

## CR ANALYSIS - BREXIT AND PROFESSIONAL SPORT IN THE UK

### Summary

- With Brexit there will undoubtedly be a period of uncertainty for British professional sport where some regulations and agreements will have to be reviewed by sports organisations and governments
- There will be uncertainty to come around immigration rules and there are possibly some longer term implications for certain professional sports
- There may be a moderate impact on sports integrity where access to information sharing and intelligence sharing organisations on criminality and corruption could be more limited
- Costs of sports goods and services could be affected, as well as sports funding streams and funding pots for sports science research

Much has been written recently on the how a UK exit from the EU might change British professional sport. The truth is that we don't yet know precisely how big an impact Brexit would have but we do know that there will be a period of uncertainty - perhaps two years but quite possibly longer - where regulations will have to be reviewed or renegotiated by sporting organisations and governments.

What follows is a brief summary of the main points and arguments made. We have also consulted academic experts for their views on the possible impact of Brexit on sport.

### Free movement of labour and players from the European Economic Area

This issue has gained the most media coverage, with the [BBC](#), the [Guardian](#) and the [Independent](#) all publishing reports suggesting that professional football, and in particular the English Premier league, may be most affected by Brexit. The argument is that British football clubs have many non-British European Economic Area (EEA)/EU nationals who, under current immigration criteria, would be refused work permits were the UK to leave the EU, as current rules aim to ensure that only top performing non EEA international players (decided by FIFA national rankings and number of internationals played) are given the right to play. Thus it is predicted that with the new immigration situation of a UK outside the EU, fewer non British players would be given work permits to play in the UK, with the current EEA players losing their automatic working status. It could be argued by those in favour of leaving the EU that fewer foreign players will improve the England national team's prospects by ensuring more British players play regularly for their clubs. However, as Professor [Richard Holt](#) at the International Centre for Sports History and Culture told us "this argument seems to have been blown apart by the new crop of home-grown stars [for England] - Harry Kane et al".

Leading sports lawyer Daniel Geey [doubts](#) that existing player contracts in British professional football would change. He thinks it's "unlikely" that "the same work permit principles which currently apply to non-EEA workers would similarly apply to EEA workers post-Brexit" and that, therefore, we wouldn't see players being deported immediately. But he does foresee changes in the long-run. "There may be no immediate short term impact but, in due course, a major overhaul of the work permit regulations for EEA players would be required."

It is possible that in a Brexit scenario for British professional football there are fewer non-British players, but this is of course dependent on many other factors and how work permit regulations are dealt with by any future British government, none of which we can predict. It should also be pointed out that were there to be more exacting work permit regulations for non-British players for those in the EEA then it is not only the English Premier League that would be affected: there is a high number of EEA players in the lower leagues in England and in the [Scottish professional teams](#) and there would also be an impact on sports such as rugby union and rugby league, where numerous EEA nationals play in the UK.

As for the transformative ECJ Bosman ruling, which allows freedom of movement at the end of a player's contract, Daniel Geey suggests that its validity would be dependent on the "the legal relationship that is established between the UK government and the EU post-Brexit" but that the UK football authorities and government may not "be rushing to impose additional restrictions on the free movement of its citizens or workers employed in the UK to prohibit their movement at the end of a player's contract." Professor of European Law at Oxford University, [Steven Weatherill](#), meanwhile, suggests that commercial pressures and incentives will stop there being much change in professional football: "it seems unlikely that a British government post-Brexit would resist the Premier League's pressure for special concessions in favour of high-earning football migrants, even were the UK outside the EU to choose to adopt generally restrictive policies on immigration." For him there are stronger arguments that "the more intangible cultural claim that the gloriously cosmopolitan nature of football today shines disapproving

light on the isolationist preferences of much of the Brexit campaigning."

### Commercial broadcasting contracts and rights

There have been recent policy changes on broadcasting mooted at EU level through the [Digital Single Market Strategy](#) which could be impacted by a Brexit. Part of the European Commission's agenda had been focussed on [preventing](#) "unjustified geo-blocking" which might have affected one's ability to watch sports when travelling in the EU area but outside one's subscription area (e.g. having a sport broadcast internet subscription in the UK, but not being able to watch it if accessing it whilst in say, France). Otherwise, sports broadcasting is still organised by nation states. In an interesting blog on Brexit and sport, the [Sport and Recreation Alliance](#) (SRA) suggests, that the reforms hint at a wish to move to an EU-wide model for licensing by some in the European Commission to "enable EU citizens to access content on a pan-European basis" and that despite this not being likely in the near future "if the UK were to exit the EU it would leave UK rights holders with limited influence over any further reform within the remaining EU member states - reform which could have significant implications for UK rights holders' commercial interests."

