

2022

Bosman and Beyond: How a Court Decision a Quarter Century Ago Impacted Football On and Off the Pitch

James J. Wold

Follow this and additional works at: <https://scholarship.law.marquette.edu/sportslaw>



Part of the [Entertainment, Arts, and Sports Law Commons](#)

Repository Citation

James J. Wold, *Bosman and Beyond: How a Court Decision a Quarter Century Ago Impacted Football On and Off the Pitch*, 32 Marq. Sports L. Rev. 529 (2022)

Available at: <https://scholarship.law.marquette.edu/sportslaw/vol32/iss2/7>

This Article is brought to you for free and open access by the Journals at Marquette Law Scholarly Commons. For more information, please contact megan.obrien@marquette.edu.

BOSMAN AND BEYOND: HOW A COURT DECISION A QUARTER CENTURY AGO IMPACTED FOOTBALL ON AND OFF THE PITCH

JAMES J. WOLD*

Modern football has been defined by players searching for more and more freedom. And that coincides with more and more individualism. Today, we're at a point where even the January window creates earthquakes inside clubs. As soon as a guy's personal interests don't line up with the team's, he gets very bored.¹

INTRODUCTION/BACKGROUND

On July 1, 2021, Lionel Messi was on duty for the Argentina national soccer team in the Copa America as the *Albicelestes* awaited their quarterfinal opponent Ecuador.² That date also held importance across the Atlantic Ocean as the FC Barcelona icon's three-year contract with the *Blaugrana* expired at

* James J. Wold is a 2017 graduate of Marquette University Law School and the National Sports Law Institute. James specializes in international sport law and alternative dispute resolution. Prior to law school, James was a sports writer and photographer for nearly 15 years in Southern Wisconsin and possesses a Masters in Sport Management from Cardinal Stritch University. Much like Bosman himself, James was a free agent during the Covid-19 pandemic and the writing process was therapeutic to his mental health. James dedicates this paper to his mother, Donna, and late father, Larry, for their love and support of his passion for sport. Special thanks to his friend and English teacher Bill LeTourneau for proofreading and recommendations to strengthen the overall structure of the paper.

1. JOSHUA ROBINSON & JONATHAN CLEGG, *THE CLUB: HOW THE ENGLISH PREMIER LEAGUE BECAME THE WILDEST, RICHEST, MOST DISRUPTIVE FORCE IN SPORTS* 167 (2019) (quoting former Arsenal manager Arsène Wenger).

2. Carlos Garganese, *Messi Sends Barcelona Message with Argentina Masterclass*, FOOTBALL TRANSFERS (July 4, 2021), <https://www.footballtransfers.com/en/transfer-news/sa-copa-america/2021/07/copa-america-messi-sends-barcelona-message-ecuador>.

the end of the day on June 30.³ Thus, the six-time Ballon d'Or winner became a free agent with the ability to ply his trade to any club in the world willing to pay the superstar his wages. More importantly though, clubs would not have to provide any transfer fees to FC Barcelona in exchange for Messi's services.

For about a month, Messi appeared to be staying with the club he's known his entire footballing career by taking a significant pay cut.⁴ Then in early August 2021, a bombshell hit the football world—Barcelona would not take him back. Citing a nearly €1.173 million debt load and an inability to restructure contracts, Barcelona announced that Messi and his 674 career club goals would be there for anyone to take.⁵ It did not take long for the Argentinian superstar to find a new home as forty-eight hours after Barcelona's stunning announcement, Messi agreed to terms on a multi-year deal with French club Paris Saint-Germain.⁶

In its current form, true free agency for the likes of Messi and other European footballers can be traced back a quarter century to a journeyman midfielder. This paper focuses on the European Court of Justice's (ECJ) decision in December 1995 regarding Jean-Marc Bosman against his club, Royal Club Liege, and its impact on European soccer decision-makers over the following twenty-five years. Part one will overview the basic structure of European and international soccer and what the rules for players were like prior to Bosman's situation. This section also reviews the rules as it pertained to out-of-contract players prior to the ruling, looking back at English and European law. It will also evaluate the legal arguments brought forth by each side during the Bosman case and analyze the court's final decision.

Part two will analyze how clubs managed the ECJ's ruling, starting with its initial impact and how clubs modified their response to Bosman through the years. Rather than taking a holistic view, this paper will highlight specific individual European clubs and how the Bosman ruling, and free agency, may have impacted their decision-making process in finding success on the pitch.

3. Athletic Staff, *Lionel Messi's Barcelona Contract Expires*, ATHLETIC (July 1, 2021, 2:25 AM), <https://theathletic.com/news/lionel-messis-barcelona-contract-expires/YEKGasUYZELj>.

4. Avi Creditor, *Length the Only Surprise of Messi's Reported New Barcelona Deal*, SPORTS ILLUSTRATED (July 14, 2021), <https://www.si.com/soccer/2021/07/14/lionel-messi-barcelona-new-deal-contract-five-years-pay-cut-2026>.

5. Sid Lowe, *Barcelona's Debt is Greater than €1 Billion. Forget Bringing Back Neymar, They Can't Even Afford Eric Garcia*, ESPN (Jan. 29, 2021), <https://www.espn.com/soccer/barcelona/story/4301666/barcelonas-debt-is-greater-than-1-billion-forget-bringing-back-neymarthey-cant-even-afford-eric-garcia>.

6. Fabrizio Romano, *Lionel Messi to PSG: The Inside Story of How a Stunning Deal Was Done*, GUARDIAN (Aug. 11, 2021, 3:00 PM), <https://www.theguardian.com/football/2021/aug/11/lionel-messi-to-psg-the-inside-story-of-how-a-stunning-deal-was-done>.

The concluding section will look ahead to the next era and whether Bosman's underpinnings are relevant to current and emerging challenges that face European football.

I. THE BOSMAN DECISION

A. European Soccer's Structure System

The Union of European Football Associations ("UEFA") is the governing body regulating soccer throughout Europe based in Switzerland and governed by Swiss law.⁷ At its core, UEFA is an association of associations and is the umbrella organization for fifty-five national football associations across Europe.⁸ UEFA is one of six continental associations that works with the Fédération Internationale de Football Association "FIFA"⁹ to establish the rules and regulations on all aspects of soccer within Europe.¹⁰ These powers include, but are not limited to: rules of play on the pitch, how players can transfer from one club to another, contract and arbitration rules along with player eligibility.¹¹ UEFA has the authority to regulate competition within Europe at both the national team and club team levels and has the right to create or abolish competitions within its jurisdiction.¹²

As the continental confederation for Europe, UEFA grants licenses to national football associations and clubs.¹³ National teams represent a single country in an international competition¹⁴ while club teams compete within a

7. DAVID MCARDLE, FROM BOOT MONEY TO BOSMAN: FOOTBALL, SOCIETY AND THE L. 40 (2000).

8. *What UEFA does*, UEFA, <https://www.uefa.com/insideuefa/about-uefa/what-uefa-does/> (last updated Jan. 22, 2019).

9. *About FIFA*, FIFA, <https://www.fifa.com/about-fifa> (last visited Apr. 1, 2022).

10. *Id.* (For completeness, the other continental associations underneath the FIFA umbrella that regulate and enforce soccer's rules are the Asian Football Confederation (AFC), the Confederation African de Football (CAF), the Confederation of North, Central American and Caribbean Association Football (CONCACAF), the Confederacion Sudamerica de Futbol (CONMEBOL) and the Oceania Football Confederation (OFC). AFC has forty-six total members and represents Asian nations in football. CAF represents fifty-four members in Africa. CONCACAF represents thirty-five members throughout North and Central America and the Caribbean nations. CONMEBOL is limited to ten members within South America (but does not include French Guiana, Suriname, or Guyana). OFC represents Oceania's 11 members, which include Australia and New Zealand. UEFA has the most actual members with fifty-five.)

11. *See* UEFA, UEFA STATUTES (2018), https://www.uefa.com/MultimediaFiles/Download/uefaorg/General/02/56/20/45/2562045_DOWNLOAD.pdf.

12. *Id.*, at Art. 49.

13. *Id.*, at Art. 50.

14. *See generally* UEFA, <https://www.uefa.com/> (last visited Apr. 1, 2022). International competitions include the World Cup, the European Championships and the recently established European Nations League.

country's own league.¹⁵ The top finishers in each country's private league also compete with one another in the UEFA Super Cup, UEFA Europa Conference League, UEFA Europa League and the prestigious UEFA Champions League.¹⁶ UEFA's governance is applicable for both men's and women's clubs and national teams within Europe as it stages eighteen football competitions from youth to senior level.¹⁷

B. Rules Prior to Bosman

Understanding the transfer rules prior to Bosman requires a look back at nearly 120 years of precedent and a labor system that was rarely in favor of those who plied their trade on the pitch. As the Industrial Revolution took a firm hold in Europe, especially in Great Britain, laborers found more time to pursue recreational activities. In Victorian England, sport and recreation were viewed as fostering "muscular Christianity" and team spirit.¹⁸ This leisure time quickly grew in popularity and some entrepreneurs began to charge admission to these games.¹⁹ In England, the leisure activity of the time was soccer.²⁰ Working-class males led the professionalization of the sport, specifically the foundation of the Football Association in 1863.²¹ These men formed their own clubs, making it the people's game, and the sport quickly grew throughout England and other countries throughout Europe.²²

15. An individual nation's competitions generally include a round-robin league competition that can range from thirty-four to forty-six matches depending on the total membership of the league. For example, in England's Premier League, Spain's La Liga and Italy's Serie A, each league has twenty members and thirty-eight total matches (nineteen matches at home and nineteen matches away). Meanwhile, Germany's Bundesliga has eighteen members and thirty-four total matches (seventeen matches at home and seventeen matches away). Finally, England's Championship Flight (its second division) has twenty-four teams and forty-six matches (twenty-three matches at home and twenty-three away).

16. *Inside UEFA: Administration*, UEFA, <https://www.uefa.com/insideuefa/about-uefa/administration/> (last updated June 22, 2020).

17. *Id.*

18. PETER BAILEY, LEISURE, ENTERTAINMENT AND POPULAR CULTURE, 19TH CENTURY UK PERIODICALS (Gale 2008), https://www.gale.com/binaries/content/assets/gale-us-en/primary-sources/intl-gps/intl-gps-essays/full-ghn-contextual-essays/ghn_essay_19ukp_part1_bailey1_website.pdf; *see* MCARDLE, *supra* note 7, at 4.

19. MCARDLE, *supra* note 7, at 63.

20. Steven M. Gelber, *Working at Playing: The Culture of the Workplace and the Rise of Baseball*, 16 J. SOC. HIST. 3, 3-22 (1983) (discussing the rise of soccer in many ways mirrored the rise and popularity of baseball in America after the Civil War. Much like England, the rise came about, in part, due to industrialization).

21. BAILEY, *supra* note 18, at 4.

22. Fionn Shiner, *Who invented football? The Story of the Beautiful Game – from Ancient China to England*, MIRROR (July 13, 2021, 12:14 PM), <https://www.mirror.co.uk/sport/football/who-invented->

However, labor issues simply slid from the industrial steel and shipping yards to the board rooms of these fledgling soccer clubs. Chief among these issues was the transfer system. Dating as far back as the 1890s, this archaic system allowed clubs to purchase and sell players without threat of losing a valuable transfer fee.²³ This “transfer fee”, or a financial transaction between two clubs to purchase or acquire the services of a player, was seen as necessary by clubs because smaller clubs could keep their best players until it made financial sense to sell them.²⁴ Further, any money received would help a team replace a player plus pay any outstanding debts.²⁵ However, if a larger club did not necessarily need the cash infusion, there were few mechanisms in place at that time for players to gain free agency.²⁶

The transfer system's lawfulness was scrutinized in a trio of cases before English courts. In *Radford v. Campbell*, the British Court of Appeal reviewed the question of whether Nottingham Forest could bring an injunction against Blackburn Rovers to block a player's registration with a different club.²⁷ In March 1890, Campbell signed a contract to play for Nottingham Forest.²⁸ Before the season started, Campbell also inked a contract with Blackburn Rovers as Rovers were paying players at that time.²⁹ The case was ultimately decided in the player's favor as the court determined the injunction by Nottingham Forest was not proper.³⁰ While the court did not expressly state Campbell was in the right, Lord Esher noted:

The Master of the Rolls said that this jurisdiction of the court must depend upon the circumstances of every case. It was not in every case in which a man was about to break his contract that an injunction should be granted restraining him from doing so. What was there at stake in the present case? There was no

football-story-beautiful-12656196; see Week Staff, *The history of English soccer, from violent peasants to multi-million dollar megastars*, MIRROR (Jan. 8, 2015), <https://theweek.com/articles/446170/history-english-soccer-from-violent-peasants-multimillion-dollar-megastars>. Football was introduced in The Netherlands and Denmark by 1889 with Switzerland and Belgium picking up the game around 1895. Italy was also introduced to the game prior to the end of the 19th Century (1898) and by 1904, the game's global reach was found with the foundation of FIFA. Meanwhile, English cities, especially in the industrial north, had multiple clubs in the same town with Liverpool having more than 100 club teams at one point.

