

PART 4. SUMMARY AND RECOMMENDATIONS

CHAPTER 1. SUMMARY

The aim of this study is to examine the situation of sports agents in the European Union – focusing in particular on the public and private regulations that govern their activities – and to analyse the questions that their activities give rise to or might give rise to in future, in order to establish whether some form of EU action is necessary and, if so, at what level and in what form.

Sports agents act, first and foremost, as intermediaries between sportsperson and sports clubs/organisers of sports events with a view to employing or hiring an athlete or sportsperson. They bring together the parties interested in concluding an agreement concerning the practice of a sport as a remunerated activity. Finding a job placement for a sportsperson is the central role of sports agents. Sports agents may, however, engage in a broader range of activities, such as entering into different kinds of contracts on behalf of the sportsperson (image rights contracts, sponsoring contracts, advertising contracts, etc.) or managing the assets of the sportsperson. Sports agents have thus become essential partners of sportspersons and clubs/organisers of sports events, acting as a go-between and advisor for either side. In professional sport today, most sportspersons and clubs/organisers of sports events call on the services of a sports agent.

I. Significant differences between regulations

The activities of sports agents are regulated to a greater or lesser extent depending on the country and the sport concerned. The reasons commonly given for regulating the profession are the need to provide it with a legal basis and the need to protect the image and reputation of sport by adopting a deontology for sports agents. Five EU countries and four international federations as well as a number of national federations have developed specific regulations governing the activities of sports agents. On the other hand, most European countries¹ have general regulations on private job placements, and these regulations also apply – in theory at least – to the placement of professional sportspersons or remunerated athletes and hence to the activities of sports agents.

The scope of these specific regulations varies considerably from one case to another. Within the European Union, the French regulation is the most detailed. Among the regulations of international sports federations, those of the FIFA are the oldest. It is in football that there is the largest number of national sports federations with regulations on sports agents. The approaches to regulation are also very varied. The FIBA, for example, works in close cooperation with sports agents in order to develop and implement its regulations.

Table 21: Regulation of the activities of sports agents in EU Member States which have adopted specific public regulations applicable to sports agents

EU Member States	Specific legislative texts	Regulation of the activities of sports agents
BULGARIA	Law on sport and physical activity of 9 July 1996, (latest update of 30 May 2008: Articles	In order to obtain a permit to operate as a sports agent – as far as remunerated job placement activities are concerned – registration is required in accordance with the provisions laid down by the law on the

¹ Including at least the following countries: Austria, Belgium, Bulgaria, Czech Republic, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom

	35 b, 35 c and 35 d.	promotion of employment. This law establishes certain terms and conditions for exercising the profession (contract and remuneration) as well as sanctions.
FRANCE	Sports Code: Articles L.222-5 to L.222-11, R. 222-1 to R. 222-22 and A. 222-1 to A. 222-15.	Licensing system (licences issued by the delegatee federations, following a written exam); terms and conditions for exercising the profession (contract, remuneration, professional indemnity insurance, etc.); control and sanctions.
GREECE	Law 2725/1999 on amateur and professional sport: Article 90§9 (amended by Law 3479/2006, whereby Article 90§9 became Article 90§5). Ministerial Decision 23788/2002.	Licences issued following a written exam (this system has not yet been implemented in practice); requirements for operating as an agent; sanctions.
HUNGARY	Law on Sport of 2000, complemented and amended in 2004: Article 11.	Only commercial agents registered with a national or international sports federation and complying with the latter's regulations are allowed to conclude agency contracts.
PORTUGAL	Law 28/98 of 26 June 1998 on sports contracts: Chapter IV, Articles 22 to 25. Law 5/2007 of 16 January 2007 on physical activity and sport: Article 37.	Only natural or legal persons authorised by the competent national or international sports authorities can operate as sports agents. Registration with the competent sports federation; requirements for operating as an agent; sanctions.

