

2022

COMMON POSITION PAPER



OF THE MEMBERS OF THE
EUROPEAN ELITE ATHLETES ASSOCIATION

 **EU Athletes**

INTRO DUCTION TION



EU Athletes is an organisation representing the collective voice of organised European athletes, with the objective to defend and promote the interests and rights of professional and elite athletes in Europe.

The following document presents the common position of EU Athletes' members – player unions and associations representing over 25,000 athletes in various sports and countries across Europe – on 12 topics that have been identified as fundamental for professional and elite athletes:

1. Athlete rights are human rights
2. Athletes as workers
3. Good governance in sport
4. Economic dimension of sport
5. Match-fixing
6. Anti-doping
7. Dual career, personal development and well-being
8. Access to justice
9. Women's sport
10. Recovery and sustainability of the sport sector
11. 'European Sport Model' according to organised athletes
12. Solidarity, partnerships and cooperation

With the 2022 Common Position Paper, EU Athletes reiterate that every athlete has a right to a sporting environment that is well governed and respect their rights as people, citizens and workers.

We also believe that sport can and should have a positive impact on the wider society, contributing to the promotion of fundamental values and fostering development.

In this regard, the Common Position Paper makes a positive and constructive contribution to the implementation of the United Nations 2030 Sustainable Development Agenda. Sport, when used properly, can be an important tool for sustainable development. The Common Position Paper highlights important issues that need to be addressed, in line with the Sustainable Development goals and principles for sport, for sport to be able to truly fulfil this task.

Without ensuring that the rights of athletes and every other person are protected, respected and promoted in sport, it will not be able to contribute to reaching the Sustainable Development Goals (SDGs).

Examples of SDGs that are of particular relevance in the field of professional and elite sport and that fits into the context of the above sections are Goal 3 Good health and wellbeing, Goal 4 Quality education, Goal 5 Gender Equality, Goal 8 Decent work and economic growth, and Goal 16 Peace, justice and strong institutions. At the same time, it is understood that action in one area affects outcomes in others, and that development must balance social, economic and environmental sustainability.



ATHLETE RIGHTS ARE HUMAN RIGHTS

Athletes have the same fundamental rights as every other person, citizen and worker, which are guaranteed by the national and European laws, as well as internationally recognised human rights conventions and standards. These rights, in the sporting environment, include particularly the access to sport (based on merit, equal opportunities and free of any kind of discrimination), protection from sexual, physical and emotional abuse - especially for children but also for adults, the labour rights (such as the right to work, fair working conditions and the revenue sharing, right to organise and collectively bargain), personal rights (including the freedom of opinion and expression, rights to protection of personal data and IPR) and legal rights (guaranteeing due process, equality and legality before law and effective remedy).

Notwithstanding the above, the rights of too many professional and elite level athletes across Europe are still restricted and abused, just because they participate in sport. Some sport organisations simply ignore that laws apply to them and abuse their dominant position vis-a-vis athletes, by imposing illegal, discriminatory or unfair treatment and conditions. It must be remembered that sport organisations cannot unilaterally restrict or redefine the human rights of athletes.

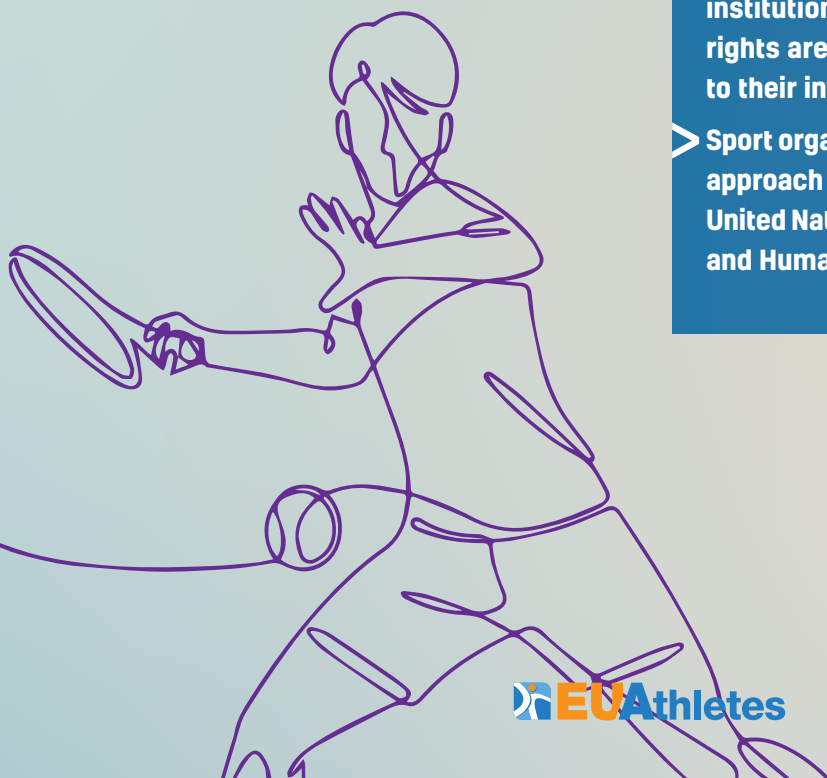
Importantly, States have a responsibility to protect the rights of every person under their jurisdiction - also when the potential infringement comes from private entities, such as sport organisations. This responsibility is enshrined in human rights instruments the States have signed onto.

