



Bosman at 30

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Impact of *Bosman*

- EU Law and its application to sport
- Football
- On him

1. How *Bosman* has shaped the development of EU (single market) law in the field of sport

And how the law has subsequently developed...

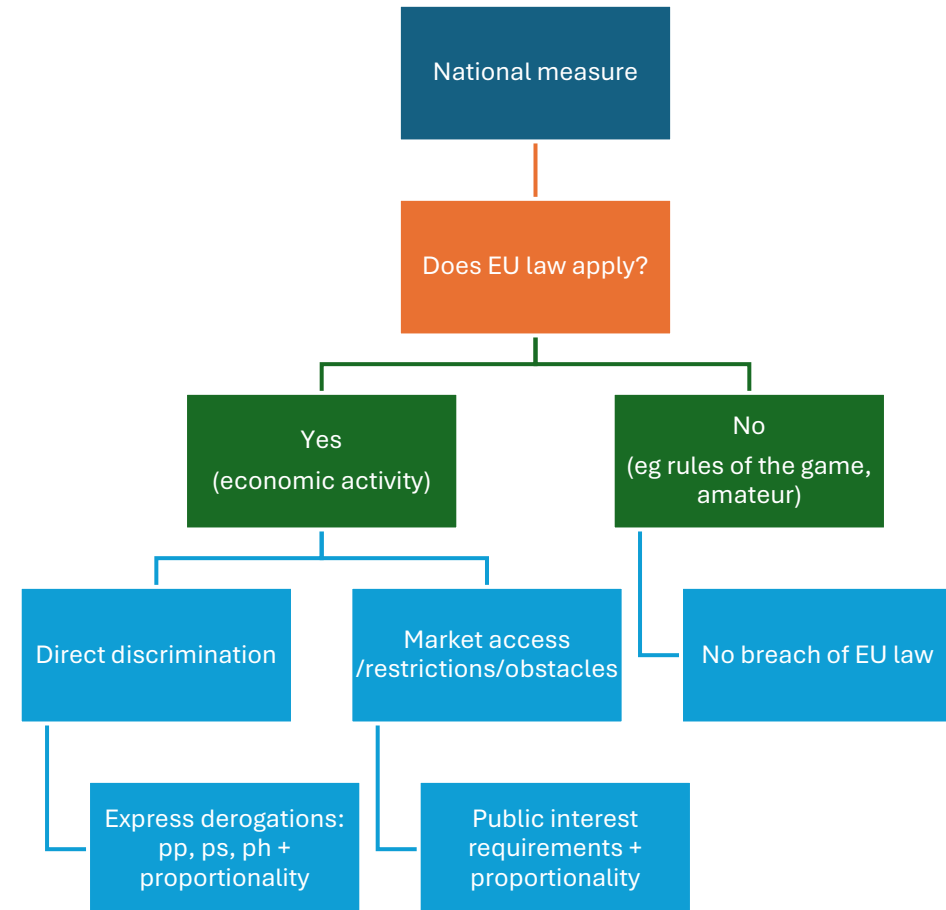


The law : lessons from *Bosman*

- Sport is not that special - no exclusion
- Sporting activities are economic activities
 - *International Skating Union v Commission* (Case T-93/18)
 - *European Super League* (Case C-333/21)
- EU law applies to football (and other sporting associations)
 - *European Superleague* FIFA and UEFA had regulatory, control, decision-making and sanctioning powers

The law

- Classic single market case law applies (with limited tweaks)
 - Art. 45 TFEU
 - “I was right ... Footballers are workers like anyone else. They’re not property.” (Bosman)
 - From discrimination to market access
 - *Bosman*
 - 3+2 rule (discrimination)
 - Transfer fee rule (market access)
 - Other cases
 - Transfer deadlines (Case C-176/96 *Lehtonen*) (market access)
 - Sanctions Case C-333/21 *European Super League*)
 - But outer limits
 - Amateur sport
 - Sport rules as such [47]
 - Anti-doping rules Case T-313/02 *Meca Medina*
 - Cases C-51/96 and C-191/97 *Deliege*
 - National teams Case 13/76 *Donà v Mantero*; Case C-22/18 *TopFit*



