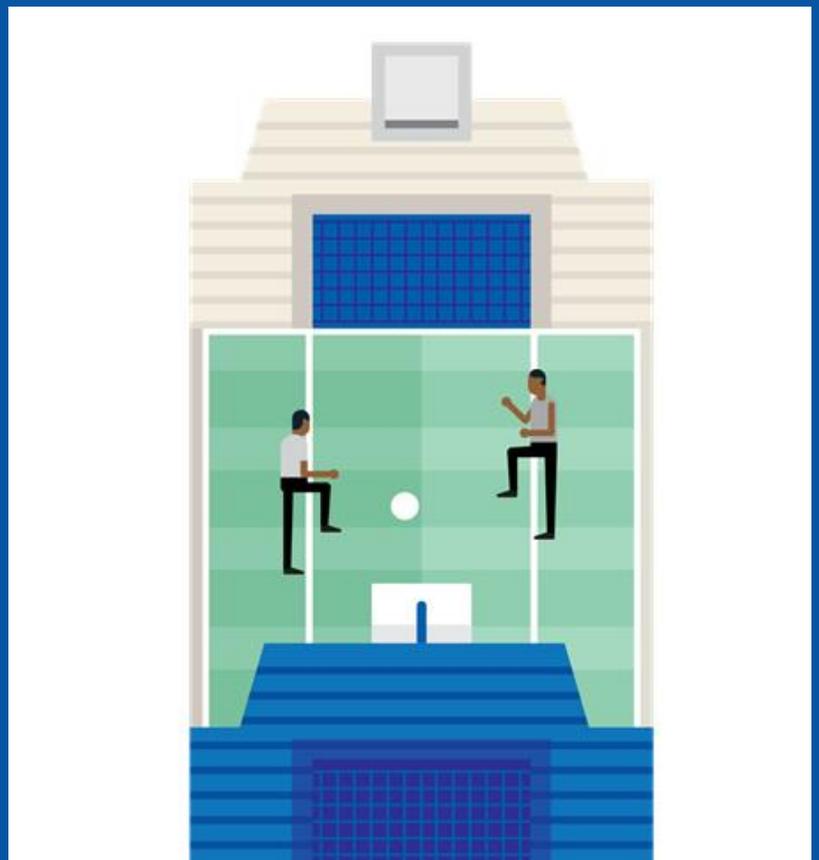


# English football regulation

*The problem and the potential solution:  
a contribution to the debate*

May 2021



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## 1. The challenge

- 1.1 Football is unique in the levels of interest, engagement and attention that it brings forth. This in turn leads to its significance in a financial context. The media, the clubs, players and their agents, the clubs' employees, the suppliers of merchandise, the supporters, the local communities – all are affected and involved in different ways. This does not mean that all are on an equal footing – far from it. But all are bought into the success or failure of the game. This is not of course just an English phenomenon.
- 1.2 It is therefore natural that the health of the game – certainly at the highest levels – should attract interest and engagement across society and in government too. No reminder was needed, but the recent furore concerning the European Super League highlighted the existing widespread concerns about the effectiveness of the way the game is run at the highest levels in England, where there is in effect a system of self-regulation in place.
- 1.3 The calls for independent regulation, backed with statutory enforcement powers, have grown considerably over recent years, and may have acquired more traction from recent events. Despite the argument that self-regulation is sufficient (see for instance the comment from Richard Masters, Premier League CEO, that football can 'look after itself', quoted by the *Financial Times* on 14 February 2021), few outside observers appear to agree. In particular, the voice of the fans is rarely (if ever) heard in this self-regulatory environment, even if the practice at some individual clubs (most commonly to be found in the lower leagues) may seek to provide a measure of inclusivity.
- 1.4 It is not hard to find examples of problematic practice at the higher levels of English football:
- The failure of financial fair play to operate effectively;
  - The market distortion of the Premier League's financial position in relation to the lower leagues; and within the Premiership the continuing financial dominance of an even smaller number of clubs;
  - The ownership structures that allow for people with questionable backgrounds and motives to take full control of clubs;
  - The proposals that surface every few years for a 'European Super-League' or similar, without consideration of the potential wider effects on the sport, and without hearing the views of stakeholders (in particular the fans and local communities);
  - The inability of the current system to address the power of players' agents;
  - The failure to tackle effectively such challenges as racism and homophobia among fan groups, with social media companies, and sometimes even among players;
  - A system that allows clubs, such as most recently Bury, to go under, with far wider and damaging effects on local communities and businesses; and more.

- 1.5 So if one accepts the argument that football is not in reality capable of self-regulation that works in the interests of clubs, players, staff, supporters and communities alike, the question is: what might independent regulation look like in practice, and how could it be made to work effectively?
- 1.6 This short paper has been prepared as a contribution to the debate, and follows the establishment of the campaign '[Our Beautiful Game](#)'.
- 1.7 While the initiative quickly foundered, the April 2021 attempt by a number of European clubs to establish a 'European Super League' has served further to highlight a number of the weaknesses inherent in the present system. This especially applies in relation to club ownership, the role of the fan base, the links between clubs and their local communities, and the financing of football.

## 2. Comparisons with other environments

- 2.1 It is hard to find a sporting or other relevant sector that compares directly with football, if only because of the financial scale of the industry in the UK, as well as in Spain, Italy, Germany and France.
- 2.2 In terms of football regulation in other countries, Appendix 1 provides a brief summary of the principal regulatory bodies for primary European jurisdictions and others relevant.
- 2.3 It is fair to say that all the countries listed have regulatory systems that are based on self-regulation. That said, the system in Germany is distinct because of the '[50+1 rule](#)', which prevents commercial investors from owning more than 49% of a club: "clubs – and, by extension, the fans – hold a majority of their own voting rights"; "In essence, this means that private investors cannot take over clubs and potentially push through measures that prioritise profit over the wishes of supporters. The ruling simultaneously protects against reckless owners and safeguards the democratic customs of German clubs."<sup>1</sup> Nonetheless, while this safeguard means that individual clubs must have regard to and respect their fan bases, and by extension the Bundesliga collectively must do likewise, this is not the same as having a truly independent regulatory system.
- 2.4 Consequently, one may conclude that a new approach to regulation that places England as a leader internationally could be of benefit in acting as a pathfinder and a catalyst for positive change in other countries too. In saying this, it is important to recognise the scale of the challenge and the vested interests inherent in the current system.