EU and CoE Member States must ensure that the rights of the athletes are protected and respected through their involvement in sport, and they can be held responsible for violations that sport organisations commit.

The Olympic movement and international federations, WADA and CAS, need to work more proactively and in cooperation with European and international institutions, as well as the athlete unions and associations, to make sure that their regulations and actions respect the human rights of athletes and provide an effective remedy in case of any infringements. The respective human rights responsibilities of States and Sport Governing Bodies (SGBs) are articulated in the United Nations Guiding Principles on Business and Human Rights (UNGPs), setting a minimum standard the sport organisations must adhere to.

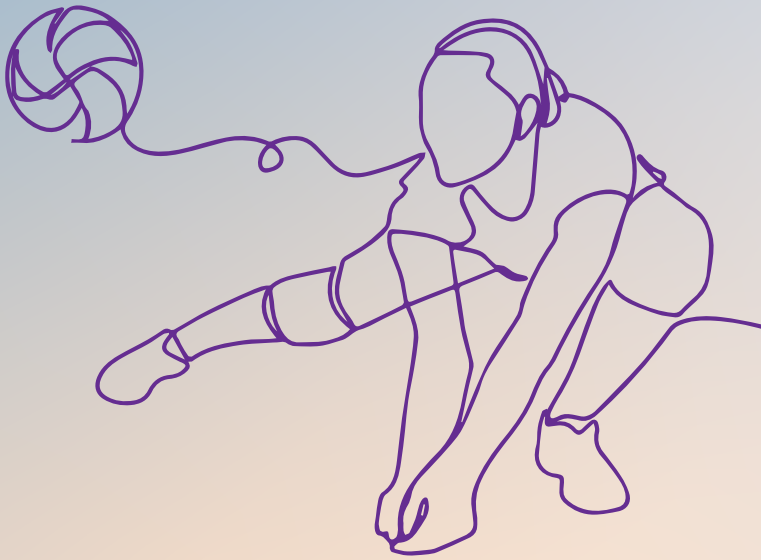
Regarding the right to participate in sport and the question of transgender athletes, it is essential that this is approached through the human rights lens and in line with inclusion and diversity principles. When dealing with this complex issue, the sport organisations must take an evidence-based approach to regulations which should aim to uphold the fairness of competitions, rather than simply presume advantage to exclude transgender athletes. The process of whether and when to include transgender athletes in competition must be centered on prevention of harm, non discrimination and right to privacy, while ensuring proper stakeholder engagement.

- > **Athletes have the same fundamental rights as any other citizens or workers**
- > **National, European and international institutions need to make sure that athletes' rights are protected and respected in regard to their involvement in sport**
- > **Sport organisations need to adopt a proactive approach to human rights, compliant with the United Nations Guiding Principles on Business and Human Rights**



2

ATHLETES AS WORKERS



- **Where sport is an economic activity, athletes must be recognised as workers and their labour rights should be protected and respected**
- **Standards of occupational health and safety must be respected in athletes' workplace and take into account the unique risks of a sporting career**
- **Sport organisations, Member States and private sector must effectively protect athletes from any kind of discrimination, mistreatment or harassment, including online abuse**

A number of sports federations, leagues and even some national laws require that certain sportspeople are classified as “amateurs” or “non-professional”. As such, they are being deprived of their rights as workers, despite earning significant income. These athletes often do not have basic labour contracts and are excluded from social security, not to mention employment protection or collectively bargained regulations.

The Covid-19 pandemic has highlighted the urgent need to ensure that athletes' status and their labour rights are respected,

demonstrating the vulnerable position that athletes are put in without these elements.

Athletes who gain income through competitive sport and whose activities are controlled by a sports organisation, such as a club or federation, are workers. All workers, including athletes, regardless of the type of employment relationship, require, as a minimum, to be protected by the fundamental principles and rights at work.

It is particularly essential to review the status of female elite athletes, to ensure that they enjoy the same employment rights as other workers (especially with regards to pregnancy, maternity rights and protection from gender-based violence) and are equal to their male counterparts when it comes to appropriate remuneration as well as conditions of training and competition.

