

# SPORT & EU newsletter

Newsletter of the Association for the Study of Sport and the European Union  
 Edited by Andy Smith, Simona Kustec-Lipicer & Chris Platts

Issue 3 — August 2007

## EDITORIAL

Welcome to the third issue of the Sport&EU newsletter which, we think, marks an important watershed in the Association's short, but rich, history. Such has been the growth of interest in the newsletter and the activities of Sport&EU, we are delighted to announce that Chris Platts has been added to the editorial team to help build upon its success. If this is one indication of the growing prominence of Sport&EU in the field, then another was the presence of several Sport&EU members at the 10<sup>th</sup> European Union Studies Association (EUSA) biennial international conference in May. In the first article of this edition, therefore, Richard Parrish briefly reviews the Association's representation at EUSA, and then the abstracts of all the papers presented are included for those colleagues who were unable to attend the conference in person. After two short articles on the increasing use of 'Football for Peace' projects (by Simon Chadwick) and the legal status of professional footballers in the EU (by Boris Kolev), readers will be interested to hear that we have included two new sections that will feature in all future issues of the newsletter. The first, titled 'Issues for Future Discussion', includes brief summaries of key recent developments that deserve future discussion both in these pages and elsewhere. The second section is what, from now on, will be called the Sport&EU Research Digest. We hope that the digest will prove to be an important forum where readers can bring their work on the relationship between, and study of, sport and the European Union to the attention of other colleagues. Samuli Miettinen has kindly agreed to act as editor for this section of the newsletter and we would strongly encourage all readers to read the guidelines for submission to the digest which can be found on page 8. This edition closes by outlining details of plans for a future Special Issue of the *Journal of Contemporary European Research* that will feature papers on the European Union and Sport, as well as a short summary of a key new text in the field. We hope that colleagues continue to find the newsletter of interest and we would once again encourage you to send any contributions or short articles (maximum 500 words) to the newsletter according to the guidelines set out on the final page of this issue.

Andy Smith and Chris Platts,  
*University of Chester, UK*

Simona Kustec-Lipicer,  
*University of Ljubljana, Slovenia*

## SPORT&EU AT THE 10<sup>TH</sup> EUSA CONFERENCE IN MONTRÉAL (CANADA), 15-17 MAY, 2007

The European Union Studies Association (EUSA) is arguably the premier academic scholarly association focusing on the European Union. It was established in 1988 and now has almost 1000 members worldwide. Since 2001, EUSA conferences have staged sports panels. In May 2007, the EUSA held its 10<sup>th</sup> biennial international conference in Montréal, Canada. The strength of our discipline was reflected in two sports panels running. On Friday May 18th, the *EC law and sport* panel heard papers from Jean-Christian Drolet (University of Hamburg), An Vermeersch (University of Ghent) and Samuli Miettinen and Richard Parrish (Edge Hill University). David McArdle (University of Stirling) was unable to present. On Saturday 19th, papers in *the EU and the governance of football* panel were delivered by Arne Niemann (University of Amsterdam), Chris Platts and Andy Smith (University of Chester), Wyn Grant (University of Warwick), Borja García (Loughborough University) and Joaquin Roy (University of Miami). Alexander Brand (University of Dresden) was unable to present his co-authored piece with Dr Niemann. Both panels were Chaired by David Allen (Loughborough University). Both panels were very well attended, despite the second clashing with the FA Cup Final. The abstracts are reproduced below. The 11<sup>th</sup>

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biennial EUSA conference will be held in Los Angeles, California in 2009 and Sport&EU will once again be present.

Richard Parrish  
Edge Hill University, UK  
Honorary Chair, Sport&EU

## The Sport&EU panels at the 10<sup>th</sup> EUSA conference in Montréal



From left to right: Chris Platts; Andy Smith; Borja García-García; David Allen; Wyn Grant; Joaquin Roy; Arne Niemann.



From left to right: Jean-Christian Drolet; An Vermeersch; David Allen; Richard Parrish; Samuli Miettinen.

