

ANTI-CORRUPTION HELPDESK

PROVIDING ON-DEMAND RESEARCH TO HELP FIGHT CORRUPTION

CORRUPTION AND ANTI-CORRUPTION IN EUROPEAN FOOTBALL ASSOCIATIONS

QUERY

What are good practices that have been implemented in European football associations to combat organisational and institutional corruption in football?

PURPOSE

To support current research and recommendations made to football associations.

CONTENT

1. Football associations: overview of corruption risks
2. Football associations: Methods to counter corruption risk
3. Good practice examples
4. References

////////////////////////////////////

Author(s)

Ben Wheatland, Transparency International
tihelpdesk@transparency.org

Reviewer(s): Gareth Sweeney, Maximilian Heywood, Marie Chêne, Transparency International tihelpdesk@transparency.org

Date: 18 September 2015

SUMMARY

Football is a hugely profitable industry, with great interest coming from supporters around the world, as well as from sponsors who pump in money in return for the exposure that football can offer. National football associations represent football in their country. They also operate in a very complex system of governance, as the amount of groups with interests in the sport is very high, ranging from fans and players to directors, owners and sponsors.

In this context, it is vital that national football associations maintain robust governance mechanisms that promote transparency and integrity and which actively seeks to decrease the opportunity for corrupt activity to occur.

In Europe, there are a number of examples of national football associations beginning to understand that good governance is key to combatting organisational and institutional corruption in the sport. In recent years, both Northern Ireland and Wales have undertaken independent reviews of their governance structures and have implemented reforms to enhance transparency and integrity within the organisations.

However, no national football association, including the European football confederation, UEFA, can be seen as representing a gold standard of anti-corruption as, in general, the governance of sports organisations is weak throughout the world. Therefore, national football associations should look to good governance standards from outside the world of sport.

1 FOOTBALL ASSOCIATIONS: OVERVIEW OF CORRUPTION RISKS

Background

Football associations (FAs) are the highest national body concerning the governance of football in their country and oversee all forms of the sport. FAs are above even the biggest leagues or clubs. Their role includes development of and investment in grassroots, regional and national football infrastructure, monitoring the actions of all football clubs and leagues, organising international friendlies, and negotiating sponsorship and television, deals for their national team and, occasionally, for the major leagues. FAs often receive public money, usually through funds such as a national lottery or via direct state support. This is the case for many European FAs (Montel and Waelbroeck-Rocha 2010).

FAs represent a number of different stakeholders, from supporters and players to sponsors, coaches and clubs. In Europe, members of a FA must be empowered to elect the governing body, in an effort to make the associations more accountable (UEFA 2014a). Usually members include representatives of clubs and national leagues, but can also include referees, players, coaches and supporters.

FAs also represent their nation at regional and international level. This is achieved through membership of the relevant regional confederation, as well as through membership of the international governing body, the Fédération Internationale de Football Association (FIFA). Each FIFA member association has a place on FIFA's Congress, and high ranking FA officials can be elected by their regional confederation to serve on FIFA's Executive Committee.

International football governance developed over the twentieth century. In 1904 FIFA was founded by seven FAs which recognised the need for an international body to oversee the sport. Later, the governance structure was made more complex with the creation of continental federations, which represented each continent's football associations. In Europe, the FAs representing all European countries (including Israel)

are members of the Union of European Football Associations (UEFA).

As an organisation, UEFA has to comply with FIFA's statutes, as do the national associations. National associations must also comply with UEFA's regulations (UEFA 2014a). Both FIFA and UEFA hold direct influence over the governance and conduct of European football associations (Mrkonjic and Geeraert 2013).

Football is also subject to EU law. However, the main cases of EU intervention in footballing affairs have largely been concerned with the functioning of clubs and players, rather than with the governance of national football associations or anti-corruption initiatives. Indeed, the European Court of Justice in 1974 ruled that EU law is only applicable to the economic aspects of sports (Geeraert et al. 2012). Therefore, the football industry is predominantly self-regulating (Garcia 2006).

Principle of autonomy

For most of the twentieth century, sports organisations have enjoyed a large amount of autonomy regarding their governance, and autonomy has come to be seen as a fundamental principle of sports governance (Chappelet 2015). Indeed, the concept has been present in the International Olympic Committee's charter since 1949 (IOC 2015), and was reiterated in the 1992 European Sport Charter which was adopted by the Council of Europe (Council of Europe 1992). In Europe, this is generally respected by states, provided that FAs and UEFA do not contravene national laws (Chappelet 2015).

Legal status of football associations

The legal context in which national football associations operate can have a large impact on the opportunities for corruption. National legislation can directly affect how FAs are legally registered in their home jurisdiction, and different methods of registration offers different levels of taxation, scrutiny and competition regulation. Currently there is insufficient research on how the legal status of sports associations might affect the corruption risks involved.

There is clearly a research gap here, and more resources should be allocated to investigate this further.

Some European countries, such as Czech Republic, Germany, Lithuania and the United Kingdom, have non-interventionist national sports laws, while the law in other countries, such as Armenia, Croatia, France, Slovenia and Spain, attempts to intervene more often in the organisation of sport and provides greater restrictions on the autonomy of sporting organisations. In countries with no sports legislation, freedom of association laws (or similar) usually apply (Chappelet 2010).