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<sup>1</sup> <https://www.bundesliga.com/en/news/Bundesliga/german-soccer-rules-50-1-fifty-plus-one-explained-466583.jsp>

### 3. Regulation in other sectors

- 3.1 Regulation is scarcely a new phenomenon. A number of independent UK regulators have been established in sectors and industries where it has been recognised that self-regulation is not appropriate or would be inadequate. See Appendix 3.
- 3.2 In our view, self-regulation in English football has not worked. We have experienced too many continuing examples of inadequate and poor practice, to the detriment of the sport, and to the detriment of individual clubs – especially those in the lower divisions – the players and staff, and above all the fan base and local communities. Fans commit to support their clubs on a continuing, long-term basis. They deserve better.
- 3.3 Our contention is that independent regulation is equally appropriate in football, to address the sort of issues summarised at paragraph 1.4 above. Our argument would be that a regulator should have a purview over the Premier League and the Football League, the Women's Super League and the Women's Championship (while acknowledging that the problems cited above are far greater in the men's game).

### 4. The approach

- 4.1 Taking account of recommended best practice from relevant bodies such as the OECD and the Financial Conduct Authority (see Appendix 2), we set out below a number of principles we believe would be required for independent regulation to operate effectively.
- (a) Independence – avoidance of conflict of interest; no pecuniary interests permissible on the part of members of the regulatory authority (such as substantial shareholdings in the clubs subject to regulation, or other interests that stand to gain or lose significant sums from or via decisions of the regulatory authority);
  - (b) Best practice in accepted standards of governance – both in the regulatory authority's own operations and the standards of governance that it requires on the part of the regulated entities – in line with the [UK Corporate Governance Code](#) and/or other sources of governance best practice from the [Financial Reporting Council](#) and [National Audit Office](#);
  - (c) Accountability and transparency – for instance, all minutes of decisions to be published on the regulatory authority's website;
  - (d) Professionalism and expertise – with members of the regulatory authority who understand and can ensure that the body addresses market distortion;
  - (e) Representativeness – ensuring that the voice of the consumer is heard at the highest level, whilst at the same time enabling the regulated entities equally to be heard;
  - (f) Diversity and inclusion – recognising that football is a sport whose appeal, both in terms of participation and support, is to all sections of the community, and that

- continuing to restrict the real power to a narrow and unrepresentative elite flies in the face of a broad and inclusive approach;
- (g) Capability to act promptly – and with access to effective powers of sanction and intervention, and statutory force behind those powers;
  - (h) Rigour in complaints-handling – with a process that ensures complaints are investigated independently, and whose results are published on the authority’s website;
  - (i) Authority and funding – sufficient to provide for the appointment of an Executive Team and support staff, and specialist advisors (e.g. legal advisors) to take forward the work of the regulatory authority; with funding being appropriately drawn from the regulated entities;
  - (j) Delegated authority – coherent and appropriate delegation of authority from the Board of the regulatory authority to its Executive.

## 5. Responsibilities of the regulatory authority

- 5.1 We propose that the regulator’s purview should encompass all first-class football in England, to include oversight of the Football Association, the Premier League, the Football League, the Women’s Super League, the Women’s Championship, and the principal domestic cup competitions.
- 5.2 The regulator should adopt a set of standards governing the behaviour and operations of the entities listed above and the clubs affected. These standards should address such areas as:
- Governance;
  - Club ownership;
  - Financial viability;
  - Decision making, risk management and control;
  - Probity in business dealings;
  - The distribution of centrally obtained funding (e.g. broadcast income) across the various levels of the game;
  - Transfer fees and the role of players’ agents;
  - Engagement with fans;
  - Support for grassroots football;
  - Involvement in communities;
  - Openness and transparency;

- Health and safety;
- Complaints-handling.

- 5.3 In our experience, these standards are likely to work best by following the principle of ‘comply or explain’. In other words, the standards will be mandatory and will set out principles to be followed by the regulated entities, rather than spelling out in detail how the organisations concerned should operate. It will be for the regulated organisations to demonstrate to the regulator and to their stakeholders how they comply with these. Where they do not comply with the standards, it will be for them to explain why not and how the general principles set out in the standards are being appropriately delivered through alternative means.
- 5.4 The regulator should have the power to issue codes of conduct to accompany the regulatory standards. These could be advisory only. There is likely to be a greater need for such codes to be issued in the early years of the new regulatory framework, to assist the regulated bodies in understanding and coming to terms with the new environment and regime.
- 5.5 The regulator will require appropriate powers to sanction regulated entities that do not meet the standards set. These powers and the potential sanctions must be substantive and sufficient to deter potential transgressors. Any use of such powers will need to be accompanied by a public explanation of the rationale for taking action.
- 5.6 There should be a right for regulated bodies to appeal against decisions of the regulatory authority that they do not regard as reasonable and proportionate. The appeals process must be independent and operate transparently.
- 5.7 Given that the regulated bodies are commercial entities, it will be necessary for the regulator to have regard to the need for commercial confidentiality in its dealings with those bodies, and in publishing its rationale for taking particular actions.

## **6. Membership of the regulatory authority and how it should operate**

- 6.1 The regulatory authority’s strategy, direction and policy should be determined by a Board that is supported by an Executive. The Executive would operate under delegated authority from the Board within specified bounds; it would be responsible for delivering the Board’s strategy; and it would advise the Board on all relevant matters. Similarly the Board will be responsible for monitoring and reviewing the delivery of the strategy that it sets.
- 6.2 To help ensure its overall effectiveness, it is critical that the Board should have an understanding of the sport and how it operates. This means in part drawing its membership from relevant interests, not on a representative basis – members of the Board would be

expected to operate first and foremost in the interests of the regulator, and not as delegates from particular interest groups.

