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MONOGRAPH ON THE SITUATION OF THE SOCIAL PARTNER ORGANISATIONS IN THE PROFESSIONAL FOOTBALL PLAYERS
SECTOR

BULGARIA, ROMANIA AND TURKEY

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Disclaimer

The contents of this publication do not necessarily reflect the opinion or position of the European Commission, Directorate-General Employment and Social Affairs. This study has been carried out by independent experts. It therefore does not involve the Commission's responsibility in any way. The European organisations subject of this study have had the opportunity to comment on the content of this study before its final approval by the Commission¹.

¹ Approval by the Commission does not imply the approval of any of the European organisations as to content (comment from UEFA).

INTRODUCTION

PRESENTATION OF THE STUDY

This report has been produced as part of the research into the institutional representativeness of social partners in the European Union, and the situation of trade unions and employers' associations in new Member States and candidate countries. The research has been conducted by the Institut des Sciences du Travail (Université catholique de Louvain) at the request of the Employment and Social Affairs Directorate-General of the European Commission (Call for tenders No VT/2002/83).

The issue of the representativeness of European organisations came to the fore in the context of the promotion of social dialogue. In a communication published in 1993², the European Commission set out three criteria determining the access that employers' and workers' organisations had to the consultation process under Article 3 of the Agreement on Social Policy. According to the terms of this communication, the organisation must: (1) *be cross-industry or relate to specific sectors or categories and be organised at European level; (2) consist of organisations which are themselves part of the social partners structures of Member States which have the capacity to negotiate agreements, and which are representative of all Member States, as far as possible; (3) have adequate resources to ensure their effective participation in the consultation process.* In 1996, it adopted a consultation document³ that sought to bring together the widest range of views on the measures to be employed in fostering and strengthening European social dialogue. At that point, given that the social partners at European level were, and still are, in the process of structuring themselves and accepting new applications for membership, the European Commission conducted a study on the representativeness of inter-professional and sector organisations in the European Union, and in a new communication⁴ in 1998, announced the measures that it proposed to take in order to adapt and promote social dialogue at European Union level. In it, the Commission reaffirmed the three criteria established by the 1993 Communication, permitting European organisations to be recognised as representative for consultation purposes under Article 3 of the Social Policy Agreement. Finally, in 2002, the Commission reaffirmed its support for a strengthening of social dialogue in its communication *The European social dialogue, a force for innovation and change*⁵. In the respect of the three criteria set up by the Commission, as has been pointed out in previous studies⁶, *the changes focus on the disappearance of demands relating to the inter-sector nature of organisations and on the fact that they are established in all Member States; the new rules have not been formulated in a very restrictive manner, they only require employers' and workers' organisations to represent "several" Member States. This relaxation of the implementation condition might pose a demarcation problem in the sense that there is no criterion setting out a minimum number of Member States to activate it.*

Against this background, it is clear that one of the main issues, both for the Commission and for the European social partners, is the enlargement of the European Union and its impact on the process of social dialogue at Community level: *The Communication underlines the vital role and the weaknesses of social dialogue in the candidate countries. Much has been achieved over the past decade with the support of Community programmes and initiatives. However, a lot remains to be done to strengthen the capacities of social partners and involve them in the accession process*⁷. As far as the European Commission is concerned, it is *only with sufficiently robust national structures that the social partners will be able to participate effectively in negotiations and in other European social dialogue activities and also implement agreements at national level*⁸.

² COM(93) 600 final of 14 December 1993, Communication from the Commission concerning *the application of the Protocol on Social Policy*.

³ COM(96) 448 final of 18 September 1996 concerning *the development of the social dialogue at Community level*.

⁴ COM(98) 322 final of 20 May 1998, Communication from the Commission, *Adapting and promoting the Social Dialogue at Community level*.

⁵ COM(2002) 341 final of 26 June 2002, Communication from the Commission, *The European social dialogue, a force for innovation and change*.

⁶ Spineux A., Walthery P. et al., *Report on the representativeness of European social partners organisations*, Report coordinated by the Institut des Sciences du Travail of the Université catholique de Louvain, for the European Commission, Directorate General for Employment, Industrial Relations and Social Affairs, Louvain-la-Neuve, 1998.

⁷ *Op cit.*

⁸ *Op cit.*

The development of social dialogue, therefore, formed part of the “*acquis communautaire*”(community achievement): *The Treaty requires that social dialogue be promoted and gives additional powers to the social partners. The candidate countries are, therefore, invited to confirm that social dialogue is accorded the importance required and that the social partners are sufficiently developed in order to discharge their responsibilities at European Union and national level, and to indicate whether they are consulted on legislative drafts relating to the taking over of the employment and social policy acquis... Therefore, the development not only of tripartite structures but also of autonomous, representative bipartite social dialogue is an important aspect for the future involvement of the candidates countries' social partners in the social dialogue activities developed at European and national level*⁹.

Enlargement of the European Union is a major issue from a quantitative and qualitative point of view: *The quantitative leap is quite clear as soon as the number of partners rises. The delegations taking part in social dialogue will be enlarged, and that, as we know, does not facilitate dialogue. However, the leap is also qualitative in that the new entrants present the industrial relations systems they have inherited from their national histories*¹⁰. By and large, most of the country studied are notable for strongly developed tripartism, but for weakness at central bipartite level, in social dialogue at sector level, and at the level of organisations, particularly employers' associations.

The aim of the report is to produce a study that sets out both brief descriptions of the way that social dialogue functions in the countries concerned, and descriptions of the various workers' and employers' organisations involved in social dialogue at sector level. This study may be seen as a tool to help understand these quantitative and qualitative factors. It will also make it possible to understand the various systems of industrial relations in different countries, and to introduce the actors involved in social dialogue.

RESEARCH APPROACH AND COMMENTS ON METHODOLOGY

For the purposes of this study, a network of University researchers throughout the 15 European Union Member States and candidate countries was set up. These researchers in Industrial Relations are independent of both the European Commission and employers' and workers' organisations. Each researcher was charged with drawing up a report based on a common template. A questionnaire tailored to the specific realities of the professional football players sector was elaborated to that effect. Each national report issued by the expert was submitted to the national organisations in order to enable them to make comments on collected data. The IST took charge of coordinating the study and drawing up the summaries. Constant communication and ongoing collaboration between the IST, national experts and national organisations takes place in order to associate the various players of the process of research. The report is also checked by the European organisations and their members in order to enable them to make comments on the report. This phase of consultation represents an important stage of research. Lastly, the report is checked by the European Commission's services. The IST wishes to stress its independence with regard to the political consequences and decisions which may be made on the basis of this study.

The research process, in its design, comprises a phase of collection of data on the players and the social dialogue in which they participate, but also an active approach embracing the building of a consensus, which is an integral part of the process of social dialogue itself. Thus, whereas in a good number of cases the data collected do not permit total definition of the role played by the organisations, the contacts made during the data collection and the discussions with the different players concerned should be an integral part of a process of mutual recognition¹¹. The main sources used within the framework of this study are thus the social partners themselves.

Lastly, a few words on the consultation process involving the European social partners must be added. The organisations which have been consulted are cited in annex. The comments that the IST received from these organisations, and those of their members have been incorporated in different ways, depending on the kind of information received:

- The observation is directly included in the content of the report

⁹ *Enlargement of the European Union. Guide to the negotiations. Chapter by chapter*, European Commission, DG Enlargement, June 2003.

¹⁰ Léonard E., Spineux A., *Les relations industrielles en Europe aujourd'hui*, Institut des Sciences du Travail, UCL, 2003 (unpublished).

