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COMMITTEE ON CULTURE, SCIENCE, EDUCATION AND MEDIA

**Addendum 2 to the minutes of the meeting held by videoconference
on Friday, 4 December 2020**

Friday, 4 December 2020, from 9.30am to 1pm

9. Football governance: business and values (open to the public)²

Rapporteur: Lord George Foulkes, United Kingdom, SOC

[AS/Cult/Inf (2020) 04; AS/Cult/Inf (2020) 05; AS/Cult/Inf (2020) 07; AS/Cult/Inf (2020) 08]

Opening of the hearing

The Chairperson opened the hearing and welcomed the representatives of the partner organisations which had agreed to take part, namely FIFA, UEFA, European Leagues, ECA, FIFPro, Supporters Direct Europe, Football Supporters Europe and the Centre for Access to Football in Europe. He pointed out that three round tables were planned, in which there would be initial presentations of five minutes followed by a debate; he asked all the participants to take no more than three minutes to make comments or put questions to the experts. He then gave the floor to the rapporteur, Lord Foulkes.

Lord Foulkes recalled that the Scottish and Liverpool football legend, Bill Shankly, is reported to have said: "Football is not a matter of life or death – it's more important than that". Maybe a bit of an exaggeration, but football was certainly an important aspect of people's life.

Lord Foulkes wanted to focus on three key questions:

- the need to strengthen solidarity within the football system and help reduce financial disparities within leagues, clubs and between players;
- the need to ensure the protection of young players in terms of exploitation and abuse but also their human development.
- the need to enhance stakeholders' (particularly fans and players) involvement in football governance, not only as an issue of "participatory" governance but also to sustain and develop links between the football world and local communities.

Two further issues, i.e. gender equality and the role of public authorities, were transversal and Lord Foulkes hoped that partners could also deal with these issues.

He thanked the guests and their organisations also for their readiness to provide him with written contributions on questions relevant for his report. Part of that material had already been presented in the information documents, now available also to partners through the Kudo platform. Partners were asked not to circulate these documents; they included only preliminary views, which could modify following further consultations.

¹ Document declassified by the Committee on 25 January 2021.

² The hearing was livestreamed direct to the PACE web site; the video of the hearing is available at:

<https://pace.coe.int/fr/news/8127/des-personnalites-du-football-europeen-debattent-de-la-redistribution-des-richesses-apres-la-covid>. The present minutes, while extensive, are not "verbatim".

1st Round table on “solidarity v./financial gaps”

Intervention by Mr Charlie Marshall, Chief Executive Officer, ECA

Mr Marshall explained that the ECA brings together 246 Member Clubs across Europe, enabling clubs of different sizes, visions and geographic locations – from Birkirkara in Malta to Bayern München in Germany – to agree and act collectively in an independent, club-led organisation, which was the sole representative club body recognised by Member Clubs and by FIFA and UEFA.

He emphasized a “first principle”: solidarity was a central pillar of the game’s foundations, a fundamental premise upon which football builds its ecosystem, made up of interconnected tiers from the elite level down through a pyramid to the very grassroots. Solidarity allowed this ecosystem to function and operate successfully and sustainably. All these tiers needed to develop and prosper for the game as a whole to continue to be successful.

However, solidarity, like much else in football post 2020, needed to change. Solidarity could not be seen – or delivered – as a programme of handouts to prop up unsustainable parts of football, just for the sake of the past. This was especially the case at a moment when the biggest financial gap has opened up between the economics of the past and those of the future. The top 360 or so clubs across Europe were going to lose around 6bn Euros in revenues across two seasons, largely as a result of the COVID-19 pandemic. The proportion of revenues spent on player wages was rocketing up towards 80%, as a result of a system which could not adapt its cost base to account for falling income, meaning that profits were falling by around 8bn Euros.

In this context, solidarity had to be seen as sustainable investment – strategic, responsible and social investment – into areas of the game which promote responsible and progressive sporting and business outcomes. Solidarity had to be directed to those that needed and deserved it, not those that expected it, and stakeholders had to take a fresh approach to defining what the success criteria were.

There were some good examples of solidarity at work upon which to build as a progressive football community: not by continuing to provide handouts to parts of the community who had come to expect “something for nothing” over the years, but rather by targeting investment at areas of football which needed to be strengthened to create a vibrant, healthy, socially relevant and globally compelling sport in the next decade.

What kept ECA working around the clock right now was where football could take itself post COVID, accepting that there was still further pain to come for clubs of all shapes and sizes, if football stakeholders could structure things smartly and sustainably in the future, and could tie the power of football to the important social values that Europe and the world needed to see enhanced right now. What excited ECA was the power of Marcus Rashford in changing a national government’s approach to a critical policy area regarding underprivileged children, showing how clubs and players can create platforms for meaningful change; and the power of Stephanie Frappart making history this week as the first female referee of a top tier UEFA Champions League game bringing inspiration to women’s clubs, girls and also their parents. What excited ECA above all was the top class athleticism and sporting ability of the world’s best players, playing on the greatest football stage in the world, when Europe’s leading men’s and women’s teams come together to seek ultimate glory and create the value which can then be invested in future growth.

This was how we should be thinking of solidarity: the creation and sustainability of more of this. Mr Marshall concluded by urging everyone to think about reducing the financial gaps caused by a football system that was still built on 20th century structures, practices and values. This could not be done by continuing to feed this system, but by re-inventing it, enabled by new criteria for strategic success and new decision-making structures. “Strengthening solidarity” should fundamentally mean rethinking the concept, so that investment in a sustainable football future are our watchwords, not plugging the gaps of an ailing past.

Intervention by Mr Jacco Swart, Managing Director, European leagues

Mr Swart briefly presented the European Leagues: they represent 36 domestic professional competitions organised by 30 different independent League organisations. More than 1000 professional clubs in these leagues – all relevant in their respective societies – play around 15,000 matches per season, filling the stadia, in normal circumstances, with over 100 million fans per annum.

He then addressed 3 topics.

- why strengthening solidarity within the football system and helping to reduce financial gaps are important and relevant questions;
- what the main reasons are for the growing disparity and financial gaps in professional football; and finally
- what can be done to improve solidarity and reduce financial gaps.

Why is it important to adopt measures to strengthen solidarity and reduce financial gaps?

Mr Swart stressed that, unlike other industries, the football industry thrives on, and needs, healthy levels of competition between its participants in an open model, whether this is in terms of a title race, a relegation battle or to qualify for international club competitions, always based on performance in the domestic competitions. When financial disparities between clubs become too large, this healthy competition becomes increasingly difficult to achieve; disparities lead to a greater dominance by a fewer number of clubs in domestic leagues.

Thus, Mr Swart stressed that there was a great need to preserve the long term financial and sporting sustainability of clubs of all sizes and all countries in Europe, bearing in mind the role played by football in local communities across Europe. The need was for competitions filled with matches where unpredictable outcomes are possible and where the excitement and passion for the fans lies in the possibility that their side could triumph. Financial differences impact competitive balance in professional club competitions and can undermine this competitiveness.

What are main reasons for the growing disparity and financial gaps in professional football?

Mr Swart noted that a degree of polarisation had always existed between and within leagues due to local market and socio-economic conditions, the heritage and individual club popularity ; however, it had increased due to the diverging scale of media markets in different countries, the unequal impact of the forces of globalisation, and the changing model for access lists and revenue distribution from international competitions.

The value of league broadcasting rights was driven by different factors, including among others the domestic market size, league and club appeal, and media market competition. The uneven growth of broadcasting revenues had resulted in significant differences between and within leagues. The mounting share of broadcasting in club revenues made this evident.