Table 22: Regulation of the activities of sports agents under specific regulations established by international sports federations

Sports federations	Regulations	Regulation of the activities of sports agents
INTERNATIONAL AMATEUR ATHLETIC FEDERATION (IAAF)	Regulations concerning Federation/Athletes' representatives IAAF 2009 Competition Rules – Rule 7 concerning athletes' representatives	Authorisation issued by national federations, following an assessment; requirements for operating as an agent; control and sanctions
INTERNATIONAL BASKETBALL FEDERATION (FIBA)	Regulation H governing players, coaches, support officials, and player's agents – Regulation H.5: Players' agents.	Licence issued by FIBA following an exam; requirements for operating as an agent; control and sanctions.
INTERNATIONAL FEDERATION OF FOOTBALL ASSOCIATIONS (FIFA)	Players' Agents Regulations (2008).	Licence issued by each national federation, following an exam; requirements for operating as an agent; control and sanctions.
INTERNATIONAL RUGBY BOARD (IRB)	International regulations: Regulation 5 – Agents	National federations must "establish appropriate regulations to govern and authorise the activity of Agents", including requirements for joining and exercising the profession and control procedures (mandatory in some cases, optional in others).

The regulations established by sports federations are basically aimed at controlling access to the profession and regulating its exercise. However, these bodies have only limited supervisory and

sanctioning powers, since they lack any means of control or direct action vis-à-vis sports agents who are not registered with them; nor are they entitled to impose civil or criminal penalties.

The variety of regulations applicable to the activities of sports agents and/or private job placement activities raises the question of whether some degree of harmonisation is required. There is no concrete evidence that the existing regulations prevent EU sports agents from exercising their profession in a Member State other than their country of origin, but conditions do exist which may make it more difficult to provide services or set up business in such a case, particularly owing to the differences between the regulations (often resulting from different national approaches and mores). Such disparities would not be a real problem if the services provided by sports agents were limited to purely national transactions. However, in many professional sports the transactions in which sports agents participate are today transnational in nature. In this context, the observed differences between regulations may give rise to the following problems:

- A sense of legal uncertainty about the rules applicable to sports agents;
- Potential obstacles to the free movement of persons within the European Union, arising from differences as regards the requirement for a licence/authorisation/registration, the procedures involved in each case and the persons who are entitled to apply for a permit or are eligible for exemption;
- Difficulties in controlling the activities of sports agents (e.g. the parties to agency contracts, which are often international agreements, may circumvent – or try to circumvent – the regulations applicable in a given country by concluding the contract under less stringent national rules).
- Disparities between the rules governing the remuneration of sports agents with regard to assigning responsibility for paying the agent's commission or the procedure for calculating the latter.

Furthermore, questions remain with regard to the extent to which sports federations are legitimately entitled to regulate sports agents' activities in the absence of any mandate granted by a public authority, as well as with regard to the effectiveness of control and the enforcement of sanctions in a context of cross-border job placement activities and diverse national regulations applicable to sports.

Lastly, some stakeholders believe that the abolition of the FIFA licence might create a regulatory void in football (many players and clubs regard it as a guarantee protecting them in their dealings with sports agents; football sports agents will no longer be recognised by means of a licence in most countries), just at a time when the FIBA and IAAF are strengthening their rules on sports agents.

II. Ethical issues

In addition to the problems associated with the multiplicity of regulations applicable to sports agents, and the difficulties in the area of controlling and sanctioning, the activities of sports agents, including in particular placement activities, give rise to a number of ethical problems, which often have a criminal dimension. It is not only sports agents who are implicated in such reprehensible practices. The latter require accomplices and are often inherent in the pernicious system which underlies, mainly, the functioning of the transfer market.