23. MCARDLE, *supra* note 7, at 14-20.

24. *Id.* at 20.

25. *Id.*

26. *Id.*

27. *Id.* at 18.

28. *Id.*

29. *Id.* (Campbell was paid the handsome amount of 4 10 s per week.).

30. *Id.*

question of character or of property except that it was said there would be a diminution in gate-money. But the real point was the pride of the club; they wanted to win their games, and in order to do so they had engaged these professionals. Ought the solemn machinery of the court in granting an injunction to be invoked in order to satisfy their pride in winning their matches? If the defendant broke his agreement an action would lie against him, and it might be even that an action would lie against the other club for enticing him to do so. But it was unnecessary to decide that now; all that needed to be said was that North J [at first instance] was right and that this was not a proper case for granting an injunction.³¹

Although players could reject a transfer, they were limited in moving to another club unless another club purchased the player's contract from their current club.³² Put another way, professional athletes had a limited degree of freedom to transfer between clubs.³³ Throughout much of the late nineteenth and into the early twentieth century, this was the way business was done to maintain spectator interest and keep the League competitive.³⁴

Two decades after *Radford*, in *Kingaby v. Aston Villa FC*, a player challenged the English Football League's registration system.³⁵ At that time, if a player wished to move from one club to another at the end of the season, that player would need his old club's permission to do so.³⁶ Herbert Kingaby, a journeyman professional footballer, was sold to Aston Villa—one of the larger clubs during the early years of the English league—for £300 and paid a weekly wage of four pounds.³⁷ Villa had buyer's remorse two months after acquiring Kingaby and offered to sell him back to his original club, Clapton Orient, for £150.³⁸ But like many clubs at that time, Clapton Orient was cash-strapped and did not have the ability to take back Kingaby at that price.³⁹ Meanwhile, Villa

31. *Id.* (stating Lord Esher did have contempt for the sport, particularly at the professional level and did not want the court to "involve itself with something so trivial" as that of soccer).

32. *Id.* at 20.

33. *Id.* at 17. Alternatively, players could receive permission from the Football Association. *Id.*

34. *Id.* at 19.

35. *Id.* at 22.

36. *Id.* at 19.

37. *Id.* at 21-22.

38. *Id.* at 22.

39. *Id.*

was not willing to take a significant financial loss by allowing Kingaby to move on without a fee.⁴⁰

This left Kingaby in a perilous position. Due to the retain-and-transfer system in place, Villa was allowed to keep Kingaby on their retained players list despite no intention of giving him a new contract.⁴¹ Therefore, Kingaby could not join another league club once he was placed on Villa's retained list despite not receiving a salary.⁴² Unable to play for any English League club, the only option available to Kingaby was to join another English league.⁴³ Kingaby appeared to find a loophole when he joined Fulham of the Southern League as they were not bound by the English League's retain-and-transfer regulations.⁴⁴ Fate had another hurdle for Kingaby as the Southern and English Leagues reached an agreement over the English League's player registration and transfer systems.⁴⁵ Not only did it prevent players from defecting to a different league, but Kingaby ended up being re-registered as an Aston Villa player unless Villa agreed to transfer him.⁴⁶ Villa would allow it, but it now wanted a transfer fee of £350.⁴⁷ This amount was outside Leyton Orient's budget and more than the player's objective valuation.⁴⁸

Kingaby sought legal action against Villa, arguing an unlawful restraint of trade.⁴⁹ On the surface, there appeared to be a *prima facie* argument regarding the transfer system's unlawfulness.⁵⁰ However, counsel for Kingaby apparently never argued the legality of the retain-and-transfer system.⁵¹ Rather, the plaintiff's counsel took its arguments from *Radford* and only argued that Villa acted in a malicious manner against Kingaby and sought damages for breach of contract, conspiracy, and an injunction.⁵² Because the fundamental legality of the transfer system was never challenged, the court proceeded on the presumption that the system itself was lawful.⁵³ Therefore, the Court found the

40. *Id.*

41. *Id.*

42. *Id.*

43. *See id.*

44. *Id.*

45. *Id.*

46. *Id.*

47. *Id.*

48. *Id.*

49. *Id.*

50. *See Mitchel v. Reynolds* 24 Eng. Rep. 347 (1711) (KB) (regarding an early English case concerning unlawful restraint of trade); *Leather Cloth Co. v. Lhorsont*, 9 L. R. Eq. 345 (1869).

51. MCARDLE, *supra* note 7, at 23.

52. *Id.*

53. *Id.*

club acted lawfully in seeking a transfer fee for the player.⁵⁴ Further, Villa's motives for its actions were irrelevant because no amount of malice could render a lawful act unlawful.⁵⁵

Fifty years after *Kingaby*, English courts confronted the retain-and-transfer system in *Eastham v. Newcastle United FC*.⁵⁶ In April 1960, George Eastham, a Newcastle United player, made several unsuccessful requests to be released from his contract with the club.⁵⁷ Eastham decided to quit football, but the Players Union requested he take the case to court to test the limits of the retain-and-transfer system.⁵⁸ Meanwhile, Newcastle United, perhaps fearing legal action, granted him a transfer to Arsenal for £47,000.⁵⁹ Despite the transfer, Eastham continued forward with his legal case. At the time of the *Eastham* case, most players were employed on yearly contracts that ran from July 1 to June 30.⁶⁰ As the contract approached its end, four possible scenarios existed:

(a) The player could re-register for the same club at any time between 1 April and the first Saturday in May. In effect, the contract was simply renewed.

(b) The club could retain the player on less favourable terms by serving a notice between 1 May and 1 June, giving details of the terms it was offering. If the FA considered the offer to be too low, it could refuse the retention, but, if it felt the terms were reasonable, the player could not sign for any other club. Players were allowed to petition the FA with their reasons for wanting to move to another club, but, ***if the FA refused to intervene, clubs could retain a player indefinitely.***

(c) The player could be placed on the transfer list at a fee fixed by the club.

54. *Id.*

55. *Id.* (This disastrous legal ploy nearly bankrupted the Player's Union as it awarded the club legal costs to be paid by the Union and provided it bad publicity in the public eye. This likely set back any challenges to the restrain and trade system for years as employers believed they could simply put arbitrary new terms into a player's contract going forward.)

56. L.J. Blom-Cooper, *Retain and Transfer System Offside*, 27 MODERN L. REV. 210, 210 (1964); see MCARDLE, *supra* note 7, at 24.

57. MCARDLE, *supra* note 7, at 24.

58. *Id.*

59. *Id.*

60. *Id.* at 24-25.

(d) If the club did not want to keep the player and did not seek a fee for him, it could release him and he would be free to conduct negotiations with other clubs at any time from the end of June. (Osborn and Greenfield, 1998, p 35.)⁶¹

The English League argued that the retain-and-transfer system was justified because it prevented large clubs from taking the best players while maintaining competitive balance and fan interest.⁶² The Chancery Court did not agree with the League's interpretation of the system, noting "[a]ny system that interfered with the player's freedom to seek other employment at a time where he was not actually being employed by another club would seem . . . to operate substantially in restraint of trade."⁶³ Further, the court had a specific objection to the retain portion of the system:

What makes the transfer fee so objectionable . . . is its combination with the retain system. When it is so combined – that is, when a man is retained and it is made known that his club is open to offer, or when a man is put on both the transfer list and the retain list – he cannot escape outside the League. All he can do is (in the latter case) to apply to have the transfer fee reduced. But, even if it is reduced, no club in the League may pay it, and yet he cannot go outside.⁶⁴

Although the retaining portion of the transfer system went away after the *Eastham* decision, the transfer system remained largely unchanged until the *Bosman* ruling.⁶⁵ But the decision did have some positive effects for the players.⁶⁶ The new transfer system made it easier for players to obtain "free transfer" at the end of their contract as any players considered unwanted and not on a "transfer list" would be a free agent.⁶⁷ Further, players had to be offered a

61. *Id.* at 25 (emphasis added).

62. *Id.* at 26 (Additionally, the defendants argued that there was no restraint of trade as the retain system only gave the employer a series of options to renew a contract for a year. The court did not buy the argument as a player, especially when placed on the retain list, was not employed by the club.); see *Eastham v. Newcastle United Football Club Ltd.* (1964) 3 WLR 574 at 584; Blom-Cooper, *supra* note 56.

63. See MCARDLE, *supra* note 7, at 26.

64. *Id.*

65. *Id.* at 27.

66. *Id.*

67. *Id.*

contract with terms no less favorable than a previous one.⁶⁸ This also spurred on the introduction of longer-term contracts in professional football as the one-year deals were pushed aside outside of very young players or players at the end of their respective careers.⁶⁹ Finally, transfer disputes were heard by an independent tribunal.⁷⁰ More importantly, this marked a turning point in the relationship between players and owners. Going forward, owners could not end a player's career by offering essentially adhesion contracts without any favorable terms to the player.⁷¹

C. European Union Structure

Although the *Eastman* case changed the English system, many countries in Europe continued to use a pre-*Eastman* system.⁷² To understand the transfer issue prior to *Bosman*, it helps to provide a basic understanding of the European Union and some of its important bodies. Post-World War II, six nations signed the Treaty of Rome (the "EU Treaty") in 1957.⁷³ The Treaty's aim was to establish the European Economic Community ("EEC") and work towards creating a common market based on the free movement of goods, people, services, and capital.⁷⁴ Specifically, the signatories to the Treaty wanted to create an "ever closer union" among European people.⁷⁵ More importantly, it also established four institutions and decision-making mechanisms to express both national interests and a joint future vision—the Council of Ministers, the European Commission, the Parliamentary Assembly ("European Parliament"), and the Court of Justice ("ECJ").⁷⁶ The European Commission proposes legislation, enforces treaty provisions, and possesses absolute enforcement power and control over competition law.⁷⁷

68. *Id.* at 28.

69. *Id.*

70. *Id.*

71. *Id.* (this represented a major erosion of power that clubs had in England.).

72. James G. Irving, Comment, *Red Card: The Battle over European Football's Transfer System*, 56 U. MIA. L. REV. 667, 672 (2002).

73. *Treaty of Rome (EEC)*, EUR-LEX, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:xy0023> (last visited Apr. 1, 2022) (The six countries were Belgium, France, Italy, Luxembourg, the Netherlands, and West Germany. The treaty went into effect on January 1, 1958.).

74. *Id.*

75. *Id.*

76. *Id.*

77. Irving, *supra* note 72, at 672.

The ECJ consists of fifteen judges, one of each Member State, to ensure consistent application of EU law.⁷⁸ This body rules on the legality of actions of other EU governing bodies and offers preliminary rulings on the national court's requests for interpretation of EU law.⁷⁹ Advocate Generals provide advisory opinions before the ECJ rules on a question.⁸⁰ Although not binding on the individual parties, many of these recommendations end up in the final decision.⁸¹

D. Key aspects of the European Union Treaty

In cases where transfers are at issue, three provisions of the EU Treaty are generally reviewed: Articles 48, 85, and 86. Article 48 states:

- (1) The free movement of workers shall be ensured within the Community not later than at the date of the expiry of the transitional period.
- (2) This shall involve the abolition of any discrimination based on nationality between workers of the Member States, as regards employment, remuneration and other working conditions
- (3) It shall include the right, subject to limitations justified by reasons of public order, public safety and public health:
 - (a) to accept offers of employment actually made;
 - (b) to move about freely for this purpose within the territory of Member States;
 - (c) to stay in any Member State in order to carry on an employment in conformity with the legislative and administrative provisions governing the employment of the workers of that State; and

78. *Id.*

79. *Id.*

80. *Role of Advocates General at the CJEU*, EUR. PARLIAMENT: THINK TANK (Oct. 10, 2019), [https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI\(2019\)642237](https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI(2019)642237) (Advocate Generals enjoy the same privileges as judges (immunity) and cannot be removed from office before the end of their six-year term of office but may be re-elected. Unlike judges, Advocate Generals only have an advisory role and do not take part in the decision-making on cases. As a matter of principle, the Advocate General's opinion is sought in every case tried by the Court of Justice ("CJ"), unless the latter decides that there is no new point of law.).