All athletes have the right to be paid at least the national minimum wage for the hours they work. Furthermore, the transferability of social security provisions, in particular pensions, between different European countries needs to be addressed to promote and realise the concept of a single employment market for sport within the Member States.

EU Athletes recognises and supports the important role that elite amateur athletes play within certain indigenous sports by enhancing the social and cultural fabric of communities. Player associations can bring benefits to these sports through their support services and ensuring respect for athlete rights, whilst still staying true to the amateur ethos. However, “amateurism” must not be forced upon sportspeople against their will, especially if they are involved in an economic activity.

Because the sport career is short and high-risk, it justifies a greater duty of care of sport organisations towards athletes, not stepping away from the occupation health and safety principles. EU Athletes stands for the protection of athletes' health and safety through safe sporting workplaces, which promote and protect their physical, mental and social well-being.

Every athlete is entitled to equality of opportunity in the pursuit of sport without distinction of any kind and free of discrimination, mistreatment or harassment. Accordingly, sports organisations and Member States have the obligation to effectively protect athletes from said occurrences in the context of their work, including if it takes place online. Social media abuse is just unacceptable and social media companies should be working proactively with sport stakeholders to eradicate this problem.

3 GOOD GOVERNANCE IN SPORT



- **Good governance in sport requires effective oversight by the law. Any autonomy of sport organisations can only exist within the limits of law and with respect to fundamental human rights**
- **Sport organisations must work proactively to address their governance issues and incompatibilities with the European law, in cooperation with player associations**
- **European and national social dialogue with the active involvement of player associations must be recognised and promoted as essential component of good governance**

EU Athletes supports moves to improve sport governance. The increased emphasis on this topic is positive. Europe is in a unique position to act as a force for good in ensuring that sports organisations fulfil their obligation to provide a sporting environment that is well governed, free of corruption, manipulation and cheating and that protects, respects and promotes the fundamental rights of athletes.

Given that the majority of sports organisations are monopolies or cartels, there is always a danger of them exploiting their dominant market position, particularly when it comes to athletes' rights as workers. EU Athletes welcomes the 2020 judgment in Case T-93/18 by the General Court, imposing needed limits on the powers of the International Skating Union and limiting the application of the "specificity of sport". Such rulings set an important precedent on how the sport should be governed in compliance with European and national laws.

It is essential for sport organisations to work with player associations, as well as national and European institutions, to address existing issues, improve their governance and ensure compliance with the law. Outdated understanding of 'self-regulation', 'specificity' and 'autonomy' makes sport vulnerable to corruption, integrity threats and exposes athletes to potential harm.

To ensure good governance, player and athlete associations, as the independent, democratic and effective representation of athletes, must be recognised as key stakeholders in sport at national, European and international level. Athletes have a right to be represented by the people of their own choosing in matters that affect them. This is based on every athlete's freedom of association and collective bargaining, which are defined by the International Labour Organisation (ILO) as fundamental principles and rights at work. It is unacceptable for sport organisations to undermine those rights by excluding athlete associations from the decision-making process or trying to replace them by internal bodies such as athlete commissions.

Pursuing to this, sport organisations cannot unilaterally impose rules and regulations and need to engage with athletes when creating rules that affect them. New challenges related to the governance of sport should be discussed and solved through social dialogue between the legitimate representatives of athletes and employers. The European Commission should promote and encourage social dialogue in the sport sector as a key principle for European sports policy and good governance in professional and elite sport.

4 ECONOMIC DIMENSION OF SPORT

High-level sport can generate substantial revenues and as an economic activity, is subject to the application of EU Law. The economic value of professional sport is built upon the work and performances of athletes, and they need to be remunerated fairly, including receiving a share of resources they help generate. Situation where many sport organisations do not pay for the labour of athletes participating and do not redistribute the wealth they helped create directly back to them is unacceptable.

As noted in a World Players Association report, despite the Covid-19 pandemic, global sport industry is worth billions, but athletes fail to receive their fair share. On the other hand, when the pandemic first started, many athletes were immediately impacted financially, accepting the salary cuts or simply losing their sport-related income.

It should be noted that athletes, individually and collectively, can also generate important resources through the commercial exploitation of their image. They remain the unique holders of the rights to all the attributes of their personality and any characteristic element of their person. Any exploitation of athlete's image must be preceded by athlete's consent and bring them a financial compensation. Regulations such as Olympic rule 40, which forces athletes to give away their image rights in order to participate in Olympics Games and without any compensation, must be reviewed.

The use and transfer of athletes' personal data collected in the course of their professional activity needs to comply with the law. Such data cannot be used, transferred or marketed without the explicit consent of the athlete. Finally, the athlete, like any

- > **Athletes are entitled to a part in equitable distribution of revenue they help generate**
- > **Athletes' control over their intellectual property rights and data is an important issue that needs to be recognised and respected by sport organisations**
- > **Sport organisations cannot abuse their position by restricting athletes' commercial rights and freedoms**

citizen under the data protection regulations, has the right to access data held on them and to correct any mistakes as well as the right for their data to be deleted.