¹¹ Reply to Call for Tenders VT/2002/83. Studies on the representativeness of the social partners at sector level in the European Union and monographs on the situation of the social partners in the candidate countries, Institut des Sciences du Travail, UCL, 2002.

- When a difference of opinion exists between the employers' or workers' organisation and the expert, the observation is included as a footnote in the report, as well as the justification of the expert.

The consultation for this report on the professional football players sector took place during the months of November-December 2005 and January 2006.

Finally, given that national situations are very changeable and evolve rapidly, it is important to stress that the aim of this study is to take "a snapshot" of the situation of the organisations in 2005. Interviews with the organisations took place, and the national reports were written, between July and September 2005.

DEFINITION OF THE SECTOR

There is no NACE classification corresponding to the sector. The subject of this study is professional footballers (PFs). Amateur footballers (or amateur football) are not targeted, but if the expert feels that it is necessary or interesting to collect data on them, in order to gain a better understanding of the sector, he may include it in the report. Finally, professional activities related to professional football (trainers, physiotherapists, doctors, technical personnel etc.) have also been excluded from the field of the study.

ORGANISATIONS' ABBREVIATIONS

ABF (Association of Bulgarian Footballers)
 AFAN (Association of Amateur -and Non-Amateur Players in Romania)
 AFR (Romanian Footballers' Association)
 BFU (Bulgarian Football Union)
 BNS (National Trade Unions Block)
 BPFL (Bulgarian Professional Football League)
 EFFC (European Federation of Professional Football Clubs)
 EPFL (European Professional Football Leagues)
 ETUC (European Trade Union Confederation)
 FIFA (Fédération Internationale de Football Association)
 FIFPro (Fédération Internationale des Associations Footballeurs Professionnels)
 FRF (Romanian Football Federation)
 KBV (Premier League Professional Football Clubs' Foundation of Turkey)
 LPF (Romanian Professional League)
 PFA (Professional Footballers' Association - Turkey)
 TFF (Football Federation of Turkey)
 TURFAD (Footballers' Association of Turkey)
 UEFA (Union des associations européennes de football)

NATIONAL REPORTS

BULGARIA

1. Contextual data in the sector

Players (2004/2005 season – source: BFU, July 2005)

Category	Number of players	National players	European players ¹²	non-European players
Professional players	800	741	50 of whom 12 are EU and 38 are non-EU players (e.g. from Macedonia, Serbia and Ukraine)	9
Semi-professional players	0 (no such category in Bulgaria)	0 (no such category in Bulgaria)	0 (no such category in Bulgaria)	0 (no such category in Bulgaria)
Amateur players	> 40,000	> 40,000	0	1
Total	> 40,800	> 40,741	50	10

Clubs (2004/2005 season – source: BFU, July 2005)

Sub-sectors	Number of clubs	clubs in 1 st or top division	Clubs in 2 nd division	clubs in 3 rd and lower divisions
Professional clubs	44	16	28	0
Non-professional clubs	412	0	0	412
Total	456	16	28	412

2. General regulation

There are three actors: the Bulgarian Football Union (BFU), the Bulgarian Professional Football League (BPFL) and the Association of Bulgarian Footballers (ABF). The BFU is the supreme organisation; it establishes the rules, usually together with the Bulgarian Professional Football League. The BFU establishes general rules and regulations, and also issues licences. The status of the League is similar to that of a chamber of employers. In reality, the BFU and the BPFL act together on many matters, although they are

¹² Actors in the Bulgarian football sector are keen to highlight the distinction between EU and non-EU players in the 'European players' category. Efforts are currently being made to reduce the number of both non-EU players and non-European players. The Association of Bulgarian Footballers has suggested reducing the number to 3 players (they are now 47), and the other actors agree. The actors have also reached consensus on the need to draw up a better set of criteria for the recruitment of non-EU and non-European players as soon as possible. By doing so, they hope to achieve two positive outcomes: a decrease in the number of poor quality foreign footballers playing for Bulgarian clubs, and thereby improved quality of performance, and opportunities for young, talented Bulgarian players to enter the professional game.

autonomous in terms of legal registration and insofar as they have separate ruling bodies – in other words, they are different legal entities. However, the BPFL is closely linked to the BFU because:

- the League is member of the BFU;
- the League was established by the BFU;
- leading figures in the BFU play significant roles in the BPF League's decision-making. The League's President argues that the League is a structure of the BFU.

In short, the League is subordinated to BFU, that is to say the BFU is the most powerful decision-making : on the whole, relations between the three actors (the BFU, BPFL and ABF) are based on cooperation, but other actors tend to take their lead from the BFU because of its superior organisational status in the football sector. There are no major conflicts between the organisations.

Collective bargaining is left to the Bulgarian Professional Football League and the Association of Bulgarian Footballers. The state does not play any significant role. The organisation of professional football is left to the discretion of its participants.

3. Status of the professional player

There is a legal definition of the status of the professional football player. It is enunciated by the BFU, and accepted by the Ministry of Sport and Youth¹³, but there is no specific legislation governing professional footballers and other sports players.

The club is the professional footballer's employer. Since 2006, players will be employed under "civil contracts". These are usually short-term, but in the case of footballers' contracts, they will be quite long-term, with a maximum of five years' duration. The status of the professional footballer is similar to that of free-lancers¹⁴ and members of the liberal professions. In legal terms, the contracts will be deemed to be fixed-term. A civil contract is a contract for certain jobs or services, but it does not lay down terms of availability for a certain time at a certain place, as is the case for employment contracts. A civil contract means that the employer will not bear the cost of social insurance or health insurance: players will be given a registration number/VAT number as if they were self-employed. The reason of this change is that players will have a lower tax liability (they will qualify for 50% recognised expenses), and the employer will not pay for insurance. Similarly, labour inspectors will not bother them by asking why they work at weekends and if they are paid for overtime. There is no part-time option for Bulgarian footballers.

A standard employment contract has been developed by the BFU for professional footballers: it covers matters such as training and the player's and the club's obligations, but it does not deal with the minimum wage in the sector. The actors are currently drawing up a new type of contract in the light of changed status of professional footballers (i.e. the shift from salaried to self-employed worker).

The current employment contract is partly regulated by the Labour Code insofar as the Code sets out general terms of employee protection, and these cannot be annulled by the players' contract. The BFU also has an Arbitration Commission that monitors compliance with the Labour Code. It would be wrong, however, given that the working arrangements of footballers are very specific, to imagine that the substantive clauses of players' contracts are not regulated by the Labour Code in a practical way.

Professional footballers benefit from a similar form of social protection to that enjoyed by other workers. The actors also intend to set up a special pension fund very soon to provide players with additional insurance and to guarantee them a decent living after they stop playing.

¹³ There are no such definitions and regulations for other sports players.

¹⁴ According to G-14, "the fact that the relationship between professional football players and their clubs in a number of new member states is still not indisputably based on labour law further complicates the possible establishment and functioning of players' unions, and also negatively affects the conditions for commencing social dialogue and subsequently concluding collective agreements in the respective national professional football sectors."

4. Social dialogue

There is no typically institutionalised social dialogue in the sector: no tripartite councils, and no signed bipartite collective agreements (CAs) at sectoral or company (i.e. club) level. Professional footballers negotiate with their employer (i.e. the club) on an individual basis.

