

# Sports agents in the European Union – Towards Policy Recommendations

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Study conducted in 2009 for the European Commission  
(Directorate General Education and Culture – Sport Unit)

By

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# Methodology (1)

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- 27 EU Members States covered with a special focus on 11 of them: UK, DE, IT, FR, ES, EL, SI, PL, FI, LT, RO
- 71 sports covered but with a focus on 6 of them: football, basketball, rugby, athletics, tennis, and boxing
- 290 interviews conducted (including with 68 agents, sportsmen/athletes, representatives of sports federations and leagues, coaches, journalists, lawyers, etc. )

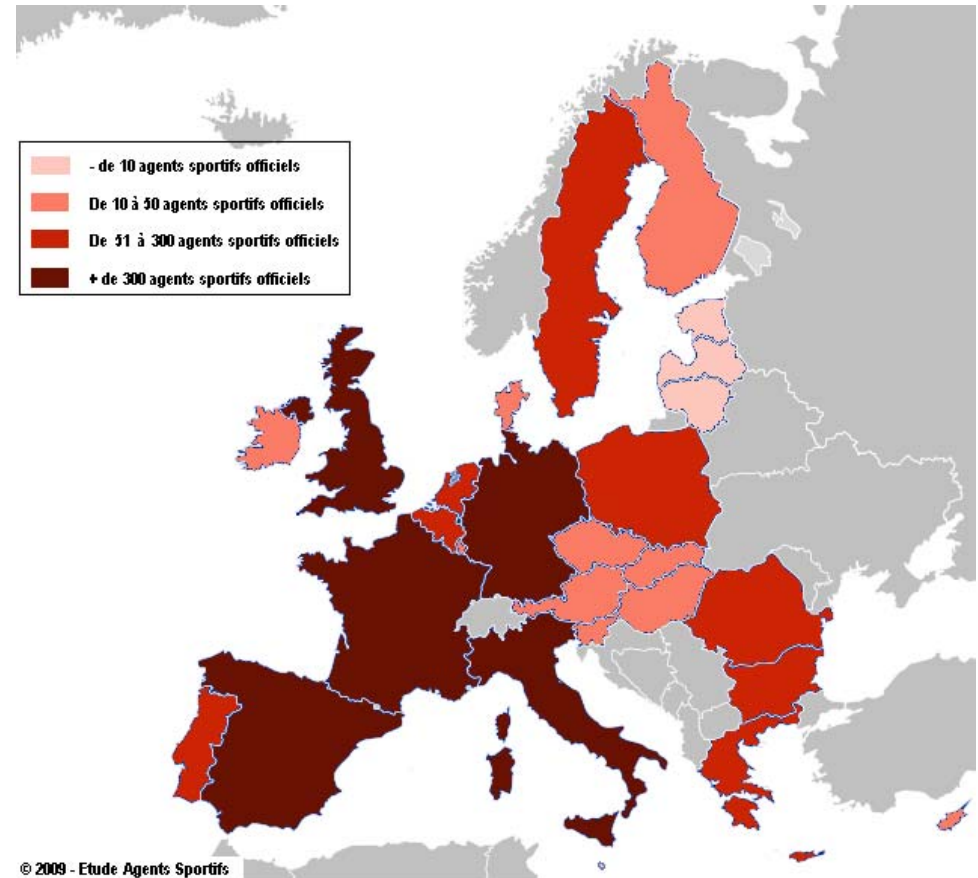
## Methodology (2)

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- More than 2,000 questionnaires sent to:
  - 53 international & European sports federations in 31 sports (9 answers - 17%)
  - 697 national sports federations in 29 sports (53 answers - 7.6%)
  - National Olympic Committees or Sports Confederations in 48 European countries (18 answers – 37.5%)
  - 51 European and national sports leagues in 4 sports (13 answers - 25.4%)
  - 11 organisations representing sports agents in 3 sports (2 answers - 18%)
  - 33 organisations representing sportsmen/athletes in 6 sports (7 answers - 21.2%)
  - 1221 individual agents (6 sports and 12 Member States covered) (30 answers - 2.46%)
  - EU Member States' national Ministries responsible for sports and for employment affairs (9 answers - 16.6%)

