

„Disputes in Sports“

Models for the Resolution of Disputes in Sports
using the example of Football and Basketball



1. The European Club Association

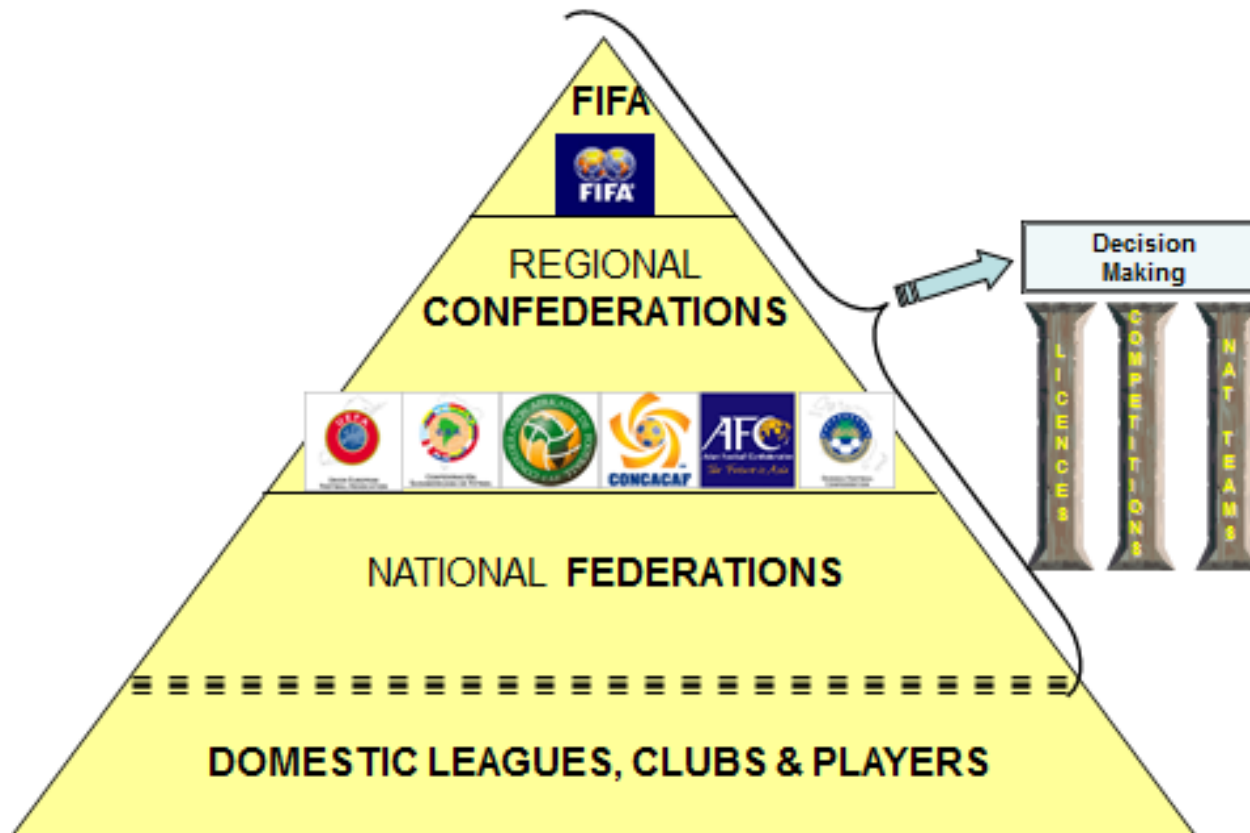
2. Mediation according to the ECA Mediation Procedural Rules

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1. The European Club Association: The creation

