



EUROPEAN COMMISSION

Education and Culture

Youth, Sport and Citizenship

**Sport**

Brussels, 11 September 2008  
EAC/D3/AR/D (2008) Reg. 11554

## MEETING REPORT

**Subject: Call for Tender N° EAC/13/08: “Study on sport agents in the European Union” – Clarification meeting, Brussels, 8 September 2008**

An information and clarification meeting with potential bidders was organised at the seat of DG Education and Culture on 8 September 2008. The meeting had been announced on the Sport Unit’s website on 28 July 2008.

This report has been specifically prepared for on-line publication.

The meeting was attended by representatives of the following organisations, either as potential bidders or in a multiplier function:

- Westmidlands in Europe, Brussels, represented by Sophie Lainé ;
- Coventry University, Coventry, represented by Melanie Parker and John Beech ;
- TMC Asser Instituut, The Hague, represented by Robert Siekmann ;
- Sport + Markt AG, Köln, Cologne, represented by Thomas Trümper;
- KPMG, Brussels, represented by Philippe Versweyveld, Iris Delonzuck, Joris de Schutter and Tim Van den Bruel ;
- Ineum Consulting, Neuilly-sur-Seine, represented by Vincent Chaudel ;
- TAJ, Neuilly-sur-Seine, represented by Muriel Féraud-Courtin ;
- PMP Consult, London, represented by Alexandra Scott-Bayfield;
- IMG, Brussels, represented by Ludivine Roosebeke;
- ULYS Law Firm, represented by Bertrand Vandeveld;
- APCO, Brussels, represented by Francis Boeynaems;
- KEA, Brussels, represented by Nicolas Gyss;
- EU Sport Office, Brussels, represented by Mathieu Fonteneau;

The meeting was chaired by Michal Krejza (Head of the Sport Unit) assisted by Pedro Velázquez Hernández (Deputy Head of the Sport Unit), Andrzej Rogulski (the responsible procurement officer) as well as Gianluca Monte (Sport Unit) and Corinne Guidicelli (DG Internal Market, Regulated Professions Unit).

The meeting started at 14.10 h (2.10 PM).

Participants were free to speak either in English or French, but all important clarifications were given by the Chairman or Commission representatives in English.

The Chairman explained that the meeting had been organised unusually late (in relation to the submission date) in order to avoid having it during the summer holidays of potential bidders.

The Chairman referred to one question submitted in writing by one participant before the meeting: the interested party asked for clarification on what was meant by "a strategy document prepared by the tenderer outlining the tenderer's approach to the question of sports agents in the European Union" (paragraph 10.1 (d) of Specifications) and which document is referred to as "policy paper" (paragraph 5 (4) of the invitation letter).

The Chairman explained that the strategy document should demonstrate how the bidder understood the questions raised. It could also serve as a reference for the Commission, which could subsequently be used by the Commission to get ideas for the kind of proposals that could be made once the study is available.

The Chairman also clarified that the "policy paper" mentioned in paragraph 5 (4) of the invitation letter refers to the "strategy document" mentioned in paragraph 10.1 (d) of the Specifications.

The Chairman raised two additional points for clarification, on the Commission's own initiative:

On the use of the term "sport agents" in the call for tenders instead of the term "players' agents" used in the White Paper on Sport adopted by the Commission on 11 July 2007, he explained that the use of the term "sport agents" takes into account a broader field of activity, including sportspeople that cannot necessarily be described as "players" such as, e.g. track and field athletes or boxers. As a result of a subsequent question, Commission representatives clarified that the term "sport agents" could be extended to include coaches' agents if necessary.

On conflicts of interest, the Chairman explained that the tender dossier includes a form (Annex 4) requiring tenderers to certify that they are not in a situation of conflict of interest. Signature of this form is a requirement for an offer to be acceptable. A close relationship to the sector subject to the study may give to the tenderer the advantage of a detailed knowledge of a sector, but it could also give rise to a potential conflict of interest. If necessary, the tenderer should indicate any potential problems on the form or elsewhere in their offer, with their proposed action to solve the problem. It is important that the tenderer deals with this issue in a transparent and objective manner and, if potential conflicts are identified, proposes actions to solve the conflict. This point will be included in the evaluation of the tenders. If necessary, the Commission may ask for further action if the action proposed or taken is not deemed sufficient.