There are, however, regular informal meetings between the three actors active in the sector (the BPFL, ABF and BFU). Informal bipartite meetings between the BPFL and ABF take place as well¹⁵. In this sense, there is adequate (informal) bipartism and there are sufficient tripartite-like practices, although in this tripartite-like structure, the national association, the BFU, plays the role of the state. Given that the League is somewhat dependent on the BFU, autonomous social dialogue is unlikely to take place in the foreseeable future. In other words, and leaving to one side the fact that the BFU refuses to take responsibility for collective bargaining, bipartite dialogue involving only the League and the ABF is not on the agenda for the time being. In short, social dialogue will be strongly influenced by the third party, the BFU, and that is why it is difficult at the moment to carry out an analytical separation between bipartite and tripartite-like practices.

Informal meetings between the three bodies focus on:

- improving regulations in the sector;
- establishing criteria for recruiting non-EU players (at the moment the aim is to reduce their number);
- the new employment status of professional footballers;
- insurance matters.

The procedure of informal negotiations between the three negotiating parties usually ends with a joint decision, which the BFU transposes into an official mandatory regulation (ordinance).

The trade union in the sector has announced that it has a long-term aim to set up a genuine social dialogue structure. The League is prepared to help achieve this goal, but it seems that the initiative will have to come from the union.

There are trade union delegates in the professional clubs: they are the team captains, who have in turn established a Council of Captains, a trade union consultative body. The chairman of the Council, who is himself a club captain, usually attends meetings with representatives of the trade union.

5. Organisation(s) active in the sector

a. National Association

The Bulgarian Football Union (BFU) was originally founded in 1923, but its most recent legal registration dates from 1992 shortly after the democratic transition. It is a NGO, and is the football sector's supreme body. Its sources of finance are the membership fee, income from economic activities, and subsidies from FIFA and UEFA. There are 456 clubs affiliated to the BFU; of these, 44 are professional clubs (i.e. there is a coverage rate of 100%).

¹⁵ As evidence of the view that consultations are becoming more regular, two actors, the BFU President and the ABF General Secretary, agreed in May 2005 to meet at least once a month.

The main roles of the national association in organising professional football are as follows¹⁶:

- establishing the rules of the game (in compliance with FIFA requirements);
- scheduling fixtures (together with the BPFL);
- selling commercial rights (together with the BPFL);
- refereeing (together with the BPFL);
- disciplinary matters (together with the BPFL).

Transfers and collective bargaining matters are not included in the list.

Professional players and/or their representative organisation(s) are not represented in the national association.

The BFU takes part in informal consultations with the BPFL and ABF.

The organisation's three main goals for the next five years are:

- to build a modern training base (with the necessary equipment);
- to develop women's football;
- to license professional players in line with UEFA requirements.

b. Organisation(s) of professional football players

The Association of Bulgarian Footballers (ABF) was founded in 1999 as the "National Football Syndicate"; it was renamed in 2005. The establishment of the ABF was supported by the League and the national association, and is recognised by the latter. Its legal status is that of an NGO. Its sources of finance are the membership fee, economic activities, services for members, sponsorships and bequests. The Association also receives financial support from the League.

The missions assigned to the ABF by its members involve defending players' rights and representing them vis-à-vis other actors in the sector (the BFU and the BPFL). The Association is empowered to negotiate on behalf its members in the following areas:

- working conditions;
- insurance;
- professional career development.

There are no signed documents because communication is extremely informal. The Association has not delegated its power of negotiation to a European organisation.

The organisation's three main goals for the next five years are:

- affiliation to FIFPro;
- the establishment of a tripartite council for social dialogue with the BPFL and the BFU;
- the setting up of a footballers' pension fund.

¹⁶ Formally, there is no obligation on the BFU to collaborate with the BPFL on these matters. The fact that it does so is evidence of goodwill on the BFU's part.

Professional footballers' organisation(s) (2004/2005 season – source : ABF)

Organisation		Members	Members working as football players	Professional players working as footballers as a proportion of the total membership	Density of professional footballers	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Number	Number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Asoziazia na bulgarskite futbolisty (ABF)	Association of Bulgarian Footballers	800	800	100	100	No, but informal social dialogue	No	No	No	No	Currently negotiating for membership of FIFPro	No

Density of football professional players: number of affiliated professional footballers compared with the total number of professional footballers in the country CB: Does the organisation take part in collective bargaining?

c. Organisation(s) of professional football clubs

The Bulgarian Professional Football League (BPFL) was founded in 1991 and is recognised by the national association¹⁷. Its legal status is that of an NGO, and its goal is to develop professional football. The League commenced its activities by drawing up the rules and regulations (normative documents) for the championships. In 1994-1995, the League organised a national tournament called the “BPFL Cup Tournament”. The competition took place on three occasions, but in 1997-1998, the League itself won the right to administer the ‘Bulgarian National Cup Tournament’.. Funding comes from publishing, sponsorship, wills, membership fees, state subsidies, income from League property, and commercial companies set up by the League.

The missions assigned by the members to the organisation are the following:

- to develop Bulgarian football and improve its quality;
- to help members to provide optimal conditions in which players can perform to a professional standard;
- to represent professional football clubs *vis-à-vis* the BFU Executive Committee, and to lobby the BFU;
- to defend the rights and interests of licensed clubs

In short, the main competences that the member professional clubs have delegated to the BPFL are¹⁸:

- the establishment of the rules of the game together with the BFU;
- the scheduling of fixtures together with the BFU;
- the sale of commercial rights together with the BFU;

¹⁷ The BPFL is partly independent, because legally and officially it is completely independent. On the other hand, the League is rather dependent on the BFU, and the League President sees it as a BFU structure. The organisational link is expressed by the League’s membership of the BFU.

¹⁸ Formally, there is no obligation on the BFU to collaborate with the BPFL on these matters. It is evidence of goodwill on the part of the BFU.

- refereeing together with the BFU;
- disciplinary matters together with the BFU;
- collective bargaining;
- administration of the 'Bulgarian National Cup Tournament';
- the preparation of guidelines for tournaments;
- the management of commercial and media rights (television, radio and website).

Transfers do not constitute one of the BPFL's competences.

The Association is empowered to negotiate on behalf its members with the trade union on the following issues:

- working conditions;
- insurance;
- professional career development.

There are no signed documents because communication between them is extremely informal. The Association has not delegated its power of negotiation to a European organisation.

The organisation's three main goals for the next five years are as follows:

- administration of the football championship;
- investment in the training of young football managers through the establishment of special fund, and in full co-operation with strong European football organisations,
- the establishment of a genuine organisational (i.e. formal) structure of social dialogue.

Lastly, the BPFL has expressed an interest in joining EPFL, but the Bulgarian League is dependent on the BFU in this respect, and a decision regarding such membership will have to be made by the BFU itself.

Organisations of professional football clubs (2004/2005 season – source : BPFL)

Organisation		Divisions covered	Number of clubs affiliated	% of professional clubs affiliated in the organisation	Density of professional clubs	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	type	number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Bulgarska profesionalna futbolna liga (BPFL)	Bulgarian Professional Football League	2	44	100	100	No, but informal social dialogue	BFU	No	No	UEFA	No	FIFA

Density of professional clubs: number of professional affiliated clubs compared with the total number of professional clubs in the country CB: Does the organisation take part in collective bargaining?