## MONTREAL ABSTRACTS

### Europeanisation in the societal/trans-national realm: What European Integration Studies can get out of analysing football

This paper seeks to combine our empirical analysis concerning the impact of EU- and European-level developments on socio-economic patterns in the field of German football with the growing Europeanisation research agenda in EU Studies. Most commonly, Europeanisation denotes domestic political changes caused by European integration. Most

studies have taken such a top-down perspective in their conceptualisation of Europeanisation, whereas bottom-up processes and attempts to analyse their interplay have entered the debate only recently. We seek to contribute to this debate by focusing on what we describe as the 'societal/trans-national' dimension of Europeanisation: this dimension encapsulates (1) the level and sphere of change; and (2) the type of agency generating or resisting change. Through analysing five cases of Europeanisation within the realm of German football, we not only want to shed some light on an under-researched field of study for political scientists interested in 'Europeanising' mechanisms. We also aim at exploring the applicability of systemising factors of the Europeanisation process derived from the analysis of political contexts to other areas of social interaction in order to capture hitherto neglected processes. Opening up the field in the societal/transnational direction should add to the awareness of the complexity of Europeanisation processes. In addition, studying Europeanisation in a sphere that constitutes an important and conscious part of people's lives, may also allow us to incorporate the 'Europeanised' life worlds of European citizens into the academic debate. Our five cases are: (1) Bosman I: The Nationality Issue; (2) Bosman II: The New Transfer Regime; (3) Broadcasting Rights; (4) The Champions League; (5) The G-14. Hence, our first three cases are characterised by top-down EU pressures, while cases four and five are characterised by rather different sources of Europeanisation, emanating from domestic and above all transnational spheres.

Alexander Brand, *University of Dresden, Germany*  
Arne Niemann, *University of Amsterdam, The Netherlands*

### Two tiers of representation and policy: the EU and the future of football

The European Union likes to present itself as an 'associative state' that engages in a dialogue with

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civil society, but in practice it often operates as a 'company state' that shows a preference for engaging with big companies and their representatives. This pattern could be said to be reflected in the EU's relationship with G-14 and Uefa. Asymmetries of power between clubs could hence be reinforced, but the relationships are complex, not least because the EU has an interest in using football as a means of tackling its legitimacy problem. This paper suggests that one could interpret the EU's policy towards football as a two tier policy similar to the one it has developed in relation to European agriculture and rural society. Just as policies for competitive and marginal agriculture are run in parallel, it could be argued that there are policies for football as a media product aimed at consumers and football as a means of promoting healthy lifestyles aimed at citizens. This provides a context for considering the current EU review of football, the way that it relates to 'stakeholders' and the possible outcomes.

Wyn Grant

*University of Warwick, UK*

## Extra time: Are the new FIFA transfer rules doomed?

With the Bosman decision, the European Court of Justice (ECJ) forced Fédération Internationale de Football Association (FIFA) to change its transfer rules. These new rules, adopted in July 2001, were supposed to answer the ECJ concerns about the restriction of the free movements of players. In July 2005, the rules were again modified. This paper looks at the 2001 and 2005 transfer rules in the light of the Bosman decision and tries to determine if they really are a long term solution or a quick fix until the next lawsuit. Analysing the rules in the Bosman perspective seems to show that FIFA did try to provide an appropriate answer to the ECJ's concerns. In Bosman, the ECJ declared that a system restricting the free movement of players could be legal if it helped maintain the competitive balance between the clubs and if it encouraged the recruitment and training of young players. Both systems of rules seem to fail to meet these conditions. The main concern is the determination of the costs of training to be paid by the National Associations or the Confederations. If these amounts are too low, it will not prevent rich clubs from buying the best players and will not give enough incentives to clubs to develop young players. Additionally, the players under 23 years of age are still submitted to a restriction of movement. Although these rules are a step forward, they are still far from perfect.

Jean-Christian Drolet

*University of Hamburg, Germany*

## The European Union and UEFA: Transforming or reinforcing football's pyramid?

The governance structures of football, like in many other sports, have evolved overtime relatively independent of public authorities. The so-called pyramid of European football has been traditionally formed by the game's world-wide governing body (FIFA) at the apex, the continental governing body (UEFA) in the middle and the national football associations, national football leagues and clubs at the bottom. This structure, however, has been challenged in the last two decades by a combination of massive commercialisation of the

game, EU decisions aimed at liberalising football as a market-place, and the new demands of the stakeholders involved in the governance of professional football.