The economic rights of athletes, particularly their commercial freedom and the right to work, is sometimes restricted by their national and international federations, who claim the monopoly in the organisation of sport competitions. It is unacceptable for sport organisations to abuse their dominant market position in detriment of athlete rights. Athletes must have a #ChanceToCompete and an opportunity to participate in commercial events.

Commercial interests of federations and leagues and the congested competition calendar may also lead to a situation in which athletes get caught in a position of conflict between their employers and their national team, which can be detrimental for the players and the sport itself. Athletes' freedom of choice should always be respected.



MATCH FIXING

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- Athlete associations and player unions must be involved in cooperation against match-fixing at national, European and international level
- The fight against match-fixing needs to be holistic and take into account different elements that can increase the risk for corruption, such as poor governance, non or late payment of salaries and problem gambling
- Player-led education should be recognised as best practice and supported by sport organisations and public institutions

The integrity of sport is a key priority of EU Athletes and its members. Since 2010, EU Athletes has led several transnational projects and developed, in partnership with private betting operators, the successful PROtect Integrity campaign co-funded by the European Commission. EU Athletes also worked with FIFPRO to implement Red Button, a player-led whistle-blowing system, enabling athletes in Europe to have a safe, confidential and trusted way to report anything suspicious related to matchfixing.

New cases of match-fixing demonstrate that there is no country or sport that is immune to this phenomenon. Match-fixing was on the rise during the Covid-19 pandemic, having led to match fixers diversifying and becoming more aggressive and varying in their activities. In addition, some clubs and players' financial situation has decreased during this period. The link between poor governance and late or non-payment of salaries and increase in the susceptibility to match-fixing and corruption is well-established. To properly respond to these challenges, any initiatives must undertake a holistic approach to tackle the roots of the problem. The cooperation, strong leadership and integrity from sport, athletes, governments, betting industry and police are of highest importance.

Addressing match-fixing requires the active involvement of athletes and their associations at national, European and international level. Those bodies, thanks to their experience, expertise and close relationship with players, are key stakeholders in any initiative related to the integrity of sport.

EU Athletes supports the role that Council of Europe, both directly and through the Macolin Convention, plays in the fight against match-fixing. Emerging best practice is for the player associations to be centrally involved in the formulation of anti-corruption measures from the outset, through National Platforms, to ensure the appropriateness, effectiveness and proportionality of those measures. Working with player associations will help promote the acceptance of and active education about rules and regulations.

It is further important to note that data collection and information sharing for the purpose of the fight against match-fixing must comply with the European regulation on data protection (GDPR).

The importance of education and awareness-raising for athletes cannot be underestimated as an essential component of protecting sport from match-fixing. Properly prepared and regularly delivered education programmes on the risks of match-fixing and sport betting integrity can radically reduce the vulnerability of athletes to corruption. These programmes are best implemented by organisations that players know and trust - their athlete associations - either with face-to-face team visits or online education tools.

6 ANTI DOPING

Since the creation of WADA in 1999 and through doping scandals and cases of injustice in the last years, it has been demonstrated that the current global anti-doping system is failing to fulfil its role of protecting athletes from doping. There is an urgent need for a reform of the anti-doping system to make sure that it is fit for its purpose.

EU Athletes gathers over 25.000 professional and elite level athletes who are all subject to the WADA code, even if they have been systematically excluded from its creation and review. To become truly accountable to athletes, WADA should commit to a tri-partite partnership between athletes, governments and sport organisations. In case of professional athletes where there is a clear economic element, anti-doping rules must be negotiated directly with employee social partner organisations such as athlete unions, through social dialogue or collective bargaining process.

EU Athletes and its members are committed to doping-free sport and would support a fair and effective performance-enhancing drug testing regime that recognises, respects and protects athletes' rights as European citizens and workers. Anti-doping rules must comply with the national and European law, particularly regarding human rights, including fair trial, and data protection rules.

Anti-doping efforts must focus on those intentionally taking prohibited substances with performance-enhancing purpose and each case should be considered individually when it comes to the sanction. What is more, emphasis needs to be placed athlete health and wellbeing, anti-doping education and the rehabilitation of sports persons guilty of an anti-doping rule offence.

