democratic, open and transparent manner and share UEFA values.
- The EPFL Statutes foresee that the EPFL should continue the cooperation with UEFA initiated by its member leagues, acting in accordance with the Statutes of UEFA and FIFA.
- It complies with the wish of UEFA and the EPFL to satisfy the aims set out hereafter.
- Pursuant to the Memorandums of Understanding of 2nd/19th March 1998 and 6th June 2005, UEFA and the member leagues of EPFL have successfully co-operated on a number of issues and concerns related to professional football. UEFA recognises the good work carried out by the leagues as competition organisers and employer representatives at national level.
- It complies with the wish of the UEFA, as the governing body of football at European level with responsibility for safeguarding the development of the sport at both professional and amateur level and for promoting unity among all interested stakeholders in European football, to take care of the specific matters of concern to the leagues and professional football and, within the framework of UEFA Statutes, to pay time and attention to these needs.
- It complies with the common wish of the EPFL and UEFA, to enter into a **MEMORANDUM OF UNDERSTANDING**, for the purpose of establishing future co-operation to discuss in a constructive, respectful and open manner.

- It is appropriate for the EPFL to be represented in certain pan-European bodies, established under the auspices of UEFA, to deal specifically with matters of concern to professional football in Europe.
- UEFA and the EPFL have agreed to enter into this Memorandum of Understanding replacing the existing Memorandum of Understanding of 2005 between UEFA and the leagues currently members of EPFL and the EPFL now represents, and acts on behalf of, its member leagues in relation to the matters dealt with in this Memorandum of Understanding.
- All member leagues of EPFL must be officially recognised by their respective UEFA member association (hereafter: association) and being entrusted with certain tasks, obligations and/or powers as delegated by the association in question in accordance with national legislation such as, but not necessarily limited to, the organisation of the top (or lower) division national championship and the commercialisation of rights. All member leagues of EPFL shall recognise their subordination to their respective associations, fully respecting them and implementing their Statutes, Regulations and Decisions where applicable. All member leagues of EPFL shall also respect the Statutes, Regulations and Decisions of FIFA and UEFA where applicable.

1 Common values

1.1 The parties share similar values including the following:

- Commitment to the principles of solidarity and equality which have underpinned the healthy and balanced development of football in Europe;
- Recognition that an equitable redistribution of wealth is a vital ingredient to secure the on-going development of football throughout the European area;
- Recognition of the role of UEFA, the associations and the leagues who, in their role as competition organisers, are the best guarantors of proper solidarity systems to promote the overall interests of football, including both the professional and amateur game and the interests of clubs, players, the public and other stakeholders in the European context;
- Commitment to democratic principles, including the need to give fair, balanced and equitable recognition regardless of wealth or size;
- Commitment to fair play and to the fight against racism, doping, violence and corruption in football;
- Recognition of the specific nature of sport in general and football in particular as described in more detail in annex 1, and the fact that UEFA is generally best placed to respond to the organisational and regulatory needs of the sport on European level;

- Recognition and respect of the principle of subsidiarity; and
- Commitment to protect and develop a large and healthy professional football sector in all the countries and regions of Europe.

1.2 More specifically, the parties recognise that:

- strong domestic championships are vital for the on-going and healthy development of a large professional football sector in Europe;
- continuing, full, and loyal participation of players and clubs in the main national league, association and UEFA club competitions is essential to support the existence of a large and healthy professional football sector in Europe;
- national teams and clubs are the two complementary and indispensable elements of professional football;
- football bodies should discuss and implement necessary measures to promote the training and development of players throughout Europe and to maintain competitive balance and contestability in the interests of the sport and the public;
- professional football in Europe needs to maintain an efficient, consistent, and accountable system for cross-border movement of players with particular reference to contractual stability;
- there is a need to protect the sporting values and traditions of football in light of the fact that professional sport is not only an economic activity;
- professional football needs financial balance, and to promote fair competition, good economic practices, and appropriate control systems;
- there is a need to find the right balance between labour legislation and the specific characteristics of football including respect for the principle of maintenance of contractual stability, and
- disputes should be resolved within appropriately constituted football structures.

