

Bachelor Thesis for the discipline European Studies:

# The effects of the Bosman-case on the professional football leagues with special regard to the top-five leagues



Bachelor Thesis Supervisor:  
Prof. Dr. Ramses A. Wessel  
Co-Reader: Dr. Tsjalle van der Burg  
Word count (Text only): 25686

Daniel Schmidt  
Helbecker Weg 30  
58769 Nachrodt Germany  
[daniel18schmidt@web.de](mailto:daniel18schmidt@web.de)

Student number: s0146773

12.07.2007

***Table of Contents:***

**I List of Abbreviations.....6**

**1.Introduction.....7**

**2. EU Sport politics and Sport Law.....9**

**2.1 Council of Ministers and Sport .....10**

**2.2 The ECJ.....11**

**2.3 Walrave and Koch.....11**

**2.4 The Dona Case.....12**

**2.5 The legal situation for sport before the Bosman case.....13**

**3.The Bosman Case.....14**

**3.1 Transfer rules before Bosman..... 14**

**3.2 Jean-Marc Bosman.....15**

**3.3 The basic of the judgement .....16**

**3.4 Reactions of officials.....19**

3.5 Ideas and outlooks of scholars for the future after the judgement.....	20
3.6 Immediate results of the Bosman case.....	21
4. Cases after Bosman.....	22
4.1 The Lehtonen Case.....	23
4.2 Kolpak Case.....	24
4.3 Simutenkov Case.....	25
4.4 Summing up of the cases after Bosman.....	26
4.5 Politics and Sport after Bosman.....	26
5. Implementation of the Bosman Case.....	27
5.1 Direct Implementation after the ruling.....	28
5.2 The slow process of adjusting the teams.....	28
5.3 Harry van der Meer and the DEL (example 2).....	31
5.4 Gentleman Agreements in Law.....	31
5.5 Summary of the first reactions.....	33

<b>6. Changed relations between clubs and players.....</b>	<b>33</b>
<b>6.1 Player salaries before Bosman .....</b>	<b>34</b>
<b>6.2 Player salaries after Bosman.....</b>	<b>35</b>
<b>6.3 Financial Problems in different leagues.....</b>	<b>37</b>
<b>6.4 Movement of players.....</b>	<b>39</b>
<b>6.5 Problems of the free movement of players.....</b>	<b>40</b>
<b>6.6 Transfer development .....</b>	<b>41</b>
<b>6.7 New transfer system after 2001.....</b>	<b>42</b>
<b>6.8 Rules restricting the free movement.....</b>	<b>43</b>
<b>7. Competitive balance in football.....</b>	<b>45</b>
<b>7.1 Methodology.....</b>	<b>46</b>
<b>7.2.1 Competition situation before Bosman on European level.....</b>	<b>46</b>
<b>7.2.2 European competition after Bosman.....</b>	<b>48</b>
<b>7.3.1 Situation of national leagues before Bosman.....</b>	<b>49</b>

7.3.2 Situation of national leagues after Bosman.....	50
7.4 Other statistical measures of imbalance in football leagues.....	52
7.5 Conclusion of the competitive balance section.....	53
8. Financial development of football clubs in Europe.....	53
8.1 The change in economic revenues of the clubs.....	54
8.2 The 20 richest clubs in Europe and their heritage.....	55
8.3 TV revenues and the share of the clubs.....	57
9. Conclusion.....	59
10. Literature.....	63
11. Appendix.....	74

## **I List of Abbreviations:**

CCC:	Council for Cultural Co-operation
DEL:	Deutsche Eishockey Liga
DFL:	Deutsche Fussball Liga
EAGGF:	European Agricultural Guidance and Guarantee Fund
EC:	European Community
ECJ:	European Court of Justice
ECSC:	European Community of Coal and steel
ESF:	European Social Fund ESF European Agricultural Guidance and Guarantee Fund
EU:	European Union
FA:	Football Association
FIFA:	Federation Internationale de Football Associations
TCE:	Treaty establishing a Constitution for Europe
UEFA:	Union of European Football Associations
UNCLOS:	United Nations Conference on the Law of the Sea

## 1. Introduction

“This is an attack on football, it destroys a system which worked perfectly fine for years“  
“football will get squeezed out because of this judgement or “Euro-Shock-Clubs in Chaos” (Gassmann and Knop, 2004). Those were some of the reactions of football officials or journalist that referred to the Bosman case and the decision of the European Court of Justice (ECJ) on the 15<sup>th</sup> of December 1995. Never before a decision made by the ECJ in the area of sport, became this highly controversial and critically debated by scholars, athletes and everybody in the field of sport.

Transfers of players have been in practice since the game of football became more popular in England during the end of the 19<sup>th</sup> century. Since the season 1893/94 a player could only be registered for one club, and was only allowed to play for this team during the season<sup>1</sup>. This was the first restriction of player movement in football, and all other leagues, which have been formed after the English league, applied the basics of this.

If however the club withdrew the licence of the player, a new club was able to sign him for the upcoming season. Therefore, if a player wanted to go to another club, the new club had to pay the old compensation fees in order to make it admirable for the old club to withdraw the licence. Transfers have frequently taken place, as football became the sport number one in most European countries and therefore economically more important and bigger. Another restriction that was in practice for many years was to limit the numbers of foreigners on any team. In European competition only three foreigners were allowed per team.

The Bosman case brought two pillars of the existing system down. On the one hand, an unlimited number of foreign players of all EU member states were now able to play for every club in the EU. The other big change was the end of transfer fees after the contract of a player expired. Before the ruling, clubs were able to charge a fee for a player even in the case of an expired contract if they fulfilled certain requirements.<sup>2</sup> It was believed that especially small clubs benefit from this rule. Some experts feared that because of the end of this system clubs would not train young players anymore, since they can possibly save this money and instead buy player from other clubs (Erikson, 2000).

Now, 12 years after the case got decided the consequences are clearer, and it can be said that football is still popular and that fans still love the game. The World Cup 2006

---

<sup>1</sup> This was decided by the Court of Appeal in England in the Radford case (1893) as Nottingham Forest went to court in order to prevent this player to sign with the Blackburn Rovers (Mc Ardle, 2000a)

<sup>2</sup> Those differed from league to league, but an important factor was that the old club at least offered the player a new contract.

in Germany was the biggest event that soccer ever saw, since fans from all over the world came to Germany to see their teams and to celebrate the game.<sup>3</sup>

Nonetheless, important changes happened on the club level. On the 6<sup>th</sup> of April 2001 Energie Cottbus was the first club in the Bundesliga that played with 11 non-German players (Kicker, 8<sup>th</sup> April 2001). This extreme case shows that significant changes have taken place after the ruling. Clubs require more players from other countries, and competition for the superstars of sport has become enormous. The aim of this paper is to identify the changes, which have come up for soccer due to the Bosman case. Therefore the main question will be the following: How did the Bosman-case affect the European football leagues, and especially the top-five leagues (England, Italy, Spain, Germany and France)?

In order to answer this question many different dimension have to be taken into consideration, since the Bosman case revolutionized football in more than one way. Thus aspects, which have to be mentioned here, include the changed number of foreign football players in the European leagues, the new transfer system, the new competitiveness situation as well as the financial development of the clubs.

Sub-questions, which need to be answered in order to support the main questions, are: What is the historical relation between the EU law and sport law? What exactly is the content of the Bosman case? Which additional sport cases were decided by the ECJ after the Bosman ruling? How did the clubs react to the changed rules? Where the players able to benefit from the Bosman ruling, and if so how exactly? Has the competitive balance situation changed after Bosman? Are there also other reasons that can explain a changed situation?

In the first part the question about the exact relation between the EU and the sport law will be answered. Sport still enjoys a certain freedom and can implement rules and laws, which are limited to the field of sport, but the EU is driving back this freedom. Thus measures and statements, which were taken by EU officials, will be examined, in order to show why the Bosman case was possible.

In the third section, questions concerning the content of the ruling will be answered. Therefore, the judgement itself will be under investigation, and additional reasons for the ruling will be identified. Some reaction of officials and scholars directly after the ruling will also be pointed out, as those show the fears, which were expressed because of the changed rules.

After this other cases that served as a follow-up for Bosman will be described, as for example the Lehtonen Case or the Kolpak case. Those cases were necessary since

---

<sup>3</sup> The German government estimated that around 2 million visitors came to Germany to see the World Cup. They spent a combined amount of around 3 billion Euro (Rollmann, 2006)



the ruling in the Bosman case made clear that no discriminations against players from inside the EU were allowed anymore, which had to be applied to all parts of sport.

The first and immediate consequences of the judgement will be discussed in section five. First, the implementation itself and whether or not clubs acted according to the rule will be described. Some leagues made up new rules, and handled them as gentlemen agreements. The question will be if this is in line with the Bosman ruling, or if the rules are illegal.

Section six deals with the changed relationship between players and clubs. This section will show, that players after the Bosman case are now able to earn significantly more, and that they use the chance of employment in other countries. In this part possible developments will also be introduced, and it will be shown that some football officials still try to find a way to reduce the influence of the Bosman case.

In section seven other possible affects of the Bosman case will be researched. The leading question for this part is if the competitive situation after Bosman is different. This will be analysed for the European as well as for the national competition.

In section eight the new competitive situation will be further discussed, and other reasons than Bosman which also could have lead to the new situation will be described.

Section nine will summarize the main findings of this paper.

Academic writing and statistics will form the basic of this paper. In order to fully understand the case, opinion of courts and judgements will also play a role for the development of the paper. The main focus will be on the EU, because the rules were made for this part of the world.

## **2. EU sports politics and Sport Law**

In the founding years of the European Community of Coal and steel (ECSC) the ministers had to handle more significant issues than the regulation of sport. French foreign minister Robert Schumann stated, "the contribution which an organized and living Europe can bring to civilization is indispensable to the maintenance of peaceful relations" (Declaration of 9<sup>th</sup> May 1950). After the Second World War, it was of crucial importance to secure peace, and therefore the war influencing industries as coal and steel were seen as especially important to be combined under a European program.

The focus soon also turned to economic goals. In 1958, the European Social Fund (ESF) and the European Agricultural Guidance and Guarantee Fund (EAGGF) were created, which aim was to favour labour mobility and retraining as well as improving the structures of farms and rural infrastructures (Dall' erba, 2003).

With the extension of the economic goals the EU then called a rising gap between the population and the political elites. Therefore, the idea to create cultural events which strengthen the European idea were soon developed. The area of sport was regarded as an ideal event, as nothing else can bring people together as fast as events in this field. For example, in the year 1971 the EUREGIO Mozer Commission got founded. The goal was to create a partnership between cities and communities from the border area in Germany and the Netherlands. Today around 130 communities take part in this program, and around half of those communities hold sport events together in the year 2000 (Naul, Hoffmann, 2003). In a lot of other areas similar organisations exist and try to bring together people from both sides of the borders. Even though, only the communities at the inner-European borders can take part, the EU tries to use such opportunities to create a better understanding between the people. Relatively early sport was also discussed in the Council of Ministers, even though only the amateur basis was of importance in the beginning.

## **2.1 Council of Ministers and Sport**

The Council of Ministers agreed in 1961 to found the Council for Cultural Co-operation (CCC). One year later the question sport was discussed for a first time. It took until 1966 before the CCC set the common goal that “everybody has the right to do sport”. Before that time, sport was just referred to as “technical education” or “physical education” (Klose, 1989 p.63).

Sport was seen as a cultural event from the start of the CCC. It was considered to be an important factor for the development of the people, as well as for the creation of a European identity.

In the year 1975 the sport ministers of the member states met in Brussels and signed the “European Sport for all Charter”, which was officially adopted on the 24<sup>th</sup> September 1976.<sup>4</sup> The text was revised twice, namely in the years 1992 and 2001. In the centre of the meeting was the challenge to create the opportunity for everybody to participate in sport. Therefore the competitive sport was not really influenced, even though article 1 also enables foreigners indirectly to do sport in every member state (Klose, 1989, p 67). But those measures were all political ones, and they have to be separated from the legal measures, which were introduced later. The CCC did not change the legal framework in which sport takes place, but instead tried to promote sport amongst Europeans. In the beginning, sport was separated from the European law and was just regarded as a way to close the emotional gap between the people in the member states.

---

<sup>4</sup> Article 1 and two can be found in the appendix

In 1974 this changed for the first time as the ECJ had to decide a case of sport for the first time: The case of Walrave and Koch in the sport of biking.

## **2.2 The ECJ**

The European Court of Justice (ECJ) in Luxemburg was established in the year 1952 with the Treaty of the European Coal and Steel Community. Its first hearing was on the 28<sup>th</sup> of October 1954. In the beginning, the court was only responsible for judicial questions in the area of coal and steel. But on the basis of the Treaty the competences of the ECJ soon were extended. Today, it is the supreme court of the EU, as its decisions concerning European issues can overrule the national courts in certain areas. The court has the assignment to protect the basic rights of the European citizens as well as to enforce EU law and to judge whether it is correctly implemented by the member states. It has legal competences in every area that falls under European law. Since sport falls under European law, as far as it represents an economical activity, the ECJ was responsible for this case.

The court is composed of 27 judges, as every member state has the right to appoint one judge, but cases have not to be decided by all judges. The court usually decides in chambers of three or five judges. In some cases the court can also decide with 13 judges, and when member states or the parties request so, the court can also sit in plenary session (Shaw, 1178).<sup>5</sup>

One important issue for the Bosman case is that the decisions of the ECJ are final. This meant that once a decision has been reached at this level, the member states have to apply those.

## **2.3 Walrave and Koch**

Walrave and Koch were two professional athletes in the sport of pacemaker race. This sport has two important persons: The pacemaker and the biker.

The role of the pacemaker is to drive on a motorbike in front of the biker and adjust the speed to the need of this person. The biker has to drive as fast as possible, and can use the slipstream of the motorbike. Therefore it is of crucial importance that the gap between the two people is as short as possible, because the slipstream can then be used best. It is obvious that the team needs to be adjusted in a way, so that the driver on the motorbike knows exactly at which speed to drive. The original rule was that both, the pacemaker and the biker had to have the same nationality.

---

<sup>5</sup> More details about the composition of the court, some of its assignments and some important decisions (including the Bosman case) can be found in the appendix. As it is not the role of this paper to study the ECJ those detailed informations will not be included in the main body of the text. The informations are taking from the official webside of the ECJ at [http://curia.europa.eu/en/instit/presentationfr/index\\_cje.htm](http://curia.europa.eu/en/instit/presentationfr/index_cje.htm)

Walrave and Koch were two of the best pacemaker in the business, but they complained that they could not find partners from their nations that were able to do the biking part. Thus, they argued that because they did the sport for a living, they should also be free to work with whomever they chose. Therefore, they went to the ECJ to fight the rule that outlawed the working co-operation between partners of different nations. It is important to notice, that the two did the sport professionally, and thus were able to claim that they were hindered in their profession (Tokarski, 25).

The court declared, “the practice of sport is subject to Community law only in so far as it constitutes an economic activity within the meaning of Article 2 of the Treaty” (ECJ RS. 36/74).

The driver withdrew the case in the last minute and the ECJ was not able to enforce a final judgement (Meier, 2004). The rules for Walrave and Koch were changed, and they were from that point on allowed to choose the biker they want without regarding the nationality. If a final judgement would have been spoken, it would have been likely that even bigger changes would have been a result of this.

#### **2.4 The Dona Case**

Only two years after this case the ECJ had to decide on an important sport case again. An Italian talent scout and the president of an Italian soccer team initiated this time the legal dispute. The talent scouts payment was specified by the results he achieved in his role, which meant that only if players would sign a contract for the Italian team, he would earn money. The president refused to accept certain talents on the team, because they did not have the Italian nationality, since only a few of those players were allowed to play on each team. This case seems interesting, because it has the same origin as the Bosman case, since the scout suited the Italian league in order to allow more foreign players to play for each team (Croci, 2000).

The ruling of the court was different than in the Bosman case. The court already supported the idea that more foreign players must be allowed to play in every league. At that time the number was limited to two foreign players per team that could hold a contract. But interestingly the court did not make a binding judgement for the leagues, but appointed the UEFA to find a new rule in order to let more players from different nations play.

The ECJ did not abolish limitation of foreign players in sport in this case and the general opinion of scholars was that the case seemed to be too obviously constructed. The reason for this was that the player scout must have known the rules, and he most likely had to know that his scouting for foreign talents would not be useful for the club. It

seemed as if the president and the player scout went only to court in order to abolish the foreign player clause (Meier, 2004).

Two years later however, in 1978, a dialogue between the European Commission and the sport clubs let the teams agree to the first concession on the restrictions of players. The clubs agreed to allow every team to sign as many foreign players as they wanted, but only three of those were allowed on the field at the same time (Meier, 2004). This point was also used by the UEFA in the Bosman case as the UEFA tried to argue, that practically no restriction existed anymore, as the clubs were allowed to sign whomever they wanted (see next section)

## **2.5 The legal situation for sport before Bosman**

The EU still does not have a direct influence in the case of sport. Fosters describes this with the argument that “legal norms are fixed rules which prescribe rights and duties, relationships within the social world of sport are not seen this way” (Parrish, 2003).

Sport was therefore never a complete subject of European law and also has not become so even after the Bosman case. It is rather organized in a pyramid structure, where sport organizations are mostly independent. The example of soccer is maybe the best to illustrate this build up. On the top of the European organisations is the UEFA. The UEFA is the head of the national organisations. Under the influence of the national organisations the clubs are organized, which are on the lowest point in the hierarchy (Ducrey, Ferreira, Huerta and Marston, 2003). There is no structural difference in the organization of professional clubs or amateur clubs, as both types are organized under the roof of the national organisations

(Siekmann, Parrish, Verhoogt, Martins, Olfers, 2005). This pyramid structure gets criticised as too far reaching and standing against Article 82 EC by scholars as Weatherill, (2005) but until now the basic structure of this has not been legally challenged.

Only the rising commercialism of sport gave the EU the opportunity to change sport law, because if sport represents an economic activity, it cannot be seen as a separate subject anymore and the diverse EU regulative can be applied. Even though some sport officials wanted to have a total separation between sport and EU law this never became reality. Viviane Reding, member of the European Commission in the area of education and culture pointed out that it is not possible and not wishful to exclude sport from European law (2001). But sport is not completely included in European law. The EU has no direct legal competence in sport, and thus has to find another legal basis when it decides a case in sport. For example, if the sport law violates the internal market, the ECJ can make a decision on the basis of the violation of the market.

The opinion of the experts in how far the influence of the EU should go in the near future is quite diverse. Parrish argues that it is important to “seek the strongest possible protection from EU while maintaining the greatest possible distance from the EU” (2003). Grant however argues that football has become more of a business, and points towards the rising influence the EU shall have (2006).

As already shown with the Walrave case, sport is a subject of EU law as far as it represents an economic activity (Siekmann, 2004). The ECJ always allowed the sport more freedom, and restricted the influence of the EU. Restrictions and special rules for sport are regarded as possible, when they preserve the fundamental elements of sport. The EU also tries to handle sport with “soft law” meaning that before decisions are taken, a political change of ideas often occurs. The sport organisations then can implement new rules themselves and therefore avoid the direct confrontation in front of the law. But in fundamental questions the ECJ is willing to enforce European law.

This needs to be kept in mind, when the Bosman case will be further described in the next section. Conclusively, it can be summarized that the cases before Bosman lay the ground for the case because it already made clear that discriminatory clauses for players with a nationality from another EU country are problematic. Nonetheless, the Bosman case was generally considered to be a big surprise and shock among football officials as it was the farthest-reaching case in the history of sport. No case before dealt directly with the free movement. Article 48 of the European Treaty of Rome was never enforced in sport but the statement that sport falls under European law when it is an economic activity was a step to this direction.

### **3. The Bosman Case**

This part will clarify the reasons that were given by the court in order to justify the ruling. The immediate reactions from officials and academics will also be analysed in this section. This is especially important, as the continuance of the paper tries to show whether those first opinions became true. In the beginning, the player Jean Marc Bosman himself and his situation will be described to understand why he even went to court at all.

#### **3.1 Transfer rules before Bosman**

In most cases, the clubs traded in accordance, and the height of the transfer fee depended on this trading. Official rules were not needed most of the time, but a lot of those existed for the rare cases in which no agreement was reached.

Only in cases of an expired contract an official ruling could be enforced, as the club who had the player under contract could keep the player otherwise and did not have to

sell it no matter what the offer of the other club was. Therefore, the UEFA was only entitled in the cases of expiring contracts. Only under certain circumstances the clubs could claim money for the player, in fact when an attempt to keep the player was made. The club had to offer a new contract to the player that had to have a minimum wage, in Belgium this were exactly 30.000 Belgian France. Clubs could then claim that they had to pay for the “training and development” of the player, and therefore it was necessary to get a compensation for this effort (Antonioni and Cubbin, 2000).

If the two clubs involved did not settle an agreement the UEFA was able to step in and announce a fee that the new club had to pay if they want to sign the player. The fee depended on the age of the player and the amount of the gross income the player earned. If the clubs did not accept the UEFA ruling, the player officially still belonged to his old club (Dabscheck, 1996; p.83).

It became especially difficult when a player wanted to change from one country to another. France for example had a rule that clubs from outside the European Union had to pay double the amount that French clubs would have to do in order to sign a player. This of course was only feasible in cases when clubs did not reach an agreement by themselves, and asked the officials to settle the dispute.

In a case of a transfer of a player from one country to another the new team needed an official agreement stating “all commitments of a financial nature, including a transfer fee” had been settled. Otherwise, the player was not allowed to play for the new club, and if no agreement could be reached the player could be suspended up to two years, or until an agreement was reached. After two years the player had amateur status and was allowed to play again. In extreme cases this could mean the end of a professional carer, just because the clubs did not agree on a transfer fee even after a contract expired (Dabscheck, 1996; p 84).

The transfer fees before the Bosman case were quite confusing, since exceptions existed in every country. However one basic principle was that even after a contract expired the clubs were still allowed to charge money for players.

### **3.2 Jean-Marc Bosman**

The Belgian Jean-Marc Bosman never belonged to the superstars of football. He was a decently talented player and struggled to make a life as a football professional. In the year 1988 he signed a contract with the RC Liege. RC Liege was a club in the first Belgian division, but they never won any important title and they belonged to the teams that had to struggle to stay in the league. Today the team is not active in professional football anymore. In the year 1990 his contract with the club expired and RC Liege wanted to cut the payment of Bosman from 120.000 Belgian France to 30.000 a year

(Heermann, 2005). The main goal of this was to still receive a transfer fee for the player, even though the RC Liege had little interest in keeping Jean Marc Bosman. Since Bosman was not willing to accept the cut of his wage he was actively looking out for a new club. He even found a club that showed interest in him, the USL Dunkirque, a club of the second French division. This club wanted to sign him.

The biggest problem for the transfer was that Liege did not believe that Dunkirque was able to pay the necessary money. Even though Dunkirque agreed to pay a transfer fee, Liege was reluctant to wait until the money arrived and suspended Bosman from playing (Becker, 1999, p.30). The suspension could have been up to two years, and during this time Bosman went to court.