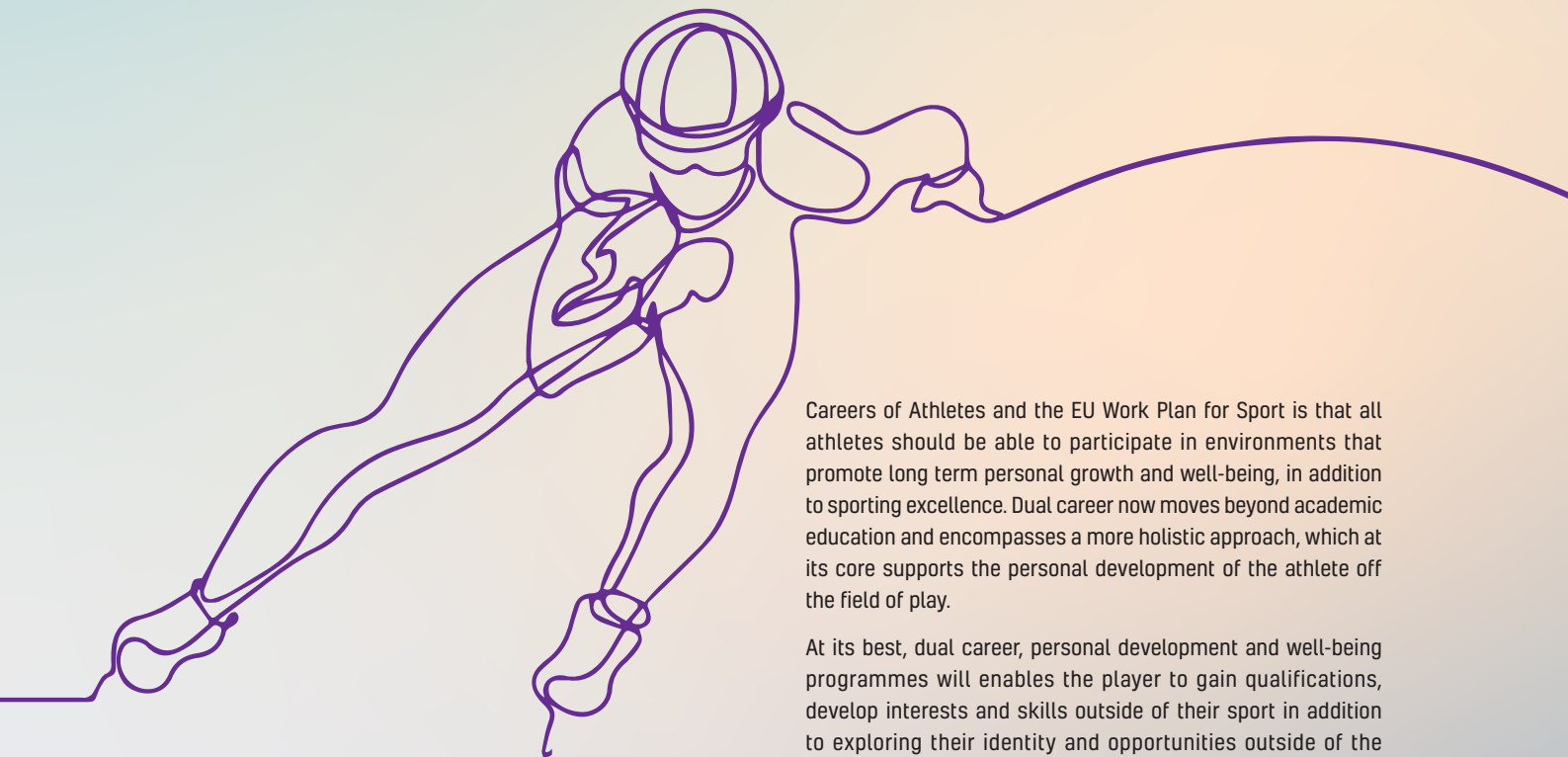
All the elements of anti-doping must be backed by scientific research, starting with the prohibited substances list, prevalence of doping in different sports, efficiency of education programmes and testing programmes. Particularly, intrusive measures such as Out of Competition testing and developments such as biological passports or additions to the prohibited list must be thoroughly researched and open to peer review for independent assessment. All anti-doping organisations should fulfil basic requirements on transparency and accountability, including proper reporting on their anti-doping activities. Because athletes are obliged to make sacrifices to comply with the anti-doping system, it is essential to have the data available to assess the efficacy and proportionality of current anti-doping regimes.

Anti-doping organisations must aim for higher governance standards and avoid any potential conflicts of interests that may be detrimental for their work. WADA suffers from a lack of independence and domination by the Olympic movement.

- **Independent player unions and athletes associations must be actively included to collectively bargain anti-doping policies**
- **The anti-doping system must be fair, proportionate and efficient whilst respecting the rights, health and well-being of athletes**
- **Anti-doping organisations must ensure their independence and improve governance standards, including transparency and accountability**



DUAL CAREER, PERSONAL DEVELOPMENT & WELL-BEING



- > **Dual career initiatives must take a holistic approach, taking into consideration personal development and well-being**
- > **Player associations' Player Development Managers should be recognised, promoted and supported as best practice for dual career in professional and elite sports**
- > **Greater priority needs to be given to mental and emotional health and well-being of elite players**

The importance of athletes being able to pursue their goals both on and off the pitch has long been advocated by the player association movement and has gained recognition in the recent years. For instance athletes personal development have been strongly represented in European sports policy.