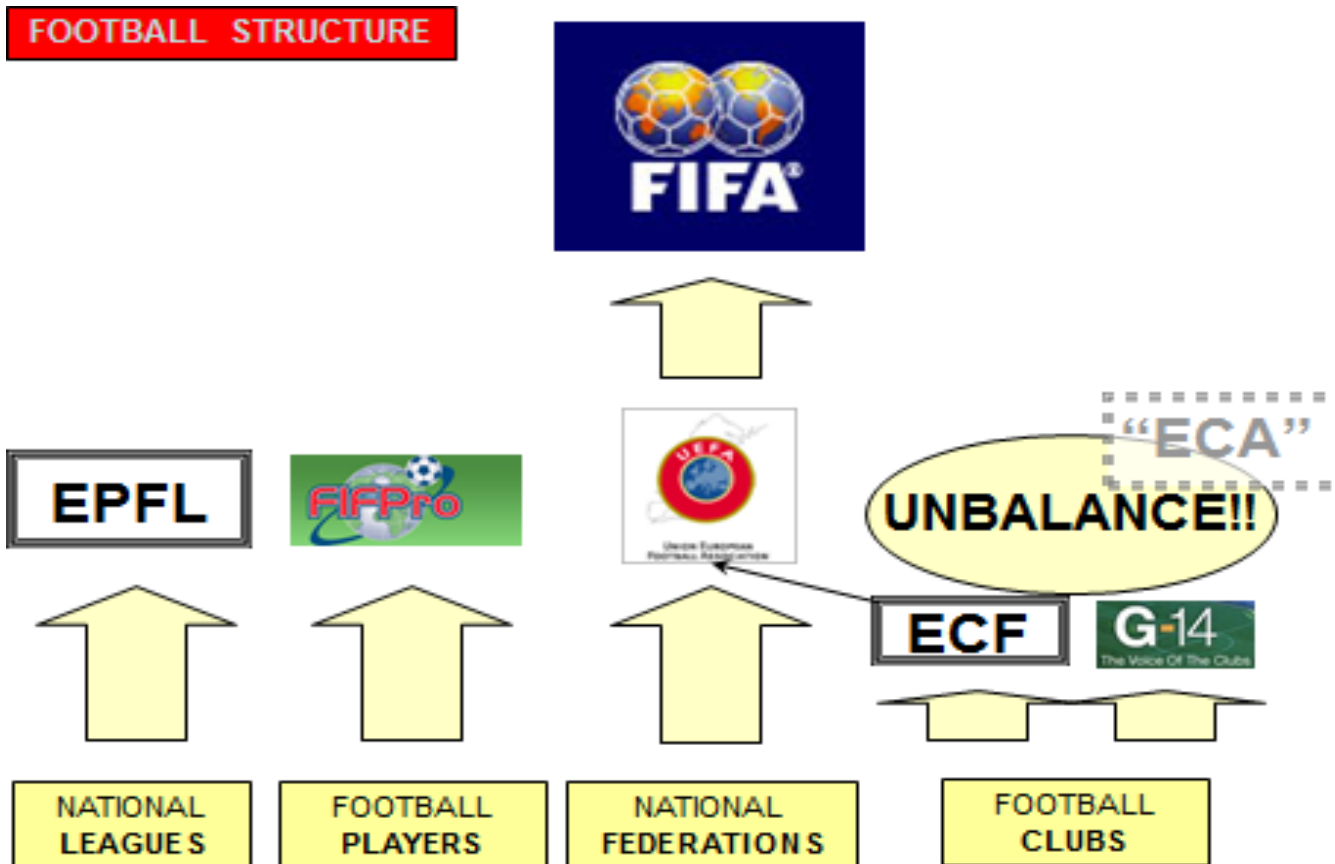


Decision Making in Football



1. The European Club Association:

The creation



1. The European Club Association:

The creation



Course of Events:

- September 2000: G14 was founded
- 2002: G14 extended to 18 clubs
- 2002: UEFA creates the European Club Forum (102 member clubs)
- 2005: G14 joins Sporting Charleroi in the “Charleroi claim” against FIFA
- 2007: Platini elected UEFA president
- Summer 2007: discussions between UEFA and clubs
- January 2008: discussion between FIFA and clubs
- 21 January 2008: Dissolution of ECF and Founding General Assembly of ECA; first MoU ECA-UEFA
- 15 February 2008: Dissolution of G14, all claims closed
- 23 March 2012: Second MoU-UEFA