## Sports agents (1)

- Around 6,000 agents in the EU (including both official and unofficial agents):
  - 1 sport: Around 4,200 football agents, active in the 27 EU MS
  - 5 countries: DE, ES, FR, IT and the UK , account for close to 75% of the officially listed agents in the EU



## Sports agents (2)

Sport	Percentage of sportspersons with an agent	Annual income of the agent
Athletics	95%	6,000 to 250,000 € Average income: 45,000 €
Football	75%	13,000 to 3,750,000 € Average income: 27,000 €
Golf	90%	30,000 to 650,000 € Average income: 48,000 €
Ice hockey	75%	36,000 to 320,000€ Average income: 45,000 €
Motor Sport	85%	50,000 to 600,000 € Average income: 110,000 €
Tennis	95%	45,000 to 300,000 € Average income: 55,000 €
Volley-ball	55%	15,000 to 45,000 € Average income: 24,000 €

## Sports agents (3)

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- Economy and organisation of the market:
  - Difficult to assess, lack of transparency and data
  - Sports agents' commissions on transfers of football players: 10% of the amount of transfers
  - Emergence of a number of large companies
  - Important differences in terms of income
  - Heterogeneity of the modalities of remuneration
  
- Sports agents' representation

## The ethical issues raised by agents' activities

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- Dual-agency or conflict-of-interests situations
- The economic exploitation of young footballers from third countries
- Abusive headhunting/recruitment among training clubs (minors)
- Overall lack of transparency in financial transactions

Sports agents are often at the centre of such mechanisms  
=> they are the designated scapegoat

# The regulation of sports agents' activities in 2009 (1)

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- At States' level:
  - Many general regulations on private job placements (18 MS)
  - Specific regulations for sports agents in 5 MS (BG, FR, GR, HU and PT)
  
- At sport federations' level:
  - 4 international federations (FIBA, FIFA, IAAF and IRB)
  - A number of national federations

## The regulation of sports agents' activities (2)

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- Some general trends :
  - Sport agent usually defined in terms of his placement activities
  - Little guidelines on the calculation of the remuneration
  
- Some heterogeneities on:
  - Access to the profession
  - Duration of the validity of the licence or permit
  - Assigning responsibility for paying the agent's fees

## The regulation of sports agents' activities (3)

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- Difficulties to enforce rules :
  - International nature of these activities
  - Diversity of national sporting and legislative cultures
  - Cost of control
  - Sanctions are difficult or even impossible to monitor and enforce in particular in the context of cross-border employment placement activities
  - Requires commitment from sport bodies
  - Little amount of case law

=> Image and reputation of sport at stake

# A need for a European regulatory framework?

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- EU law and sports agents' activities:
  - Treaty provisions (free movement, competition and Article 165 of the Lisbon Treaty)
  - EU Directives (on services and on the recognition of professional qualifications)
  - Case-law (in particular the *Piau* case)
  
- Exercising the profession does not entail any proven problems in EU law
  
- Questions remain concerning the extent to which sports federations are legitimately entitled to regulate sports agents' activities

# General principles of interventions

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- Principles of any EU intervention :
  - Complementarity (between private rules and public policies)
  - Transparency (of financial flows in professional sport)
  - Simplicity (of the measures adopted)
  - Adaptability (to the peculiarities of each sport discipline)
  - Trust (in sports agents and actors of the sport movement)
  
- Regulation should be implemented primarily at the level of the national sports federations
  - Licensing system to join the profession (control access for minimum qualifications)
  
  - Any regulation must be compatible with EU law (freedom to provide services, competition rules)

# Recommendations to Public Authorities

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- **To Governments**
  - Control , audits, enforcement of public order (tax evasion, protection of minors, money laundering).
- **To European Institutions**
  - Promote common standards and principles through dialogue/ information on EU rules /reports (Study on transfers)

# Recommendations to the Sport Movement

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- Organise sport placement activities through:
  - Dialogue with sport agent bodies (Representation)
  - Training to prepare access to the profession and update
  - Counselling on the role of sport agents
  - Transparency rules (name of agents on transfer, publish list of agents, give publicity to bad practices)
  - Mutual assistance ( funds to help victims)
  - Self-regulation systems for sport agents, standard contracts, codes of conduct, charter on ethics).
  - Supervision of Transactions (for instance) and sanctions
    - Control transfer deals
    - Centralise agency contracts

# Thank you for your attention!

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