This paper will focus on the role of UEFA and its relations with the European institutions within the wider framework of football governance. It will critically assess the evolution of UEFA as a governing body since the Bosman ruling (1995) until current initiatives such as the Independent European Sport Review or the Commission's White Paper on Sport. The paper will analyse how the main football-related decision of the EU in the last decade have affected UEFA as an organisation and its position in the governance structure of football. The paper argues that UEFA's attitude towards the EU has changed completely. Whilst the EU was seen as a threat for UEFA in 1995, it is now considered a 'long term strategic partner'. The paper will also consider the implications of UEFA's position towards public authorities for the future of a possible partnership 'for the good of the game'.

The paper argues that there are three reasons for UEFA's evolution. First, a pragmatic necessity to adapt to the application of EU law to football. Second, a change of the organisation's philosophy. UEFA has modified slightly its core beliefs and policy objectives, focusing more in its public duty of taking care of football as a whole, not just the professional competitions. Third, a strategic vision to preserve its own position within the governance structures of football. By engaging in a partnership with the EU, UEFA has managed to attract the support of public authorities, hence strengthening its position within the pyramid of European football in a moment where other stakeholders are contesting the organisation's legitimacy. European football's governing body (UEFA) strategy towards the EU has changed from confrontation after Bosman to co-operation recently. Behind this new philosophy there is a willingness to engage with public authorities to

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reassert its own position within the governance of football vis-à-vis other stakeholders and to maximise its independence within EU law, but there is also a genuine transformation in its self-perception as an open, democratic and transparent governing body for the good of the game.

Borja García

*Loughborough University, UK*

## Europeanisation, Bosman and the financial 'crisis' in English professional football

During the last two decades or so there has been growing concern over what has been described as the financial 'crisis' in English football. This is not just a media-inspired view, but one that has emanated increasingly from within the football authorities in England, government ministers and others within the professional game following the formation of the Premier League in 1992. It is also a view that has come to be expressed — particularly in light of the financial management of clubs before and after the introduction of the *Bosman* ruling in 1995 — about the financial position of football clubs elsewhere in Europe, such as Italy, Spain and Germany. By drawing upon aspects of figurational sociology, this paper examines how these processes can be usefully understood in terms of the outcomes of the complex combination of intended and unintended consequences of dynamic human figurations. More particularly, by focusing upon the differential interdependency networks in which football clubs are located and which are lengthening and becoming more complex on a global scale, the paper argues that it is not possible to understand adequately the financial restructuring of English football solely by reference to the motives of powerful individuals and groups (such as wealthy benefactors and consortia) or natiocentrically by reference to processes in England alone. Rather, it is argued that the growing financial differentials between clubs in England — as aspects of the commercialization and commodification of the game — can only be understood in the context of, among other processes, Europeanization, globalization and internationalization. The paper concludes by suggesting that the ramifications of these unplanned processes have impacted on clubs differentially in favour of the bigger, richer and more powerful clubs, and have increased further the polarization of these clubs from those which are less financially secure.

Chris Platts and Andy Smith

*University of Chester, UK*

## All's fair in sport and competition?

### The application of EC competition rules to sport

The commercialisation and internationalisation of sporting activities alongside ongoing European integration has put the relationship between the European Union and the sports world under strain. The *Bosman* case marked the start of an intense debate on an appropriate regulatory framework for this evolving relationship. Whereas the Community judges in previous sport related cases had consistently opted for settling the dispute on the basis of free movement provisions, the *Piau* and the *Meca-Medina & Majcen* cases entail the first rulings on the application of EC competition law to sport. This paper tackles the difficulty of separating the economic aspects from the sporting aspects of a sport and the consequences of anti-trust law for sporting associations. Whether the Court of Justice

provided satisfactory guidelines to deal with upcoming legal actions and more generally, whether these guidelines on the application of competition law might influence the governance of sport in Europe, is also considered.

An Vermeersch

*University of Ghent, Belgium*

## The Internal Market Legislative Programme and sport

The Commission's internal market legislative programme has recently resulted in the adoption of a directive consolidating Community law pertaining to the mutual recognition of qualifications and a codification and revision of the general law relating to establishment and the provision of services. The purpose of this paper is to consider these legislative developments and their relevance to some currently outstanding issues related to the application of Community law in the field of sport. Where a dispute relates to the recognition of professional qualifications, Directive 2005/36 retains a distinction between qualifications, covered by the directive, and the authorization to practice, which is regulated under Directive 2006/123. The services directive seeks to clarify the legal position of both temporary providers of services and those who exercise their rights of establishment in other Member States. Particular questions to be answered include whether the home state control rule remains substantially unaltered despite its re-branding as the principle of a freedom to provide services and the consequences of this to sporting rules. The operation of the directive is excluded or restricted in a number of named sectors, the relevance of which will be considered in relation to sport. The directives both also raise issues of horizontal application, particularly where pre-existing Treaty rules might be construed to possess broader remits than their counterparts in the directives. The many questions posed by the directives raise the issue of whether a series of

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specific legislative developments aimed at regulating the internal market relating to sport might be desirable.