For Bosman himself the situation became more problematic. He went on to play for amateur clubs in Belgium and France for the next three years while he was waiting for the case to be decided (Mc Ardle, 46, 2000). He never made it back to professional football, and thus could not benefit from the judgement, which will be discussed in the next section. Professional clubs were never willing to again sign him and he had to wait until 1997 before he received a compensation of 750.000 Euro for the early end of his career.

### **3.3 The basic of the judgement**

One important aspect that has to be mentioned before and that laid the foundation of the judgement was an opinion written by Advocate General Carl Otto Lenz which he delivered to the ECJ on the 20<sup>th</sup> September 1995. In this report he used mainly precedents made by the Court of Justice and general principles of law. He made clear that the transfer system used was illegal. He argued, that the transfer system violates current laws and the objectives (training of young players or keeping a balance in the league) can also be achieved otherwise, for example with solidarity mechanism (Blanpain and Inston, 2004).

The three articles which were used by the lawyer of Bosman, Jean-Louis Dupont, were article 48 which deals with the free movement of workers, and the article 85 and 86 (imposition of restrictive practices and abuse of a dominant position)<sup>6</sup> Bosman claimed that the rules violated his ability to look for a job in another country, because the limitation to three players from another nation can be regarded as a clear violation of article 48.

Article 48.2 especially states that no discrimination against a citizen of the EU is allowed, and that foreign workers should have the same rights as domestic workers.

---

<sup>6</sup> See the deciding articles in appendix 3



Art. 48.3 further states that everybody has the right to actively look for a job in another member state.

In order to fall under this category the player has to prove that his career as a football player is a profession and that he earns his money through sport. The fact that sport has become a business was clear early on, especially since the maximum wage that players were allowed to earn was abolished. Until 1961, even the most professional league, the English Premier League allowed only a maximum wage of 20 pounds a week (Dobson, Goddard, 1998). After this year the maximum wage clause was abolished as the football officials recognized that most clubs found ways how to pay the players more.<sup>7</sup> Directly after this ruling in English football the wages significantly rose and basically all players in the English Premier League were full time athletes. This already indicates that sport also represents an economic activity and that athletes can be seen as workers and employees of the clubs and that therefore article 48 most likely applies for them. But the UEFA did not agree and argued that only the “super clubs” of Europe could possibly be said to “constitute an economic activity” (Bosman,1996:104). The opinion of advocate General Lenz, which was agreed upon the courts, was that “the size of that activity is immaterial, as is the question of to what extent it leads to a profit” (Bosman, 1996:104). The court also believed that the size is material and rejected the complaints of the clubs:

*None of the arguments put forward by the sporting associations and by the governments, which have submitted observations, detracts from that conclusion (Bosman Case, Judgement of the Court paragraph 130).*

Thus the court stated, that football is a multifaceted activity and that EU law applied to the economic facet of the sport (Dimitrakopoulos, 2006).

The court thus followed the argumentation of Jean-Louis Dupont and investigated if the rules would hinder people from freely performing their job. The clubs argued that a transfer fee does not hinder the players from playing for a new club, but that it is only a regulation of business activities between the clubs (Morris, Morrow and Spink, 1996).

Most studies on this issue clearly showed that if an athlete costs extra money after his contract expired, it would complicate the search for a new club. If a normal business calculation is applied, clubs will only acquire new player, if they think that the benefits of the new player are higher than his costs. Thus money, which has to be paid to the new club, would let the clubs evaluate again if the player is worth signing. Only a few scholars as Scheelhaß and May (2002) went into the same direction as the UEFA and claimed that transfer fees do not hinder the athlete in his free movement abilities.

---

<sup>7</sup> Some clubs had rich sponsors that allowed the players to “work” for their company. In fact, they often never had to be at the working place, but instead became good wages and were therefore able to concentrate on their profession as athletes.

General Lenz on the other hand clearly argued that the choice of the athlete to find a working space and therefore being able to move freely is violated by the transfer fee. The court followed the advice of General Lenz again and declared the transfer fees to be illegal. The ECJ gave the following press release in order to underlie its opinion:

*Application of Article 48 of the Treaty is not precluded by the fact that the transfer rules govern the business relationships between clubs rather than the employment relationships between clubs and players. The fact that the employing clubs must pay fees on recruiting a player from another club affects the players' opportunities for finding employment and the terms under which such employment is offered (Bosman Case, Judgement of the Court paragraph 74).*

The UEFA argued that the players are not hindered as the clubs were allowed to sign as many foreign players as they wished, a fact that was established in the Dona case. The question of how many of those were able to play at one time was simply limited to the details of the game and therefore only a part of sport law.

General Lenz put forward the thesis in his report that this was not the case, as the numbers of players able to perform in a game, is also usually taken into account before a contract is signed. If the club already has a few foreign players on their roster, it is unlikely that they sign another one, as the player will most likely not be able to work on the field. The ECJ followed General Lenz in his point of view, and underlined that most clubs do not have a high number of foreign players on their roster, and this was the case because of the restriction. The ECJ stated that:

*The fact that those clauses concern not the employment of such players, on which there is no restriction, but the extent to which their clubs may field them in official matches is irrelevant. In so far as participation in such matches is the essential purpose of a professional player's activity, a rule which restricts that participation obviously also restricts the chances of employment of the player concerned (Bosman Case, Judgement of the Court paragraph 120).*

Another argument, which the UEFA used, was that there had to be a compensation for the training and development of the players. If players could change the club after the contract expired, it seemed not worth to invest in young players, because other clubs that do not train players can save their money and therefore invest higher sums of money in already developed players. Advocate General Lenz however noted that the transfer costs are often not in relation at all to the developing cost, and are made up by other factors. Especially that mostly older and experienced player, who might not even have played long for the club, generate the highest transfer fees was seen as an argument against the thesis of the clubs. The ECJ followed again the argumentation of General Lenz, and stated that training and development of young players can also be

assured through other means and that the transfer costs after the contract expired are not the only mean to do so (Blainpain, 2003). The ECJ agreed with this and stated that: *Furthermore, as the Advocate General has pointed out in point 226 et seq. of his Opinion, the same aims can be achieved at least as efficiently by other means which do not impede freedom of movement for workers (Bosman Case, Judgement of the Court paragraph 110).*

Because non of the UEFA arguments really applied and because the court believed in the arguments brought forward by General Lenz the ruling was that transfer fees after the end of a contract and the restriction of foreign players are illegal. The court also put forward that the clubs have to implement the ruling directly and that there will be not transition period.

### **3.4 Reactions of officials**

This section is only concerned with the immediate reactions after the judgement, as the long-term development will be researched in the next sections.

Maybe the most extreme reaction came from the clubs in Germany. They felt that with the new transfer system they would have less power and therefore the established structure could be destroyed. Even a gentleman agreement was seriously discussed, under which the old rules would still be applied. This would have meant that no club would allow more than three foreigners on the field at the same time (Weiss, 2000). In the end this did not enter into force, because every player could suite this practice and the ECJ would most likely support the players position (Schubert, 2003). For the end of the season 1995/96 the clubs still acted according to the old rules, and no club fielded more than three foreign players at a time.

Journalist Paul Trow collected statements, which were made by club officials, in which they expressed their fears concerning the changed settings of club football. One interesting argument was made by Barry Fry, the manager of the English Premier League team Birmingham: "Young players are no longer assets to the club. We could have a world-beater and as soon as he's 18 he could walk out and there would be nothing we could do about it" (The Independent, Feb 18. 1996). This was the view many officials and scholars shared.

There was serious fear that training might not be seen as a good investment, because the effects might benefit other clubs. The behaviour of football clubs in this instance can be equaled to the behaviour of other business, and as other actors on a free market. When a club trains players the club hopes to benefit from their effort, because the training costs money. If the other clubs can get the player for free, the effects of the training were external, because the benefits helped other clubs. Groenendijk (2003),

Oates (2001) or Musgrave (1990) as well as other scholars agreed that in cases of external spillovers the agents would lower the level of service and training they provide, because they hope to benefit from other agents on the market and they do not have to carry alone the problems of their decision. However, as all of them basically described governments or agents on the normal market it is still questionable how far this can be related to football. But the comment by Birmingham's Manager indicates a trend like this.

One interesting aspect at the judgment was that only foreign players were allowed to move from one club to another for free after the contract ended. For players who stayed in the country the old ruling was still in practice. Dortmund's president Rainer Rauball therefore stated that: "it is only a matter of time before a German Bosman will take a case to labour court and win. Article 48 in the Treaty of Rome is identical to German law (The Independent 18.02. 1996). This meant that the Bosman case could not be the end of the rulings in sport law, and that additional question which came up after the case needed to be answered. The correctness of the words of Rauball can be shown by using a player of his own club as an example. Thomas Helmer, a German defender, had a contract which expired in 1996. Because Dortmund still wanted to have money for him, but his potentially new club Bayern Munich threatened to send the player first to a club in France. The club in France could then send him back to Germany. That absurd scenario never came true, but the threat made Dortmund agree and forgo the transfer fee. This shows that further judgments were only a logical step to come.

All together, Paul Trow argued that the gaps between the leagues will get bigger. Leagues as for example the Premier League or the Primera Division will become stronger due to their economical influence, while other leagues as the Dutch or Belgium league will lose a lot of talents.

### **3.5 Ideas and outlooks of scholars for the future after the judgement**

Schamberger, who wrote about the legal status of professional football players in England, also underlined the impact the restriction of foreign players has on the professional leagues. He stated that if the Bosman case became fully implemented it is likely that fans lose interest in the sport. Because the local basis of the player is important for the fans, he felt that if nothing will be done against the free movement the fan basis would go down (1999, 169f). Therefore his conclusion was to set new limits for foreign players, in order to still let local players play for the team. He argued that this would be the only chance for football to stay popular (Schamberger, 1999 173 f.).

Other scholars also put critique on the judgment, especially on the transfer part of the ruling. Will argued that there were only very few cases like the Bosman one, and that they could have been handled on a case to case basis like it is still done in international football outside the EU. The advantages in his eyes were that especially little clubs benefited from this system and that football will be seriously damaged through this ruling (1999).

Mc Ardle went even further in the fears he had for the future of European football after the Bosman ruling. He assumes that a lot of small professional clubs will not exist any more in 20 years, because the transfer system will collapse and the main income source for a lot of small clubs will fall away. Thus only the big clubs will be able to make a profit on the costs of the small clubs (2000.b).

Roger G. Noll had a different solution and different ideas what would happen after the Bosman case. He agreed that the teams would become more international, as the financially strongest teams will be able to purchase the best players. In his opinion this will lead towards the strengthening of European competition and eventually towards a system, comparable to the ones in the USA and Canada, where no relegation takes place (1997).

Jean-Louis Dupont, the advocate of Jean-Marc Bosman perceived the effects to be more practical and smaller. In his eyes one of the major changes would be that the best players will get longer contracts. He believed that players want to have a secure future, and that clubs are willing to give the players this contracts as otherwise their invested money might be lost when the contract expires (Caiger and Gardiner, 2000).

### **3.6 Immediate results of the Bosman case**

The Bosman case was a severe shock for the acting people in football. But EU law and the previous cases already indicated that a ruling like this would seem possible in the near future. "The organisation of football appears to be on a collision course with more than one area of the Treaty of Rome. This should not surprise. European attitudes are beneficial to football in that the sphere of attractive and lucrative competition is widened. But they also constitute a threat to the game" (Weatherill, 1989: 87).

Most of the acting persons in football however did not see this in the beginning. They were rather shocked that the ruling went this way, even though under community law this seemed obvious.

The exemption from European law, which some officials wanted to have for football was always very unlikely to become real. Pdraig Flynn, one of the spokeswomen for the Commission made this very clear:

“Nobody is above European law. Individual states are not above European law, so you can’t have a private organisation like UEFA saying that they are” (MC Ardle, 2000a; p. 59). Especially after 1993, the influence that the EU had on sport must have been more clearly. In that year the European Commission Directorate General (DG) published a report on exactly this issue. The results were that EU law directly and indirectly affected sport, even though there was little co-ordination on this issue (Mc Ardle, 2000a; p. 57). As much as 18 of 24 commissioners had to deal with the issue of sport in their field (Parish, 1998).

Free movement of workers is a main concern of the EU and is integrated into the European Treaty. Since sport is also a part of European law, the free movement of workers was a logical development. One of the goals was to effectively adjust the transfer costs on a lower level, so that they would cover the training and developing of the player, but not the business activities of the clubs (Pons 1999). Thus the EU will respect certain traditions, which are important for sport, even though the community law would be different in cases of purely economic activities (Dimitrakopoulos, 2006).

In order to give the clubs more time to adjust to the case, the court was asked to set up a five year transition time, in which the clubs can slowly react to the new rules. But the court did not agree, which meant that the ruling and the consequences had to be dealt with immediately (Graiger and Gardiner, 2000).

It was also clear that the Bosman case could not be the last case, which was brought in front of the court.

The paper will continue by showing some recent cases, even though none of those changed the rules for professional football as drastically as the Bosman case.

#### **4. Cases after Bosman**

The Bosman case has left many question unanswered. Even though it was clear that discrimination against players from the EU was not allowed anymore, the ruling was not as clear in other situations.

For example the fact that a transfer fee still had to be paid for players who do not change clubs from one country to another, but only inside one country seemed paradox. It was generally believed that a rule like this would not belong to practice.

No major ruling was needed to change this; the national football organisations themselves changed this rule so that the ECJ did not have to decide on this issue. This was also an issue, which was handled different in every country. In Germany for instance the Kienass-Urteil one year after the Bosman case (Pfister 1998) decided this, but for example in England the Football Association (FA) did implement the rules without one player going to court.

Other cases therefore seem more important as they added more depth to the Bosman case. For the issue of discrimination against European citizens in member state countries the cases Lehtonen, Kolpak and Simutenkov were further of importance and will all be introduced. There is not enough space to cover all the judgments in as much depth as the Bosman Case but the most important issues for this paper will be introduced.

The most vital change for the transfer system was the new rules on which the FIFA and the European Commission agreed on as a political compromise in the year 2001. Even though the ECJ did not had to handle this case itself, it is a good example of the influence that European law has on sport and how its power made the football associations agree on changes. Before this judgement will be described, the implementation of the Bosman case has to be shown.

Therefore the Lehtonen Case, the case that was the next big one after the Bosman case is important to analyse. This case shows that national clauses are not the only illegal threat to the free movement issue, and that professional athletes can also be hindered in their profession by other rules.

#### **4.1 The Lehtonen Case**

The finish basketball player Jyri Lehtonen was supposed to transfer from his home club in Finland to the Belgian Club Castors Braine. In the beginning of the year 1996 he played in Finland, but after the end of the season, which was terminated at a different time in Finland than in Belgium, he wanted to change the club (Winkelmann, 2003). Because the law of the Belgian basketball association stated, that European players were only allowed to play for a new club in Europe if the transfer was before the 28<sup>th</sup> February in every year. Lehtonen changed the clubs in March and therefore was not legally allowed to play for Castors Braine. But nonetheless the club let Lehtonen play. After a successful protest of the opponent Belgacom-Quaregnon the club was declared the winner of the game. Belgium basketball association argued that Castors Braine used a player that was not eligible to play and therefore had to be disqualified for the match.

The club went to court in order to reverse this judgement and complained about the discrimination of players from the EU. The reason for this was that players from outside the EU were allowed to sign a contract with Belgian teams before the 31st March of every year, but players from the EU only until the 28<sup>th</sup> February.

The court ruled that this is a discrimination against European players, as they should have at least the same rights as players from outside. Therefore those rules are prohibited

*“Unless objective reasons concerning only sport as such or relating to differences between the position of players from a federation in the European zone and that of players from a federation not in that zone justify such different treatment” (Case C-176/96 Jyri Lehtonen and others v. Federation Royale Belge de Societies de basket-ball ASBL 1996).*

In this case none of those reasons could be found, and the penalty against the club Castors Braine was therefore seen as illegal. Transfer windows<sup>8</sup> are still legal, because they are important for the regulation of sport. If they regulate the functioning of sport those transfer windows will remain legal, as long as it remains in this frame and does not extend to other reasons, as for example discriminating players. It also has to be the same for every player inside the EU, which was not the case for Lehtonen (Official Document to this case online at: <http://europa.eu/generalreport/de/2000/pt1116.htm>).

The Lehtonen judgment thus provided the players from the EU with further rights. Besides from being able to play in every member state without restrictions on the numbers of European players in one team, other forms of discrimination were not allowed anymore. This ruling seemed to equal the status between domestic players and foreign players from European member states completely as the reasoning of the court made clear that discrimination is not allowed at all anymore.

But further cases had to decide, if the Bosman ruling would only matter for players of the EU or if other players might benefit from this ruling as well.

#### **4.2 Kolpak Case**

Maros Kolpak is a Slovakian handball player who was registered with the German club TSCV Östringen. His contracted was renewed until the 30. June 2003, so that he was able to play until this time for his club. The problem in his case was, that he was no EU citizen, because Slovakia was no part of the EU at that time. Therefore he was marked with an “A”.<sup>9</sup> Only two of those players were permitted per team, but Östringen had already signed two others before, which meant for Kolpak that he was kept in reserve (Martins, 2006).

He argued, that because Slovakia signed an agreement with the EU he should be granted the same rights as EU citizens. The case went to the ECJ and the judges stated that Kolpak was right, and that he should not be hindered in doing his profession and that he enjoys in this matter the same rights as all EU players (Case C-438/00 Deutscher Handballbund and Maros Kolpak, ECJ 8 May 2003).

---

<sup>8</sup> Times in which transfers are possible. In all leagues transfers are only possible twice a year once in the summer break and once in the winter time. The FIFA claims that this is necessary to keep the competition fair and advises national organisations to regulate this (see appendix 4)

<sup>9</sup> A stands for Ausländer; German for foreigner



This extended the Bosman case to more countries, as not only EU players from now on enjoyed the freedom of movement but also players from around 80 other countries (Martins, 2004). The special issue in the ruling was that the free movement issue only applies when players already worked inside the EU before. It is not applicable for players that lived and worked only in a non EU-member state.

In the case of football this meant that even more foreign players were now allowed in all the leagues. But due to the fact that a lot of good players are from inside the EU this did not change the situation as dramatically as in other sport. Cricket in England is the best example of how this ruling changed the settings of the leagues. Because no other good cricket nation is located in the EU the Bosman ruling had not a big influence. But the Kolpak ruling allowed players from other strong nations, such as South Africa for example, to perform in the European leagues, as long as they had not represented their country since twelve month (English Cricket Board).

#### **4.3 Simutenkov Case**

A similar case was the case of Igor Simutenkov, a Russian football player who had a legal contract with the Spanish football club Union Deportivo Tenerife. For the team he was registered as a non-EU player, which means that only three players with his status were eligible to play for the Spanish team. His goal was to acquire the same rights as a EU player, because of an agreement the Russian Federation signed with the EU. He held a resident card and a working licence for Spain, which was the legal basis for this case (Schuilenberg, 2005).

The court then ruled that article 23 of the Communities-Russia Agreement is fully applicable:

*"...Article 23 establishes for the benefit of Russian workers lawfully employed in the Member state a right to equal treatment in working conditions of the same scope as that which, in similar term, national of Member states are recognized as having under the EC Treaty, which precludes any limitation based on nationality..."* (Case C-265/03 Igor Simutenkov v. Abogada de Estado, Real Fedracion Espanola de Futbol and Ministerion Fiscal, ECJ 12 April 2005).

This clarified the Kolpak case and banned discrimination of third country nationals that have agreements with the EU, once the player is in the Union. Those complaints (Kolpak and Simutenkov) however are part of the free movement issue, as player cannot successfully go to court before they are in the EU, and instead this is only a protection for players who already have a contract in a member state.

#### **4.4 Summing up of the cases after Bosman**

The Bosman case was the basic for all free movement issues which arose in the field of sport. Now the judgement was extended and reaches out to third nationals. Martin puts it together as follows:

1. Free movement of workers must be guaranteed (Bosman), unless objective reasons concerning only sport as such, justify a different treatment (Lehtonen).
2. Non-EU nationals with an employment contract do not fall under the free movement rules, but benefit of employee's rights (Kolpak and Simutenkov) (2006).

Free movement of workers from the European countries is thus considered to be the highest value, unless the special situation of sport makes it impossible that those rules can be enforced. This however can only be the case in very limited and special situations.

The rights of the third nationals were also improved with the cases of Kolpak and Simutenkov. They still do not have the freedom of movement clause, but they enjoy certain employee rights. But it is not possible for players to invoke the Bosman case in order to enjoy their rights (Hendrickx, 2005).

#### **4.5 Politics and Sport after Bosman**

The Bosman case brought a lot of attention to the relationship between sport and EU law. While most sport officials believed before, that due to the special nature of sport the EU could not enforce the law, those official saw their opinion confuted and started to have a different attitude towards the EU. The best example for this, the new FIFA transfer rules, will be described in one of the next sections. But also in political declarations the sport started to play an increasing role. In the 1997 Declaration of Amsterdam the sport was mentioned and given a separate article:

*The Conference emphasises the social significance of sport, in particular its role in forging identity and bringing people together. The Conference therefore calls on the bodies of the European Union to listen to sport associations when important questions affecting sport are at issue. In this connection, special consideration should be given to the particular characteristics of amateur sport. (Declaration No 29 Amsterdam)*

In this declaration the EU recognizes the sport as socially significant and provides sporting association with some legal autonomy. But the text also makes clear, that the EU has the power to overrule sport law, and that sport is only a negotiation partner. This is still the present position today, which is emphasised in reports the EU does on the development of sport (Belet, 2006).

In the planned Treaty establishing a Constitution for Europe (TCE) the competences of the EU are generally described in article 17 of part I. This article gives the EU the power to influence sport, and to carry out decisions, a right which was formerly not written down in law, but carried out through other articles. Article 282 of part III of the constitution deals more with amateur sport than with professional sport. This has historically also been the area, where the EU has been more active. For example, teaching of sport in school or more fairness shall get promoted through this article.<sup>10</sup> It is still mainly the case that the issue of professional sport is dealt with through other articles as for example the freedom of movement for employees (article 48).

Professional sport is seen as completely different than amateur sport, even though the question remains what the exact differences are. It is questionable whether or not the athlete has to be able to live from the money he receives in sport to be considered a professional, or if the money just has to extend expenses.<sup>11</sup> Especially for the lower football leagues, in England and Germany for example the third and fourth division, it is not always clear under which category the player's fall. Therefore, the term semi-professional was created, but it is still not clear to which of those two categories the athletes belong (Allison, 2001). Even though it is difficult to find a definition it is still an ambitious and important task to be done in order to see which athletes fall under the free movement of workers and which do not.