- 6.3 We propose that the membership of the Board of the regulatory authority comprises nine members, drawn on the following basis:
- (a) Two members elected by the clubs;
  - (b) Two members elected by formally constituted supporters associations;
  - (c) Two members elected by formally constituted players representative bodies (we propose one for men's football and one from women's football);
  - (d) Three independent members appointed by Parliament.
- 6.4 All parties concerned should be mindful of the need to ensure diversity of views and background (e.g. gender, ethnic origin) among the membership of the Board.
- 6.5 The Chair of the Board should be one of the independent members (see 6.3 (d)).
- 6.6 In line with best practice elsewhere, and taking account of the importance of accessing new ideas, as well as ensuring representativeness, we believe that terms of office on the Board should be time-limited. We suggest that Board members are appointed on a three-yearly basis, with no member being allowed to serve for more than two terms. There should be a minimum of three years before a previous member can again be considered for the Board.
- 6.7 Eligibility for membership of the Board should be based on the following principles:
- No members to be current directors or substantial shareholders in, or employees of, clubs in the Premiership or Football League, Women's Super League or Women's Championship;
  - An assessment of the skills required for effective participation in the Board, including an understanding of the principles of good governance.
- 6.8 The Executive should consist of suitably qualified people, appointed by the Board following open competitive recruitment against published selection criteria. The Executive will have a secretariat that manages the authority's day-to-day governance arrangements.
- 6.9 As with other bodies of this kind, the Board would be expected to seek independent input regarding its effectiveness every three years.
- 6.10 The regulatory authority should be sufficiently funded to enable it to carry out its responsibilities effectively, having regard to the nature and scale of the entities that it is responsible for regulating. Its funding should come through a mix of budget from the Treasury and membership subscriptions set annually and levied on the entities that it regulates.

- 6.11 The authority should report annually to Parliament, and on a continuing basis to the Department for Digital, Culture, Media and Sport. The relationship with DDCMS would be detailed in a Framework Document.
- 6.12 It will be appropriate for the regulatory authority to liaise and share information with other regulators, government departments and agencies that also have a role in relation to the regulated entities. Examples would include the Financial Conduct Authority, and H.M. Revenue and Customs.
- 6.13 The regulatory authority should adopt a set of service standards for its own operations, setting out how it engages with those it regulates and other stakeholders.

## APPENDIX 1 SUMMARY OF PRINCIPAL FOOTBALL REGULATORY REGIMES IN RELEVANT EUROPEAN JURISDICTIONS

<i>Country or jurisdiction</i>	<i>Body with regulatory authority</i>	<i>Brief summary of regulatory role</i>	<i>Weblinks</i>
<b>England</b>	Football Association (The FA)	<p>The Football Association (The FA) is the national governing body for football in England and is responsible for sanctioning competition Rule Books, including the Premier League's, and regulating on-field matters. It also organises The FA Cup competition.</p> <p>The FA is also a special shareholder of the Premier League. It has the ability to exercise a vote on certain specific issues, but has no role in the day-to-day running of the Premier League.</p> <p><b>The Premier League</b></p> <p>The Premier League is the organising body of the Premier League with responsibility for the competition, its Rule Book and the centralised broadcast and other commercial rights.</p> <p>The Premier League is a private company wholly owned by its 20 Member Clubs who make up the League at any one time.</p> <p>Each individual club is independent, working within the rules of football, as defined by the Premier League, The FA, UEFA and FIFA, as well as being subject to English and European law. Each of the 20 clubs is a Shareholder in the Premier League.</p> <p>Clubs are able to propose new rules or amendments at the Shareholder meeting. Each Member Club is entitled to one vote and all rule changes and major commercial contracts require the support of at least a two-thirds vote, or 14 clubs, to be agreed.</p>	<p><a href="https://www.premierleague.com/about/football-partners">https://www.premierleague.com/about/football-partners</a></p> <p><a href="https://www.premierleague.com/about">https://www.premierleague.com/about</a></p>

<b>Country or jurisdiction</b>	<b>Body with regulatory authority</b>	<b>Brief summary of regulatory role</b>	<b>Weblinks</b>
<b>Scotland</b>	Scottish Football Association (SFA)	<p>The Scottish FA is the governing body for football in Scotland. It is a members' organisation, made up of 89 clubs and nine affiliated regional associations. There are six affiliated national associations and five recognised leagues.</p> <p>The Scottish FA is a member of UEFA and FIFA and holds a position on the International Football Association Board (IFAB), the body that determines the Laws of the Game .</p>	<p><a href="https://www.scottishfa.co.uk/scottish-fa/organisation/strategy-structure/who-we-are/#:~:text=The%20Scottish%20FA%20is%20the,associations%20and%20five%20recognised%20leagues.">https://www.scottishfa.co.uk/scottish-fa/organisation/strategy-structure/who-we-are/#:~:text=The%20Scottish%20FA%20is%20the,associations%20and%20five%20recognised%20leagues.</a></p>
<b>Spain</b>	Royal Spanish Football Federation (RFEF)	<p>The Royal Spanish Football Federation (Spanish: Real Federación Española de Fútbol, RFEF) is the governing body of football in Spain. It organizes the Campeonato Nacional de Liga: the Primera División, the Segunda División and the Segunda División B. It also administers the Tercera División with the assistance of the regional football federations. In addition, it is responsible for appointing the management of the Spanish national football team (men's), women's and youth national football teams. The Spain national futsal team also belongs to the federation.</p> <p><b>La Liga</b></p> <p>La Liga is a private sports association composed of the 20 clubs and SADs (public limited sports companies) in LaLiga Santander and the 22 in LaLiga SmartBank, responsible for the organisation of these national professional football competitions. It is the men's top division for the Spanish football league system.</p>	<p><a href="https://sponsorpitch.com/properties/royal-spanish-football-federation-rfef">https://sponsorpitch.com/properties/royal-spanish-football-federation-rfef</a></p> <p><a href="https://www.laliga.com/en-GB/pressroom/what-is-laliga">https://www.laliga.com/en-GB/pressroom/what-is-laliga</a></p>
<b>Italy</b>	Italian Football Federation (FIGC)	<p>The FIGC is the governing body that promotes and governs football in Italy. Its scope includes:</p>	<p><a href="https://www.figc.it/en/figc/mission-and-">https://www.figc.it/en/figc/mission-and-</a></p>