81. Irving, *supra* note 72, at 673.

(d) to live, on conditions which shall be the subject of implementing regulations to be laid down by the Commission, in the territory of a Member State after having been employed there.

(4) The provisions of this Article shall not apply to employment in the public administration.⁸²

Articles 85 and 86 of the EC Treaty are core provisions of European Community competition law. Article 85 (1) prohibits agreements or concerted practices between undertakings that may affect trade between the Member States and have as their object or effect the restriction or distortion of competition within the Common Market.⁸³ Part 2 nullifies provisions in such contracts that restrict competition.⁸⁴ Article 86 prohibits abuse by one or more undertakings of a dominant position within the Common Market or a substantial part of it in so far as it may affect trade between Member States.⁸⁵ The term undertaking in this context refers to all “natural or legal persons and all combinations of persons engaged in an independent commercial activity, either as suppliers or customers of goods or commercial services.”⁸⁶ Activities such as sports clubs are also considered undertakings.⁸⁷

E. European Court of Justice Sports Law Cases

Professional sports were first addressed by the ECJ in *Walrave and Koch v. Union Cycliste Internationale*.⁸⁸ In *Walrave*, two Dutch professional pacemakers competed in motor-paced bicycle races and were among the best in the world.⁸⁹ When the Dutch duo did not perform well in a series of races, they offered their services to other nationalities, such as Belgians and Germans.⁹⁰ However, the governing body, Union Cycliste Internationale, changed its rules

82. TREATY ESTABLISHING EUROPEAN ECONOMIC COMMUNITY art. 48 (1957), https://www.ab.gov.tr/files/ardb/evt/1_avrupa_birligi/1_3_antlasmalar/1_3_1_kurucu_antlasmalar/1957_treaty_establishing_eec.pdf.

83. EUR. COMM’N, THE APPLICATION OF ARTICLES 85 & 86 EC TREATY BY NATIONAL COURTS IN THE MEMBER STATES 24 (August J. Braakman ed., 1997).

84. *Id.*

85. *Id.* at 17.

86. *Id.* at 16.

87. *Id.*

88. Case C-36/74, *Walrave and Koch v. Union Cycliste Internationale*, 1974 E.C.R. 1405, 1422.

89. *Id.* at 1423.

90. *Id.*

in 1973, stating the pacer and stayer in international competition had to be of the same nationality.⁹¹ Koch and Walrave said this action was discriminatory and challenged the ruling under three provisions of the EU Treaty—Articles 7, 48 and 59.⁹² This was a case of first impression for the Court regarding sport and it first had to consider whether the Treaty itself extended to sport. The ECJ found that “the practice of sport is subject to Community law only so far as it constitutes economic activity [. . .].”⁹³ The Court also noted that regarding the nationality discrimination aspect of the case, it would not affect the composition of a sports team as that is a question of purely sporting interest and not affecting economic activity.⁹⁴

Two years later in *Gaetano Dona v. Mario Mantero*, the ECJ modified and restricted the *Walrave* rule. It redefined the exception for composition of national teams to the exclusion of players from participation in certain matches for the reason of “sporting interest only.”⁹⁵ This ruling specifically mentioned professional and semi-professional players as the subject of protection while distinguishing itself from amateur, non-economic activities that do not fall under the Treaty’s freedom of movement provision.⁹⁶

F. Who is Bosman?

Jean-Marc Bosman was a footballer playing his trade in the Belgian first division with RC Liege. Bosman’s contract with RC Liege called for him to earn around 120,000 Belgian francs (Bfr) per month, including bonuses for a contract that expired on June 30, 1990.⁹⁷ As Bosman’s contract neared its expiration, RC Liege offered Bosman a new contract for one season, drastically reducing his pay to 30,000 Bfr per month.⁹⁸ Bosman refused the offer and was placed on the transfer list with a compensation fee of 11,743,000 Bfr.⁹⁹

With no suitors interested in a compulsory transfer, Bosman reached out to US Dunkerque, a French second division club. US Dunkerque offered Bosman

91. *Id.*

92. *Id.* at 1422. (Article 7 regards a general non-discrimination provision. Article 48 concerns free movement of employed persons. Article 59 allows for the freedom to provide services.).

93. *Id.* at 1417; see KATARINA PIJETLOVIC, *EU SPORTS LAW AND BREAKAWAY LEAGUES IN FOOTBALL* 102 (David McArdle et al. eds., 2015).

94. *Walrave*, 1974 E.C.R. at 1426.

95. Case C-13/76, *Gaetano Dona v. Mario Mantero*, 1976 E.C.R. 1344.

96. PIJETLOVIC, *supra* note 93, at 104.

97. Case C-415/93, *Union Royale Belge des Societes de Football Association ASBL v. Jean-Marc Bosman*, 1995 E.C.R. I-5040, ¶ 28.

98. *Id.* ¶ 29.

99. *Id.*

a monthly salary of 100,000 Bfr with a 900,000 Bfr signing bonus.¹⁰⁰ On July 27, 1990, RC Liege and US Dunkerque completed a contract for the temporary transfer of Bosman for one year with Dunkerque owing RC Liege a compensation fee of 1,200,000 Bfr.¹⁰¹

However, the contracts between the three parties (US Dunkerque and RC Liege and between US Dunkerque and Bosman) were subject to the suspensive condition that the transfer certificate had to be sent by the Union Royale Belge des Societes de Football Association ASBL (URBSFA) to the Fédération Française de Football (FFF) by the first match of the season set to begin on August 2, 1990.¹⁰² RC Liege doubted US Dunkerque's solvency and did not ask URBSFA to send the transfer certificate to the FFF.¹⁰³ As such, neither contract took effect. Further, RC Liege suspended Bosman for the entire season.¹⁰⁴

On August 8, 1990, Bosman brought an action against RC Liege before the Court of First Instance (Tribunal de Premiere Instance) in Liege.¹⁰⁵ Simultaneously, Bosman applied for an interlocutory decision ordering RC Liege and URBSFA to pay him 100,000 Bfr per month until he found a new employer, retain the defendants from impeding his career and referring a question to the Court of Justice for a preliminary ruling.¹⁰⁶ The judge hearing the interlocutory application ordered RC Liege and URBSFA to pay Bosman an advance of 30,000 per month and refrain from impeding Bosman's job search.¹⁰⁷ The judge also referred the court for a preliminary ruling on the interpretation of Article 48 as it related to the transfer rules of professional athletes.¹⁰⁸ Bosman attempted to sign with several French clubs but each contract was terminated. Bosman suspected he was being blackballed by most European clubs by RC Liege.¹⁰⁹ In June 1992, the Tribunal de Premiere Instance held it had jurisdiction to decide.¹¹⁰ It also held admissible Bosman's claims against RC Liege, URBSFA and UEFA seeking a declaration that the transfer rules and nationality

100. *Id.* at I-5050-51, ¶ 30.

101. *Id.* at I-5052, ¶ 31. (this amount was payable upon receipt by the Federation Francaise de Football (FFF) of the transfer certificate issued by URBSFA and gave US Dunkerque an irrevocable option for full transfer of Bosman for 4,800,000 Bfr.).

102. *Id.* at I-5051, ¶ 32.

103. *Id.* at I-5051, ¶ 33.

104. *Id.*

105. *Id.* at I-5051, ¶ 34.

106. *Id.*

107. *Id.* at I-5052, ¶ 35.

108. *Id.*

109. PIJETLOVIC, *supra* note 93, at 105.

110. *Bosman*, 1995 E.C.R. at I-5053, ¶ 41.

clauses were not applicable to him and orders penalizing the conduct of the team and governing bodies.¹¹¹

URBSFA, RC Liege and UEFA all appealed the decision.¹¹² The Belgian Court of Appeals upheld the judgment, holding that the Tribunal de Premiere Instance had jurisdiction, that the actions were admissible, and reviewing Bosman's claims against UEFA and URBSFA did involve a review of the lawfulness of the transfer rules.¹¹³ It also said a review of the lawfulness of the nationality clause was necessary as Bosman's claim was based on Article 18 of the Belgian Judicial Code, permitting actions "with a view to preventing the infringement of a seriously threatened right" and that the factual evidence suggested the damage to his career would occur.¹¹⁴ Regarding Article 85, the Court of Appeals noted that the regulations in place may be undertakings by which clubs restrict competition between themselves for players and that trade between member states was affected by the restriction of player mobility.¹¹⁵ Furthermore, URBSFA and the football clubs may be in a dominant position within the meaning of Article 86 of the Treaty and the restrictions on competition connected to Article 85 might be prohibited abuses under Article 86.¹¹⁶ Ultimately, the Belgian Court of Appeals referred two questions to the European Court of Justice for answers:

Are Articles 48, 85 and 86 of the Treaty of Rome of 25 March 1957 to be interpreted as:

- (i) prohibiting a football club from requiring and receiving payment of a sum of money upon the engagement of one of its players who has come to the end of his contract by a new employing club;
- (ii) prohibiting the national and international sporting associations or federations from including in their respective regulations provisions restricting access of foreign players from the European Community to the competitions which they organize?¹¹⁷

111. *Id.*

112. *Id.* at I-5054, ¶ 42.

113. *Id.* at I-5054, ¶ 44.

114. *Id.*

115. *Id.* at I-5055, ¶ 46.

116. *Id.* ¶ 47.

117. *Id.* at I-5056, ¶ 49.

G. Legal arguments to the European Court

Regarding Article 48, URBSFA argued that only the major European clubs were large enough entities to be considered economic undertakings.¹¹⁸ URBSFA asserted that clubs such as RC Liege carry on economic activity “only to a negligible extent.”¹¹⁹ Further, URBSFA argued Article 48 is not applicable because the question on transfer rules doesn’t concern the employment relationship between player and club.¹²⁰ Rather, it is simply a business relationship between clubs and the consequences of freedom to affiliate to a sporting federation.¹²¹ UEFA argued *inter alia* that the European Community has respected sport’s autonomy and that it is difficult to distinguish between economic and sporting aspects of football and that a decision by the Court could call into question the entire sport.¹²² UEFA contended that only the largest clubs in the largest leagues could have activities that would “constitute an economic activity.”¹²³ URBSFA and UEFA, along with the French and Italian governments argued that the transfer rules were justified to maintain a financial and competitive balance between clubs as well as support the search for talent and training of younger players.¹²⁴

Bosman also challenged the “3+2” rule which allowed nations to limit the number of foreign players a club could field on the team to three in any first division match within a country or in any UEFA competition, plus two players who played in the country of the national association for five uninterrupted years.¹²⁵ This also included three years as a junior “assimilated players.” This rule effectively placed quotas on clubs.

H. The Court’s Decision

1. Advocate General’s Opinion

Advocate General Lenz first reviewed whether the ECJ had jurisdiction over UEFA’s rules and regulations and to what extent that authority extended

118. In this context, the Belgian League likely means top tier leagues like the English Premier League, the German Bundesliga, Italy’s Serie A, Spain’s La Liga, and France’s Ligue One.

119. *Bosman*, 1995 E.C.R. at I-5062, ¶ 70.

120. *Id.*

121. *Id.*

122. *Id.* at I-5062-63, ¶ 71.

123. *See id.*

124. *Id.* at I-5071, ¶ 105.

125. *Id.* at I-4944, ¶ 39.

out. While UEFA and FIFA are based in Switzerland, a non-member state of the EU, many of its member states do belong to the European Community and comply with those statutes. If non-member states engage in practices that affect competition or freedom of movement within the community, then the provisions of the Treaty will be applicable if those practices are implemented within the Community.¹²⁶ Although Switzerland allows for tax advantages for governing bodies like UEFA and FIFA, they are still subject to EU law if their decisions impact the citizens of the European Community.

Secondly, the Advocate General's decision also noted that size of the economic activity does not matter as it relates to restrictions. Once professional football was declared as an economic activity, the "size of that activity is immaterial, as is the question of to what extent it leads to a profit."¹²⁷ Although the Advocate General sympathized with the consequences of the Court's decision, the applicability of the law could not be questioned and that it cannot be an obstacle to that applicability. Additionally, the AG's most succinct criticism was against the Belgian FA, which argued that most of its clubs did not make a profit; therefore, Article 48 was not applicable. AG Lenz wrote in his opinion:

If I understand that argument correctly, the [Belgian FA] is submitting that the rules on transfers relate merely to the mutual relationships of clubs, while Art 48 is relevant only to the employment relationship between the club and the player. That argument cannot be accepted. The distinction suggested . . . is of an artificial character and does not correspond to reality. The rules on transfers are of direct and central importance for a player who wishes to change club. ***That is shown precisely by the present case: if it had not been for the transfer rules, nothing would have hindered Mr Bosman's transfer to US Dunkerque.*** It thus cannot seriously be maintained that those rules concern merely the legal relations between clubs [emphasis in original].¹²⁸

Lenz also dismissed another argument by UEFA, which suggested even if Community law was applicable to sport, Article 48 was not appropriate for

126. *Id.* at I-4940, ¶ 159.