2 Objectives of Cooperation

To protect and promote these common values and concerns the parties agree as follows:

2.1 To promote cooperation, friendly relations and unity between UEFA and EPFL in the interests of European football;

2.2 To monitor professional football developments on a national level in Europe including relations between associations and their affiliated leagues in all professional football related matters;

2.3 To safeguard a balanced evolution of professional football, both domestically and internationally, implementing key sporting principles such as solidarity and integrity of competition;

2.4 To maintain a properly functioning, unified and transparent system in respect of the movement of players between different countries in Europe to ensure integrity of competition, contractual stability and other key sporting objectives, whilst recognising that this is a FIFA matter, and to discuss on an ongoing basis possible improvements to the system for the benefit of football;

2.5 To exchange information on issues relating to professional football between the parties;

2.6 To work on the development of a European Professional Football Charter involving UEFA and the relevant stakeholders in order to find common solutions to important issues relating to European football;

2.7 To ensure that the views of the EPFL and the leagues are incorporated into the decision-making process in the international football structures, and that the UEFA Executive Committee is fully aware of their views whenever a decision affecting professional football is to be made; and

2.8 To ensure the specificity of football is always included when discussing labour-related matters and to recognise UEFA's presence as a third party and chair in any social dialogue in Europe, in accordance with the agreement of the Professional Football Strategy Council dated 14 May 2008 and as stated in the Rules of procedure approved on 1st July 2008 and amended on 27 October 2008 (addendum), in order that UEFA fulfils the roles of, *inter alia*: guardian of sporting rules and values; representative of those territories where clubs and players are not represented by the employers/employees representatives involved in such a dialogue; and guarantor of the essential solidarity between the various levels of football practice, from recreational to top-level football. With regard to EU Social Dialogue, the procedure outlined in Annex 2 shall apply.

3 Commitments by EPFL

To facilitate cooperation and to achieve the shared objectives set out in this Memorandum, the EPFL undertake as follows:

3.1 To ensure that the EPFL is open to all premier professional football leagues within the territory of UEFA as defined in the official UEFA list of European professional football leagues, and that participation is also open to non-premier leagues.

3.2 To abstain from jointly organising any supra-national sporting competitions, tournaments or football matches, and, with regard to the domestic league competitions, to respect the International Match Calendar and to ensure that all its member leagues abstain from scheduling matches in dates which are reserved for UEFA club competition matches in accordance with the official published UEFA Match Calendar, unless exceptional circumstances so justify and it is agreed with UEFA on a case-by-case basis following discussion of potential issues in specific working meetings to be held between UEFA and EPFL. Concretely, it is foreseen that such exceptions will be granted by UEFA in particular in the following circumstances: for non-top division matches where these matches are not broadcast as well as in cases where matches had to be postponed due to *force majeure* and no other date could be found. Even in such cases however, national league matches should end before the start of UEFA club competition matches. Finally, as regards the UEFA Champions League Final in particular, which will be played on Saturday evening as from 2010, it is specifically agreed that national league matches may be scheduled on such Saturdays, under the condition that they are terminated before 18:00 hours (clearly there is no problem in scheduling matches on Sundays). In this respect, it is specifically acknowledged that a Wednesday date (the original date for the UEFA Champions League final) is now freed up for national competitions. In conclusion, in this respect, a specific UEFA body may be set up with a joint UEFA-EPFL representation to discuss relevant competition calendar issues. In case of a violation of this provision by a league, UEFA will withhold any potential solidarity payment, as foreseen in article 4.5 below, for all the clubs of this league, as a minimum for the relevant season.

3.3 To participate fully in the pan-European structures established by UEFA for the purposes of dealing with matters relating to professional football in Europe, in particular, and without prejudice to the foregoing generality, the Professional Football Strategy Council, and possible structures to be created in order to better incorporate the views and concerns of the EPFL and the leagues in the decision-making process of UEFA.

3.4 To ensure that UEFA is properly represented at the general assembly of EPFL and is fully informed of all activities of the EPFL (and/or any grouping set up by some or all of the leagues being members of EPFL).

3.5 To ensure that individual clubs taking part in unauthorised sporting competitions or tournaments and/or electing to leave the established structures of European football and, in particular, participating in rival competitions to those organised by UEFA, are not allowed to compete in their national championship that each league member of EPFL organises and may also be subject to additional sanctions.