<b>Country or jurisdiction</b>	<b>Body with regulatory authority</b>	<b>Brief summary of regulatory role</b>	<b>Weblinks</b>
		<ul style="list-style-type: none"> <li>• Promoting and regulating football and its related aspects, combining the professional and amateur game through a central structure;</li> <li>• Pushing for the exclusion of all forms of social discrimination, racism, xenophobia and violence from football.</li> </ul> <p>The FIGC consists of different professional (Lega Serie A, Lega Serie B and Lega Pro) and amateur leagues (Lega Nazionale Dilettanti), as well as the Italian Referees' Association, Technical Components (Associazione Italiana Calciatori and Associazione Italiana Allenatori Calcio), the Youth Sector and the Youth and Scholastic Sector. Its principal functions are as follows:</p> <ul style="list-style-type: none"> <li>• Maintains international football relations, also with the aim of harmonising relevant sporting calendars;</li> <li>• Sporting discipline in addition to technical and organisational management as pertaining to the various Italian National Teams;</li> <li>• Regulatory and assurance functions;</li> <li>• Promotes the National Technical School in addition to youth academies;</li> <li>• Supports medical care and suppresses the use of illicit substances;</li> <li>• Regulates the affiliation of clubs and associations with the FIGC in addition to membership of people;</li> <li>• Determines the rules and regulations as they pertain to Italy's football divisions;</li> <li>• Determines the requirements and criteria when it comes to promotion, relegation and registering to play in Italy's football divisions. This is done through putting in place</li> </ul>	<p><a href="#">governance/identity-and-mission-statement/</a></p> <p><a href="https://www.figc.it/en/figc/mission-and-governance/functions/">https://www.figc.it/en/figc/mission-and-governance/functions/</a></p>

<b>Country or jurisdiction</b>	<b>Body with regulatory authority</b>	<b>Brief summary of regulatory role</b>	<b>Weblinks</b>
		<p>control systems for organisational, functional, economic management and financial equilibrium requirements as they pertain to Italian clubs;</p> <ul style="list-style-type: none"> <li>• Enacts regulations regarding the registration of athletes that are ineligible to play for Italy's National Teams;</li> <li>• Determines the criteria for the distribution of resources allocated to the FIGC and defends the principle of financial solidarity between professional and amateur football;</li> <li>• Issues guiding principles for regulations as they pertain to Italy's football divisions and the Associazione Italiana Arbitri (AIA) (Italian Referee Association);</li> <li>• All other functions provided for by law, the federal Statute as well as the provisions of national and international sports law, plus any other function of general interest to the FIGC.</li> </ul>	
<b>Germany</b>	German Football Association (DFB)	<p>The German Football Association is the governing body of football in Germany. As a founding member of both FIFA and UEFA, the DFB has jurisdiction on the German football league system and is in charge of the national teams.</p> <p>Since the General Assembly of the 36 clubs of the Bundesliga and Bundesliga 2 in 2016, German professional football has operated under the name DFL Deutsche Fußball Liga e.V. Like the state associations of the DFB, this is a full member of the DFB with voting rights. It appoints four members with voting rights to the DFB Executive Committee. The operational business is managed by the DFL Deutsche Fußball Liga GmbH.</p>	<p><a href="https://essma.eu/members/leagues-and-federations/deutscher-fussball-bund">https://essma.eu/members/leagues-and-federations/deutscher-fussball-bund</a></p>

<b>Country or jurisdiction</b>	<b>Body with regulatory authority</b>	<b>Brief summary of regulatory role</b>	<b>Weblinks</b>
		<p><b>Bundesliga</b></p> <p>Bundesliga is the top level of the German football league system. Today, it is comprised of 18 teams. The composition of teams changes every season through a process of relegation with the second division of German football.</p> <p>“Despite the independence of German profession football, the DFB remains an important and close partner of DFL Deutsche Fußball Liga e.V. The Rules and Governance Agreement that was extended until 2023 in Autumn 2016 regulates rights and responsibilities between the DFL and DFB. Besides jurisdiction over the sport, the DFB is also responsible for areas including refereeing as well as education and training for coaches.”</p>	<p><a href="https://www.footballhistory.org/league/bundesliga.html">https://www.footballhistory.org/league/bundesliga.html</a></p> <p><a href="https://www.statista.com/topics/1774/bundesliga/#:~:text=The%20Bundesliga%20is%20the%20highest,Bundesliga.">https://www.statista.com/topics/1774/bundesliga/#:~:text=The%20Bundesliga%20is%20the%20highest,Bundesliga.</a></p> <p><a href="https://www.dfl.de/en/about/dfl-deutsche-fussball-liga-ev/structure-of-dfl-deutsche-fussball-liga-ev/">https://www.dfl.de/en/about/dfl-deutsche-fussball-liga-ev/structure-of-dfl-deutsche-fussball-liga-ev/</a></p>
<b>France</b>	French Football Federation (FFF)	<p>The French Football Federation (FFF) is the governing body for football in France. FFF organizes, supervises and regulates the practice of amateur and high-level football, their financing and the training of players and coaches throughout the territory.</p> <p>The FFF brings together clubs whose mission is to teach and practice football. Under the Association of Law 1901, the Federation is recognised as a public utility. It is characterised by its educational, civic and solidarity commitments. Its principal roles are as follows:</p> <ul style="list-style-type: none"> <li>• Promote the practice, ensure a welcome for practitioners in the best conditions;</li> <li>• Set and guarantee the technical rules of the game.</li> <li>• Issue titles, licenses and diplomas;</li> <li>• To defend the moral and material interests of French football;</li> <li>• To maintain all appropriate relations with foreign associations affiliated with FIFA, as well as their sporting organizations and national governments.</li> </ul>	<p><a href="https://www.fff.fr/75-qui-sommes-nous-.html">https://www.fff.fr/75-qui-sommes-nous-.html</a></p>