127. *Id.* at I-4974, ¶ 127.

128. *Id.* at I-4974-75, ¶ 129.

solving football's specific issues. Lenz stated professional football is an economic activity and therefore subject to Community law.¹²⁹

With Article 48 deemed as applicable, Lenz went on to consider whether the nationality rule breached its provisions. Lenz agreed that they are of a discriminatory nature, stating:

[The quota rules] represent an absolutely classic case of discrimination on the ground of nationality. Those rules limit the number of players from other Member States whom a club in a particular Member State can play in a match. Those players are thereby placed at a disadvantage with respect to access to employment, compared with players who are nationals of that Member State.¹³⁰

Lenz went further in saying even if the "national aspect" of UEFA's argument had the significance that many gave it credit, including the notion of "spectator identification", it could still not justify the rules on foreign players.¹³¹ The right to freedom of movement and the prohibition of discrimination is one of the Community's core tenants. "The rules on foreign players breach those principles in such a blatant and serious manner that any reference to national interests which cannot be based on Article 48(3) must be regarded as inadmissible [...]."¹³² UEFA's argument also fell apart according to Lenz by simply looking at clubs across Europe. AC Milan boasted the Dutch trio of Ruud Gullit, Marco Van Basten and Frank Rikjaard while German star Jurgen Klinsmann plied his trade for Tottenham Hotspur and French sensation Eric Cantona starred for Manchester United.¹³³ Lenz questioned not only the transfer rule in its 1990s form, but whether any transfer rule would fulfill the association's objectives.¹³⁴

Regarding Articles 85 and 86 of the Treaty, Lenz concludes that Article 85 should be interpreted as precluding agreements between clubs and decisions of sports associations that prohibited players from engaging in restraint of trade and restricting the number of foreign players on a club.¹³⁵ As for Article 86,

129. *Id.* at I-4975, ¶ 130.

130. *Id.* at I-4976-77, ¶ 135.

131. *Id.* at I-4980, ¶ 143.

132. *Id.* at I-4980, ¶ 142.

133. *Id.* at I-4980, ¶ 142-43.

134. *Id.* at I-5016, ¶ 223.

135. *Id.* at I-5029, ¶ 262.

Lenz noted this element was not applicable in Bosman because Article 86 concerns power on the market that clubs take together against competitors, customers, or consumers. A restriction on competition between clubs is not viewed as an abuse within the meaning of Article 86 since the only relationship affected is between the clubs and player.¹³⁶

2. The ECJ's Final Ruling

The Court ultimately shared the Advocate General's view that the transfer system was unlawful under Article 48. It particularly noted that although freedom of movement for workers could reduce the chances of finding employment within one state, it does open new prospects of employment to other member states and that these considerations should apply to professional footballers.¹³⁷ The Court also rebuffed the competitive balance argument as there were no rules limiting the possibility for clubs to recruit the best national players.¹³⁸ It also utilized Article 48 to determine the "3+2" rule was incompatible with the practices of limiting the number of foreign players that play for a football club.¹³⁹ Because the court found that UEFA and URBSFA were in violation of Article 48, the court did not find it necessary to rule on the interpretations of Articles 85 and 86 of the treaty.

II. IMPACT OF BOSMAN

A. Introduction

The Bosman decision came on the heels of a trio of important developments that ushered in the modern football era. In 1989, Hillsborough was the site of one of the greatest sporting disasters. Liverpool and Nottingham Forest were set to meet for an FA Cup semifinal. Instead, ninety-seven Liverpool fans died due to the result of overcrowding in the standing room only "pens."¹⁴⁰ After the tragedy, English clubs (and eventually all of Europe) retro-fit stadiums to become seating-only. In an interesting side effect, much of the hooliganism that

136. *Id.* at I-5038-39, ¶ 286.

137. *Id.* at I-5077, ¶ 134.

138. *Bosman*, 1995 E.C.R. at I-5071-72, ¶ 107.

139. *Id.* at I-5078, ¶ 137.

140. David Conn, *Hillsborough Disaster: Deadly Mistakes and Lies that Lasted Decades*, GUARDIAN (Apr. 26, 2016, 7:18 PM), <https://www.theguardian.com/football/2016/apr/26/hillsborough-disaster-deadly-mistakes-and-lies-that-lived-decades>.

plagued England and football in general left the stadiums as seating-only stadiums drew different demographics to the game.¹⁴¹

In 1992, English football reorganized at the top to create the Premier League. Prior to 1992, clubs had gone up and down the pyramid with a minimal amount of pain on the club's bottom line.¹⁴² That all changed with the arrival of the Premier League. Not only was it going to become the most competitive league in the world, it had the unintended consequence of attracting people with money because they now saw it as an investment opportunity.¹⁴³ Simultaneously, television began to take notice of football and leagues began to financially capitalize not only domestically but also abroad. Sky Sports, headed by Rupert Murdoch, purchased five years of television rights in 1992 for £304 million to televise sixty live games per year.¹⁴⁴ The money earned by television rights helped offset the costs and loss of revenue in making all-seater stadiums in England.¹⁴⁵

With players mostly on year-to-year contracts prior to 1995, Bosman opened the floodgates for free agency.¹⁴⁶ And without the "3+2" restrictions, teams were free to sign players from all around the world. However, New York Times writer Tariq Panja, along with many other soccer pundits, quickly pointed out that "[f]ree transfers are not free amigos."¹⁴⁷ Teams are still responsible for the player's wages, but there is no additional transfer fee to be paid to a team for that player's services.¹⁴⁸ Therefore, players tend to earn a higher wage on free transfers.

As Arsène Wenger noted at the beginning of this paper, free agency also created the era of player empowerment. Players could dictate where they wanted to go with their agents. While more money flowed into the game, players made decisions based on where they wanted to live and pay taxes, the facilities, and whether the club was Champions League worthy.¹⁴⁹ More freedom combined with the influx of money and, suddenly, players found themselves with a unique

141. Paul Kelso, *How Football Changed After Hillsborough*, SKY NEWS (Apr. 25, 2016), <https://news.sky.com/story/how-football-changed-after-hillsborough-10258583>.

142. ROBINSON & CLEGG, *supra* note 1, at 63 (only Arsenal has avoided relegation from the first division since it arrived in 1919).

143. ROBINSON & CLEGG, *supra* note 1, at 64.

144. *Id.* at 41.

145. *See* Kelso, *supra* note 141.

146. *See* ROBINSON & CLEGG, *supra* note 1, at 71.

147. Tariq Panja (@tariqpanja), TWITTER (Aug. 7, 2021, 10:31 AM), <https://twitter.com/tariqpanja/status/1424030516206964736>.

148. *See* ROBINSON & CLEGG, *supra* note 1, at 164-66.

149. *See id.* at 167.

power—the eighteen-month contract.¹⁵⁰ Although it is not explicitly stated, that's when teams generally must come to the decision on a player to either tie him down for a long-term deal or let his contract expire.¹⁵¹ Alternatively, clubs can sell the player to get some compensation through a transfer fee if the player is amenable to the move.¹⁵² And as teams began utilizing that third option, the transfer market began to act like the stock market as clubs spent like crazy to chase after titles.¹⁵³ Speculation on players became a sport unto itself as fans and sports talk radio constantly looked for new players for teams.¹⁵⁴ This new era opened the market for a pair of Premier League teams eager to challenge Manchester United's dominance on the title.

B. Early years—London Becomes Relevant

1. Chelsea—The Early Adopters

With the birth of free agency and numerous players hitting the free agent market at the same time due to the practice of year-to-year contracts, many clubs were left scrambling to figure out the new legal landscape of transfers.¹⁵⁵ But clubs that were willing to spend the new influx of cash on higher priced free agents got the jump on improving their club. The prototype of this club building from the outside, early on after Bosman, may have been Chelsea. Based in West London, the Blues had struggled since its last top-flight championship in 1955 and had not even won a cup trophy since 1970.¹⁵⁶ Even in the first half of the 1990s, the Blues were mostly in the bottom half of the standings.¹⁵⁷ Outside of

150. *Id.* at 166.

151. *Id.*

152. Contracts in soccer, to an extent, are always capable of being torn up for transfers. Unlike most American sports leagues, trading one player for another player is a rarity. A recent example of high-profile players traded for one another were Manchester United trading Henrikh Mkhitaryan for Arsenal forward Alexis Sanchez in 2017. In most cases, this involves one club throwing a significant amount of money for the right to transfer the player to their club. See ROBINSON & CLEGG, *supra* note 1, at 164-65, for a checklist of how the process works.

153. ROBINSON & CLEGG, *supra* note 1, at 167.

154. *Id.* Transfers and English tabloids are a match made in heaven and became an extremely fashionable way for selling daily newspapers in the 1990s and into the 21st century.

155. The authors call it a destabilizing situation and note the transfer market went into overdrive with no regulations on when transfers could be made. See ROBINSON & CLEGG, *supra* note 1, at 166. Eventually, this was turned into two transfer windows where players could move between July and the end of September, as well as January the following year.

156. ROBINSON & CLEGG, *supra* note 1, at 76.

157. *Id.*

a charismatic Russian goalkeeper, Dmitri Kharine, Chelsea was quintessentially British from the pitch to ownership.¹⁵⁸

With Bosman in effect, a significant amount of high-priced and successful footballers became free agents overnight and Chelsea made the first shockwaves by signing former AC Milan star Ruud Gullit. The Dutch *libero* was soccer royalty as he won Italy's Serie A three times over, two European Cups (later remade into the Champions League), the European Championship with the Dutch squad, and was the Ballon d'Or winner in 1987.¹⁵⁹

Not long after, the foreign invasion of Chelsea took flight as other international stars joined the Blues in a quest for relevance within the Premier League: Gianluca Vialli came to Chelsea from Juventus on a Bosman transfer; Gianfranco Zola from Parma; and Roberto Di Matteo from Lazio.¹⁶⁰ Although Gullit did not last past the 1997 season, the "United Colors of Chelsea" continued to acquire talent from around the globe.¹⁶¹ The project reached an apex on Boxing Day 1999. Facing Southampton and seeing his team ravaged by flu, Vialli (now the manager of the Blues) sent out his healthiest squad available. It turned out to be historic as Chelsea fielded the first starting eleven without a single British player in 111 years of English football.¹⁶² Four years later, Chelsea made a different kind of history when Russian oligarch Roman Abramovich purchased the Blues from Ken Bates, making him the first foreign investor in the Premier League.¹⁶³

2. Arsenal—Wenger and the French Connection

Abramovich's arrival in the Premier League came at the same time one of football's great innovators reached unprecedented heights. As Bosman opened football to the world's talents, Arsenal Football Club welcomed a "professor of football" through its doors.¹⁶⁴ Arsène Wenger stepped in as manager of Arsenal on September 30, 1996, and into a Premier League still adjusting to the modern

158. *Id.*

159. *Id.* at 76-77. In this context, "libero" is used to mean a kind of free-spirit hybrid who was positionless in the Chelsea lineup. This meant he could take the ball from a defensive position and have the freedom to advance it and become a striker if needed.

160. ROBINSON & CLEGG, *supra* note 1, at 77.

161. *Id.* at 78.

162. *Id.* at 78-79. The lineup included a Dutch goalkeeper, defenders from Spain, Brazil, France, and Nigeria; midfielders from Italy, Romania, Uruguay, and France; and a pair of forwards from Italy and Norway.

163. *Id.* at 87-88.