### Cost of sporting goods and services

Another potential change has been argued by the [Sport and Recreation Alliance](#) that Brexit would mean increased tariffs on sporting goods and equipment, as the UK is currently a [net importer](#) of these.

### Sports integrity

It appears that many existing international agreements and arrangements in relation to sports integrity could remain unchanged after Brexit. This is simply because many of the principal agreements in this area have been ratified by non EU bodies. For example, the Council of Europe (a non-EU institution with a wider membership that includes Russia) developed the often cited "Convention on the Manipulation of Sports Competitions" although it has to be added that such a convention could not have been agreed upon without EU support. Other bodies such as the World Anti-Doping Agency WADA was set up by the International Olympic Committee and has global membership. However, it has also allowed three EU representatives to sit on its "supreme decision-making body" composed of 38 members, the Foundation Board, and UK sports minister, Tracey Crouch, was recently appointed to it until 2018. The [Sport and Recreation Alliance](#) argues that the appointment "represents a significant step and one that puts the UK at the heart of anti-doping policy at the global level" and that as "the appointment is linked explicitly to the UK's membership of the EU...Brexit could put this appointment - and the UK's influence at international level more broadly - in doubt."

It is often said that much of the prevention of doping and match-fixing in sport can be effective through cross-border cooperation and sharing of information and intelligence and also drug testing. There have been suggestions that this could be threatened by exit from the EU as some existing agreements and UK memberships - such as that of the EU's policing organisation [Europol](#) - would be in jeopardy, "leaving the UK at a significant disadvantage" according to the SRA. It is possible that membership would be at stake but, is it perhaps also possible that the UK could negotiate to remain part of Europol's information and cooperative apparatus? Professor Malcolm Anderson,

an expert on frontiers and policing cooperation (and a [CR Associate](#)) says "it is extremely unlikely that the UK could negotiate more than an associate membership of Europol." He adds that "this gives good access, although not at the same level, to liaison officers in Europol - their queries are answered and information regarded as relevant is communicated to them by the Europol information and intelligence sharing system." But he cautions that "access to the Schengen information system on wanted and suspect persons would almost certainly be denied to the UK which may have relevance to doping in sport." Either way there will be a lot of negotiation going on in future, and a lot of uncertainty. The salient point here may be that it is useful being part of a wide range of intelligence sharing, information gathering and cooperative groups for police and security services and for the UK to be removed from some of them could in theory diminish security efficiency.

### Sports funding

The EU does contribute to sports, especially at grassroots level, through funding streams such as the sporting chapter in the [ERASMUS+](#) programme and the [EU structural Funds](#), thus full access to these funding mechanisms would probably disappear with Brexit. Brexiteers have of course argued that the [UK's contribution to the EU budget](#) could be freed up for the UK government to choose itself what it funds, which might include contributions to grassroots sports - but there has been no specific comment on what that might be .

### Sports science and technology

Sports science and technology is an area which has progressed fast in Britain - just look at [British cycling](#) - and to a certain extent relies on high quality scientists and researchers. Brexit may impact upon free movement and the UK labour market and on access to EU scientific funding streams and collaborative scientific research. Channel 4's [FactCheck](#) discusses the link made between free movement of labour and science funding and says it is "fair to assume that if the UK denied freedom of movement to EU citizens after Brexit, we would run the risk of being shut out of things like EU-wide science funding too" and that in the EU "it's true that Britain takes out more than it pays into the [science funding] research pot". LSE academics give a more extensive assessment on the [impact on science from Brexit](#), concluding that the UK is not using EU funding streams and resources as much as it could and that "UK politicians even act as a barrier to UK science's capacity to fully harness the benefits of the EU. The low participation rate of UK SMEs on Horizon 2020 relative to our universities is [directly attributable](#) to very poor advertising through channels such as BIS and Innovate UK."