- Dual-agency or conflict-of-interests situations (the same agent may act as an intermediary in the deal between two clubs and, subsequently, in the deal between the player and his/her new club).
- Problems relating to financial criminality, particularly in connection with player transfer deals (payment of secret commissions for example);

- Problems relating to human trafficking in sport, including in particular the economic exploitation of young footballers from Africa and South America;
- Problems relating to the inadequate protection of minors, including the unregulated recruitment of minors among training clubs;
- Problems relating to the inadequate protection of sportspersons in general, in particular the lack of transparency, for the sportsperson concerned, of the deal between the sports agent and the club or the organiser of a sports event.

III. The question of an action that aims at regulating the activities of sports agent

For the above-mentioned reasons (multiplicity of the applicable regulations, ethical issues), the question arises as to whether it is appropriate to take action to regulate the activities of sports agents at EU level and to achieve a more effective control of sports placement mechanisms in general (given that sports agents are not the only actors involved in the employment of professional sportspersons).

There is no conclusive evidence that the public regulations currently in force hinder, in practice, the freedom to provide services or the freedom of establishment of sports agents. Furthermore, only a limited number of Member States have adopted specific rules applicable to sports agents. It is therefore difficult to make a case for harmonisation on the basis of Article 47 TEC (which was the basis for adopting the Directive on commercial agents) or Article 52 TEC (which was the basis for adopting the “Services” Directive), even though EU regulatory action would have the benefit of increasing legal certainty. It should be noted, moreover, that the lack of evidence of problems in this area might be due to the fact that existing regulations – whether specific or applicable to all private placement activities – are being circumvented (or implemented only to a limited extent) by sports agents.

The sports agent’s profession is inherent to the existing system for the employment and transfer of sportspersons, particularly in the case of team sports. Agents facilitate transactions between sports clubs/organisers of sports events and sportspersons. They are an integral part of the market: they enter into the equation of commercial success and of investments capable of leading to convincing results in sport. In view of this, some believe that sports agents’ activities should not be regulated and are best left to market forces. The problem is that market forces are unable to preserve the specificity of sport² or to correct certain seriously deleterious trends that can be observed.

There seems to be a consensus, among the actors concerned, that measures need to be taken – particularly since the reputation of professional sport and its credibility are at stake – to tackle problems relating more to the integrity and image of sport and of the actors in sport than to the internal market. On the other hand, there is no consensus on the nature and contents of the measures needed.

In relation to the role of sports agents, different groups of stakeholders have different interests, which can be summarised as follows:

- Clubs: make the acquisition of sportspersons less expensive; deal directly with other clubs without any intermediaries; call on the services of agents to contact a player they wish to sign up or to dismiss a player from the team; protect the image of the club and act in accordance with the law; deal with reputable, trustworthy agents.
- Organisers of sports events: ensure the participation of the relevant sportspersons; deal with reputable, trustworthy agents.

² The European Council recognised the specificity of sport in its declaration of December 2000 concerning the specific characteristics of sport and its social functions in Europe.

- Sports federations: fulfil their sports governance obligations; ensure that sports agents' activities do not distort competition or harm the interests of sportspersons; adopt rules which they can effectively implement to ensure ethical practices.
- Sportspersons: enjoy services enabling them to advance their career and practice their sport under the best possible conditions (e.g. this may include, in some cases, getting the best possible pay).
- Agents: protect their reputation; ensure remuneration for their services; be able to exercise their profession across borders.
- Sportspersons' unions: protect sportspersons from abuses (e.g. a clause providing for an excessively long period of exclusivity); avoid practices that are harmful to players or their reputation; protect the contractual freedom of sportspersons and their freedom of movement.
- Supporters: support a reputable sport that stands for social and ethical values.

Regulations on sports agents are confronted with the internationalisation of sport and the evolution of sports agents' professional activities – which are increasingly transnational – as well as with sophisticated criminal practices. This gives rise to questions concerning the implementation and circumvention of the established rules, the roles of different stakeholders and the distribution of competences between states, international federations and national federations.