For example, in Switzerland legislation currently does not allow for private corruption to be investigated without an official complaint from inside the organisation in question – or a third party provided they can show unfair advantage (Federal Republic of Switzerland 1986) – although this is currently being reviewed by the Swiss government (Reuters 2015). This has in the past made it very challenging to charge football officials in the country with corruption. Also, in Finland, the Finnish Association Act does not permit the appointment of independent board members to association boards, meaning that the Finnish Football Association (FFA) is unable to benefit from board members who do not have a vested interest in the work of the organisation (European Commission 2011).

As all legal situations are unique, good governance for national football associations also requires a degree of self-regulation and depends on effective implementation of their own transparency and integrity standards.

Corruption risks for football associations

Europe's football governance has not been able to keep up the pace with the rapid commercial development of the game, as it has been largely dominated by FIFA and UEFA, aided by the principle of autonomy (Garcia 2006; Pielke Jr. 2015). Yet FAs

are responsible for a large number of activities including negotiating sponsorships and TV rights, and developing national football infrastructure. They are also directly involved with bidding for major sporting events, such as FIFA's World Cup or UEFA's European Championship. These activities often represent huge amounts of money and influence, and are therefore susceptible to corruption risks. These risks include conflicts of interest, bribery, a lack of transparency, poor regulation and governance, and a lack of oversight.

Lack of transparency

If a national football association operates with a lack of transparency, the opportunity for corruption to proliferate is increased as the potential for oversight, the ability to hold officials to account, and the effectiveness of investigations into officials' activities are decreased.

FAs are not required to provide FIFA or UEFA with reports of their financial situation. Indeed, only eight¹ out of UEFA's 54 FAs publish financial data at all. If an FA does not publish its financial documents, including detailed information as opposed simply to aggregated data, this increases the opportunity for FA officials to manipulate the finances of their association to fund their own interests (CoE 2015). This could include removing funds from the association to benefit the official directly, or favouring the interests of their close family or friends, or even their favourite club.

Similarly, if directors and high ranking members of football associations are not required to publish a declaration of their interests and salaries, this could lead to conflicts of interest where these officials are able to influence decisions in order to benefit themselves or their own interests (CoE 2015).

A lack of transparency means that oversight bodies cannot access documentation or information, such as financial accounts, conflicts of interest registers, or gift registers and highlight wrongdoing. This can lead to situations, such as with the Irish football association

¹ These eight are: Austria, England, Italy, Portugal, Republic of Ireland, Spain, Sweden and Ukraine.

(FAI), which received a loan of €5 million from FIFA in 2010 in return for the FAI not pursuing legal action over an incident in which French footballer Thierry Henry illegally used his hand to control the ball in a World Cup 2010 qualification game against the Republic of Ireland. While there were no suggestions of corruption surrounding the payment, the non-transparent nature of the deal, which was created as a non-disclosure agreement, meant that it was only brought to light five years later, and was subject to no scrutiny (RTÉ Sport 2015; Gibson 2015).

In addition, non-transparent decision making by FAs can have the additional consequence of turning one of the major stakeholder groups – the supporters – away from exercising oversight. Supporters groups rarely take action or protest against decisions made by FAs because governance systems excludes them from doing so (Tomlin and Lee 2014).

Poor internal governance regulations

If an FA has a weak system of internal governance, the opportunity for officials to engage in corrupt activity is greatly increased.

Elections

Not openly publicising election rules or eligibility criteria can allow vested interests to abuse elections and manipulate the rules to gain an advantage (Lam 2014). All European FAs must hold elections to appoint their leadership bodies (UEFA 2014a). However, if the process of electing these officials is not properly regulated, there is ample opportunity for football officials to abuse the systems and consolidate a power base.

Similarly, not having term limits for elected officials can mean that those officials in power are able to consolidate their support and create a monopoly over decision making in the association. In addition, officials who have ruled over an organisation for an extended period of time can become entrenched within their position of power, as their influence can become synonymous with the work of the organisation (Griner 2009).

Under-representation of certain stakeholders can mean that an FA is unable to represent the sport as a whole, and may lead to the domination of the organisation by one interest group, meaning that its resources could potentially be abused by one group or individual. In England, the football association (The FA) has been criticised for being unrepresentative of football in the country, with key stakeholder groups (players, coaches, referees, parents of youth players and supporters) all vastly under-represented in The FA council. Moreover, three stakeholders (the representative bodies of football supporters, professional footballers and league managers) are excluded from the decision making process in The FA (House of Commons Culture, Media and Sport Committee 2011). Such organisational structures prevent all interests from being taken into account and increases the possibility that certain interest groups are able to abuse their positions and the resources of the FA to meet their own agendas.

Gifts and hospitality

A lack of regulation relating to gifts and hospitality can increase the risk that football officials can be corrupted and are open to bribery as they are able to receive whatever is offered to them. This could include football agents or high ranked executives offering bribes in the form of gifts or hospitality in return for favouring a sponsorship bid, for example (Holt 2009). Moreover, a lack of regulation on what football association officials can offer in terms of hospitality themselves also opens the opportunity for corruption. Indeed, this can lead to corrupt officials enriching themselves via the fees that are paid for international friendly matches, and the potential sponsorship and TV fees that can be abused for private gain. No oversight here can allow officials to abuse their positions and privileges to further their own private interests. While FIFA has codes that specifically deal with this issue, if national FAs do not implement their own regulations the quality of oversight is greatly reduced, as the FIFA ethics committee does not have the resources to monitor each FA.

