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## The impact of European integration on domestic sport: The case of German football

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Since the mid-1990s EU institutions and EU policy-making outcomes have had a considerably more noticeable bearing on the regulation and subsequent development of sport than in the first four decades of European integration. While the developments at European level are relatively well documented, the actual impact of EU law and policy-making on the domestic arena has so far largely escaped thorough academic attention. This essay will give a brief overview of the increased attention that sport has received in EU politics and policy, before embarking on an analysis regarding the result this may have for domestic sport. Our empirical focus is on German football, particularly on three sub-cases: (I) the nationality issue related to the *Bosman* ruling, (II) the transfer rules resulting from *Bosman*, and (III) the issue of broadcasting rights. Our (comparative) empirical analysis suggests that domestic level actors can influence the impact of EU level decisions to (quite) some extent. Hence, outcomes depend both on the strength of EU level pressures for domestic change and on domestic level counter-reactions. We argue that the interplay of these levels has led to different outcomes: 'system transformation' (Case I), 'heavy adjustment' (Case II) and 'partial adjustment' (Case III).

### Introduction

Sport, in so far as it constitutes an economic activity, is subject to Community law. With (and since) the *Bosman* ruling of 1995, EU-level policy-making in the area of sport has been (considerably) more prominent and significant than during previous decades of European integration. However, not all developments on the EU level are as well-known as the *Bosman* case. Perhaps, more importantly, while the developments at European level are relatively well documented, the actual impact of EU law and EU policy-making on the domestic arena is still under-researched.<sup>1</sup> Decision-making at EU level affects a range of areas impacting on the broad structures and institutional set-up of domestic sport in European states as well as on actors like associations and clubs.

By focusing on the impact of European integration at the domestic level, our research interest reflects the evolution of the EU integration studies research agenda: after four decades of attention on developments of integration at the European level, in the early/mid-1990s scholars increasingly began to examine the effect that European integration may have on domestic politics, policy and polity. The process of change in the domestic arena, in terms of policy substance and instruments, processes and politics as well as polity resulting from European integration or the European level of governance more generally has been termed 'Europeanization'.<sup>2</sup>

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Our case study concentrates on football, the sport that is subject to most (well-known) European level cases and decisions. Football is the most popular game and the sport with the greatest economic significance in Europe. Its influence cuts across political, economic, social and cultural spheres, and should also be illustrative of other sectors of European sport. Our empirical analysis will focus on German football and particularly on three sub-cases: (I) the nationality issue related to the *Bosman* ruling of the European Court of Justice; (II) the transfer rules resulting from the *Bosman* ruling, and (III) the issue of *Bundesliga* broadcasting rights.

There are several rationales for focusing on *German* football in our case study: firstly, along with the English, French, Italian and Spanish leagues, the *Bundesliga* is one of the major football leagues in Europe. Secondly, Germany is one of the founding members of the European Community and a country in which the European integration process has traditionally been held in high esteem, both by the political elites and the public. From this perspective, an analysis concerning the impact of European integration on domestic sports is conducted under a 'most-likely' scenario, as 'Europeanization' pressures are likely to be considerable in German football.<sup>3</sup> Such case set-up does not allow us to confirm an idea or concept (for which a 'hard' case would be necessary). However, it allows for the initial exploration of the impact of European integration on domestic sport under favourable conditions, and potentially – if even these conditions do not yield 'results' – the falsification of the idea that European integration may shape domestic football. Finally, while the first two points also broadly apply to Italy and France, we considered the German case particularly interesting: from a cursory examination of the subject matter it became apparent that Germany was the only country to implement the *Bosman* ruling by extending the status of 'EU resident' to all players from within the European Football Association UEFA. In addition, the German FA was (alongside the English FA) one of few federations involved in serious problems with the Commission over the marketing of broadcasting rights. In our view, these particularities merited further exploration.

We seek to make inferences on our research question by making use of the comparative method and process tracing. Regarding the latter, observations concerning structural dynamics and actors' attitudes/behaviours are traced, analysed and discussed. This way integrative knowledge is gained concerning the nature and composition of causal mechanisms and processes.<sup>4</sup> Process tracing has been put into practice through triangulation across different data sources. We have drawn on official documentation, secondary literature and major media. In addition, 11 (semi-structured) interviews have been conducted, most of which are attributable, while some interviewees requested to remain anonymous.

In the following section we will give a brief overview of the increased attention that sport has received in EU politics and policy, before embarking on an analysis regarding the result this may have for German football.

### Sport policy-making at EU level

Although there is no specific reference to sport in the Treaty, the European Union has been indirectly involved in sport where it cut across its competencies and affected existing Community policies, such as competition, audiovisual policy, education, health, youth policy, etc. The EU's first moves into issues related to sport occurred in the 1970s. A European Court of Justice (ECJ) ruling in 1974 (*Walrave*) established that sport is subject to Community law to the extent that it constitutes an economic activity. This approach was confirmed by later cases (*Donà*, *Bosman*, *Deliège*, *Lethonen*).<sup>5</sup> Most sport-related cases that

prompted the involvement of EU institutions were concerned with (at least one of) the following: (I) provisions on free movement and non-discrimination on the basis of nationality, triggered by the 1968 Council regulation on the free movement of workers;<sup>6</sup> (II) competition rules based on Articles 81–89 of the EC Treaty, particularly those concerned with controlling restrictive practices and the abuse of a dominant market position. In competition policy the European Commission has far-reaching competences.

After the *Walrave* case, in the *Donà* ruling (1976) regarding the issue of nationality restrictions in Italian soccer, the European Court of Justice hesitated to take the opportunity to ban foreign national clauses in football. However, thereafter the Commission managed to pressurize football associations into first concessions concerning nationality restrictions in order to eschew further ECJ action.<sup>7</sup> In subsequent years the Commission continued to push for the implementation of the freedom of movement principle which was met by substantial resistance from sporting associations. Yet, the Commission only accomplished modest liberalization of nationality restrictions (the so-called ‘3 + 2’ agreement in football, see below), and effectively accepted discriminating practices.<sup>8</sup>