3.6 To ensure that any existing or future arrangements made by the EPFL (and/or any grouping set up by some or all of the leagues member of EPFL) are not in conflict with this Memorandum and are revised in order to reflect the spirit and content of this Memorandum and to agree that any amendment to its Constitution, as well as any regulation, directive or decision adversely affecting its Constitution have to be approved by UEFA before they become valid; the EPFL has the duty to notify

UEFA of any proposed amendments to this Constitution, as well as of any regulations, directives and decisions adversely affecting it.

3.7 To fully support UEFA's role in providing the common voice of European football as a whole in European matters towards FIFA and the European political institutions by providing the opinions of the professional football leagues to UEFA to ensure efficient coordination for the benefit of football in Europe. The aforementioned is without prejudice to the national leagues' rights to directly contact such organisations in those matters which impact directly upon them, whilst at all times ensuring efficient coordination with the relevant national association and between the EPFL and UEFA as appropriate. If the EPFL wishes to be directly active in this respect, it may do so subject to previous coordination with UEFA.

4 Commitments by UEFA

To facilitate cooperation and to achieve the shared objectives set out in this Memorandum, UEFA undertakes as follows:

4.1 Within the framework of its statutory obligations, to support the EPFL regarding its objectives in relation to professional football and, in view of the fact that the EPFL represents, and acts on behalf of, its member leagues in relation to the matters dealt with in this Memorandum of Understanding.

4.2 To ensure that the EPFL is properly represented in the international football structures such as pan-European bodies dealing with issues relating to professional football and, without prejudice to the foregoing generality, the Professional Football Strategy Council (PFSC), whereas the EPFL shall appoint 4 members of the PFSC representing the leagues. Furthermore, UEFA shall nominate, based on a proposal of the EPFL and/or the relevant national association, league representatives as co-opted or ordinary members respectively to certain UEFA bodies, including the Club Licensing Committee and possibly other bodies, such as the Club Competitions Committee, depending on progress.

4.3 To study, in consultation with the EPFL, the setting up of further UEFA bodies involving the EPFL and the leagues according to specific needs and in any case to hold working sessions with the EPFL on a regular basis. In carrying out these working sessions, due consideration shall be given to the coordination with the activities of the PFSC.

4.4 If requested by the EPFL, to provide administrative and logistical support for the EPFL close to the UEFA Headquarters in Nyon, in agreement with the EPFL, including the provision of appropriate meeting facilities and office space.

4.5 To formalise arrangements for the redistribution of a proportion of revenues as fixed by UEFA from the sale of commercial rights of the UEFA Champions League as solidarity payments to clubs (not having played in the that season's UEFA Champions League) in principle in the top divisions of leagues for youth development in accordance with UEFA's guidelines, as fixed by the UEFA Executive Committee after consultation with EPFL and other relevant bodies as appropriate.

4.6 To consult with the EPFL when major new UEFA bodies relating to professional football are created and to ensure, whenever possible, that the views of the EPFL are taken into account in this respect.

4.7 To invite representatives of the EPFL to its Congress as observer.

4.8 To consider inviting the chairman of the EPFL to make direct representations to the UEFA Executive Committee on key matters of concern to national professional football leagues and to attend the respective meetings (excluding the voting) regarding such matters.

5 Entry into force

This Memorandum of Understanding shall enter into force upon valid signature of UEFA and the EPFL.

6 Non respect of the Memorandum

If the EPFL and/or any league being part of the EPFL violates the UEFA Statutes, Regulations or decisions, this Memorandum of Understanding shall no longer apply to that league and/or the EPFL. Furthermore, UEFA reserves the right in consultation with the EPFL and/or with the leagues not in violation with the UEFA Statutes, to reconsider the terms of this Memorandum of Understanding, including but not limited to Article 4.5 above (solidarity payments).

7 Termination

UEFA may terminate this Memorandum of Understanding immediately upon written notice if the EPFL (and/or any grouping set up by some or all of the leagues member of EPFL) and/or any league being part of the EPFL violates the UEFA Statutes, Regulations, decisions or this Memorandum.

The EPFL may terminate this Memorandum of Understanding immediately upon written notice if UEFA violates this Memorandum.

This Memorandum is of unlimited duration but can be terminated at any time with three months notice in writing from either UEFA or the EPFL.

8 Authoritative Language

This text has been drawn up in English, French and German. The English text shall in any event prevail.

9 Preamble

The Preamble forms an integral part of this Memorandum.