<b>Country or jurisdiction</b>	<b>Body with regulatory authority</b>	<b>Brief summary of regulatory role</b>	<b>Weblinks</b>
		<p><b>LFP (Ligue de Football Professionnel)</b></p> <p>LFP is a French governing body that runs the major professional football leagues in France. It was founded in 1944 and serves under the authority of the French football Federation. The league is responsible for overseeing, organising, and managing the top two leagues in France. It organises, manages and regulates professional French football. It finances operations which may develop resources for professional football in France. It also defends the moral / material interests of football in France.</p>	<p><a href="https://essma.eu/members/leagues-and-federations/ligue-de-football-professionnel">https://essma.eu/members/leagues-and-federations/ligue-de-football-professionnel</a></p>
<b>Netherlands</b>	<p>Royal Dutch Football Association (KvNB)</p>	<p>The Royal Dutch Football Association, (Dutch: Koninklijke Nederlandse Voetbalbond, (KNVB)) is the governing body of football in the Netherlands. It organises the main Dutch football leagues (Eredivisie and Eerste Divisie), the amateur leagues, the KNVB Cup, and the Dutch men's and women's national teams. Along with its Belgian counterpart, the KNVB also organises the BeNe League, the top women's league in both countries.</p> <p>KNVB's responsibilities include:</p> <ul style="list-style-type: none"> <li>• Competitive balance; this can be achieved with solidarity, integrity and protection of youth development. KvNB protects the interests of Dutch football across borders and also cooperates with other associations and stakeholders;</li> <li>• Development and innovation; this includes being committed to developing women's and youth football as well as improving the standards of governance in football/enhancing its technical abilities;</li> <li>• Events; focusing on preparing bids to host major international events in the Netherlands;</li> <li>• World Coaches; a programme based on the KNVB's coaching and training experiences. It involves training football coaches in their own community so that they can act as</li> </ul>	<p><a href="https://football.fandom.com/wiki/Royal_Dutch_Football_Association#:~:text=The%20Royal%20Dutch%20Football%20Association,s%20and%20women's%20national%20teams.">https://football.fandom.com/wiki/Royal_Dutch_Football_Association#:~:text=The%20Royal%20Dutch%20Football%20Association,s%20and%20women's%20national%20teams.</a></p> <p><a href="https://www.knvb.com/info/1002/knvbs-mission">https://www.knvb.com/info/1002/knvbs-mission</a></p>

<b>Country or jurisdiction</b>	<b>Body with regulatory authority</b>	<b>Brief summary of regulatory role</b>	<b>Weblinks</b>
		<p>local trainers as well as role models in their immediate social environment as well as inspiring and coaching children in their athletic environment;</p> <ul style="list-style-type: none"> <li>• New rules of play.</li> </ul> <p>KVNB is recognised as a key driver of innovation, having taken part in extensive lobbying for VAR (video assistance referee), which was successfully introduced during the 2018 FIFA World Cup.</p>	
<b>Portugal</b>	Portuguese Football Federation (FPF)	<p>FPF is the governing body of football in Portugal. The fundamental mission of FPF is to increase the number of football players, to get more boys and girls to play football and to create a positive environment for sport.</p> <p>FPF is a non-profit-making private law organisation with established public benefit legal status. It comprises 22 district and regional associations, one club league, associations of sports agents, clubs or sports societies, players, coaches and referees, registered or affiliated in compliance with its Statutes. Its main purposes are the representation of Portuguese football at national and international level; the competitions of the National Teams; the organisation of The Portugal Football School (PFS), is part of the research and development unit of PPF and its main activities are research in Football, Futsal and Beach Soccer, as well as the education and training of the stakeholders with responsibility in the development and promotion of Football. local, district and national competitions and guarantee the development of football in Portugal, in accordance with sports spirit and educational, cultural and humanitarian values, through training programmes for the various sports agents.</p> <p>FPF ensures the management of 22 National Teams, in football, futsal and beach soccer, and organises 32 annual competitions. It organises the Campeonato Nacional de Seniores,</p>	<p><a href="https://www.fpf.pt/Portals/0/Brochura%20PFS_05_1.pdf">https://www.fpf.pt/Portals/0/Brochura%20PFS_05_1.pdf</a></p> <p><a href="https://football.fandom.com/wiki/Portuguese_Football_Federation">https://football.fandom.com/wiki/Portuguese_Football_Federation</a></p> <p><a href="https://www.efdn.org/blog/league/fpf/#:~:text=The%20fundamental%20mission%20of%20FPF,a%20positive%20environment%20for%20sport.">https://www.efdn.org/blog/league/fpf/#:~:text=The%20fundamental%20mission%20of%20FPF,a%20positive%20environment%20for%20sport.</a></p>

<b>Country or jurisdiction</b>	<b>Body with regulatory authority</b>	<b>Brief summary of regulatory role</b>	<b>Weblinks</b>
		the Taça de Portugal, the Supertaça Cândido de Oliveira, youth levels, women's football, beach soccer, futsal, and also the <u>men's</u> and the women's national football teams.	
<b>Europe</b>	UEFA (Union of European Football Associations)	<p>UEFA is a competition organiser and is responsible for the organisation and regulation of cross-border football in Europe. It also organises the European Championships for national associations every four years. As the governing body for European football, it is also the umbrella organisation for fifty-five national associations.</p> <p>UEFA's objectives are as follows:</p> <ul style="list-style-type: none"> <li>• Deal with all questions relating to European football;</li> <li>• Promote football in the spirit of unity, solidarity, peace, understanding and fair play, without any discrimination in regard to politics, race, gender, religion or any other reason;</li> <li>• To safeguard the values of European football;</li> <li>• Promote and protect ethical standards and good governance in European football;</li> <li>• Maintain relations with all stakeholders involved in European football;</li> <li>• Support and safeguard its member associations for overall well-being of the European game.</li> </ul> <p>UEFA is primarily known for its European club competitions, the UEFA Champions League and UEFA Europa League-</p> <p>The representative structures for UEFA are mainly association-based.</p> <p>UEFA follows regulations which govern the rights, duties and responsibilities of all parties participating and involved in the preparation and organisation of the 2020/21 UEFA</p>	<p><a href="https://www.uefa.com/uefa/euro-2020/">https://www.uefa.com/uefa/euro-2020/</a></p> <p><a href="https://www.uefa.com/insideuefa/about-uefa/what-uefa-does/">https://www.uefa.com/insideuefa/about-uefa/what-uefa-does/</a></p>