Samuli Miettinen and Richard Parrish  
*Edge Hill University, UK*

## SHORT ARTICLES

### Football plays vital role in peace, reconciliation, and development

Did you know that, in recent years, almost 30,000 children, young people and coaches have participated in the Football for Peace Initiative in Columbia which aims to promote peace, social stability and human rights. Elsewhere, partners including the FA, the BBC World Service Trust, Kicking Aids Out and FIFA are working together in Malawi to help build a stable football league structure that can serve as the basis for economic development and an improvement in local journalistic standards. In the Middle-East, Fertile Ground, The New Israel Fund, Football Against Racism in Europe and Kick Racism Out of Football in Israel are collaborating in an attempt to combat racism and violence in Israeli football.

To raise awareness of such initiatives and to promote the positive role that football is playing across the world, the University of London's Birkbeck Sport Business Centre held a panel discussion and Q&A session entitled 'Reconciliation through Football' on 19<sup>th</sup> June 2007 at the University of London's campus in Bloomsbury. Chair for the evening was Jack Jacobs (co-founder of the New Israel Fund and a Birkbeck governor), the panel members being Brendon Batson (Football Association consultant and former Deputy Chief Executive of the Professional Footballers Association), David Davies (former Chief Executive of the Football Association) and Professor John Sugden (University of Brighton). The Guardian columnist David Conn was a late withdrawal, being replaced by Mel Goldberg the sports lawyer.

Audience members reflected the diverse and active contribution that many organisations are making to football-related reconciliation initiatives. Amongst those present were representatives of the Football Association, the Independent Football Commission, the International Business Leaders Forum, the Department of Culture, Media and Sport, the Foreign and Commonwealth Office, the British Council, Kick it Out, the Disabled Supporters Association, UNICEF, the European Commission, football clubs, community groups, charities and fans.

The evening began with an introduction by Jack Jacobs who, rather modestly, neglected to mention any of his work in the area of reconciliation. For a number of years, Jacobs has been at the forefront of attempts to bring Israelis and Palestinians together through football, a fact acknowledged by Patrick Barclay in a recent interview for The Daily Telegraph (<http://www.telegraph.co.uk/sport/main.jhtml?xml=/sport/2006/03/12/sfnpad212.xml>). John Sugden continued with this particular theme by explaining his excellent work on schemes in the Middle-East aimed at bringing different communities together. Sugden talked

about the 'Football for Peace' initiative, of which he is Project Leader (<http://www.football4peace.org.uk>). David Davies added to the international dimension of the event's early stages by detailing the nature of the English FA's overseas development projects (<http://www.thefa.com/TheFA/InternationalRelations/>). Brendon Batson then moved the debate on to address issues of racism, as well as other forms of discrimination that can be tackled through football (<http://www.kickitout.org/>). Mel Goldberg added to the general discussion by recounting his experiences of conflict and reconciliation as a sports lawyer.

Although the initial scope of the event was simply to address issues of reconciliation between communities, such was the diverse nature of the audience that the subsequent discussion became one in which reconciliation in the very broadest terms became the focus of debate. To begin with, a representative of the Disabled Supporters Association questioned the panel at length about the role they could play in helping to integrate disabled people into mainstream sport, both within stadiums and through participation. Thereafter, the role of women, ethnic minorities and gay groups in sport was explored, as too was the question of what to do with cheats in the game.

The real strength of the evening rested in the high profile nature of the speakers and the large and vocal audience, members of which were clearly from a wide range of backgrounds. This ensured that the event's scope developed considerably through the course of the discussion, starting out with Israel and Palestine and finishing with a question about players inciting crowds by diving and feigning injury. In reality, the broad ranging nature of the discussion actually caused some problems as it became increasingly difficult to maintain a central theme or narrative. Moreover, given the disparate nature of the debate, it was actually very difficult for most people to make an

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effective contribution and many comments often went unchallenged due to people's lack of knowledge. Overall, one would nevertheless have to say that the evening was a success. The question now for many of us who were there is: it might be good to talk, but can you make a difference through your actions? Without doubt, the answer has to be an unequivocal 'yes'!