Top clubs – compared at a domestic level as well as internationally – were experiencing the fastest growth. Thanks to their regular participation in international competitions, the top clubs, in all leagues, generated surplus revenues (differently from those clubs which primarily only compete in national competitions) : they had direct additional benefits (i.e. prize money from international competitions) but also indirect benefits resulting from more international commercial appeal, higher transfer values for players, more matches and thus more matchday revenues.

The aggregated growth in revenues of the top 10 wealthiest clubs in Europe during the last 10 years had been over 200%. Their revenues had increased much faster than the revenues of all the other clubs in the top tier competitions across Europe. This could be seen as a proxy for similar differences within many individual domestic leagues where the top clubs continued to pull away financially.

Over the past 10 years, UEFA Club Competitions (UCC) revenues had been growing the fastest of all revenue sources. Consequently, UCC distributions to clubs (driven by the evolution of the UCC distribution models and access list) were increasingly impacting all levels of the ecosystem. As from the current 2018-21 UCC cycle, UEFA Champions League revenues had grown much faster than the money distributed by the UEFA Europa League.

What concrete measures can be taken to improve solidarity and to reduce financial gaps?

Mr Swart stated that the answer to this question was in two key words: “willingness and action”.

Stakeholders should take bold and potentially difficult decisions, genuinely in the interests of the game: not individual but collective interests; not for the short term but for the long term; not as owners but as custodians.

Willingness could bring the stakeholders to agree and come to action. In this respect, stakeholders:

- could think of incentives for leagues to distribute broadcasting revenues, to foster increased competitive balance in domestic competitions;

- should discuss serious changes in the access list and financial distribution models of international club competitions, to give more access to clubs from more associations and to share more money to the big number clubs which do not participate in these competitions;
- could set quality requirements for those who want to benefit from better distribution models, requirements on topics such as professionalisation, youth development, social responsibility, stadium and security.

Mr Swart concluded that the challenge for the stakeholders was to come together and plot a sustainable path forward for European football.

Intervention by Mr Giorgio Marchetti, Deputy General Secretary, UEFA

Mr Marchetti stated that financial polarisation in football had been increasing over the last twenty years and was no doubt a source of great concern from a competition perspective. It was not a localised problem, but one that affected the entire ecosystem, which was complex, dynamic and interdependent. UEFA took its responsibility in this respect very seriously. Strong cooperation with the main stakeholders was required to reach a holistic approach as the necessary framework where everyone should play their role.

A lot of the attention was drawn to the Champions League. But UEFA's broader work, unfortunately, never received the same media attention. People tended to focus on the prize money, but it was paramount to know the large amounts of solidarity funnelled into lower levels of football.

The Champions League provided significant funds to other clubs:

- there was cross-subsidy from the Champions League into the Europa League allowing this competition to redistribute much more than its gross revenue. The Champions League covered all Europa League costs (in this season, a package of more than €250m);
- there were contributions to the qualification rounds (clubs which failed to qualify for the main stage) of more than €100m every season; and
- the Champions League funded all solidarity payments to non-participating clubs, i.e. another €140m.

These were the only solidarity payments taking place in Europe between countries. Solidarity payments to non-big 5 countries had gone up of 270% in the last decade. The non-big 5 leagues had received UEFA distributions and solidarity payments of €757m in 2016/17, i.e. more than double the amount of broadcast rights from these same markets (€373m).

Looking at the other side of elite football – i.e. at national teams – the importance of the benefits that UEFA provided via the European Championship (EURO) was capital. Less than 20% of the global revenue was distributed to the participating teams. The largest part of profits from this tournament were distributed to all 55 UEFA member associations through the Hat-Trick programme, in equal shares to fund projects and a wide range of grassroots, governance, education, technical activities. The amount in question was of €775m for the four years following EURO 2020.

The system had been enhanced through the centralisation of the qualifiers which allowed more funds to reach smaller nations not benefiting from lucrative market conditions. EURO and the Champions League also helped UEFA to invest in youth and women's competitions, including the big boost that the Women's EURO and Women's Champions League had received over the last few years to take them to the next level.

To foster clubs' financial sustainability, thanks to the UEFA club licensing programme, clubs received a solid structure to become more professional and invest for the long-term (in youth and infrastructure). At the same time, regulations like financial fair play (FFP) instilled accountability, responsibility and, in essence, "survivability": in the face of the COVID pandemic, FFP had averted a much worse outcome in terms of club finances.

UEFA could not ensure, by itself, financial equality, just like Europe could not ensure financial equality of its countries and regions. No free and democratic society had solved the inequality issue. But it was possible to work towards better financial sustainability and opportunities. UEFA believed in an open and representative football fellowship, not a closed and exclusive rich club.

In this respect, Mr Marchetti referred to the ugly ghost of a closed super league outside the framework of the European sports model. In such a scenario, it would be difficult to talk about solidarity, inclusion and sustainability. Those wishing for a super league could claim that they would pay contributions to other clubs, leagues and national associations; but that would look like a unilateral charity buy-out. European clubs, before

anything else, wanted to be included and participate, especially at European level. “Stakeholders” and “representation” in the world of the super league would be erased from the lexicon. In such a scenario, national talents and stars would possibly be prevented from playing for their national teams and clubs would no longer be allowed to dream big: hope would diminish at best, be dashed at worst. With top elite football carved out of the current system, all the media rights and commercial revenues would plummet thus removing the European-wide foundation for youth, grassroots, education, investment and development. Everything would be concentrated into a business unlikely to care about grassroots and football development. Mr Marchetti thus urged to be vigilant and careful not to sabotage the pyramid of European football, the only possible base for this sport.

Exchange

The Chairperson opened the debate.

Lord Foulkes, referred to Mr Marchetti’s statements about a “European Super League”. Recently, Sky Sports had claimed that FIFA was proposing a “European Premier League” involving up to 18 teams. He considered that this would be against solidarity and would increase disparities; it would be a move into the wrong direction. This was really worrying. He asked if other guests wished to comment on this matter. He asked whether such a discussion was really taking place, if it was a serious proposal and at what stage the discussion was now.

Mr Swart did not know more than what was in the media, but he shared Lord Foulkes’ concerns. For the European Leagues, international club competitions must be played by teams which qualify via the domestic competitions and based on their performance in the domestic competitions. the European Leagues were opposed to any system which would lead to a “closed competition” on top of the domestic competitions.

Mr Marshall stated that all could share the concerns about where the alleged proposal could lead. However, the question was how progressive changes could be made in the European system; the focus of the discussion had to be on the opportunity to reform the present system – which was an healthy one, at least in its roots – based on solid, progressive principles.

Mr Baer-Hoffman started by recalling that FIFPro represents around 60,000 football players (about 30,000 in Europe). It was important to bear in mind the “social” component of the football system, i.e. the jobs it provides to the players. He then stressed that the US sports market was the only comparable market to the European football system. Taking the example of the national US football league, which is the largest income-based league in the world (generating \$10-12bl), it provided only for 2,000 jobs for players, whereas in Europe there was a much broader labour market for players. The vast majority of these jobs depended on domestic competitions. International innovation had not to be stifled and it was important to keep international competitions growing as well, because they bring people along. However, it was also to be remembered that a lot of these players’ jobs FIFPro was representing were “undesirable”. There were high rates of non-payment of salaries, very short contracts and poor contractual conditions for many players – and this also in Europe.