The well-known 1995 *Bosman* ruling by the ECJ constituted a watershed in this development. The Court substantially expanded the free movement right. It not only disallowed national clauses for EC citizens,<sup>9</sup> but also prohibited transfer payments after the expiration of contracts (also see our case analyses below). Although the issue of competition rules was not addressed by the Court in *Bosman*, the Commission utilized the case to justify greater examination of (competition-related) sports activity. In the post-*Bosman* era, the Commission thus embarked on a number of investigations, for example, on broadcasting rights for major sporting events (including the UEFA Champions League), regarding football transfer rules, on multiple ownership of sporting clubs, concerning Formula One motor-racing regulations, and on ticketing arrangements for major sport events.<sup>10</sup>

Following from the (actual or threatened) application of Community rules and principles, EU institutions became increasingly criticized for not paying adequate attention to the social and cultural significance of sport. This development also has to be seen against the background of the Union’s parallel aim to create a people’s Europe – a notion that gradually evolved since the establishment of the Adonnino Committee in the mid 1980s which was concerned not least with providing a human face to the single market.<sup>11</sup> As a result, since the mid/late 1990s greater emphasis was put on the socio-cultural and integrationist potentials of sport, which was to be afforded a more substantial level of protection from Community law.<sup>12</sup> The development towards greater recognition of the social and integrative functions of sport was, among the Community institutions, to some extent led by the European Parliament (EP) which emphasized such elements in its two reports on sport from 1994 and 1997. In addition, in its negotiations with the Council regarding the 1997 Television Without Frontiers Directive, the EP managed to ensure free-TV broadcasting of major sporting events.<sup>13</sup>

Member governments in the form of the European Council now also began to get involved in the process, which can largely be attributed to sports federations’ lobbying efforts for an article in the EU Treaty.<sup>14</sup> However, Heads of State and Government at the 1996–97 Intergovernmental conference only managed to agree on a non-binding declaration annexed to the Treaty of Amsterdam, which emphasizes the social significance of sport and the important role to be played by associations in important questions related to sport. A year later at the 1998 Vienna European Council, Member governments not only made a commitment to fight doping but also invited the European Commission to produce

what became the 'Helsinki Report on Sport'.<sup>15</sup> The Commission report constitutes the first coherent attempt to bridge single market principles with socio-cultural considerations of sport and establishes 'an embryonic EU sports policy'.<sup>16</sup> Heads of State and Government also dealt with the issue of sport in their negotiations on the Treaty of Nice in 2000. They essentially reiterated the approach taken at Amsterdam, that even in economic policy-making the special characteristics of sport should be taken into consideration. On the basis of this principle, the Nice Declaration offers some guidance of how sport issues should be approached in terms of EU law and EU policy-making.<sup>17</sup> Yet, the Nice Declaration is also non-binding.

Although the declarations of Amsterdam and Nice are only non-binding soft law, this still seems to have had a certain impact on the policy-making process. They are increasingly cited in the cases dealt with by the Commission and the Court of Justice.<sup>18</sup> While the ECJ had recognized the particular characteristics of sport in *Walrave, Donà* and *Bosman*, in two more recent cases, *Deliège* and *Lethonen*, it went further by somewhat limiting the free movement principle. Also, it can be argued that the Commission has taken the socio-cultural dimensions into greater account since the late 1990s, as illustrated for instance through its handling of cases on the sport broadcasting rights and ticketing distribution etc. The Commission has only taken formal decisions in some of these cases, but agreed on informal settlements in others.<sup>19</sup>

While the Amsterdam and Nice Intergovernmental Conferences produced important political declarations, it was not until the Constitutional Treaty that formal Treaty status was (to be) given to sport. In the Constitutional Treaty sport is specified as an area in which the Union shall have competence to carry out actions to support, coordinate or supplement the actions of the Member States, without superseding Member States' competence in this area. In Article III-282 of the Treaty (on Education, Vocational Training, Youth and Sport), the broad Amsterdam and Nice approach concerning the importance of taking the specific nature of sport into account has been codified in the Treaty. Once/if the Treaty is ratified, Article III-282 will/would become a legally binding reference point both for the EJC and the Commission in their application of EU law to the area of sport.

Not least given the uncertainty surrounding the ratification of the Constitutional Treaty, the Presidency of the EU under the UK's tenure commissioned an independent review of European sport. A central aim of the report – which was conducted by former Portuguese Sports Minister, José Luis Armat, with input especially from a number of sports federations and several Member State sports ministers/ministries – was to 'give practical effect to the principles set out in the Nice Declaration'.<sup>20</sup> Perhaps most significantly, the report argues in favour of a formal structure for the relationship between the Community institutions and European sport associations. It holds that the European Football Association (UEFA) should be granted official recognition as the governing body for European Football and recommends that it should fall to UEFA, in dialogue with the Commission, to specify the necessary legal framework, guaranteeing both legal security and adherence to EU law. The announcement for a European Commission White Paper on Sport in 2007 has partly been prompted by the Independent European Sport Review and, more generally, by the calls of sport governing bodies, national governments and other actors for concrete proposals and progress concerning the governance of sport in the EU.<sup>21</sup>

A final (and related) aspect of European level developments, to be mentioned and briefly discussed here, is the European Social Dialogue in professional sports. The European Social Dialogue is a consultation and collective bargaining mechanism established to regulate the relationship between organized labour and employers at EU level. With regard

to the sports sector in the European Union, such a dialogue mechanism may be preferable to the application of Community law on competition and free movement, which may be rather blunt instruments when unique and complex issues of sport are being considered.<sup>22</sup> Instead of dealing with developments at EU level reactively and as an alternative to limiting the scope for uncontrollable Commission and ECJ action by way of introducing a passage on sport in the Treaty, the social partners in the sport sector may rather seek to mould the legal environment themselves. Treaty articles 138–139 on the social dialogue would provide ample opportunities in that respect, including the right of consultation over Commission proposals and the potential for organized labour and employers working together to initiate EU-wide agreements, independent of schemes proposed by the Commission. The Commission has advanced the social dialogue on sports, for example by formulating the criteria concerning the representativeness of labour and employers' organizations.<sup>23</sup> While football is leading the way, the Social Dialogue in Sport is in its infancy, not least because issues of representation and (self-)organization on the employers' side have delayed the process.<sup>24</sup>

### The case of German football

This section explores the potential impact of European integration on the domestic level. This is an important and interesting perspective to take, not least because of the relative lack of research on domestic-level implications of EU-level sports policy-making. As a case study we examine the development of German football. More specifically, we look at the effect that three EU-level developments/decisions have had on the structures and actors in German soccer: (I) the ECJ's ruling in *Bosman* concerning nationality restrictions; (II) the Court's findings in *Bosman* regarding the transfer system; (III) the Commission case concerning the *Bundesliga* broadcasting rights. This selection of sub-cases provides scope for a comparative analysis, as these units are adequately homogenous and thus comparable. Values on the level of EU pressures vary across these sub-cases between high (*Bosman I*) and medium (*broadcasting*). The three selected sub-cases arguably constitute the most important developments of EU policy-making implicating domestic/German football so far. Analysing developments at the national level also provides us with an opportunity to explore domestic-level counter-reactions (to European integration). These reactions may not only be partly responsible for diverse domestic outcomes, but also feed back into processes of EU policy-making.