Simon Chadwick  
Birkbeck Sport Business Centre,  
University of London, UK

## Harmonization of the legal status of professional football players within the European Union: *Lex Mercatoria* and *Lex Sportiva*

The common perception for professional football players in the EU is that they are workers providing labour under relationship of employment. However, in some of the new Member States joined in 2004 like Czech Republic and Lithuania, for instance, football players enter into civil law contracts and are considered independent service providers - something at odds with the universally accepted status of employees by virtually all pre-2004 Member States. Can football players rely on a uniform legal status within the EU and can the EU law remedy this discrepancy in the legal treatment?

The brief review of the jurisprudence of ECJ concerning the definition and interpretation of the term 'worker' clearly demonstrates that no legal rationale could uphold the view that football players are independent service providers. This fact, however, does not prevent Member States from departing from the rule if this is deemed to suit better the interests of the stakeholders in sport and its adequate regulation at national level and is provided for in law. Court of a Member State will not be obliged to apply the EU concept of 'worker' for the purpose of definition of the legal status of football players if it could simply restate the law in operation in such a country equating football players to independent service providers. As far as no issue of concern for the EU law may be raised, this situation may be successfully maintained.

Besides this disharmonized aspect of the legal status of football players, which mostly triggers taxation and social security implications, harmonization problems arise also from the subordinated position of the FIFA regulations vis-à-vis the national laws of the Member States. The positivist and autonomist approaches for legal regulation may be considered as alternatives for harmonization, however, in both cases — specific regulation of sport at EU level or exemption of sport from regulation - would confer a privileged status to one profession. After all, despite its recreational, social and psychological significance, in purely economic terms sport is simply an occupation, one sector of the economy.

*Lex Sportiva*, a concept emerged in result of the development of the jurisprudence of the Court of Arbitration for Sport (CAS), may serve as a powerful harmonization instrument. *Lex Sportiva* may apply to relations in sport, first, if incorporated in the national laws, secondly, as an autonomous body of law, which is to be recognized as such by national laws, and thirdly, as mandatory rules reflecting a public policy so commanding that they must be applied even if the general body of law to which they belong is not competent by application of the relevant rule of conflict of laws. However, there is currently need for

making the legislative and decision-making process in sport more democratic and transparent in order to give legitimacy to *lex sportiva* as a transnational law made by the world community of sportsmen and enforced by CAS.

Boris Kolev  
Chairman, Bulgarian Legal Society  
Researcher, International Sports Law Centre, The Hague

## ISSUES FOR FUTURE DISCUSSION

### European Commission White Paper on Sport

At the beginning of July, within the context of growing concern surrounding certain areas of the governance of sport (particularly football), the European Commission published the White Paper on Sport. Among other things, the White Paper was intended to provide strategic orientation on the role and governance of sport in the EU, and in doing so, it examines issues such as: quotas on young players and the compatibility with EU rules on freedom of movement; the joint selling of media rights; releasing players for international duty; player transfers; agents' activities and a possible cap on their fees; and doping. The initial reaction to the White Paper has not been uniform and, in that regard, a number of criticisms have already been levelled against it. The IOC, for example, have noted that whilst they welcome the concept of the document, 'the content of the final version represents — unfortunately — a missed opportunity' (IOC, 2007). Indeed, along with FIFA, the IOC have expressed their disappointment that the EU did not reach firmer conclusions with respect to the Nice Declaration and providing sport with a more stable legal framework. Similarly, UEFA's initial reaction to the White Paper, despite initial optimism, was also 'one of deep

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disappointment'. Nevertheless, it seems that many interested parties concur that the White Paper represents something of 'a step in the right direction' not least because it appears to have helped move sport up the political and policy agenda and increased awareness of the issues facing those in the world of sport at both the elite and non-elite level. It now promises to be an intriguing time for those in the Sport&EU community and, in that respect, it will be interesting to see how the White Paper will come to be interpreted and implemented in practice.