## **5. Implementation of the Bosman Case**

This part brings up two issues, which differ from each other, as the Bosman case also has two different sides. The one question, which will be answered, is whether clubs implemented the rule, that free transfers at the end of the contract are possible. This is indeed the case and there were no incidences in which the ruling was bypassed. Some clubs protested against the Bosman case in the beginning, which will be further elaborated in the next part, but the end of the contract clause was still commonly used. The free movement implementation was not as easily accepted and clubs in other sport than football still illegally do not act according to the judgment.

In Germany the football clubs also protested against the ruling in the beginning, and it was even talked about a general "gentleman agreement" which should prohibit the clubs of using more foreign players than the rule did that was in place before. Even though this never became real it was discussed as a serious issue.

The ruling was also implemented differently in each member state. While some countries only allowed the players from European countries to play in the teams, other went even further and allowed more players from third countries as well.

---

<sup>10</sup> The exact wording can be found in the appendix

<sup>11</sup> An extensive definition of this topic offers Stebbins (1992)

## 5.1 Direct Implementation after the ruling

As already described above the reactions by most officials were negative as they feared that the Bosman case would give more power to the players and let the clubs remain without adequate compensation if players move to another club. Especially with the opportunity to be employed by international clubs more easily, the clubs feared higher competition for their workers. Before the ruling it was common that especially the best players of the traditional football nations would play for only one or two clubs in their home countries.<sup>12</sup>

The Bosman ruling was especially difficult to apply immediately, because it was in the middle of the season. This meant that the season would end with different rules than it has started with. In Germany the clubs decided that they wanted to end the season with the rule under which it started (Dinkelmeier, 1999). This meant that the German Bundesliga was acting as if the law would not have been in existence. It is still surprising to see that the Bundesliga clubs all stuck to the rules, which they made up for themselves. Especially clubs who try to qualify for Europe, and even more teams that try to avoid going into second division are normally under enormous pressure to reach their goals, because otherwise dramatic economical loss will occur. But no club violated this agreement, even though it would most likely be not invokeable in front of a court.<sup>13</sup>

After the season the gentleman agreement was not in existence anymore and the clubs were able to sign as many players from EU member states as they wanted. However one clause which is still in existence today, forces the clubs to have 12 German players in their professional squad. Lawyers feel that this clause is questionable and might not stand in front of a court (Karlowitsch, 2005). But this clause does not have too much legal influence in praxis, as clubs find ways how to shift around this rule.<sup>14</sup>

## 5.2 The slow process of adjusting the teams

In other leagues no such attempts were made, probably because of the illegality such an agreement most likely has. In Britain for example the ruling was implemented directly, and the clubs could play with as many players from European member states

---

<sup>12</sup> Exceptions already existed in the time before the Bosman case, as for example eight players of the World Champion Germany in the year 1990, played in Italy. But for example the Spanish, English and Italian player mostly played in their leagues, and only a few clubs were able to pay the amount the best players wanted to have.

<sup>13</sup> A similar situation arises in the case of Harry van der Meer, which will get discussed later in the paper

<sup>14</sup> A lot of clubs sometimes have up to four goalkeepers on their team, others signed even coaches as players just to have the numbers fulfilled. As an example the SC. Freiburg used 2001-2002 the coach for the goalkeepers to fill the last missing spot of n German player. Also if players get transferred during the season it often happens that amateurs become professionals in order to reach the numbers.

as they wanted to. However, the fact that the Bosman ruling occurred in the middle of the season also made it impossible to change the teams immediately. The number of non-English<sup>15</sup> players therefore stayed relatively stable for a short period of time, as the following statistic will show.

In the season 1994-1995 27% of all players in the starting pitch were not from England, while the number only slightly rose to 29% the season after, which was the season in which the case was decided. It took around two years until the number of non-English players in the league rose significantly.<sup>16</sup>(Lowrey, Neatrou and Williams, 2002). The reason for this can be of a different nature. It could have been that the clubs had a hidden agreement, which made them keep the numbers of foreign players limited, in order to protect the national teams. This in fact was a major concern as it was generally believed that due to rising influence of foreign players in the clubs the national team will suffer and lose some of its competitiveness (Groci, 2000).

But it does not seem that the British football teams had a gentleman agreement in order to protect the teams. The different numbers of foreign players the teams used can already show this. An extreme example is Chelsea London, who played with eleven foreign and therefore non-English player in the starting pitch only four years after the Bosman case was decided. Other clubs at the same time played with only a few non-English players, which showed that a general hidden agreement between the clubs never existed. British fans criticized the development and they saw it as an "offence on English football" The newspaper Independent wrote that this is a "picture that humiliates the English game" (Lowrey, Neatrou and Williams, 2002). .

The relatively constant numbers of foreigners can more likely be explained by some typical sport reasons. There are a number of reasons why a team can compete successfully in a league. Despite the talent and the coaching which the players receive an important factor for the success is always the team spirit.

As Phil Jackson, the most successful coach in US Basketball puts it: "the most effective way to forge a winning team is to call on the player's need to connect with something larger than themselves (1996, p.5). Duke's basketball college coach Mike Krzyzewski states "people want to be on a team. They want something bigger than themselves" (Krzyzewski, 2000, p.185). Forming a team is not an easy project, as a hierarchy and a sense of team spirit need some time to develop. Thus a team is usually not transferred completely in one season, but only a few players are exchanged with the hope of improving the team. Bringing too much outside talent into one club might also destroy the team balance, because a lot of players of the richer football nations feared that this judgment would destroy their future. Since most players still hold contracts it was not

---

<sup>15</sup> Players from Wales, Scotland and Ireland were also counted as foreigners

<sup>16</sup> See Appendix 5

possible to exchange English players to foreign players. Brady and Reavill even state that team spirit is the highest and most valuable worth for a club (1999).

This is questionable, as measures in those fields are difficult to conduct, but team spirit can play a deciding role. As the numbers in the appendix show the process started to accelerate two years after the judgement; and the number of non-English players started to rise significantly, especially from the season 1996-1997 to 1997-1998. In those two seasons the numbers of foreign players climbed from 32% to 43%.

Another reason why the numbers of foreign players in the professional leagues rose years after the Bosman case was that scouting often did not extend the national leagues. Player scouting is considered to be one of the most important acts clubs have to do before signing a player. Especially little clubs often have to look more carefully to decide which player they want to sign for the new season. As the Dona case showed it was sometimes useless to scout for players outside the home country, as only three of those players were allowed in the starting pitch.

In general it can be stated that the leagues implemented the Bosman case either directly (as in the Premier League) or after the season (as in the Bundesliga).<sup>17</sup> All big football leagues act according to the law and the new rules are implemented and followed everywhere. As an explanation for this the enormous economical pressure as well as the pressure by the supporter to be highly competitive have to be mentioned (Sloane, 2006). More details why and how the clubs exactly reacted to the case will be described later.

The Primera Division, League 1 and the Serie A (the other big three leagues) implemented the case in the same way as it was done in England. In all countries the same situation arose, namely that the numbers of foreign players did not start to climb immediately, but that it took a few seasons until more foreign players played in the league.

A special case is the UEFA, because the organisation went even further than the Bosman case demanded. In the spring of 1996 the UEFA made a new rule, that in the European competitions no restrictions on the heritage of the player shall exist anymore (Karlowsch, 2005). Thus, it is now possible to play with eleven African players in the starting pitch in the European competitions, while on the same time only three of them are allowed to play in some national competitions.

But in some less popular leagues the rules are not respected, which can be seen in the following.

---

<sup>17</sup> More below in the section: Movement of players

### **5.3 Harry van der Meer and the DEL (example 2)**

In 1997 Harry van der Meer was transferred from the Dutch water polo competition to Italy. He first played there for five years before he became an offer by the Italian top club Savona, where he was able to earn more money than in his old club. But Savona demanded him to take the Italian citizenship. Otherwise they would sign a Russian player, who would be willing to do so (Martins, 2006). He did so and therefore was able to play for Savona. But because he took the Italian citizenship, he was not allowed to play for the Dutch national team anymore, since he was officially an Italian. Harry van der Meer tried to get the Dutch passport back, because he wanted to compete in international games. But despite the attempt to do so, the Dutch courts never gave it back to him.

The interesting point is that van der Meer never tried to suite the Italian club, because as shown it seems highly questionable if such a rule as the Italian water polo clubs enforce would stand in front of a court. As the Dutch courts seemed to be the wrong address to complain, the chances would most likely be better in front of an Italian court or even the ECJ to trial the water polo association. But it seemed that Harry van der Meer did not want to risk the move, because of the possibility to be declared a “person non grata” as Jean Marc Bosman. After he went to court, no club signed him again and he had to end his career early (Magee and Sugden; 2002).

This shows the power such gentleman agreements still have in professional sport today. Another example is the German ice hockey league DEL. The DEL is even a special instance, because directly after the Bosman case the league cut all rules for foreign players in the league. Clubs were able to sign as many foreign players as they liked, not even regarding from which country they came. This lead to the situation that some teams mostly consisted of players from North America, and that the German talents had problems in finding a spot in the league. In those seasons the numbers of foreign players extended the numbers of German players with a ratio of almost two to one. Until 1999 it was allowed to take up to 21 foreigners under contract but then the DEL officials decided together with the clubs official that the number had to be reduced. This was done in order to give German players a chance, since other EU member states as Sweden or Finland traditionally have more talented players, partly due to natural reasons (Reichel ,2004).

### **5.4 Gentleman Agreements in Law**

One question is whether or not such agreements are common in law and if they get considered as legal.

In other parts of the law, such agreements are also made, when no other law is in place. A good example is the third United Nations Conference on the Law of the Sea (UNCLOS), where the nations agreed to follow certain rules, but not vote on those issues, which means that no law is written down (Buzan, 1981). Even earlier conducted was the first gentleman agreement between the government of the USA and Japan at the end of the 19<sup>th</sup> century and it lasted for more than 40 years. The content dealt with immigration and rights that Japanese citizens receive in the USA (Inui, 1925). Thus, agreements, which are not formally laid down in law, have a tradition and can help to strengthen international co-operation. But the differences between these agreements and agreements, which are used in sport is that, the first ones are only made between states, while the second ones are created by a private organisation. The first one is also in accordance to the law while gentleman agreements in sport attempt to avoid the existing law.

Therefore, it is quite difficult to compare those historical agreements between states and the consultations between the clubs. It is probably more accurate to compare the sport agreements with the collusion that companies do in order to arrange a cartel. Cartels can be described as:

“Agreements between most or all of the major producers of a good to either limit their production and/or fix prices. Cartels are generally illegal” (economic library).

Sport is already a market, which works different than normal economic markets. In order to create a product (game) it is important that the parties co-operate. A certain minimum agreement about how the game will be run is necessary, because otherwise no game can take place. It is also important that there is a certain balance in the league and that the results of the game cannot be fully predicted in advance. While in a normal economic market the competition can be driven out of the market completely this cannot work in the sport market, especially for team sport this is not possible.

Therefore already more co-operations take part than in other economical branches.

The leagues themselves are already organized in a cartel form. There is no competition on the market between leagues, as only one organisation runs the league business. The FIFA for example has no opponent that also tries to run World Cups, and the same is true for all national leagues. All disciplines have this type of organisation except professional boxing. Kruse and Quietzau point out that this is positive for the benefits of the fans of the sport, because this allows the possibility to see all of the best players competing against each other (2002). Boxing as the other example, where in every weight class more than one world champion exists, is losing a lot of audience, compared to the times where only one champion was in place (Franck, 2002). However, the co-operation cannot go that far that the law is not respected anymore.



This seems to be the case in the gentleman agreements. The parties hope that the product becomes a higher quality and more interesting for the fans, if they limit the number of foreign players in the league. One of the hopes, especially in the DEL is that fans appreciate the game more if there are more German players, which might be the case, because of more regional or national identification with the teams. This would benefit the clubs as well, as the money can be increased.

But the co-operation between the clubs has to end where it is violating the existing law, because otherwise the agreements are illegal. Martins regards those agreements as illegal, and those should not stand in front of a court (2006).

But it is quite difficult to end those agreements, since no clubs can get forced to sign a player from another country. Thus if all clubs agree not to sign more than a certain numbers of not domestic players, this in fact is illegal, but hard to prove.

### **5.5 Summary of the first reactions**

It is not surprising that the Bosman rule was enforced in the biggest and most competitive European leagues, and that in most cases sport clubs accept the new rules, which the ECJ establishes. Otherwise the punishment might be severe, and the economical pressure is also a big reason why even clubs that were not keen about the judgement dealt with the new rules.

But in some cases illegal agreements still limit the use of foreign players. Not surprisingly this is especially the case in sport disciplines, which have a limited reach and are not played over the whole of Europe. It is one thing to make fourteen clubs in a closed league to accept an agreement of which most or even all of them benefit. European football however is organised in a different way, because first of all it is played in European competitions (Champions League and UEFA Cup) and secondly the system is open. This means that new clubs enter in the leagues every season. The large number of competing teams therefore takes care that a situation like the one in the DEL most likely will never occur in football, at least in European competing leagues. Thus connections to the normal market can be identified: The smaller the numbers of provider of a service, either electricity or ice hockey, the more likely are illegal agreements as it is easier to find common interest.

## **6. Changed relations between clubs and players**

This part will investigate the changed relation between the clubs and the players, and will give an answer to the question of how far the players have benefited from the Bosman ruling. In the beginning of this part the focus will be on the player salaries before Bosman, and how much they cost the club in percentage of the total expenses.

Later on the earnings of the players in relation to the total club expenses after the Bosman case will be shown, and there will be clear evidence that the players are now able to earn more money.

Another important part of the ruling is as described the free movement of workers. Since the clubs did not sign more foreign players than advisable before, the question is how far the numbers have climbed after the ruling. It will be shown that, players are well aware of the opportunities and that they are often willing to work in another country.

After that the development of the transfer fees will be shown. Unlike many experts thought there was no decline and clubs now spend more than ever before on transfers. Therefore the FIFA introduced new rules, which will then be described, before the section ends with an idea introduced by Franz Beckenbauer that could decline the influence of foreign player again and therefore reverse some of the content of the Bosman case.

### **6.1 Player salaries before Bosman**

Money had always been an important issue, especially after the decline of the maximum wage clause in professional football (see above). Top clubs were normally able to pay the highest wages, and even before Bosman the transfer system was not able to stop the biggest clubs to acquire talents of smaller clubs. This was also indicated by the ECJ against the argument made by clubs that the transfer fee had to be kept in order to strengthen competitiveness in the leagues (Bosman Case).

In order to get a better view on the financial situation of clubs pre Bosman it is important to look at some figures and then later compare them with the present situation. In the season 1995/96 the clubs in the German Bundesliga spend around 9.6 million Euro on average on player wages, which makes up a total salary of 172.8 million in the league. This was 37.5% of all costs the clubs had, as the Bundesliga had a turnover of 907 million. Compared to the season before the Bundesliga increased the turnover during the 1995/96 season more than 6%, while player's wages climbed more than 12 % during the same time (Hübl and Swieter, 2002). Even though in that season the player wages climbed more than the turnover of the clubs rose, the 37.5% of player wages on clubs total costs stayed relatively stable during the years before Bosman. In 1992/93 for example, the player wages were 37.8% of all costs.

One statistic, which also has to be included, is the duration of the average contract. Since after Bosman the clubs received no compensation money for players without a running contract, it seems possible that the clubs would extend the contracts in order to still get paid a transfer fee when a player is changing the club. In the Bundesliga in the

season 1995/96 the average contract length as 2.456 years and it was similar the season before (Hübl and Swieter, 2002).

Poli also offers statistics for other leagues, namely the Italian, the French and the English first divisions, three of the remaining four top leagues in Europe. Before the Bosman case the French division had the lowest salaries with 108 million Euros divided among the 20 first division teams this makes up an average of 5.4 million Euro per team. In Italy the salary was already significantly higher as 20 clubs had an average of 12.8 million and a total salary of 256 million. England paid the most to its players with 267 million and an average of 13.35 million (2006)

Compared to the total expenses of clubs the numbers are similar to those presented by Germany, which also goes for the average contract length. Those numbers seem already high, but when they will be put into perspective with the numbers after Bosman a different view will arise.

The numbers of foreign players was also relatively stable during the course of the last years before Bosman, as clubs calculated that only three were allowed to play at a time. Even though some clubs had the luxury problem of too many foreigners per team<sup>18</sup>, the most clubs wanted to safe money on this position and did not sign players that were most likely not able to play because of the rules. Most foreign players at that time came from other European countries, while South Americans or even more Africans were rare in the leagues. In the season 1995/96 118 foreigners played in the clubs in the first Bundesliga in Germany. This makes up an average of around six players per team, but among those are the ones that count as “football Germans” and that would fall under the “+2” rule (above). Out of those 118, 91 came from Europe, 9 from South America, 10 from Africa and 8 from the rest of the world<sup>19</sup> (Thome, 2003). Most of those players would thus not count as foreigners under the new ruling anymore. This meant, that every club was free to sign new foreign players, which in this case only included players from non-EU member states. A similar situation was in the other big states, as Europeans had taken most places of foreign players this far.

## **6.2 Player salaries after Bosman**

Directly after the Bosman ruling the player wages started to rise, not only as a reaction to the increased money that was available due to more income for the clubs. Before the Bosman case a third of the expenses a club had to carry were due to the player wages. Since players had a better position for new deals after the Bosman case, the clubs

---

<sup>18</sup> Inter Milan for example had to place Matthias Sammer on the tribune for most of the season 1993/94 even though he was a German national player and belonged arguably to the best on his position. As they had already six foreigners on the team, the position were under harsh competition.

<sup>19</sup> The exact numbers and nations can be found in appendix 7

reacted by paying the players more money. A good example is the English Premier League, as the rise in wages can be demonstrated absolutely as well as relatively. In the season 1999-2000 the players earned 319% of the season 1995-96. This meant that 63% of all club expenses were directly paid to the players. In Italy the number was even higher, as 65% of all expenses for clubs were for the salary of players. (Ehrke, Witte: 2002).

Even longer perspectives on the financial development of the Italian league offer Baroconelli and Lago. Between 1990 and 2003 the Italian leagues total revenue grew 216%, while the player wages grew at the same time 453% (2006). The biggest development of player wages can be seen for the post-Bosman period, even though the tendency of paying players more started before the case got decided. However, directly after the Bosman case the player wages started to climb significantly.

In the German Bundesliga the salaries also climbed compared to the total expenses of the clubs, even though they stayed below the numbers of Italy or England. Around the half of the clubs revenues were paid directly to players in 2001, compared to a third before the ruling (Frick, Dilger and Prinz 2002).

The same as for the other countries is true for the Primera Division in Spain as directly after the Bosman case, the player wages jumped in the next two seasons from around one third of the costs to 45%.

In the League 1 of France the trend is similar than in Germany, as between the 1995/96 and 2001/02 the player wages climbed from 108 million to 340 million. This is around half of the clubs total expenses, and the trend continues that the player wages get even more expensive (Poli, 2006).

The numbers that the German sport-magazine Kicker gives for the season 2005/06 offer a slightly different picture and in all countries except Germany the wages of the players rose even higher. Germany has now the lowest percentage on player salaries compared to total expenses with 40%. This is partly, because the German TV broadcasting market collapsed in 2004 and the clubs had to react to this. In 2004 a big financial crisis hit the German league, and a lot of clubs had to reduce the wages of the players significantly.

In England 59% of all expenses are still paid for player salaries, in Italy 62%, in France 63% and in Spain 65% (Kicker 22.03.2007) Even if not all numbers are 100% identical, a clear trend towards higher salaries on the costs of other factors in the budget can be seen. Especially the training of young players often suffered directly after the Bosman case. After this the leagues established standards for the trainings of youth and would not give a licence to the clubs for the case that they violate this rules. But the fact that

training has to be enforced in such a way already proves that it is less important today than before the Bosman case.

Thus the clubs spend now more on salaries than ever before. This goes for every club, since even though the biggest clubs have significantly more income compared to the smaller, they still pay around the same or even more percentage wise on the salaries. Top players as David Beckham (15 million Euro), Ronaldinho (12 million Euro) or Alessandro del Piero (12 million Euro) earn money that was unthinkable a few years ago. Michael Ballack, the last one who joined this group of outstanding high earning footballers, is reported to earn more than 6 million pounds a year (McGarry and Castles, 2006).

It can be summarized that in all big leagues the salary climbed more than the total revenues of the clubs. The effects of this can be seen, when taking into account the financial situation of many clubs. One main finding that can be stated without doubt is that the Bosman case in fact increased the influence of players. This is true for the average to good player, but even more for the superstars of the game. The clubs try to limit the influence of the players, and first signs point towards this. The season 2005/06 was a little turnaround in the Premier League and in the Bundesliga a turnaround was already in place before, as the player wages did not climb as much as before anymore. Other expenses got more important again, but still the influence of the players is far bigger than ever before (Hintennach, 2006). Another question will also be if this was just a coincident during last season or if this trend is lasting.

### **6.3 Financial Problems in different leagues**

As just mentioned, the wages of players enormously rose after the Bosman case. It can be described as a “race to the top”, since clubs that wanted to stay competitive had to pay as much as the other teams or even more. The special attribute of the football market as a “winner takes it all market” (Garcia-del-Barrio, Pujol, 2004) makes it attractive for clubs to invest money they do not have. A few points more or less can be worth millions for the teams, as it can decide about relegation or getting into the European competition. In the cases that the goals are reached, the clubs have the opportunity to earn more money through higher broadcasting income or through sponsors. But if the goals are not reached, the clubs can lose all that money. Therefore, investing in another striker that costs exemplarily 1 million but can save 3 million is worth an investment for the clubs. If however, and this is the case in the football leagues, most or all clubs act according to this principle they face a “prisoners dilemma”. This means that since every club acts in this way an outcome will be achieved that is not satisfying for any club.

Because of this high-risk clubs already got into financial difficulties in the 1980<sup>th</sup> and 1990<sup>th</sup>. Clubs that went bankrupt include Dynamo Dresden (Germany), Girondins Bordeaux (France) or Bristol Rovers (England). But in general the clubs had a balanced budget and the deficits were at a decent high, only the teams in France had bigger financial difficulties (Gougnet and Primault, 2006). The Post-Bosman period however sees clubs in heavier financial problems. Apart from France, where the league sets higher limits for clubs to get a licence<sup>20</sup>, the other leagues face financial problems. In France, the clubs only had a combined deficit of 35.9 million Euro in the season 2002/03, which means an average of less than 2 million per club. Even though this sounds like a lot of money, compared to other clubs or leagues this is a good situation. The teams of FC Barcelona (220 million Euro) AS Rome (224 million) AC Milan (247 million) and Lazio de Rome (313 million) all increased their debts in this season. The leagues in Italy (1.15 billion) and Germany (700 million) had the highest total deficits of all leagues in the season 2002/03 (Gougnet and Primault, 2006).

In Germany this changed a little, even though the financial situation of some clubs is still far away from being solid. The league still made a deficit, of 35 million Euro last year, which brought the total deficit of the first two divisions to 751 million Euro. But only six out of the eighteen clubs had a deficit for the last season, and only two clubs had a significant deficit (Franzke, 2007).