<b>Country or jurisdiction</b>	<b>Body with regulatory authority</b>	<b>Brief summary of regulatory role</b>	<b>Weblinks</b>
		<p>Champions League including its qualifying phase and play-offs (hereinafter the competition). This includes but is not limited to entries to the competition, duties and responsibilities of the clubs and associations, anti-doping, competition system, match scheduling and organisation and more.</p>	<p><a href="https://documents.uefa.com/r/Regulations-of-the-UEFA-Champions-League-2020/21-Online">https://documents.uefa.com/r/Regulations-of-the-UEFA-Champions-League-2020/21-Online</a></p>
<b>International</b>	<p>FIFA (Federation of International Football Associations)</p>	<p>FIFA is football's world governing body and is primarily known for organising the FIFA World Cup every four years. However, its biggest responsibility is for the regulation, promotion and development of football at international level. All football played at any official level must abide by the Laws of the Game, as set by FIFA.</p> <p>FIFA's rules and regulations are decided by the <a href="#">International Football Association Board</a> (IFAB) and reviewed on an annual basis.</p> <p>The IFAB consists of four representatives of FIFA and one each from the national associations of England, Scotland, Wales and Northern Ireland.</p> <p>FIFA has three judicial bodies which give members the knowledge, abilities and specialist experience that is necessary for them to complete their tasks. This includes Pursuant to article 52 of the FIFA Statutes, the Disciplinary, Appeal and Ethics Committees</p> <p>The chairperson, deputy chairperson and members of these committees need to fulfil the independence criteria as defined by the FIFA Governance Regulations. They are elected by the FIFA Congress for terms lasting four years, and for a maximum of three terms.</p> <p>FIFA supports 211 affiliated associations financially and logistically through various programmes. As representatives of FIFA in their countries, they have obligations to respect the statutes, aims and ideals of football's governing body and promote and manage our sport accordingly.</p>	<p><a href="https://www.fifa.com/">https://www.fifa.com/</a></p> <p><a href="https://sites.duke.edu/wcwp/tournament-guides/world-cup-2014/fifa-institutional-politics/the-structure-and-policies-of-fifa/#:~:text=The%20final%20main%20structural%20body,code%20and%20Code%20of%20Ethics.">https://sites.duke.edu/wcwp/tournament-guides/world-cup-2014/fifa-institutional-politics/the-structure-and-policies-of-fifa/#:~:text=The%20final%20main%20structural%20body,code%20and%20Code%20of%20Ethics.</a></p> <p><a href="https://resources.fifa.com/image/upload/rules-governing-the-procedures-of-the-players-status-committee-and-the-dis-x8139.pdf?cloudid=eaa51hgxffjqmigrprza">https://resources.fifa.com/image/upload/rules-governing-the-procedures-of-the-players-status-committee-and-the-dis-x8139.pdf?cloudid=eaa51hgxffjqmigrprza</a></p>

<b>Country or jurisdiction</b>	<b>Body with regulatory authority</b>	<b>Brief summary of regulatory role</b>	<b>Weblinks</b>
		<p>These associations make up the varying Confederations. The AFC in Asia, CAF in Africa, the Football Confederation (CONCACAF) in North and Central America and the Caribbean, CONMEBOL in South America, UEFA in Europe and the OFC in Oceania all provide support to FIFA without encroaching on the rights of the national associations.</p> <p>FIFA Compliance’s objective is to help safeguard football. They are there to support their team members and member associations everywhere in the world by listening to their concerns, advising on compliance issues and providing the tools that can help them respond to their challenges.</p>	

## APPENDIX 2 PRINCIPLES OF EFFECTIVE REGULATION

### A. Financial Conduct Authority (FCA)

<https://www.fca.org.uk/about/principles-good-regulation>

#### The principles of good regulation

<b>1. Efficiency and economy</b>	We are committed to using our resources in the most efficient and economical way. As part of this the Treasury can commission value-for-money reviews of our operations.
<b>2. Proportionality</b>	We must ensure that any burden or restriction that we impose on a person, firm or activity is proportionate to the benefits we expect as a result. To judge this, we take into account the costs to firms and consumers.
<b>3. Sustainable growth</b>	We must ensure there is a desire for sustainable growth in the economy of the UK in the medium or long term.
<b>4. Consumer responsibility</b>	Consumers should take responsibility for their decisions.
<b>5. Senior management responsibility</b>	A firm's senior management is responsible for the firm's activities and for ensuring that its business complies with regulatory requirements. This secures an adequate but proportionate level of regulatory intervention by holding senior management responsible for the risk management and controls within firms. Firms must make it clear who has what responsibility and ensure that its business can be adequately monitored and controlled.
<b>6. Recognising the differences in the businesses carried on by different regulated persons</b>	Where appropriate, we exercise our functions in a way that recognises differences in the nature of, and objectives of, businesses carried on by different persons subject to requirements imposed by or under FSMA.
<b>7. Openness and disclosure</b>	We should publish relevant market information about regulated persons or require them to publish it (with appropriate safeguards). This reinforces market discipline and improves consumers' knowledge about their financial matters.
<b>8. Transparency</b>	We should exercise our functions as transparently as possible. It is important that we provide appropriate information on our regulatory decisions, and that we are open and accessible to the regulated community and the general public.