The rapporteur had raised some very important points about how, and on the base of which values, seek to go out from the present crisis. It was critical that the reflexion on how to grow up from the crisis be not only from the perspectives of the competitions structure and of solidarity between clubs, but also from the perspective of the values system: gender equality (and women’s game development); career paths for players; fighting discrimination and racism. This should also concern the governance of labour relations in sports, an issue that stakeholders had not been able to tackle: many male and female players were working under unacceptable conditions, not complying with those that are considered decent and dignifying employments for those working in Europe. Only if the football industry were strengthened building on these values (and not on continuous growth and elitist development) football could meet its commitments to the society. Public authorities had a huge responsibility to play in that; dialogue should be more constructive and, in many cases public authorities could also have higher expectations about what stakeholders should do.

Mr Muyters considered that a balance had to be reached between the need to reward clubs which were doing well and the need to deal with the growing financial gap between clubs. His feeling was that for UEFA the existing solidarity system was a good one and would not require many changes, while Mr Swart and Mr Marshall had mentioned a growing gap and a need for changes. He wondered if he had understood correctly and which were the changes wished by Mr Swart and Mr Marshall to have a better balance in the future.

Mr Marchetti stressed that in his intervention he was illustrating the solidarity system of UEFA competitions. Solidarity payments were channelled in different ways. He had not said that solidarity was perfect, and nothing had to be changed; the trend was towards polarisation, as numbers showed. Looking at European football,

inequalities were growing everywhere, between clubs and between leagues. The solution cannot come from a change in the solidarity system applicable to UEFA competitions. Revenues generated by these competitions were around 15% of those generated by European football. Most of these revenues are generated by leagues and clubs. To solve the problem, a realistic approach was necessary, and to look at the whole picture and not only to a part of it.

Mr Marshall stated that for ECA there was a very good foundation in place for a solidarity system. He commended the UEFA redistribution system. Mr Swart had mentioned the need for a wider access for more teams from across Europe to UEFA competitions and all stakeholders were happy that the number of teams was going to increase from 80 to 96. However, ultimately, all should recognise that solidarity comes from a successful football market, from a successful set of football competitions, from successful set of clubs which are able to generate in the first place the value that can then cascade down the system. Then Mr Marshall noted that the present times were not easy. The value produced by the football ecosystem could not continue to grow as in the last couple of decades; the pandemic entailed a forced reset of football finances: this was not something which would disappear in the short term and it called for a fundamental rethink. He underlined that the drivers of value in the football ecosystem should be perceived as responsible and sensible enough to contribute in a meaningful way to decisions about where the money they create is invested. He concluded that the fans were the core in all of this. He stressed that the stakeholders should take a fresh look at what the fans of the future wanted from a sustainable football system; the fans of the future were quite different from the fans of the past; therefore stakeholders should open up their thinking in terms of what kind of competition and what products and what entertainment and participation fans might expect, and what this could mean for the football structures of the future.

Ms Hagemann agreed about the importance of fans, the need to rethink the system and to have a realistic approach. Fans were concerned about the future of solidarity. The system was not healthy; this was the reason why they were all there today. But who was actually involved in discussing which solidarity could fit for the future? Were clubs lower down the permit also involved? Did stakeholders favour a system which would be more democratic, more socially and environmentally sustainable? Did they favour clubs which were doing well without having rich sponsors or owners behind them? It was important to look not only at the top of the permit, but also at the bottom, at grassroots level, which very often was not involved in this conversation; that really needed a change.

Mr Swart confirmed that for the European Leagues it was necessary to make some changes. He then provided the following explanation. Some leagues are much bigger than the others. Within the domestic leagues, all clubs are from the same country, while in international competitions clubs come from different countries, and the European leagues would like to increase the number of these countries. Clubs participating in the international competitions have a significant direct influence on the competitive balance in the respective domestic competitions. On average, 85% of revenues from the UEFA competitions are shared among the 3 top clubs of each domestic competition. The percentage of revenues from UEFA competitions in relation to the total revenues of clubs or leagues is growing and has been growing faster than ever for the last decade; thus, the negative influence of UEFA competitions in the competitive balance of the domestic competitions is increasing. Only 4% of revenues from UEFA competitions is redistributed as solidarity payments to non-participating clubs. This should also be looked at, within a holistic approach.

Lord Foulkes asked about the transfer system and its impact on the solidarity system, also referring to the issue of agents' commissions: should these be capped? He then raised the question of the conflicts of interest of agents who at the same time can act on behalf of clubs and players. There were new regulations under discussion; he asked to which extent something had to be done and was being done to take account of these concerns.

Mr Garcia Silvero confirmed that FIFA and other stakeholders had been working together on the issue of the agents over the last two years. The *FIFA Football Stakeholders Committee*, in September 2019, took a decision to re-establish a regulatory framework for the agents, to deal with some of the problems identified in the transfer market. The two main pillars of the new system were a cap on agents' commissions and a limitation of multiple representation, to avoid conflicts of interest; work was still ongoing on these two key aspects. In addition, a mandatory licence system for the agents was being re-introduced, including further education requirements, and there was also the idea to set up a global resolution system to solve disputes between agents and players and clubs (similar to what exists with the dispute resolution chamber for contractual disputes). Finally, all agent's commissions, but also training compensation and solidarity payments should be paid in the near future (most likely from July 2021) through the new FIFA Clearing House.

Mr Baer-Hoffman stated that, for FIFPro it was unlikely that an agents' regulation framework could produce the desired effects on its own, without a structural review and a reform of the transfer market. The agents

worked within this market, many of them providing good and important services, while others acting sometimes against the interest of their clients – and this called for a new regulation. However, the market reality was that often the continuation or a change of the employment situations of a player is the outcome of a negotiation primarily between two clubs. To address the issues raised by the rapporteur a transfer system reform was required. In the working process referred to by Mr Garcia Silvero, and in the white paper published by FIFA, it had been acknowledged that the current system had not achieved its statutory objectives, set when the system had been negotiated with the European commission in early 2000 and which were the justification of the restrictions to the free movement rights of players. Therefore, FIFPro considered that the reform under discussion was not sufficient and a broader reform was necessary.

The Chairman asked a final question on the redistribution of broadcasting rights. Different systems existed, some of which - like the UK system - were more redistributive than others. He asked the opinion of the stakeholders on these systems, who the stakeholders were to be brought together in order to seek a fairer redistribution, vis-à-vis small clubs in particular and what would be, in this regard, the role of national authorities.

Mr Marshall reiterated that, for him, the redistribution system of UEFA competitions was a very efficient one, rewarding those clubs which drive the value of media rights with those that participate proactively in the leagues creating that value. He considered that the same redistribution effect was going on in the domestic leagues. It was clear that very different redistribution systems were in place in different leagues and the financial gaps between the top and the bottom of different leagues were very different. Harmonisation was very low. There were two issues. The first was redistribution from the top down through the pyramid: the pyramids look differently in different countries and there were different debates and requirements about that kind of redistribution; for example, there was a debate in England which could lead to a very progressive reform. A second question was about the redistribution between domestic leagues within Europe, which should seek more unity. There was a real concern about polarisation, maybe there were ways of creating a more pan-European view of sustainability, encompassing domestic leagues and how they redistribute their income, as well as income coming from the European competitions.

Mr Swart recalled that, at the domestic level, redistribution of media rights was a competence of the domestic leagues, in coordination with their members, i.e. clubs playing in the top tier or other tiers of the domestic competitions). There was no harmonisation of redistribution models of different countries. The struggle was always about finding a good balance between the interest of those clubs generating more than an average share of the media rights value and of those making a smaller contribution. Leagues were always having debates with their clubs on how to improve the domestic redistribution models and there were good examples of countries where this was happening. In two countries, an agreement had been reached to share the revenue from UEFA competition also with non-participating clubs: in Latvia and in the Netherlands, respectively 10% and 5% of UCC revenues gained by clubs participating in the qualification rounds were shared among the others. Mr Swart concluded restating that it will depend upon the ability of the footballing stakeholders to take bold and potentially difficult decisions that are genuinely in the interests of the game: not individual interests but collective ones; not for the short term but for the long term; not as owners but as custodians.