The premise of documents such as the EU Guidelines on Dual

Careers of Athletes and the EU Work Plan for Sport is that all athletes should be able to participate in environments that promote long term personal growth and well-being, in addition to sporting excellence. Dual career now moves beyond academic education and encompasses a more holistic approach, which at its core supports the personal development of the athlete off the field of play.

At its best, dual career, personal development and well-being programmes will enable the player to gain qualifications, develop interests and skills outside of their sport in addition to exploring their identity and opportunities outside of the game. Programmes are consequently in place across several professional and elite amateur sports and cater for: education, life skills, media skills, careers advice, financial planning, transition support, emotional well-being, inclusion and integrity.

In light of developments, EU Athletes believe that there will be long-term consequences for sports and our society if we do not properly support our high-performance athletes on and off the field of play. In supporting Player Development Managers (PDM) throughout its membership and through the necessitated elevation of their role, EU Athletes is moving towards better environments through the facilitation of knowledge exchange. Furthermore, there is a strong case for the establishment of a European industry-wide qualification for PDMs with agreed continuous professional development.

While a standardised Player Development Programme will empower athletes across our Member States, it is important to recognise that they still can suffer from the same mental health issues as everyone else. Despite world class provision for their physical health, support for mental health and well-being is too often lacking. Sport and relevant bodies should be encouraged to work together with the player associations to promote improved mental health support, treatment and education.



ACCESS TO JUSTICE

- > **There is an urgent need for procedural and substantive reform of the sports arbitration system in line with international human rights**
- > **The Court of Arbitration for Sport (CAS) needs a review of its governance to ensure independence and impartiality and gain the trust of athletes**
- > **SGBs should adhere to their obligation under the UNGPs to provide effective remedy for athletes, including restorative justice mechanisms**

Access to justice is a core fundamental right enshrined in various European and international human rights instruments. Pursuant to these instruments, effective access to justice encompasses the right to a fair and public hearing by an independent and impartial court. While EU Athletes has repeatedly emphasised that athletes have the same human rights as every other citizen, and worker, their right to access to justice is often infringed upon in flawed and deficient arbitration systems.

EU Athletes and its members recognise the potential of arbitration as an effective and valuable means for resolving sports disputes, embracing the transnational character of sports and generating uniformity at the international level. However, justice can only be effectively delivered through arbitration if it fulfils certain conditions, such as time and cost efficiency, parties' autonomy, flexibility, transparency as well as impartiality and independence.

Crucially, it should also remain a practical option for all sportspeople to access national and European courts. While such right is inherent upon athletes as citizens and workers, it is often undermined through the inclusion of arbitration clauses in athletes' agreements that force athletes to subject themselves exclusively to the laws of sporting bodies. It should be noted that forced arbitration through the CAS may not comply with European laws as it undermines European athletes' fundamental rights, and the full effectiveness of the EU law protections, particularly with regards to competition law.

In order for the CAS to deliver justice and restore athlete trust and confidence, its governance, including regarding the International Council of Arbitration for Sport (ICAS) and proceedings need urgent reform in line with the above conditions and internationally recognised human rights. Lack of independence and impartiality, due to the domination of the Olympic movement and sport organisations must be urgently addressed. Furthermore, the sports judiciary ought to open for stronger involvement of athletes and their representatives. It is particularly important since CAS is increasingly asked to deal with questions related to human rights in sport and therefore it is crucial that it is set for this purpose.

Effective remedy for human rights infringements is another important element to athletes' access to justice. Given that evidence and testimonies of systemic harm and abuse suffered by athletes continue to surface, SGBs ought to take responsibility in line with the UNGPs and provide effective and meaningful remedy, including compensation and reconciliation to survivors of human rights abuses.

WOMEN'S SPORT



- **Elite women's sport needs to be recognised as a proper professional activity, where female athletes can benefit from the same labour rights as any other workers**
- **The visibility of women's professional should be promoted, including through better media coverage, in order to create its own economic model and structure**
- **It is essential to ensure equal working conditions in women's professional sport and eradicate gender-based discrimination**

Gender equality has been a priority of the European Commission and many Member States since several years. To ensure sport is not left behind, it must also become an integrant part of the strategy of the sport organisations, which should address it holistically at national, European and international level.

Sports is recognised as a remarkable tool that can contribute to the empowerment of women. Rather than hinder this process and reinforce limits or stereotypes, the sport movement needs to take concrete measures to promote women's sport and support its growth.