#### *Bosman: the nationality issue*

The *Bosman* ruling of 1995 in its essence consisted of two general findings: first, the traditional transfer system with transfer fees to be paid for out-of-contract players infringed upon the right of every European (worker) to move freely under Article 48 of the Treaty of Rome (TEC) and thus had to be abolished; and second, 'nationality restrictions' as a means to limit the number of foreign players in a football club were ruled illegal in so far as they discriminated against players from countries within the European Union.<sup>25</sup>

German soccer has been affected by both aspects, although one could claim that the latter one, dealt with in this section, has had a more 'visible' effect for the whole football community. Rendering illegal any general nationality restriction meant the abolishment of the so-called '3 + 2 rule' which allowed a European team to field three foreign players and additionally two 'assimilated players' (foreign players who had played in the relevant country for at least five consecutive years). To abolish this rule and to open up the market

for players from all other countries within the EU already had an in-built tendency to increase the number of foreign-born players in German football. The German Football Association (DFB), however, liberalized even further and expanded the right to play football in Germany without being considered a foreigner not only to EU residents (so-called *EU-Ausländer*) but to all players living within the 51 other member states of the European Football Association (UEFA). In fact, thus in German football after *Bosman* the status of 'EU resident' meant 'UEFA resident'.<sup>26</sup>

What are the reasons for this extension, which was only implemented in Germany? Part of the explanation refers to the special socio-political situation in Germany after reunification. From this perspective, the DFB and its leading actors were still influenced and impressed by the dramatic political changes in Europe and the 'unification' of the continent that had taken place a few years before. They simply 'did not want to erect new walls or barriers', especially towards national associations in Central and Eastern Europe, which had strong ties to the DFB.<sup>27</sup> In a similar vein, some actors were convinced that the ongoing process of European integration would render any differentiation between certain types of Europeans meaningless sooner or later. Although the extension may show that 'football sometimes is more political than people think',<sup>28</sup> there was also an element of pragmatic (and even visionary) thinking to it, because the decision taken by the DFB in the end prevented non-EU European footballers from taking legal action against this discrimination in Germany.<sup>29</sup>

Another interpretation is that this extension created a bigger market for German football clubs to sign players, especially players from Central and Eastern Europe, which for the most part was cost-saving in the short-run. Given the fact that after *Bosman* a central source of financing for clubs – transfer fees for out-of-contract players – ceased to exist, and that German clubs were (and are) subject to a relatively strict licensing procedure which means they had (and have) to pursue sound economic policies, opening up the market especially towards Eastern Europe also had a 'compensation effect' for German football clubs, since signing players from the Czech Republic, Poland or the Balkans, for instance, was generally less expensive.<sup>30</sup> Both explanations – the socio-political climate as well as an interest of the clubs to improve their position among European competitors – can be seen as complementary rather than mutually exclusive. Overall, the nationality issue of *Bosman* generated a substantial pressure for extending the definition of 'EU resident' fostering a progressive transposition of the ruling on the part of the DFB.

More concretely, this decision led to a surge of players coming from all over Europe to Germany. Table 1 points to the increase in foreign players, especially UEFA-residents in the First *Bundesliga*.

At the beginning of the 1990s – before *Bosman* – the shares of the respective groups (German-born players, UEFA residents and non-UEFA residents) exhibit a fairly stable pattern. After *Bosman* and the decision of the DFB to count all players from UEFA member-states as EU residents, we can easily detect some important changes in the composition of players in the *Bundesliga*. Firstly, the share of German-born players has steadily decreased up to 2005. Secondly, the share of UEFA residents as well as the share of players from other continents has substantially increased, although the share of non-UEFA residents remains relatively small (between 12 and 14 per cent) compared to that of UEFA residents (up to 38 per cent in 2005). Although the decision to open the market for all Europeans has been rather liberal, the DFB did not fully liberalize immediately. The number of players a professional club could field from other continents remained limited to three until 2001, when, for reasons of international competitiveness,

Table 1. Number of players fielded in the German 1. Bundesliga (1992–2005), split in German-born players, UEFA residents, and players from other continents ('Non-UEFA residents') and their shares of the total number; increase of the number of players within these groups from 1992 to 2005 and from 1995 to 2005

Season	Players <i>Bundesliga</i>	German- born	Share (%)	'UEFA residents'	Share (%)	'non-UEFA residents'	Share (%)
1992/93	394	326	82.7	48	12.2	20	5.1
1993/94	415	332	80.0	53	12.8	30	7.2
1994/95	424	341	80.4	55	13.0	28	6.6
1995/96	428	346	80.8	60	14.0	22	5.1
1996/97	457	345	75.5	96	21.0	16	3.5
1997/98	444	293	66.0	128	28.8	23	5.2
1998/99	461	295	64.0	133	28.9	33	7.2
1999/00	440	270	61.4	128	29.1	42	9.5
2000/01	475	274	57.7	160	33.7	41	8.6
2001/02	469	248	52.9	167	35.6	54	11.5
2002/03	467	231	49.5	177	37.9	59	12.6
2003/04	469	237	50.5	168	35.8	64	13.6
2004/05	460	230	50.0	175	38.0	55	11.9
<i>Increase in size 92–05</i>	17%	–29%		364%		175%	
<i>Increase in size since Bosman</i>	7%	–33.5%		292%		150%	

Source: Data obtained from IMP AG Ismaning/Germany.

it was lifted to five.<sup>31</sup> In October 2004, the German Football League (DFL) took the decision to cut back the quota again to four players in 2005/06, before it liberalized fully starting with the 2006/07-season. Nowadays, there is no quota for non-EU players (in professional clubs); instead, other mechanisms such as the local-players-rule to protect young German talent in an increasingly internationalized (meaning Europeanized) players' market have been installed (see analysis below).