Procurement

Finally, weak or ineffective procurement regulation and a lack of clear, enforceable rules can mean that football officials are able to favour particular

companies while working on procurement projects, such as the construction of stadia or training facilities. Weak procurement mechanisms also create a risk that executives are able to enrich themselves by abusing the sale of marketing rights for major events. Weak rules and a lack of oversight allows executives to manipulate the process to ensure that they receive payments in the form of kickbacks and bribes by inflating the actual worth of sponsorship contracts. This was a major charge levelled against executives of FIFA during the 2015 FIFA scandal (DoJ 2015). Considering the huge amounts of money that many FA procurement projects can include, weak oversight and inadequate regulations can increase the risk that officials try to abuse the system to gain profit either for themselves or their families or friends (OECD 2009).

Lack of oversight

Without effective structures of oversight and accountability, the opportunities for corrupt officials to act with impunity are greatly increased.

Moreover, if oversight bodies do not have adequate resources or access to documentation, their ability to hold FAs to account is diminished. Additionally, if there is no provision for external and independent oversight of the FA, the opportunity for corruption to be overlooked by biased internal reporting mechanisms is increased.

One of FIFA's major rules that can greatly hinder the potential use of external oversight of FA decisions is article 17 of its statutes – the non-interference rule – which states that all members of FIFA should manage their affairs independently without influence from third parties, that is, without influence from or accountability to external parties. Should this law be violated, FIFA has the power to suspend the FA's membership and ban the FA's national team from competing in international football tournaments, even if the third-party influence was not the fault of the FA (FIFA 2015).

For example, FIFA threatened to suspend Poland from international competition after the board of the football association (PZPN) was suspended by the Polish government, which came after a PZPN board member was arrested on suspicion of corruption (Sparre 2007).

This is a potential stumbling block for organisations wishing to conduct external oversight over an FA's conduct, as there is the potential for FIFA to step in and use the threat of suspension to prevent a proper investigation, which is seen as an obstacle to legal accountability (Kuper and Blitz 2011). Moreover, politicians may be reticent to interfere in FA governance and risk public backlash if FIFA suspends their national team, further diminishing the likelihood of effective intervention and oversight.

2 FOOTBALL ASSOCIATIONS: METHODS TO COUNTER CORRUPTION RISK

Football as an industry is predominantly self-regulated, and so it is important that good governance and anti-corruption mechanisms are enshrined within clear governance structures (CoE 2015).

A FA should develop and promote football in its country, and establish the rules by which all stakeholders of the sport should act. This can only be achieved through good governance (Lam 2014). This includes a clear, effective and visible governance structure, a code of ethics, transparency and accountability, monitoring and oversight, sanctions and whistleblowing. Both FIFA and UEFA have some measures in place to influence the governance structures in European football associations.

Good governance

Good governance is necessary and in the best interests of football associations (Holt 2009). As there are very few examples of genuinely good governance practice within football, FAs should look to best practices for good governance that have originated from outside the sporting world but that can be applied to football (Hamil et al. 2001).

There are a number of international standards that offer recommendations and principles that companies should follow in their governance. There have also been some studies done which outline what governance measures are relevant to sports associations in order to maintain good governance.

The role of governance in sports organisations

The European Union Expert Group on Good Governance has developed principles for good governance in sport, which can be specifically related to football and can offer some best practice recommendations:

- Transparent statutes, rules and regulations: FA statutes, rules and regulations should be made publicly available. Moreover, consultations should take place with relevant stakeholders before amendments are made.
- Creation of a code of ethics: this should be binding on all members and stakeholders in football, and should instil the values of integrity, equity and transparency. The code should reflect all levels of football in a country, and should address specific areas of risk, for example by ruling on acceptable gifts and creating hospitality registers.
- Involvement of stakeholders. FAs should reflect the diversity of their members, including representation for players, managers, owners, coaches, leagues, clubs, supporters and match officials. There should be minimum standards for representation that stakeholders must meet to take part in decision making or consultation. There should also be clarity of the roles of each group of stakeholders, to promote accountability and to prevent one interest group from wielding too much power.
- Appropriate disciplinary measures: there should be a separate disciplinary code that FAs can use to establish what is and what is not acceptable. Such a code should include clear disciplinary rules, sanctions and procedures, and all stakeholders should be educated about the code.
- Accountability: FAs should establish clear and transparent oversight and accountability for all decision making bodies, to ensure that power is exercised appropriately and consistently. In addition, financial information should be made available to members and stakeholders, and to the public where possible.
- Democracy and minimum standards: FAs should have clear organisation frameworks, including decision making via representative and competent bodies. There should also be a clearly defined

decision making structure which is unambiguous and clearly states each body's role. Finally, election to each body should be ethical and transparent, candidates should be made to declare any potential conflicts of interest, and key positions should be subject to strict term limits (EU Expert Group "Good Governance" 2013).

General principles of good governance in sports organisations have also been developed, derived from common practice, which include:

- The role of the governing body: the governing body of the organisation should provide a clear statement of its role and the function that it performs to support its members and other stakeholders.
- The membership and size of the organisation: sports organisations should publish biographical information about officers involved in the organisation, and membership should be regulated to ensure organisational efficiency.
- The solidarity of the sport: the governing body should ensure that redistribution of financial revenues encourages balance and competition among members, and the policy for redistribution should be publicly available (Lam 2014).

Other principles for good governance in sports which cover the same key areas are the Sports for Good Governance [basic universal principles](#) and the [actions for good governance in international sports organisations](#) from Play the Game and the Danish Institute for Sports Studies.