Mr Marchetti stated that inequality was not only a matter of money and it reflected the ability of clubs to compete at European level. UEFA stood for values, and namely those related to the pyramidal model, the inclusion and representation of all participants. The financial gaps were undermining these values. The gaps between clubs coming from different countries were, paradoxically, at the origin of ideas like the Super League, as some clubs did not want to play with the others because the competition was too uneven, while the others wanted to play. UEFA wanted to keep an open access list to its competitions as it is today, but there was a need to look at the financial disparities, which were created outside the European competition; otherwise, UEFA would not be able to propose competitive top competitions as they were today, because the sporting gap between clubs was increasing. Mr Marchetti believed in a fruitful debate between stakeholders, on how to solve the problem within the domestic frameworks and at European level. The money redistributed by UEFA could appear enormous but was not enough; the figures for European football were much higher and called for a coordinated, joint approach of all the stakeholders.

Lord Foulkes expressed his appreciation for the most valuable contributions from the experts, which had been even higher than expected. He hoped that it could be possible to work with partners over the next few months to complete the preparation of his report and was thankful to them for their co-operation.

He then mentioned three things he had retained from the debate:

- the proposal to have a super league of course raised concerns but he agreed that this question should not dominate the debate;

- he shared Mr Marshall's view that fans were important, and he hoped that fans could be included in the *FIFA Football Stakeholders Committee*, though he was aware that the issue of representation was a difficult one;
- he acknowledged the good work FIFA was doing concerning the agents, but he considered that Mr Baer-Hoffman was right in saying that not only the agents but the whole transfer system needed to be dealt with, and that he was right in reminding the audience that football players were "workers": some of them were poorly paid, with poor contracts and in great personal difficulties.

The latter note was a good transition with the following topic on "players rights".

2nd Round table on "Young players' rights"

Due to Ms Cook's connection problems, **the Chairperson** gave the floor to Mr Frossard.

Intervention by Stanislas Frossard, Executive Secretary, EPAS, Council of Europe

Mr Frossard said that he was speaking on behalf of Mr Alexandre Husting, the Chair of the Enlarged Partial Agreement on Sport (EPAS), who was unable to attend the meeting. Lord Foulkes' report identified real problems in football.

Sexual assault was unfortunately a reality in sport; according to studies, one in seven or one in five sportsmen or sportswomen were reported to be victims of assault at some point in their career. Several risk factors explained why sport was affected by this problem. It was for adults to talk about it as many victims would never do so because they feared reprisals, failed to recognise the problem or were simply incapable of speaking about it.

In countries where the problem had been acknowledged and people felt free to speak out, it was now clear that the scale of the phenomenon had been highly underestimated. This was the case with French ice skating, and Sarah Abitbol's revelations, which had marked a shift in people's consciousness; British football, and the scandals which had reached their height in summer 2018; and US gymnastics, and the Larry Nassar affair.

Through its intergovernmental networks, the Council of Europe had mobilised efforts to tackle the problem. The Start to Talk initiative called on member states to take three types of action and helped them to develop them through support packages comprising a set of tools. These included:

- help to set up a national awareness-raising campaign including appropriate communications tools to get people talking;
- support for the assessment and review of legislation and procedures;
- provision for training for sports movement professionals (managers, trainers, etc.).

Currently the APES was launching pilot projects to establish networks of child welfare officers in sport under its Child Safeguarding in Sport (CsiS) scheme. These would form a module which would probably be added to the existing tools.

To date, about twenty Council of Europe countries made use of such schemes, and this was a start. In previous years, states would have said that the problem did not concern them, but now they were prepared to recognise its existence and take measures. However, the level of awareness, media coverage and political mobilisation was not the same everywhere as it was in the countries where the aforementioned scandals had arisen.

International sports organisations had also been active:

- FIFA had its FIFA Guardians project;
- UEFA had its safeguarding.eu platform;
- and the IOC had its prevention of harassment and abuse in sport (PHAS) initiatives.

These were useful professional tools; however, they were not being implemented evenly in all sports and countries, and there was still a long way to go to get more people involved.

As to the exploitation of sportsmen and sportswomen, the question had been addressed in Recommendation [CM/Rec\(2012\)10](#) of the Committee of Ministers to member States on the protection of child and young athletes from dangers associated with migration, which identified many problems such as the management of aborted transfers, the talent drain, problems of integration, removal from school, and exploitation and trafficking. Unfortunately, awareness of the problems of exploitation did not seem to be as widespread as of those of

sexual assault and abuse. It was essential to mobilise all the stakeholders, including child protection authorities, sports authorities, the courts, the police and sports organisations.

Mr Frossard regretted that these issues had been over-compartmentalised, including at the Council of Europe. For example, the Parliamentary Assembly was also preparing a report entitled “The fight for a level playing field – ending discrimination against women in the world of sport”, which also dealt with sexual assault and abuse. These matters were addressed at times from the angle of protecting minors, at times from that of gender equality and at times from that of sport, when in fact the real goal should be to involve all the authorities and bodies who had a part to play in handling them.

In conclusion, Mr Frossard pointed out that the Council of Europe Conference of Ministers responsible for Sport was currently taking place online, and that its agenda also included respect for human rights in sport, including the problems raised by the Parliamentary Assembly. The conference would propose measures to make better use of the Council of Europe monitoring systems to identify and report problems observed in sport. The European Court of Human Rights and the Council’s monitoring bodies and experts did outstanding work, but they rarely pinpointed problems in sport, and sports experts were calling for them to do so, so that they could deal more effectively with these issues. The conference would also propose to step up training activities in sport to instil a human rights culture in sports authorities and sports organisations. Mr Frossard considered that this idea could be reflected in Lord Foulkes’ report; however, unfortunately, these problems were not confined to football, and the EPAS would continue to address them from the viewpoint of sports policies designed to provide better protection for children.

Exchange

Pending a solution for Ms Cook’s connection problems, **the Chairperson** opened the debate.

Mr Baer-Hoffman said that FIFPro had been working on the issue of sexual abuse since 2018 when the Afghanistan national women’s football team had got involved in the first international case of this nature dealt with by FIFA. FIFPro had also been involved in the second big case (which led to a life ban) concerning Haiti. This was something FIFPro – as most areas of sports in general – was not really prepared for, but they worked closely to represent and support the victims of these sexual abuse systems, together with organisations like Human Rights Watch, the Centre for Sport and Human Rights, governments and of course FIFA. Mr Frossard had rightly pointed to factors which showed sports to be a risk area, like other areas in the society where sexual abuses had taken place in the past, especially on minors. The sanctions applied to the presidents of the two football federations in question had been critical to send a message; they were the result of a long process which had shown both the strength and weaknesses of the sports system in dealing with these cases. There were limitations in the capacity to investigate these crimes, and limited sanctioning powers: these crimes could be sanctioned by a life ban from sports, but the consequences needed to be in criminal law; also, the cooperation between governments and sports organisations needed to be much stronger. In the two countries concerned, the judiciary system was probably not up to the Council of Europe standards and this was extremely dangerous for the victims. It was important to have, in these cases, a human-rights-based approach and a victims-prospective-based approach. There was a need for a new structure to deal with this issue: an international, independent body to deal with these questions was necessary. FIFPro strongly supported this and called for everybody in sports, in governments and in areas with more experience in dealing with these problems to cooperate and find the best international structure that can help dealing with these cases. It was important to put this on the top of the agenda as soon as possible.