In Europe, the regulation and organisation of sport is basically left to sports federations. The European Council has recognised the role of sports bodies in organising and promoting their respective disciplines. This role is protected by all EU institutions (Commission, Parliament and Court of Justice). Our study does not aim to call into question the powers of federations in this area but advocates more complementarity with public authorities (including those responsible for sport, the police, justice, taxation, etc.). The implementation of the rules – which guarantees they are efficient – will depend on actors of the sport movement and the complementarity between their actions and the national legislative provisions on civil and criminal sanctions. The study calls for increased cooperation between the sport movement and the national and international police and judicial authorities.

The European Union has an important role to play in countering harmful trends, assisting and supporting actors in sport in their efforts to eradicate reprehensible practices, protecting sportspersons as well as sports events and competitions, ensuring fairness in sport, and preventing sport from losing its values and its social dimension while at the same time ensuring the free movement of sports agents within Europe.

IV. International coordination options?

Given the extra-Community dimension of sports agents' activities, some international coordination options aimed at regulating sports agents' activities were taken into account in preparing this report.

Introduction of a regulation under the auspices of the International Olympic Committee (IOC) in cooperation with States

Viewed from a certain angle, the issue of sports agents has some points in common with the issue of doping in sport. It is a transnational issue which requires a harmonised approach and harmonised rules or, at least, coordination between them. Furthermore, it is an issue that concerns the ethical values of sport. The regulation of sports agents' activities could follow the lines of the cooperation process initiated some years ago by the sport movement and public authorities with the aim of harmonising anti-doping regulations on a global scale³. The process implemented to combat doping in sport could inspire

³ As a reminder, it was as a result of the doping scandals that shook professional cycling in the summer of 1998 that the IOC decided to organise a World Conference on Doping (February 1999), which brought together all parties interested in

the relevant public and private actors to draw up, under the auspices of the IOC, a set of common rules and/or deontological principles for all sports agents in all areas of sports. The European Commission could also participate in this process.

However, this is not an easy proposition. In the case of doping, the need for such a process is explained by the high prevalence of the problem, which is common to all sports and has attracted considerable media attention. It is uncertain whether the issue of sports agents would generate a similar consensus – either on the part of governments or on the part of sports federations – on the need for action. Furthermore, even assuming that the parties concerned could agree on a set of common rules applicable to all sports (which is not a foregone conclusion), for such rules to be binding on governments they would have to be enshrined in an international convention ratified by the latter.

Regulating sports placement activities by means of a Convention of the International Labour Organisation

The International Labour Organisation (ILO) is a United Nations specialised agency that adopts conventions on a tripartite basis (governments-employers-employees), mainly in order to promote decent working conditions and protect labour standards around the world⁴. In theory, the adoption of an ILO convention on the placement of professional sportspersons might be a useful tool, particularly to clarify the relations between job placement agencies (the intermediaries) and sportspersons or to develop mechanisms to protect sportspersons who call on the placement services provided by an agency. Such a convention would be justified by the international nature of the job placement activities carried out by sports agents.

The lack of an international body representing sports agents is nevertheless a major obstacle to the adoption of an ILO Convention on sports placement activities⁵. A second obstacle lies in the fact that sports placement activities vary in nature depending on the sport concerned. Lastly, it should also be recalled that the implementation of any ILO Convention is subject to ratification by the Member States, and that actual implementation depends on the effectiveness of supervision and enforcement by governments and the social actors.

CHAPTER 2. RECOMMENDATIONS

I. General principles

Any action aimed at regulating the activities of sports agents and, more generally, the placement mechanisms in sport should be based on the following principles:

combating doping in sport. Following this conference, it was decided to set up an independent World Anti-Doping Agency (WADA), which was formally constituted in November 1999. In 2003, the WADA adopted a "World Anti-Doping Code" which has today become the benchmark for all sports organisations and other bodies involved in combating doping in sport. To date, 193 governments have signed the Copenhagen Declaration, stating their support for the WADA and recognising the World Anti-Doping Code. Subsequently, in order to incorporate the World Anti-Doping Code into international public law, UNESCO adopted an International Convention against Doping in Sport. Under this Convention, which came into force on 1st February 2007, signatory States have an obligation to take legislative, regulatory or administrative measures in accordance with the principles set out in the World Anti-Doping Code.

