

## BRIEFING DOCUMENT

# PROTECTING PLAYER HEALTH & SAFEGUARDING THE SUSTAINABILITY OF NATIONAL LEAGUES AGAINST ABUSIVE CONDUCT BY FIFA

This briefing document addresses the International Match Calendar in professional men's football and is shared on behalf of the European Leagues, LaLiga and FIFPRO Europe.

## Things you need to know about the competition complaint against FIFA

### 1 FIFA'S DOMINANT

#### POSITION IS "INDISPUTABLE"

- **Regulator:** monopoly on regulatory matters and international competition organisation
- **Market participant:** exploiting the commercial rights associated with the competitions it organises

### 2 FIFA'S CONDUCT IS ABUSIVE

- FIFA's conduct **misuses regulatory powers and procedures** in the context of the IMC and its competitions
- FIFA's conduct **undermines labour law rules, rights and principles** (EU Charter of Fundamental Rights, the EU Working Time Directive, the OSH Framework Directive, the European Social Charter and several ILO Conventions)

### 3 FIFA'S CONDUCT IS UNJUSTIFIED

- FIFA's claim that it only organises a small minority of matches is false and even irrelevant.

- Matches directly and indirectly organised by FIFA have **disproportionate knock-on effects on national leagues** and account for a very significant portion of players' working time (preparation and international travel often across time zones)
- The CJEU has **already rejected** FIFA's claim that its conflict of interest may be justified by **alleged redistribution goals** (Superleague, para. 196)

### 4 REMEDIES SOUGHT

- Leagues and players seek a **fair and inclusive decision-making procedure** in relation to the setting of the IMC and the design and scheduling of other FIFA competitions to ensure the **wellbeing and fundamental rights** of football players, viability of national leagues and the **respect of collective bargaining agreements** at national level.
- **At this stage** the Complainants are **not generally challenging FIFA's role** as the global regulator **nor the lawfulness of mandatory player release obligations** in themselves

## Why European Leagues, LaLiga and FIFPRO Europe have filed a formal complaint on competition law grounds against FIFA

- The current European football system is at an inflection point. The ever-increasing number of international matches and international competitions is causing economic and physical harm to national leagues and players in Europe.
- National leagues and player unions have been at the heart of innovation in football, having promoted more competitive league structures and revenue distribution systems based on solidarity and sporting merit, and favouring fan engagement in the lives of teams and players.
- Professional leagues, acting as competition organisers and club representatives at national level, and player unions, acting as the collective representation of football players as workers, have jointly created a significant economic and entertainment sector that has become a pillar of European culture.
- Today, one of the biggest threats to national football in European countries are the recent decisions made by FIFA - the world governing body of football - around the International Match Calendar (IMC). These decisions, taken unilaterally and even without any consultation of domestic stakeholders, undermine the sustainability of football in European countries and aim to benefit FIFA's own global priorities above all.
- FIFA has engaged in a strategy to add more international games to the International Match Calendar, stating that national leagues, especially those in Europe, take up too much space in the calendar. To pursue this strategy, FIFA is using its

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powers as a regulator on the IMC and over the release of players to benefit its own commercial interest as a competition organiser. This has led to a slew of damaging outcomes for national competitions and players in Europe as well as in other international markets.

- The result is a cannibalisation of the football industry with no accountability for due process. FIFA's unilateral decisions undermine agreed national standards and collective bargaining agreements and infringe European law and fundamental rights standards.
- International football governance must become more transparent, objective and non-discriminatory. Decisions that impact different stakeholders, such as national leagues and players, must be adopted in an inclusive process that gives all affected stakeholders a voice and that avoids conflicts of interests. While the European Court of Justice's recent ruling<sup>1</sup> was focused on the Super League, the judgment is of more general importance. The principles established in that judgment call for governance structure changes that increase checks and balances (e.g. providing national leagues and footballer unions with more direct involvement in decision-making).
- While national football bodies are under the scrutiny of national governments and their local laws, FIFA has no direct counterpart at the global level. It has therefore repeatedly ignored collective and bilateral calls from leagues and unions to mitigate the significant economic and labour-related costs of its decisions.
- The professional football sector in Europe is bound by European law, including fundamental rights

standards, and expects that other actors in the professional football industry seeking to operate in European markets are held accountable to the same level of standards.