ROMANIA

1. Contextual data in the sector

Players (2004/2005 season – source : FRF)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players	2,436	98%	1%	1%
Semi-professional players	Not relevant			
Amateur players	41,077			
Total	43,423			

Clubs (2004/2005 season – source: FRF)

Sub-sectors	Number of clubs	% in 1 st or top division	% in 2 nd division	% in 3 rd and lower divisions
Professional clubs	21	76%	24%	0%
Non-professional clubs	2,176			
Total	2,197			

2. General regulation

The actors involved in Romanian football are the Romanian Football Federation (FRF), the Professional Football League (LPF) and county football associations (AJFs); the latter include the Association in the Bucharest Municipality. These structures have the following roles:

- the FRF establishes the competition system, approves the calendar for internal and international competitions, approves the classifications for domestic competitions (including Division A), and organises and coordinates the competition programme for Divisions B and C, the Romanian Cup, the national football team, futsal, women's football, and football for children and juniors
- the LPF organises and coordinates the competition schedule for the professional Division A championship, organises the League Cup following a decision taken by the General Assembly, and organises the timetable and schedule of fixtures in the professional Division A, the sale of television rights for matches played by professional clubs affiliated to it, the delegation of observers to watch matches in Division A, the number of players holding a professional licence, and the transfer of players in Division A clubs;
- the county and municipal associations organise and coordinate competition schedules at county and municipal level.

The rules of play are established by the international football board (FIFA), the FRF's role being limited to laying down specific rules such as the criteria for classifying teams in cases where teams tie on points at the end of the season and declaring a winner.

As for the sale of commercial rights, the LPF alone takes decisions on the sale of television rights for matches in Division A; the FRF has the rights on all other divisions in Romanian football and the national team.

Both the FRF and the LPF are autonomous structures, and are governed solely by affiliated football structures; the state plays no part in the way they are run. They are organised and function under the terms of Law 69/2000¹⁹, and subsequent changes and amendments are made “according to their own statutes, which comply with the provisions of the law and with the statutes of the corresponding international federations”²⁰, and are in turn approved by the General Assemblies of both structures. The state may only intervene through the National Agency for Sports, which gives approval before of a sport federation can be established. This applies to football, as it does to all other sports. The law also states that “in order to take part in professional sports competitions, clubs have to affiliate to their respective national sports federation and, if necessary, to their respective professional league.”²¹

From an organisational point of view, the FRF is the most important footballing body in Romania, the LPF being a subordinate structure, albeit with partial autonomy in relation to the FRF. Each structure has its own boards, well defined statutes, obligations and competences. The main difference between them is mainly related to the level of footballing competences: whereas the FRF has prerogatives and decision-making powers regarding the organisation of all football activity, the LPF has prerogatives only as far as professional football in Division A is concerned.

3. Status of the professional player

Professional players are defined as those who have signed an individual contract of employment with the club they are legally registered with, and are covered by all the rights and obligations in employment legislation.”²² “Proof of the status of professional footballer is the licence issued by the FRF or LPF, as the case may be.”²³

The footballer’s employer is the football club with which the player signs an individual employment contract; it is by signing this contract that the player acquires the status of club employee. There are no part-time contracts; only full-time ones.

A professional footballer’s individual contract of employment complies with employment legislation that is to say with the Labour Code. All professional players qualify for all rights enjoyed by other salaried employees in any other sector (e.g. access to health insurance and pensions). Insurance against injury or death is mandatory for all clubs, and it follows that all players are insured ; the only problem is that these policies are worth very little, and individual players have to take out additional cover.

There is no standard contract for professional footballers, each club having its own form of contract, but the principal clauses are very similar²⁴.

¹⁹ The Physical Education and Sports Act, Official Monitor of Romania, No 200/September 2000

²⁰ The regulations for organising football activity, Chapter V, Article 36(5)

²¹ Op. cit., Article 31(2 and 4)

²² The status of non-amateur players, Section I, the Individual Employment Contract , Article 26(2) (FRF Statutes and Regulations)

²³ Op. cit., Article 33

²⁴ Employment contracts set out the obligations as a player (e.g. participation in training sessions and in official and friendly games, and compliance with the internal regulations of the club where the footballer is employed) and as an employee (e.g. the provision of training and playing conditions, the provision of equipment, transport and accommodation when the team has to travel , the payment of salary, the function of performance, participation in competitions, bonuses, and the achievement of certain team objectives).

4. Social dialogue

There is no tripartite dialogue within an institutionalised structure. According to representatives of footballers' organisations, this kind of dialogue only takes place in crisis situation.

One bipartite collective agreement was negotiated and signed in 1999 for a period of one year, and supplementary legislation provided for its validity to be extended to 31 December 2003²⁵. Since the validity of this collective agreement expired, no further agreements have been negotiated and signed. LPF representatives say that the Divisions are not constituted and organised on the basis of employment law, and that they therefore do not meet the conditions of collective agreement legislation for the LPF to be a legal negotiating party to the collective agreement. The LPF does not represent all players (i.e. professionals and amateurs playing in all the divisions), but only those in Division A, and is therefore unable to negotiate on behalf of all of them; however, the leaders of the Association of Amateur and Non-Amateur Players in Romania (AFAN) say they have often approached the LPF with a view to negotiating a new collective agreement, but the latter has made a number of excuses for not commencing negotiations, and is refusing to sign a new agreement, thereby breaching collective agreement law. Through the Trade Union Confederation to which it is affiliated, the AFAN has approached the Ministry of Labour, Social Solidarity and Family and sought its support in making the LPF comply with legislation relating to collective agreements. However, under sports law and the FRF's statutes, the League is obliged to negotiate collective agreements. We therefore have two conflicting laws.

There is no formal, institutionalised structure of social dialogue, for example, a social dialogue commission, at either FRF or LPF level. The absence of a formal structure means that social dialogue take place informally. In the long term, it may provide a basis, and may also constitute a factor that could later lead to the establishment of a formal, institutionalised structure for social dialogue.

There are no collaborative relations between the two players' trade unions, the AFR and the AFAN.

There is no collective bargaining at the level of professional clubs, and the clubs have no trade union delegates or representatives.

Finally, at European level, none of the organisations active in Romania has relations with the EFFC. As for the EPFL and G-14, Romanian organisations have expressed no opinion, either favorable or unfavorable: representatives of the organisations questioned say they have no relations with these two bodies, and can give no opinion. The AFR and the AFAN say that FIFPro is the most important structure at international level as far as defending and respecting players' rights is concerned.

²⁵ The collective agreement included provisions relating to the content of individual contracts of employment: the timing and type of activities; working hours, leave and safety; conditions for preparation (training); clauses relating to changes in individual contracts of employment; conditions relating to transfers; conditions relating to the termination of individual contracts of employment; salaries and other financial benefits (e.g. compensatory payments, additional payments and bonuses (match bonuses, and bonuses for scoring goals and achieving objectives)); social protection; players' health protection; and workplace discipline.

5. Organisation(s) active in the sector

a. National Association

The Romanian Football Federation (Federatia Romana de Fotbal, FRF) “is a private legal person with public utility, an autonomous, non-governmental and apolitical not-for-profit body.”²⁶. It was founded in 1930.

The FRF lays down the regulations that govern football activity in Romania: the rules of professional football; disciplinary rules; regulations regarding the status and transfer of players; rules regarding the status of football coaches; rules regarding the activity of football referees, observers and other football officials including player-managers; rules dealing with classifications; and regulations covering Romanian national teams.

“The FRF is the disciplinary authority for football activity in Romania, and it enforces this authority through its own structures (...).”²⁷ It is worth noting that the structures that deal with infringements of disciplinary regulations committed by “the FRF, the LPF and clubs officials, club representatives, sponsors, owners, players and other people who are involved in football activity”²⁸ comprise representatives of both the FRF and the LPF. In other words, they are mixed structures: they are the Disciplinary Commission, the Commission for Contracts and Statuses²⁹, and the Appeals Commission.