Andy Smith and Chris Platts  
*University of Chester, UK*

## Doping in sport and the EU

This summer was once again marked by a series of revelations regarding doping scandals at the elite level of sport in the EU. Perhaps unsurprisingly, and despite attempts by the UCI to introduce strong sanctions to prevent doping in cycling, the Tour de France has been the most high profile event where new disclosures of the use of banned performance-enhancing substances and administering methods became apparent. In 1998, the doping scandal connected with the Festina team ended with a call by the International Olympic Committee to prepare a stricter, harmonised and more efficient and effective fight against the problem in the field of sport. As a result in November 1999 WADA, the World Anti-doping agency was established to promote, coordinate, and monitor the fight against doping in sport in all its forms. On the one hand, the work of WADA presents a unique example of the real global institutionally-based policy made by representatives from the private sport sphere as well as public authorities. WADA as an umbrella organisation has actually undertaken the role of the leading body that creates and implements the fight against doping world- and sport-wide, but the ongoing doping cases on the other hand have been warning that its success in reducing levels of drug use is at best very limited. Just how limited existing doping controls have been in reducing drug use is clear from other recent incidents of doping in a wide range of other sports in this year (e.g. French Gezzare, Ghezelle, Zoubaa and Dehiba, American Gatlin, Portuguese Silva, Italian Gibilisco, Slovene Čeplak all in athletics, Bulgarian Marinov in weightlifting, Russian Ivanenko and Poliakov in swimming, American Toney in boxing, Italian Flachi in football and Pissilli in golf, Argentine Canas in tennis, the horse of a German rider in equitation etc.). The essential question that remains unanswered, and one which would help provide more effective solutions to the problem of doping, is: why athletes take drugs? Is it the philosophical and psychological motivations of athletes to be the best? Or do they do so for economic reasons, that is, to earn enough money whilst playing sport to support the rest of their lives? What are the motives for the growing involvement of sponsors, teams, and the medical and pharmaceutical industry in the supply of drugs? Is it a legal problem because a harmonized system for regulating the problem still does not exist and because each sport has its own rules, as well as sanctions, to follow upon the identification of positive tests? Whatever the answers may be, it seems that despite the period of the most intensive fight against it, doping in sport continues to raise more problems than solutions and the ways in which more effective policy may be developed to tackle the problem requires much more consideration and public discussion of all involved — in this Newsletter and in academic journals too.

Simona Kustec-Lipicer  
*University of Ljubljana, Slovenia*

## Oulmers Brings Social Dialogue to the Fore

Whilst on the face of it the Oulmers case concerns a challenge to the legality of FIFA's mandatory player release rule for international matches, the sub-text relates to wider issues of stakeholder representation in football. UEFA's recent creation of a Professional Football Strategy Council is a response to criticisms that important stakeholders are denied a voice in football governance. Amongst its membership are representatives of FIFPro (the players' union) and the EPFL (representing the leagues and clubs within them). UEFA hope the Professional Football Strategy Council not only serves to head off the growing influence of the G14, but also internalises within the UEFA structure moves endorsed by the Commission in the White Paper on Sport for clubs and players to conclude a collective agreement within the EC Treaty framework. Articles 138 and 139 of the EC Treaty facilitate sectoral social dialogue on issues pertaining to the employment relationship between clubs and players. This could include contractual terms, transfer windows, the transfer system, salary capping, image rights, pension funds and doping rules. Social dialogue can be conceptualised not only as a tool for improving labour relations, but also as a new form of international governance and it is in this context that UEFA wish to take control of the process by establishing the Professional Football Strategy Council as an alternative to a formal sectoral social dialogue committee.

UEFA's tactical opposition to social dialogue conducted within the EU framework is that it is unrepresentative and undemocratic and leaves other stakeholders, who are affected by collective agreements, without representation. UEFA argue that the narrow employment related concerns of management and labour are not necessarily in accordance with the concerns of all stakeholders within the European model. As such, employment relations issues should not be confused with wider issues of sports governance in which only a

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governing body is able to take a holistic approach. This concern reveals a deeper strategic objection based on a suspicion of the motives of the social partners. The implication is that the social partners are not so concerned with improving the employment conditions of an already cosseted category of worker, but are motivated by a desire to exercise greater influence within football in order to control the wealth generated from it. This contrasts with the role of a governing body who exercise commercial functions in order to redistribute wealth for 'the good of the game'. In this connection, the European model of sport invests considerable regulatory authority in governing bodies. If social partners are able to assume a legislative competence within this model, this will substantially alter the vertical channels of authority which have traditionally been a feature of the European model.