⁴ Cf. the ILO Conventions on fee-charging employment agencies (No.181) and private employment agencies (No.181), mentioned earlier in this report. Furthermore, the ILO has already adopted a number of sectoral conventions, focusing specifically on certain professions or vocational fields including e.g. seafaring, nursing, and hotel and catering.

⁵ A *sine qua non* condition for adopting an ILO Convention is in fact the existence of an interlocutor representing the relevant profession at international level.

- Complementarity (between the rules of sports federations and public policies). Sports federations play an essential role in organising sport. In the field of employment, this role can be supported by public action;
- Transparency (of financial flows in professional sport). A key problem with sports agents is that they are involved in financial transactions which often lack transparency;
- Simplicity (of the measures adopted). To be efficient and universally applicable, any measure must be simple to implement (smaller federations should be able to implement it with fewer financial and human resources). The rules must be easily adaptable to the peculiarities of each sport discipline.
- Trust (in sports agents and other actors in sport). It is necessary to establish dialogue and mutual trust between all stakeholders.

The results of this study do not argue against the introduction of specific mechanisms to regulate the activities of sports agents (and to control access to the profession), regardless of whether those mechanisms are adopted by governments or by national or international sports federations, provided that any such mechanisms are compatible with Community law. However, there appears to be no overriding reason for introducing an obligation to adopt said mechanisms.

As regards the ethics of sport, the task is to determine the means that need to be deployed to ensure exemplary governance, preferably organised by the sport sector itself. In relation to Community law, it is necessary to ensure that any public or sport rules do not infringe competition rules or hinder the freedom to provide services or the freedom of establishment.

II. Ethical issues in sport are public order issues – Recommendations to governments

Sport agents are usually perceived as the main party responsible for the ethical problems associated with placement activities in professional sport, while in actual fact in many cases it is the whole “sport employment system” that lacks transparency. This penalises the clubs and organisers of sports events (risk of unfair competition; undue influence on the results of sports competitions), the sportspersons (risk of not being remunerated or of being exploited by the agents or the clubs), the agents (poor image, risk of not being remunerated) and the sports federations (risk of a loss of credibility for the sport concerned; risk that the ability of federations to ensure proper governance will be called into question).

Sports federations are not adequately equipped to combat and punish offences against public order, particularly in the fields of human trafficking in sport (which falls within the province of migration and security policies) and financial crime (which falls within the province of financial supervision, fiscal control and crime prevention/law enforcement policies). However, a number of recent initiatives by the sports federations, such as the introduction of a licensing system for clubs or the Transfer Matching System seem to be moving in the right direction in terms of promoting good governance in sport and strengthening the supervision and transparency of financial flows.

States must play a complementary role by supervising the measures implemented by national federations and imposing criminal penalties for offences against public order. This involves, for example, such measures as the following:

1. Intensify the audits and checks performed by tax, social welfare and labour inspectors in sports clubs. Carry out checks of various aspects, including financial flows, work permits, social security registration, undeclared labour, working conditions, housing, etc.;
2. Improve the control of training centres in Europe to ensure compliance with national laws on the protection of minors;
3. Establish indicators to measure the “sport variable” in statistics on illegal immigration and financial fraud.

III. European institutions have a major role to play in structuring dialogue and coordinating actions – recommendations to European institutions

Sport must contribute to strengthening the ideals of peace, mutual understanding and solidarity in order to promote personal and social development on an ethical basis⁶. Sport should convey the values that Europe wishes to share with the rest of the world. In this respect, Europe should lead the way.

European institutions have a major role to play as coordinators and promoters vis-à-vis the public authorities, the sport movement and sports agents, with a view to promoting common standards and principles that can serve as a basis for the adoption of at least a minimum set of rules by sports federations and countries throughout Europe. More specifically, EU institutions could act on the basis of Article 137 of the EC Treaty⁷, Article 165 of the Lisbon Treaty and the principles and procedures of the European social dialogue.