Concerning child rights, and namely the situation of minor players in football, he stated that the transfer market establishes a quite unique commercial interest in the movement of young people, and it legitimises financial return that many people are aspiring at when trafficking children. FIFA regulation on transfers had focused on preventing trafficking of children, with some good results, but had not sufficiently addressed the rights of the child with regard to the possibility for the child to exploit the opportunities the child should have to make the most out of their talents. There was a need for a more balanced system dealing with movements of young people, allowing for safe opportunities to children while preventing trafficking, and with a stronger focus on education, social development and psychological support. A very important work was carried out by UNESCO in this respect.

Mr Muyters said that in the past there had been some testimonies of athletes, victims of sexual abuse in Flanders. When he was Minister for Sports in Flanders he had established that federations asking for subsidies had to make an action programme concerning the sexual abuse of athletes; this included to appoint a person

to whom everyone affected by an abuse could go and present the case. There were seven actions to put in place, such as education programmes for trainers on this subject. The problem needed to be tackled and this started from the acknowledgement that abuses can happen and were not the fault of the athletes. The issue was about the possibility for all children to practice sports in a normal way.

Mr Schennach recalled that, in 2018 (in Tbilisi, Georgia) PACE had worked out a very good action plan against sexual violence in sports.³ He did not know whether the Committee of Ministers had informed the Ministers of Sports of the Council of Europe member States of this action plan, but it was very concrete, for example concerning the need of training for all sports professionals dealing with children. An important point was that the adoption of proper measures should be a condition for any sports body to receive public money. He suggested that this action plan could be sent to the experts.

He then referred to the fact that in different cities (in Vienna for example) and member States there were “informal” leagues of paperless people. He suggested that the rapporteur consider this phenomenon in one paragraph of his report, as it was important for integration, and it was important to give some perspectives to these vulnerable persons at the bottom of the pyramid.

Lord Foulkes hoped that the connection problems with Ms Cook could be solved. He had had bilateral contacts with her where she had discussed with him the issue of sexual abuses, also referring to the cases in Afghanistan and Haiti, and he had tried to help her with contacts in Haiti. Ms Cook had also presented him with a proposal for establishing an international safe sports entity, which for him was a very good way to deal with this issue. He was interested in knowing the views of others on this FIFA proposal. She had commented on the transfer of minors, in particular from Latin-America and from Africa to Europe. He wondered if FIFPro or others could say more on this problem and on how to deal with it.

Eventually, the connection problems with Ms Cook were solved and the **Chairperson** gave her the floor.

Intervention by Ms Joyce Cook, Chief Social Responsibility and Education Officer, FIFA

Ms Cook stated that millions of children around the world enjoyed football. FIFA actively encouraged youth development and participation in football with all the social and team values, camaraderie, health and other benefits that can bring. However, with that came a risk of harm and a tremendous responsibility of sports, not least football, to ensure the safety and wellbeing of young people and the fundamental protection of their rights.

She then presented 3 key elements that FIFA was focusing on, as set out in FIFA President’s *Vision 2020-2023: Making football truly global*: safeguarding and prevention measures, education and awareness, and investigation and redress when things go wrong and children are put at risk of or indeed sadly harmed. Many high-profile cases had come to light in recent years of child abuse across sports and around the world; and that, sadly, included football with recent cases that had been widely publicised such as in Afghanistan and the ongoing case in Haiti.

FIFA had taken significant strides in the last 2 years to develop and embed preventive measures and procedures to protect children and young vulnerable adults within football. This included the implementation of a child safeguarding programme and toolkit – FIFA Guardians – with technical support and guidance from an expert working group comprising representatives from the Council of Europe, UNICEF, Safe Sport International and several member associations with expertise in this area. The programme provided practical guidance to help FIFA member associations review their existing child safeguarding measures, to help prevent any risk of harm to children in football and to appropriately respond at national and local level if concerns arise by referring cases to local child protection agencies and the relevant authorities, when that was possible. Furthermore, the FIFA Forward Development Programme Regulations 2.0 oblige member associations and confederations to “take measures to protect and safeguard children and minors from potential abuses and to protect their wellbeing within football” (article 8, para. 1t). FIFA was working with the confederations and the 211 member associations to help raise awareness of the importance of child safeguarding at all levels in football.

³ The action plan comprises “Ten key steps to better protect children against sexual violence in sport”; it is available at: <https://pace.coe.int/en/news/7252>.

Concerning training and capacity building, in January 2021, a new FIFA Guardians Safeguarding in Sports Diploma was to be launched, together with the Open University; it was intended to professionalise the role of safeguarding officers in football and to raise safeguarding standards around the world. This was the first academic programme of its kind not only in sport but also in other fields. This reflected how much work had to be done, to safeguard children in every elements of their life. FIFA was determined to address this issue in football as smartly, effectively and rapidly as they could, and they counted on UEFA colleagues, who were doing a great work in this regard, to help in that journey.

Concerning protection of minors and international transfers, Ms Cook explained that the FIFA Regulations on the Status and Transfer of Players prohibit international transfers of minor players, and all exceptions are subject to the scrutiny of a committee to ensure that all requirements are strictly met. Strong sanctions apply in case of non-compliance with the FIFA rules.

FIFA was also working on a new agent framework and its impact on protecting underage players; FIFA expected to implement a worldwide regulatory framework for agents, with further preconditions and an additional authorisation for all agents wishing to represent a minor. This would include a public, centralised, international agent register, listing all licensed agents with the authority to represent minors, which would be made available via the FIFA website. In addition, a handbook for children and their parents would be made available in different languages explaining their rights, and outlining agents' responsibilities and warnings about bad practices.

Ms Cook then referred to the FIFA Football for Schools programme, developed together with UNESCO, which was intended to teach "life skills" through football, including:

- personal understanding (e.g. taking responsibility, communication, identifying with role models, active listening, the balance of both winning and losing and positive lessons that each teaches);
- the challenges that young people face (e.g. bullying, discrimination, conflicts, peer pressure);
- sporting values (e.g. friendship, teamwork, helping hands, respect for each other);
- health & wellbeing (e.g. fighting infections, good hygiene, asking for help, safe spaces).

This programme had been delayed by the COVID pandemic but was expected to start operations in early 2021.

Finally, Ms Cook stressed the need to address cases of abuse when they are reported. This was a responsibility that FIFA was taking very seriously, remaining determined to sanction and to ban perpetrators of child abuse, as this had been recently demonstrated in Afghanistan and Haiti. However, these cases were complex and difficult to investigate. There was a need to ensure that safety of survivors comes first and that whistleblowers, victims and their families are not put at further risk of harm. FIFA had had cases of death threats, without being able to turn to, to rely on or to trust statutory criminal and child protection agencies on the ground, for support and for investigation and prosecution of perpetrators of these crimes.

Such competencies fell beyond the capabilities of sports alone. Hence FIFA was calling for the establishment of a new international centre for safe sports, which should be multi-sports, multi-agency and multi-government, to deal with these cases of abuse, being mindful however not to create more harm or risks by doing so. FIFA was looking for an entity, efficient, agile and pragmatic in providing a pool of services and expertise that could assist all stakeholders to eradicate abuse in sports, putting the needs of victims first.

The Chairperson thanked Ms Cook. In view of the time, he proposed to move on to the third round table and, possibly, to take up the topics already discussed in the final round table. He gave the floor to Lord Foulkes.

3rd Round table on "Stakeholders' involvement in football governance"

Lord Foulkes indicated that he wished to move to the fans' and clubs' role in the development of community projects and their role in the community. He was particularly interested in this question and thanked the experts for their contribution.

