

PE1319/SS

Tuesday 13th May 2014

Ms Anne Peat,
Clerk to the Public Petition Committee,
The Scottish Parliament,
Edinburgh.

Dear Ms Peat,

PUBLIC PETITION PE1319

Mr Smith and I are pleased to be given the opportunity to address the Public Petition's Committee on 20th May. We are delighted that the Committee have invited several guests and we hope that the round table discussion can provide real and valuable insight into the serious issues we raise.

At the Public Petition Committee meeting held on 26th June 2012, the Committee agreed to continue the Petition and *'await the outcome of the (SFA & SPFL) formal working party's review and draw its attention to the evidence that the committee and its predecessor committee received on the issue of contracts?'* – **Convener David Stewart.**

We are keen to examine the outcome of the review and understand how this will address the concerns expressed by Realgrassroots and the members of the Committee.

Mr Smith and I thought it would be helpful to bring to your attention some information prior to the session to allow the members to consider the content in advance.

We felt it would be useful to recap a very important piece of oral evidence taken during the session in 11th January 2011 in which two witnesses, namely Jim Sinclair (Rangers FC) and Chris McCart (Celtic FC) said the following:

Jim Sinclair: In our experience, the whole thing can turn into a transfer market or end up in a bartering situation if, despite the fact that the level of compensation is actually X, the club with the player demands X plus Y. I am sure that you will agree that that is reprehensible.

The Convener: Does that happen?

Jim Sinclair: I am not sure how commonplace it is. All I am saying is that it has happened to our club.

The Convener: What sort of money was involved?

Jim Sinclair: It got to £35,000 or thereabouts when it should have been, I think, £20,000.

The Convener: How old was the youngster in question?

Jim Sinclair: He was an under-14.

The Convener: So the figure got to £35,000 for an under-14.



Jim Sinclair: That is right.

Our investigations have led to FIFPro (the worldwide representative organization for all professional players with more than 65,000 footballers) examining the evidence presented and we can now attach their reply for your consideration.

We have also contacted the Scottish FA's Compliance officer who has provided the attached written response. It appears clear to Realgrassroots that in Scotland where the sale of young players (minors) are concerned there is no limit to the amount of money that can be exchanged between clubs.

Realgrassroots would draw to the attention of the Committee the recent decision and observations made by the FIFA Disciplinary Committee when addressing the transfer of players under the age of 18 years. This related specifically to international transfers and subsequently saw FC Barcelona sanctioned.

The full article can be viewed via the following link:

<http://www.fifa.com/aboutfifa/organisation/news/newsid=2313003/>

We would draw your attention to the comments made by the Disciplinary Committee who said *'the interest in protecting the appropriate and healthy development of a minor as a whole must prevail over purely sporting interests.'*

The article goes on to quote *'The Disciplinary Committee underlined that FIFA takes the protection of minors in football very seriously. The protection of minors is one of the key principles included in the agreement concluded between FIFA, UEFA and the European Commission in 2001.'*

Every year a significant amount public money is provided to Scotland's professional clubs and it is given in the spirit and hope that this money will be used to better our national game for youngsters. Whilst the unfair issues we highlight continue and potential breaches in Scots and European legislation exist, the Scottish Government should seriously consider suspending funding (direct or indirect) to clubs pending an independent review.

The challenge for Realgrasroots and the Public Petition Committee has always been to change the poor practices of our senior clubs and stand up for young players who have and continue to be mistreated by a system that ensures all control is in the hands of professional football clubs.

Kind regards,

Scott Robertson
(On behalf of Realgrassroots)

William Smith

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Scott Robertson

Hoofddorp, 25 March 2014,

Dear mr. Robertson,

On request of Tony Higgins I hereby send you my observations regarding your questions on the registration of very young players in your country.

Registration with a club either as an amateur or professional is a domestic issue. The FIFA training compensation scheme starts counting at 12 but only applies to international transfers. An FA can introduce its own rules including a training compensation scheme. According to the Bernard ruling of the European Court of Justice the costs may not exceed the actual costs for the training of the individual player. The club will have to specify this. It cannot be a standard fee. For a 10 year old this cannot be a high amount.

Retaining players after they expressed they want to leave after a season is not acceptable. This infringes fundamental rights. From the Bosman case and later the Bueno Rodriguez case of the Court of Arbitration in Sports, CAS, we learn that players are free after the termination of the season and when their contract expired.

In this case we talk about non-professionals but these kids should be free to play wherever they want.

I hope this will help you to fight the current rules in Scotland.

Best regards,

Wil van Megen
FIFPro Legal Department

www.fifpro.org



7th April 2014

Mr William Smith

Dear Mr Smith,

Thank you for your letter of 14th March 2014.

I can confirm that if a club were to make a payment to another club in excess of the tariffs set by the Scottish FA or SPFL, then that would not breach any disciplinary rule under the Scottish FA's Judicial Panel Protocol.

I trust that this clarifies your query but if you have any other questions then please do not hesitate to contact me.

Yours sincerely,

Vincent Lunny
Compliance Officer