- Both the ECJ in its recent sports rulings and European capitals through a letter initiated by French President Emmanuel Macron have called for EU institutions to act decisively to protect European football (e.g. a European Framework for Collective Bargaining Agreements in Sports).
- On 14 October 2024, FIFPRO Europe, the European Leagues and LALIGA filed a joint complaint against FIFA with the European Commission on EU competition law grounds. The complaint concerns the international match calendar and explains that FIFA's conflict of interest as a competition organiser and governing body, coupled with lack of meaningful engagement, is an abuse of dominance and infringes EU competition law.
- Consistent with the Super League ruling, the recent Diarra ruling from the ECJ confirms that FIFA's rules and behaviour must be closely examined under EU law, in particular insofar as they relate to the organisation and commercialisation of football tournaments, as well as to competition for access to high level professional footballers whose services constitute essential resources for football tournaments.
- The 3 October 2024 amendments by FIFA to the rules on the transfer and release of players, which create special exemptions for clubs and players participating in the summer 2025 edition of the FIFA Club World Cup, is the latest example of FIFA abusing its regulatory powers to discriminate in favour of competitions that it organises and commercially exploits.

## The dual role of FIFA in the IMC and in setting up new competitions

- Historically, FIFA holds the ultimate decision and regulatory power over the calendar of all world and continental national team competitions for which players must be released. Clubs refusing to do so face severe sanctions as do players who refuse to play.
- "FIFA considered the perspectives of all key stakeholders. Our fundamental objective is to have meaningful football matches while protecting the

well-being of the players", said FIFA President Gianni Infantino commenting on the IMC approval. In fact, the recent decisions by FIFA on the IMC<sup>2</sup> have been taken unilaterally without say of player unions or national leagues and clubs, consistently overlooking any request for a collaborative approach and without any involvement with leagues and player unions – often directly against their opposition.

<sup>1</sup> European Court of Justice C-650/22 - European Superleague Company.

<sup>2</sup> FIFA (2023), FIFA Council approves international match calendars

<sup>3</sup> FIFA Council confirms key details for FIFA Club World Cup 2025™

<sup>4</sup> FIFA, International Match Calendar 2023-2030

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- Similarly, the decision to add new or extended competitions to the ongoing match calendar has been taken with no regard for the input of both professional players and leagues and disregarding the negative consequences and cost they may face.<sup>3</sup>
- Simultaneously, FIFA operates as a competition organiser. In this function, FIFA has started to extend existing competitions (e.g. changing the format of the FIFA World Cup 2026) and create new ones (e.g. the FIFA Club World Cup 2025). FIFA's economic interest in organising competitions conflicts with its role as the regulator of the match calendar, as it controls when and how its competitors, such as national leagues, can organise their own calendar.
- FIFA, as quoted by their executives, is now primarily interested in expanding the number of competitions, to boost their own revenues. FIFA has also an interest in increasing the number of top-team games to please non-European stakeholders which cast their vote for the leadership positions within FIFA. For these purposes, FIFA is misusing its global regulatory powers.
- These new competitions are lucrative opportunities for FIFA and come at the expense of leagues' profit and player health. FIFA's competitions entirely benefit from the investments made by clubs to be competitive in their domestic leagues, with no immediate return for leagues and players. Also, all clubs and players not partaking in the new competitions are ultimately harmed by devaluated domestic leagues.
- The IMC 2023-2030<sup>4</sup> imposed by FIFA goes against the spirit and letter of the ECJ Super League ruling. It is instead the proof of unregulated and biased decision making at the international level of football, ignoring the transparent, objective, non-discriminatory and proportionate safeguards advocated by the ECJ. It also ignores Article 165 of Treaty on the Functioning of the European Union (TFEU)<sup>5</sup>, which promotes "cooperation between bodies responsible for sports" and the right of players to "fair and just working conditions" (Article 31 Charter of Fundamental Rights), including rights of players to working conditions which respect his or her health, safety and dignity, and the right to limitation of maximum working hours.