Both clubs and the LPF, as representative of Division A professional clubs, are represented on the FRF; for example, on the FRF Executive Committee, the Professional Football League is represented by its President, who is also the FRF Vice-President, Division A professional clubs have two representatives each, clubs from 2nd (B) division have a representative. – the clubs from 3rd (C) division have a representative. – the women’s football clubs have a representative. – the youth (junior) football clubs have a representative. – the futsal clubs have a representative. Before the 21 November 2005 General Assembly, the new Executive Committee of the Romanian Football Federation have signed a convention with AFAN (the amateur and non-amateur association) which stipulates the presence of a trade-union representative to all the meetings of the FRF Executive Committee. Two former Romanian International players and former AFAN Executive leaders have received important executive positions in the Romanian FF after the new elections of 2005, while two other former international players are included in the staff of the Romanian FF for the period 2005-2010. The Executive Committee “directs all activity between General Assemblies... it is accordingly responsible for the implementation of decisions taken by the General Assembly.”³⁰. The players’ organisations are not currently represented on any structure. Until the end of 2004, the AFAN was invited to Executive Committee meetings as an organisation representing the players and had a consultative vote but, according to the AFAN leader, the organisation has not been invited to these meetings since the beginning of the 2004-2005 season.

The FRF does not negotiate collective agreements.

²⁶ The Romanian Football Federation Statute, Article 2

²⁷ Disciplinary Regulations, Article 1(1)

²⁸ Op. cit., Article 1(6)

²⁹ According to UEFA, the Player’s Status Committee has to take the place of the Commission for Contracts and Status Committee. The Romanian expert notes that these entities are two different things.

³⁰ FRF Statute, Article 40(1&2)

Generally speaking, relations between the FRF and the players' organisations and LPF are constructive, with each party trying to contribute to the development of the football phenomenon. However, arguments and differences of opinion are not unheard of: One of these arguments arises from the LPF's request to take over certain commissions that are currently coordinated by the FRF; others relate to the sanctions imposed on footballers and clubs for disciplinary reasons.

The FRF's three main objectives for the next five years are

- to continue and intensify actions designed to develop basic (mass) football in the children and juniors' sector with a view to ensuring a "pool" of future players;
- to raise the level of domestic competitions, and to strengthen club and national teams so that the country continues to perform better in international competitions;
- to modernise and develop a football infrastructure for club, national and other teams in the country.

The FRF is directly affiliated to UEFA and FIFA.

b. Organisation(s) of professional football players

The Association of Amateur -and Non-Amateur Players in Romania (AFAN) was founded in 1991³¹. The AFAN is an apolitical trade union, and employs 5 full-time workers. Its funds come from subscriptions, sponsorships and donations; other revenue from the activity of certain companies, from selling the personal image of players, and following negotiation of the collective agreement; and from FIFPro solidarity funds. The AFAN is recognised by the Romanian Football Federation. It was set up for the purposes of establishing a structure that could promote and defend the interests of footballers in their relations with clubs and with other structures in Romanian football, such as the Professional Football League and the Romanian Football Federation. The Association was conceived as a union structure that would represent the entire football sector in Romania, that is to say all players, both amateur and non-amateur, irrespective of the division in which they play, and including Romanian players who have contracts abroad.

The organisation negotiates on behalf of its members. Its work mainly focuses on changing the regulations with a view to improving working conditions and the level of salaries, helping players to negotiate their individual employment contracts, and negotiating the collective agreement at football sectoral level. One collective agreement has been signed by the AFAN, but it is no longer in force (see point 4, 'Social dialogue').

The consultation process between the two national football structures, the FRF and the LPF, is gruelling, and matters are rarely finalised. According to AFAN leaders, the two structures referred to above are unreceptive to its requests for consultations on various issues relating to football activity and to footballers' specific problems. The commencement of these consultative meetings is frequently postponed, and the AFAN is often compelled as a result to address the two structures in writing. Consultations usually take place at the AFAN's request; they are very rarely initiated by the FRF or the LPF. Usually, such consultations refer to amendments to the Regulation on a player's status and transfer (RSTJF), and aim to improve the legal framework for implementing the terms and conditions set out in the contract.

At European level, the AFAN has delegated its bargaining power to FIFPro.

The Association's three main objectives for the next five years are:

- to sign a permanent collective agreement at the level of the football sector;
- to set up a structure (e.g. a school or seminars) to help players move into other fields after their playing careers come to an end, given that not all of them can remain in the sport, for example as coaches or referees ;

³¹ It is organised and functions under the terms of Law No 54/1991, amended and supplemented by Law 54/2003 (The Trade Union Act, Official Monitor of Romania, No.073/02.05.2003) and according to its own Statutes.

- to establish training conditions for players who are not under contract for a period of time, or who have been banned.

The Romanian Footballers' Association (AFR) was founded in 2003 following a street protest by certain players at the end of 2002. Those involved were asking for financial rights and for the LPF President to be replaced. According to the AFR's leader, a small group of leading players at the time thought, on the one hand, that the job of a footballer was to play on the pitch and not march on the streets, and, on the other, that the footballers' representative body at the time, the AFAN, had failed to organise dialogue with decision-makers in Romanian football with a view to finding solutions to the otherwise genuine problems facing players. As a result, the AFR was set up as an alternative channel for resolving disputes between footballers and clubs through dialogue.

"The AFR is a private legal person, a not-for-profit body... its aim is to create and defend the professional, social, material and other rights of Romanian football players, irrespective of their status (i.e. amateur or professional), and irrespective of the division, league or country where they play."³² It was founded, and is organised and functions, on the basis of Government Ordinance No 26/2000. The AFR is recognised by the FRF. The organisation employs four salaried workers, and its funds come from subscriptions and sponsorship.

The members have assigned the AFR the following tasks: to develop new working agreements for players at football clubs and in teams with which the AFR has relations, and through management agencies for players; to forward memos addressed to members reinstating players or referring to the status of players (termination of the contract of employment outside the provisions of the contract); and to handle the documents a player signs with a club, additional clauses, attachments to contracts and transfer papers. The Association does not negotiate on behalf of its members, and neither negotiates nor signs collective agreements at the level of the football sector.

With regard to the consultation process, the AFR often takes part in consultative exercises with the FRF and, to a lesser extent, with the LPF³³. As there is no institutionalised dialogue structure, these are usually informal meetings.

At European level, the AFR has not delegated its bargaining power to any European organisation.

The organisation's three main objectives for the next five years are:

- to sign a collective agreement at the level of the football sector, and to institute dialogue with decision-makers in Romanian football;
- to continue at a higher level the work of educating footballers with a view to preparing them for the time when they give up playing (e.g. completing their studies and vocational education) and the establishment of a special pension fund for players;
- to participate in the setting up a coherent legislative framework to regulate relations both between players and the FRF and LPF and between the FRF and LPF and the players' organisations.

³² AFR Statutes, Article 3

³³ The main issues discussed at these consultative meetings are : proposals for improving the regulations and players' status; applying the regulations that govern the game uniformly for all clubs and all players, irrespective of the division or the player's status (sanctions for the same offence frequently vary depending on the player or club); all clubs to have insurance policies to cover players' injuries or death ; registering all players' individual contracts of employment at the Territorial Labour Chamber, so that they are covered by rights conferred by the status of employee, and enjoy basic legal rights in the event of a labour dispute. The AFR does not sign declarations of intent or protocols.