Intervention by Mr Jonas Baer-Hoffman, General Secretary, FIFPro

Mr Baer-Hoffman started by recalling that FIFPro was the international trade-union umbrella organisation of players associations and unions of professional players all over the world. It worked in approximately 75 countries and represented collectively around 60,000 male and female players, those playing the champions

league and those of lower leagues, who just earned a few hundred dollars per month. As a player trade union FIFPro sometimes had a different approach than other stakeholders as clubs or leagues. Concerning stakeholders' involvement, he highlighted two dimensions. The first one was the broader context of how sports and football developed as elements of the society; in this respect the events of the last months had shown how extensive the social activism of players had become: there had been no louder spokespersons than players themselves on issues like gender or racial equality. Concerning stakeholder involvement in this context, there was a need for a very broad base so that all components of the football game and around the game could be heard and could work together. A second dimension was the labour rights perspective. FIFPro expectation was that players had the freedom to associate and to enter into a collective bargaining. In many countries, and in some respect also internationally, the mechanisms to ensure these rights had not been appropriately established and, at domestic level, sometimes had been actively suppressed. Historically, the fighting for rights had changed the governance of football. Today, players were at the table; however, in many countries, the reason why the players' labour conditions were not at the standards they should be was that the process of collective bargaining on employment conditions was not happening. This should be addressed.

Linking to the previous discussion on the need for a broad reform of the football industry, Mr Baer-Hoffman stated that, in this context, it was critical to innovate; there was a need to discuss how to ensure equality, climate relevance, solidarity, fair employment conditions for players, coaches and other people in football and fair representation of the stakeholders including fans. There was a need to learn how to do this better, to make the sport a societal good and an industry at the same time.

Intervention by Ms Antonia Hagemann, Chief Executive Officer, Supporters Direct Europe, also speaking on behalf of the Football Supporter Europe and of the Centre for Access to Football in Europe

Ms Hagemann, before her presentation and referring to the theme of the previous roundtable, indicated that Supporters Direct Europe (SD Europe) had initiated, together with UEFA, a series of child protection workshops for supporters' organisations and clubs and offered to liaise with Ms Cook and with FIFPro to see what SD Europe could learn and what they could share.

Starting her presentation, she stressed that there was no football without fans. Football fans are not a homogenous group or stakeholder: there are different fans and of fan cultures, including those who want to be involved in decision-making, those who travel to away games and those who don't, differently disabled fans, non-matchday going fans, etc.

The three fans organisations on behalf of which she was speaking represented different interests of fans.

- **Football Supporter Europe (FSE)** was an independent, representative and democratically organised network of fans in Europe, with members in 48 UEFA countries, active on issues such as ticketing, fan culture, discrimination and policing in football.
- **The Centre for Access to Football (CAFE)** was a not-for-profit organisation which aimed to support the improvement of accessible facilities and services at stadiums and clubs, raise further awareness around access and inclusion within the game, offer advice to disabled football fans and establish a network of disabled supporter groups.
- **SD Europe** was a not-for-profit organisation, representing national supporters' organisations and a number of amateur and professional member-run football clubs across Europe, Africa and Asia (including the Hearts Supporters Trust mentioned by Lord Foulkes). SD Europe aims were to get more football clubs into supporter ownership, to get more institutions to take actions towards this result.

The three organisations had positive working relations with many stakeholders present at the hearing; they worked closely with UEFA and benefitted from the EU support through Erasmus+.

Supporters were not just at the receiving end of football, but they were co-creating with other stakeholders and across sectors and generating essential added value to football. Fans manifested football's role in society. The Covid-19 epidemic had showed what it means playing football behind closed doors, and its effects on clubs' financial performances; but there was also a social impact with a terrifying effect on society. Football was a glue holding people together, in many different forms. Rather than just fixing the lack of that glue, there was a need to look at more progressive ways of involving supporters in clubs and institutions: not just at the receiving end but as the ones who help in shaping the future.

Democracy and participation were in decline; jobs were lost or on the line; clubs, if not whole leagues, were on the verge of collapsing. CAFE, FSE and SD Europe were working towards building strong relationships between national associations and fans, leagues and fans, clubs and fans and other stakeholders. Despite the crisis there was also an opportunity to engage much more with the supporters. She stressed that, without the

supporters, football is not the same: the atmosphere, the impact in society and also the sponsors' interest are not the same.

Ms Hagemann concluded with the following concrete proposals:

- full recognition by football governing bodies of fans as stakeholders of the game, under the same representativeness principles as trade unions or consumer rights organisations;
- adoption of the UN Guiding Principles on Business and Human Rights by national football association, professional leagues and football clubs;
- declare and promote the inclusion of, and engagement with, disabled stakeholders as essential to good governance and to the sustainability of football (and this was of particular importance now that decisions were to be made for the return of spectators to stadia);
- provide means of formal dialogue between disabled supporters associations and their clubs and / or national associations;
- help supporters to gain formal, structural involvement in football, on club, national and European levels;
- encourage that a structured fan participation in the decision-making process and dialogue is implemented by the governing bodies in national regulations.

Exchange

The Chairperson opened the debate.

Ms Deagle (representing the *Centre for Access to Football in Europe - CAFE*) stressed that creating an accessible environment would not only benefit the 100 million disabled fans living in Europe, but also the wider society. By consulting disabled people, it was possible to create a resilient, sustainable, profitable sport, and to protect human rights. She encouraged all the participants at the hearing, as well as public authorities and all football stakeholders, to act together to meet the provisions of the UN Convention on the rights of disabled people, the European Accessibility Act and the European standards in stadium design⁴. She stressed that not one single football stadium in Europe met the European standards in accessible spectators viewing areas. She concluded noting that the Covid-19 pandemic was having a disproportionate impact on disabled people. Before the pandemic, 50% of disabled fans had never attended a live public or sporting event. If the response to the pandemic were not towards the inclusion of disabled people, there was a risk to create a game which would reverse human rights which would not be sustainable or inclusive for all.

Mr Baer-Hoffman, referring back to the question of sexual abuses and FIFA's proposal to set an independent body, stressed that this was the right move and FIFPro would support the establishment of such a body. However, stakeholders should be aware that, if successful, such an institution could attract a lot of cases. Therefore, it should be well-resourced. Moreover, all stakeholders had to get involved in its governance structure and it should be closely connected with government activities, and namely with the law enforcement and the criminal justice systems. Concerning the movements of minor players, outside the EU, FIFA regulations prohibit the movement of players under 18. Mr Baer-Hoffman considered that this also restricted movements that FIFPro did not consider illegitimate. For example, Alphonso Davies, a Canadian professional football player of Liberian origin, bought by the F.C. Bayern Munich when he was still under 18, had not been able to join his new team until he was 18; in this case, there was no risk to him to move from Canada earlier. Finally, Mr Baer-Hoffman considered that a distinction should be made between the local fans' groups and the international commercial fans' groups. The local fans were the ones football was missing today. The international commercial fans' group were triggering the decision, sometimes to the disadvantage of the local fans who build the community around the clubs. Clubs should not lose the connection with their local communities because of the interest of international commercial fans' groups.

Ms Hagemann referred to a research made in London about the impact of the Covid-19 pandemic on young people and particularly the "generation Z". Many young persons of the "generation Z" were football fans. There was a responsibility that everyone had to support people without a future; and everyone knew the impact that football has on people. SD Europe considered it had a responsibility to help fans to organise themselves and to provide them with the support they needed within their community, to really be involved in the life of their football club. Together with FSE, SD Europe had set up a website to highlight all the good work that supporters were doing in their communities. There were commercial fans, but those she was speaking about were the fans who were used to go to the stadia. A lot of people were worried that fans would not come back in the future as before the pandemic. The question was: what should be done to make sure that fans come back and feel at home and that football could play its role in their lives and vice versa? Probably not to continuously prise them out and to exclude them from the decision-making table. She was not suggesting that she should be

⁴ See footnote ⁵

invited to that table but that people with the right skills could join the conversation. She then referred to the issue of representativeness of fans organisations. She restated that there was an incredibly diverse fans' culture. There was no "one" organisation that could represent all fans; there were different interests to be protected and lobbied for. This was why different organisations were at this hearing. It was very simple to involve fans in the discussion: it was enough just to invite them. She warned that we are in danger of losing communities, which would be dramatic; but something could be done with football.