**The principles for businesses**

<b>1. Integrity</b>	A firm must conduct its business with integrity.
<b>2. Skill, care and diligence</b>	A firm must conduct its business with due skill, care and diligence.
<b>3. Management and control</b>	A firm must take reasonable care to organise and control its affairs responsibly and effectively, with adequate risk management systems.
<b>4. Financial prudence</b>	A firm must maintain adequate financial resources.
<b>5. Market conduct</b>	A firm must observe proper standards of market conduct.
<b>6. Customers' interests</b>	A firm must pay due regard to the interests of its customers and treat them fairly.
<b>7. Communications with clients</b>	A firm must pay due regard to the information needs of its clients, and communicate information to them in a way which is clear, fair and not misleading.
<b>8. Conflicts of interest</b>	A firm must manage conflicts of interest fairly, both between itself and its customers and between a customer and another client.
<b>9. Customers: relationships of trust</b>	A firm must take reasonable care to ensure the suitability of its advice and discretionary decisions for any customer who is entitled to rely upon its judgment.
<b>10. Clients' assets</b>	A firm must arrange adequate protection for clients' assets when it is responsible for them.
<b>11. Relations with regulators</b>	A firm must deal with its regulators in an open and cooperative way, and must disclose to the appropriate regulator appropriately anything relating to the firm of which that regulator would reasonably expect notice.

**B. Parliamentary Select Committee on Constitution Sixth Report (2003/04) - Extracts**

[House of Lords - Constitution - Sixth Report \(parliament.uk\)](#)

**CHAPTER 8: Improving the framework of regulation**

139. Institutional separation of roles and responsibilities in the regulatory state is therefore seen as important to the achievements of effective accountability, and hence effective regulation. Regulatory governance and accountability run hand-in-hand, such that: "the OECD's work on governance includes a substantial emphasis on regulatory policies as a fundamental part of the work necessary in pursuit of the goals of:
- transparency
  - accountability
  - legitimacy
  - efficiency
  - policy coherence"

**TABLE 4 OECD regulatory checklist**

- |  |
|--|
| <ul style="list-style-type: none"><li>▪ Is the problem correctly defined?</li><li>▪ Is Government action justified?</li><li>▪ Is regulation the best form of Government action?</li><li>▪ Is there a legal basis for regulation?</li><li>▪ What is the appropriate level (or levels) of Government to take action?</li><li>▪ Do the benefits of regulation justify the costs?</li><li>▪ Is the distribution of effects across society transparent?</li><li>▪ Is the regulation clear, consistent, comprehensible and accessible to users?</li><li>▪ Have all interested parties had the opportunity to present their views?</li><li>▪ How will compliance be achieved?</li></ul> |
|--|

**142. We recommend that the OECD regulatory checklist be utilised as standard for legislation, regulatory decision-making and in establishing any new regulator.**

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## APPENDIX 3      PRINCIPAL UK REGULATORS

### Charities

- Charity Commission for England and Wales
- Charity Commission for Northern Ireland
- Fundraising Regulator
- Office of the Scottish Charity Regulator

### Education

- The General Teaching Councils for Scotland, Wales and Northern Ireland
- Ofqual – Office of Qualifications and Examinations Regulation
- Ofsted – Office for Standards in Education, Children's Services and Skills
- Office for Students (OfS)

### Environment

- Environment Agency (EA)
- Marine Management Organisation (MMO)
- Natural Resources Wales (NRW)
- Northern Ireland Environment Agency (NIEA)
- Scottish Environment Protection Agency (SEPA)

### Finance and business

- Competition and Markets Authority
- Financial Conduct Authority (FCA)
- Financial Reporting Council
- Gangmasters and Labour Abuse Authority
- HM Revenue and Customs
- Institute of Chartered Accountants in England and Wales
- Office of the Regulator of Community Interest Companies (ORCIC)
- Payment Systems Regulator (PSR)
- Pensions Regulator
- Prudential Regulation Authority (PRA)
- The Office for Professional Body Anti-Money Laundering Supervision (OPBAS)

### Health

- Care Quality Commission (CQC)
- Complementary and Natural Healthcare Council (CNHC)
- General Chiropractic Council (GCC)
- General Dental Council (GDC)
- General Medical Council (GMC)
- General Optical Council (GOC)

- 
- General Osteopathic Council (GOsC)
  - General Pharmaceutical Council (GPhC)
  - Health and Care Professions Council (HCPC) – 15 professions with designated titles
  - Health and Safety Executive
  - Healthcare Inspectorate Wales (HIW)
  - Healthcare Safety Investigation Branch (HSIB)
  - Human Fertilisation and Embryology Authority
  - Medicines and Healthcare products Regulatory Agency (MHRA)
  - NHS Improvement (NHSI)
  - Nursing and Midwifery Council (NMC)
  - Pharmaceutical Society of Northern Ireland (PSNI)
  - Professional Standards Authority for Health and Social Care

### **Housing**

- Regulator of Social Housing
- Scottish Housing Regulator

### **Law and criminal justice**

- Authorised Conveyancing Practitioners Board
- Bar Standards Board
- CILEx Regulation
- Costs Lawyer Standards Board<sup>[2]</sup>
- Council for Licensed Conveyancers
- Faculty of Advocates
- Independent Police Complaints Commission
- Law Society of Northern Ireland
- Law Society of Scotland
- Master of the Faculties
- Office of the Immigration Services Commissioner
- Solicitors Regulation Authority

### **Media**

- Advertising Standards Authority
- British Board of Film Classification
- IMPRESS
- Independent Press Standards Organisation

### **Social care**

- Scottish Care Inspectorate
- Care Council for Wales (CCW)
- Social Work England<sup>[3]</sup>
- Northern Ireland Social Care Council (NISCC)

- Scottish Social Services Council (SSSC)

**Transport**

- Civil Aviation Authority (CAA)
- Office of Rail and Road (ORR)

**Utilities**

- Ofcom – independent regulator and competition authority for the UK communications industries
- Office for Nuclear Regulation (ONR)
- Ofgem – the Office of the Gas and Electricity Markets
- Ofwat – the Water Services Regulation Authority
- Oil and Gas Authority
- The Utility Regulator – regulating electricity, gas, water and sewerage industries in Northern Ireland
- Water Industry Commissioner for Scotland

**Others**

- Chartered Institute for the Management of Sport and Physical Activity
- Council for Registered Gas Installers
- Direct Marketing Authority
- Engineering Council – the regulatory body for the engineering profession
- Equality and Human Rights Commission
- Food Standards Agency
- Forensic Science Regulator
- Gambling Commission
- Gaming Board for Great Britain
- Information Commissioner's Office
- Planning Inspectorate
- Security Industry Authority
- Sport England

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## APPENDIX 4 FURTHER READING

### English football needs a new regulator to tackle wealth gap, says Mervyn King

#### Former BoE governor calls for reforms to prevent bankruptcies and distribute Premier League income

Financial Times

FEBRUARY 14 2021

English football needs a powerful new regulator to redistribute Premier League wealth and better enforce rules on club ownership and spending on players, according to Lord Mervyn King, the former governor of the Bank of England.

