



UEFA RULES ON HOMETGROWN PLAYERS MAY BE PARTIALLY INCOMPATIBLE WITH EU LAW

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9 March 2023, Advocate General Szpunar gave his opinion on a case brought before the Court of Justice of the European Union regarding the UEFA and URBSFA rules on home-grown players. The opinion suggests that these rules are partially incompatible with EU law, more precisely the freedom of movement for workers in the EU.

Since the 2008/2009 season, UEFA has required football clubs to include a minimum of eight “home-grown” players on the squad size limit list sheet, with four of these players having been trained by the club at issue. The Belgian rules are essentially similar but do not require the four players to have been trained by the club at issue.

In the case brought before the court, UL, a professional football player, and Royal Antwerp, a professional football club, argued that the UEFA and the Belgian football association URBSFA rules on home-grown players infringe the freedom of movement for workers in the EU. According to them, these rules restrict the possibility for a professional football club to recruit players who do not meet the requirement of local or national roots, and to field them in a match. The same rules also restrict the possibility for a player to be recruited and fielded by a club in respect of which he cannot rely on such roots.

The Advocate General’s opinion states that the rules on home-grown players are likely to create indirect discrimination against nationals of other Member States. Although neutral in wording, these provisions place local players at an advantage over players from other Member States. However, the Advocate General accepts the argument that these provisions are, by definition, suitable to attain the objective of training and recruiting young players.

The Advocate General raises doubts regarding the general coherence of the contested provisions, as regards the definition of a home-grown player. He argues that the contested provisions are not conducive to achieving the objective of clubs training young players. The same considerations apply to the objective of improving the competitive balance of teams. The Advocate General therefore concludes that the contested provisions are not coherent and therefore not suitable for achieving the objective of training young players.

It is important to note that the Advocate General’s opinion is not binding on the Court of Justice. The Judges of the Court are now beginning their deliberations in this case, and judgment will be given at a later date.

Our Comments

The Advocate General’s opinion is an interesting development in the EU’s governance of sport. On one hand EU recognizes sport as a national matter respecting the “principle of autonomy of sport” but on the other hand EU is increasingly interested in its governance.

In December 2022, Advocate General Athanasios Rantos of the Court of Justice of the European Union rendered an opinion that FIFA and UEFA’s regulations mandating prior approval for new competitions conform to EU competition law. While the European Super League Company (ESLC) is authorized to create an independent football competition outside of FIFA and UEFA’s frameworks, it may not concurrently participate in football competitions organized by FIFA and UEFA without prior authorization from these federations. This opinion represents a complete reversal from the European Court of Justice’s most recent ruling in ISU from 2017, which found that the severe penalties imposed on athletes were in violation of EU competition regulations.

However, the present case concerns the autonomy of sports versus freedom of movement within the European Union. It is noteworthy that the European Court of Justice may potentially declare the UEFA home-grown players rules partially incompatible with EU law, thereby augmenting the EU’s jurisdiction over sports. Additionally, the ramifications of this opinion on other sports remain to be seen.

If you have any questions or require further information regarding any of the above, please do not hesitate to contact us.



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