Some of Transparency International's Business Principles for Countering Bribery can also be applied to good governance of FAs. Specifically, FAs should implement whistleblowing mechanisms to allow staff and stakeholders of FAs to raise concerns about malpractice. Such mechanisms should be secure and accessible, and should enable potential whistleblowers to make reports without fear of retaliation. Indeed, FAs should make provision to protect whistleblowers from reprisal and complaints should be able to be made anonymously (Transparency International 2013).

To avoid one single official (or group of officials) being able to take sole control over financial decisions and therefore attempt to manipulate the resources of the FA for their own purposes, FAs should implement clear financial authorisation limits, and financial information should be published for all stakeholders, members and the public in a transparent and easily understandable way (Lam 2014). If FAs make their finances and decision making public, it dramatically decreases the opportunity for corruption to take place, as decisions can be subjected to much higher levels of public scrutiny and analysis by stakeholders and members of the public (EU Expert Group “Good Governance” 2013).

Accountability

Good governance of football requires the representation of all stakeholders, including fans, players and other officials of the game, in the decision making process. All stakeholders should have clear and formalised roles and responsibilities. This promotes accountability and limits the possibility for certain positions to overstep their power (EU Expert Group “Good Governance” 2013).

Currently FIFA’s statutes do not require that FAs work with all of their stakeholders, although they do recommend that all relevant stakeholders be involved (FIFA 2015). UEFA, however, does specifically note that it will recognise and involve in the consultation process of football matters bodies representing stakeholders, providing they are organised in line with UEFA’s statutes and values and are democratically and transparently run (UEFA 2014a).

Transparency

As well as financial reports, FAs should make public documents including organisational statutes, and rules and regulations. These should include the terms of office for officials, as well as registers of interests of directors to avoid potential conflicts arising. Moreover, the FA should create strategic plans that outline their long term goals and publish annual reports. If these documents are made publicly available, they can then be used to hold the FA to account against quantifiable indicators (EU Expert Group “Good Governance”

2013). However, neither FIFA nor UEFA require that the FAs under their guidance provide transparent financial reports or annual reports to be publicly available.

FIFA and UEFA regulations

Both FIFA and UEFA have general principles that all football associations must abide by. These are not as detailed as those mentioned above, but they are based on the underlying principles of ethics, integrity and anti-corruption.

Key values and governance principles

FIFA

FIFA’s statutes requires that all member associations comply fully with FIFA’s rules and objectives, which include promoting integrity and ethics with a view to preventing corruption (FIFA 2015).

However, despite this public support for the ideals of integrity, ethics and particularly anti-corruption, FIFA’s rules are not strong enough to encourage or enforce such behaviour in football’s stakeholders. This is reflected in the 2011 and 2015 FIFA scandals, surrounding allegations of bribery and the World Cup bidding process.

UEFA

UEFA also have a public commitment to good governance, including openness, democracy, transparency and responsibility (UEFA no date).

Like FIFA, UEFA requires member associations to observe the principles of loyalty and integrity, to comply with its statutes, and to include them in their own statutes. Member associations must provide provision in their statutes that their executive body is freely elected, and that any other elective bodies are elected in a similar manner. UEFA associations must also apply a club licencing system to prevent club financial mismanagement and conflicts of interest from arising (UEFA 2014a, UEFA 2014b). However, as UEFA’s rules are directly derived from FIFA’s, they share the same weaknesses.

Code of ethics

Football associations should implement a clear code of ethics (or conduct) which guides the conduct and work of its staff and members, although this is not required of them by either FIFA or UEFA. FIFA has its own code of ethics, and UEFA recently adopted a new code of conduct that is designed to raise standards within the organisation.

A code of ethics for FAs should be binding on all members, stakeholders, participants, staff and volunteers. It should inform the conduct and culture of the organisation as a whole by instilling integrity, equity and transparency, and an appreciation of acceptable conduct. The code should also address specific areas of risk, for example, with provisions for avoiding conflicts of interest by publishing registers of interest for all officials and directors, and for defining the acceptable boundaries for officials giving and receiving gifts and hospitality. It should incorporate implementation and enforcement, and should be subject to regular review (EU Expert Group “Good Governance” 2013).

FIFA’s code of ethics

All of the world’s FAs fall under the mandate of FIFA’s code of ethics, and all regional confederations and FAs must comply with them.

FIFA’s code of ethics is enforced by the FIFA ethics committee. The code states that all persons bound by it must commit to act with integrity and in an ethical manner, and must not attempt to take advantage of their position for private aims or gains. It also states that people under the jurisdiction of the code must disclose all of their personal interests that could be linked with their official football related activities. It also defines the term conflict of interest, and clearly defines the scope of its applicability. Moreover, the code defines regulation for receiving gifts and hospitality, and specifically refers to bribery and corrupt practices being outlawed. Breaches can be punished by warning, reprimand, fines, return of awards and bans on football related activity, among others. The ethics committee can also recommend that extreme cases be taken to law enforcement authorities (FIFA 2012).

However, there have been claims that the FIFA ethics committee lacks the independence necessary to act upon infringements of the code of ethics by high ranking officials, as (apart from the chairman and vice-chairman), the committee is comprised of members of FIFA’s Executive Committee. It is also claimed that the code of ethics has significant overlaps with FIFA’s disciplinary code (Pieth 2011).