The increase in foreign players in national leagues has been just one of the presumed consequences of the *Bosman* ruling. In the German case, however, especially with regard to its implementation through the DFB, this aspect gained much prominence since the mid 1990s. The consequences of *Bosman* concerning the share of German-born players in German football, especially concerning the impact for German talents and the German national team have been widely discussed in this regard. One could, for instance, argue that other football associations and leagues in Europe did not expand their definition of 'EU resident' precisely because they wanted to restrict the influx of foreign players, thereby protecting young players which could be eligible for national teams. In Germany, *Bosman* and its extension to all Europeans arguably led to problems for the development of young players. As former DFB president Gerhard Mayer-Vorfelder put it: 'Our decision was just to treat all citizens of UEFA member-countries like EU citizens. I now believe that this decision was wrong. [...] How can we expect young German forwards to develop in the *Bundesliga*, if seventy per cent of all forwards are foreign-born.'<sup>32</sup>

The shortage of young and talented German football players, which became obvious at the end of the 1990s, can be explained as a consequence of the *Bosman* ruling and its 'progressive' implementation in Germany and/or as the result of a certain neglect on the part of the clubs. In any case, the carefully directed development of young and talented



players, which are eligible for German national teams, has been critically discussed in connection with the evolution of the German players' market after the Bosman ruling and has certainly become a real concern of the DFB in the post-Bosman era. What is more, the DFB – in accordance with the DFL – also tries to steer the development by establishing certain rules for professional and amateur clubs, which aim at developing and protecting young and talented German players as far as possible within the limits of public national and European law. For instance, every club in the *Bundesliga* has to maintain a training centre for young players (*Nachwuchsleistungszentrum*) in order to comply with the licensing rules. Most recently, the German *Bundesliga* has decided to systematically increase the number of young players which have been raised in German clubs, from at least four (2006/07) to at least eight (2008/09).

Amateur branches of professional clubs had to field at least six players eligible for German national teams younger than 24, three of them younger than 21, until 2005; since 2005/06, these teams became full U23-teams (which means that only three players aged 23 or older can be fielded). Parallel to these measures, the number of non-EU players in amateur teams has been cut back from up to six (2002) to three (2004). This kind of 'steering policy' within the association is complemented by the policies of the German Ministry of the Interior, which in 2002 issued a directive that in effect ruled out that a non-EU player will get a work permit in Germany unless he is signed by a team in the (first or second) *Bundesliga*. In 2003, the follow-up to this directive specified that non-EU players must be signed to play in the first team and must not play in the amateur teams of the professional clubs.<sup>33</sup>

All in all, the nationality issue of *Bosman* has induced very significant developments in German football, particularly regarding the above described evolution of the *Bundesliga* players' market; the 'liberalization' of nationality rules has thus fostered change that can be described as 'system transformation'. The issue led to a varied reaction by the German Football Association. On the one hand, the transposition of the ruling has been progressive (the decision to extend the definition of 'EU resident' a decade before the *Simutenkow* ruling of the ECJ which finally questioned the distinction between EU- and other European non-EU-residents in 2005). On the other hand, and partly as a counter-reaction to the progressive transposition, it was conservative (measures to promote German talent).

#### *Bosman II: transfer rules*

The *Bosman* ruling also stated that the traditional transfer system had to be comprehensively revised, as the core of this system – the payment of transfer fees for out-of-contract players – had been found to infringe upon EU provisions concerning freedom of movement. Since the transfer system was internationally agreed upon and laid down through FIFA, it became clear during the second half of the 1990s that this part of *Bosman* was not just (EU- or UEFA-) European business, but could and had to lead to a revision of the whole international transfer system. Above all, the European Commission pushed this view, starting from the perspective that football constituted a normal business activity to be regulated according to competition law. On the other side, the national and regional associations as well as FIFA tried to promote their view that football and sport fulfil peculiar social functions and therefore had to be treated differently. It has been convincingly argued that these actors as well as others (clubs, leagues, media, lawyers) have formed so-called 'advocacy coalitions' to promote their views in the negotiation process.<sup>34</sup> Although the Commission finally pushed FIFA/UEFA to the table by threatening another ruling through the ECJ in 2000,<sup>35</sup> the 'new transfer regime' agreed

upon in 2001 showed that the European Commission in some parts had loosened its demands and abandoned its purism. Originally, the EC Commission held that players, just like normal employees, should retain the right to unilateral termination of their contract (conditional upon a certain notice period). Eventually, the Commission, accepted contract stability (vs. 'normal' periods of notice), which has to be guaranteed except for exceptional situations, and the introduction of a new system of training compensations (as a 'quasi'-transfer fee) for players aged under 23 to encourage and reward training efforts of clubs.<sup>36</sup>

This shift in the Commission position needs to be accounted for. First, it can be argued that the Commission has been convinced by the arguments regarding the particularities of organizing football and the presumed consequences of a fully liberalized transfer regime put forward through FIFA and also directly by the DFB (along with other national associations). Certainly, some leading German football officials interpret the negotiation process with the Commission to some degree as a successful act of lobbying in the sense of creating more awareness within the Commission for possible disastrous consequences of strict liberalization (for example, inoperability of leagues because of highly volatile player markets).<sup>37</sup> The results of this process are made out, for example, through the Commission's gradual reformulation of its position throughout the 1990s, as can be seen in the so-called Helsinki Report on Sport from 1999.<sup>38</sup>

Second, several national football associations, not least the German DFB, have lobbied and convinced their respective governments and especially their heads of government in order to exert some political pressure on the institutions of the Community. For example, in the late 1990s several meetings took place between 'leading' *Bundesliga* clubs and the German Chancellor, in which the 'football community' gained support at the highest level in domestic politics as regards possible adverse implications of a fully liberalized transfer regime for the most popular sport in Germany.<sup>39</sup> One of the concrete results of these developments was the joint statement of Gerhard Schröder and Tony Blair in the run-up to the Nice Summit 2000 that expressed their concerns regarding a radical restructuring without enough consideration given to the peculiarities of football.<sup>40</sup> In addition, Schröder (and Blair) later also pressed for the specific passage in the Nice Declaration which acknowledged that sports federations had a key role to play particularly concerning the specifically sporting rules.<sup>41</sup> The common stance of national governments certainly exerted indirect political pressure on the Commission, which can act with some degree of autonomy in competition policy but certainly does not take its decisions in a political vacuum.