1. The European Club Association:

The organisation

Association ranking position	Number of clubs	Ordinary Members						
		Ranking	Association	N1	N2	N3	N4	N5
1-3	5	1	England	Manchester United FC	Chelsea FC	Arsenal FC	Liverpool FC	Tottenham Hotspur FC
		2	Spain	FC Barcelona	Sevilla FC	Real Madrid CF	Villarreal CF	Valencia CF
		3	Italy	FC Internazionale Milano	AC Milan	AS Roma	ACF Fiorentina	Juventus
4-6	4	4	Germany	FC Bayern München	Werder Bremen	Hamburger SV	FC Schalke 04	
		5	France	Olympique Lyonnais	FC Girondins de Bordeaux	Olympique de Marseille	LOSC Lille Métropole	
		6	Russia	PFC CSKA Moskva	FC Zenit St. Petersburg	FC Spartak Moskva	FC Lokomotiv Moskva	
7-15	3	7	Ukraine	FC Shakhtar Donetsk	FC Dynamo Kyiv	FC Metalist Kharkiv		
		8	Romania	FC Steaua București	FC Rapid București	SC Dinamo 1948 București		
		9	Portugal	FC Porto	SL Benfica	Sporting Clube de Portugal		
16-26	2	10	Netherlands	PSV Eindhoven	AFC Ajax	AZ Alkmaar		
		11	Turkey	Fenerbahçe SK	Galatasaray SK	Besiktas JK		
		12	Greece	Panathinaikos FC	Olympiacos CFP	AEK Athens FC		
27-53	1	13	Switzerland	FC Basel 1893	FC Zürich	FC Thun		
		14	Belgium	RSC Anderlecht	Club Brugge KV	R. Standard de Liège		
		15	Denmark	FC København	Aalborg BK	OB Odense		
16	Scotland	Rangers FC	Celtic FC					
17	Bulgaria	PFC Levski Sofia	PFC Litex Lovech					
18	Czech Republic	SK Slavia Praha	AC Sparta Praha					
19	Austria	FC Red Bull Salzburg	FK Austria Wien					
20	Israel	Hapoel Tel-Aviv FC	Maccabi Haifa FC					
21	Cyprus	Anorthosis Famagusta FC	Apoel FC					
22	Norway	Rosenborg BK	SK Brann Bergen					
23	Slovakia	MŠK Žilina	ŠK Slovan Bratislava					
24	Sweden	Helsingborgs IF	IF Elfsborg					
25	Serbia	FK Partizan	FK Crvena Zvezda					
26	Poland	KKS Lech Poznań	Wisła Kraków SA					
27	Croatia	NK Dinamo Zagreb						
28	Belarus	FC BATE Borisov						
29	Republic of Ireland	Saint Patrick's Athletic FC						
30	Finland	FC Honka Espoo						
31	Bosnia-Herzegovina	FK Sarajevo						
32	Lithuania	FK Ekranas						
33	Latvia	FK Ventspils						
34	Moldova	FC Sheriff						
35	Slovenia	NK Domžale						
36	Hungary	Debreceni VSC						
37	Georgia	FC Dinamo Tbilisi						
38	Azerbaijan	FK Baku						
39	Iceland	FH Hafnarfjörður						
40	F.Y.R. Macedonia	FK Rabotnički						
41	Liechtenstein	FC Vaduz						
42	Kazakhstan	FK Aktobe						
43	Estonia	FC Levadia Tallinn						
44	Albania	KF Tirana						
45	Armenia	FC Pyunik						
46	Wales	Bangor City FC						
47	Montenegro	FK Mogren						
48	Faroe Islands	EB/Streymur						
49	Northern Ireland	Glentoran FC						
50	Luxembourg	F91 Dudelange						
51	Andorra	UE Sant Julià						
52	Malta	Valletta FC						
53	San Marino	SP Tre Fiori						

1. The European Club Association:

The organisation



201 clubs from all 53 UEFA Federations
103 ordinary and 98 associated members
All participants of UEFA Champions League
All clubs that regularly appear in European club competitions and/or have won European trophies