UEFA’s code of conduct

UEFA’s code of conduct sets out guiding principles for all players, referees, clubs and officials regarding integrity in the sport, and promotes high standards of conduct in the organisation of football (UEFA 2014c). It has a particular focus on anti-match fixing and betting, but also instructs players and officials to understand the rules and laws that they are subject to, warns against receiving and giving inappropriate gifts, and encourages players and officials to speak up if they learn of wrongdoing (UEFA 2014c). However, the current code of conduct as it stands does not go into detail about any of the issues it discusses, and does not mention the possibility of conflicts of interests arising. Neither does it mention any kind of sanctions that are applicable, meaning that it may not have a deterrent effect on officials thinking about acting in a corrupt manner.

Oversight

Sports bodies should implement an appropriate level of internal monitoring and oversight to verify progress towards strategic plans and to ensure value for money from investments is being achieved. Such oversight should include checks and balances over the decision making power throughout the FA to avoid the opportunity for small numbers of vested interests to wield sole power over the activities and resources of the FA. This should involve the establishment of a committee which has the power to oversee and review decisions made within the FA, and which has the power to meaningfully sanction those found guilty of wrongdoing. The committee should include independent members who are able to work without bias. Moreover, the board should include independent members who are able to perform the same function and provide unbiased oversight of decision making

(EU Expert Group “Good Governance” 2013, Transparency International 2014).

In smaller FAs, it might not be possible to create an entire committee to oversee and review decisions. Therefore, a potential solution could be to create an integrity officer, as the Irish Football Association has done (Irish Football Association, no date), who could act as a focal point for integrity issues, and could be supported by a small ethics committee headed by an independent member.

Sanctions

Domestic sanctioning bodies

To help ensure that strong integrity and transparency rules and regulations and codes of ethics or conduct are followed, FAs should outline and implement a range of sanctions that are fair and proportionate, but which also have a deterrent effect. The national football association acts as the sanctioning body for football in its native country, but also requires its own disciplinary body to deal with corruption and malpractice within itself (EU Expert Group “Good Governance” 2013; Holt 2009).

Such sanctions should cover all possible disciplinary areas but should be reasonable and fair while at the same time having a deterrent effect against corrupt practices. These could include suspension from a post, fines or the termination of contracts, and should be clearly codified so that all people to whom they apply are fully aware of the potential consequences of their actions (EU Expert Group “Good Governance” 2013). All decisions should be accompanied by sufficient justification, which should be published (Lam 2014).

Those accused of corruption should also be able to have access to an internal appeals system which is clearly defined and publicly available. Moreover, there should be scope for external appeals to the Court of Arbitration for Sport. All appeals processes should be transparent and fair (Lam 2014).

International sanctioning bodies

As well as the disciplinary sanctions individual FAs can provide, other organisations are able to have influence over the disciplinary process.

However, the UEFA disciplinary committee cannot investigate cases on its own volition, needing to base its investigations instead on the basis of official reports, in response to protests or complaints, at the request of UEFA leadership or at the request of a public authority (UEFA 2014b). Moreover, FIFA’s Ethics Committee only has a mandate to investigate cases where a regional confederation cannot or will not provide an adequate judgement on a case (FIFA 2012). These caveats seriously reduce the investigative power of both committees, and increases the likelihood that corruption issues continue with impunity.

UEFA

National football associations can be subject to a fine, reprimand or warning from UEFA for serious breaches of one of its statutes, regulations or decisions. UEFA can also withdraw a member association’s membership and withhold revenues from UEFA competitions as additional sanctions (UEFA 2014a).

These sanctions are ruled on and handed out by [UEFA’s Disciplinary Committee](#). However, since UEFA started publishing the disciplinary committee’s rulings on its website in 2012, there has not been a single ruling made against FAs for governance or organisational corruption related incidences, with the rulings rather aimed at either clubs, national teams or FAs for disciplinary or financial fair play issues.

FIFA

In a similar fashion, FIFA’s Ethics Committee can also hand out warnings, reprimands and fines, as well as demanding the return of awards from FAs. The committee is divided into two chambers, one with an investigatory function and another which makes decisions. Other sanctions can include suspension of FIFA membership, which removes the association’s voting rights. FIFA can also ban the association’s national teams from competing in FIFA competitions, and can ban other countries from competing against

an FA's teams. In extreme cases, FIFA can also expel FAs, for serious violations of its statutes (FIFA 2015).

FIFA has a disciplinary committee, which enforces FIFA's disciplinary code, and an ethics committee which enforces FIFA's ethics code. These committees have overlapping mandates, as both deal with disciplinary issues and breaches of the FIFA statutes (Pieth 2011).

Court of Arbitration for Sport

FIFA, UEFA and any FA can refer cases to the Court of Arbitration of Sport (CAS) (FIFA 2012; FIFA 2015; UEFA 2014a). The CAS is an independent institution which facilitates the settlement of sports-related disputes, including commercial issues like sponsorship contracts and disputes, as well as more complex cases about governance of FAs. Similarly to FIFA and UEFA, the CAS mainly deals with arbitration between parties on purely footballing matters, such as points deductions for racist chants at games. However, in 2014 the CAS did rule on a dispute between the Nigerian Football Federation (NFF) and FIFA on a case regarding the governance of the NFF (CAS 2014).

3 PROGRESS MADE TOWARDS GOOD PRACTICE

The following is a list of European football associations that have begun to implement elements of good governance and anti-corruption measures into their governance structures.