One participant wished to know the definition of "the predominance of football" referred to in the call for tender. Commission representatives explained that it referred to the predominance of football in objective terms (such as turnover or attendance at sport events) but that it was the tenderer's role to define its extent and its potential impact on the analysis of the situation of sport agents in the European Union.

Asked about an indicative balance between the quantitative and the qualitative aspects of the study, the Chairman answered that it was important to link the study with the White

Paper on Sport adopted by the Commission on 11 July 2007, and particularly with the proposed impact assessment of the situation of players' agents (action 41 of the Action Plan "Pierre de Coubertin"). It is important that the study provides sufficient intellectual material for the Commission to have a basis for sound judgment.

One participant inquired about the range of sports to be covered. Commission representatives indicated that the tenderer should define the range.

On a question about cross-border volumes, Commission representatives recalled the difference between the freedom of establishment and the freedom to provide services as defined by Community law. It was recalled that cross-border activities are one of the grounds for the European Union's involvement in Internal Market issues, in a situation in which problems are identified. It was also explained that the Commission was mainly interested in cross-border movement between Member States. Following a subsequent question, it was further clarified that cross-border activities can include cross-border transfers as an indicator of the activities of sport agents.

Asked about a possible delay for the study in case of major developments pertaining to the activities of sport agents in the European Union occurring during the period envisioned for the study, Commission representatives indicated that the question was theoretical and that it was difficult to provide an answer in advance but that the Commission follows a pragmatic approach to such issues.

One participant asked whether the 1 October 2008 deadline for the submission of tenders applied also to potential sub-contractors or other collaborators of the tenderer and received confirmation that this is indeed the case.

Asked about the definition of "legal situation" as applying to sport agents in paragraph 3.2.1) of the terms of reference, Commission representatives replied that the term covered the different regulations applying to the activities of sport agents and referred to paragraph 3.2.4) of the terms of reference.

Asked about the length of the 27 "country-by-country reports" referred to in paragraph 3.2.4) of the terms of reference, Commission representatives answered that there was no recommended length.

One participant wished to know how many representatives the tenderer should send to Brussels for the meetings with the Commission referred to in paragraph 4.3 of the terms of reference. The answer is that the tenderer should decide what the optimal number of representatives should be.

One participant inquired about the "Conference" referred to in Annex 5 of the tender dossier. Commission representatives answered that a Conference was seen by the Commission as a good way of involving all interested stakeholders in the study and of collecting data and information, but that the Commission could not give indications as to the possible cost of such a Conference nor to its timing.

One participant inquired about the costs of translation for acquiring legal information in the 27 Member States. The Chairman replied that the tenderer should find the most cost-effective solution to this issue.

Asked about the inclusion of non-professional sports in the study, Commission representatives replied that the distinction between professional and non-professional

sport did not appear as very important since it is its economic nature that characterises the activity of a sport agent. Participants were reminded that the White Paper on Sport and its accompanying documents provide useful information about the political background of the call for tender.

Asked whether the high-level expert in Community law referred to in paragraph 5.1.2 of the terms of reference must have a specific competence in sport, Commission representatives answered that this was not the case, as a specific competence in sports law was also required separately. It is up to the tenderer to decide how many experts fulfil the requirements in both Community law and sports law. As described in paragraph 5.1.2 of the terms of reference, these profiles do not necessarily imply the involvement of a different individual for every function but equally, one function may be divided between two or more experts if the tenderer believes that this will be the most effective way to achieve the desired results.

One participant wished to know whether the Commission had a preferred methodology for the surveys necessary to conduct the study. Commission representatives indicated that this was not the case.

The meeting ended at 14.45 h (2.45 PM).

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