1. The European Club Association:

The activities



Executive Board

(15 members, Chairman: Rummenigge, Vice-Chairmen: Gandini, Rosell, Verschueren):

- Representation vis-à-vis Football Organisations, EU institutions
- Participation in governing bodies
- Negotiation of agreements with governing bodies

Preparation of decisions via Task Forces and Working Groups:

- Institutional Relations (Chair: KH Rummenigge)
- Marketing (Chair: Sandro Rosell)
- Youth (Chair: Maarten Fontein)
- Competition (Chair: Umberto Gandini)
- Finance (Chair: JM Aulas and Ernesto Paolillo)

1. The European Club Association:

The activities



- **MoU 2008:**
 - **Compensation: 43,5 million**
 - **Governance: 50% of the members in the CCC**
 - **Insurance: no**
 - **Calendar: no participation**

- **MoU 2012:**
 - **Compensation: 100 and 150 million**
 - **Governance: 100% of the CCC club representatives**
 - **„Referral Right“ of the CCC = Decision making right**
 - **Insurance: yes**
 - **Calendar: agreed calendar**

1. The European Club Association:

The activities



- **Participation UEFA**
 - **PFSC: no decision-making-right**
 - **CCC: „Referral Right“**
 - **Informally: good communication, constant dialogue**

- **Participation FIFA:**
 - **Various Committees:**
 - **Members appointed by FIFA without dialogue**
 - **No decision-making rights**
 - **No preparation of decisions (e.g. Olympics)**
 - **Informally: poor communication**
 - **No agreement beyond 2014**

1. The European Club Association:

The activities



- **Other Stakeholders:**
 - EPFL
 - FIFPro
 - EU/European Social Dialogue
 - Supporters

- **Internally:**
 - Research, surveys, studies
 - Information and Participation (Working groups, General Assembly, Regional Meetings)
 - Advice
 - Mediation

2. Mediation according to the ECA Mediation Procedural Rules



The purpose

- **The reason: „FIFA loan“:**
 - Long procedures at FIFA arbitration
 - Licensing procedures: no overdue payables
 - Subsequent transfers add up debts
- **The idea:**
 - Formalizing informal help
 - Use internal communication since ECA was created
 - Set standards of dispute resolution among members
 - „Prepare“ further FIFA arbitration by collecting the facts
- **The problem:**
 - FIFA: no integration into FIFA procedures

2. Mediation according to the ECA Mediation Procedural Rules



The rules

- **Scope**
 - Any financial disputes (in particular transfers)
 - Only between member clubs (since no integration into FIFA)
- **Start:**
 - By claiming club
 - English in writing
 - Defending club is asked for acceptance: if no, mediation failed, FIFA arbitration starts
- **The mediator:**
 - LAP member, appointed by the Chairman Ivan Gazidis

2. Mediation according to the ECA Mediation Procedural Rules



The rules

- **Procedure**
 - In general in English, except other language agreed between all three
 - Submissions by both parties (generally not longer than 10 days)
 - Hearing (generally at the ECA headquarters and with the ECA contact person)
 - Timeline: 1 ½ months max.
 - Free of charge (only own travel/accomodation costs)
- **Settlement:**
 - No decision, but solution, e.g. installments
 - Signed by representative that must have power of attorney
 - Contractual obligations, choice of law, jurisdiction (CAS)

2. Mediation according to the ECA Mediation Procedural Rules



The rules

- **Enforcement**
 - In case of breach: FIFA arbitration or CAS
 - May just lengthen the dispute
 - Real enforcement via disciplinary: without FIFA impossible; big disadvantage
 - **In practice:**
 - **Cases:**
 - Russian/Turkish clubs about non-payment due to financial problems: settlement payment schedule
 - German/Greek clubs about training compensation obligation when a player did first move to an amateur club and then to the professional; failed
 - French/Portugese clubs about interpretation of a transfer contract; settlement without mediation
 - **No settlement agreement has been signed**
 - **Disputes solved (as before via communication), but formal as such not successful**
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Thank you very much

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