

## PROFESSIONAL RECONVERSION - STUDY AND PERSPECTIVES ON SPORTS AGENTS

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**Abstract:** *For most people, the world of sports is regarded with great admiration, respect and emotional solidarity. Very few of us wonder what happens to these super humans after they reach the end of their sport career. Any company that hires a former athlete can soon after see the difference that such a person can make in a team of professionals. The aim of the study is therefore to examine the situation of sports agents in the Romania and European Union and to identify, analyse and describe the questions that their activities give rise to as well as the solutions that have already been provided by public and/or private actors, thus enabling the European Commission to assess – on the basis of the data collected, the problems identified and the analyses carried out – whether intervention is required and, if so, at what level and in what form.*

**Keywords:** *professional reconversion, performance, employers, sports agents*

**INTRODUCTION:** The study develops, for the first time, a Romanian outlook on the issue of sports agents. The professional reconversion in sport agents provide from de men and women who made performance in sport. In the same time we want to analyze the situation in a comparative study in the European countries. On the other hand our proposal study need to include the 27 Member States of the European Union and all the sports in which agents are currently active, while taking due account of the predominance of football. In Romania in this moment Adecco Romania and the Romanian Olympic Committee are trying to help these people succumb their professional integration, by initiating the Programme for professional reconversion of athletes. Together the two institutions are working on building employers' awareness and make them realize the advantages of hiring and helping reintegrate a former athlete on the job market. Taking into account the discipline in an athlete's rigorous training, as well as the strong motivation to prove his/her abilities, any former athlete will surely have: team spirit; self-discipline; ability to learn and apply; ambitions to strive for excellence. These are the preliminary condition to trust in the perspective of our longitudinal study. The results of our project will be implemented in a new research and prospective hypothesis for a Trans European professional reconversion.

### I. Overview of the study

In March 2007, the European Parliament invited the European Commission to assist football bodies and organisations in improving the regulations governing sports agents<sup>1</sup>. In July 2007, the European Commission indicated in its White Paper on Sport<sup>2</sup> that it would "carry out an impact assessment to provide a clear overview of the activities of players' agents in the EU and an evaluation of whether action at EU level is

necessary, which will also analyse the different possible options". The European Commission's terms of reference for this study confirm that the European Commission "wants to have an analysis of the situation regarding sports agents in all the sports they deal with".

In this moment we mean the study divided into four parts: professional and reconversion in sports agents in Romania; the regulation of sports agents' activities in Romania and in the European countries; a sociological and methodological study between the Romanian and EU countries who can give us the motivation: Is there a need for a Romanian and European regulatory framework?; recommendations and application in a professional reconversion system.

### II. Sports agents

Sports agents act, first and foremost, as intermediaries between sportspersons and sport clubs/organisers of sport events with a view to employing or hiring an athlete or sportsperson. They bring together the parties interested in concluding an agreement concerning the practice of a sport as a remunerated activity. Finding a job placement for a sportsperson is the central and specific role of sports agents. Sports agents may however engage in a broader range of activities, including the conclusion of different kinds of contracts on behalf of the sportsperson (image rights contracts, sponsoring contracts, advertising contracts, etc.) or managing the assets of the sportsperson. Sports agents have thus become essential partners of sportspersons and clubs/organisers of sport events, acting as a go-between and advisor for either side. The sports agent's profession is inherent to the existing system for the employment and transfer of sportspersons, particularly in the case of team sports. Agents facilitate transactions between sport clubs/organisers of sport events and

sportspersons. They are an integral part of the market: they enter into the equation of commercial success and of investments capable of leading to convincing results in sport.

The activities of sports agents are international, as regards both individual and team sports. This situation is strengthened by the internationalisation of professional sport, which has led to an increasing involvement of intermediaries, including foreign sports agents, in the recruitment of sportspersons.

Looking at the overall picture between EU countries, there are few legal texts designed specifically to regulate the activities of sports agents. Five EU countries (Bulgaria, France, Greece, Hungary and Portugal) and four international federations (FIBA, FIFA, IAAF and IRB) as well as a number of national federations have developed specific regulations for sports agents. We must make the inclusion of our reconversion system in the good way, in fact to make a social inclusion of the performers in a new way: the sport agents. In the same time we need to know the details about the professional reconversion system. The scope of these specific regulations of reconversion varies considerably from one case to another. On the other hand, most European countries have general regulations on private job placements, and these regulations also apply – in theory at least – to the placement of professional sportspersons or remunerated athletes and hence to the activities of sports agents. In most cases, these regulations provide for registration, licensing or authorisation procedures in order to be able to provide private placement services.

### **III. Is there a need for a Romania and European regulatory framework in a professional reconversion context?**

As far as the international and Community dimension of sports agents' activities is concerned, a question arises as to whether or not the regulations applicable to sports agents constitute an obstacle to the exercise of their activities, particularly in their cross-border dimension.

In practice, the recognition of professional qualifications is not a decisive or problematic criterion for exercising the activities of a sports agent.

Certain general trends as well as differences can be discerned in the various regulations and types of regulation that govern the activities of sports agents (specific regulations, regulations on private placements, ordinary law, sport regulations). For example:

- While under certain regulations some form of permit is required to carry out sport placement activities (e.g. a licence, official recognition or simply registration), under other regulations such

activities are not subject to any kind of permit. Furthermore, where a licence is required, exemptions are sometimes provided for.

- The requirements that must be fulfilled to obtain a permit (if needed) also vary considerably, ranging from simple registration to passing a licensing exam.

- The licence or permit is sometimes issued exclusively to natural persons and sometimes to legal persons as well as natural persons.

- The duration of the validity of the licence or permit also varies from one set of regulations to another, ranging from one year to an unlimited period of time.

- While most regulations stipulate that an agent may only act on behalf of one party to a transaction (prohibition against dual agency), they diverge with respect to assigning responsibility for paying the agent's commission.

The activities of sports agents are therefore liable to give rise to ethical issues – or to find themselves at the centre of mechanisms that give rise to such issues. For example:

- Dual-agency or conflict-of-interests situations;

- The payment of secret commissions in connection with transfer deals;

- The economic exploitation of young footballers from third countries;

- Unregulated headhunting/recruitment among training clubs;

- Lack of transparency vis-a-vis the sportsperson during the negotiations between the sports agent and the club or the organiser of a sport event.

## CONCLUSION

Implementing any rules governing the activities of sports agents is a difficult proposition, not least because of the international nature of these activities, the diversity of national sporting and legislative cultures, the multiplicity of rules that may or may not apply, and the existence of different long-standing practices. Moreover, in the context of cross-border employment placement activities, sanctions are difficult or even impossible to monitor and enforce.

As regards the freedom to provide services and freedom of establishment of sports agents in the EU, as well as the freedom of movement of sports agents with employee status, it is apparent that national regulations requiring foreign sports agents to obtain a national licence do not constitute, in practice, an obstacle to the exercise of the professional reconversion in any of the countries concerned. In that way, after this theoretical study we will propose a methodological work plan for improve the best strategy in the future practice application.

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