

# Champions League and Premier League Player Quotas

By Daniel Geey

## **Introduction**

This article is to give you an understanding about the free movement of football players in the European Community (EC). It will set out cases and the rules and regulations of UEFA, FIFA and the Premier League.

## **Legal Framework**

The laws that govern this issue primarily relate to Article 39 of the EC Treaty. This basically means that every European Member State that is a member of the EC (such as Germany, Italy or Spain for example) has to obey European-wide laws on a number of issues. One such law is Article 39 which relates to the free movement of workers, which include football players. Article 39 only relates to players playing inside a European Member State. Therefore an English player in Japan could not use Article 39 to challenge Japanese football rules.

## **Bosman and the Free Transfer**

The 'Bosman' case is seen by many football commentators as the most significant European football case of all time. Jean-Marc Bosman was a footballer playing for a Belgium club called Leige. His playing contract expired in 1990 but the club that wished to buy him (Dunkerque) did not offer a large enough transfer fee to Leige. As a result Leige held on to his registration and did not allow him to leave the club. The reason why this story is the most important football decision ever made in the EC is because the European courts in 1995 (five years after his complaint) ruled that:

1. when a European footballer came to the end of his contract he was free to sign for any European club he wished and that it was illegal for the club he had played for to hold on to his playing registration; and
2. as foreigner quotas were in operation in European competitions, such quotas which allowed for a limit of three "foreign" players in a team squad were also illegal.

Both issues were ruled unlawful under Article 39. The effect was that Bosman and all other EC football players were given the right to a free transfer at the expiry of their contracts. Some of the biggest Bosman transfers in Europe have included Sol Campbell from arch rivals Tottenham to Arsenal and Steve McManaman from Liverpool to Real Madrid. The summer before McManaman moved to Madrid Barcelona bid £12m for McManaman but the transfer

fell through. Less than a year later he had joined Madrid on a free transfer. Liverpool were not very happy at the money they lost!

The relevance of the Bosman decision is that:

1. European footballers can benefit from letting their contracts expire and then sign for another European club. Players like Michael Ballack took advantage of this with a large signing on fee from Chelsea and wages (reported to be over £100,000 per week when he joined Chelsea from Bayern Munich in 2006; and
2. no quotas can be imposed on clubs by FIFA or UEFA that discriminate on the basis of nationality (as this would conflict with Article 39 as mentioned above).

### **The New Quota Debate**

In the last few years, and because of the influx of many foreign players into European leagues the Premier League, UEFA and FIFA have either implemented or propose to introduce further reforms to limit the number of foreign players playing in leagues like the Premier League, Serie A or competitions like the Champions League or the Europa League. The football authorities have to be very careful however that they do not implement quota systems that would be illegal under the European free movement laws.

UEFA has already implemented new regulations concerning foreign players called the “home grown players” rule. At present, UEFA regulations state that the 25 man squad submitted by a club participating in the Champions League must include 8 “locally-trained players”.

A “locally trained player” can be either “club-trained” or “association-trained”. There is little difference between these two terms, both essentially mean that that player must have been registered with the club (or with another club affiliated to the same national association) for three full seasons, or 36 months, between the age of 15 and 21. The Premier League has recently announced that it will be implementing a home-grown player rule in time for the start of the 2010/11 season. The PL quota rule follows a very similar format to the UEFA rules as discussed above. Home grown players will be defined by the Premier League as anyone registered with the English or Welsh Football Associations for three seasons or 36 months before a player’s 21st birthday.

The important part of the rule is that it applies irrespective of nationality meaning that players such as Cesc Fabregas, Arsenal’s Spanish midfield maestro, counts towards Arsenal’s quota of “locally-trained players” even though he’s about as English as paella!

*Table 1: Current UEFA Rules and PL Rules for the 2010-2011 season*

Total number of players allowed in each <b>competition</b> squad	Total number of players allowed in each <b>match</b> day squad	The minimum number of home-grown players selected in each <b>competition</b> squad	Number of players under the age of 21 permitted to be registered in the <b>competition</b> squad <sup>1</sup>
25	18	8	Unlimited

### The future of foreign player quotas

FIFA has not yet brought any rules on a quota system into place. Its proposals for reducing the number of foreign players in national leagues, include introducing a true quota system for foreign players, where every team must consist of at least 6 players born in the country they play football in. This is important as this restriction is based directly on nationality. This is where the UEFA rules and FIFA proposals differ. The table illustrates the point:

*Table 2: Comparison between FIFA proposals and UEFA and proposed Premier League rules*

Players	UEFA regulations	FIFA proposals	PL regulations for the 2010-11 season
Steven Gerrard playing for Liverpool	Qualifies as a home grown player	Qualifies as national of England	Qualifies as a home grown player
Cesc Fabregas playing for Arsenal	Qualifies as a home grown player even though he was born in Spain	Does not qualify as he was born in Spain	Qualifies as a home grown player even though he was born in Spain

Clubs will not want their ability to purchase the best international players restricted. League's may not want restrictions which lessen the attractiveness of the league product for marketing and television broadcasting sales if only second rate national players (under FIFA's system) can be used because each clubs 'foreign' quota has been reached.

<sup>1</sup> Subject to certain UEFA home grown requirements.

## **Opinion and Conclusion**

From a legal perspective, it appears unlikely that FIFA's proposals will be permissible under European law. Unlike the UEFA and PL rules, the FIFA proposals discriminate on the basis of nationality whereas the reason that UEFA's rules appear not to breach European laws is because they are not based on nationality but where a player of any nationality trained between 15-21 years of age. Sepp Blatter, the FIFA president, appears very insistent that the 6+5 rule will be implemented in Europe. It may mean that some time in the future, a player just like Bosman did in 1990, will challenge such football rules again. It certainly means interesting times ahead. Watch this space!

## **Bio**

Daniel Geey works for London law firm Field Fisher Waterhouse LLP (FFW). FFW has a dedicated sports group that can assist in any type of sporting issue. FFW has expertise in advising on TV and media rights, sponsorship and sports marketing issues, brand protection, betting and gaming, merchandising, ticketing, endorsement, litigation plus the acquisition and funding of sports businesses and stadium development. Contact him at [Daniel.geey@ffw.com](mailto:Daniel.geey@ffw.com).

## **Football Aid**

This article is written in conjunction with Football Aid- a British football charity that raises money for diabetes research and support. The concept of Football Aid is simple - to allow fans, who have only been able to dream about it, the chance to experience the thrill of match day: to pull on their favourite shirt, walk down the tunnel to the sound of the crowd and play an adrenaline fuelled 90 minutes on the hallowed turf of some of the world's greatest clubs. Football Aid aims to bring alive your football dreams and ensure you have the greatest time supporting those in need. For your opportunity to 'Live The Dream' visit [www.footballaid.com](http://www.footballaid.com).