10 Applicable law and jurisdiction

This Memorandum of Understanding shall be governed by Swiss law. Place of jurisdiction is the Court of Arbitration for Sport (CAS), Lausanne, Switzerland. Furthermore, the parties recognise the CAS as the sole competent body to decide on sports related disputes between the EPFL and/or its members and UEFA and/or its members, unless otherwise foreseen by national dispute resolution mechanisms for domestic issues.

Michel Platini

President

U E F A

Place

Sir David Richards

Chairman

EPFL

Date

ANNEX 1

Specificity and autonomy of team sports in general:**broad definition**

- 1 There is no question of seeking to remove the sports sector from the scope of application of EU law. However, it is both possible and necessary to explain in a clear way how the specificity of sport will be recognised when EU law is applied. Appropriate guidance on the application of EU law to team sport should cover a wide variety of subject areas and be as practical as possible. There is a broad measure of consensus within the team sport family as to the subjects that should be addressed, including the need to preserve uncertainty of outcome, to foster open competition, to create a more level playing field, to safeguard the integrity of team sport; and generally to protect the values of the European sports model. In several of these areas there have already been supportive statements expressed by EU institutions, including the European Council, European Parliament, European Commission and the Court of Justice. Furthermore, it is specifically acknowledged that the principle of subsidiarity, which is a fundamental principle of the European Union, and also a fundamental principle of the organisation of sport, is of paramount importance. It is now time to put this into a more coherent legal framework.

To achieve these goals, the following matters should be addressed:

- 2 *Field-of-play rules, structure of championships and calendars*

Based on appropriate consultation of relevant stakeholders, sports federations are the most appropriate bodies to regulate matters such as the rules of the game, competition formats (often undertaken by leagues), promotion/relegation issues and qualification systems, as well as the sporting calendar.

- 3 *Rules relating to the national organisation of team sport in Europe and reflecting the model of the European team sport pyramid*

Rules designed to give teams a more equal chance and which reflect the national character of team sport in Europe (such as the “home and away” rule) should be recognised as valid. Similarly, rules underpinning the “open” system in Europe, such as the principle of promotion and relegation in competitions, are based on the belief that representatives from every nation should have the chance to compete at the top flight in Europe. This system as a whole depends on the loyalty and commitment of all stakeholders to the European pyramid structure and the recognition that both national and European club competitions are indivisibly linked. Consequently, it is not possible for federations, leagues, clubs or players to simply “pick and choose” which part of the pyramid structure they wish to be part of.

- 4 *Rules concerning the movement of players between teams*

All team sports require specific sports regulations governing the transfer of players from one club to another. While such systems are not identical there are certain common themes, such as the need to protect minors, to compensate for the training of players, to provide for contractual stability, and to ensure that a fair dispute resolution system exists. Also, to protect the regularity and smooth and stable functioning of competition, certain

limits must be imposed on player movement, for example, in the form of transfer “deadlines”. These matters were all recognised, for example, in the agreement reached between FIFA/UEFA and the European Commission in 2001, when a solution was found to an important case concerning the international transfer system in football.

5 *Rules to encourage attendance and participation in amateur sport*

Certain sports may need protection to ensure that blanket coverage on television does not undermine attendance at matches and discourage people from participating at the amateur level. Competition organisers may (in accordance with their own sporting calendars) implement measures, such as limiting TV times in relation with their competitions, to avoid such risks.

6 *Rules concerning the composition of national teams and the release of players*

The rules concerning eligibility and selection criteria for the national team fall within the natural sphere of competence of the team sports federations. Such rules must also strive to protect the national team while finding the right balance between club and country. Generally, “player release” rules are designed to safeguard the interest of the national team, in particular, by ensuring that each national team can select the best players and that players are not obstructed from representing their country in accordance with the relevant calendars elaborated by the different team sports. This is vital to protect stakeholders, the public, and the pyramid model on which European sports is based.

7 *Rules on doping and other disciplinary matters*

All sports must fight doping in order to prevent cheating and uphold the principles of fair play and good conduct as well to protect the health of players. Subject to proper individual case management and an appropriate and proportionate policy on sanctions, rules of sports federations on doping, as well as other disciplinary rules aiming at protecting sporting values (such as fair play and integrity), fall squarely within the sphere of competence of the relevant sports federation.