King, a former director at top-flight club Aston Villa, is seeking a radical new settlement within a sport buffeted by financial crises over recent years. Mismanagement has pushed a number of lower league clubs, such as Bury and Wigan Athletic, into administration in recent years, even before coronavirus restrictions led to widespread losses across the industry.

King called for an independent regulator charged with distributing money to struggling lower league sides through a levy on the £9bn in broadcast income earned by teams in the Premier League, the top tier of English football.

But he added that such a body would need powers to avoid the “moral hazard” of lower league clubs being bailed out by unearned cash. This includes stronger enforcement of the “owners and directors’ test” — the vetting process for individuals and groups seeking to acquire clubs — and “financial fair play” rules to stop teams overspending on players.

“It cannot be a question of people thinking . . . let’s get some of this money from the wealthy clubs and just give it to the poorer ones,” he told the Financial Times. “That is not going to ensure financial viability. It’s got to be a framework which recognises that the salary levels, revenues and expenditures of the lower divisions are bound to be significantly lower than the Premier League.”

Such measures would strip powers from the Football Association, the sport’s national governing body — which the former BoE governor said had “totally failed to reform itself” — as well as the English Football League, the body that runs the professional tiers below the Premier League.

King is part of a group of influential figures — including footballer-turned-pundit Gary Neville, Manchester mayor Andy Burnham, and former FA chairman David Bernstein — backing a “Manifesto for Change” that envisages the most dramatic governance changes to the sport since the creation of the Premier League in 1992.

Another member of the lobby group, the MP Helen Grant, a former sports minister, last month introduced a bill to create an independent regulator in football.

“Many parliamentarians are very conscious of the damage that would be done to the fabric of communities if lots of football clubs were to disappear,” said King. “We see increasing support for the idea that there needs to be an external intervention in order to ensure that the different bodies within football are forced to work together in a way that hasn’t happened so far.”

The Premier League pointed to comments by its chief executive Richard Masters last month, who rejected calls for a new regulator. He said the sport’s governing bodies had undertaken a strategic review and that football could “look after itself.”

The EFL said it was engaging in the strategic review “which we hope will consider measures to address the disparity across the game”. The FA said it had undergone its own corporate governance reforms, adding that it played a “vital role . . . in regulating English football, and our league structure and ecosystem is the envy of the world”.

But the demand comes amid a fierce debate over how best to tackle the financial crisis afflicting the sport. Premier League clubs last year rejected controversial proposals — dubbed “Project Big Picture” — which suggested transferring 25 per cent of its television rights to the lower divisions. In exchange, the biggest clubs, such as Liverpool and Manchester United, wanted more power over the running of the top tier.

Discussions over alternative reforms have intensified as lockdowns have left clubs bereft of match day revenues. Each month without fans equates to £100m in lost ticket sales across English football.

After the UK government refused to include professional men’s football in a £300m bailout of the English sports sector, football’s ruling bodies agreed a £250m rescue package in December made up of grants and loans to assist lower division clubs at threat of going bust.

King said action was still needed to tackle longer-term problems, such as the need for stronger due diligence on team takeovers and giving supporters more say on the running of clubs.

“It’s a question of how can we reorganise the finances of the game to ensure its sustainability as a football fan,” he said. “I do not want to go through periods again, where I worry that my club is going to go bust in the next seven days.”

*This article has been amended to make it clear that England’s football bodies agreed a £250m financial rescue package. It previously stated that the rescue package had been agreed by the Premier League alone.*

**OTHER RELEVANT MATERIAL**

- H.M. Government, Department for Business Innovation and Skills, 'Regulators' Code', April 2014 – [www.assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/913510/14-705-regulators-code.pdf](http://www.assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/913510/14-705-regulators-code.pdf)
- Daily Telegraph – 'Former sports minister to introduce bill in Parliament for independent football regulator', 25 January 2021 - <https://www.telegraph.co.uk/football/2021/01/25/former-sports-minister-introduce-bill-parliament-independent/>
- FSA (Football Supporters Association) – 'Chester MP calls for tough & independent regulation of football', 25 June 2019 - <https://thefsa.org.uk/news/chester-mp-calls-for-tough-independent-regulation-of-football/>
- FSA – 'BST [Blackpool Supporters Trust] petition for an independent regulator for English football', 14 March 2018 - <https://thefsa.org.uk/news/bst-petition-for-an-independent-regulator-for-english-football/>
- The Independent – 'How modern football became broken beyond repair', Miguel Delaney, 12 February 2020 - [www.independent.co.uk/sport/football/premier-league/champions-league-superclubs-liverpool-man-utd-barcelona-real-madrid-a9330431.html](http://www.independent.co.uk/sport/football/premier-league/champions-league-superclubs-liverpool-man-utd-barcelona-real-madrid-a9330431.html)

## APPENDIX 5 ABOUT CAMPBELL TICKELL

Campbell Tickell is a multidisciplinary management consultancy, established for over 20 years and operating across the UK, Ireland and beyond. Our primary expertise is in working with the statutory and not-for-profit sectors. We have a particular specialism in governance and regulation.

We have been commissioned by more than 900 organisations over that time. These include government departments and agencies; professional, trade and representative bodies; local authorities; housing associations; health and social care providers; sports and leisure organisations; charities; and commercial businesses.

We have worked with regulatory authorities and associated bodies in different sectors, including:

- Charities;
- Health;
- Housing;
- Legal services;
- Sport;
- Utilities.

We have delivered a considerable number of assignments in the sports sector, particularly relating to governance and regulation. The sports in which we have worked include:

- Multi-sports (i.e. cross-sector);
- Football;
- Goalball;
- Mountaineering;
- Netball;
- Snowsports;
- Taekwondo.

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