In Italy the situation is worse than in Germany and the leagues tries to put an end to the behaviour of the clubs. Therefore 12 clubs were not allowed to stem any transfer, under those were all the major clubs (Franzke, 2007). If this leads to a success cannot be valued yet, but the attempt alone shows how problematic the situation of the clubs has become.

English clubs earlier than any other nations team used the opportunity to list themselves on the stock market. Already in 1983 the Tottenham Hotspurs were the first club to do so, followed by Millwall in 1989 and Manchester United in 1991, another 16 clubs followed between 1991 and 1995. All clubs, except Manchester United, lost value on the stock market as the courses fall compared to the entry price in the market (Buraimo, Simmons and Szymanski, 2006).

One of the reasons why the clubs can not achieve a balanced budget, can be the players salaries. Other explanations could also be taken, but the player wages are now the most important part of the budget. It stills seems as if there is no end to the trend of rising player wages.

---

<sup>20</sup> Without a licence a club is not allowed to participate in the professional leagues. A licence system is known in every league but is interpreted differently and either strict (France) or without much enforcement (Italy)

## 6.4 Movement of players

As described before the clubs are now free to employ and field every player from the European Union without any restrictions. A lot of leagues also allow players from associated countries to participate without restrictions in the competition. In this case, every league has different rules, and those reach from very loose<sup>21</sup> to very restrictive<sup>22</sup> ones. But since players can easily enter into the European Union (Belgium) and are allowed to work there, they have the opportunity after five years to also play in more restrictive leagues (see Kolpak case).

It is therefore of interest to see how the numbers of foreign players have actually changed. The average team had between five or six foreign players and out of those three were allowed on the field at the same time. In every league the development after the Bosman case is slightly different, but a general trend still can be identified.

Germany is one of the countries with the most foreigners. In the season 2003/04 the number of non-German players reached a maximum of 50,9% (Thome, 2003). After this, the numbers went down again, but stayed between 45 and 50%. Most of the foreign players came from inside Europe, as Croatia, the Czech Republic and Poland were besides Brazil the countries with most players in the Bundesliga. One of the reasons for this is that the DFL put no limits on the numbers of those players, but these players still faced discrimination in other countries as England or Spain. After the EU-enlargement to the east, the Brazilians became the most popular nation, since now the Eastern European players are also allowed to move freely, and the best ones regularly go to English, Italian or Spanish clubs.

340 foreign players are playing in the English Premier League, which equals around 63% of all players (Premier League) In this statistics Scottish, Welsh and Irish players are also counted as foreigners, as they are not allowed to perform for the English national team. It is interesting to see, that the top teams Chelsea with 19 foreign players and six English as well as Arsenal with 23 foreign players and three English players have the most non-English players of all clubs. Manchester United, the third high performing club has 17 non-English and 13 English players. The fact, that the teams with the most foreigners are the most successful teams already shows that the English teams are able to buy a lot of the football superstars. The most popular nation here is France followed by other Northern and Western European nations. In the recent years Brazilian and Czech players also have become more popular.

---

<sup>21</sup> Players from all over the world are allowed to play in Belgium without any restrictions, if they earn above 61.632 Euro per season (<http://jse.sagepub.com/cgi/reprint/7/1/105>)

<sup>22</sup> Players from outside the European Union have to show that they are talented enough to be beneficial for the English leagues. This includes that player had at least to participate in 75% of the games of their national team and that their nation is among the top 75 football nations.

The Spanish Primera Division has just fewer than 40% of foreign players on the average roster, and the most popular nations are Brazil and Argentina. As however only three non-European players are allowed in Spain per team, the clubs tend to give the players passport from different European countries. Unlike in England and Germany the number of European player is relatively small, but still around 20% of all players where born in a different European country than Spain (Primera Division).

In the Primera Division the numbers are a littler lower, which seems surprising as the Italian league is one of the strongest leagues and therefore should be interesting for players from all nations. Only 158 non-Italian players are employed by the clubs, which equals 28% of all players. The strongest teams in Italy as AC Milan (48%) and Inter Milan (79%) employ the most foreigners, and therefore there seems to be a strong relationship between the numbers of non-Italian players employed and the general success. The most foreigners in the Italian league are from Brazil, followed by Argentina.

In the League 1 the number of foreign players is higher than in Italy and Spain. Around 48% of all players are not French, ranking the league third in this category behind the Premier League and the Bundesliga. The numbers of European players from other nations is not as high as in the other top leagues. Mostly players from South America and Africa earn the money in the French league, followed by Easter European players, but almost no West-European players play in the Ligue 1. (Ligue 1) This might result from the fact, that the French league is the economically weakest of those leading nations, and that therefore those players might be to expensive for most clubs.

Even though the numbers of foreign players differ from league to league it clearly can be stated, that a lot more foreigners play in the best leagues than before the ruling. The Bosman case made European football really international, at least with respect to the heritage of the players. Even on the highest level in club competition, the Champions league, most of the best scorers are playing abroad now<sup>23</sup>, which shows that especially the best teams and players are able to profit from this movement.

## **6.5 Problems of the free movement of players**

At first sight it sounds very positive that players are allowed to work wherever they want, and it seems that this shifts a lot of influence from the clubs to the players. This is true for a lot of players that already worked in Europe or in another developed football area.

One negative aspect however is the problem that is noticed in African sport nowadays. Player scouts are now able to advise every player to their club, as in some countries,

---

<sup>23</sup> Appendix 11



for example Belgium, no limits for foreign players exist at all. Since the Belgian football market is relatively small, the broadcast income for the clubs is very small compared to other nations (Dejonghe, 2006). Most of Belgium's best players are playing abroad, and the clubs look for ways to earn more income.

Managers and Scouts often look for players in African countries, since they are significantly cheaper to hire than Europeans or South Americans. Since Belgium has the lowest restrictions for non-Europeans the Belgium market is often seen as an entry into other European leagues. This would not be a problem in general, but the way in which Belgium clubs often act against these players is very problematic. A lot of teenage players are sent to Europe in order to try out for the professional clubs. If a player is not good enough he is often left without a return ticket home, and has no way back and no perspective in Europe, as he can not legally be employed in other jobs (Andreff, 2004). Fifteen African players lodged a complaint in Brussels and Antwerp courts, to protest against the "trade of human beings " as they were not able to find a club in Belgium and were then left alone (Andreff, 2004). Since it is harder for clubs in England to sign those players, they often have co-operations with the Belgium teams. Examples include FC Antwerp with Manchester United, VC Westerlo with Chelsea London and SK Beveren with Arsenal London (Dejonghe 2006). This leads to the situation that the SK Beveren has 18 players from the Ivory Coast under contract, but only four players from Belgium.

Besides from the fact, that the players under contract are often exploited as they earn less money than European players and that players that do not get a contract are often left without anything. A further negative impact of this trend is that the African leagues are not able to develop at all.

## **6.6 Transfer development**

One goal of the Bosman case was to allow players to choose freely the employer they want to work for. Therefore, transfer fees in case of an expiring contract were declared to be illegal. A logical step would have been that the transfer fees would have dropped, as the clubs could have waited until the contract expired and than sign the player.

This however did not happen, but instead the transfer fees directly after the Bosman case were the highest ever paid. Especially for superstars the fees got higher with every season, until in 2002 Real Madrid paid 73,5 million Euros in order to acquire Zinedine Zidane. Between the season 1999/00 and 2002/03 most of the record breaking transfers were done, and none of the top 30 transfers of all times were enforced before the Bosman case.<sup>24</sup> After the season 2002/03 the transfer sums became a little lower

---

<sup>24</sup> See Appendix 8

again, as a lot of clubs started to have financial difficulties. But very expensive transfers still take place today, as for example the move of Andrej Schewtschenko from AC Milan to Chelsea London for 51 million Euros prior to the 2006/07 seasons.

Fees and Mühlheußner researched empirically the effects of the Bosman case, regarding the transfer system and the average contract length. They came to the conclusion, that clubs prefer longer contracts in order to secure their investment in the players (2002). This is also one reason, why players are able to earn more money as they sell their affirmation to longer contracts.

The average contract length has indeed increased since the Bosman case. Contracts sometimes last up to seven years, depending on the age of the player when he signs the contract. At the beginning of the season 2004/05 the average remaining contract length was over three years in the Bundesliga. (Hübl and Swift, 2002). Clubs now try to negotiate with their players one season before the contract ends, as the clubs have than better chances to keep the player.

In this case, it can be said that the goal of the Bosman case (limit the influence of transfer fees) did not become reality. Transfer fees are still an important factor of the professional football leagues, and are a restriction for players to freely choose their employer. Some scholars as Blanpain have also a very critical view on this topic. He states that "these developments are, obviously, socially and legally unacceptable" (2003, p24).

The EU also identified this as a problem, and initiated together with the UEFA a new transfer system, which became reality in January 2001.

### **6.7 New transfer system after 2001**

The new rules after the Bosman were designed to limit the influence of the transfer fees in order to give the player more freedom. As described above this did not happen, and therefore the EU was not satisfied with the results of the changes and wanted to imply new rules (Oberthür, 2002). Together with the FIFA, the UEFA and the players unions the parties worked out a compromise. This shows that the UEFA has learned, and is more willing to respect the authority of the EU, while the EU Commission did not want to sue the football organisation again.

The new system is complex, and a lot of minor changes took place, but those only regulate contract questions or little details. However, two important changes were introduced, which will be described in the following.

One of the major changes was that, for a young player under the age of 23, compensation has to be paid to the clubs that were responsible for the training of the player. The compensation fee will be shared between the clubs for which the player

played last and the clubs for which he played between the age of 13 and 23. Clubs that invest money in the training of young players will thus be better protected again, which was the main goal of this change (Reiter, 2003).<sup>25</sup> Especially small clubs can profit from this rules, as a lot of superstars of today's football have the roots in clubs that are not near the professional level.

The other big change is that international transfers of young players under the age of 18 now have become illegal. Only if the family of the player's moves for reasons that have nothing to do with football, the young player is allowed to sign a contract with the new club. This is defined in Article 12 of the new rules, and was implemented in order to secure the education and well-being of the young persons.

This system was introduced in 2001, but only under the assumption that new rules will be added in the future that will protect the rights of the players even more. In April 2005 a rule that could change football almost as drastically as the Bosman case was introduced.

If players are not satisfied with their present situation they can cancel their contract if the reasons are plausible. One example includes that a player can abrogate the contract if he was fielded in less than 10% of the official games. The only exemptions are reserve goalkeepers and players that were injured for a long time.

But even more problematic is the second part of the new rules. The player can cancel long contracts that last more than three years. Players that were younger than 28 by the signing of the contract, can cancel the contract after three years. When the player was already older than 28, he can cancel the contract even after two years (Franzke, 2007). This will only count in the case of an international transfer, but not in the case of a domestic one. The old club will only get the players yearly salary as a compensation fee if the player decides to cancel the contract after this period of time (two or three years).

Since this system is relatively new and is not implemented yet in all national organisations<sup>26</sup>, it is not yet clear how far the consequences are really reaching. Scottish player Andy Webster recently has his case in front of the court, as he was the first one to cancel his contract. If the court decides in his favour, it might as well be that contracts longer than three years will belong to the past (Grahame, 2007). Most likely this will give the players even more influence and transfers will occur more often.

## **6.8 Rules restricting the free movement**

A dramatically change which came into practice in the beginning of the season 2006/07 was the so called "home-grown player rule". This means that in the season 2006/07

---

<sup>25</sup> See Annex 9 for the exact amount that clubs get for each year of training

<sup>26</sup> The organisations have time until the 30.06.2007 to implement this law

four player of a 25 man rooster have to be also trained at least for three years in the club between the age of 15 and 21. In the season 2007/08 the number will rise to six and in the season 2008/09 to eight players. In order to be a homegrown player the nationality is not important, for instance a 22-year-old African who played for the clubs since the age of 18 can also fall in this category (Collett, 2005).

Therefore, it might not be against European law, as the players are not discriminated because of their heritage. Instead it emphasizes the importance that the training of young players has for the future of the sport. Arnaut who wrote a report for the EU also points out that "the UEFA proposal on the home-grown players, which encourages player training and, at least to some extent, limits the trading of players is a measure to be welcomed" (2006).

Others as politician Lambsdorff see this as an illegal clause and think that it will not stand in front of the ECJ (2006) Thus it has to be waited if a player will suit this system, and what the judges then would decide. Another suggestion, which is made by some football officials, would instead clearly violate European law: The "6+5 rule"

If this would become true, clubs would have to play with at least six players from the own nation again and would be allowed to field only five foreigners at a time. This would be a step back from the Bosman case, where the ECJ made clear, that no discrimination against EU citizens is allowed anymore.

The idea to introduce such a rule was initiated by the President of Bayern Munich Franz Beckenbauer. He criticised, that the foreign players take away the jobs of the young players, and that the national teams will suffer from this (Spiegel Online) FIFA President Joseph Blatter for example is sure that this rule will be become practice in some time (Focus Online).

The FIFA already agreed together with the players union FIFPro to introduce such a rule. For the FIFPro players (mostly players from Western-Europe) this would mean that there working place is more secure, and that it will be easier for them to find a job in their own leagues, which might be the reason why they agreed to this suggestion (Berthold, 2007). There is no definite time yet when this rule shall become law, until now it is only a declaration of intent.

It is very questionable if this proposal ever comes into force. The ECJ already stated that no discrimination is allowed and outlawed a similar clause (3+2 rule). But the attempt alone demonstrates that Bosman is still not in the head of all officials and that sport still sometimes believed to stand above European law.

## 7. Competitive balance in football

As already showed, the Bosman case gave a lot of the influence that the clubs had to the players. Players can now more freely choose their employer, as they can not only play for teams in their home country, but also for other teams in Europe. A lot of consequences can arise out of this changed relation, and one of those will get analysed in the next section. A theory could be, that since clubs have smaller influence about their players, the best players now will mostly play for the best clubs (the one that pay the highest salaries). If this would be the case, bigger clubs that pay more money, can control the leagues now more easily. The next section will therefore analyse if now only a few teams are able to control football, as they can always acquire the best players. If this would be the case, it is the question if the Bosman case changed this, or if other reasons could also be found. One possible explanation would also be the growing importance of TV revenues, which will be described in the second part of the section.

In most markets competition is regarded as a negative threat towards the own business. In the case of football, the situation is different and competition is generally believed to be a positive feature. Rottenburg (1956) was the first one to discover, that attendances and therefore the main income of the clubs at that time increased the more intense the competition between the clubs is. Borland and Mac Donald (2003) did empirically research on this topic, and found out that there is a significant relationship between the uncertainty of a seasonal outcome and the attendance of the average game.

There are two types of competition, the game competition and the competition during a season.<sup>27</sup> The first one is generally more open, because during a course of a season even a slightly better percentage for one team to win a game can lead to a big gap in the end. Thus in national leagues were 34 or 38 games take place the stronger teams have a higher chance to finish first. In Europe on the other hand, it is mostly a two game series, which predicts the winner, and therefore the weaker teams normally would have better chances to win against their opponent (Michie and Oughton, 2004). For clubs on the other hand it is not always positive to have a hard competition as supporters are always hoping for a victory of their team (Peele and Thomas, 1988). Thus the individual preference of a club for competition is generally lower than it is good for the league on the long run. But even if all clubs act egoistically a certain degree of competition is seen as admirable for all. The only question is how far this

---

<sup>27</sup> Game competition is competition for one single game. This competition measures if small clubs are still able to beat bigger ones in one game. Season competition concentrates upon the question if the same clubs on the top of the leagues are dominant, or if different clubs are able to finish with a good winning record every year.

balance has to go in order to still attract supporters and to optimize the “product” football (Szymanski, 2000).

## **7.1 Methodology**

Since national competition developed before European competition more clubs were able to win the championship. In older times the talents were still locally bounded and different teams that are not near the top today anymore won the title (White Rovers Paris, Eintracht Braunschweig or the FC Burnley)

Therefore the appropriate time frame has to be found, in which comparing the leagues makes sense. The timeframe for the national league, which will be analysed, are twenty years before the Bosman case and the years since the Bosman case, while for European competition a timeframe of twenty five years before the Bosman case and the years after the Bosman case will be chosen.

The measure, which will be used here, is quite simple and can only indicate long term domination. It will be looked if one or two teams were able to win a lot of national titles in a row, since this would mean that the teams would be able to control the leagues. The method which will be used for European competition is slightly different, there the question will be if certain nations controlled the cups (the nations from the top five leagues). Therefore the teams, which reached the finals, will be counted.

It is not a measure of imbalance in the leagues, which other scholars have given in more details and with more statistical formulas; one study for instance would be Bourg’s (2004). It is rather a method to see if long-term dominance was easier to achieve before or after the Bosman case.

Another more detailed model about competition in national leagues will be given later in the text, a study implemented by Michie and Oughton (2004). But the simple model of only looking at the champions in different seasons shows if there is domination either of one or two clubs during a long period. Domination is another sign of imbalance in the league, which let attendance of spectators fall on the long run (Michie and Oughton, 2004).

### **7.2.1 Competition situation before Bosman at the European level**

Competition can be seen on different levels in European football. On the national level there are several leagues that have a relegation system, which shall make sure that always the best teams play in the highest division. Out of those teams, only a few qualify for a European competition, generally the best five or six of the top leagues<sup>28</sup>. In

---

<sup>28</sup> The UEFA initiated a five year evaluation (Appendix 10) of the results of teams from any country in Europe. Based on this the better nations are able to send more teams to the European level. Points are given for wins in the UEFA Cup and in the Champions League.

the last years Spain, England, Italy, France and Germany received the most points and were able to send most of their teams to the European competitions. A closer look at the domination of teams from those countries will be given in the next part.

In order to judge the situation before the Bosman case it is interesting to understand which teams were able to come to the finals of the cup and which teams were able to win the cups.

In the Champions League (former cup of the league winners) a domination of the teams of the recent top five leagues can be identified. Out of the 84 participants in the Champions League finals before the Bosman case, 57 came out of those five leagues, which equalled 67,8% of the total participation. Only in the season 1987/88, 1970/71, 1969/1970 no team of the top five leagues made it to the finals.<sup>29</sup> The country besides the top five that was most successful were the Netherlands, a country that recently has lost a lot of its competing abilities and that fall to rank eight even behind Rumania. Especially Ajax Amsterdam belonged to the strongest clubs in Europe as they won the title between 1970/71 and 1972/73 three times in a row. The main reason of their success was the outstanding "Ajax School" a system under which young players could train and practice and that was admired in all over Europe because of the extraordinary talent it produced (Groot, 2005). Today Ajax is far from this level, which also has its reasons in the shrinking importance of talent production.

The UEFA Cup hosts the teams that did not qualify for the Champions League, but still were able to finish among the top teams in the national leagues. The UEFA Cup traditionally and before the Bosman Case had more participants than the Champions League, as the Champions League was only for the champion of the leagues. Leagues as Italy or Spain had four participants in this competition. In 25 finals that were played before the Bosman case, 34 out of the 50 teams that qualified for those games came out of one of the five top leagues, which equal 68%. (Appendix 13)

Thus, in both cups a domination of the big five leagues can be perceived even before the Bosman case. But 32% of the teams qualifying for the finals did not belong to the big five leagues. The question, which will be answered in the next part, is if and how those numbers changed after the Bosman case.

Another topic, which will be researched, is the reason of the dominance of those teams in European football. It is not the case, that this is only based on the popularity of the sport in the countries or the dominance in national games. Other nations in Europe, for example Czech Republic or the Netherlands also have national teams which are competitive, but they are not as good on the club level.

---

<sup>29</sup> 1987/88 PSV Eindhoven (Netherlands) versus Benfica Lissabon (Portugal), 1970/71 Ajax Amsterdam (Netherlands) versus Panathinaikos Athen and 1969/70 Feyenoord Rotterdam versus Celtic Glasgow (Appendix 12)

### 7.2.2 European competition after Bosman

After Bosman a significant change took place in the setting of the Champions League. Before that time only the national champions and the winner of the previous season were allowed to take part in the competition. But the UEFA had the goal to let the strongest teams of Europe play in the Cup to see who deserves the title of the strongest club in Europe. (UEFA/Champions League) Stronger leagues were, beginning with the season 1997/98 (two years after the Bosman case), allowed to let up to four teams take part in the competition. The strongest three nations in Europe England, Spain and Italy have this privilege while France and Germany still have up to three teams that take part in the Champions League. Weak football nations have to qualify to even get one starter into the main field of 32 teams. This in return leads to a high number of clubs from the strongest five nations in the competition, as up to 19 out of 32 starters can be from there. In the earlier type of competition the highest possible number was six.<sup>30</sup>

Not surprisingly the quotas of teams in the finals from these nations have increased. In the ten years after Bosman only one club (FC Porto 2003/04) from another nation was able to make it to the finals<sup>31</sup> and eventually even win the Cup.<sup>32</sup> Since 1996/97 95% of all clubs that played in the finals thus came from the five big countries, a significant increase compared to the 68% during the previous 20 years. The trend will not be different in this season, as no team from another nation was able to make it to the semi-finals; the PSV Eindhoven was the only team to qualify for the quarterfinals<sup>33</sup>

More teams from the stronger nations being allowed to take part could be a possible explanation. If this is the case, the UEFA Cup shall have winners from different leagues. As the top three or four qualifiers of the previous seasons in the best leagues are now allowed to play in the Champions League, only the weaker teams of those leagues are taking part in the UEFA Cup. Usually this would mean that the weaker nations have a better chance to win this Cup than before, as the strongest teams are playing in the Champions League. From the weaker leagues more clubs are competing in the UEFA Cup, as already described, not all leagues have one participant in the Champions League. But in reality, the UEFA Cup is still dominated by the clubs from the five nations. In the ten finals after the ruling 14 out of 20 teams came from those countries which equals 70%, slightly more than the 68% in the 20 years before

---

<sup>30</sup> The five national champions plus the title winner of the previous season

<sup>31</sup> See appendix 14

<sup>32</sup> After the season the club lost its coach Mourinho to Chelsea and some of its best players (Ricardo Carvalho and Paulo Ferreira to Chelsea or Deco to Barcelona) After that season they did not make it far in the next European competitions.

<sup>33</sup> They lost twice against Liverpool and had no chance at all to qualify for the next round.



Bosman.<sup>34</sup> Even though only the middle class teams of the strongest nations compete in the UEFA Cup, they still outperform most of the other nations.

Thus, the conclusion that can be drawn is that the gap between the top leagues and the rest of Europe has at least not been reduced after the Bosman case. On the other hand, the UEFA Cup shows that middle class teams of strong nations are able to outperform the best teams from weaker nations. The question, if this is a development that arose due to Bosman, or if this is of other factors cannot be answered here completely. It could be like this, since all the national players from some nations play in other nations, and that therefore the local leagues lose a lot of talent. However, other explanations can also be given, one other will be mentioned in section eight.