The following actions could be implemented:

Dialogue / consultations

1. Promote dialogue within the sport movement, e.g. to intensify the exchanges between national federations at European level, particularly to facilitate the dissemination of best practices;
2. Organise a public consultation/conference on the issue of sports agents. One of the aims could be to clarify the applicability of EU law to the activities of sports agents;
3. Discuss, with EU partner countries, the problems associated with the international transfer of sportspersons, the exploitation of underage sportspersons and money-laundering in sport (cf. Action 26 of the Pierre de Coubertin Action Plan).

Information

4. Clarify the applicability of EU law to the activities of sports agents, given that the array of existing legal instruments (rules laid down in the Treaty and directives on professional qualifications and services) is largely unknown as far as its applicability to sports agents is concerned. To this end, publicise the existing instruments, for example through the “Your Europe” Internet portal.

Studies / Reports

5. Carry out a study on the economic grounds for transfer fees, their impact on sports competitions and their compatibility with the provisions of Community and/or national law. The rules applicable to transfers – e.g. the rules governing breach of contract – could be examined as part of such a study.

Promotion / coordination

6. Promote and/or coordinate – through the following instruments – the actions implemented by the European sport movement (which are described below under Point IV):
 - Social dialogue, as provided for by Article 138 of the EC Treaty.

⁶ See European Commission's White Paper on Sport, 2007, page 6.

⁷ Article 137 deals with aspects that concern sports agents, such as the social protection of workers and the protection of employees in the event of termination of the employment contract. It enables the Council to adopt measures to foster cooperation between Member States through initiatives aimed at extending knowledge, developing the exchange of information and good practices, promoting innovative approaches and evaluating experiences (with the exception of measures intended to harmonise the laws and regulations of Member States). It should also be noted that the provisions of Article 137 do not apply to remuneration.

- The recommendations provided for by Article 249 of the EC Treaty
- The recommendations provided for by Article 165 of the Lisbon Treaty.
- Structured dialogue between the European Commission and the sport movement (multilateral meetings, thematic discussions, consultations), as mentioned in Point 5.1 of the White Paper on Sport.

IV. The sports movement has an essential role to play in organising placement activities – Recommendations to actors in sport

This study advocates regulation primarily at the level of the national sports federations (since they are the best placed to understand all aspects of the sport concerned and their national environment in each case) as well as the introduction of a licensing system to join the profession, with an examination designed to ensure that successful candidates have the necessary knowledge of the legal, economic and social environment and the minimum qualifications required to practise the profession, provided that such a system does not hinder the free movement of sports agents within the European Union. The proposed system – which should be adopted on a voluntary basis – could be promoted by the national federations themselves (as in the case of, e.g. ice hockey in Finland), by international federations (as in the case of basketball), including European federations, or by Member States (as in the case of France).

Actors in sport at national, European and international level have an essential role to play in organising sports placement activities in terms of dialogue, education and training, information, transparency, mutual help, establishment of ethical principles and control/enforcement of sanctions. This role can be fulfilled through the following measures:

Dialogue

1. Organise the sports agent profession through representative bodies that can act as interlocutors of public authorities and actors in sport;
2. Increase the representativeness of existing bodies that represent the interests of sports agents;
3. Involve sports agents in the elaboration of the regulations that govern their activities;
4. Examine the advisability of establishing a European certification system for sports agents as well as a set of minimum requirements that sports agents must fulfil to act as intermediaries.

Education and training

5. The federations could provide training schemes for candidates preparing for the exam to obtain a sports agent's licence/permit (if such an exam is introduced);
6. Organise yearly refresher courses/seminars for sports agents, focusing in particular on knowledge of the regulations;
7. Publish guides for players/sportspersons, coaches, clubs, sports agents and organisers of sports events to inform them of the applicable regulations on the employment of sportspersons;
8. Educate and advise sportspersons on the role of sports agents (provided that the sportspersons' representative body does not itself offer placement services). A tax on transfers could be introduced to finance these schemes.