Professional footballers' organisation(s) (2004/2005 season – sources: the organisations)

Organisation		Members	Members working as football players	Professional players working as footballers as a proportion of total membership	Density of professional footballers	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Number	Number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Asociatia Fotbalistilor Amatori si Nonamatori din Romania (AFAN)	Association of Amateur and Non-Amateur Players in Romania	1,234	750 (of whom 235 are non-active)	60 (including non-active players)	30.8	No, although there has been in the past.)	BNS	No	No	ETUC	FIFPro	ICFTU
Asociatia Fotbalistilor Romani (AFR)	Romanian Footballers' Association	898	884 (of whom 44 are non-active)	98 (including non-active players)	36.3	No	No	No	No	No	No ³⁴	No

Density of professional football players : number of affiliated professional footballers compared with the total number of professional footballers in the country CB: Does the organisation take part in collective bargaining?

c. Organisation(s) of professional football clubs

The Romanian Professional League (LPF) was founded in 1993, and employs 12 salaried workers. Income derives from revenue from taxes and sanctions, a 6.5% share of the contract for the commercial rights of football matches in Division A, and sponsorships and other sources.

According to Law 69/2000, "the LPF is a private legal person, an autonomous, non-governmental, apolitical and not-for-profit body."³⁵ It is organised and functions under the terms of Law 69/2000 and of Government Ordinance 26/2000.³⁶ "The LPF is constituted as the association of professional football sports clubs, irrespective of their form of organisation,

³⁴ In 2003, the AFR sought recognition by, and affiliation to, FIFPro, but its application was turned down because of a Federation rule whereby only one body can affiliate to the organisation from a given country. After FIFPro Secretary-General Theo van Seggellen visited Romania in March 2003, the organisation said it had hoped to collaborate and communicate with FIFPro, but the AFR has continued to be marginalised: it is true that the AFR accepted an invitation to take part in a meeting in August 2004 in Amsterdam with a delegation from the FIFPro and the AFAN, but, for reasons that the AFN is unaware of, the meeting did not take place. The AFR proposes the introduction of an amendment to FIFPro rules whereby FIFPro guest members or observers would have the right to request, and receive assistance in solving certain problems that confront the organisation and the football players it represents.

³⁵ The Physical Education and Sports Act, Official Monitor of Romania, No. 200, 9 May, 2000, Article 42(2)

including clubs that participate in the Division A championship.”³⁷ “The LPF is listed in the National Associations Register at the Bucharest Court House and in the sports register of the National Agency for Sports (ANS). It also has an Identity certificate issued by the ANS.”³⁸

The LPF is recognised by the FRF. According to its own rules, the LPF is obliged to respect the FRF’s statutes and regulations as well as those of UEFA and FIFA. The LPF is a partly autonomous structure. It also has all the prerogatives of an independent organisation, with the exception of those that refer to regulations and statutes, as in this respect it is subordinate to the FRF. Statutes and amendments to statutes are approved by the LPF General Assembly, but they also have to be approved by the FRF. The LPF President is also the FRF Vice-President.

The LPF delegates the following competences to affiliated clubs:

- assigning the commercial rights for matches in Division A;
- scheduling fixtures in the Division A championship;
- representing affiliated clubs in relations with the FRF, the ANS and other governmental structures and legal persons, concerning issues related to the affiliated clubs;
- appointing the representatives of affiliated clubs (from the club Presidents) to the FRF Executive Committee.

On behalf of its affiliates, the LPF negotiates the assignment of commercial rights for matches in Division A, but it neither negotiates nor signs collective agreements at professional football level, although it has done so in the past (see point 4, ‘Social dialogue’). Following discussions with the Ministry of Labour, Social Solidarity and Family, the LPF has concluded that it is not obliged to sign a collective agreement at the level of the football sector, since it does not meet the conditions of an employer; however, subject of the will of its members, the LPF can sign a collective agreement with the footballers’ trade union. The LPF will therefore be negotiating a collective agreement with the AFAN this year.

With regard to the consultation process, the main partner in consultations and dialogue is the FRF. The LPF signs an annual protocol with the FRF, which sets out matters that mainly concern the LPF’s competences in organising the Division A championship. It also holds consultative meetings with the two players’ organisations (the AFAN and the AFR) over matters of common interest e.g. clubs’ compliance with footballers’ individual contractual terms, insurance in the event of injury or death, the transfer of players, the collective agreement, and employment disputes between players and clubs). In these circumstances, it does not sign declarations of intent or protocols.

At European level, the LPF has not delegated its bargaining power to any European organisation.

The organisation’s three main objectives for the next five years are:

- to promote professional football in Romania;
- to improve the standard and level of performances of professional clubs;
- to ensure good conditions enabling Romanian teams to perform better in European competitions.

³⁶ The Associations and Foundations Act Official Monitor of Romania, No 039/31.01.2001

³⁷ LPF Statutes, Article 1

³⁸ Op. cit. Articles 5, 6 & 7

Organisation(s) of professional football clubs (2004/2005 season – source: LPF)

Organisation		Divisions covered	Number of clubs affiliated	% of professional clubs affiliated to the organisation	Density of professional clubs	CB	National affiliations		European affiliations		International affiliations	
<u>Original name</u>	<u>English name</u>	<u>type</u>	<u>number</u>	<u>%</u>	<u>%</u>	<u>yes/no</u>	<u>Direct</u>	<u>Indirect</u>	<u>Direct</u>	<u>Indirect</u>	<u>Direct</u>	<u>Indirect</u>
Liga Profesionista de Fotbal din Romania	Romanian Professional League (LPF)	Division A	16 (18 from the start of the 2006-2007 season)	100	76	No, although there has been in the past.	No	No	No	UEFA	No	FIFA

Density of professional clubs: number of professional affiliated clubs compared with the total number of professional clubs in the country CB: Does the organisation take part in collective bargaining?

TURKEY

Contextual data in the sector

Players (2004/2005 season – source: TFF)

Category	Number of players	% of national players	% of European players	% of non-European players
Professional players	5,414	97.62	ND	ND
Semi-professional players	Not relevant			
Amateur players	174,743	100	0	0
Total	180,157			

Clubs (2004/2005 season – source: TFF)

Sub-sectors	Number of clubs	% in 1 or top division	% in second division	% in third and following divisions
Professional clubs	151	11.92	45.69	42.38
Non-professional clubs	4,214			
Total	4,365			

2. General regulation

The Football Federation of Turkey (TFF) is the only organisation empowered to determine the rules of the game, the scheduling of fixtures, the sale of commercial rights, and referring and disciplinary matters³⁹. The Establishment and Operations of the TFF Act No 3813 gives the Federation monopoly power in Turkey, and entitles it to regulate and control all aspects of football activities and the football industry. What is more, direct interference by government in the regulation of professional football leagues and football activities is unlikely because of the TFF's autonomous character and legal personality: politically and ideologically oriented interference by government in the management of the TFF is possible⁴⁰, but rare. Consequently, there are few disagreements over the regulation of football activities; one exception is the distribution of revenue from broadcasting rights (for more details on this problem, see point 5a).

The formal relationship between the organisations representing players and clubs is set out in point 5.

³⁹ The "Youth and Sport General Directorate" has a monopoly control over all sports federations, but the TFF is the only exception to this rule because of its autonomous structure and legal personality.

⁴⁰For example, the present government has amended the Establishment and Obligations of Football Federation of Turkey Act No 3818 by imposing a new requirement that the Director of the TFF must be a university graduate. The purpose of this was to get rid of the previous incumbent.

There are currently three professional football Divisions in Turkey: the Premier Division, the Second Division and the Third Division. The Premier Division has no sub-categories and has 18 clubs in all; it is also known as the “Super Division”.

The Second Division has two sub-categories: Second Division A and Second Division B, and these are further broken down into Second Division B Group A, Second Division B Group B, and Second Division B Group C. Second Division A has 18 clubs, while Second Division B has 51. The Third Division has four categories: A, B, C, and D. altogether, the Third Division has 64 clubs. A total of 151 professional clubs compete in the Turkish professional football leagues.