The law: Justifications

- Justifications
 - competitive balance and encourage the recruitment and training of young player (*Bosman*)
 - transfer deadlines could serve the legitimate purpose of protecting the regularity of sporting competitions (*Lehtonen*, [53])
 - Prior approval system could be justified by ensuring, ‘prior to the organisation of such competitions, that they will be organised in observance of the principles, values and rules of the game underpinning professional football, in particular the values of openness, merit and solidarity, but also that those competitions will, in a substantively homogeneous and temporally coordinated manner, integrate into the ‘organised system’ of national, European and international competitions characterising that sport. (*European Superleague*, [253])
 - But those objectives are not capable of justifying the adoption of such rules where they do not include substantive criteria and detailed procedural rules suitable for ensuring that they are transparent, objective, precise and non-discriminatory [254]
 - No justification

Proportionality

Case C-650/22 *Fifa v BZ (Diarra)*

- the rules of the RSTP ... may all be considered, prima facie suitable for ensuring the achievement of the objective of ensuring the regularity of interclub football competitions, contributing, each in its own way, to maintaining a certain degree of stability in the player rosters of all the professional football clubs which are likely to participate in those competitions.
- On the other hand those different rules seem, in a number of aspects, to go beyond, indeed, in some cases, far beyond, what is necessary to achieve that objective, a fortiori because they are intended to apply, to a large extent, in combination and, for some of them, for a significant period of time, to players whose careers, moreover, are relatively short, a situation that may well seriously hamper the development of their careers, and indeed cause some players to end their careers prematurely.





The law

- Empowering individuals through direct effect and supremacy
 - And smaller clubs, athletes
- Emphasis now on effective remedies
 - (Case C-600/23 *RFC Seraing*)
- And now lots of competition cases and EU and national level
- But Commission is very quiet



2. Implications of *Bosman* for football



Implications for football

- The rise of “cosmopolitan clubs”
 - Arsène Wenger fielded a matchday squad with no English players (2005)
 - The emergence of global scouting networks
 - Talent migration from global south to north
 - Greater tactical and stylistic cross-pollination
 - Merchandising
-
- Money in football
 - The Deloitte Football Money League 2025 the world’s top 20 clubs – all European – rose to a record €11.2 billion during the 2023/24 season, an increase of 6% over the 2022/23 season
 - led by Real Madrid, the first football club to generate more than €1 billion in annual revenue
 - followed by Manchester City, Paris Saint-Germain, Manchester United, Bayern Munich and Barcelona.

Implications for football

- Clubs now compete via wages and signing bonuses rather than transfer fees.
 - Effect on smaller clubs
 - Talent concentration in big clubs Real Madrid, Barcelona, and Bayern Munich
- Elite players capture a larger share of football's growing revenues.
- Role of agents





Implications for football

- Managing players
 - Selling them well before contract expiry
 - Barcelona paid PSG €222 million to buy Brazilian Neymar out of his contract
 - Longer contracts used as defensive tools by clubs
 - Chelsea and Strasbourg
 - Clubs capitalising on free transfers (see eg Juventus)
 - Young players: training compensation/solidarity payments
- Loss of local identity
- Home grown player rules Case C-680/21 *Royal Antwerp Football Club*



3. Implications of *Bosman* for Bosman



Personal

- During the dispute, he was effectively blacklisted from professional football
- His club (RFC Liège) reduced his wages dramatically
- He struggled to find stable employment in the game
- Alcoholic and suffered from depression

Brussels Times

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Bosman: A Belgian footballer's battle with the beautiful game

For less than a cup
of coffee a week

He changed football forever, then watched it pass him by. Three decades after the EU court ruling that bears his name, Jean-Marc Bosman lives quietly on the outskirts of Liège. He tells us why it was still worth upending the sport's old order.

Wednesday, 26 November 2025

By **Leo Cendrowicz**



The Brussels Times

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His nadir was in 2013, when he was handed a one-year prison sentence related to a domestic violence charge against his then-partner. He had turned up drunk at her house and hit both her and their 15-year-old daughter. The sentence was eventually reduced to 80 hours of community service on appeal – which included mowing the grass of his local football pitch.

Bosman recognises that he hurt many of those close to him. “I still struggle with what happened,” he says. He talks of “intimacy issues” and says that while he loves women, he cannot live with them. Part of this seems down to his own sense of betrayal: he feels many of the rich and powerful who associated themselves with him after the ruling were trying to milk his name.



Conclusions

liberalised labour market within a rapid globalising entertainment industry

Art. 45 and then Art 101 used to crack open a market shrouded in secrecy and bad practices/governance etc

- Emphasis on transparency, justification and proportionality - some sunshine

BUT market access approach underpinning all of this – risks deregulation

- Haves (eg Real Madrid) v have nots (Norwich City)
- Is litigation the best way of sorting these things out?
 - Role of arbitration: Case C-600/23 *RFC Seraing*