### **7.3.1 Situation of national leagues before Bosman**

The competition situation in the national leagues is more complex to describe than the European situation. National competition is different in each league, since different teams compete and because different traditions exist in the league. In some countries the championship race was mainly always between two teams (Spain with Real Madrid and FC Barcelona) or between more possible winners (for example France). Halicoglu (1998) tested nine European leagues, on the basis of whether they were balanced, including the five top leagues in Europe. The result was that the French league was the most balanced one of all leagues in the test, while Turkey had the most unbalanced league.

Success is also relative and cannot only be measured in one way. For a smaller team with a small budget it is for example a success to stay in the league and not to go to second division, while other teams are even disappointed when they finish second or third. It is however hard to measure whether a team believed to be successful or not. For the purpose of this paper it is the easiest and most appropriate to simply concentrate on the race at the top.

In the Spanish Primera Division there were two dominant teams in the twenty years before the Bosman case. Between 1977 and 1996 the FC Barcelona and Real Madrid won 14 out of 20 championships (70%) and between 1985 and 1995 even 11 titles in a row. Only three other teams, namely Atletico Madrid (2 times), Real Sociedad San Sebastian (2 times) and Athletic Bilbao (2 times) were able to win the title (Primera Division).

In England the situation was slightly different as one team won 9 out of the 20 titles, namely FC Liverpool. However, the last championship they won was in the season 1988/89, and after that Manchester United became the most successful club (four titles

---

<sup>34</sup> See Appendix 15

until 1997). Altogether those clubs won 65% of the titles, but six more clubs were able to win at least one championship (Premier League).

In Italy the two most successful teams (AC Milan and Juventus Turin) won as in England 13 out of 20 titles (65%) during this time period, while five other teams were able to finish in first position (Seria A.).

Bayern Munich dominated the German league at that time, winning 9 out of twenty titles (45%). No other club was able to win more than three times; the HSV was the second most successful team with 3 titles, which meant that together with Munich they were able to get 60% of the championships during that time period. Six other teams were also able to finish first in this period, which makes the situation in Germany very comparable to the English league (DFL)

The situation in the Division 1 in France was different as no team was able to dominate the league. Out of the 19 titles<sup>35</sup> Olympique Marseille won the most with 4, Girondins Bordeaux and As. Saint Etienne were able to win three times. Thus the two most successful clubs won only 36% of the titles, while five other teams won the remaining titles (Ligue 1).

In all leagues besides France a domination of either one (England and Germany) or two teams (Spain and Italy) can clearly be seen. Thus the theory which the UEFA used, that the transfer systems will stop the big clubs from acquiring talent from other clubs is not valid. This was also what most scholars emphasised before (Gerrard, Dobson, 2000). However, in all leagues other teams were also able to win the title, which shows that the results were only predictable to a certain degree. The question which will be answered in one of the next parts is therefore if this changed after the Bosman case in 1995.

### **7.3.2 Situation of national leagues after Bosman**

As in the section on the European level, only the question if a long-term domination of one or two teams occurred at national level during the time after Bosman will be answered.

In Spain the two most successful teams are the FC Barcelona and Real Madrid who won seven out of ten titles, starting in the season 1997. This means that the ratio stayed the same than in the 20 years before the Bosman ruling.

The English league is a typical example of domination by two clubs. Between 1997 and 2004 Manchester United won five titles and Arsenal London three, combining together all the eight titles, which were handed out in that time period. After this the dominating clubs changed, as Chelsea London won the championship twice in a row, basically due

---

<sup>35</sup> 1993 no team was declared champion, as the most successful team Olympique Marseille was put back into the second division due to bribery of rival players.

to the heavy investing of Roman Abramovich, one of the richest man in the world (Kearney, 2004). Manchester and Arsenal finished second and third in both seasons, which shows that those three teams are very dominant in the Premier League, even more than in the period before the Bosman case.

Italy is a different example as it turned out in 2006 that the two championships before were heavily influenced by corruption and that especially the teams on the top were involved in criminal activities (FAZ, 29<sup>th</sup> June.2006). Thus, it is questionable if it is possible to take these two titles into account. For the purpose of this paper they will be left out as only the real superiority in competition and not any other factors shall be of importance. Between 1996/97 and 2003/2004 eight championships were played, of which Juventus Turin and AC Milan won six (75%). The quota of the two strongest teams thus went up 10%, and the league is even more dominated than before by those two clubs.

In Germany it is not the dominance of two clubs as in the other leagues which might bore the spectators; it is even only one club that outperformed the other teams mostly: Since 1997 Bayern Munich won 7 out of 10 titles (70%) while three other clubs managed to succeed ones. Bayern Munich was already the most successful club before the Bosman case, but they improved their quota from 45% during the 20 years before Bosman to 70%.

The French league is the last example, the traditionally most balanced league out of those mentioned. France still remains a different example than Germany, England or Spain as four different clubs won the title in the five years after Bosman. But since then the never before successful team of Olympique Lyon outperformed all other teams by winning five titles in a row, and even though the 2006/07 season is not officially over they will be champion again. Together with the AS Monaco they won 7 out of ten titles, which leads to the quota of 70% compared to 36% out of the two best clubs before the ruling.

Thus, the little statistical part can be concluded with the statement that the national leagues are clearly dominated by just a few teams in the last years. The number varies from one (France and Germany), to two (Spain and Italy) or even three (England). Domination is now even more clear than in the years before the ruling, at least when only looking at the winners of titles.

Other models also show the rising imbalance of the leagues, and two of those models will be introduced. The focus in the next part will be on the Premier League in England, but short reference to other leagues will be given as well.

#### 7.4 Other statistical measures of imbalance in football leagues

There are plenty of ways in which imbalance can be measured, one of those was introduced earlier in the text, by just looking at the winners and whether some clubs dominate the league.

Another measure would be to figure out how many points the first five clubs made each season and to look if the share of those five teams on the number of total points has increased. Investigating exactly five clubs seems to be an appropriate cut due to two reasons. First this represents the first quarter in leagues with 20 teams. But the more important point is that the first five clubs have a starting right for European competition in the next season, which in return leads to higher revenues and therefore the chance to form an even better team (for example Buraimo, Simmons and Szymanski 2004).<sup>36</sup>

In a totally balanced league the top five clubs would get 25% of the points, while in a totally unbalanced league those clubs could win 55% of the points.<sup>37</sup> More is not possible as the other teams play against each other as well, thus the 55% would mean that the top clubs do not lose one single point to another club. Thus those are highly unrealistic scenarios and even relatively little changes in those numbers would point to a relative large change in competitive balance. Michie and Oughton started with the comparison in the year 1948 and found out that the quota stayed almost stable until 1990. Between 1990 and 2004 the percentage of the points won by the first five clubs climbed around 10% (2004, p.10). Given the small range from 25% to 55% the number could possibly take, this is a significant sign of unbalance of the league. Considering that three clubs (Arsenal, Manchester United and Chelsea) always finished among the top five, and mostly even in the first three places this shows a significant unbalance in the league.

They also measured the competition in other leagues and came to the conclusion that Italy has the highest unbalance of the top five leagues, and that in the last years the top clubs were able to dominate more than ever before in history.

A similar but not an equally strong decline of competition can be found in Germany, while the authors measure that in France the unbalance increased slightly. But this statistical approach neglects the scenario of long-term domination. The fact that Lyon won sixth titles in a row with a lot of points ahead, shows that also in France at least one club leads far beyond their opponents. In Spain the authors found out that competitive balance stayed the same during the last years (p. 18f.).

---

<sup>36</sup> The next section will offer a closer look at the economical development of the club competition

<sup>37</sup> Those are two extreme scenarios. In the case that the first five clubs get 25% of the points, this would mean that every team finishes with the same amount of points. If the top five clubs would get 55% of the points, this would mean that they will win every game that they play against a team that is below position five. Both of these scenarios never happened before in any big professional football league.

Other scholars as Haan, Koning and van Witteloostuijn (2001) came to similar results; in fact that the leagues became more unbalanced even though they used other measures and also took other league as the Dutch league into account.

### **7.5 Conclusion of the Competitive Balance section**

Generally it can be concluded that the best clubs in the leagues are now stronger than before and are able to dominate their weaker opponents on a seasonal basis. This means that one fear of the Bosman case became reality. It is still possible that a weaker club beats a strong club during one game, but in the course of a season the same teams normally outperform the others. In Europe the same can be said about the UEFA Cup and the Champions League. The clubs from the strongest nations are in a big advantage and have today an even better chance to win the Cups. This is especially surprising for the UEFA Cup as only weaker teams of the strongest leagues take part in it.

The question is if Bosman has so strongly influenced the unbalance in the leagues and in between leagues or if other reasons also underlined this development. One other possible explanation will be given in the next part: The growing importance of TV revenues, of which only a few teams can profit.

### **8. Financial development of football clubs in Europe**

The story of the financial development of the clubs is highly divergent from club to club and only a short overview can be given here.

However, two aspects are both typical trend marks of the football or sport business in general. On the one hand, as described above, clubs have to make sure that a certain competition exists on the market. Even though this has obviously decreased, it is still an important basic of the market. Spectators only follow games if the results cannot be predicted to 100%.

Another important but conflicting issue is the “the winner takes it all” principle of the market. A few points or sometimes even a goal at the wrong time can destroy or bring millions to the clubs. The European competition is an important goal to reach as taking part brings the clubs millions of TV money alone. Another important goal for smaller teams to reach is the relegation in the league. It costs a lot of money; if the club has to play one division lower as the money of the sponsors or TV income depends on playing at a high level.

This part will first show the general economic development in the leagues, while later concentrating on the rising income gap between smaller and bigger clubs.

### 8.1 The change in economic revenues of the clubs

Until the last 15 years the gate receipt was the biggest part of income for most football clubs. At that time, the financial support of fans in the stands represented an enormous part of the income, which let clubs stay close to their local supporters (Hödl, 2005) In 1988 for example, 71% of the income of the Italian clubs was raised through spectators. This number fell to 36% only ten years later. In the same time period sponsors and advertising money went up from 6,6% to 25% and TV rights climbed from 15,1% to 39%. (Andreff and Staudohar, 2000). Similar developments can be found in other leagues as well, the trend that attendance is less important is true for all leagues, even though the exact numbers differ from league to league.<sup>38</sup>

In the past the numbers of spectators were especially important as most fans stand during the games and only had to pay a small entrance fee. This largely changed during the last years. In Germany, the attendance is higher than in the other European leagues, while in France the lowest number of fans attends the local games. The other leagues are in between those two, while England has almost as many spectators as Germany.<sup>39</sup> But today it is not only a question of how many spectators attend the game, but more what they are willing to pay and how expensive the entrance fee is. English teams are able to earn the most money from the spectators, as no fans are allowed in the stands anymore for safety reasons that were introduced after heavy riots in the 1980<sup>th</sup>. But no top league averagely gets more than 40% of its total income from ticketing today.

It is complicated to calculate official figures on the exact amount of revenues, which each league has, and sometimes the numbers found slightly differ. Nonetheless a general overview can be given which shows the volume of the enormous money that is behind football. Those numbers are taken from Deloitte, one of the largest consulting firms. In their calculation the Premier League is, as already mentioned, the league that generated the highest revenue with 1.95 billion Euros in the season 2004/05. In the second place comes the Italian Seria A (1.34 billion) followed by Germany (1.24 billion), Spain (1.03 billion) and France (0.7 billion). Those five leagues generated 54% of the total revenues in the European football market, which were at an all time high of 11.6 billion Euros. (Jones, Parkes, and Houlihan, 2007) After those big five leagues follows the European Champions league (453 million) before the second Italian division (255 million) This makes even more clear, that on the long run the other leagues will not be able to compete with the five top leagues, considering that teams from those divisions also earn the most money in the European Champions league.

---

<sup>38</sup> See Appendix 16

<sup>39</sup> See Appendix 17

One interesting aspect is that the UEFA five-year evaluation differs<sup>40</sup> from the economic ranking between the top five leagues. While Spain is ahead in the evaluation they are only on fourth position economically. England, by far the best earning league is only in second position. Germany is the biggest loser in this list, as they are in third position economically but far behind France and Spain, which generate less money. If the previously implemented thesis that success is payable is true it seems questionable why the French teams seem to be better than the German teams. The special aspects about the European competition, that only the best teams of the previous seasons are allowed to take part in maybe part of the answer. Therefore, a look at the richest clubs of Europe might help and clarify the questions which arise due to the on the first hand surprising facts.

## **8.2 The 20 richest clubs in Europe and their heritage**

The twenty clubs with the highest revenues provide a different picture than the general league overview. In the first two places are two Spanish clubs, namely Real Madrid followed by FC Barcelona as they together had a turnover of 551.3 million in the season 2005/2006 (Jones, Parkes, and Houlihan, 2007). That represents around 55% of the leagues total revenue and leaves the other clubs with only 45%. Thus it is not surprising that the two teams were able to dominate the league on the long run, as especially Barcelona did. Compared to the season 2004/05 those two clubs were able to raise their turnover another 67.7 million. The gap between those two clubs and the rest of the league was widened every season, as the league was not able to raise the turnover as quickly as those teams did.

A similar picture can be given for the Italian Seria A, as four clubs raise together 823.5 million, which equals around 61% of the total income and leaves 39% for the other 16 clubs.

The excellent financial situation of the English Premier League can also be seen in the top 20 ranking of the clubs. Not less than 8 of the 20 Premier League clubs entered in this category and earned together 1.234 billion Euros. The three dominating clubs of the last seasons earned 656 million, which is 33,6% of the leagues total revenue. This number is significantly smaller than the percentages that the best Italian and Spanish clubs earn and might explain the good performance of those two nations in the European competition.

The three economically strongest clubs in Germany, namely Bayern Munich, Hamburger SV and Schalke 04 raise together a turnover of 429.4 million Euro. This equals 34,6% of all turnovers and shows that the Bundesliga is economically more

---

<sup>40</sup> An exact tableau can be found in Appendix 11

balanced than the leagues in Italy and Spain. The most surprising fact is that the clubs in second and third position with total revenues, Schalke 04 and Hamburg were not able to win the national title since the 1970<sup>s41</sup>. Bayern Munich dominates the league, but this can also be a sign of good management or at least better management compared to their opponents.

The only club of France in the top 20 is Olympique Lyon on position 11 with a turnover of 127.7 million and 18% of the whole league revenue. Otherwise France's league is the economically most balanced league among the top five (Jones, Parkes, and Houlihan, 2007).<sup>42</sup>

One interesting aspect is also the large difference between the top 10 in Europe and place number 11 and below. While Liverpool in the tenth position has a turnover of 176 million Euros, Lyon in position eleven has 127,7 millions. No club was able to enter the top 10 new in the season 2004/05 and it is likely that the same teams remain in those positions for a long time (Waldermann, 2006).

The Forbes Magazine offers a different statistical approach. They did not only look at the turnovers of the clubs, but they also took other aspects into consideration as well, for example a stadium, the value of players and the length of the contract or other infrastructural volumes. The ranking is different, with Manchester as the most valuable club followed by Real Madrid and AC Milan, but also in this approach only teams from the top leagues were able to qualify among the top ten<sup>43</sup> (Maidment and Gage, 2006).

Even more detailed and recent numbers can be given for the German Bundesliga. The Kicker<sup>44</sup> collected the actual turnovers of the league and compared them to the place in the table. The clubs in the first six positions after the season 2005/06 had an average turnover of 112 million Euros, the clubs in the next six had 59 million and the last six 43 million (Franzke, 2007). All those numbers support the thesis that success depends at least to a certain degree on the financial assets.

One explanation for the enormous gap are the TV revenues. In some countries like Germany and England they are more centralised which means that smaller clubs also have higher income through this source. In Italy and Spain the clubs can individually bargain with the TV stations. The next part will take a closer look at this, and will show the financial capacity of the best earning teams.

---

<sup>41</sup> Schalke 04 even won its last title in 1958

<sup>42</sup> For the whole table of the top 20 clubs look in the Appendix 18

<sup>43</sup> See appendix 19

<sup>44</sup> Most read football newspaper in Germany



### 8.3 TV revenues and the share of the clubs

As described, the TV revenue has increased in all big countries, and clubs are now relatively much dependent on this source of income. It is also a fact that some teams are able to attract more supporters and that TV stations have higher ratings if they show the more popular clubs. For example, in Germany Bayern Munich is the most popular club, and televised games with this club are thus regularly seen by more people than broadcasts of other teams. Especially the clubs that play at the bottom of the league often only have their local fans base but do not get much national attention. On the other hand certain clubs are acting worldwide. Games of the English top teams are broadcasted in 150 nations, and some clubs have big fan bases even in countries like Israel (Ben-Porat,2000), South Africa or Mauritius (Brick, 2001).

But only the big clubs are able to benefit from this trend, as a game like Etienne versus Nantes is only interesting for the supporters of these teams that usually live around those towns. On the other hand a game like Chelsea versus Manchester United is broadcasted all over the world. The most popular league game between Manchester United and Liverpool was seen by half a billion people in 152 nations all around the world (Campell, 2002).

But the most important market is still the national market as the most money for the national competition is paid there. Therefore, it is crucial for teams to belong to the more popular teams in the nation, in order to be a valuable partner for the TV stations. Ascari and Gagnepain conducted a study on the popularity of clubs in Spain, and showed that in the last season either Madrid or Barcelona participated in the eight most watched games (2006). Already on the national market the top teams are able to attract more audience. On the international market regularly only this games are shown.<sup>45</sup>

Since the bigger clubs are the most interesting partners for the TV stations, mechanism were in place that assured that also the smaller clubs benefit from this in order to stay competitive. One possible way is central marketing, meaning that one central organisation bargains the deals with the TV station. This is still the case in Germany today, as the DFL (Deutsche Fussball Liga) sells all the games collectively to the TV stations (Kruse and Quitzau, 2003). 50% of the total income is shared among the clubs, 37,5 is divided depending on the success of the last three years, and the last 12,5% get shared depending on the actual place in the tableau (Kruse and Quitzau, 2003 p. 13). Criticism was raised because of this system, as it is possible to generate

---

<sup>45</sup> Some exception occur when home grown players play for a smaller club in a top league. Games of 1860 Munich for example was broadcasted in China when Jiayi Shao played for the team between 2003 and 2006. This made other Bundesliga clubs contract players that were of questionable worth for the team but improved their popularity in the Asian market, as Ali Dai or Abdel Karimi (Iran) or Naoihoro Takahari (Japan).

more money when the clubs are able to sell their rights individually. (Rehage, 2000). Other scholars doubt the legality of such a system, as this might well fall under cartel right if the DFL acts on the behalf of all clubs (Heermann, 1999).

But one aspect that stands in favour for a system like the central marketing is that all clubs are at least able to get a certain amount of money, and that the last clubs in the German system receive at least more than half of the amount the best clubs get. It is however not an argument that speaks for the contingency of the central marketing, as other solidarity funds could be established which work better (Kruse and Quitzau, 2002).

Another league that markets its football rights collectively is the English Premier League. A similar system like the one in Germany is in use, and top clubs are able to earn more money through TV rights than the small clubs, even though the difference between the top clubs and the bottom clubs in England is slightly bigger than in Germany. But still the smaller clubs are able to earn a lot of money from TV broadcasting, even if they are never shown overseas or if they never attract a larger crowd on national television.

In other markets however those solidarity measures are not in use anymore and this proves to be problematic for the competitive balance. Therefore in some markets the top teams are able to generate a lot more than the small clubs. In Spain, the two biggest clubs are able to generate the most money of all football clubs.

Barcelona had a contract during the season 2005-2006 that paid the club 125 million Euros, and Madrid is close to signing a similar contract. The other teams together do not generate this amount together, which clearly demonstrates the gap that exists in the Spanish league. Comparable numbers can be found for the Italian league, where the top clubs AC Milan and Inter Milan earn the most money, followed by Juventus Turin, the club that currently plays in the second division in Italy (Jones, Parkes and Houlihan, 2006).

In Spain and Italy the financial unbalance between the top clubs and the bottom clubs is far more dramatic than in Germany or England. On the other hand the top clubs in the Spain and Italy are therefore belonging to the best clubs in Europe, while the economic situation of the league in general is not as good as in England or Germany.

Dejonghe compares the number of the top leagues to the numbers of the lower leagues in Europe. His main focus is on Belgium, but he also takes into account other small leagues. He shows that TV revenue is by far not as important in Belgium or other small nations as in England or Italy. In Belgium the best performing team of the season 2004-2005 had the chance to earn up to an amount of 800.000 Euros (2004). Comparing this to the numbers in the best leagues shows, that it is very hard for those

teams to compete with the stronger ones.<sup>46</sup> The same as in Belgium is true for every other small football nation in Europe, maybe sometimes to a lesser degree. It also depends whether clubs are able to sell their rights individually (Benfica Lissabon) or collectively (Belgian League). But even Benfica Lissabon cannot earn as much money by selling their rights as an average English team can.

## **9. Conclusion**

Football is still the most popular game in most parts of the worlds. A giant event as the FIFA World Cup 2006 attracts fans from everywhere and lets them celebrate a worldwide happening. The national pride is a major factor of this, and a game as Germany against the Netherlands still raises emotions on both sides. On the club level the situation however is different, and the borders between the countries are not as clear anymore as before the 15<sup>th</sup> of December 1995. Football or sport in general, is now more international than ever before, as players can freely choose their employee and are not hindered anymore by discriminating clauses. The ability to change clubs without a fee after the end of the contract has advanced this development. More foreign players than ever before play in the European football leagues, and at least in this aspect football has become more international.

The Bosman case has revolutionized football and sport in Europe in general. One aspect is also made clear through the Bosman case, even though older cases already pointed into this direction: Sport is an integral part of European law, at least as far as it represents an economic activity. And football is more business than ever before, which becomes clear by looking at the budgets of clubs in the five European top leagues. The Bosman case was also not the last instance in which the ECJ had to do a conviction in the field of sport. While historically sport enjoyed a certain freedom, this freedom is becoming less far reaching during the course of the last years. It is most likely, that the ECJ will have to make important decisions in the near future. Most of the football or sport officials are aware of this, and therefore informal negotiations between them and the European institutions are now more frequent than ever before.

Even though, the Bosman case was arguably the most important case in sport, other follow-ups were necessary in order to fully implement the European law. Since the Bosman case was only adaptive for EU citizens, other cases as the Simutenkov or Kolpak case extended certain rights also to associated countries. This means, that today the situation for players from associated countries is nowadays also significantly better than before the Bosman ruling.

---

<sup>46</sup> See the difference in importance of TV revenues for the different leagues in appendix

The relation between players and clubs changed fundamentally through the case. In the present there is a “race to the top” as the European top clubs try to get the best players. This is understandable as only the best players guarantee or at least improve the chances to qualify for the European competition. Another goal of the smaller clubs is to stay in the league and to avoid relegation. In the top leagues there are three big goals of the clubs; for the best ones qualifying for the Champions League, for the clubs until place six to play in the UEFA Cup, and the worst teams have to leave the league. Keeping in mind that missing one of those goals would mean to lose a lot of money, clubs are willing to go high risk and to acquire a player that helps them to achieve these goals. Especially the loss of broadcasting and sponsor money for the case of failing is an immense threat to the survival of the clubs.