The above themes are explored in a forthcoming monograph, *The Sporting Exception in European Union Law* by Richard Parrish and Samuli Miettinen which is published by the T.M.C Asser Press (December 2007).

Richard Parrish  
Edge Hill University, UK

## Does the Tevez affair have an EU dimension?

In football, it has become common for investment companies to own the economic rights of a player. This means the investment company owns the player's registration and claims entitlement to any transfer fee received. An investor receives a return on their investment once a player is transferred. According to the 2005 European Parliament Report Professional Sport in the Internal Market, Article 39 EC on the free movement of workers could be invoked if the third party has a decisive influence, by way of a contractual clause or some other influence, in the player's transfer. This legal assessment is distinct from that which has so far been conducted in relation to the influence of investment funds in football. Recently, English club West Ham United were fined by the Football Association Premier League for breaching league rule U18 on the influence of third parties. Rule U18 seeks to prevent third parties from materially influencing a club's policies and/or the performance of its teams in League matches and/or the competitions.

Richard Parrish  
Edge Hill University, UK

## NEW SPORT&EU RESEARCH DIGEST

The editors of the Sport&EU newsletter are pleased to announce a new regular section offering a digest of current research that addresses any aspect of the relationship between, and study of, sport and the European Union. Its aim is to provide readers with an overview of current research from a range of theoretical and disciplinary schools. These include, among others, sports law, policy, political science, sociology, economics, criminology and geography. For the first instalment of the digest, members with research published within the last 24 months are invited to send abstracts of their papers, which can be anything in the public domain and accessible either online or in paper format, with or without a subscription fee. Links to material available online are also welcome. Abstracts should ideally be 100 words or below and with the author's consent may be edited to fit the format and size of the section. Authors are asked to obtain consent from the copyright holder where relevant. To send an abstract, please email [digest@sportandeu.com](mailto:digest@sportandeu.com) or send a paper copy to the new digest editor: Samuli Miettinen, Centre for Sports Law Research, Department of Law and Criminology, Edge Hill University, St Helens Road, Ormskirk, Lancashire, UK, L39 4QP.

## JCER SPECIAL ISSUE: THE EUROPEAN UNION AND SPORT

In December 2007 the *JCER / Journal of Contemporary European Research*, in partnership with Sport&EU, will publish a 'Special Issue' on the European Union and Sport. The Special Issue is devoted to developing greater awareness among the wider European Studies community of sport as

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a field of study.

With a foreword by David Allen, the JCER Special Issue, which will be edited by Dave Allen and Borja García, will be made up of a selection of seven articles covering a host of sport and the EU related topics, many of which employ language that some traditional European Studies academics may find strikingly familiar; multi-level governance, Europeanisation, competition law, regulation policy and so on.

The Special Issue will also provide reviews of some of the latest academic publications to focus on sport and the EU. In line with the standard JCER review policy the books will be reviewed by at least two individuals. This will provide readers with a broader understanding of the published book and allow them to draw comparisons between the different reviews.

As an association of established and up-and-coming scholars devoted to developing our understanding and interest about the impact European integration is having upon sport and vice versa, Sport&EU has proven itself to be forward thinking and prepared to engage with new avenues of comparative and interdisciplinary study. In this respect Sport&EU reflects a very similar ethos to the JCER and as Editor of the JCER it is a pleasure to be working in partnership with Sport&EU.

The JCER was set up in 2005 by UACES (University Association for Contemporary European Studies) and the UACES Student Forum as an open access, online publication outlet many of the young researchers within the UACES network to be published alongside more established academics and practitioners. The JCER is devoted to promoting original research and insightful debate by publishing academic articles, research comments and notes, policy analysis and book reviews across a range of disciplines within European Studies, including (but not limited to) Public Policy, International Relations, Law, Economics, Sociology and the History of Integration.

The JCER is fully peer-reviewed and free access is available from our website [www.jcer.net](http://www.jcer.net) (registration required). As of 2008, the JCER will be published quarterly and we encourage all members of Sport&EU, particularly doctoral and post-doctoral researchers, to continue to consider publishing their work with the JCER even after the publication of Special Issue.

Further details of the JCER Special Issue: The European Union and Sport will be published on the JCER website shortly.