Lord Foulkes referred to the experience of the *Heart of Midlothian Football Club* which he had chaired for a couple of years in the past. There were 8,500 fans contributing to the running of the club. Fans gave £250,000 per month to support the club. This illustrated the great participation of fans. He indicated that he was looking at ways for fans to participate, particularly in the stakeholders' committees set up by FIFA, UEFA and other bodies. He wondered how to organise this participation, knowing that fans were so disparate, so unorganised. He asked Ms Hagemann whether she was looking at ways of getting fans organisations together so that they could participate at European level, as well as national and local levels. Lord Foulkes was concerned by Ms Deagle's statement that there were no stadia with full facilities for disabled fans; he would have thought that new stadia, such as the ones of Tynecastle or Tottenham Hotspur, had proper facilities for disabled people. He asked what PACE should suggest in this respect. Finally, he asked again about the participants' views on the proposal to establish an international independent agency to deal with the cases of abuses in sports.

Mr Evain (representing *Football Supporters Europe – FSE*) stressed that, with the covid-19 crisis, football risked losing the young generation; a survey concerning Italy had concluded that the interest of the young generation for professional football was at the lowest level ever. Fans were not in the stadiums, of course, and replacing them with plastic or carton fans or augmented reality was a wrong signal. Fans were helping their clubs, and football economy to go through the crisis and there should be a recognition by the world of football of this contribution. He noted that football could go further away from the communities by playing games overseas or looking for new competitions that go against the very interest of the fans. Concerning how fans were organised, fans organisations were working with the same principles of representativeness as the trade unions. The three European fans' organisations at the hearing were democratic organisations representing the fans' organisation that were willing to be represented at European level. They were working as democratic, independent organisations; they did not claim to represent all fans in Europe, but they were representative bodies available for any form of active and structured dialogue with the football governing bodies. Of course, they were representative only in relation to the members they had. However, any dialogue with fans at European, but also at national or local level, went through them or their members. They were willing to contribute to the reform of football and to the role and governance of the game.

Ms Hagemann provided some practical examples of how cooperation between the authorities and the fans could work. SD Europe had been involved in expert groups of the European Commission discussing football governance and financial sustainability. Also, the presence of the three organisations at the hearing showed that there were organisations which could, and should, be invited. SD Europe was currently running an Erasmus project which was bringing the national football associations and the national fans' organisations much closer together; a kind of therapy process, at the end of which could hopefully come a functioning relationship but also some actions; the idea would be to change the structural set up within the national associations so that fans could be involved in certain discussion and decision making. Different national associations across Europe were picking this up, this was supported by UEFA and different leagues were involved. There were a lot of other projects ongoing. Because of Covid-19, many governing bodies at national level had set up task forces where different stakeholders were invited to discuss how to get out of the crisis, in many of these task forces there were representatives of national fans' organisations. The structures were there; there were no excuses not to invite the fans to the table, because fans' organisations existed; they were democratic, open, transparent and non-discriminatory. There was already a lot of positive work ongoing, but also room for more. Dialogue was something, but fans' organisations also wanted some involvement in decision making.

Ms Deagle responded to Lord Foulkes' question about stadia not meeting the European accessibility standards. She was mainly speaking about stadia outside of England.⁵ There were stadia in England that more recently had met the standards; but this mainly in terms of minimum numbers of accessible seating; they did not all meet quality, however. Unless both quantity and quality were covered, disabled fans were not offered a truly inclusive and accessible experience. For example, a problem was to have an adequate view even when people stand up in front of disabled fans: the experience with the finals of UEFA competitions was that when the host stadium did not meet the quality of accessible seating, the solutions were either to create an elevator

⁵ Ms Deagle wishes to clarify her position as follows: whilst there is currently no overview of how many stadiums meet minimum European standards in accessible viewing areas, it can be safely assumed that very few outside of England, if any, meet both the required number and quality of sightlines.

platform, this being a sustainable solution, or to condemn seats in the rows in front, which was not sustainable. Stadia that had recently achieved, or had come close to, the standards in accessible viewing areas were those which had consulted disabled fans and used their feedback.

The Chairperson closed the debate and opened the final round table.

Final Round table

All speakers, in their conclusive remarks, thanked the rapporteur and the committee for the organisation of the hearing and for having been invited to it.

Mr Swart hoped that the interesting discussion could contribute to the report and expressed the readiness of the European Leagues to further cooperate in its preparation. He then referred to the report on “The financial landscape of European football”, which should be endorsed by the forthcoming General Assembly of the European Leagues of 11 December 2021. The report would then be made available, also for the purposes of Lord Foulkes’ report. Concerning the consequences of the Covid-19 crisis, he confirmed that clubs were missing the fans in the stadia and stated that he shared the concerns expressed during the 3rd round table with regards to stakeholders’ involvement.

Mr Marshall stated that the present lockdown was for all the stakeholders the fight of their life and they needed to ensure not to waste the crisis, as a famous UK Prime minister had told.⁶ Establishing the right governance – and the necessary structures to ensure progressive and sustainable decision making – was fundamental. Decision making had to be inclusive: an open and transparent dialogue between the stakeholders led to the right debate and ultimately to better decision making. The current generation of football leaders needed to work together and assess continuously how governance models could be improved. Fairness and efficiency were at the heart of any effective governance model. Fairness meant that decision making should reflect the contributions of the stakeholders to the game; efficiency meant representative and responsible and responsive decision-making organs, with adequate checks and balances. In recent years, the ECA and the clubs it represented, had enhanced their powers and influence within the UEFA structures; this was not yet the case at FIFA level, although they had a good working relationship. Clubs were the main entrepreneurial risktakers and value drivers of the football game and they needed to be at the heart of the decision-making process; it was possible to go further on this. Turning to the role of the fans in football governance, Mr Marshall stated that football was not football without fans and there was a need to find a safe way to bring them back into stadia and engage them with their clubs as soon as possible. The role of fans within governance structures was complex, because fans themselves were complex. In any case they remained the lifeblood of clubs’ thinking, and no club was capable or willing to ignore its fan base.

Mr Marchetti insisted on Winston Churchill’s statement, previously quoted by Mr Marshall. The Covid-19 crisis had at least brought a small good thing: that all stakeholders had really been working together, because it was very clear to all that it was not possible to get out from this crisis without co-operation and looking only at its own interest. UEFA considered that unity and solidarity and especially involvement and inclusion remained the key words; and they were not only words but real action that UEFA implemented every day. UEFA was very active in protecting children against sexual abuse; however, it was very important, when talking about minors, to think more widely. He was concerned to hear about the possible opening to transfers of minors worldwide. UEFA understood the issue of “opportunities” but “opportunities” had to be balanced with the “risks”. In UEFA’s opinion, even one human life was not an acceptable collateral damage. No one should be left in the hands of unscrupulous persons who made business out of human lives.