3. Status of the professional player

The TFF’s Professional Football and Transfer Instruction (PFTI)⁴¹ defines a professional footballer as “a footballer who receives a wage apart from necessary expenses in return for participating in football activities, and who has a contract of employment with his club”. It follows that professional footballers are deemed to be employees. There are no self-employed or part-time professional footballers in Turkey.

The PFTI imposes a single form of employment contract for professional footballers. According to the Instruction, the contract must include the monthly wage, which cannot be less than the statutory minimum wage, the amount and forms of transfer payment, and the term of employment (i.e. the start and finishing dates). The parties may also include special conditions relating to situations and attitudes that may result in the unilateral termination of the employment contract, and other provisions relating to such matters as coaches, health teams and training. The Instruction also requires that four copies of the contract of employment have to be signed by the player and a club representative in the presence of a lawyer. It has to be registered to the TFF within three working days during the registration period.

Although professional footballers are deemed to be employees, their contracts of employment and employment relations are not regulated by current labour law. There is also no special code regulating the employment relations of footballers in Turkey, although these relations are regulated by the Common and Obligations Law because of its specific provisions regarding players’ work, working hours and working conditions. Their terms and conditions, and working and training hours, are to a large extent determined by the parties, the only limitation being that the term of the contact cannot exceed five years.

Regulation of footballers’ contracts of employment by the Common and Obligation Law can create serious problems for professional footballers in terms of the protection of some of their employment rights. Although the TFF guarantees a player’s wages and transfer payments indicated in his contract of employment, it gives no guarantee in respect of any wages or transfer payments that are not referred to in the contract, or the provisions of special agreements. The other problem is that under employment legislation, an employee who is not paid his wages more than 20 days has the right to refuse to work, and can immediately apply to the bailiff’s court, but footballers cannot do so directly, and have to apply to the TFF to collect their wages at the end of the season. Finally, this form of employment contract has a negative impact on the attitude of footballers towards trade unions. Partly due to the nature of their work and partly due to the employment contract, professional footballers do not see themselves as employees: this may not present a problem for Premier Division players as their wages and transfer payments are very high, but it is a very serious matter for players in the Second and Third Division as their vulnerable position means that they very often have to put up with appalling working conditions, low wages and abuse.

Since professional footballers are employees, they qualify for all social security benefits. Like other employees, their social security premiums are paid into social insurance institutions, but the social security premiums of most professional footballers, including those playing in the Premier Division, are paid at the level of the statutory minimum wage, despite the fact that this is illegal⁴². If they are non-active for a while or stop playing football, their social security premiums are not paid⁴³.

⁴¹TTF, Profesyonel Futbol ve Transfer talimatı, May 2005.

There is also a Social Solidarity Fund that was established by the TFF in 2000: its main aim is to provide professional footballers with a pension after they retire.

4. Social dialogue

There is no (formal or informal) tripartite or bipartite social dialogue at any level in the Turkish football industry, and there are no trade union delegates in professional clubs. Although bodies with limited capacity and competency are to be found in some clubs, due to the structure of clubs and the statuses of professional footballers neither employers' organisations nor players' trade unions have developed in any real sense. The review of the structure of the football industry and the TFF's dominant position suggest that the development of fully-fledged social partner organisations and autonomous social dialogue or collective bargaining are almost impossible in the near future.

At European level, neither the Professional Footballers' Association (PFA) nor the Premier League Professional Football Clubs' Foundation of Turkey (KBV) has formal or informal relations with EFFC and EPFL.

5. Organisation(s) active in the sector

a. National Association

The Football Federation of Turkey (Türkiye Futbol Federasyonu, TFF) was established in 1923, and has exclusive authority over determination of the rules of the game, the scheduling of fixtures, the sale of commercial rights, referring and disciplinary matters. The Establishment and Operations of the TFF Act No 3813 gives the TFF monopoly power in Turkey, and empowers it to regulate and control all aspects of footballing activities and the football industry.

The General Assembly (GA), which is the supreme body of the TFF, meets every four years. It constitutes a forum for about 214 delegates from professional football clubs, the Professional Footballers' Association (PFA), the Footballers' Association of Turkey (TURFAD), the Football Foundation of Turkey, the Football Trainers' Association of Turkey, the Confederation of Amateur Sports Clubs, the Active Referees' and Observers' Association of Turkey, the Olympic Committee and certain individuals⁴⁴. The General Assembly's

⁴²This issue is frequently on the agenda, as many people believe that professional footballers and their clubs evade their tax obligations by not paying their social security premiums at real rate. This means that players will receive the minimum level of pension when they retire.

⁴³ According to the President of the PFA, this is very serious problem for those playing in the Second and Third Divisions. Since many of them are not always employed for the whole of their professional lives, only a few manage to have their premiums paid in full during their careers. There are also reports that most clubs in the Second and Third Divisions pay players' social security premiums for only one or two weeks a month, and many of them may not manage to pay enough premiums to receive their retirement pensions. It is a matter of considerable concern that many footballers neither complete their education nor manage to have other professions or occupations during their playing careers because of training sessions and matches, so when they retire or leave professional football, many of them inevitably live in abject poverty.

⁴⁴ No delegates from the Premier League Professional Football Clubs' Foundation of Turkey (KBV) are allowed to attend the TFF General Assembly despite the fact that professional football clubs account for the majority of General Assembly participants with 148 representatives. Premier League clubs are represented by 98 delegates, and the other professional leagues are represented by the remaining 50, but professional footballers are represented by only 5 delegates. The PFA and the Footballers' Association of Turkey, each have 2 delegates, and the Football Foundation of Turkey has 1 delegate.

main areas of competence are as follows: to elect the TFF President and the 14 members of the Executive Committee; to approve or amend the budget; and to alter or otherwise re-arrange the structure of the divisions as a result of an increase or decrease in the number of clubs. All in all, the capacity of the GA to regulate the football industry is rather limited: professional clubs and footballers' associations have no direct impact on issues such as the scheduling of fixtures, the sale of commercial rights, refereeing and disciplinary matters – which are in the hands of the President and the Executive Committee.

Most disputes between the TFF and professional clubs relate to the distribution of revenue from commercial and broadcasting rights. This particular dispute boiled over when the pooling system was established in 1996⁴⁵.

The TFF's three main objectives for the next five years are as follows:

- improving the infrastructure of football in order to allow the country to compete at international level through the expansion of training and facilities;
- inculcating the society with the culture of sport;
- a very strong financial structure to expand the football economy.

The TFF is a direct member of both FIFA and UEFA.

b. Organisation(s) of professional football players

There are three separate organisations for players in the Turkish football sector, but only one focuses on professional footballers; the others⁴⁶ are concerned not only with footballers, but also with people who have contributed to football activities in Turkey in one way or another⁴⁷.

⁴⁵ Under this scheme, the TFF sells the broadcasting rights, receives its 10% share, and distributes the rest of the income according to the rules of the scheme whereby the four leading clubs (Galatasaray, Fenerbahçe, Beşiktaş and Trabzonspor) receive half of the TV broadcasting revenue, and the remaining 14 clubs divide up what is left. The KBV has opposed the TFF monopoly of the TV broadcasting and commercial rights and its guaranteed 10% share of revenue, and 14 out of the 18 Premier League clubs have been voicing their discontent over the unequal distribution of broadcasting revenues for the last 10 years. They have recently started threatening to boycott the forthcoming season unless a more equitable income-sharing arrangement is put in place. This threat has also received backing from the KBV. However, to put an end to the dispute, and to head off a potential split in the Premier League, the TFF has announced a new scheme whereby 35% of broadcasting revenue will be equally shared by all 18 Premier League clubs, with another 44% being divided at the end of the season on the basis of the clubs' performance. Although the scheme has reduced the tension, it has not yet entirely eliminated the potential for conflict as none of the parties were fully satisfied with it.