164. AMY LAWRENCE, INVINCIBLE: INSIDE ARSENAL'S UNBEATEN 2003-04 SEASON 29 (2014).

era of football.¹⁶⁵ Wenger was only the second non-Irish or non-British manager in the Premier League when he arrived.¹⁶⁶ However, Arsenal vice-chairman David Dein believed in Wenger, a Frenchman who spoke five languages and had a unique perspective on world football as manager of Monaco in the French League and Nagoya Grampus Eight in Japan.¹⁶⁷ Like Chelsea, Wenger looked at this new era of freedom of movement and relished the team-building opportunities they presented.¹⁶⁸

Unlike Chelsea, Wenger's approach was more of an alchemist than a big spender. Rather than finding the top free agents and paying them exorbitant salaries, Wenger's transfer policy went for a youth movement and finding market inefficiencies from around the world to bolster his club.¹⁶⁹ He did not look far to find two of his biggest targets. Wenger's first major signing was to buy Patrick Viera from AC Milan in 1996.¹⁷⁰ Three years later, Wenger went to Juventus and pried winger Thierry Henry.¹⁷¹ Wenger particularly found success with French players as Viera and Henry were both members of the 1998 World Cup champions France side along with then-Arsenal player Emmanuel Petit and future Gunner Robert Pires.¹⁷²

The market changed in the early part of the 21st Century when FIFA altered its rules to allow for free transfer of any player out of contract, stating a player is "free to conclude a contract with another club if his contract with his present club has expired."¹⁷³ This did not slow Wenger or Arsenal down. The Gunners won three Premier League titles, four FA Cup crowns, and made an appearance in the Champions League final during his first ten years in charge of Arsenal.¹⁷⁴

165. *Id.* at 27.

166. ROBINSON & CLEGG, *supra* note 1, at 74.

167. LAWRENCE, *supra* note 164, at 24-25.

168. *Id.* at 31-40. Author and Wenger discuss the issues that needed attention upon Wenger's hire as manager of Arsenal Football Club and the opportunities they presented, including better nutrition. This led to what became famously known as the "Mars Bar Revolt" where players chanted "We Want Mars Bars" after Wenger eliminated the practice of having candy bars after games in favor of more nutritious snacks. See Paul Campbell, *From the Vault: Arsène Wenger Joins Arsenal in 1996 and Bans Mars Bars*, GUARDIAN (Oct. 1, 2013, 5:49 AM), <https://www.theguardian.com/sport/blog/2013/oct/01/from-vault-arsene-wenger-joins-arsenal-mars-bars>.

169. See LAWRENCE, *supra* note 164, at 42.

170. Not long afterwards, Wenger plucked Nikolas Anelka from Paris Saint-Germain as a 19-year-old striker for £500,000. See *id.* at 27.

171. *Id.* at 67.

172. *Id.*

173. FIFA, *Regulations on the Status and Transfer of Players, Article 18.3*, 23 (2021).

174. Wenger won 11 trophies during his first 10 years at the helm at Arsenal and finished with 17 overall trophies during his tenure. See Daniel Karell, *Stats Behind Wenger's Time at Arsenal*, NBC SPORTS (April 28, 2018, 10:31 AM), <https://soccer.nbcsports.com/2018/04/20/stats-behind-wengers-time-at-arsenal/>.

Much of that success can be attributed to Wenger's ability to recruit worldwide. In the 2003-04 season, Arsenal's "Invincibles" powered through the Premier League season unbeaten and had players from ten different countries see at least ten matches on the pitch.¹⁷⁵ It was the first unbeaten season in the English top division since Preston North End did it in 1888-89.¹⁷⁶ Pires had the best description of the squad when he said:

When you make a dish, you need ingredients. Arsène chose the players, and he wanted to make a nice meal. He took a Cameroonian, Brazilians, he took Frenchmen, he took a German, he took a Dutchman and he kept the English [. . .] and it makes a magnificent dish like that of 2003-04. But in all this, the most important person is Arsène Wenger.¹⁷⁷

C. Secondary Years—The Spanish Giants Blaze Their Own Paths

While the Blues and Gunners took advantage of the early Bosman years to make the English capital a new destination for soccer's elite, two Spanish giants needed time to determine their respective strategies in the transfer market. Once established, the duopoly of Real Madrid and FC Barcelona took the world of football by storm for the next decade.

1. Real Madrid and the Galácticos

Coming off Champions League wins in 1998 and 2000, and with nine European Cup wins in its storied history, Real Madrid were already the kings of Europe.¹⁷⁸ But president Florentino Perez wanted even more. He wanted *Los Blancos* to dominate on and off the pitch.¹⁷⁹ And to do so, he would break open the transfer window in ways very few could comprehend.

175. LAWRENCE, *supra* note 164, at 227-30 (Appendix).

176. Back then, the league consisted of only twelve teams and Preston North End finished with eighteen wins and four draws. By contrast, Arsenal played thirty-eight matches in a 20-team Premier League and ended the season with twenty-six wins and twelve draws, including a 2-1 home victory over Leicester City on the final match day to complete the undefeated campaign. *See* LAWRENCE, *supra* note 164, at 190.

177. LAWRENCE, *supra* note 164, at 42.

178. *See How the Kings of Europe Forged Their Legacy*, REAL MADRID CF (May 25, 2020), <https://www.realmadrid.com/en/news/2020/05/25/how-the-kings-of-europe-forged-their-legacy-2>.

179. Tim Collins, *He's the Problem, But Florentino Perez Sees Himself as Real Madrid's Solution*, BLEACHER REP. (June 9, 2015), <https://bleacherreport.com/articles/2490655-hes-the-problem-but-florentino-perez-sees-himself-as-real-madrids-solution>.

Starting with a £37 million purchase of Barcelona star Luis Figo, Perez ushered in what was known as the “Galácticos era”.¹⁸⁰ Perez’s transfer policy capitalized on the Bosman ruling that nationality restrictions were unlawful by plucking the biggest superstars from all around the globe—whether they were needed or not. After the Portuguese star’s arrival, Perez followed with massive payments to acquire French star midfielder Zinedine Zidane for £46 million in 2001 and another £30 million for the Brazilian Ronaldo, who was coming off a World Cup title in 2002.¹⁸¹ The next year saw Perez shell out €35 million to bring in English superstar and fashion icon David Beckham from Manchester United.¹⁸²

The money continued to pour in for superstars as Real Madrid purchased Michael Owen, Robinho, and Sergio Ramos in 2005 while Ruud van Nistelrooy, Gonzalo Higuain, Marcelo, and Italian World Cup winner Fabio Cannavaro arrived in 2006.¹⁸³ Two years later, Real Madrid snagged Arjen Robben, Pepe, and Wesley Sneijder.¹⁸⁴ Then in 2009, Perez spent nearly £195 million to obtain Cristiano Ronaldo, Kaka, Raul Albiol, Karim Benzema, Xabi Alonso, and Alvaro Arbelola.¹⁸⁵ The following year, another large outlay of money brought in World Cup stars Angel di Maria, Sami Khedira, and Mesut Ozil.¹⁸⁶ When Real Madrid were kicking on all cylinders it was a sight to behold for fans and coaches of other big clubs:

[W]hen Madrid were in their pomp, everyone was looking longingly over the garden fence. [Manchester United manager Sir Alex] Ferguson even called Real “the strongest squad I have ever seen in terms of names”. Every boy who has sketched his

180. Signing Figo was one of the first promises made by Perez upon his election as president of Real Madrid. See SID LOWE, FEAR AND LOATHING IN LA LIGA: BARCELONA, REAL MADRID AND THE WORLD’S GREATEST SPORTS RIVALRY 347 (2014).

181. Ajay Rose, *The Galactico Revolution Began 15 Years Ago Today*, VICE (July 25, 2021, 8:31 AM), <https://www.vice.com/en/article/wn3mjq/the-galactico-revolution-began-15-years-ago-today>.

182. Alex Kirkland, *Real Madrid’s ‘Galacticos’: 10 Key Moments of Era that Brought Figo, Zidane, Ronaldo and Beckham to the Bernabeu*, ESPN (March 3, 2021), <https://www.espn.com/soccer/real-madrid/story/4321616/real-madrids-galacticos-10-key-moments-of-era-that-brought-figozidane-ronaldo-and-beckham-to-the-bernabeu>.

183. Rose, *supra* note 181.

184. *Id.*

185. *Id.*

186. *Id.*

world XI during class wanted to be able to do what Pérez was doing: Hoover up the greatest attacking talents on the planet.¹⁸⁷

In a sense, Perez chose this strategy for a couple of logical reasons. First, this policy is a strategic marketing ploy to generate attention by fans, media, and sponsors.¹⁸⁸ In a burgeoning non-stop news cycle, Perez made sure Real Madrid marketed itself globally.¹⁸⁹ Second, it was also a way of telling other clubs that Real Madrid was the biggest on the European block.¹⁹⁰ Manchester United manager Sir Alex Ferguson noted after Real Madrid purchased Cristiano Ronaldo in 2009 that “Madrid paid £80 million [\$131.5 million] in cash for him, and do you know why? It was a way for Florentino Perez, their president, to say to the world ‘We are Real Madrid, the biggest of the lot.’”¹⁹¹ By the time it was done, Perez had spent nearly a billion pounds for a who’s who of global icons.

However, for all the money pumped into the team by Perez, Real Madrid only came away with nine major trophies over fifteen years through 2015 (five league titles, two Champions League crowns and two Copa del Rey cups).¹⁹² Further, the constant spending to get the best players in the world also came with a price as the squad was constantly imbalanced.¹⁹³ By spending on Zidane, the Brazilian Ronaldo and Beckham, Real Madrid saw the departure of four “lesser” Galácticos in club captain Fernando Hierro along with Fernando Morientes, Steve McManaman, and Claude Makélélé because Perez chose not to spend his money on defensive players.¹⁹⁴ In an interesting twist, it was when Perez went back to finding balance in his transfers that *Los Blancos* enjoyed some of its greatest European heights since the beginning of the European

187. Rob Smyth, *On Second Thoughts: The Galacticos Era*, GUARDIAN (July 13, 2007, 9:30 AM), <https://www.theguardian.com/football/2007/jul/13/realmadrid>.

188. SIMON KUPER & STEFAN SZYMANSKI, SOCCERNOMICS: WHY ENGLAND LOSES; WHY GERMANY, SPAIN AND FRANCE WIN; AND WHY ONE DAY JAPAN, IRAQ AND THE UNITED STATES WILL BECOME KINGS OF THE WORLD’S MOST POPULAR SPORT 26 (2018 World Cup ed., 2018).

189. *Id.*

190. *Id.* Perez came into his role as President of Real Madrid from the business world and his strategy is also effective in getting people to buy into non-soccer related projects, such as real estate ventures, because even if the team struggled on the pitch, it was successful off it. *See id.* at 77-78.

191. *Id.* at 26.

192. Rose, *supra* note 181.

193. Aleksandar Hemon, ‘Galacticos’ in Hell: Enjoying the Ritual Demise of Europe’s Priciest, Most Annoying Soccer Club, NEW REPUBLIC (Mar. 21, 2010), <https://newrepublic.com/article/73970/galacticos-hell>.

194. Rose, *supra* note 181.

Cup.¹⁹⁵ From 2014 to 2018, Real Madrid still made big moves in the transfer window. This time, supplemented by its academy players, it captured four out of five Champions League trophies, including three consecutive titles from 2016-18. Yet, for all its recent success, the Galácticos live on as a cautionary tale that money alone simply cannot buy championships as Raul Gonzalez noted in 2015:

I can't remember exactly when people started calling us 'Galacticos', I think it was after we signed Ronaldo and Beckham, or at some point between their arrivals. . . We didn't win a single Champions League title. People remember that era because Florentino Pérez put a lot of hard work into raising the club's international profile [. . .] What I mean to say is that yes, it was a great time to be at the club, professionally it was amazing to play alongside such great players, but the truth of the matter is that we didn't win as much as people think. David Beckham only won the league once, and that was after Fabio Capello told him he would never play again. He did though, and we went on to win the league title quite heroically. However, that was back in 2007.¹⁹⁶

2. FC Barcelona and La Masia

*Més que un club.*¹⁹⁷

More than a club.

That is the motto and internal heartbeat of FC Barcelona.¹⁹⁸ Rather than trying to keep up with Real Madrid in spending money, the Catalan-based giants looked inward for a youthful approach in building a team. Barcelona already

195. Real Madrid captured the first five European Cup titles (the precursor to the Champions League) from 1955-1960. See LOWE, *supra* note 180, at 146-148.

196. Raúl: "Galacticos? We Didn't Win a Single Champions League", MARCA (Jan. 12, 2015), https://www.marca.com/en/2015/01/12/en/football/real_madrid/1421071542.html.

197. The motto the club lives by means it spends every day working to not only be the best but to make the world into a better place by making it happen in both men's and women's sports. FC BARCELONA, *More Than*, BARÇA TV+ (May 26, 2019, 4:32 AM), www.fcbarcelona.com/en/club/more-than-a-club. See also Andres Hatum & Luciana Silvestri, *What Makes FC Barcelona Such a Successful Business*, HARV. BUS. REV. (June 16, 2015), <https://hbr.org/2015/06/what-makes-fc-barcelona-such-a-successful-business>.