Transparency

9. Inform about reprehensible or illegal practices by sportspersons, agents, clubs, organisers of sports events or federations (including information on sanctions imposed by the sports authorities or public authorities);

10. Publish (and update as appropriate) a list of sports agents and their clients (including, if possible, information on the duration of the contracts signed with the clients as well as on the qualifications and experience of the agents);
11. Include, in all placement contracts, the name of the agent and his/her remuneration;
12. Publish and make available to the members of the boards of directors (of clubs/organisers of sports events) the accounts concerning the placement of sportspersons.

Mutual assistance

13. Consider setting up a mutual assistance fund to help sportspersons who are victims of human trafficking and to finance trafficking-prevention programmes;
14. Help to organise national sports competitions as and when appropriate, including – if necessary – the provision of financial assistance on the basis of the principle of financial solidarity;

Ethics

15. Put in place a self-regulation system for sports agents⁸, to which agency agreements concluded between the contracting parties could refer in order to give the self-regulation system legal force;
16. Introduce mandatory terms and conditions (to be determined) in standard contracts, with the aim of providing better protection for sportspersons, agents, and clubs/organisers of sports events;
17. Put in place binding codes of conduct drawn up jointly by sports agents, federations, clubs and players (in accordance with Article 37 of Directive 2006/123/EC on Services – which promotes the development of codes of conduct by European professional associations), particularly in order to avoid conflicts of interests;
18. Develop a system that introduces the obligation, for a club assessing a player from a third country, to draw up an official document – signed by the club and the player – stipulating the rights and obligations of both parties. Non-compliance with this rule should be penalised;
19. Ensure that any intermediary that arranges for a player from another country to be assessed or attend trials, is liable for the cost of the return fare if the assessment is negative (e.g. introduce an obligation to refuse to start negotiations without guarantees to this effect);
20. Develop and adhere to a “European Charter of Solidarity in Sport” for sports clubs.

Supervision / sanctions

21. Establish a centralised financial system or “clearing house” for transfer deals (involving financial rewards or compensation) between two clubs or teams;
22. Generalise the practice of providing federations with a copy of all agency contracts;
23. Strengthen the supervision of transactions in order to ensure that all interested parties are agreed on the details of the placement as well as to ensure that the terms and conditions of the employment contract comply with the regulations in force. The placement should only be authorised when all the relevant documents are valid in accordance with the conditions defined by the contracting parties and the regulations;
24. Control financial transactions through a club-licensing system. The regulations established by sports organisations or bodies could make the licensing of a club conditional upon compliance with financial and ethical requirements concerning, among other aspects, relations between clubs and agents;

⁸ An interesting example of this kind of self-regulation is provided by the “Code of Conduct for Lawyers in the European Union” (adopted in 1988), which states, among other things, that “rules of professional conduct are designed through their willing acceptance by those to whom they apply to ensure the proper performance by the lawyer of a function which is recognised as essential...”

25. Appoint a person or unit, within each federation, to be responsible for coordinating the prevention of money laundering and financial crime. A tax on transfers could be introduced to help finance this measure;
26. Facilitate appeals to the sports federations' authorities (e.g. by limiting the administrative or financial requirements or procedures that might deter aggrieved parties from seeking redress).

Conclusion

The rules adopted by sports federations are undoubtedly those which can best reflect the specificities of each sport, unlike government or Community regulations, which are necessarily more general in nature. The sport movement must continue to play the leading role in implementing the applicable regulations. It must be supported in this role by public authorities, given the ethical and legal problems to which sports placement activities can give rise, particularly in their cross-border dimension. The European Union has a key role to play in changing behaviours, harmonising existing practices, promoting the best of them – and introducing regulations, if and when appropriate.