Ms Cook, referring to the proposal for a new entity for safe sport, explained that it would aim at providing critical outputs such as:

- deliver an independent, transparent, assessable, trusted reporting, while at present the victims of serious abuses were not reporting to the existing entities, as this was well documented;
- establish a pool of regional and local experts, who could be mobilised to investigate in these extremely sensitive cases;
- assist sports in having a more unified sanctioning system; each sport would remain responsible for its own investigations and sanctioning, but would have this pool of experts to which to turn to;
- be able to work with other international and European entities, such as Interpol; this would maybe make it possible to project the cases on the international screening and work together to prevent perpetrators to jump from a region to another and from a sport to another;
- act as an expert knowledge hub.

⁶ The reference is to Winston Churchill’s sentence: “Never let a good crisis go to waste”.

There was a need to help the victims who were under serious death risk to get humanitarian visas. This was not only an issue for cases in Afghanistan or Haiti. She concluded by urging support from all the participants, and perhaps pledges, for this entity.

Mr Frossard stated that the promotion and protection of human rights in sports were on the top of the political agenda of the sports ministers. They wanted to better harness the human rights instruments and monitoring mechanisms to the development of sport. EPAS had a number of very concrete proposals on child safeguarding, gender equality and fighting abuses in sports. EPAS will welcome any proposal put forward by Lord Foulkes' report, and any help to mobilise more countries. Concerning stakeholders' involvement, EPAS was trying to do it via their international cooperation. It was a governance principle to promote stakeholders' involvement in sports in general; but many of the EPAS governmental experts would be hesitant to go further in details on how stakeholders should be involved in the work of concrete sports organisations. With regard to solidarity, EPAS was currently revising the "European Sports Charter", which sets a number of principles for sports policies in Europe. The idea to promote values by sport, and to consider as privileged partners the non-profit volunteer-based sports organisations, which are promoting solidarity in sport, was highlighted in the revised European Sports Charter. Mr Frossard stressed that there was no consensus on the idea of a European sports model. The question of solidarity was on the table and the contribution from PACE, via Lord Foulkes' report, would be very welcome.

Ms Hagemann noted that it had been said earlier that solidarity should go to those who needed and deserved it. The meaning of this was not entirely clear to her; thus, she proposed that stakeholders could have a more transparent conversation in this regard, also involving the supporters. Also, more small and medium size clubs and particularly grassroots clubs, should be involved in the discussions about the reform process. SD Europe worked with fans who were saving their clubs from bankruptcy, picking up the pieces or having to set up new clubs. She referred to a high-level conference organised by the European commission the previous week about the impact of Covid-19 on grassroots sports organisations, but there was no one grassroots organisation in the panel. There were room for improvements in this respect. The supporters that CAFE, FSE and SD Europe represented were all organised in voluntary organisations; SD Europe did its best to help its members to professionalise, trying to provide them resources through Erasmus projects, and they were in discussions with national associations and leagues to find ways to improve their standing and provide resources for them to have at least have one paid position. It was hard to be involved in this kind of discussion if there was not even one half decently paid position. It was a pleasure to be in the same room as the other stakeholders; all of them were trying to overcome the crisis. They all needed to take the communities with them: one could see a lot of lethargy amongst active people in the communities and there was a need to help them.

Mr Baer-Hoffman emphasised the importance of establishing a new body for safe sport, meeting the conditions he had stated in his previous intervention, and that everyone comes on board for this initiative. He welcomed the importance given by EPAS to human rights in sports. Concerning stakeholders' involvement, it could be a challenging construct to understand, but there was also, in some cases, a tendency to make it more complicated than it was. For example, concerning workers and their right to engage in collective bargaining, there were legal standards and good practice; if these standards and practice were respected for players, they would be ahead of where they were today. The discussion had focused on a good part of the most pressing issues football was facing, and they had been discussed essentially through the parameters of democracy and human rights. This showed how relevant it was that, in all decision making, in all governance questions, stakeholders kept in mind that these were essential pillars. This also underlined the relevance of the Council of Europe engagement with sports, and of engaging to understand how stakeholders could best fulfil their role in society. Mr Baer-Hoffman concluded by saying that FIFPro would be happy to contribute further to the report.

Lord Foulkes stated that if anyone could question why the Council of Europe and its Parliamentary Assembly were involved in discussing football, this hearing had been the illustration of why they were involved: because this was a question of human rights and of governance. To summarise the debate was impossible; the notes on the discussions would certainly be very valuable for the preparation of the report. He thanked all the participants and he was grateful for their offer to help in the future. Concerning the solidarity issue, he considered that the reform of the transfer system was important, but the report would also consider other issues that had been raised during the discussion. On the enhanced protection of minors, including the gender dimension, he was grateful to Ms Cook for her contribution and he would certainly include her proposal in the report. On co-working of stakeholders at national level, he thanked the representatives of the three fans' organisations; they had proven to him that they were there and should be involved in stakeholder discussions at every level: clubs, national and European. Referring to Mr Marshall's final statement concerning governance, Lord Foulkes agreed on the need for a right balance of fairness and efficiency: if football was not efficient it could not survive, but it also needed to be fair and inclusive. He then indicated the forthcoming steps, i.e. the preparation of: an information memorandum and maybe of additional information documents to be submitted

to the committee in March 2021; a preliminary draft report, probably by May 2021, including initial proposals for action; a draft report for its adoption by the committee in June 2021, with a view to a debate of the report in Plenary at the October 2021 part-session. He wanted to keep the dialogue going with all the partners. He hoped to be able to physically visit some of the partners; he had already received kind invitations from FIFA and UEFA and would seek to organise his visits to their headquarters, probably in March. He would also seek to organise bilateral remote meetings on particular questions. He concluded by inviting partners that could have further suggestions or wished to discuss some issues further to let it be known to the Secretariat. He warmly thanked again all the participants.

The Chairperson thanked the participants, also on behalf of the committee, for the quality of their contributions and debates. Everyone wanted football to remain the sport which inspires dreams, and which transmits great values to young people; in this regard, the committee relied on all the partners. He also thanked the rapporteur for his work and closed the hearing.

Annex: list of representatives of partners organisations who participated or followed the hearing

Organisation	Name	Functions
FIFA	Ms Joyce COOK	Chief Social Responsibility and Education Officer
FIFA	Mr Emilio GARCIA SILVERO	Chief Legal and Compliance Officer
UEFA	Mr Giorgio MARCHETTI	Deputy General Secretary
UEFA	Mr Julien ZYLBERSTEIN	Chief of Governance and Stakeholder Affairs
European leagues	Mr Jacco SWART	Managing Director
European leagues	Mr Alberto COLOMBO	Deputy General Secretary
ECA	Mr Charlie MARSHALL	Chief Executive Officer
FIFPro	Mr Jonas BAER-HOFFMANN	General Secretary
FIFPro	Mr Alexander BIELEFELD	Head of Global Policy and Strategic Relations
Supporters Direct Europe	Ms Antonia HAGEMANN	Chief Executive Officer
Football Supporters Europe	Mr Ronan EVAIN	Chief Executive Officer
Centre for Access to Football in Europe	Ms Joanna DEAGLE	Managing Director
EPAS (Council of Europe)	Mr Stanislas FROSSARD	Executive Secretary
FIFA	Ms Myriam BURKHARD	Head of Public Affairs FIFA President's Office
FIFA	Ms Analiza TSAKONA	Senior Public Affairs Manager FIFA President's Office
FIFA	Mr Frank GROTHAUS	Senior Public Affairs Manager
ECA	Mr David FROMMER	Advisor on External Relations and Strategic Matters
ECA	Mr José-Luis ANDRADE	General Counsel
ECA	Mr Alun VAUGHAN	Communications Manager
FIFPro	Ms Sarah GREGORIUS	Policy & Strategy Officer
FIFPro	Mr Michael LEAHY	Strategic Project Coordinator