**Eamonn Butler**  
*JCER Editor*

## NEW AND FORTHCOMING PUBLICATIONS

### *Player's Agents Worldwide: Legal Aspects*

Publicly, at least, there appears to be a strong collective will within football to clean up the game, to make the work of players' agents more transparent and to allow a greater share of the game's profits to stay within the game. Privately, there seems to be unease that current agent regulation is out of step with football industry norms and that if the sector is to operate effectively, practices which are prohibited by the rules should in fact be tolerated. Here lies the problem. Stringent agent regulation may well look impressive but over-regulation will merely compound the problem of non-compliance and a lack of transparency. Finding the balance which not only addresses the problems facing football

and satisfies the supporters and other interested stakeholders but which also satisfies the requirements of national, EU and international law is just one of the many challenges facing football's governing bodies. A new book explores current patterns of agent regulation in forty countries worldwide including the major footballing constituencies of Argentina, Brazil, Mexico and Russia as well as the 'Big Five' in Europe.

*Player's Agents Worldwide: Legal Aspects* by Robert Siekmann, Richard Parrish, Roberto Branco Martins and Janwillem Soek (eds) is published by T.M.C Asser Press.

# SPORT & EU newsletter

## JOINING SPORT&EU

The Association for the Study of Sport and the European Union (Sport&EU), aims to bring together all scholars with an interest on the Union's involvement in sports and its consequences for policies, law and society (largely defined). Academics, doctoral and postgraduate students from every branch of learning (including but not limited to anthropology, criminology, economics, ethnology, geography, history, law, linguistics, political science, sociology etc.), working on any area within the European Union are invited to join. Sport&EU aims to promote interdisciplinary research and to enhance the cross-national and multi sports nature of the discipline. It is also committed to promote theoretical debate and research within the area of Sport and the EU. The association's main goal is to provide researchers with a network to exchange ideas and information in order to develop a research agenda that could enhance the profile of the discipline of sport within the area of European Studies (both largely defined). Sport&EU is especially interested in providing a friendly and motivating forum for post-graduate research students to present their work in an academic environment. PhD students are encouraged to join the association and to participate in its activities. The association will initially be focusing into three main areas, each one forming a research group: Sport policies and governance in the European Union, Sports law and Regulation in the EU and Sport in Society. Please note that the term EU does not only refer to the supranational level, but it also includes the meso and micro levels. The aim of Sport&EU is to organise one or two yearly conferences, distribute newsletters, and have an active mailing list for its members and promote the study of the topic through its website. Among other activities, the network will convene panels for major conferences in order to disseminate the findings of the member's research and to raise awareness of the importance of sport both socially and politically.

Sport&EU is always happy to welcome new members who have an interest in Sport and the European Union. Academics, including research students, are especially welcome. Send an email with your contact details to [join@sportandeu.com](mailto:join@sportandeu.com) in order to join the association. To join the Sport&EU email list simply send the following information - join sportandeu 'firstname(s)' 'lastname' (e.g. join sportandeu Joseph Blatter) – via email to: [sportandeu-request@jiscmail.ac.uk](mailto:sportandeu-request@jiscmail.ac.uk). You will then be sent a separate message containing instructions to confirm your subscription.

## SUBMITTING TO THE NEWSLETTER

As Editors of the Sport&EU newsletter which will be distributed via the Sport&EU mailing list and available to download at [www.sportandeu.com](http://www.sportandeu.com), we would like to invite all colleagues, particularly postgraduate students, to submit contributions on a range of sport and EU related matters for inclusion in future issues.

Potential contributions to the newsletter, which should be of interest to all colleagues, may include: summaries of Sport&EU activity; abstracts of recently published or soon to be published papers; details of forthcoming books etc; executive summaries of recently completed research projects; thoughts/reflections on recent and forthcoming developments in the field that will be of interest to readers (e.g. the The Independent European Sport Review and Commission White Paper on Sport in the EU); book reviews; available courses/opportunities in sports law, policy, politics, sociology etc; and anything else that you think might be of interest!

Contributions should be no longer than 500 words, excluding references which should be kept to a minimum. Whilst the article should be written with an academic audience in mind, please avoid using jargon that may be potentially confusing and unfamiliar to our readers. All contributors should send articles, ideally in Microsoft Word format, via email to the Editors at: [newsletter@sportandeu.com](mailto:newsletter@sportandeu.com).

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