In addition to the rules regarding contract stability, significant aspects of the new transfer regime agreed by FIFA and the Commission are the fixing of training compensations for players aged under 23 and in general the principle that clubs involved in training and education of young players should be rewarded.<sup>42</sup> The payment of training compensation in this regard is in some ways a continuation of the old transfer fee payments for out-of-contract players, albeit at a lower level and only with regard to young and amateur players. The compensation payments themselves are more or less 'peanuts' for the bigger clubs, because they only partially help refinancing their training costs for young and amateur players, but they are of substantial importance for smaller clubs. Their introduction according to FIFA rules by the DFB, however, has been ruled illegal in 2004 by the Regional Superior Court Oldenburg, which argued that they infringed on the freedom to choose a profession (Article 12, German Basic Law). In essence, this ruling constitutes a 'national Bosman ruling' for the realm of amateur football. Since the Court emphasized that the DFB may have complied with FIFA rules, but that the rules of private

organizations like FIFA in any case have to abide by national as well as European law, one can foresee that this ruling (recently confirmed by the Regional Court of Appeal), will be the end of the discussions, which have as their seminal reference the *Bosman* ruling of the ECJ.<sup>43</sup>

All in all, the *Bosman* ruling undeniably strongly impacted on German football. As for the make-up of the *Bundesliga*, it has become above all less German, more international, and more European in a broader sense. As a result of the DFB decision to extend the right to play professional football without being considered a foreigner to 'UEFA-residents', German soccer has become more 'Europeanized' than required through the Commission and the ECJ. In some ways, German football has undergone a form of change that the EU still struggles with: in principle, it would be possible for a German club to field 11 Turkish players in a *Bundesliga* game, while the heads of the state of the EU member countries still try to find a way to think of Turkey as a European country.<sup>44</sup> Whereas the '*Bosman* nationality regime' has led to a 'system transformation' in German (and other domestic) football, the '*Bosman* transfer regime' has 'merely' triggered 'heavy adjustments' (in view of the less far-reaching implications, particularly as contract stability is still maintained under the revised transfer rules).

#### *Broadcasting rights and the Bundesliga marketing system*

The transformation of the broadcasting sector in the 1990s considerably influenced professional football in most countries across Europe. The significant growth in the number of actors on the demand-side of the market with the introduction and rise of private television in Germany in the mid-1980s, combined with the difficulty of increasing the supply of truly attractive football events led to very considerable increases in the prices charged for *Bundesliga* media/broadcasting rights.<sup>45</sup> This development has also been witnessed, to varying degrees, in the rest of Europe. Generally, broadcasting is a key element in the extensive ongoing commercialization of soccer. This commercialization of sports (and above all football) in Europe has decisively fostered the intervention of EU institutions and Community law in the sector. Much of the most economically significant sport-related material that landed on the desk of the EU Commission in the mid- and late 1990s has been concerned directly or indirectly with broadcasting. The EC Commission's preoccupation with soccer stems, to a significant degree, from its need to monitor the much more important broadcasting sector, in which it seeks to prevent restrictive practices and the abuse of a dominant market position.<sup>46</sup>

Within the broader issue of broadcasting/media, the marketing system of broadcasting rights is perhaps the most controversial aspect. In European sport (including soccer), the central marketing and joint sale of broadcasting rights on behalf of individual participants is an established commercial practice. This system, which has traditionally applied to both free-TV and pay-TV broadcasting of the *Bundesliga*, offers prospective buyers only the opportunity to compete for one package which comprises a league's entire output. Purchasers are unable to conclude deals with individual clubs. Such collective selling is an equalizing arrangement through which revenues are distributed more evenly than in a decentralized model. In the latter system the allegedly more attractive clubs would take significantly more of the pie (at the expense of smaller clubs). The main argument in favour of the collective system is that it helps sustain vibrant (inter-club) competition, a crucial element of any sporting activity. For example, broadcasting rights for the *Bundesliga*, the English Premier League and the UEFA Champions League are largely marketed centrally by the DFB/DFL, the FA and UEFA, respectively.

From the perspective of EU law two issues are important here: firstly, whether the prevention of clubs from entering into individual agreements with broadcasters amounts to a restriction of competition and thus falls within the scope of Article 81 (1) TEC; secondly, whether the collective selling of broadcasting rights is necessary to ensure the survival of the financially weaker participants in the league. If the above mentioned solidarity argument is accepted, an exemption under Article 81 (3) from the application of Article 81 (1) TEC may be granted.<sup>47</sup> Although the Commission generally has very significant competencies in competition policy, it has gradually deviated from an orthodox articulation of Articles 81–82 in its communications and became increasingly eager in recent years to show respect for the social and cultural benefits of sports.<sup>48</sup> This has also become apparent in the negotiations for settlement over *Bundesliga* media rights (see below).

Even if not decisive as a matter of EU law, the permissibility of central marketing of broadcasting rights has been addressed by the German national court. The *Bundesgerichtshof* first concluded that the central marketing of European Cup home matches by German clubs was a cartel for which no exemption could be justified. Thereafter it was expected that central marketing would also be condemned for broadcasting the *Bundesliga*. However, due to the lobbying power of the DFB and several clubs, collective selling was subsequently granted statutory approval by the German competition authorities.<sup>49</sup> Of course, a green light under national law cannot displace the application of Article 81 TEC. Therefore, the DFB requested an exemption from the application of Article 81 with regard to the central marketing of television and radio broadcasting rights for professional football matches in Germany in 1999. Backed by a large majority of clubs and aided by UEFA (and German policy-makers), the DFB sought to reduce EU level adaptational pressures. Such response is rational in view of the preferences on the part of the DFB/DFL, UEFA and most *Bundesliga* clubs and given the substantial misfit between the existing regime and that suggested by the Commission.