198. See FC BARCELONA, *supra* note 197. The club believes that not only winning and losing matters, but the style in which the game of football is played is also paramount.

had one of the premier soccer academies in Europe prior to Bosman.¹⁹⁹ Opening in 1979, La Masia (translated as “The Farmhouse” in Catalan)²⁰⁰ is the youth academy for FC Barcelona’s men’s soccer team.²⁰¹ It’s also known as “the cradle of Barcelona’s youth system.”²⁰² In 1988, Dutch superstar Johan Cruyff, who played for the Catalan side from 1973-78, returned to Barcelona as manager a decade later.²⁰³ The former Ajax player, who learned from Ajax’s academy, overhauled La Masia and created something that was more than simply training center for sport.²⁰⁴ Cruyff instilled a philosophy that included young players learning to play the same as the senior team, the value of teamwork and being part of something special.²⁰⁵ “We’re trying to be the first in innovation,” said Barcelona director Patrick Kluivert, who also played for both Ajax and Barcelona.²⁰⁶ “I think we are ahead of a lot of big clubs and we’re trying to continue that philosophy.”²⁰⁷

This philosophy included providing a nurturing environment for youth players, including coaches, teachers, directors, advisers, and other support staff. Academy director Carles Folguera captured the essence of what La Masia aspires to be:

A kid who is formed from 12 or 13 until the age of 18, he feels the club. Nobody has to tell him when he arrives at the first team what the club means. There’s a feeling of identity here. The majority of players in the first team know what Barça is.²⁰⁸

199. Michael LoRé, *La Masia Celebrates 40 Years of Being FC Barcelona’s Heart*, FORBES (Nov. 3, 2019, 7:00 AM), <https://www.forbes.com/sites/michaellore/2019/11/03/la-masia-celebrates-40-years-of-being-fc-barcelonas-heart/?sh=440a1baa332b>.

200. *Id.*

201. Although synonymous with men’s soccer, La Masia is also home to Barcelona’s women’s team since as early as 1988, as well as numerous other sports. Of its 600-plus youth athletes, a little more than half are soccer players while other sports include handball, basketball, futsal, and roller hockey. *See id.*

202. LOWE, *supra* note 180, at 385. The original La Masia was a peasant farmhouse built in 1702. *Id.*

203. LoRé, *supra* note 199.

204. *Id.*

205. *Id.*

206. *Id.*

207. *Id.*

208. Grant Wahl, *Inside Barcelona: Club’s Success Rooted in Rich Youth Academy*, SPORTS ILLUSTRATED (Oct. 4, 2012), <https://www.si.com/more-sports/2012/10/04/barcelona-youth-academy-la-masia>.

Post-Bosman, La Masia became a critical component of maintaining cost controls. New York Times writer Jeré Longman likened La Masia to growing one's own vegetables because it saves money on the market.²⁰⁹ Since Barcelona could develop its own players, it could be very particular and judicious in scanning the market for players that would supplement its core of La Masia graduates.²¹⁰ Since the turn of the 21st century, Real Madrid spent €1.2753 billion on players compared to Barcelona's €837.8 million.²¹¹

So how did Barcelona reach, if not surpass its Spanish rival? Its decision to invest in La Masia and develop its stars paid off in spades. Eight La Masia graduates in the mid-2000s—goalkeeper Victor Valdes, center-backs Gerard Pique and Carles Puyol, midfielders Xavi Hernandez, Andres Iniesta and Sergio Busquets and forwards Pedro along with Lionel Messi—formed the core of one of the greatest teams in soccer history.²¹² From 2005-06 to 2014-15, *La Blaugrana* won four Champions League titles, six Spanish La Liga titles, three Copa del Rey cups, three UEFA Super Cups and three Club World Cup titles.²¹³

Barcelona's apex may have been between 2009 and 2011. In 2009 alone, Barcelona captured six titles playing a passing-first style cemented by its La Masia core and developed by manager Josep "Pep" Guardiola.²¹⁴ The Spaniard, Guardiola, previously coached the Barcelona youth team and was himself a La Masia product.²¹⁵ Barcelona supplemented its core talent with a handful of select outsiders, such as Samuel Eto'o, Thierry Henry, Dani Alves, and Eric Abidal.²¹⁶ The next year, all three finalists for the 2010 Ballon d'Or (given to the world's best player) came from Barcelona's academy—Xavi, Iniesta, and Messi.²¹⁷ Barcelona finished off its run in 2011 by smashing Manchester United 3-1 in the Champions League final at Wembley Stadium, which left United manager Sir Alex Ferguson impressed:

209. Jeré Longman, *The Catalan Way to Grow Players on Home Soil*, N.Y. TIMES (May 26, 2011), <https://www.nytimes.com/2011/05/27/sports/soccer/la-masia-a-model-for-cultivating-soccer-players.html>.

210. *Id.*

211. LOWE, *supra* note 180, at 388.

212. Dúnia Martín, *The Greatest Teams of All Time: Barcelona 2008-12*, UEFA (last updated January 13, 2017), <https://www.uefa.com/uefachampionsleague/news/0253-0d7ff5460779-90f1672a7e36-1000—the-greatest-teams-of-all-time-barcelona-2008-12/>.

213. LOWE, *supra* note 180, at 388.

214. These titles were the Champions League, La Liga, Copa del Rey, UEFA Super Cup, Spanish Super Cup, and FIFA Club World Cup. See Sam Marsden & Eduardo Fernandez-Abascal, *Barcelona's Six-Trophy Year: Oral History of How Guardiola & Co. Did the Unthinkable in 2009*, ESPN (Dec. 19, 2019), <https://www.espn.com/soccer/barcelona/story/4015273/barcelonas-six-trophy-year-oral-history-of-how-guardiola-and-co-did-the-unthinkable-in-2009>.

215. LOWE, *supra* note 180, at 384.

216. See generally Marsden & Fernandez-Abascal, *supra* note 214.

217. Wahl, *supra* note 208.

They're the best in Europe, no question about that. In my time as a manager, I would say they're the best team we've faced. Everyone acknowledges that and I accept that. It's not easy when you've been well beaten like that to think another way. No one has given us a hiding like that. It's a great moment for them. They deserve it because they play the right way and enjoy their football.²¹⁸

3. Financial Fair Play to the Rescue?

While Real Madrid's Galácticos were the posterchildren for spending in the early part of the twenty-first century, they were more of a symptom than the actual problem. Between skyrocketing television deals, gate receipts, and other sources, such as European qualification and merchandising, revenues at European clubs tripled from 2000 to 2016, reaching €18.5 billion.²¹⁹ From a macro point of view, that is the good news for soccer in Europe. However, that number fails to tell the story of the European economic crisis and the instillation of cutback measures due to the global financial crisis in 2007-08.²²⁰ During this time, prominent clubs such as Portsmouth in the English Premier League and Glasgow Rangers in Scotland, were sent into administration and UEFA was nervous about a collapse of European football.²²¹ Just before the crisis, Leeds

218. Dominic Fifield, *Sir Alex Ferguson: No One Has Given United a Hiding Like Barcelona Did*, *GUARDIAN* (May 28, 2011, 8:36 PM), <https://www.theguardian.com/football/2011/may/29/sir-alex-ferguson-barcelona>.

219. Cassell Bryan-Low & Tom Bergin, *Special Report: How Top Soccer Clubs Clashed with Rules on Financial Fair Play*, *REUTERS* (Nov. 2, 2018, 12:15 PM), <https://www.reuters.com/article/us-soccer-files-fairplay-specialreport/special-report-how-top-soccer-clubs-clashed-with-rules-on-financial-fair-play-idUSKCN1N7230>.

220. Originating in the United States with the financial collapse of Lehman Brothers, Europe's fiscal crisis involved banks removing themselves from Interbank lending and deleveraging or simply closing credit lines, which halted lending. This led to a rise of unemployment as manufacturers drastically cut production and attempted to minimize costs and other overhead. However, not all members of the European Union were affected the same, nor are all economists in full agreement on the causes and gravity of the financial crisis. See Marcin Szczepanski, *A Decade on from the Crisis: Main Responses and Remaining Challenges*, *EUR. PARL. RSCH. SERV.* (Oct. 2019), [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/642253/EPRS_BRI\(2019\)642253_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/642253/EPRS_BRI(2019)642253_EN.pdf).

221. During the crisis, around a dozen small clubs around Europe disappeared from professional soccer: UD Salamanca, Lorca and CD Badajoz in Spain; Evian Thonon Gaillard in France; Haarlem, Veendam, AGOVV, and RBC Roosendall in Holland; FC Brussels and Beerschot in Belgium; MyPa in Finland and Gretna in Scotland. Eastern Europe also has vanishing clubs depending on if wealthy Russians purchase clubs, especially in Ukraine. See KUPER & SZYMANSKI, *supra* note 188, at 85.

United, one of England's most storied clubs, had to seek financial protections from creditors after reaching the Champions League semifinals in the early 2000s only to be relegated from the Premier League by 2004 and owing massive sums of money to players.²²² Many European nations responded to massive piling debts with austerity policies and bailouts to stem the crisis²²³

Debt is not uncommon for clubs to have, and UEFA responded to the crisis by creating the Financial Fair Play system (FFP).²²⁴ In 2009, a UEFA review showed that more than half of European clubs suffered financial losses.²²⁵ The essential goal was simple and had an altruistic feel about it: create a system where clubs are self-sustaining and live within their means.²²⁶ Clubs under FFP had to be transparent about revenues and balance them against expenditures.²²⁷ FFP regulations established a financial breakeven constraint requiring clubs to not exceed financial losses over a certain ceiling for any rolling three-year period.²²⁸ The goal was to simply prevent further teams from collapsing into administration or worse: folding altogether.²²⁹

However, this self-sustaining model may have simply been a red herring. For starters, if clubs were to collapse under the weight of debt, almost all European clubs would face extinction.²³⁰ If clubs do "fail", they get relegated via the pyramid to a lower league. Soccer's ecosystem is such where it does not face competitors and its brands carry loyalty throughout Europe and the world.²³¹ Further, as authors Simon Kuper and Stefan Szymanski correctly point out, soccer rarely suffers from government interference and is unlikely to become obsolete due to innovative technology as the game is much like what it was a century earlier.²³²

222. Nicholas Kumleben, *Europe's Super League is Dead, but UEFA Needs Reform*, FOREIGN POL'Y (July 18, 2021, 6:00 AM), <https://foreignpolicy.com/2021/07/18/soccer-football-uefa-europe-super-league-champions-euros-reform/>.

223. Szczepanski, *supra* note 220, at 2-3.

224. Kumleben, *supra* note 222.

225. Brian Homewood, *Platini Warns Clubs Over Finances as Losses Grow*, REUTERS (Jan. 11, 2011, 11:39 AM), <https://www.reuters.com/article/idINIndia-54084020110111>. Then UEFA general secretary Gianni Infantino said 56 percent of European clubs were in the red in 2009 with high wages identified as the main cause of overspending. *Id.*

226. Bryan-Low & Bergin, *supra* note 219.

227. *Id.*

228. Milad Emamian, *Financial Fair Play Regulations' Unintended Effects*, REGUL. REV. (Nov. 14, 2019), <https://www.theregreview.org/2019/11/14/emamian-financial-fair-play-regulations-unintended-effects/>.

229. *See id.*

230. KUPER & SZYMANSKI, *supra* note 188, at 85.

231. *Id.* at 87.

232. *Id.*

A major side effect of these FFP regulations were to make clubs think like a business. Teams were concerned just as much about profits as winning games and could undermine the competitive quality of a league.²³³ For example, in looking at the big five leagues, only the Premier League has had more than three champions since the implementation of FFP.²³⁴ Conversely, if teams want to overspend with a wealthy owner, they can by sacrificing profit for pride and trophies.²³⁵ The last time a club from outside the big five leagues won the Champions League was back in 2004 with FC Porto from Portugal.²³⁶

However, spending large sums of money does have a benefit for labor. The policy of overspending has the effect of injecting money, through transfers, back into other clubs that could use it.²³⁷ From 2011 to 2020, there were fourteen transfers with fees that were more than \$100 million.²³⁸ In August 2021, Manchester City paid £100 million to Aston Villa for the services of midfielder Jack Grealish.²³⁹ Villa's ownership said they were taking that money and investing it in three or more players to help strengthen the overall team and balance the squad out on the pitch.²⁴⁰ All told, England dwarfs the rest of the world in spending, shelling out \$12.4 billion in transfers in the past decade.²⁴¹

233. Emamian, *supra* note 228.

234. Germany has been a monopoly with Bayern Munich winning nine straight titles since 2012-13 through 2020-21. Only Borussia Dortmund in 2010-11 and 2011-12 won German Bundesliga titles since FFP. In Italy, Juventus won nine straight Serie A titles before Inter Milan won the crown in 2020-21. Barcelona and Real Madrid had captured all but two titles during this time with both going to Atletico Madrid. Paris Saint-Germain won seven times in a nine-year stretch with the Parisian team finishing second in the other two years. Meanwhile, the Premier League has shown a fair amount of balance as Chelsea, Liverpool, Leicester City, Manchester City and Manchester United have all won league titles since 2010.