Far too many female athletes have no other choice than to compete as amateur or semi-professional. Forced to combine their sport career with another paid job, education and personal life and without any support, they are likely to leave sport before reaching their full potential. This is not only the issue for the athletes, but also of the sport itself, as it is blocking the development of the women's game. Ensuring proper conditions for athletes and the space for the women's sport to grow must be a priority.

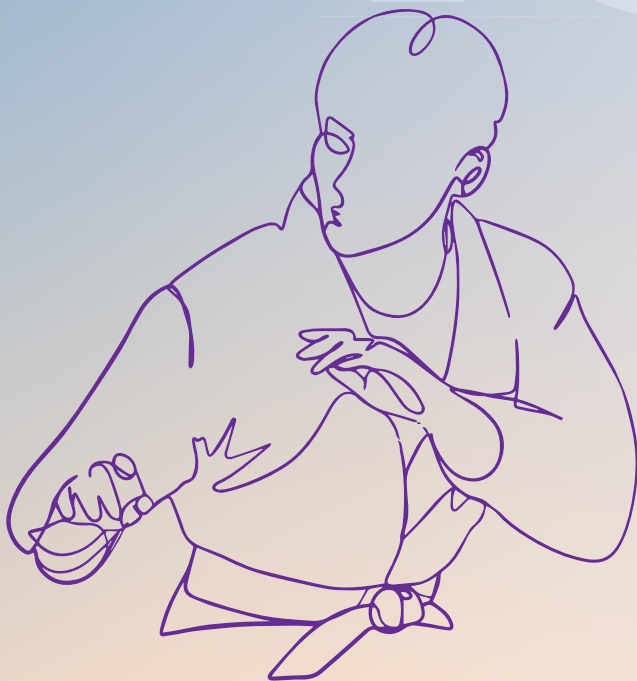
Being a female professional athlete today should mean being able to make sport one's profession. This implies guaranteeing the labour right of sportswomen such as to benefit from employment contracts and protection, including related to maternity, the freedom of association and engaging in social dialogue in order to negotiate collective agreements.

By engaging in social dialogue, the leagues, clubs and federation will recognise the professionalisation of the sport and its actors. It is necessary for public institutions to encourage these collective discussions and to multiply the initiatives at both national and European level as the suitable way to shape the relationship between athletes and their employers.

To contribute to the process of professionalisation of women's sport, it is essential for competition organisers to truly commit to change and take structural and financial measures that can quickly become effective and visible, including resources allocated to women's sport. Media coverage should also be used to stimulate the growth of women's sport, allowing each discipline to generate better fan engagement and new revenues. Consequently, this will improve the social and financial stability of athletes, allowing them to focus on their sport careers.

Finally, concrete measures must also be taken by the States and sport organisations to eliminate gender discrimination in employment and ensure that female athletes can benefit from equal conditions of training and competing as their male counterparts, with the particular focus on health and safety standards.

RECOVERY AND SUSTAINABILITY OF THE SPORT SECTOR



The Covid-19 pandemic has had a terrible impact on millions of people, taking lives, disrupting all areas of people's activities and deeply affecting whole communities. Sport sector has not been immune, with events being cancelled or postponed and special measures introduced, strongly affecting athletes and other people working in sport. This has resulted in an unprecedented crisis of the sport sector and highlighted a number of issues that needs to be addressed in order for sport to become sustainable and more resilient in the future.

In the time of a global public health crisis, many of player associations and players themselves have demonstrated an exemplary leadership, dedication and solidarity related to this unprecedented situation.

Over the course of the pandemic, several issues have become evident and must be addressed in order to ensure that the sport sector is well-equipped to deal with these kinds of events. It needs to be kept in mind that athletes are the most important stakeholder in sport - without athletes, there is simply no sport. Therefore, dealing with the impact of a crisis such as the Covid-19 pandemic on sport must ensure that athletes' safety, security and wellbeing are central to any measures taken. The pandemic has highlighted the vulnerable situation of athletes, especially if they are deprived of workers status and associated rights. This should be urgently revised at the European level so that athletes' rights and welfare are properly protected.

Athlete unions and associations have been actively supporting athletes through these difficult times, especially when it comes to player development, mental health, legal advice but also the negotiations related to the competitions and Covid protocols. Their crucial role needs to be recognised and supported both

- **Athletes' safety and wellbeing must be a key consideration when dealing with a crisis and athlete associations working in this area must be able to benefit from dedicated support**
- **Decisions must be taken in accordance with good governance principles and in respect of athlete rights, through social dialogue and negotiations with athlete unions and associations**
- **To ensure its resilience to crisis, the sport sector must work towards societal, economic and environmental sustainability**

by the sport organisations as well the governments and international organisations.