The contracts in question in the DFB request for exemption from Article 81 concerned the rights to show first and second division *Bundesliga* games. The DFB/DFL claimed authority to enter into such contracts as the main organizers of the competitions.<sup>50</sup> The application for derogation from Article 81 was substantiated with reference to the solidarity function which the central marketing system supposedly fulfils in that funds are redistributed (fairly) among clubs. It should be mentioned that this stance has been accepted by most officials from the DFB and DFL as well as the vast majority of clubs. Among the 36 professional German football clubs only Bayern München, Borussia Dortmund and Bayer Leverkusen favoured a decentralized marketing model, given their potential to raise (substantially) larger revenues. They also occasionally asserted that overall generated income would be higher under a decentralized system and they sporadically threatened by referring to exit options.<sup>51</sup> During the course of discussions all clubs eventually accepted the collective selling system. However, later it was revealed that Bayern München mainly came on board because of a 'secret' marketing treaty with the Kirch-Group, which had secured the rights for the period 2000–04. In this agreement Bayern München was compensated for lost revenues by foregoing individual marketing arrangements. As a result, the club *de jure* agreed to the central marketing model, while *de facto* securing the financial status of a decentralized system. This can be regarded as the introduction of elements of decentralized marketing through the back door fostered by private (largely national) actors.<sup>52</sup>

In the request for an exemption from EU antitrust rules, the DFB and the DFL made a considerable effort to influence matters. They mainly sought to assert their preferences

via UEFA. DFB President Mayer-Vorfelder was well placed in that respect as a member of the UEFA Executive Committee and the Executive Committee Working Group on matters related to the European Union. Within the UEFA framework DFB officials also participated directly in talks with representatives from the European Commission (including Commissioners), members of the European Parliament and national ministers responsible for sports. In addition, direct relations were cultivated on the part of the DFB with the Commissioners Reading and Monti. The DFB mainly used UEFA as a channel also because the UEFA was (simultaneously to the DFB case) involved in talks with the Commission as it had applied for an exemption from Article 81 concerning the collective marketing of commercial rights to the UEFA Champions League. Lobbying (via UEFA) has retrospectively been viewed as an effective means.<sup>53</sup>

Rather than applying direct (political) pressure, it was important in the talks with the Commission and other EU circles to bridge certain knowledge gaps, to widen decision-makers' basis of information and to specify the implications of a vigorous application of Community antitrust rules to professional football in Germany. Moreover, a certain amount of political pressure spilling over from the *Bosman* case and the subsequent discussions concerning transfer rules provided an additional rationale for the Commission decision to exempt the new system for marketing *Bundesliga* broadcasting rights.<sup>54</sup> These logics also have to be seen against the background of growing anxieties on the part of the Commission in recent years to show respect for the social and cultural benefits of sports and its waning aspiration to get involved in European sports policy-making.<sup>55</sup>

The Commission closed the case in January 2005, as the DFL agreed to compromise on some points. Perhaps most importantly, broadcasting rights are now offered in several packages through non-discriminatory and transparent procedures. Despite this commitment, the new marketing system for *Bundesliga* media/broadcasting rights contains core demands of the DFB/DFL. The new model has been described as 'essentially a centralized system of marketing broadcasting rights with some decentralized elements on the fringes'.<sup>56</sup> Although this interpretation may be somewhat optimistic, collective marketing of TV rights will broadly continue in one important aspect: football clubs have merely limited scope for selling their matches.<sup>57</sup> As only moderate alterations were made and important policy cores remained largely untouched, these changes – spurred by EU-level pressures – can be described as 'partial adjustments'.

## Conclusion

The three analysed cases can be characterized by distinct dynamics, processes and outcomes. *Bosman I*, can be described as strong EU-level (ECJ induced) pressures on the DFB (and German clubs) to change nationality restrictions, which were mediated through a mixture of progressive and conservative transposition. Whereas national and transnational actors did hardly intervene in the policy formulation period, their impact is decisive in specific transposition processes. As a result, we have a very significant degree of change, adequately described as 'system transformation', which is indicated not least in the steadily increasing share of UEFA residents playing in the *Bundesliga* between 1995 and 2005. The second case, *Bosman II*, is characterized by medium to strong EU pressures on FIFA and national associations (including the DFB) to change the transfer regime. Domestic and transnational agents already became involved in the policy formulation phase and built up considerable opposition against the line pursued by the Commission. Hence, it was possible to prevent a complete overhaul of the transfer system, but heavy adjustments had to be made. Finally, as far as the *broadcasting* case

is concerned, we observed medium pressure from the Commission on the German Football Association and the German Football League to change the centralized marketing model. The DFB and DFL effectively engaged and opposed the Commission on this issue and thus managed to reduce EU-level pressures, as a result of which we witnessed only a partial adjustment of the collective marketing system in German professional football.

A number of conclusions can be drawn from our analysis. First, domestic-level actors, such as clubs, the DFB and the DFL (and transnational actors like UEFA), may constitute important buffers to EU-level pressures. Although the EU can exert substantial adaptational pressure, there have been ways to escape some of the consequences of adaptation or to weaken the pressure itself. The impact of European integration is most effectively mitigated, if domestic and transnational agents get involved already during the policy formation (and negotiation) process, as cases II and III have indicated. Yet, also in the implementation stage a 'conservative' transposition of law may, to some extent, compensate this impact, as the measures taken to promote young German players have shown in case one. However, *Bosman I* has shown that the domestic transposition of EU law (for example, through the decision to extend the definition of 'EU resident') may even reinforce the impact of EU measures. Domestic-level counter-reactions (to European integration) may not only be one factor accounting for diverse domestic outcomes; reactions at national level also tend to feed back into processes of EU policy-making, as the somewhat modified approach taken by the Commission has indicated.

Second, our analysis suggests that overall the impact of European integration on German football is significant indeed. In particular, the *Bundesliga* players' market has undergone a 'system transformation' and the transfer regime 'heavy adjustment', while the broadcasting system has witnessed less substantial change (partial adjustment). In all three cases the EU has been the paramount source of change. Given the overall significance of these sub-cases, European integration can be said to have had a considerable impact on the regulation and development of German football.

Our findings are also interesting and relevant from an EU Studies perspective. A major theme in the European Integration Studies research agenda (particularly that pursued by political scientists) has focused on the 'Europeanization', that is, the process of domestic change resulting from Europeanization. However, much of that research has exclusively focused on top-down processes. By emphasizing the role of clubs and associations we shed light also on the under-researched bottom-up and transnational dimensions of Europeanization.<sup>58</sup>

Undoubtedly, the 'Europeanization' of various European, national football domains has not come to an end, as recent debates in European policy circles suggest. The 'Independent European Sport Review' of 2006 (which initiated a White Paper on Sport to be prepared by the European Commission) has singled out football as its main reference point, and this not by chance. Characterized by the situation described above – as a field not to be regulated directly (through a sports policy) by the Commission, but exhibiting *activities* which fall under the scope of European regulation – national football as domestic sport embedded in transnational structures in general will continue to be an interesting object of study, not least because of Europeanization impulses and their diverging transposition in national contexts. The Commission's White Paper itself – scheduled for publication in July 2007 – will according to Commission sources contain 'no legislative proposals at all'; it will rather be another assessment exercise.<sup>59</sup> Thus, it is likely to give merely hints at possible *new* directions of EU activities, for instance with regard to German football. On the other hand, 'new' fields of activity might be the old ones: the transposition of nationality rulings given the inclusion of the new member states

(also in non-professional leagues) as well as the viability of various steering policies mentioned above. Also, it does not seem to be far-fetched to forecast that the current transfer payment scheme will be reworked; whether this will involve EU politics, however, is far from certain. Interestingly, it is the issue of broadcasting – originally brought to the table by the Commission – which might make a comeback in the guise of the debate on salary caps,<sup>60</sup> this time favoured mainly by big German clubs for reasons of competitiveness and launched on the EU level to achieve some political clout over the issue.