235. Hungarian economist Janos Kornai calls this "the soft-budget constraint" where Communist bad companies were propped up despite overspending on their annual budget and not making profits. See KUPER & SZYMANSKI, *supra* note 188, at 88.

236. David Moore, *The Last Team Not From the 'Big Five' to Win the Champions League*, 18 (Apr. 11, 2020), <https://the18.com/en/soccer-news/last-team-not-in-big-five-to-win-champions-league#:~:text=You%20have%20to%20go%20back,3%2D0%20in%20the%20final>.

237. See generally *Ten Years of International Transfers*, FIFA 14-15, <https://digitalhub.fifa.com/m/47c2f0047dd61f3b/original/FIFA-Ten-Years-International-Transfers-Report.pdf> (last visited Apr. 1, 2022).

238. *Id.*

239. Rob Goldberg, *Jack Grealish Completes Manchester City Transfer from Aston Villa on 6-Year Contract*, BLEACHER REP. (Aug. 5, 2021), <https://bleacherreport.com/articles/10009737-jack-grealish-completes-manchester-city-transfer-from-aston-villa-on-6-year-contract>.

240. Football Warriors, *Aston Villa CEO Explains Details Behind Jack Grealish's £100m Move to Man City*, YOUTUBE (Aug. 5, 2021), <https://www.youtube.com/watch?v=UBOm6iwZY4>.

241. *Ten Years of International Transfers*, *supra* note 237, at 46.

D. Tertiary Years—Petro Fueled and State Run

One reason not explicitly given for justifying FFP in Europe was that the old guard was nervous about a new type of player—the behemoth “Sugar Daddy”. Large and successful clubs like Manchester United, Liverpool, Real Madrid, and Bayern Munich were already profit-making organizations that were among the most valuable sports properties in the world.²⁴² In a way, established clubs wanted to maintain their dominance over the European landscape and felt these new “Sugar Daddies” would upset the balance—or more accurately—would be a threat to their own dominance.²⁴³

The first one to upset the status quo was Chelsea when Russian oil oligarch Roman Abramovich took over the Blues in 2003.²⁴⁴ At that time, the Blues were £80 million in debt and days away from a financial crisis.²⁴⁵ Needing only about thirty minutes of negotiating, Abramovich purchased Chelsea for £140 million and almost immediately wiped out Chelsea’s debt.²⁴⁶ Not long after, Abramovich approached Arsenal regarding star striker Thierry Henry and offered the Gunners £49.999 million for the superstar.²⁴⁷ Arsenal chairman David Dein wondered why Abramovich would be willing to spend nearly thirty-five percent of his purchase price of the club to buy one player.²⁴⁸

Abramovich was just getting started as he spent nearly \$320 million over his first two years of transfer windows to collect as much talent as possible.²⁴⁹ Even without acquiring Henry, Chelsea spent £100 million in the summer of 2003 alone to bring in players with massive reputations: Claude Makélélé, Hernán Crespo, Adrian Mutu and Juan Sebastián Verón.²⁵⁰ Wenger himself called Abramovich’s money-no-object philosophy “financial doping” within

242. Mike Ozanian, *The World’s Most Valuable Soccer Teams: Barcelona Edges Real Madrid to Land at No. 1 for First Time*, FORBES (Apr. 12, 2021, 9:16 AM), <https://www.forbes.com/sites/mikeozanian/2021/04/12/the-worlds-most-valuable-soccer-teams-barcelona-on-top-at-48-billion/?sh=ce666516ac56>.

243. See ROBINSON & CLEGG, *supra* note 1, at 150.

244. Abramovich has an estimated net worth somewhere between \$15 and \$18 billion. The fifty-four-year-old oversees Chelsea, which is worth an estimated \$3.7 billion. See *Bloomberg Billionaires Index: #110 Roman Abramovich*, BLOOMBERG, <https://www.bloomberg.com/billionaires/profiles/roman-abramovich/> (last visited Apr. 1, 2022); See *#142 Roman Abramovich*, FORBES, <https://www.forbes.com/profile/roman-abramovich/?sh=23b05033134a> (last visited Apr. 1, 2022).

245. LAWRENCE, *supra* note 164, at 197.

246. ROBINSON & CLEGG, *supra* note 1, at 88.

247. *Id.* at 93.

248. When he later found out that UBS, the firm that vetted Premier League clubs for Abramovich, said that Arsenal was “categorically” not for sale, Dein allegedly slammed a table so hard his soup spilled because he believed Arsenal’s ownership would have sold at that price and it would have been the start of an Arsenal dynasty with Abramovich and Wenger in control. See ROBINSON & CLEGG, *supra* note 1, at 93.

249. ROBINSON & CLEGG, *supra* note 1, at 89.

250. LAWRENCE, *supra* note 164, at 198.

soccer.²⁵¹ Whatever term is used, it proved successful as the Blues moved in on Manchester United and Arsenal's dominance of the Premier League, capturing back-to-back titles in 2004-05 and 2005-06.²⁵² Since Abramovich took over for Chelsea, the Blues have won five Premier League titles, five FA Cup crowns and made four appearances in the Champions League final, winning in 2012 and 2021.²⁵³

Abramovich's success only paved the way for even larger oil money pocketbooks to enter the sport. Abu Dhabi's Sheikh Mansour bought Manchester City in 2008, and Qatar Sports Investments group, led by Qatar ruler Tamim bin Hamad Al Thani, purchased a controlling stake in Paris Saint-Germain in 2011.²⁵⁴ Mansour is worth likely more than \$22 billion, and bin Hamad has the entire oil-rich state of Qatar available for funds.²⁵⁵ With these seemingly never-ending pockets of cash, neither wasted much time in collecting talent, no matter the cost.²⁵⁶ By 2019, Manchester City fielded the first team to cost €1 billion in transfer fees and add-ons.²⁵⁷ The spending spree has resulted in plenty of domestic success for the Sky Blues, winning five Premier League titles and two FA Cup crowns while securing many of the best talents around the world like Argentina's Sergio Kun Aguero, Belgium's Kevin De Bruyne,

251. *Id.* at 197. Without Abramovich's money, Arsenal's financing of Emirates Stadium forced Wenger to begin "Project Youth" as the Gunners only spent £1.5 million on goalkeeper Jens Lehmann during their Invincibles season of 2003-04.

252. ROBINSON & CLEGG, *supra* note 1, at 89-90.

253. Jon Prada (Billy Munday trans.), *How Abramovich's Investment Has Built a Chelsea for the Present and the Future*, MARCA (May 31, 2021, 2:10 PM), <https://www.marca.com/en/football/champions-league/2021/05/31/60b4ce4f46163faf168b4578.html>.

254. Rayhan Uddin, *PSG vs Manchester City: How Gulf-Owned Teams Diverged on Football's Future*, MIDDLE E. EYE (April 27, 2021), <https://www.middleeasteye.net/big-story/qatar-uae-psg-manchester-city-european-super-league>.

255. *See id.*; *Who Is Man City Owner Sheikh Mansour and What's His Net Worth?*, AS ENGLISH (May 27, 2021, 4:02 PM), https://en.as.com/en/2021/05/25/soccer/1621955923_952375.html.

256. In fairness, each group addressed the infrastructure of the club. Sheikh Mansour bin Zayed al-Nahyan has invested more than £1.3 billion in the club as of 2018, which includes facilities, feeder clubs and an extensive youth system. *See* David Conn, *Manchester City Accounts Show Sheikh Mansour Has Put £1.3bn Into Club*, GUARDIAN (Sept. 13, 2018, 12:38 PM), <https://www.theguardian.com/football/2018/sep/13/manchester-city-accounts-sheikh-mansour>. Meanwhile, PSG has greenlit a €250 million investment into a training center and youth academy. *See* Steven Impey, *PSG's '€250m' Training Centre Given Green Light*, SPORTSPRO, July 23, 2019, <https://www.sportspromedia.com/news/psg-ligue-1-poissy-paris-soccer-training-centre-development>.

257. Christopher Simpson, *Man City Have First Billion-Euro Squad in History Ahead of PSG, Real Madrid*, BLEACHER REP. (Sept. 9, 2019), <https://bleacherreport.com/articles/2852983-man-city-have-first-billion-euro-squad-in-history-ahead-of-psg-real-madrid>.

and England's Raheem Sterling.²⁵⁸ In 2021, Manchester City lost its first Champions League final to Chelsea.²⁵⁹

Meanwhile, PSG dominated the French League upon Qatar's purchase, winning seven out of eight Ligue One titles with the likes of Thiago Silva, Zlatan Ibrahimovic, and Edinson Cavani from 2012 through 2020.²⁶⁰ In 2017, PSG went all out when it purchased Brazilian superstar Neymar for a world-record shattering €222 million transfer fee from Barcelona and followed that with €180 million for French young starlet Kylian Mbappe from Monaco in the same transfer window.²⁶¹ Neymar's transfer was twice the world record of \$110 million by Paul Pogba to Manchester United from Juventus.²⁶² For all the domestic success it has had, PSG, like Man City, is judging its standards by European success. Outside of a finals appearance in 2020, where it lost to Bayern Munich, PSG has failed to reach the semifinals of the Champions League in all but one year of that competition.²⁶³

In an interesting twist, PSG is taking its model of paying for the best players and eliminating the middleman to try and win the title in 2021-22. Utilizing Bosman transfers, PSG brought on free transfer former Real Madrid captain Sergio Ramos (thirty-five years old), Liverpool midfielder Georginio Wijnaldum (thirty), AC Milan goalkeeper Gianluigi Donnarumma (twenty-two), and Barcelona superstar Lionel Messi (thirty-two) to try and get the Parisians into the winner's circle within Europe.²⁶⁴ While PSG's four "free

258. Oscar Rickett, *Manchester City, Abu Dhabi and the Rise of English Football's New Order*, MIDDLE E. EYE (May 17, 2019, 21:01 UTC), <https://www.middleeasteye.net/big-story/manchester-city-abu-dhabi-football>; *Man City Crowned 2020-21 Premier League Champions*, SKY SPORTS (May 24, 2021, 18:00 UK), <https://www.skysports.com/football/news/11679/12287450/man-city-crowned-2020-21-premier-league-champions>.

259. See David Hytner, *Chelsea Win Champions League After Kai Havertz Stuns Manchester City*, GUARDIAN (May 29, 2021, 16:57 EDT), <https://www.theguardian.com/football/2021/may/29/manchester-city-chelsea-champions-league-final-match-report-kai-havertz>.

260. *Paris Saint-Germain Profile*, PLANETSPORT, <https://www.planetsport.com/soccer/paris-saint-germain> (last visited Mar. 26, 2022).

261. Julien Laurens, *Neymar: How the Record-Breaking €222m Move to PSG Unfolded*, GUARDIAN (Aug. 4, 2017, 2:00 PM), <https://www.theguardian.com/football/2017/aug/04/neymar-how-record-breaking-move-to-psg-unfolded>; Robin Bairner, *Monaco Star Mbappe Completes €180 Million Paris Saint-Germain Move*, GOAL (Aug. 31, 2017, 12:30 PM), <https://www.goal.com/en-us/news/monaco-star-mbappe-completes-180-million-paris-saint-germain/13k7x4cozao191hedgpw1kkrrt>.

262. Ed Aarons, *Paul Pogba: Manchester United Confirm Record £93.2m Signing on Five-Year Deal*, GUARDIAN (Aug. 9, 2016, 2:35 AM), <https://www.theguardian.com/football/2016/aug/09/manchester-united-sign-paul-pogba-93-million-juventus>.

263. George Bird, *Have PSG Ever Won the Champions League? History, All-Time Tournament Record for Ligue 1 Giants*, SPORTING NEWS (Mar. 9, 2022), <https://www.sportingnews.com/us/psg/news/have-psg-ever-won-champions-league-history-record-tournament/mrcksnt2nz3gdnokvn9kppft>.

