

EN

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Answer given by Ms Ivanova
on behalf of the European Commission
(20.11.2024)

Freedom of movement of workers is a founding principle of the EU since its inception. In its judgment in Case C-415/93¹, *Bosman*, the European Court of Justice ruled that the transfer system in football, as it was constituted, placed a restriction on the free movement of workers and was prohibited by Article 39 of the Treaty establishing the European Community (now Article 45 of the Treaty on the Functioning of the European Union). Since then, EU footballers were given the right to a free transfer at the expiration of their contracts, if they transfer between EU clubs.

In an unchanged legal context, the Commission does not envisage action which would reverse the effects of the *Bosman* ruling.

Nevertheless, certain measures indirectly favouring national players may still be allowed. In football, one such measure, aimed at ensuring that clubs still have locally-trained players who will often be nationals of the Member State in which the club is located, is the ‘home-grown player rule’². The rule was assessed in Case C-680/21³, *Royal Antwerp*, where the European Court of Justice held that it could be justified if certain conditions are fulfilled as it may be necessary to pursue a legitimate objective in the public interest consisting in encouraging the recruitment and training of young professional football players.

¹ <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A61993CJ0415>

² ‘Home-grown player rule’ is a quota-based rule whereby minimum 8/25 players on the football squad of a club have to be so-called home-grown players, i.e. players who, regardless of their nationality, have been trained by their club or by another club in the same national league for at least 3 years between the ages of 15 and 21; out of these 8 players, 4 at least must have been trained by the club at issue.

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62021CJ0680>