England

The Football Association (The FA) was founded in 1863. The FA has its own procurement [website](#), which features its principles of procurement. These include a commitment to adhere to ethical standards and transparency in their procurements. The website also includes an online procurement platform that makes procurement much easier to be held to account, as the information is much more easily accessible. Oversight is decided upon on a case by case basis and agreed with the contractor before the contract begins (The Football Association 2015).

² Please note; the Irish Football Association represents football in Northern Ireland, as opposed to the Football

Northern Ireland

In 2010, the Irish Football Association (IFA)² commissioned an independent governance review. The IFA plans to implement the recommendations that came out this report by 2017. The review recommended (Irish Football Association 2011):

- Conflicts of interest: Article 15.3 of the IFA constitution should be amended to prevent the possibility of certain interests being overly represented on the IFA board.
- Transparency: written reports of board meetings should be made available to the council and also made publicly available to increase accountability.

The IFA also created the role of integrity officer, whose role is to liaise with UEFA, law enforcement agencies and betting organisations, create preventative and education programmes, review football regulations and collate and share information with stakeholders (Irish Football Association no date).

Wales

Similarly, in 2012, the Football Association of Wales (FAW) undertook a review into the organisation's governance structures and practices in an attempt to modernise them. In 2014 the FAW Council voted to approve over 70 of the recommendations. These included (The Football Association of Wales 2013):

- Structural changes to decision making bodies: the creation of three boards that directly manage different areas of the game in the country: community, national and international. At the same time, the FAW established a scrutiny committee which will oversee the activities of all board and committee members.
- Age limits: it was agreed that in 2016 newly elected members of the FAW Council must be under the age of 70, being further reduced to 65 by 2020. Moreover, council members must retire from the council at the age of 80, unless they are granted the status of life members, which became non-voting members of the council. This was

Association of Ireland which represents the sport in the Republic of Ireland.

subsequently included in the FAW rules for 2014/15 (The Football Association of Wales 2015).

- Transparency: minutes of meetings were to be published on the FAW website, following their approval, in order to increase accountability.

Italy

The Italian Football Association's (FIGC) executive committee guarantees representation for referees, women's football, the Italian Players Union, coaches, and also guarantees positions for amateur and professional representatives. The president of the FIGC, who is also chair of the executive committee, has a fixed term limit of four years (FIGC 2012).

In addition there exists a board of auditors consisting of five permanent members for terms of four years each. All members must be registered auditors with the Italian Ministry of Justice. The board of auditors exercises control over the entire economic and financial management of the FIGC and prepares reports on the organisation's accounts (FIGC 2012).

Finland

Since the early 2000s, the Finnish Football Association (FFA) has been promoting good governance principles within football in the country, both for itself and for the clubs that it represents. The FFA created a good governance guide for the football clubs in the country, including recommendations regarding club management, club membership and club finances that were considered crucial to good governance by FFA stakeholders.

To complement this, the FFA also implemented an extensive system of education regarding good governance issues, including annual seminars, a club tutoring system, a nationwide education programme and a project including good governance lectures (European Commission 2011).

Portugal

The Portuguese FA publishes financial reports on its website. Portugal's financial reports offer a relatively high degree of breakdown for their financial activities,

covering different areas, such as merchandising sales, income through fines, income from cup competitions, sponsorship agreements, subsidies received from external organisations, such as the Portuguese state, FIFA and UEFA, and money spent on training (Federação Portuguesa de Futebol 2015).

Malta

The Maltese FA (MFA) has published on its website its rules and regulations regarding the purchasing of goods and services. This document clearly outlines the three different price thresholds for MFA procurement (less than €1,000, more than €1,000 but less than €2,500, and greater than €2,500), and outlines the level of competition that must be used when finding suppliers within each threshold. It also clearly outlines the necessary authorisation that must be gained before a purchase can be made, with line manager authorisation acceptable below €1,500, but acquisitions costing more than €2,500 requiring authorisation from the Executive Committee of the MFA (Malta Football Association 2015).

Germany

The German FA's statutes clearly identify term limits for members of the central presidium, the executive board, judicial bodies, auditors and committees, limiting such members to three year terms. The statutes also prevent election or re-election to these bodies after the age of 70 (DFB 2014).

Russia

The Russian Football Union (RFU) is one of a small number of European FAs that maintains its own code of ethics. This code specifically rules that RFU officials are not allowed to receive gifts or other benefits from third parties, and recommends that if the official receiving a gift has any doubt about the nature or value of a gift the officials should reject it. As well as this, the code also prevents officials from offering gifts or other benefits to third parties (RFU 2012).

The code also prevents members of the Ethics Committee from serving at the same time in the Executive Committee of the RFU, in order to prevent

conflicts of interests and to increase the independence of the committee. The ethics committee must also publish its decisions on the RFU website, although there is provision for certain decisions not to be published. Decisions and related material in cases must be kept for five years. Committee members must also declare any conflicts of interest before a case is heard, and must withdraw from the committee while any cases in which they have an interest are deliberated (RFU 2012).