264. Sean O'Brien, *Loaded Paris Saint-Germain Add Sergio Ramos to Incredible 2021/22 Squad Filled with Free Transfers Like Georginio Wijnaldum and Italy's Gianluigi Donnarumma to Follow*, TALKSPORT

transfers” did not cost anything in transfer fees, the Qataris expected to spend around €100 million euros just in 2021-22 on those four players in wages, with more than a third earmarked for Messi.²⁶⁵ The reason Barcelona could not keep Messi, despite both sides displaying mutual interest in resigning, was that the Catalans face nearly a billion euros of debt.²⁶⁶ Some of this debt is through simply poor acquisitions after the era of Xavi and Iniesta ended.²⁶⁷ However, a sizeable portion of the blame can be attributed to the global pandemic that affected Europe in March 2020 and continued through most of 2021.²⁶⁸ It shows the value of having deep pockets in the game—even if its publicity is not necessarily positive as Panja noted with the Messi to PSG signing:

Feels quite distasteful that as football industry convulses amid the ongoing pain of the coronavirus pandemic, a handful of clubs spending like bandits as if the world hasn't changed. Regulators nowhere to be seen as power centre shifts (possibly permanently) to oil baron teams.”²⁶⁹

III. LOOKING AHEAD

In twenty-five years, the Bosman ruling’s impact upon soccer has been nothing short of extraordinary. Freedom of movement allows players the opportunity to obtain market value for their skills. Players in Europe enjoy the most profitable leagues in the world with a global reach approaching 400 million viewers for the Champions League final alone.²⁷⁰ Worldwide, around 63% of 17,077 players moving between clubs in 2020 were out-of-contract free

(July 8, 2021, 11:04 AM), <https://talksport.com/football/908870/paris-saint-germain-sergio-ramos-free-transfers-georginio-wijnaldum-gianluigi-donnarumma/>; *Lionel Messi Joins Paris Saint-Germain on Two-Year Contract After Leaving Barcelona*, SKY SPORTS (Aug. 11, 2021, 11:46 AM), <https://www.skysports.com/football/news/11820/12378087/lionel-messi-joins-paris-saint-germain-on-two-year-contract-after-leaving-barcelona>.

265. Andrew Gasteium, *PSG Wields the Power of the “Free” Transfer*, SPORTS ILLUSTRATED (Jul. 8, 2021), <https://www.si.com/soccer/2021/07/08/psg-transfers-sergio-ramos-wijnaldum-donnarumma-hakimi>.

266. Lowe, *supra* note 5.

267. *See id.*

268. *Id.*

269. Tariq Panja (@tariqpanja), TWITTER (Aug. 7, 2021, 10:03 AM), <https://mobile.twitter.com/tariqpanja/status/1424023464030085126>.

270. *Super Bowl vs Champions League Final*, BLIZZARD (Feb. 9, 2021), <https://theblizzard.co.uk/super-bowl-vs-champions-league-final/news/>.

agents.²⁷¹ But there are unintended consequences the Bosman ruling created that many have noticed, and some are making calls to put restraints back into the game.

The most recent example of this is the idea of a European Super League where fifteen of the largest clubs in the world would be “permanent members” of a twenty-team, pan-European league.²⁷² This would have included six members of England, three from Spain, three from Italy, and three other permanent members along with five members that would “rotate in” through promotion and relegation.²⁷³ The goal would be to bring in “guaranteed income” and to create matches that “matter” between the biggest clubs.²⁷⁴ One of the key elements within the proposal is the idea of bringing back cost controls on players, whether it comes in the form of a salary cap or some sort of luxury tax.²⁷⁵ New transfer rules, like FFP, and other restraints on cost control all center around the idea that clubs cannot control their own spending and, therefore, need help to keep their own players. It also furthers the notion that soccer ownership should be done only by businesspeople.²⁷⁶ While the notion of a pan-European Super League is not new, the idea of having little or no relegation or promotion could make it run afoul of European Competition Law.²⁷⁷ Even if it were legal, the political aspect of the closed Super League turned many off to it as noted soccer writer and former Sports Illustrated correspondent Grant Wahl tweeted:

The European Super League with “permanent places for founding members” was a bad idea that deserved to die. But the spending controls insisted upon by Liverpool and others for it were not a bad idea. Barcelona in particular is a preventable financial mess right now.²⁷⁸

271. *Free Agent Footballers: The 20th Anniversary of a Dramatic Rule Change*, FIFPRO, <https://www.fifpro.org/en/who-we-are/our-organisation/history/free-agent-footballers-20th-anniversary-of-a-dramatic-rule-change/> (last visited Apr. 1, 2022).

272. Cady Siregar, *What is the Super League? European Club Breakaway Tournament Format & Teams Explained*, GOAL (Apr. 19, 2021), <https://www.goal.com/en-us/news/what-is-super-league-european-club-breakaway-tournament/1579xlo7z4uaq1vk0jnkxvz15c>.

273. *Id.*

274. *Id.*

275. See Murad Ahmed & Arash Massoudi, *Leaked Super League Plans Reveal Goal of US-style Football Finances*, FIN. TIMES (Apr. 20, 2021), <https://www.ft.com/content/e80299a4-8012-447a-8512-c24e149304b1>.

276. KUPER & SZYMANSKI, *supra* note 188, at 120.

277. PIJETLOVIC, *supra* note 93, at 304-05.

278. Grant Wahl (@GrantWahl), TWITTER (Aug. 7, 2021, 1:44 PM), <https://twitter.com/grantwahl/status/1424078961307422725?s=21>.

Others are calling for reform for competitive purposes, citing the fact that most European leagues are dominated by one or two clubs—PSG in France, Real Madrid/Barcelona in Spain, Bayern Munich in German, and Juventus in Italy.²⁷⁹ Only in England has there been some amount of parity, though it is still limited as Leicester City in 2016 is the only club outside the big six that has won the title since Blackburn Rovers in 1995.²⁸⁰ Interestingly, 1995 was also the last year pre-Bosman ruling and similar to today, Blackburn Rovers had one of the largest payrolls in the Premier League that year.²⁸¹ Having clubs with Petrol money—Chelsea, Manchester City, and Paris Saint-Germain—also throws off the “competitive balance” aspect of the sport. Former Manchester United player Gary Neville chastised his former club and Liverpool for “breaking away into a league without competition, that they can’t be relegated from.”²⁸²

UEFA is looking at implementing one element from the Super League. In August 2021, writer Martyn Ziegler wrote that UEFA wanted to create a salary cap and establish a luxury tax to limit teams spending no more than seventy percent of its revenue on salaries.²⁸³ This program would also eliminate the FFP program by UEFA.²⁸⁴

This proposed system raises issues regarding restraint of trade as it relates to Bosman. First, because UEFA is proposing it, this may be more politically appealing to its constituents. But if this is implemented and a team (say Manchester City) is forced to pay a luxury tax, how will the money be redistributed? Will teams in the league, where the club in question is from, benefit from it? Or does the money over the luxury tax go back to every other club in Europe? Or does it simply go to clubs that are deemed “small” and what will be defined as “small”? Additionally, a salary cap or luxury tax may run afoul of Bosman, because it may be considered a restraint on a player’s ability to work because teams may not sign a player because of the rule.

279. Steve Menary, *Few Clubs Dominate Europe’s Football Leagues: Champions League Diversity Index 2019/20*, PLAY THE GAME (June 25, 2019), https://www.playthegame.org/news/news-articles/2019/0579_few-clubs-dominate-europes-football-leagues-champions-league-diversity-index-201920/.

280. See ROBINSON & CLEGG, *supra* note 1, at 254-59.

281. ROBINSON & CLEGG, *supra* note 1, at 56. Owner Jack Walker spent £50 million in 1994-95 on winning the league but were so unprepared for success that Blackburn began selling off its best players and by 1999, the club was relegated from the Premier League. See ROBINSON & CLEGG, *supra* note 1, at 59-61.

282. Siregar, *supra* note 272.

283. Martyn Ziegler, *UEFA Plans Salary Cap and ‘Luxury Tax’ for Teams Who Breach It*, SUNDAY TIMES (Aug. 12, 2021, 5:00 PM), <https://www.thetimes.co.uk/article/uefa-plans-salary-cap-and-luxury-tax-for-teams-who-breach-it-5vrwf8cm7>.

284. *Id.*

Despite the rhetoric of restraints and cost control, it is worth noting the significant gains made by athletes themselves and the benefits they enjoy in the modern game. Since Bosman, players are getting what they deserve based on their skill and playing ability.²⁸⁵ Nine players in European football made at least €24 million in 2020, led by Messi's €126 million.²⁸⁶ In the Premier League, the average salary for a player is around £2,843,000 per year.²⁸⁷ All these numbers are expected to climb as leagues prepare for new television contracts to kick in, such as ESPN's eight-year contract for \$1.4 billion to broadcast La Liga exclusively in the United States.²⁸⁸

CONCLUSION

The impact of Bosman twenty-five years on touches nearly all aspects of European sport and is among the most important cases of *lex sportiva* to be decided by the European Court of Justice. The ECJ's elimination of the restraint on trade and the nationality "3+2" rule allowed athletes an opportunity to play their sport and receive market value for their services for the first time. After a hundred years or more of little player movement, Bosman opened a tidal wave of diaspora for players and put player empowerment at the forefront.

Teams reacted in many ways to find efficiencies in this era of a newly opened market. Some simply threw money at the problem to try and buy their way to titles as Chelsea and Real Madrid did. Meanwhile, Arsenal and Barcelona relied on their own internal structure and organizational fundamentals to enter the market only selectively when it would maximize its return. As the third decade of the twenty-first century rises, oil barons and state-run clubs like Manchester City and PSG attempt to blend resourcefulness with massively deep pockets of cash to win. And "financial doping" is not necessarily a poor strategy as spending generally leads to success for both player and club.²⁸⁹

285. KUPER & SZYMANSKI, *supra* note 188, at 17.

286. Christina Settimi, *The World's Highest-Paid Soccer Players 2020: Messi Wins, Mbappe Rises*, FORBES (Sept. 14, 2020 06:00 PM), <https://www.forbes.com/sites/christinasettimi/2020/09/14/the-worlds-highest-paid-soccer-players-2020-messi-wins-mbappe-rises/?sh=1343939f1cff>.

287. See KIERAN MAGUIRE, *THE PRICE OF FOOTBALL* 72 (2nd Ed. 2021). In the English Championship, that number goes down to around £827,000 per year while League One is \$178,000 and League Two comes in around \$89,000. Scotland's Premiership is around \$267,000 per year. *Id.*

288. Christopher Harris, *Disney Confirms ESPN+ Acquisition of La Liga Rights*, WORLD SOCCER TALK (May 13, 2021), <https://worldsoccertalk.com/2021/05/13/disney-confirms-espn-acquisition-of-laliga-rights-in-major-broadcast-deal/>; *ESPN Secures "US\$1.4bn" La Liga US Rights Deal Until 2029*, SPORTSPRO (May 14, 2021).

289. KUPER & SZYMANSKI, *supra* note 188, at 17.

Bosman's greatest challenge in the next twenty-five years may be the politics at play in Europe. With players signing extravagant contracts for generational wealth, supporters may call on leagues and UEFA to take control and reign in spending under the banner of "competitive balance." Even large teams, such as Liverpool, are discussing the benefits of bringing in cost control and Barcelona's nearly billion-euro debt suggests teams are unable to police themselves, especially when chasing glory on the pitch.²⁹⁰ Conversely, clubs like Arsenal that have run themselves within FFP regulations may rarely see the heights it achieved when winning the Premier League without a loss in 2004, because it may not be willing to put out enough money for the supporters' liking to compete with its rivals.

Perhaps Italian star Giorgio Chinaglia summed up Bosman's impact the best. When talking with his late friend about an off the field soccer matter, Relevant Sports Executive Chairman and SiriusXM presenter Charlie Stillitano quoted Chinaglia, who explained: "Charlie, it's the money, you moron."²⁹¹

290. Tales Azzoni, *With Lionel Messi Gone, FC Barcelona President Says Club's Debt is \$1.6 Billion*, L.A. TIMES (Aug. 16, 2021), <https://www.latimes.com/sports/story/2021-08-16/barcelona-president-says-club-debt-1-6-billion-lionel-messi>.

291. Peter Nolan, *Charlie Stillitano Talks La Liga to Miami*, GOTSOCCER MAG. (Nov. 4, 2018), <http://blogs.gotsoccer.com/?p=19926>.