8 *Licensing systems*

All team sports should constantly strive to improve the standards of their clubs in key areas, such as youth development, infrastructure, and, where appropriate, financial management. A licensing system, at European and/or national level, is one model that encourages such policies and should in turn serve to enhance not only good governance but also the overall level of sporting competition. Different team sports will consider their own needs if and when developing such systems, or their equivalent.

9 *Rules regarding the ownership of clubs in the same competition*

All team sports need to be aware of the image of their sport and to guard against conflicts of interests which may undermine the independence of clubs and the integrity of competitions. Such conflicts may result from the same people having interests in more than one team participating in the same competition. Appropriate rules to address these matters should be developed and enforced by the sports governing bodies.

10 *Rules concerning the activities of agents*

The increased role and influence of agents operating in team sport is a matter that has to be properly regulated. The key objective here is again to protect the integrity and image

of team sport and to achieve the necessary degree of financial transparency. The activities of agents also fall under the general principles of the specificity of sport and should be regulated in accordance with the needs of the different team sports.

11 *Rules concerning the local training of players*

All team sports should ensure that sporting rules and structures exist to promote youth development and to allow clubs to continue carrying out an important role in their local communities, to improve and encourage the training of young players and to enhance competitive balance. Such rules should be combined with strict controls by sports bodies (in principle, a prohibition) on the transfer of minors, otherwise the risk is that more and more young players move abroad too early in their life.

12 *Rules concerning the selling of commercial rights*

Federations and leagues have a key role to play in marketing the commercial rights to the sporting events they organise. Among other things, the central marketing structure in Europe is essential for the delivery of the financial solidarity system which is a fundamental feature of the European team sport model.

13 *Rules concerning the control of spending and financial stability*

It is important to maintain a level playing field in all team sports. Where necessary, proportionate and balanced rules should be developed by the relevant competition organiser, be it at European and/or national level respectively, as the case may be, to maintain competitive balance and achieve financial fair play and stability.

14 *Solidarity*

A common theme linking all the above matters is the ability of governing bodies to maintain a regulatory structure built on solidarity, both sporting and financial, reflecting the pyramid model and value system of team sport in Europe.

15 *Arbitration as dispute resolution mechanism*

Since disputes in professional team sport need to be addressed in a speedy manner by parties having the requisite specialist knowledge, it is preferable that such disputes be resolved in appropriate arbitration bodies ensuring balanced representation of the parties.

16 *Intellectual Property (IP) and betting integrity*

Historically, sport has largely been financed by income from betting. However, in Europe, state monopolies are being dismantled and the liberalisation of gambling presents new challenges for sports bodies, especially with on-line betting companies increasingly active in this area. Greater regulatory control (involving joint efforts by sports bodies and public authorities) could be the way to tackle these challenges. IP protection for sports fixture lists would ensure more revenues are retained for reinvestment in sport while helping to safeguard the integrity of competition and reduce the risk of match-fixing. A stronger IP regime is also needed to guard against threats, such as internet piracy for example.

ANNEX 2

UEFA-EPFL agreement on EU Social Dialogue

With reference to Article 2.8 of the Memorandum of Understanding, UEFA and the EPFL agree the following regarding social dialogue:

1. UEFA and EPFL accept social dialogue as a valid instrument for the implementation of agreements on labour matters reached by the Professional Football Strategy Council (PFSC).
2. EPFL recognises UEFA's involvement (with the UEFA President as Chairperson) in any formal EU Social Dialogue even though UEFA's primary role is not that of a social partner.
3. UEFA recognises that EPFL is an employers' representative in any formal EU Social Dialogue.
4. The Player Contract Minimum Requirements (as already approved by the PFSC) shall be the item to be discussed within the European social dialogue in football.
5. UEFA and EPFL agree on the following procedure for additional items for discussion within (EU) social dialogue:
 - a) the item is first submitted to the European football dialogue within the Professional Football Strategy Council;
 - b) once agreed by the Professional Football Strategy Council the item may proceed to any formal (EU) social dialogue.
 - c) any necessary additional documents or agreements (for example any Rules of Procedure, working plan, working program, etc. for any European Sectoral Social Dialogue Committee) will be agreed by all four parties within the PFSC in due course.
6. Finally, both EPFL and UEFA encourage the development of collective bargaining agreements on a national level, where appropriate, and with respect to the general principles of subsidiarity.