Players know this dilemma, which clubs have and are therefore able to choose from a lot of offers and usually take the one, which provides them with the best financial deal. The Bosman case was a big boost in this development as players can now freely choose for which club they want to play, while they were pretty restricted to their home country before. This worsens the situation for the clubs, as before domestic clubs competed for a player, and nowadays more international clubs compete as well. The fact, that players do not cost a transfer fee after the contract has ended, improves their situation even more. Money, which was paid earlier as a transfer fee, now directly goes into the player pockets. Comparing the earnings before and after the Bosman judgement can easily show this. Even though most clubs earn now much more money than before the Bosman case, players wages even rose more during the same period of time. This development could be especially dangerous when the clubs are not able to raise a lot more income.

On the short run the situation is therefore excellent for the footballer, but on the long run there could be major problems. As the clubs invest most of their money into wages for players they have less to spend on any other post in the budget. Training of young players, which was an excellent opportunity before Bosman to be among the top teams, as the example of Ajax Amsterdam proved, is now seen as more and more unimportant. Even though there are exceptions as Raul, who only played for Real Madrid and still had been able to be the second best goal getter of all times in the Champions League<sup>47</sup> are still in existence, those become rare. Thus it would be a necessary step if clubs would invest more money in the training of players again. A solidarity mechanism is therefore an appropriate measure as it secures that the clubs that invest in the training of young players also benefit from this. The new transfer rule for players under the age of 23 is a step into the right direction, but one has to wait if

---

<sup>47</sup> See Appendix 11

this is enough to enforce more competition again. The lack of competition is a problem that exists in the leagues today, as certain clubs are always able to win the championship or to at least finish near the top. For supporters this might be a problem on the long run, as uncertainty of outcome is one of the most attractive features in sport. This feature has certainly not increased in the period after Bosman. Less clubs than ever before are now able to win the championship, and the big clubs can dominate the league. The question if this comes directly because of the Bosman case cannot be answered conclusively here, since other factors might also play a deciding role. One of those other possible explanations is the rising TV income, which is shared very unequally between the teams. Some further studies, that research the question how the competitive balance was influenced by the Bosman case would be interesting and could possibly indicate clearly if competitive balance was reduced because of Bosman or if other developments were more important.

On the long run another problem might be that the historically best national teams suffer from the foreigners in the league (Italy, Spain, Germany or England). If the young talents will not have a chance to practice in the leagues anymore, national teams will not have enough talent to choose from. Today only certain clubs are examples for this theory ( Chelsea London or Arsenal London) but if the training becomes worse this soon will be the case for more clubs as well.

Until now, however this not the case and nations which had strong leagues still were able to qualify highly in the World Cups. The idea to introduce the 6+5 rule would protect those national teams, but the problem is that this is against European law. Therefore a legal gentleman agreement to invest a certain percentage of the budget for training might be better and more fruitful.

Clubs have to be careful, as many of them face financial difficulties and take a short-term perspective. It is important to re-think some of the decisions and to take a long-term perspective. Otherwise it might happen that on the long run football is destroyed due to a lack of competition and identification and therefore less interested spectators.

Football however has been able to survive every crisis until now and to deal with changed settings as the Bosman case also showed. The business of football is more complex and difficult than ever before, but it is still the most popular game in the world.

## 10. Literature

### Books and Articles:

Allison, L (2001) „Amateurism in Sport: An Analysis and a Defence“, London, Frank Cass Publisher

Andreff, W and Staudohar, P (2000) “The evolving European model of Professional Sports Finance”, Journal of Sports Economics; Vol. 1, No. 3, p 257-276

Andreff, W (2004) “The Taxation of player moves from developing countries”, Westport and London, Praeger

Antonioni, P and Cubbin, J (2000) “The Bosman ruling and the emergence of a Single Market in Football Talent”, European Journal of Law and Economics; Vol. 9, No.2, p 157-173

Arnaut, J (2006) „Independent European Sport Review“, available online at:

[http://www.independentfootballreview.com/doc/Full\\_Report\\_EN.pdf](http://www.independentfootballreview.com/doc/Full_Report_EN.pdf)

Ascari, G and Gagnepain, P (2006) “Spanish football”, Journal of Sports Economics, Vol. 7, No.1 p 76-89

Baraconelli, A and Lago, U (2006) “Italian Football”, Journal of Sports Economics, Vol. 7, No 1, p 13-28

Becker, S (1999) „Sportregeln und allgemeine Rechtssätze im Normen- und Wertgefüge des Sports“, Münster, Lit-Verlag

Belet, I (2006) “Entwurf eines Berichts über die Zukunft des Profifußballs in Europa“, Brussels, Ausschuss für Kultur und Bildung

Ben-Porat, A (2000) “Overseas Sweetheart”, Journal of Sport and Social Issues, Vol. 24, No. 4, p 344-350

Berthold, N (2007) „6+5 Protektionismus im Fussball“ ,Wirtschaftsdienst, Vol. 87, No. 3

- Blanpain, R (2003) "The legal status of Sportswomen and Sportsman under international, European and Belgian National and Regional Law", The Hague, Kluwer Law International
- Blainpain, R and Iston, R (2004): The Bosman Case- The End of the Transfer System?", Leeuven, Sweet and Maxwell
- Borland, J and Mac Donald, R (2003) "Demand for Sport", Oxford Review of Economic Policy, Vol. 19, No. 4, p 478-502
- Brady, C and Reavill, L (1999) "Football, Business, and Government. Can studies of High-Level teams across disciplines produce generic principles for systems and management?", System Practice and Action Research, Volume 12, No. 5, p 533-553
- Brick, C (2001) "Can't live with them. Can't live without them. Reflection on Manchester United", Oxford, Berg
- Buraimo, B; Simmons, R and Szymanski, S (2004) "The financial crisis in English football", Lancashire, Imperial College
- Buraimo, B; Simmons, R and Syzmanski, S (2006) "English Football", Journal of Sports Economics, Vol. 7, No. 1, p 29-46
- Buzan, B (1981) „Negotiating by consensus: Developments in technique at the United Nations conference on the law of the sea", The American Journal of International Law, Vol. 75, No. 2, p 324-348
- Caiger, A and Gardiner, S (2000) "Professional Sport in the EU: Regulation and Re-Regulation ",The Hague, Cambridge University Press
- Dabscheck, B (1996) "Assaults on Soccer`s Compensation system: Europe and Australia compared", Sporting Traditions, Vol. 13, No. 1, p 81-107
- Dall`erba, S (2003) „European Regional Development Policies: History and Current Issues", Pau, European Union Center
- Dejonghe, T (2004) „The financial crisis in Belgian football", Lancaster, Imperial College

Dejonghe, T (2006) "Belgian Football", *Journal of Sports Economics*, Vol. 7, No. 1, p 105-113

Dimitrakopoulos, D (2006) "More than a market? The Regulation of Sport in the European Union", *Government and Opposition*, Vol. 41, No. 4, p 561–580.

Dinkelmeier, B ( 1999) „Das Bosman-Urteil des EuGH und seine Auswirkungen auf den Profifußball in Europa“, Würzburg, Lit-Verlag

Dobson, S and John Goddard (2002) "Performance, Revenues and Cross Subsidization in the Football League, 1927-1994", *Economic History Review*, Vol. 51, No. 4, p 763-785

Ducrey, P; Ferreira, C; Huerta, G and Marston, K (2003) "UEFA and Football Governance: A new model- Adaptations for the challenges of modern football", Paris, Centre International D`Etude du Sport

Ehrke, M and Witte, L (2002) "Flasche leer! Die new economy des europäischen Profifussballs", Bonn, Friedrich-Ebert-Stiftung

Ericson, T (2000) "The Bosman Case: Effects of the Abolition of the Transfer Fee", *Journal of Sports Economics*, Vol. 1, No. 3, p 203-218

Feess, E and Mühlheuser, G (2002) „Auswirkungen des neuen Transfersystems auf den europäischen Fussball: Eine mikroökonomische Analyse“, Wiesbaden, Gabler

Franck, E (2002) „Making the majors – Grundlegende institutionelle Innovationen in der Entwicklung des amerikanischen Teamsports und ihre ökonomische Logik“, Wiesbaden, Gabler

Frick, B; Dilger, A and Prinz, J (2002) "Arbeitsmarktregulierung und nachvertraglicher Opportunismus: Die Verhaltensfolgen garantierter Handgeldzahlungen in der National Football League“, Wiesbaden, Gabler

Garcia-Del-Barrio, P and Pujol, F (2004) "Pay and Performances in the Spanish soccer league: Who gets the expected monopsony rents?", Pamplona, Edificio Bibliothecas



Gassmann, O and Knop, C (2004) „EU Recht und Sport“, Münster, Lit-Verlag

Gerrard, B and Dobson, S (2000) “Testing for monopoly rights in the market for playing talent - Evidence from professional English football”, *Journal of Economic Studies*, Vol. 27, No. 3,  
P 142-164

Gouguet, J, and Primault, D (2006) “The French Exception”, *Journal of Sports Economics*, Vol. 7. No. 1, p 47-59

Grant, W (2006) „Two Tiers of representation and policy: The EU and the future of football”, Warwick, Department of Politics and International Studies

Groci, O (2000) “The EU and Sport”, St. John, University St John

Gronendijk, N (2003) „Fiscal federalism theory“, Enschede, CES/UT

Groot, L (2005) “European football: Back to the 1950s”, Utrecht, Public Sector of the University of Utrecht

Haan, M; Koning, R and van Witteloostuijn, A (2001) “Market forces in European sport”, Groningen, Department of Economics

Halicoglu, F (1998) “The degree of competition in the European Football leagues: A statistical approach”, Sheffield, Sheffield Hallam University

Heermann, W (1999) „Kann der Ligasport die Fesseln des Kartellrechts sprengen“, Köln, Meyer und Meyer

Heermann, W (2005) “Transferregelungen im internationalen Fussballsport- insbesondere Rechtsqualität und Vereinbarung mit dem Europarecht“ , Bayreuth, Universität Bayreuth

Hendrickx, F (2005) “The Simutenkov Case: Russian player are equal to European Union players”, The Hague, T.M.C. Asser Press

Hintennach, M (2006) „Externe Einflüsse auf das Austauschverhältnis zwischen Profifußballern und ihren Vereinen: Probleme und institutionelle Lösungen im deutschen Profifußball“, Bochum, Ruhr-Uni Bochum

Hödl, G (2005) “Zur politischen Ökonomie des Fussballsports”, Münster, Lit-Verlag

Hübl, L and Swieter, D (2002) “Der Spielermarkt in der Fußball-Bundesliga”, Berlin, Springer-Verlag

Inui, K (1925) “The Gentleman’s agreement. How it has functioned”, Annals of the American Academy of Political and Social Science, Vol. 122, p 188-198

Jackson, P (1996) “Sacred Hoops – Spiritual Lessons of a Hardwood warrior”, New York, Hyperion

Jones, D; Parkes, R and Houlihan, A (2006) “Football Money League 2006” Available online at: <http://www.deloitte.com/dtt/article/0,1002,cid%253D145131,00.html>

Karlowitsch, E (2005) „Konzeption zur Steuerung der Haupteinnahmequellen von Profisport-Clubs – dargestellt am Beispiel der Fußball-Bundesliga“, Münster, Lit-Verlag

Kearney, A (2004) “Playing for profits: Winning Strategies for football- In Europe and around the globe”, Chicago, AT Kearney

Klose, M (1989) „Die Rolle des Sports bei der europäischen Einigung – zum Problem von Ausländersperrklauseln“, Berlin, Springer Verlag

Kruse, J and Quitzau, J (2002) “Zentralvermarktung der Fernsehrechte an der Fußball-Bundesliga”, Wiesbaden, Gabler

Krzyzewski, M (2000) “Leading with the heart: coach K’s successful strategies for basketball, business and life”, New York, Warner Books

Lowrey, S; Neatrou, S and Williams, J (2002) “Fact Sheet 16: The Bosman Ruling, Football Transfers and Foreign Footballers”, Leicester, Centre for the Sociology of Sport

Magee, J and Sugden, J (2002) "The World at their feet: Professional football and international labour migration", *Journal of Sport and Social Issues*, Vol. 26, No. 4 p 421-437

Martins, R (2004) „The Kolpak Case: Bosman Times 10? Football fears the Arrival of Bosman, Bosmanovic and Osman“, The Hague, T.M.C. Asser Press

Martins, R (2006) "Freedom of movement in relation to sport", The Hague, T.M.C. Asser Press

McArdle, D (2000a) "One hundred years of servitude. Contractual conflict in professional football before the *Bosman* ruling ", *Web Journal of Current Legal Issues* in association with Blackstone Press Ltd. 1 Web JCLI

McArdle, D (2000b) "They're playing R. Song". *Football and EU law after Bosman*", *Web Journal of Current Legal Issues* in association with Blackstone Press Ltd. 2 Web JCLI

Meier, H (2004) „Von Bosman zur Kollektivvereinbarung. Die Regulierung des Arbeitsmarktes für Profifußballer“, Potsdam, Universität Presse Potsdam

Michie, J and Oughton C (2004) "Competative Balance in football trends and effects", London, The Sports Nexus

Morris, P; Morrow, S and Spink, P (1996) "EC Law and Professional Football-Bosman and its implications", Oxford, Blackwell Publishing

Musgrave, P (1990) "Merits and Demerits of Fiscal Competition", proceedings of the 46<sup>th</sup> congress of the IIPF, Brussel, 1990, p 281-297

Naul, R and Hoffmann, D (2003): „Grenzüberschreitender Austausch in der EUREGIO – Abschlussbericht März 2003“, Duisburg, Willibald Gebhardt Institut

Noll, R (1997) „Competition Policy in European Sport after the Bosman Case“, Stanford, Institute for Economical Policy Research

Oates, W (2001) "Fiscal Competition and European Union: contrasting perspectives", Maryland, Regional Science and Urban Economics

Oberthür, N (2002) „Das Transfersystem im Lizenzfußball - Untersuchung der Zulässigkeit internationaler Transfer- und Entschädigungsregelungen nach arbeits-, verfassungs- und europarechtlichen Aspekten und deren Umsetzbarkeit im deutschen Lizenzfußball“, Frankfurt am Main, Fischer Verlag

Parrish, R (1998) "Who does what in the European Union", Sports Law Bulletin, Vol 1. No.2

Parrish, R (2003) „The politics of Sports regulation in the European Union“, Journal of Sports Economics, Vol. 10 No. 2, p 246-262

Peele, D and Thomas, D (1988) "Outcome uncertainty and the Demand for Football: An analysis of match attendances in the English football league", Scottish Journal of Political Economy, Vol. 35, No. 3, p 242-249

Pfister, B (1998) "Das Bosman-Urteil des EuGH und das Kienass-Urteil des BAG", Köln, Meyer und Meyer Verlag

Poli, R (2006) „African`s Status in the European football player`s labour market“, Soccer and Society, Vol. 7, No 2, p 278-291

Pons, J (1999) "Sport and Competition Policy", Online available at:  
[www.europa.eu.int/comm/dg10/speech](http://www.europa.eu.int/comm/dg10/speech)

Redding, V (2001) "Die europäische Gemeinschaft und der Europäische Sport", Eichholz

Reichelt, P (2004) "Superliga DEL, Die Chronik der Deutschen Eishockeyliga", Berlin, Springer Verlag

Reiter, G (2003) „Der Vereinswechsel bei Lizenzspielern unter besonderer Berücksichtigung des FIFA-Reglement bezüglich Status und Transfers von Spielern in der Fassung vom 1. September 2001“, Frankfurt am Main, Fischer Verlag

- Rehage, S (2000) „TV-Vermarktung im Ligasport- Eine ökonomische Analyse der Auswirkungen eines veränderten Fernsehmarktes am Beispiel der Fussball-Bundesliga“, Paderborn, Universität Paderborn
- Rollmann, J (2006) “Fussball-WM 2006 Abschlussbericht der Bundesregierung“, Berlin, Bundesregierung Deutschland
- Rottenburg, S (1956) „The Baseball Players` Labour Market“, Journal of Political Economy, Vol. 79, p 1302-1319
- Schamberger, M (1999) „Berufsfussball in England“, Frankfurt am Main, Fischer Verlag
- Scheelhaaß, H and May, F (2002) „Die neuen FIFA-Regeln zur Transferentschädigung“, Wiesbaden, Gabler
- Schubert, A (2003) „Profifussball in Deutschland: Eine Analyse von Strukturen und Vermarktungsprozessen aus sportökonomischer Perspektive“, Bochum, Universität Bochum
- Schuilenberg, K (2005) “The ECJ Simutenkov Case: Is same level not offside after all?”, Halle (Saale), Springer Verlag
- Shaw, M (2003) „International Law“, Cambridge, University Press
- Siekmann, R; Parrish, R; Verhoogt, P; Martins, R and Olfers, M (2005) “Professional Sport in the integral market”, The Hague, T.M.C. Asser Press
- Siekmann, R (2004) “Promoting the Social Dialogue in Professional football in the new EU member states”, The Hague, T.M.C. Asser Press
- Sloane, P (2006) “Rottenberg and the Economics of Sport after 50 years: An evaluation”, Discussion Paper Series, Swansea and Bonn
- Stebbins, R (1992) “Amateurs, Professionalism and Serious Leisure”, Quebec, McGill-Queen's Press -MQUP

Szymanski, S (2000) "A market test for discrimination in the English professional Soccer leagues", Journal of Sports Economics, Vol. 108, No. 3, p 590-603

Thome, M (2003) "Ausländer in der Fussball-Bundesliga", Mainz, Volkskunde in Rheinland-Pfalz

Tokarski, W (1993) "Der Sport im zusammenwachsenden Europa- Sportpolitische und Sportfachliche Aspekte", Köln, Meyer und Meyer Verlag

Weatherill, S (1989) "Discrimination on the ground of nationality in sport", Oxford, University Press

Weatherill, S (2005) "Is the pyramid compatible with the EC law?", The Hague, T.M.C. Asser Press

Weiss, N (2000) "Das goldene Tor – Wirtschaftsmacht Fussball", München, Ch Beck

Will, D (1999) "The Federations Viewpoint on the New Transfer rules", Antwerp

Winkelmann, T (2003) „Sport im deutschen, europäischen und US-amerikanischen Kartellrecht – Beispielhafte Ausführung zu den verschiedenen Rechtskreisen“  
Bayreuth, Universität Bayreuth

### **Newspaper and online articles:**

Campell, D (2002) „United (versus Liverpool) Nations“ The Guardian, 06.01.2000,  
Online available at:

[http://observer.guardian.co.uk/osm/story/0,6903,626773,00.html#article\\_continue](http://observer.guardian.co.uk/osm/story/0,6903,626773,00.html#article_continue)

Collett, M (2005) "UEFA Adopts home-grown policy from 2006" Tiscali News,  
22.04.2005 Available online at:

[http://www.tiscali.co.uk/news/newswire.php/news/reuters/2005/04/22/sport/uefaadopts\\_home-grownpolicyfrom2006.html](http://www.tiscali.co.uk/news/newswire.php/news/reuters/2005/04/22/sport/uefaadopts_home-grownpolicyfrom2006.html)

Economical library "Definition of Cartels" Available online at:

<http://economics.about.com/library/glossary/bldef-cartel.htm>

Franzke, R (2007) "Der legalisierte Vertragsbruch", Kicker, 22.03.2007, Nürnberg

Grahame, E (2007) "Webster's year of hurt anger and ire", Scotland on Sunday, 01.04.2007 Available online at:

<http://scotlandonsunday.scotsman.com/football.cfm?id=503852007>

Holzschuh, R (2001) "Cottbus-Wolfsburg" Kicker, 6.04.2001, Nürnberg

Lambsdorff (2006) "Profifussball braucht Rechtsicherheit – Experten befürchten zweites „Bosman-Erdbeben“, Brussels

Maidment, P and Gage, J (2006) "The most valuable football clubs" Forbes Magazin, 30.03.2006 Available online at: [http://www.forbes.com/lists/2006/03/28/football-](http://www.forbes.com/lists/2006/03/28/football-manchester-madrid_cz_pm_06soccerland.html)

[manchester-madrid\\_cz\\_pm\\_06soccerland.html](http://www.forbes.com/lists/2006/03/28/football-manchester-madrid_cz_pm_06soccerland.html)

McGarry, I and Castles, D (2006) "Chelsea to break wage threshold for Ballack", Daily Mail, 16.03.2006 Available online at:

[http://www.dailymail.co.uk/pages/live/articles/sport/football.html?in\\_article\\_id=378473&in\\_page\\_id=1779&in\\_page\\_id=1779&expand=true](http://www.dailymail.co.uk/pages/live/articles/sport/football.html?in_article_id=378473&in_page_id=1779&in_page_id=1779&expand=true)

N.A. (2006) "Beckenbauer kritisiert Söldner-Mentalität" Spiegel Online, 06.11.2006, Available online at: <http://www.spiegel.de/sport/fussball/0,1518,446853,00.html>

N.A. (2006) „FIFA – Boss Blatter: 6+5 kommt ganz sicher“ Focus Online, 04.12.2006

Available online at: [http://www.focus.de/sport/fussball/fifa-boss-blatter\\_nid\\_40433.html](http://www.focus.de/sport/fussball/fifa-boss-blatter_nid_40433.html)

N.A. (2007) „Fall Oulmers: EuGH prüft Abstellungs-Regel der FIFA auf Konformität mit EU-Recht“ Sportsrecht News, Available online at:

<http://www.sportrechturteile.de/News/ARGESportrecht/news6782.html>

Piller, T (2006) "Fussball Skandal in Italien – Ein einziges Chaos" Frankfurter Allgemeine Zeitung, 29.06.2006, Frankfurt

Trow, P (1996) "Breaking down the Barriers: How Europe is adapting to Bosman" The Independent, 18.02. 1996, London

Waldermann, A (2006) „Wir werden die Italiener in diesem Jahr überholen“ Spiegel, 06.03.2007 Available online at: <http://www2.onwirtschaft.t-online.de/dyn/c/10/51/51/98/10515198.html>

### **Official Documents:**

Declaration of 9 May 1950: Online available at: [http://europa.eu/abc/symbols/9-may/decl\\_en.htm](http://europa.eu/abc/symbols/9-may/decl_en.htm)

English Cricket Board: „Kolpak ruling“ Available online at: <http://www.ecb.co.uk/ecb/publications/kolpak-ruling.499.BP.html>

Gesamtbericht 2000 Kapitel IX Gemeinschaftsrecht “Freizügigkeit der Arbeitnehmer” Available online at: <http://europa.eu/generalreport/de/2000/pt1116.htm>

Ligue 1 “ Le site officiel de la Ligue de football professionnel“ Available online at : <http://www.lfp.fr/indexSite.asp>

Premier League “The official website of the Premier League” Available online at: <http://www.premierleague.com/fapl.rac?command=forwardOnly&nextPage=homepage>

Primera Division “La Liga” Available online at: <http://www.lfp.es/>

The Court of Justice of the European Communities: Online available at: [http://curia.europa.eu/en/instit/presentationfr/index\\_cje.htm](http://curia.europa.eu/en/instit/presentationfr/index_cje.htm)

UEFA Champions League “Reglement der UEFA Champions League 2006/07” Available online at : <http://de.uefa.com/newsfiles/178319.pdf>

### **Cases**

The Bosman Case (1996) Case 415/93 ASBL Union Royale Belge des Societes de Football Associations and others v Jean-Marc Bosman



The Lehtonen Case (1996) Case C-176/96 Jyri Lehtonen and others v. Federation Royale Belge des Societies de basket-ball ASBL

The Kolpak Case (2003) Case C-438/00 Deutscher Handballbund and Marcos Kolpak

The Simutenkov Case (2005) Case C-265/03 Igor Simutenkov v Abogado de Estad, Real Fedracion Espanola de Futbol and Ministerio Fiscal

All internet sources checked on the 09<sup>th</sup> July 2007

## 11. Appendix

### Appendix 1) European charter concerning sport:

The European sport charter sets out the following;

1. to enable every individual to participate in sport and notably:

- **a.** to ensure that all young people should have the opportunity to receive physical education instruction and the opportunity to acquire basic sport skills,
- **b.** to ensure that everyone should have the opportunity to take part in sport and physical recreation in a safe and healthy environment, and, in co-operation with the appropriate sport organisations:
- **c.** to ensure that everyone with the interest and ability should have the opportunity to improve their standard of performance in sport and reach levels of personal achievement and/or publicly recognised levels of excellence.