### Acknowledgement

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### Notes

<sup>1</sup> For the developments at European level cf. Brown, 'European Football'; Foster, 'European Law and Football'; Parrish, 'Football's Place' and *Sports Law and Policy in the European Union*; Weatherill, "'Fair Play Please'", and Arnaut, *Independent European Sport Review* for the documentation and analysis of European-level developments. Admittedly, the impact on the domestic sphere(s) has not (completely) escaped academic attention: cf. Araujo, 'Fútbol y migraciones' (Football and migration); Porro, 'Le metamorfosi del calcio' (The transformation of football) and Flynn, 'Tackling the Directive'. Araujo analyses the evolution of discourses in Spanish football following *Bosman* and the potential impact this may have on the configuration of local identities. Porro looks at the consequences of the freedom of movement of EU soccer players across the European Union regarding the development of football towards a marketing-driven and media-dominated sport on the global, national (Italy) and local level. Flynn describes the increasingly complex relationship between sport, the media and the state (especially with regard to Ireland) following the EU Television Without Frontiers Directive of 1997. Despite these publications, domestic-level developments have rarely been systematically linked to European integration.

<sup>2</sup> On the different meanings of the term 'Europeanization' see Olsen, 'The Many Faces of Europeanization'. On important aspects of the Europeanization research agenda, see especially Radaelli, 'Whither Europeanization' and Radaelli, 'Europeanisation: Solution or Problem'.

<sup>3</sup> Eckstein, 'Case Study and Theory in Political Science'.

<sup>4</sup> George and McKeown, 'Case Studies and Theories of Organizational Decision Making'.

<sup>5</sup> Cf. Case 36/74, *Walrave and Koch v. Association Union Cycliste Internationale* [1974], ECR 1405; Case 13/76, *Donà v. Mantero* [1976], ECR 1333. In *Donà* the EJC confirmed the principle established in *Walrave* that Community law was applicable to sport in so far as it constituted an economic activity. In *Donà* the Court accepted restrictions on the number of foreign players that could play in domestic leagues. Case 415/93, *URBSFA v. Bosman* [1995], ECR I-4921; Case 191/97, *Deliège v. Ligue de Judo* [2000], ECR I-2549; Case 176/96, *Lethonen et al v. FRSB* [2000], ECR I-2681. In *Deliège* and *Lethonen* the Court determined limitations concerning the free movement principle that are specific to sports. In both cases, the Court also suggests that sport associations are allowed, in principle, to establish the rules governing their sport. Other important cases include Case 171/05 P *Laurent Piau v. Commission of the European Communities* and Case 519/04 P *Meca-Medina and Majcen v. Commission* [2006]. In *Laurent Piau* the ECJ found that the undertakings of players' agents constitute an economic activity that does not fall within the specific nature of sport and is thus subject to the EC competition law. In *Meca-Medina* which dealt with the issue of anti-doping regulations, the Court diverted from its previous case law by stating that sporting rules, even if they do not involve economic activity, may not fall outside EC competition law, especially when it comes to determining whether the limits contained in the sporting rules are acceptable and the penalties imposed proportionate.

<sup>6</sup> Council Regulations 1612/68 on freedom of movement for workers within the Community, OJ (1968) L 257/2.

<sup>7</sup> Meier, 'From Bosman to Collective Bargaining Agreements?', 6.

<sup>8</sup> Parrish, *Sports Law and Policy in the European Union*, 92.

<sup>9</sup> The ECJ went even further its *Kolpak* and *Simutenkov* rulings, in which it transposed the principles concerning nationality restrictions established in *Bosman* into the Community's

international agreements. The Court of Justice thus extended the free movement of workers principle to non-EU nationals (who already had access to the national labour market), if their home country (that is, of which the person in question is a national) signed with the EU an international agreement containing non-discriminatory provisions; cf. Martins, 'The Kolpak Case'.

<sup>10</sup> Cf. for example, Weatherill, "'Fair Play Please'".

<sup>11</sup> Cf. Report by the Ad Hoc Committee on 'A People's Europe' – Bulletin of the EC, Supplement 7/85.

<sup>12</sup> Parrish, 'The Politics of Sports Regulation', 253.

<sup>13</sup> For the two reports, see European Parliament, *Report on the European Community and Sport*, A3-0326/94 and A4-0197/97. As for the directives, cf. Directive of the European Parliament and of the Council 97/36/EC of 30 June 1997 amending the Council Directive 89/552/EEC (OJ C202/60 of 30 July 1997); see especially Article 3a.

<sup>14</sup> Sports federations seek to bind EU institutions to respect the specificity of sport in their legislative endeavour.

<sup>15</sup> European Commission, COM (1999) 644 final.

<sup>16</sup> Parrish, 'The Politics of Sports Regulation', 254.

<sup>17</sup> The Nice Declaration on Sport acknowledged that sports federations had a key role to play particularly as regards the specifically sporting rules. It also commented on the role of amateur sport, the protection of young sportsmen and -women, the preservation of sports training policies, and the economic context of sport and solidarity.

<sup>18</sup> Cf. the *Delière* and *Lehtonen* cases, see Note 5.

<sup>19</sup> Cf. Parrish, *Sports Law and Policy in the European Union*; Weatherill, "'Fair Play Please'".

<sup>20</sup> Arnaut, *Independent European Sport Review*, 15.

<sup>21</sup> Cf. European Commission, JK D(2006) 9809.

<sup>22</sup> Cf. Parrish and McArdle, 'Beyond Bosman', 414.

<sup>23</sup> Hendrickx, 'European Social Dialogue', 22.