4 REFERENCES

- Bret, A. and Watkins, T. 2014. *Does EU Agreement with UEFA Send out Mixed Message on Competition Law Scrutiny in Football?* <http://www.out-law.com/en/articles/2014/october/does-eu-agreement-with-uefa-send-out-mixed-message-on-competition-law-scrutiny-in-football/>
- CAS (Court of Arbitration for Sport). 2014. *Nigerian Football Federation v. FIFA*. http://www.tas-cas.org/fileadmin/user_upload/Award_3744-3766__FINAL__internet.pdf
- Chappelet, J-L. 2010. *Autonomy of Sport in Europe*. <http://www.coe.int/t/DG4/EPAS/resources/6720-0-ID8704-Autonomy%20of%20sport%20assemble.pdf>
- Chappelet, J-L. 2015. *Autonomy and Governance: Necessary Bedfellows in the Fight against Corruption in Sport*. http://www.transparency.org/files/content/feature/1.3_AutonomyAndGovernance_Chappelet_GCRSport.pdf
- CoE Parliamentary Assembly. 2015. *The Reform of Football Governance*. Council of Europe. <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21751&lang=en>
- Commission of the European Communities. 2007. *White Paper on Sport*. <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52007DC0391&from=EN>
- Council of Europe. 1992. *European Sports Charter*. [https://wcd.coe.int/ViewDoc.jsp?Ref=Rec\(92\)13&Sector=secCM&Language=lanEnglish&Ver=rev&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75](https://wcd.coe.int/ViewDoc.jsp?Ref=Rec(92)13&Sector=secCM&Language=lanEnglish&Ver=rev&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75)
- DFB (Deutsche Fussball-bund). 2014. *Satzung*. http://www.dfb.de/fileadmin/_dfbdam/66978-02_Satzung.pdf
- European Commission. 2011. *Better Boards, Stronger Sport*. http://www.irishsportsCouncil.ie/Governing_Bodies/NGB_Support_Kit/Better-Boards-Stronger-Sport-Toolkit/Download-the-online-optimised-Better-Boards-Stronger-Sport-toolkit.pdf
- EU Expert Group "Good Governance". 2013. *Principles of Good Governance in Sport*. http://ec.europa.eu/sport/library/policy_documents/xg-gg-201307-dlvrb12-sept2013.pdf
- Federação Portuguesa de Futebol. 2015. *Plano de atividades ; Época 2015/2016*. <http://www.fpf.pt/DesktopModules/InstitutionalDocuments/DownloadFiles.ashx?IdDoc=16037>
- FIFA (Fédération Internationale de Football Association). 2012. *FIFA Code of Ethics*. <http://www.fifa.com/mm/document/affederation/administrati on/50/02/82/codeofethics2012e.pdf>
- FIFA (Fédération Internationale de Football Association). 2015. *FIFA Statutes*. http://www.fifa.com/mm/Document/AFFederation/Generic/02/58/14/48/2015FIFAStatutesEN_Neutral.pdf
- FIGC (Federazione Italiana Giuoco Calcio). 2012. *FIGC 2012 Sustainability Report*. http://www.figc.it/other/bilancio_sociale/Part%20one.pdf
- The Football Association. 2013. *Governance: A Guide for Clubs in the National League System & Large Community Clubs*. [See here](#).
- The Football Association. 2015. *Purchasing Principles*. http://www.thefasourcing.com/Portal/purchasing_principles.cfm
- The Football Association of Wales. 2013. *Welsh Football Governance; Review*. [See here](#).
- The Football Association of Wales. 2015. *The FAW Rules 2014/15*. <http://www.faw.org.uk/uploads/documents/originals/RULES%20-%202001.08.15.pdf?randNo=4333+>
- Garcia, B. 2006. *Playing Ball: EU Regulation of Professional Football since the Bosman Ruling*. [See here](#).
- Geeraert, A., Scheerder, J., and Bruyninckx, H. 2012. *The Governance Network of European Football: Introducing New Governance Approaches to Steer Football at the EU Level*. http://www.playthegame.org/fileadmin/documents/AGGIS_article_-_The_governance_network_of_European_football.pdf
- Gibson, O. 2015. *Fifa Payment to FAI over Thierry Henry Handball Was 'Loan to Build Stadium'*. The Guardian. <http://www.theguardian.com/football/2015/jun/04/fifa-payment-fai-thierry-henry-handball-loan-build-stadium>
- Griner, S. 2009. *Term Limits can Check Corruption and Promote Political Accountability*. <http://www.americasquarterly.org/pros-and-cons-of-term-limits>

