

## EDITORIALE

### ROGER BLANPAIN'S VISION AND UNIQUE ROLE IN SPORTS LAW

by *Michele Colucci and Durante Rapacciuolo*

*“A Professor has the freedom to speak his mind. However, most academics primarily want to fit in. In my opinion, they are obliged to identify social issues and to address them. If people don't have a voice, I will raise mine.”*

*Roger Blanpain*

The sports world has dramatically changed over the past three decades.

It is still not a perfect world but it is surely a better one thanks to the efforts deployed by some Academics like Prof. Roger Blanpain, who recently passed away.

A long-time professor at Leuven and Tilburg Universities, Prof. Blanpain was very popular among his students and colleagues worldwide.

His energy, enthusiasm, and generosity attracted many bright lawyers into the sports law specialization.

He was very outspoken in expressing his opinions. Famous are his attacks to the transfer system of players seen as a “*disgrace to society*”, which “*encourages human trafficking, particularly the importing of players from low-wage countries such as Africa, in which players fall into the clutches of sharks who sell them here (in Europe), and, if things go wrong, dump them*”.

He defined the footballers as “*modern gladiators: sold and bought, given and taken on loan, and killed from a sporting point of view if they do not follow the clubs' orders*”.

He had no hesitations in defending the weak side of the football contract, ie. the vast majority of footballers, who cannot be confused with a tiny number of football superstars.

His limitless support to players led him to inspire and contribute to the creation of the FIFPRO, the International Footballers Trade Union Association.

Until the end of his life, he applied his sharp analytical skills to the sports world as he had done already in labour law discipline. His battle for asserting the workers' rights at national and international level was equally pursued in defending the rights of players.

His writings addressed to the sports stakeholders raised the need to respect human and labour rights on the assumption that "*labour is not a commodity*".

He was the scholar beyond the famous *Bosman* case (1995), which meant the end of the transfer fee after the expiration of the employment agreement. For the first time, judges outside the sports system obliged FIFA, UEFA and all other sports associations to adapt their regulations in order to comply with the fundamental principles of European Union Law.

After the *Bosman* judgement, Prof. Blanpain was still fighting for limiting the scope of the transfer fee even before the expiration of a contract. In his opinion, such a fee "*should be linked to the player's salary and it should amount at most to one year's remuneration*". This solution would lead to the creation of a system under which "*players can transfer freely at the end of their contract, would remove the pressure on them to extend fixed-term contracts and could mean that transfer during the course of the contract involves moderate sums of money –which would put an end to human trafficking in sport. Such a system would reduce the role of agents to realistic proportions*".

Prof. Blanpain was in favour of a true solidarity mechanism in sport able to encourage training of young players. In that regard, he stated that "*if there is truly a wish to organize solidarity within the football family as a whole the training compensation fee should be dropped, because it does not really serve the purpose*".

In fact, he proposed the creation of "solidarity funds" at national, European and International level. Such funds should come from the TV rights, advertising, gambling and lotteries, merchandising, ticketing incomes. High divisions' clubs should distribute their revenues to the lower-division ones according to the number of effectively playing members they have.

The Leuven Professor was certainly the pioneer in this field and, more important, his imprinting can still be found in all major relevant EU judgments (Deliège (2000), Lethonen (2000), Meca Medina (2006), Bernard 2010).

Moreover, his strenuous engagement for sports law has also been behind the integration of sports issues in the EU social dialogue to which new and old stakeholders have been associated.

Nowadays, thanks to his work and ideas, more and more scholars are questioning the controversial issue of the “specificity of sport” calling for the full application of the EU law to the sports world.

In that regard, he said many times that “*there is no such a sustainable notion of specificity of sport, which serves solely to cut off the workers footballers from the protection of the EU fundamental rules dealing with the free movement and the competition law, diminishing their human, working and economic rights*”.

Thanks to his vision, Prof. Blanpain became one of the most influential and respected scholars in the field of sports law. His ideas have had a huge impact on sport and his theories will prevail for years to come.

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