⁴⁶One of these is the Footballers' Association of Turkey (TURFAD), which seeks to expand football activities and support football players in Turkey; the membership is made up of people who contribute to football activities such as players, coaches, trainers, referees, journalists, club officials and even supporters. It was established in 1989, and has 709 members and 8 branch offices in various parts of Turkey. The TURFAD is recognised by the TFF and sends 2 delegates to the TFF General Assembly. The TURFAD has organised a number of activities including seminars and conferences on such subjects as the place of Turkish football in the world, the future of football in both Turkey and the world, and the effects of the earthquake on football. It has no publications, but it does have a website. The other organisation is the Turkish Football Foundation (TFV). The TFV was established in 1990, and its main activity is to provide people like ex-professional football players, referees, trainers and coaches with social assistance. The Foundation has raised funds from selling its now classic "Atatürk Calendars", and brings out a free publication called "Stadium" during the football season. Its membership includes people who want to support football activities in Turkey. It has 350 members but no branches.

⁴⁷The PFA, TURFAD and TFV enjoy a very good working relationship: although they have different administrative structures, they share the same office in Istanbul. The relationship between the PFA and the TFV is particularly strong. There is also some crossmembership between the two bodies, and they share some costs and activities (e.g. the Director of the PFA is the Editor of "Stadium").

The organisation that deals exclusively with professional footballers is the Professional Footballers' Association (PFA). It was originally set up by a number of famous Turkish players who were active in the Premier League in 1985. The PFA is not a trade union, but an ordinary association with a legal personality. It is a small, under-resourced organisation with little money. It has only one salaried employee. The PFA has no branch offices, and has no plans to establish any.

The PFA's main source of finance is membership dues, but donations from business circles and from current players are much more important to its activities as most of the membership pay their membership dues either irregularly or late. The PFA spends nearly all of its financial resources on providing active, non-active and ex-professional footballers with legal and financial support.

Apart from publishing a book, putting forward alternative kinds of regulation for the football industry, and making few public announcements, the PFA has made few attempts to put the grim situation of professional footballers in the Second and Third Divisions onto the agenda. However, it has recently criticized the TFF for only recognising the single form of employment contract: the PFA argues that unless the TFF also recognises special employment and transfer agreements, professional footballers will continue to be unjustly treated and suffer heavy financial losses.

The PFA is recognised by the TFF, and sends two delegates to the TFF's General Assembly, but it is unable to negotiate on behalf of professional players: it is not authorised either to negotiate collective agreements, or to sign one on behalf of its members.

Professional football players' organisation(s) (2004/2005 season – source: PFA)

Organisation		Members	Members working as football players	Part of professional players in the members working as football players	Density of football professional players	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	Number	Number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Profesyonel Futbolcular Derneği	Professional Footballers' Association (PFA)	400 (of whom 200 are retired)	200	100	3.69	No	No	No	No	No	No	No

Density of football professional players: number of affiliated professional footballers compared with the total number of professional footballers in the country CB: Does the organisation take part in collective bargaining?

c. Organisation(s) of professional football clubs

The Premier League Professional Football Clubs' Foundation of Turkey (KBV) was founded in Ankara in 2000, and is the only organisation for professional football clubs in Turkey. It only represents the 18 Premier Division Clubs⁴⁸. The KBV is not a well-developed, professional body, lacking both resources and personnel to carry out even its most basic activities. It has no publications, although it has recently launched a website and three on-line publications.

⁴⁸ There is currently no corresponding body for Second and Third Division clubs. To become a member of the KBV, a club must be in the Premier League; if it drops to the Second Division, its membership of the KBV lapses, and any club moving up to the Premier League is invited to join.

The central aims of the KBV are to resolve disputes with the TFF over the distribution of revenue from TV broadcasting rights on behalf of professional football clubs, and to draw the attention of the media and the public to the situation (for more details on this dispute, see point 5a).

The KBV is authorised to lobby on behalf of the Primer Division clubs, but does not have the right to represent clubs at the TFF General Assembly. It therefore has no direct role in establishing the rules of the game, the scheduling of fixtures, and the sale of commercial rights, and is not empowered to take part in collective bargaining and sign collective agreements. However, the KBV does provide its members with legal and logistic support in their relations with the TFF, FIFA and UEFA, and provides Premier Division clubs with legal support in national and international disputes and activities⁴⁹.

The KBV's main goals in the next five years are:

- to be able to participate in the TFF General Assembly;
- to achieve a fair distribution of revenue from commercial rights (realised to some extent in the first week of July 2005);
- to increase football club revenues, and to enable clubs to move from statute of association to that of a commercial company

Professional football clubs organisation(s) (2004/2005 season – source: KBV)

Organisation		Divisions covered	Number of clubs affiliated	% of professional clubs affiliated in the organisation	Density of professional clubs	CB	National affiliations		European affiliations		International affiliations	
Original name	English name	type	number	%	%	yes/no	Direct	Indirect	Direct	Indirect	Direct	Indirect
Türkiye 1. Lig Profesyonel Futbol Kulüpleri Vakfı (KBV)	The Premier League Professional Football Clubs' Foundation of Turkey	Premier	18	100	11.92	No	No	No	No	No	No	No

Density of professional clubs: number of professional affiliated clubs compared with the total number of professional clubs in the country CB: Does the organisation take part in collective bargaining?

⁴⁹ According to the General Secretary of the KBV, most of these clubs do not have legal advisors with knowledge of national and international regulations regarding sporting activities; some clubs do not even know anything about their rights and obligations in respect of FIFA and UEFA.

ANNEX : NATIONAL VALIDATION

Bulgaria

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
BFU, Bulgarian Football Union	Stefan Kapralov Todor Peev	Executive Director Chief of Financial dept.
BPFL, Bulgarian Professional Football League	Valentin Mihov	President
ABF, Association of Bulgarian Footballers	Georgy Boychev	General secretary

Romania

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
The Romanian Football Federation (Federatia Romana de Fotbal – FRF)	Cristian Bivolaru	Deputy General Secretary; President of the FRF International Relations
	Dumitru Mihalache	Director, of the FRF Competitions Department
	Dan Cristea	President of the FRF Statistics Commission
The Romanian Professional Football League (Liga Profesionista de Fotbal – LPF)	Valentin Alexandru	LPF General Secretary
	Adrian Ionescu	LPF Press Officer, within the Competition Department
	Corina Bordianu	LPF Judicial Advisor
The Association of Amateur and Nonamateur Players in Romania (Asociatia Fotbalistilor Amatori si Nonamatori din Romania – AFAN)	Alexandru Radulescu	President of the AFAN
	Florin Prunea	Vice-president of the AFAN
The Romanian Footballers' Association (Asociatia Fotbalistilor Romani – AFR)	Eduard Ursu	AFR Executive Assistant

Turkey

Name of the organisation consulted	Name of the person consulted	Function of this person in this organisation
TFF (Football Federation of Turkey)	Metin KAZANCIOĞLU	Executive Committee Coordinator
KBV (Premier League Professional Football Clubs' Foundation of Turkey)	Yunus EGEMENOĞLU	General Secretary
PFA (Professional Footballers' Association)	Turgay ŞEREN	President
TURFAD (Footballers' Association of Turkey)	Zuhal Unver	General Secretary