## The negative impact on European football, national leagues, and players

- FIFA's decisions are unilateral and unfair. They squeeze national calendars at the expense of international games that occupy all available slots. The conditions of an ever-increasing number of games force leagues and players to make choices.
- Leagues have to choose between:
  - ① violating their collective agreements with players by starting leagues as scheduled while infringing on rest, recovery and holiday periods of key players,
  - ② reducing the number of clubs in national competitions and thereby reducing employment opportunities and harming the cultural and social fabric at the national level,
  - ③ "compressing" the scheduling of their own league competitions and/or restarting the league without key players, thereby decreasing the economic value of the competition, and
  - ④ cutting out games such as national cup competitions altogether to facilitate international schedules.
- Top players are compelled to opt between following a relentless match calendar that increases injury, mental health risk and career longevity or choosing the games they play, mostly by skipping the less elite national league games which decreases the value of national leagues.
- Players have to choose between (1) following a relentless match calendar that increases injury and mental health risk, decreases performance, and endangers career longevity, (2) no longer playing for national teams due to the ongoing pressure of overlapping calendars, and (3) disregarding minimum health and safety requirements and general employment conditions. In addition, a biased match calendar combined with growing elite competitions not only overloads top players but causes match underload and a lack of playing opportunities for the vast majority of professional players.

<sup>5</sup> Treaty on the Functioning of the European Union - Part three: Union Policies and Internal Actions - Title XII: Education, Vocational Training, Youth and Sport - Article 165 (ex Article 149 TEC)

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## The application of occupational health and safety regulations in professional football<sup>6</sup>

- Professional football players are recognized as workers under labor laws, which means that clubs and stakeholders are legally required to adhere to occupational health and safety (OSH) regulations. The football industry, like any other sector, falls under the scope of these regulations, and key frameworks such as the International Labour Organization (ILO) conventions, the European Social Charter (ESC), and European Union's OSH regulations clearly apply to professional football.
- These regulations emphasize a holistic approach to health and safety, encompassing both physical and mental aspects. While some flexibility is allowed to tailor these standards to the specific demands of high-performance sports, they must not compromise the fundamental rights of athletes as workers.
- Implementing occupational health principles in football requires a comprehensive strategy that goes beyond managing training and match load. Medical research shows that the demands on players are multifaceted. Therefore, risk assessments must be holistic, addressing not only job content (physical and mental demands) but also work relations (team dynamics and support), the work environment (travel schedules and facilities), and organizational aspects (contract terms and job security).
- The integration of occupational health regulations into football is not only feasible and beneficial, offering a structured framework for promoting player welfare and extending career longevity, but it is also a legal requirement.
- Unilateral procedures by competition organisers to extend and create international competition formats have ignored domestic collective agreements on working time as well as Occupational Safety and Health (OSH) legislation requirements, like the need to identify and assess risks related to the working lives of professional footballers
- Consequently, FIFPRO has now commissioned an independent study by researchers from Belgian University [KU Leuven](#) to critically examine whether and how OSH rules and standards are applied in the football industry. The research results will be published in the coming weeks.

## Restoring subsidiarity in international football governance

- As a significant part of the European economy and its social fabric, European professional leagues and players' unions are not asking for any preferential treatment or exemptions from public regulations. In fact, they promote the "rule of law" and want all stakeholders in the industry to operate in compliance with European law, fundamental rights and public regulations.
- National leagues and player unions insofar are not opposing competition and innovation, nor do they reject changing industrial dynamics and globalisation. However, they do not accept a *fait accompli* and the fact that the top of the pyramidal structure of football uses its power to undermine the bottom of the pyramid, which provides the foundations of the industry without involving affected stakeholders in the decision process.
- The rights of all football stakeholders, as per any social partners, and their collective agreements should be respected to the same extent as in any other industry.
- An inclusive governance model is what football markets across Europe and the world need to achieve a more sustainable football industry for the future. This should happen through a new social contract<sup>6</sup> based on collective negotiations between social partners, and international competition organisers and governing bodies.
- The football industry requires collaboration and integrated solutions by football stakeholders and all social partners to address the systemic challenges of our time. Professional footballer unions and professional leagues share a responsibility for collective governance structures, specifically regarding decisions that affect them in their role as social partners and businesses (e.g. working conditions, welfare, job opportunities, competition design etc.). This can only be achieved through both meaningful representation of the leagues and players at the right football governance level and sectoral agreements with the relevant social partners.

<sup>6</sup> Preliminary findings of the independent research conducted by KU Leuven