- Hamil, S., Michie, J., Oughton, C., and Shailer, L. 2001. *The State of the Game; The Corporate Governance of Football Clubs, 2001*. <http://www.sportbusinesscentre.com/wp-content/uploads/2012/08/sotg2001.pdf>
- Holt, M. 2009. *UEFA, Governance, and the Control of Club Competition in European Football*. Birckbeck Sport Business Centre. [See here](#).
- House of Commons Culture, Media and Sport Committee. 2011. *Football Governance*. [See here](#).
- International Olympic Committee. 2015. *Olympic Charter*. http://www.olympic.org/Documents/olympic_charter_en.pdf
- Irish Football Association. No date. *Irish FA Integrity Officer*. <http://www.irishfa.com/the-ifa/irish-fa-integrity-officer/>
- Irish Football Association. 2011. *Governance Review Report*. [http://www.irishfa.com/fs/doc/Governance_Review_Report_-_Final_\(2\).pdf](http://www.irishfa.com/fs/doc/Governance_Review_Report_-_Final_(2).pdf)
- Kuper, S. and Blitz, R. 2011. *Trophies and Trinkets*. Financial Times. [See here](#).
- Lam, E.T.C. 2014. *The Roles of Governance in Sport Organizations*. http://jppgnet.com/journals/jppg/Vol_2_No_2_June_2014/2.pdf
- Malta Football Association. 2015. *Section III – Finances of the Association*. <http://www.mfa.com.mt/downloads/1629/pdf.pdf>
- Montel, J. and Waelbroeck-Rocha, É. 2010. *The Different Funding Models for Grassroot Sports in the EU*. http://ec.europa.eu/internal_market/services/docs/sport/conference20100216/2-the-different-grassroots-sports-funding-models-in-the-eu_en.pdf
- Mrkonjic, M., and Geeraert, A. 2013. *Sports Organisations, Autonomy and Good Governance in Action for Good Governance in International Sports Organisations*. http://dspace.mah.se/dspace/bitstream/handle/2043/17866/AGGIS_Final_report.pdf?sequence=2&isAllowed=y#page=133
- OECD. 2009. *Money Laundering through the Football Sector*. [See here](#).
- Pielke, Jr., R. 2013. *A Report Card on FIFA Reform*. <http://www.playthegame.org/news/news-articles/2013/a-report-card-on-fifa-reform/>
- Pielke Jr., R. 2015. *Obstacles to Accountability in International Sports Governance*. http://www.transparency.org/files/content/feature/1.4_ObstaclesToAccountability_Pielke_GCRSport.pdf
- Pieth, M. 2011. *Governing FIFA*. http://resources.fifa.com/mm/document/affederation/football_governance/01/54/99/69/fifagutachten-en.pdf
- Reuters. 2015. *Swiss Lawmakers Pave Way for “Lex FIFA” Anti-Corruption Law*. Eurosport. http://www.eurosport.co.uk/football/swiss-lawmakers-pave-way-for-lex-fifa-anti-corruption-law_sto4905854/story.shtml
- RFU (Russian Football Union). 2012. *Rules of the RFU Ethics*. http://www.rfs.ru/res/docs/regulations/regetica2011_.doc
- RTÉ Sport. 2015. *FIFA Gave FAI €5m ‘Loan’ to Stop Legal Action over Thierry Henry Handball*. <http://www.rte.ie/sport/soccer/2015/0604/705872-delaney-confirm-fifa-payment-to-fai/>
- Sparre, K. 2007. *Poland Sets Fighting Corruption Higher Than Football Interests*. <http://www.playthegame.org/news/news-articles/2007/poland-sets-fighting-corruption-higher-than-football-interests/>
- Federal Republic of Switzerland. 1986. *Federal Law on Unfair Competition*. <http://www.wipo.int/edocs/lexdocs/laws/en/ch/ch016en.pdf>
- Tomlin, S. and Lee, S. 2014. *It's all in the Game: Proposals for Greater Transparency in Football Governance*. <http://www.centreforum.org/assets/pubs/its-all-in-the-game.pdf>
- Transparency International. 2011. *Safe Hands; Building integrity and transparency at FIFA*. http://www.transparency.org/whatwedo/publication/safe_hands_building_integrity_and_transparency_at_fifa
- Transparency International. 2013. *Business Principles for Countering Bribery*. http://www.transparency.org/whatwedo/publication/business_principles_for_countering_bribery
- Transparency International. 2014. *Working Paper: Corruption and Sport; Building Integrity to Prevent Abuses*. http://www.transparency.org/whatwedo/publication/working_paper_2_2014_corruption_and_sport_building_integrity_to_prevent_abu
- Transparency International. 2015. *Give Back the Game; How to Fix FIFA*. https://www.transparency.org/whatwedo/publication/give_back_the_game_how_to_fix_fifa
- UEFA (Union of European Football Associations). No date. *Eleven Values*. <http://www.uefa.org/about-uefa/eleven-values/>
- UEFA (Union of European Football Associations). 2010. *UEFA Club Licensing and Financial Fair Play Regulations*. http://www.uefa.com/MultimediaFiles/Download/Tech/uefaorg/General/01/50/09/12/1500912_DOWNLOAD.pdf

UEFA (Union of European Football Associations). 2014a. *UEFA Statutes Edition 2014*. http://www.uefa.org/MultimediaFiles/Download/OfficialDocument/uefaorg/WhatUEFAis/02/09/93/25/2099325_DOWNLOAD.OAD.pdf

UEFA (Union of European Football Associations). 2014b. *UEFA Disciplinary Regulations Edition 2014*. http://www.uefa.org/MultimediaFiles/Download/Regulations/uefaorg/UEFACompDisCases/02/11/23/49/2112349_DOWNLOAD.pdf

UEFA (Union of European Football Associations). 2014c. *Protect our Game! Code of Conduct for all Participants in European Football*. http://www.uefa.com/MultimediaFiles/Download/uefaorg/Ciubs/02/14/97/66/2149766_DOWNLOAD.pdf

United States District Court. 2015. *Indictment 15 CR 0252 (RJD) (RML)*. <http://www.justice.gov/opa/file/450211/download>

Walters, G. and Hamil, S. 2008. *All Part Parliamentary Football Group Inquiry into English Football and its Governance*. http://www.sportbusinesscentre.com/wp-content/uploads/2012/08/APPFG-Written-EvidenceFinal20October2008_2_2.pdf

“Anti-Corruption Helpdesk Answers provide practitioners around the world with rapid on-demand briefings on corruption. Drawing on publicly available information, the briefings present an overview of a particular issue and do not necessarily reflect Transparency International’s official position.”