2. to protect and develop the moral and ethical bases of sport, and the human dignity and safety of those involved in sport, by safeguarding sport, sportmen and women from exploitation from political, commercial and financial gain, and from practices that are abusive or debasing, including the abuse of drugs and the caseual harassment and abuse, particularly of children, young people and women.

### Appendix 2) The European Court of Justice (ECJ)

#### The composition



The Court of Justice is composed of **27 Judges** and **eight Advocates General**.

The Judges of the Court elect one of themselves as President of the Court for a renewable term of three years.

The Court may sit as a *full court*, in a *Grand Chamber* of 13 judges or in *Chambers of three or five judges*.

#### The Court of Justice of the European Communities in the Community legal order



For the purpose of European construction, the Member States (now 27 in number) concluded treaties creating first the European Communities and then a EU, with institutions which adopt laws in specific areas.

The Court of Justice of the European Communities is the **judicial institution of the Community**. It is made up of three courts: the Court of Justice, the Court of First Instance and the Civil Service Tribunal. Their main task is to examine the legality of Community measures and ensure the **uniform interpretation and application of Community law**.

Through its case-law, the Court of Justice has identified an obligation on administrations and national courts to apply Community law in full within their sphere of

competence and to protect the rights conferred on citizens by that law (**direct application of Community law**), and to disapply any conflicting national provision, whether prior or subsequent to the Community provision (**primacy of Community law over national law**).

- ***Freedom of movement of persons***

Many judgments have been given in the field of freedom of movement of persons.

One of the most well-known cases in this field is *Bosman* (1995), in which the Court gave a ruling on a reference from a Belgian court on the compatibility of rules of football federations with freedom of movement of workers. It stated that professional sport is an economic activity whose exercise may not be hindered by rules governing the transfer of players or restricting the number of players who are nationals of other Member States. That principle was extended in subsequent judgments to the situation of professional sportmen from third countries which had entered into an association agreement (*Deutscher Handballbund*, 2003) or a partnership agreement (*Simutenkov*, 2005) with the European Communities.

### *Appendix 3) Deciding articles in the Bosman Case*

## **SECTION 1. WORKERS**

### **Article 48.**

1. Freedom of movement for workers shall be secured within the Community by the end of the transitional period at the latest.
2. Such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment.
3. It shall entail the right, subject to limitations justified on grounds of public policy, public security or public health:
  - (a) to accept offers of employment actually made;
  - (b) to move freely within the territory of Member States for this purpose;
  - (c) to stay in a Member State for the purpose of employment in accordance with the provisions governing the employment of nationals of that State laid down by law, regulation or administrative action;
  - (d) to remain in the territory of a Member State after having been employed in that State, subject to conditions which shall be embodied in implementing regulations to be drawn up by the Commission.
4. The provisions of this Article shall not apply to employment in the public service

### **Article 85.**

1. The following shall be prohibited as incompatible with the common market; all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Member States and which have as

their object or effect the prevention restriction or distortion of competition within the common market, and in particular those which:

- (a) directly or indirectly fix purchase or selling prices or any other trading conditions;
- (b) limit or control production, markets, technical development, or investment;
- (c) share markets or sources of supply;
- (d) apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
- (e) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

2. Any agreements or decisions prohibited pursuant to this Article shall be automatically void.

3. The provisions of paragraph 1 may, however, be declared inapplicable in the case of:

- - any agreement or category of agreements between undertakings;
- - any decision or category of decisions by associations of undertakings;
- - any concerted practice or category of concerted practices;

which contributes to improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit, and which does not:

- (a) impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives;
- (b) afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

#### **Article 86.**

Any abuse by one or more undertakings of a dominant position within the common market or in a substantial part of it shall be prohibited as incompatible with the common market in so far as it may affect trade between Member States. Such abuse may, in particular, consist in:

- (a) directly or indirectly imposing unfair purchase or selling prices or unfair trading conditions;
- (b) limiting production, markets or technical development to the prejudice of consumers;
- (c) applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;

(d) making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

*Appendix 4: Transfer windows and FIFA rules*

**REGISTRATION OF PLAYERS**

**Article 6.2**

The first registration period shall begin after the complementation of the Season and shall normally end before the new Season starts. This period may not exceed twelve weeks. The second registration period shall normally occur in the middle of the Season and may not exceed four weeks. The two registration periods for the Season shall be communicated to FIFA at least 12 month before they come into force. FIFA shall determine the dates for any association that fails to communicate them on time.

*Appendix 5) Development of the numbers of foreign players in the Premier League shortly before and after the Bosman case*

1992/93	22%
1993/94	26%
1994/95	27%
1995/96	29%
1996/97	32%
1997/98	43%
1998/99	44%

Source: Lowrey, Neatrou and Williams 2002  
<http://www.le.ac.uk/so/css/resources/factsheets/fs16.html>

*Appendix 6: Articles in the planed constitution of the EU concerning sport:*

**Article I-17 Areas of supporting, coordinating or complementary action**

The Union shall have competence to carry out supporting, coordinating or complementary action. The areas of such action shall, at European level, be:

- (a) protection and improvement of human health;
- (b) industry;
- (c) culture;
- (d) tourism;

- (e) education, youth, sport and vocational training;
- (f) civil protection;
- (g) administrative cooperation

### **Article III-282**

1. The Union shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and complementing their action. It shall fully respect the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity.

The Union shall contribute to the promotion of European sporting issues, while taking account of the specific nature of sport, its structures based on voluntary activity and its social and educational function.

Union action shall be aimed at:

- (a) developing the European dimension in education, particularly through the teaching and dissemination of the languages of the Member States;
- (b) encouraging mobility of students and teachers, inter alia by encouraging the academic recognition of diplomas and periods of study;
- (c) promoting cooperation between educational establishments;
- (d) developing exchanges of information and experience on issues common to the education systems of the Member States;
- (e) encouraging the development of youth exchanges and of exchanges of socio-educational instructors and encouraging the participation of young people in democratic life in Europe;
- (f) encouraging the development of distance education;
- (g) developing the European dimension in sport, by promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sport, and by protecting the physical and moral integrity of sportmen and sportswomen, especially young sportmen and sportswomen.

2. The Union and the Member States shall foster cooperation with third countries and the competent international organisations in the field of education and sport, in particular the Council of Europe.

3. In order to contribute to the achievement of the objectives referred to in this Article:

- (a) European laws or framework laws shall establish incentive measures, excluding any harmonisation of the laws and regulations of the Member States. They shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee;
- (b) the Council, on a proposal from the Commission, shall adopt recommendations

**Appendix 7 : Foreign players in Germany in the season before the Bosman case:**

Season 1995/96

Players 470	Foreign players 118		% 25,1
Europe 91	South America 9	Africa 10	Rest of the world 8
Poland 8		Jugoslavia 6	
Netherland 8		USA 6	
Croatia 7		Sweden 5	
Brazil 7		Switzerland 5	
Czech 6		Turkey 5	
Bulgaria			

Source: Marc Thome, 2003

**Appendix 8 : The thirty most expenses football transfers of all times**

Rank	Season	Player	Sold from	Bought by	Transfer Fee in Euro
1	2001/2002	Zinédine Zidane	Juventus Turin	Real Madrid	73.500.000
2	2000/2001	Luis Figo	FC Barcelona	Real Madrid	60.000.000
3	2000/2001	Hernán Crespo	FC Parma	Lazio Rome	55.000.000
4	2001/2002	Gianluigi Buffon	FC Parma	Juventus Turin	54.100.000
5	2006/2007	Andrij Schewtschenko	AC Milan	FC Chelsea	51.000.000
6	2001/2002	Gaizka Mendieta	Valencia CF	Lazio Rom	48.000.000
7	2002/2003	Rio Ferdinand	Leeds United	Manchester United	46.000.000
8	2002/2003	Ronaldo	Inter Milan	Real Madrid	45.000.000
9	1999/2000	Christian Vieri	Lazio Rome	Inter Milan	45.000.000
10	2001/2002	Juan Sebastián Verón	Lazio Rome	Manchester United	42.600.000
11	2001/2002	Rui Costa	AC Florenz	AC Milan	42.000.000
12	2001/2002	Pavel Nedved	Lazio Rome	Juventus Turin	41.000.000
13	2001/2002	Filippo Inzaghi	Juventus Turin	AC Milan	40.900.000

14	2000/2001	Marc Overmars	FC Arsenal London	FC Barcelona	40.000.000
15	2005/2006	Michael Essien	Olympique Lyon	FC Chelsea	38.000.000
16	2003/2004	David Beckham	Manchester United	Real Madrid	37.500.000
17	2004/2005	Wayne Rooney	FC Everton	Manchester United	37.000.000
18	2001/2002	Lilian Thuram	FC Parma	Juventus Turin	36.500.000
19	2002/2003	Hernán Crespo	Lazio Rome	Inter Milan	36.000.000
20	2004/2005	Didier Drogba	Olympique Marseille	FC Chelsea	36.000.000
21	2001/2002	Javier Pedro Saviola	River Plate Buenos Aires	FC Barcelona	35.900.000
22	1999/2000	Nicolás Sebastián Anelka	FC Arsenal London	Real Madrid	35.000.000
23	2003/2004	José Antonio Reyes	FC Sevilla	FC Arsenal London	35.000.000
24	2000/2001	Nicolás Sebastián Anelka	Real Madrid	Paris St. Germain	34.500.000
25	2000/2001	Gabriel Omar Batistuta	AC Florenz	AS Rome	32.500.000
26	2003/2004	Ronaldinho	Paris St. Germain	FC Barcelona	32.250.000
27	1998/1999	Denilson	FC Sao Paulo	Real Betis Sevilla	31.500.000
28	2005/2006	Shaun Wright- Phillips	Manchester City	FC Chelsea	31.500.000
29	2002/2003	Alessandro Nesta	Lazio Rome	AC Milan	30.500.000
30	2003/2004	Adriano	FC Parma	Inter Milan	30.000.000

Source: [www.transfermarkt.de](http://www.transfermarkt.de)

#### **Appendix 9: New transfer rules concerning the status of young player**

##### **Article 1 Solidarity Contribution**



If a professional moves during the course of a contract, 5% of any compensation, with the exception of Training compensation, paid to his former club shall be deducted from the total amount of this compensation and distributed by the New Club as a solidarity contribution to the club(s) involved in his training and education over the years. This solidarity contribution will reflect the number of years (calculated pro rata if less than one year) he was registered with the relevant club(s) between the Seasons of his 12th and 23rd birthdays, as follows:

- Season of 12th birthday: 5% (i.e. 0.25% of total compensation)
- Season of 13th birthday: 5% (i.e. 0.25% of total compensation)
- Season of 14th birthday: 5% (i.e. 0.25% of total compensation)
- Season of 15th birthday: 5% (i.e. 0.25% of total compensation)
- Season of 16th birthday: 10% (i.e. 0.5% of total compensation)
- Season of 17th birthday: 10% (i.e. 0.5% of total compensation)
- Season of 18th birthday: 10% (i.e. 0.5% of total compensation)
- Season of 19th birthday: 10% (i.e. 0.5% of total compensation)
- Season of 20th birthday: 10% (i.e. 0.5% of total compensation)
- Season of 21st birthday: 10% (i.e. 0.5% of total compensation)
- Season of 22nd birthday: 10% (i.e. 0.5% of total compensation)
- Season of 23rd birthday: 10% (i.e. 0.5% of total compensation)

#### Appendix: 10 Recent UEFA Five year evaluation

Pl.▲	Nation	02/03	03/04	04/05	05/06	06/07	Ges.
1	Spain	15.500	14.312	12.437	15.642	15.285	73.176
2	England	10.666	11.250	15.571	14.428	14.125	66.040
3	Italy	15.928	8.875	14.000	15.357	10.357	64.517
4	France	7.916	13.500	11.428	10.812	10.000	53.656
5	Germany	9.142	4.714	10.571	10.437	8.785	43.649
6	Portugal	10.750	10.250	8.166	5.500	7.916	42.582
7	Rumania	2.166	4.333	5.500	16.833	11.333	40.165
8	Netherlands	6.166	5.416	12.000	7.583	8.071	39.236
9	Russi	3.625	5.875	10.000	10.000	6.625	36.125
10	Scotland	7.375	7.375	4.750	4.250	6.750	30.500
11	Ukrain	4.250	4.875	8.100	5.750	6.500	29.475
12	Belgium	6.875	5.875	6.125	5.500	4.700	29.075
13	Czech	6.200	7.375	2.875	4.625	5.750	26.825
14	Turkey	4.666	6.500	5.375	4.000	6.100	26.641
15	Greece	7.166	4.166	6.166	3.333	4.666	25.497
16	Bulgaria	4.166	4.166	2.375	8.750	5.125	24.582
17	Schwitzerland	5.875	1.875	2.625	9.375	4.100	23.850
18	Norway	2.700	6.125	3.500	5.400	2.000	19.725
19	Israel	5.833	2.250	3.625	1.500	6.000	19.208
20	Serbia	4.833	4.500	4.250	3.250	2.125	18.958
21	Denmark	3.250	4.200	1.500	3.500	6.125	18.575
22	Austria	4.000	2.125	7.625	3.250	1.500	18.500
23	Poland	6.625	4.125	2.500	1.125	2.625	17.000
24	Hungary	3.166	4.833	4.166	1.000	1.000	14.165

25	Slowakia	0.666	2.500	1.333	4.333	2.000	10.832
26	Croatia	2.750	3.625	3.000	0.333	1.000	10.708
27	Cyprus	3.166	1.333	1.333	3.000	1.750	10.582
28	Schweden	2.250	1.500	3.000	2.666	1.125	10.541
29	Slowenia	0.666	2.166	3.500	2.333	1.250	9.915
30	Bosn.-Herz.	3.000	1.666	1.666	1.500	1.833	9.665
31	Latvia	1.166	0.833	3.166	1.333	2.166	8.664
32	Lithuania	0.833	0.833	2.500	1.333	1.833	7.332
33	Finnland	0.333	1.666	1.666	2.333	1.333	7.331
34	MoldaVienna	1.000	1.500	1.500	1.666	1.500	7.166
35	Ireland	0.166	0.333	1.333	1.833	2.833	6.498
36	Georgia	1.333	0.333	2.666	0.666	1.166	6.164
37	Liechtenstein	1.000	0.000	2.000	1.000	2.000	6.000
38	Macedonia	1.166	1.666	0.333	1.500	1.166	5.831
39	Island	0.166	0.500	2.500	0.833	1.000	4.999
40	Belarus	1.166	0.666	0.500	1.333	1.000	4.665
41	Albania	0.666	0.333	1.000	1.000	0.833	3.832
42	Estonia	0.166	0.333	0.833	0.833	1.500	3.665
43	Armenia	1.166	0.666	0.500	0.666	0.500	3.498
44	Azerbaidjan	0.000	0.000	0.500	1.333	1.333	3.166
45	Kazaghstand	0.500	0.166	0.000	1.000	0.666	2.332
46	Northern Ireland	0.333	0.500	0.666	0.500	0.166	2.165
47	Wales	0.333	0.333	0.000	0.666	0.666	1.998
48	Faroe Islands	0.166	0.000	0.333	0.666	0.500	1.665
49	Luxemburg	0.500	0.166	0.333	0.500	0.166	1.665
50	Malta	0.833	0.333	0.333	0.000	0.166	1.665
51	Andorra	0.000	0.000	0.000	0.000	0.000	0.000
52	Montenegro	0.000	0.000	0.000	0.000	0.000	0.000
53	San Marino	0.000	0.000	0.000	0.000	0.000	0.000

Source: [www.kicker.de](http://www.kicker.de)





#### Appendix 11: Best scorers in Champions league

Goals	Matches	Player	Club	Country	Europe Debut
53	90	Andriy Shevchenko	Dynamo Kiev, A.C. Milan (Chelsea FC from this season)	Ukraine	1994
51	101	Raul	Real Madrid	Spain	1995
49	60	Alfredo Di Stefano	Real Madrid	Spain	1956
46	64	Eusebio	Benfica	Portugal	1961
46	55	Ruud van Nistelrooy	PSV Eindhoven, Manchester United	Netherlands	1999
42	75	Thierry Henry	AS Monaco, Juventus, Arsenal	France	1998

36	79	Alessandro Del Piero	Juventus	Italy	1996
36	41	Ferenc Puskás	Honvéd Budapest, Real Madrid	Hungary	1957
35	35	Gerd Muller	Bayern Munich	Germany	1970
34	n/a	Filippo Inzaghi	Juventus, A.C. Milan	Italy	1998
34	n/a	David Trezeguet	AS Monaco, Juventus	France	1998

<http://www.championsleaguelatest.com/node/2>

**Appendix 12: Champions leagues finals and clubs participating before Bosman**

<u>1995/96</u>	<u>Olympiastadium, Rom</u>	 <u>Juventus Turin</u>	 <u>Ajax Amsterdam</u>	1:1 A.O. 4:2 P.S.
<u>1994/95</u>	<u>Ernst-Happel-Stadium, Vienna</u>	 <u>Ajax Amsterdam</u>	 <u>AC Milan</u>	1:0
<u>1993/94</u>	<u>Olympiastadium, Athen</u>	 <u>AC Milan</u>	 <u>FC Barcelona</u>	4:0
<u>1992/93</u>	<u>OlympiaStadium, Munich</u>	 <u>Olympique Marseille</u>	 <u>AC Milan</u>	1:0
<u>1991/92</u>	<u>Wembley-Stadium, London</u>	 <u>FC Barcelona</u>	 <u>Sampdoria Genua</u>	1:0 A.O.
<u>1990/91</u>	<u>San-Nicola-Stadium, Bari</u>	 <u>Red Star Belgrad</u>	 <u>Olympique Marseille</u>	0:0 A.O. 5:3 P.S.
<u>1989/90</u>	<u>Praterstadium, Vienna</u>	 <u>AC Milan</u>	 <u>Benfica Lissabon</u>	1:0
<u>1988/89</u>	<u>Camp Nou, Barcelona</u>	 <u>AC Milan</u>	 <u>Steaua Bukarest</u>	4:0
<u>1987/88</u>	<u>Neckarstadium, Stuttgart</u>	 <u>PSV Eindhoven</u>	 <u>Benfica Lissabon</u>	0:0 A.O. 6:5 P.S.