<sup>24</sup> Cf. Siekmann, 'Labour Law'.

<sup>25</sup> Foster, 'European Law and Football', 42.

<sup>26</sup> However, this extension only applied for the two professional leagues.

<sup>27</sup> Interview with then-managing president of the German Football Association (DFB), Dr Theo Zwanziger, January 2005.

<sup>28</sup> Ibid.

<sup>29</sup> See Note 9 on the *Kolpak* and *Simutenkov* rulings.

<sup>30</sup> *Frankfurter Allgemeine Zeitung*, 26 June 2004.

<sup>31</sup> *Kicker*, 2 July 2001.

<sup>32</sup> *Kicker*, 19 February 2004, authors' translation.

<sup>33</sup> *Kicker*, 27 January 2003; EU player in this regard means a player born within a member state, where the rights concerning the free movement of labour do apply.

<sup>34</sup> Cf. Parrish, *Sports Law and Policy in the European Union*.

<sup>35</sup> Croci, *Taking the Field*, 7.

<sup>36</sup> Weatherill, "'Fair Play Please'", 68.

<sup>37</sup> Interview with former DFB-President Gerhard Mayer-Vorfelder, by telephone, January 2005.

<sup>38</sup> Brown, 'European Football', 139.

<sup>39</sup> Interview with former DFB-President Gerhard Mayer-Vorfelder, by telephone, January 2005.

<sup>40</sup> The core argument of the joint statement was: 'We acknowledge the current system is not perfect. We fear however that a radical reform could have a negative impact on the structures of football in Europe.' Cited in Barnard, 'The Business of Soccer', 28. See also Meier, *Von Bosman zur Kollektivvereinbarung (From Bosman to collective (bargaining) agreements)*, 14.

<sup>41</sup> Interview (anonymous), by telephone, December 2004.

<sup>42</sup> Press Release, European Commission, IP/02/824, 5 June 2002.

<sup>43</sup> Ruling of the Regional Superior Court Oldenburg/Urteil des LG Oldenburg, Az.: 13 O 1195/04, 29 October 2004; see also the Press Release of the Football Association of Lower Saxony from the same day: <http://www.sportrechturteile.de/News/news4335.html>. See also: 'Ausbildung sentschädigung verfassungswidrig' (Training compensation violates constitutional rights), *Kicker Online*, 10 May 2005; 'Die nächste Klage ist schon geschrieben. Nach der Entscheidung des OLG Oldenburg droht eine Klagewelle' (The next law suit is already filed. After the decision of the Higher Regional Court of Oldenburg lurks a flood of lawsuits), *Kicker Online*, 12 May 2005.



- <sup>44</sup> See remarks by Andreas Rettig, 'Elf Türken dürft ihr sein' (Eleven Turks you may be), *Kölner Stadt-Anzeiger*, 17 December 2004.
- <sup>45</sup> This development came to a temporary halt with the 'Kirch-crash'. The Kirch Group which acquired the *Bundesliga* rights for the period 2000–04 went into bust in April 2002. The price for *Bundesliga* broadcasting rights increased from 4 million EUR in 1988 to 169 million EUR in 1999/2000. Kirch paid 355 million EUR for 2000/01. Since then the value has decreased to about 280 million EUR per season from 2002/03 (Frick and Prinz, 'Crisis? What Crisis?'). The new deal of December 2005 has brought about 420 million EUR per season for the *Bundesliga* broadcasting rights from 2006–09.
- <sup>46</sup> Cf. Weatherill, "'Fair Play Please'", 74.
- <sup>47</sup> Parrish, 'Football's Place', 9.
- <sup>48</sup> Ibid.; also Weatherill, "'Fair Play Please'".
- <sup>49</sup> Cf. Kruse and Quitzau, *Fußball-Fernsehrechte* (TV marketing rights for football), 3.
- <sup>50</sup> According to the German collective selling system the DFB leases the broadcasting rights to the DFL which also markets the rights. The DFL redistributes the revenues gained from the broadcasting contracts to the clubs.
- <sup>51</sup> However, the literature concerning the overall generated income rather seems to contradict this point; cf., for example, Weatherill, "'Fair Play Please'", 77. Exit options were mainly articulated by Bayern München. Such options (potentially) included participation in a future European League or – perhaps held less seriously – participation in a different national league such as the Italian, cf. Kruse and Quitzau, *Fußball-Fernsehrechte*, 14.
- <sup>52</sup> Ibid.
- <sup>53</sup> Interview with former DFB-President Gerhard Mayer-Vorfelder, by telephone, January 2005; interview (anonymous), by telephone, January 2005.
- <sup>54</sup> For example, statements by Gerhard Schröder and Tony Blair as well as provisions in the Amsterdam and Nice Declarations emphasize the need for the bodies of the European Union to listen to sports associations when important questions affecting sports are at issue. As pointed out earlier, these statements and declarations can, at least to some part, be attributed to the lobbying efforts of (German) football clubs and DFB officials.
- <sup>55</sup> Cf. Weatherill, "'Fair Play Please'".
- <sup>56</sup> Interview with Dr Christian Hockenjos, Managing Director at Borussia Dortmund, by telephone, January 2005.
- <sup>57</sup> Clubs can sell their games for various media only after the match. Time frames for selling these rights differ across the different media. For full details see European Commission, *Details of Broadcasting Rights Commitments*.
- <sup>58</sup> On bottom-up dimensions of Europeanization see, for example, Börzel, 'Member State Responses'. The transnational dimension of Europeanization with regard to German football has been highlighted by us in a working paper: Brand and Niemann, 'The Societal/Trans-national Dimension of Europeanisation'.
- <sup>59</sup> See Miettinen and Parrish, 'The Commission White Paper on Sport'. The authors also remark that the construction of the questionnaires on which the assessment is partially based is itself burdened with problems, potentially creating the risk that this consultation will invite unworkable responses.
- <sup>60</sup> The logic behind this is that big German clubs (for example, Bayern München) are bound by the common standpoint of the German Football League which favours a centralized marketing system; a European salary cap system would help level the playing field for these clubs negatively affected by redistribution vis-à-vis their European competitors which earn a lot more through decentral marketing of broadcasting rights. For the position of Bayern München, see 'Im Gegensatz zu Bayern hat die Bundesliga kein gutes Image' (In Contrast to Bayern [Munich], the *Bundesliga* does not have a good image), *Die Welt*, 2 April 2007.

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