

SPINS
Dejan Stefanovic
Dalmatinova ulica 4
1000 Ljubljana
Slovenia

Hoofddorp, 24 May 2016

Dear Dejan,

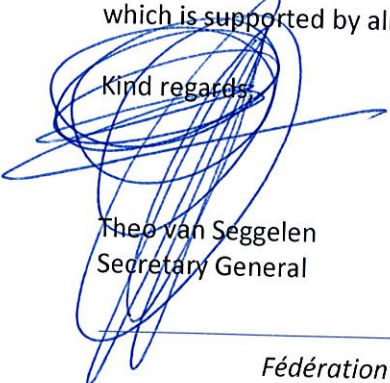
FIFPro, the worldwide representative organisation for more than 65,000 male and female professional footballers, would like to voice its profound discomfort in relation to various amendments being proposed in Slovenia concerning the rights of professional football players. In particular, FIFPro is extremely worried about the information received that the relevant authorities in Slovenia are contemplating regulations that would basically remove professional football players from the protection of Slovenian labour law and would, in fact, encourage clubs to engage professional football players as independent contractors.

In particular, we understand that a proposal has been put forward which allows clubs and professional football players to regulate key aspects of the employment contract (such as remuneration, working hours and the termination of the employment contract) without having to take into consideration (mandatory) provisions of Slovenia's legislation governing labour relations.

Let it be clear that professional football players, due to the nature of their work, must - and shall - at all times be considered as workers under art. 45 of Treaty on the Functioning of the European Union (TFEU) and, therefore, professional football players have the same rights and obligations as any other worker for the purpose of the law. Indeed, the European Court of Justice (ECJ), in the Lawrie-Blum case, established that the essential feature of an employment relationship is that for a certain period of time a person performs services for and under the direction of another person in return for which he receives remuneration. It goes unmentioned that also the relationship between a professional football player and a club is to be considered as an employment relationship and that a professional football player is therefore a worker, as also later confirmed by the ECJ in the Bosman-case. As a result, there is no basis whatsoever to assume that professional football players can be treated any different from other workers.

We therefore conclude that any deviation from Slovenian labor law with reference to the specificity of sport can only be agreed on via social dialogue with the inclusion of the social partners and we strongly advise that the relevant authorities in Slovenia involve the social partners in order to find an agreement which is supported by all relevant parties.

Kind regards,


Theo van Seggelen
Secretary General