<u>1986/87</u>	<u>Praterstadium, Vienna</u>	 <u>FC Porto</u>	 <u>FC Bayern Munich</u>	2:1
<u>1985/86</u>	<u>Sánchez-Pizjuán-Stadium, Sevilla</u>	 <u>Steaua Bukarest</u>	 <u>FC Barcelona</u>	0:0 A.O. 2:0 P.S.
<u>1984/85</u>	<u>Heysel-Stadium, Brüssel</u>	 <u>Juventus Turin</u>	 <u>FC Liverpool</u>	1:0
<u>1983/84</u>	<u>Olympiastadium, Rom</u>	 <u>FC Liverpool</u>	 <u>AS Rom</u>	1:1 A.O., 4:2 P.S.
<u>1982/83</u>	<u>Olympiastadium Spyridon Louis, Athen</u>	 <u>Hamburger SV</u>	 <u>Juventus Turin</u>	1:0
<u>1981/82</u>	<u>De Kuip, Rotterdam</u>	 <u>Aston Villa</u>	 <u>FC Bayern Munich</u>	1:0
<u>1980/81</u>	<u>Prinzenparkstadium, Paris</u>	 <u>FC Liverpool</u>	 <u>Real Madrid</u>	1:0
<u>1979/80</u>	<u>Santiago-Bernabéu-Stadium, Madrid</u>	 <u>Nottingham Forest</u>	 <u>Hamburger SV</u>	1:0
<u>1978/79</u>	<u>Olympiastadium, Munich</u>	 <u>Nottingham Forest</u>	 <u>Malmö FF</u>	1:0
<u>1977/78</u>	<u>Wembley-Stadium, London</u>	 <u>FC Liverpool</u>	 <u>FC Brügge</u>	1:0
<u>1976/77</u>	<u>Olympiastadium, Rom</u>	 <u>FC Liverpool</u>	 <u>Bor. M'gladbach</u>	3:1
<u>1975/76</u>	<u>Hampden Park, Glasgow</u>	 <u>FC Bayern Munich</u>	 <u>AS Saint-Étienne</u>	1:0
<u>1974/75</u>	<u>Prinzenparkstadium, Paris</u>	 <u>FC Bayern Munich</u>	 <u>Leeds United</u>	2:0

<u>1973/74</u>	<u>Heysel-Stadium, Brüssel</u>	 <u>FC Bayern Munich</u>	 <u>Atlético Madrid</u>	1:1 A. O 4:0 P.S.
<u>1972/73</u>	<u>Crvena-Zvezda-Stadium, Belgrad</u>	 <u>Ajax Amsterdam</u>	 <u>Juventus Turin</u>	1:0
<u>1971/72</u>	<u>De Kuip, Rotterdam</u>	 <u>Ajax Amsterdam</u>	 <u>Inter Milan</u>	2:0
<u>1970/71</u>	<u>Wembley-Stadium, London</u>	 <u>Ajax Amsterdam</u>	 <u>Panathinaikos Athen</u>	2:0
<u>1969/70</u>	<u>Giuseppe-Meazza-Stadium, Milan</u>	 <u>Feyenoord Rotterdam</u>	 <u>Celtic Glasgow</u>	2:1 A. O.
<u>1968/69</u>	<u>Santiago-Bernabéu-Stadium, Madrid</u>	 <u>AC Milan</u>	 <u>Ajax Amsterdam</u>	4:1
<u>1967/68</u>	<u>Wembley-Stadium, London</u>	 <u>Manchester United</u>	 <u>Benfica Lissabon</u>	4:1 A.O.
<u>1966/67</u>	<u>Estádio Nacional, Lissabon</u>	 <u>Celtic Glasgow</u>	 <u>Inter Milan</u>	2:1
<u>1965/66</u>	<u>Heysel-Stadium, Brüssel</u>	 <u>Real Madrid</u>	 <u>FK Partizan Belgrad</u>	2:1
<u>1964/65</u>	<u>Giuseppe-Meazza-Stadium, Milan</u>	 <u>Inter Milan</u>	 <u>Benfica Lissabon</u>	1:0
<u>1963/64</u>	<u>Praterstadium, Vienna</u>	 <u>Inter Milan</u>	 <u>Real Madrid</u>	3:1
<u>1962/63</u>	<u>Wembley-Stadium, London</u>	 <u>AC Milan</u>	 <u>Benfica Lissabon</u>	2:1
<u>1961/62</u>	<u>Olympiastadium,</u>	 <u>Benfica</u>	 <u>Real Madrid</u>	5:3

	<u>Amsterdam</u>	<u>Lissabon</u>		
<u>1960/61</u>	<u>Wankdorfstadion, Bern</u>	 <u>Benfica</u> <u>Lissabon</u>	 <u>FC Barcelona</u>	<u>3:2</u>
<u>1959/60</u>	<u>Hampden Park, Glasgow</u>	 <u>Real Madrid</u>	 <u>Eintracht</u> <u>Frankfurt</u>	<u>7:3</u>
<u>1958/59</u>	<u>Neckarstadion, Stuttgart</u>	 <u>Real Madrid</u>	 <u>Stade de</u> <u>Reims</u>	<u>2:0</u>
<u>1957/58</u>	<u>Heysel-Stadium, Brüssel</u>	 <u>Real Madrid</u>	 <u>AC Milan</u>	<u>3:2 a. O.</u>
<u>1956/57</u>	<u>Santiago-Bernabéu-</u> <u>Stadium, Madrid</u>	 <u>Real Madrid</u>	 <u>AC Florenz</u>	<u>2:0</u>
<u>1955/56</u>	<u>Prinzenparkstadion, Paris</u>	 <u>Real Madrid</u>	 <u>Stade de</u> <u>Reims</u>	<u>4:3</u>

A..O . = after Overtime ; P.S. = Penalty Shootout

#### Appendix 13: UEFA Cup finals before Bosman

<u>1995/96</u>	<u>OlympiaStadium,</u> <u>Munich</u>	1. May 1996	<b>FC Bayern Munich</b>	<u>Girondins Bordeaux</u>	2:0
	<u>Parc Lesure,</u> <u>Bordeaux</u>	15. May 1996	<u>Girondins Bordeaux</u>	<b>FC Bayern Munich</b>	1:3
<u>1994/95</u>	<u>Ennio-Tardini-</u> <u>Stadium, Parma</u>	3. May 1995	<b>AC Parma</b>	<u>Juventus Turin</u>	1:0
	<u>Giuseppe-Meazza-,</u> <u>Milan</u>	17 May 1995	<u>Juventus Turin</u>	<b>AC Parma</b>	1:1

<u>1993/94</u>	<u>Ernst-Happel-Stadium, Vienna</u>	26. April 1994	<u>SV Casino Salzburg</u>	<b>Inter Milan</b>	0:1
	<u>Giuseppe-Meazza-Stadium, Milan</u>	11. May 1994	<b>Inter Milan</b>	<u>SV Casino Salzburg</u>	1:0
<u>1992/93</u>	<u>Westfalenstadium, Dortmund</u>	5. May 1993	<u>Borussia Dortmund</u>	<b>Juventus Turin</b>	1:3
	<u>Stadio delle Alpi, Turin</u>	19. May 1993	<b>Juventus Turin</b>	<u>Borussia Dortmund</u>	3:0
<u>1991/92</u>	<u>Stadio delle Alpi, Turin</u>	29. April 1992	<u>AC Turin</u>	<b>Ajax Amsterdam</b>	2:2
	<u>Olympiastadium, Amsterdam</u>	13. May 1992	<b>Ajax Amsterdam</b>	<u>AC Turin</u>	0:0
<u>1990/91</u>	<u>Giuseppe-Meazza-Stadium, Milan</u>	8. May 1991	<b>Inter Milan</b>	<u>AS Rom</u>	2:0
	<u>Olympiastadium, Rom</u>	22. May 1991	<u>AS Rom</u>	<b>Inter Milan</b>	1:0
<u>1989/90</u>	<u>Stadio Comunale, Turin</u>	2. May 1990	<b>Juventus Turin</b>	<u>AC Florenz</u>	3:1
	<u>Stadio Partenio, Avellino</u>	16. May 1990	<u>AC Florenz</u>	<b>Juventus Turin</b>	0:0

<u>1988/89</u>	<u>Stadio San Paolo, Neapel</u>	3. May 1989	<b><u>SSC Neapel</u></b>	<u>VfB Stuttgart</u>	2:1
	<u>Neckarstadium, Stuttgart</u>	17 May 1989	<u>VfB Stuttgart</u>	<b><u>SSC Neapel</u></b>	3:3
<u>1987/88</u>	<u>Sarria-Stadium, Barcelona</u>	4. May 1988	<u>Espanyol Barcelona</u>	<b><u>Bayer 04 Leverkusen</u></b>	3:0
	<u>Ulrich-Haberland-Stadium, Leverkusen</u>	18. May 1988	<b><u>Bayer 04 Leverkusen</u></b>	<u>Espanyol Barcelona</u>	3:0 n. V., 3:2 n. E.
<u>1986/87</u>	<u>Ullevi, Göteborg</u>	6. May 1987	<b><u>IFK Göteborg</u></b>	<u>Dundee United</u>	1:0
	<u>Tannadice Park, Dundee</u>	20. May 1987	<u>Dundee United</u>	<b><u>IFK Göteborg</u></b>	1:1
<u>1985/86</u>	<u>Santiago-Bernabéu-Stadium, Madrid</u>	30. April 1986	<b><u>Real Madrid</u></b>	<u>1. FC Köln</u>	5:1
	<u>Olympiastadium, Berlin</u>	6. May 1986	<u>1. FC Köln</u>	<b><u>Real Madrid</u></b>	2:0
<u>1984/85</u>	<u>Sóstói, Székesfehérvár</u>	8. May 1985	<u>Videoton Székesfehérvár</u>	<b><u>Real Madrid</u></b>	0:3



	<u>Santiago-Bernabéu-Stadium, Madrid</u>	22. May 1985	<b><u>Real Madrid</u></b>	<u>Videoton Székesfehérvár</u>	0:1
<u>1983/84</u>	<u>Parc Astride, Brüssel</u>	9. May 1984	<u>RSC Anderlecht</u>	<b><u>Tottenham Hotspur</u></b>	1:1
	<u>White Hart Lane, London</u>	23. May 1984	<b><u>Tottenham Hotspur</u></b>	<u>RSC Anderlecht</u>	1:1 n. V., 4:3 n. E.
<u>1982/83</u>	<u>Heysel-Stadium, Brüssel</u>	4. May 1983	<b><u>RSC Anderlecht</u></b>	<u>Benfica Lissabon</u>	1:0
	<u>Stadium des Lichts, Lissabon</u>	18. May 1983	<u>Benfica Lissabon</u>	<b><u>RSC Anderlecht</u></b>	1:1
<u>1981/82</u>	<u>Ullevi, Göteborg</u>	5. May 1982	<b><u>IFK Göteborg</u></b>	<u>Hamburger SV</u>	1:0
	<u>Volksparkstadion, Hamburg</u>	20. May 1982	<u>Hamburger SV</u>	<b><u>IFK Göteborg</u></b>	0:3
<u>1980/81</u>	<u>Portman Road, Ipswich</u>	6. May 1981	<b><u>Ipswich Town</u></b>	<u>AZ Alkmaar</u>	3:0
	<u>Olympiastadium, Amsterdam</u>	20. May 1981	<u>AZ Alkmaar</u>	<b><u>Ipswich Town</u></b>	4:2

<u>1979/80</u>	<u>Bökelbergstadium, Mönchengladbach</u>	7. May 1980	<u>Borussia Mönchengladbach</u>	<b><u>Eintracht Frankfurt</u></b>	3:2
	<u>Waldstadium, Frankfurt am Main</u>	21. May 1980	<b><u>Eintracht Frankfurt</u></b>	<u>Borussia Mönchengladbach</u>	1:0
<u>1978/79</u>	<u>Red-Star-Stadium, Belgrad</u>	9. May 1979	<u>Red Star Belgrad</u>	<b><u>Borussia Mönchengladbach</u></b>	1:1
	<u>Rheinstadium, Düsseldorf</u>	23. May 1979	<b><u>Borussia Mönchengladbach</u></b>	<u>Roter Stern Belgrad</u>	1:0
<u>1977/78</u>	<u>Furiani-Stadium, Bastia</u>	26. April 1978	<u>SEC Bastia</u>	<b><u>PSV Eindhoven</u></b>	0:0
	<u>Philips-Stadium, Eindhoven</u>	9. May 1978	<b><u>PSV Eindhoven</u></b>	<u>SEC Bastia</u>	3:0
<u>1976/77</u>	<u>Stadio Comunale, Turin</u>	4. May 1977	<b><u>Juventus Turin</u></b>	<u>Athletic Bilbao</u>	1:0
	<u>San-Mamés-Stadium, Bilbao</u>	18. May 1977	<u>Athletic Bilbao</u>	<b><u>Juventus Turin</u></b>	2:1
<u>1975/76</u>	<u>Anfield-Stadium, Liverpool</u>	28. April 1976	<b><u>FC Liverpool</u></b>	<u>FC Brügge</u>	3:2
	<u>Olympiastadium, Brügge</u>	19. May 1976	<u>FC Brügge</u>	<b><u>FC Liverpool</u></b>	1:1

<u>1974/75</u>	<u>Rheinstadium, Düsseldorf</u>	7. May 1975	<b><u>Borussia Mönchengladbach</u></b>	<u>FC Twente Enschede</u>	0:0
	<u>Diekman, Enschede</u>	21. May 1975	<u>FC Twente Enschede</u>	<b><u>Borussia Mönchengladbach</u></b>	1:5
<u>1973/74</u>	<u>White Hart Lane, London</u>	21. May 1974	<u>Tottenham Hotspur</u>	<b><u>Feyenoord Rotterdam</u></b>	2:2
	<u>De Kuip, Rotterdam</u>	29. May 1974	<b><u>Feyenoord Rotterdam</u></b>	<u>Tottenham Hotspur</u>	2:0
<u>1972/73</u>	<u>Anfield-Stadium, Liverpool</u>	9./10. May 1973	<b><u>FC Liverpool</u></b>	<u>Borussia Mönchengladbach</u>	3:0
	<u>Bökelbergstadion, Mönchengladbach</u>	23. May 1973	<u>Borussia Mönchengladbach</u>	<b><u>FC Liverpool</u></b>	2:0
<u>1971/72</u>	<u>Molineux-Stadium, Wolverhampton</u>	3. May 1972	<u>Wolverhampton Wanderers</u>	<b><u>Tottenham Hotspur</u></b>	1:2
	<u>White Hart Lane, London</u>	17 May 1972	<b><u>Tottenham Hotspur</u></b>	<u>Wolverhampton Wanderers</u>	1:1

Source: [www.uefa.com](http://www.uefa.com)

**Appendix 14: Champions League finals after Bosman:**

<u>2005/06</u>	<u>Stade de France, Paris</u>	 <u>FC Barcelona</u>	 <u>FC Arsenal</u>	2:1
<u>2004/05</u>	<u>Atatürk-OlympiaStadium, Istanbul</u>	 <u>FC Liverpool</u>	 <u>AC Milan</u>	3:3 n. V., 3:2 i. E.

<u>2003/04</u>	<u>Arena Auf Schalke, Gelsenkirchen</u>	 <u>FC Porto</u>	 <u>AS Monaco</u>	3:0
<u>2002/03</u>	<u>Old Trafford, Manchester</u>	 <u>AC Milan</u>	 <u>Juventus Turin</u>	0:0 n. V., 3:2 i. E.
<u>2001/02</u>	<u>Hampden Park, Glasgow</u>	 <u>Real Madrid</u>	 <u>Bayer 04 Leverkusen</u>	<u>2:1</u>
<u>2000/01</u>	<u>Giuseppe-Meazza-Stadium, Milan</u>	 <u>FC Bayern Munich</u>	 <u>Valencia CF</u>	<u>1:1 n. V., 5:4 i. E.</u>
<u>1999/00</u>	<u>Stade de France, Paris</u>	 <u>Real Madrid</u>	 <u>Valencia CF</u>	3:0
<u>1998/99</u>	<u>Camp Nou, Barcelona</u>	 <u>Manchester United</u>	 <u>FC Bayern Munich</u>	2:1
<u>1997/98</u>	<u>Amsterdam Arena, Amsterdam</u>	 <u>Real Madrid</u>	 <u>Juventus Turin</u>	1:0
<u>1996/97</u>	<u>OlympiaStadium, Munich</u>	 <u>Borussia Dortmund</u>	 <u>Juventus Turin</u>	3:1

*Appendix 15: UEFA Cup Finals after Bosman*

<u>2005/06</u>	<u>Philips-Stadium, Eindhoven</u>	10. Mai 2006	<b><u>FC Sevilla</u></b>	<u>FC Middlesbrough</u>	4:0
<u>2004/05</u>	<u>José-Alvalade-Stadium, Lissabon</u>	18. May 2005	<b><u>ZSKA Moskau</u></b>	<u>Sporting Lissabon</u>	3:1
<u>2003/04</u>	<u>Nya Ullevi, Göteborg</u>	19. Mav	<b><u>FC Valencia</u></b>	<u>Olympique</u>	2:0

		2004		<u>Marseille</u>	
<u>2002/03</u>	<u>Olympiastadium, Sevilla</u>	21. May 2003	<b><u>FC Porto</u></b>	<u>Celtic Glasgow</u>	3:2 n. SG
<u>2001/02</u>	<u>De Kuip, Rotterdam</u>	8. May 2002	<b><u>Feyenoord Rotterdam</u></b>	<u>Borussia Dortmund</u>	3:2
<u>2000/01</u>	<u>Westfalenstadium, Dortmund</u>	16. May 2001	<b><u>FC Liverpool</u></b>	<u>Deportivo Alavés</u>	5:4 n. GG
<u>1999/00</u>	<u>Parken, Kopenhagen</u>	17 May 2000	<b><u>Galatasaray Istanbul</u></b>	<u>FC Arsenal</u>	0:0 n. V., 4:1 n. E.
<u>1998/99</u>	<u>Luschniki-Stadium, Moskau</u>	12. May 1999	<b><u>AC Parma</u></b>	<u>Olympique Marseille</u>	3:0
<u>1997/98</u>	<u>Prinzenparkstadium, Paris</u>	6. May 1998	<b><u>Inter Milan</u></b>	<u>Lazio Rom</u>	3:0
<u>1996/97</u>	<u>Parkstadium, Gelsenkirchen</u>	7. May 1997	<b><u>FC Schalke 04</u></b>	<u>Inter Milan</u>	1:0
	<u>Giuseppe-Meazza-Stadium, Milan</u>	21. May 1997	<u>Inter Milan</u>	<b><u>FC Schalke 04</u></b>	1:0 n. V., 1:4 n. E.

**Appendix 16 : Income sources for clubs in European leagues**

COUNTRY	TICKETING	TV-RIGHTS	SPONSORING	MERCHANDISING, CATERING,...
England	30%	42%	28%	-
Italy	17%	53%	14%	17%
Spain	25%	51%	9%	15%
Germany	17%	40%	26%	17%
France	13%	52%	20%	13%
<b>Average</b>	<b>20%</b>	<b>48%</b>	<b>19%</b>	<b>13%</b>

Portugal	42%	20%	18%	20%
The Netherlands	34%	12%	41%	12%
Scotland	42%	23%	35%	-
Denmark	17%	4%	43%	36%
Norway	40%	4%	43%	13%
Sweden	33%	14%	28%	25%
Belgium	30%	12%	58%	
<b>Average</b>	<b>35%</b>	<b>13%</b>	<b>35%</b>	<b>18%</b>

Source : Deloitte and Touche (2002 ; 2003 ; 2004) Dejonghe (2004b)

*Appendix 17: Spectator per game in European leagues 2003/2004*

Spain	average	capacity	utilisation	England	average	capacity	utilisation	France	average	capacity	utilisation
Real Madrid	69.203	80.162	86%	ManU	67.641	68.409	99%	Marseille	51.649	60.005	86%
Barcelona	67.583	98.600	69%	Newcastle	51.966	52.193	100%	Paris	38.811	44.283	88%
Valencia	46.263	55.000	84%	Man City	46.834	48.000	98%	Lyon	35.997	41.189	87%
Atlético Madrid	44.368	56.163	79%	Liverpool	42.706	45.362	94%	Lens	34.726	41.649	83%
Sevilla	35.289	45.500	78%	Chelsea	41.234	42.449	97%	Nantes	30.778	38.486	80%
Betis Sevilla	32.713	52.500	62%	Everton	38.837	40.260	96%	Bordeaux	23.485	34.327	68%
Bilbao	32.579	40.600	80%	Arsenal	38.079	38.500	99%	Toulouse	19.937	36.520	55%
Saragossa	29.632	34.596	86%	Leeds	36.666	40.228	91%	Metz	18.052	26.700	68%
San Sebastian	26.190	32.000	82%	Aston Villa	36.622	42.799	86%	Rennes	17.268	31.927	54%
La Coruña	26.061	34.611	75%	Tottenham	34.876	36.214	96%	Straßburg	16.556	29.230	57%
Espanyol	23.911	55.926	43%	Southampton	31.699	32.251	98%	Sochaux	16.507	20.025	82%
Málaga	20.675	25.000	83%	Leicester	30.983	32.500	95%	Lille	15.104	21.180	71%
Celta de Vigo	19.211	31.800	60%	Middlesbrough	30.398	35.100	87%	Guingamp	14.720	18.126	81%
Mallorca	16.513	23.142	71%	Birmingham	29.076	30.200	96%	Auxerre	12.906	23.467	55%
Villarreal	15.920	23.000	69%	Wolverhampton	28.874	29.400	98%	Le Mans	12.721	17.400	73%
Albacete	15.456	17.500	88%	Bolton	26.795	28.723	93%	Montpellier	11.977	32.025	37%
Pamplona	15.260	19.800	77%	Charlton	26.293	27.116	97%	Nizza	11.934	17.415	69%
Valladolid	14.711	26.512	55%	Blackburn	24.376	31.367	78%	Monaco	10.394	18.523	56%
Santander	13.538	22.673	60%	Portsmouth	20.108	20.140	100%	Bastia	5.910	10.300	57%
Murcia	11.391	18.000	63%	Fulham	16.342	19.161	85%	Ajaccio	3.413	11.518	30%
<b>league-average</b>	<b>28.823</b>	<b>39.654</b>	<b>73%</b>	<b>league-average</b>	<b>35.020</b>	<b>37.019</b>	<b>95%</b>	<b>league-average</b>	<b>20.142</b>	<b>28.715</b>	<b>70%</b>

Germany	average	capacity	utilisation	Italy	average	capacity	utilisation
Dortmund	79.647	82.540	96%	Milan	63.245	78.000	81%
Schalke	61.144	61.237	100%	Inter	58.352	78.000	75%
Bayern	55.353	63.540	87%	Roma	55.413	81.138	68%
HSV	48.181	55.500	87%	Lazio	49.341	81.138	61%
Stuttgart	43.235	50.788	85%	Juventus	34.365	67.229	51%
Hertha	40.509	58.464	69%	Samp	26.224	40.122	65%
Köln	40.035	42.085	95%	Bologna	23.062	39.147	59%
Kaiserslautern	38.620	43.451	89%	Reggina	20.523	27.713	74%
Bremen	37.525	42.174	89%	Udinese	17.642	41.652	42%
Gladbach	32.276	34.500	94%	Lecce	16.409	41.000	40%
1860	28.541	63.789	45%	Parma	15.904	28.783	55%
Bochum	27.188	32.645	83%	Modena	15.480	16.875	92%

<b>Frankfurt</b>	26.342	29.706	89%	<b>Chievo</b>	14.868	42.160	35%
<b>Freiburg</b>	24.574	25.000	98%	<b>Brescia</b>	13.807	27.547	50%
<b>Hannover</b>	23.550	25.606	92%	<b>Ancona</b>	13.235	23.983	55%
<b>Wolfsburg</b>	23.064	30.000	77%	<b>Siena</b>	11.142	15.725	71%
<b>Leverkusen</b>	22.500	22.500	100%	<b>Perugia</b>	11.047	27.049	41%
<b>Rostock</b>	22.324	29.000	77%	<b>Empoli</b>	7.340	19.847	37%
<b>league-average</b>	<b>37.478</b>	<b>44.029</b>	<b>85%</b>	<b>league-average</b>	<b>25.967</b>	<b>43.173</b>	<b>60%</b>

Source: <http://www.schwartzgelb.com/fanservice/euroleaguesattendances0304.htm>

### Appendix 18 :The rich list

Position	Clubs	05-06	04-05
1 (1)	Real Madrid	€292.2m	€275.7m
2 (6)	Barcelona	259.1	207.9
3 (4)	Juventus	251.2	229.4
4 (2)	Man United	242.6	246.4
5 (3)	Milan	238.7	234.0
6 (5)	Chelsea	221.0	220.8
7 (9)	Inter	206.6	177.2
8 (7)	Bayern Munich	204.7	189.5
9 (10)	Arsenal	192.4	171.3
10 (8)	Liverpool	176	181.2
11 (15)	Lyon	127.7	92.9
12 (11)	Roma	127	131.8
13 (12)	Newcastle	124.3	128.9
14 (14)	Schalke 04	122.9	97.4
15 (13)	Tottenham	107.2	104.5
16 (n/a)	Hamburg	101.8	n/a
17 (17)	Man City	89.4	90.1
18 (n/a)	Rangers	88.5	n/a
19 (n/a)	West Ham	60.1	n/a

20 (n/a)      Benfica                      58.8                      n/a

Previous place in parentheses

**Source** Deloitte Football Money League

### *Appendix 19: The most valuable football clubs*

#### **The Top Ten**

1. Manchester United
2. Real Madrid
3. AC Milan
4. Arsenal
5. Bayern Munich
6. Juventus
7. Chelsea
8. Internazionale Milan
9. Barcelona
10. Liverpool

Source : [http://www.forbes.com/lists/2006/03/28/football-manchester-madrid\\_cz\\_pm\\_06soccerland.html](http://www.forbes.com/lists/2006/03/28/football-manchester-madrid_cz_pm_06soccerland.html)