Crisis such as the Covid-19 pandemic cannot be a justification to step away from law and the good governance principles. To the contrary, in order to find adequate short and long-term solutions to various challenges facing sport sector, there is a need to prioritise collective governance and stakeholder engagement. Decision-making processes must respect the athlete rights and be based on social dialogue and negotiations with athlete unions and associations.

EU Athletes and its members are committed to making sure that professional and elite level sport in Europe remains a viable and sustainable business in the long-term. In order to achieve that, sport organisations need to proactively review its actions through the lenses of societal, economic and environmental sustainability and work in close cooperation with various stakeholders, including athlete associations, to achieve this goal.

“EUROPEAN SPORT MODEL” ACCORDING TO ORGANISED ATHLETES



In the recent years, the Olympic movement has been increasingly calling for the recognition and protection of its “European Sport Model”. However, the analysis of the concept and its elements suggests that this notion has been created not for the benefit of sport, but to protect the position and power of sport organisations. As these have been rightfully limited with the legal cases, focus on good governance and human rights in sport, as well as the increased importance of stakeholders such as the athletes, the Olympic movement should embrace the change rather than trying to defend an outdated model.

It seems that the “European Sport Model”, as proposed by the Olympic movement, is little more than a continuation of the long-running and unsuccessful campaign for sport organisations to be exempt from European laws and restrict athletes’ rights. Such attempts are simply unacceptable and should not be recognised by the States or international organisations.

Without a doubt, there is a number of emerging issues and challenges facing sport and it is essential to engage in discussions on how the future of sport in Europe should look like. However, this must be done in inclusive and collaborative manner, including key stakeholders such as the athletes and their representative associations in the process. Unilaterally defining a model serving only some of the actors, who’s very existence is questioned by many public and private stakeholders and trying to claim its general appliance is not a viable solution.

- **‘European Sport Model’ or any other notion cannot be used by the sport organisations to claim exemptions from laws or unduly restrict athletes’ rights**
- **Athletes and their associations must be recognised as essential stakeholders and actively involved in the governance of sport at the national, European and international level**
- **A sport model for Europe must be based on the values such as the respect for human rights, rule of law, democracy and good governance**

Just as there is no sport without athletes, there is no sport movement without athlete associations. Any sport model that is adopted without the participation and agreement of athletes and their associations lacks legitimacy. A model of sport for Europe must recognise the long-established sports trade union movement. This is an important part of the European model for business, and a fundamental right that applies to sport. Athletes have the same rights as other workers, including the right to organise, collectively bargain and to be included in decision making process on matters that affect them.

European governments and organisations have a crucial role to play in ensuring that sport is well governed, complies with the law and upholds the fundamental rights of athletes and other stakeholders. Adopting the ‘European Sport Model’ that disregards these elements risks undermining the valuable work and progress made at the European level in recent years. It is essential that they promote a model of sport for Europe that respects and promotes the fundamental European values such as the rule of law, democracy and human rights, operating within recognised good governance principles.

SOLIDARITY, PARTNERSHIPS AND COOPERATION

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- **EU Athletes strongly supports and actively encourages professional and elite athletes to exercise their fundamental right to organise and collectively bargain**
- **EU Athletes works in cooperation with FIFPRO Europe and other European player federations to actively promote and protect athletes' rights in Europe**
- **EU Athletes supports World Players Association on international issues which affect all athletes**

Athletes, just like every other citizen and worker in Europe, have the right to organise and collectively bargain, so they can be represented in matters that affect them by the people of their own choosing. Player unions and athlete associations are the independent voice of their member athletes.

Athlete commissions or committees are different from sports trade unions. As internal bodies, they tend to be funded by sport organisations themselves and often have no separate staff or budget. Whilst it may be helpful for some of the Olympic sports to set up their own athletes' bodies, they will always be limited in their ability to effectively represent athletes, especially in a

potential conflict with sport organisations they are a part of. Furthermore, they are not able to reach Collective Bargaining Agreements or engage in social dialogue.

Many examples have shown that where the player unions are strong and the federations, leagues and clubs actively engage with these organisations, the sport is thriving, to the benefit of all the stakeholders involved.

EU Athletes supports organizing efforts among professional and elite level athletes and establishing independent and democratic player unions and athlete associations in different sports across Europe.

In the spirit of solidarity and cooperation within sport trade union movement, where there is European player union established in a particular sport, EU Athletes aims to cooperate and support their work as appropriate in order to advance the common goals and the players' voice. EU Athletes has a long history of working collectively with FIFPRO in Europe which we value and look to develop with other European player associations.

EU Athletes is also involved in the global player movement through World Players Association, an organisation gathering more than 80 000 athletes, who are members of more than 100 player unions worldwide. There is a strong need for an effective international voice for player associations to negotiate with international sports bodies such as WADA and the IOC.

2022



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