

Brexit and the Premier League: No more Bale-outs?

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“Too many foreigners in the English game” has been cited by the Brazilian football legend Carlos Alberto as a reason for the English national side’s poor showings in international tournaments. Could Brexit give more English-born players a chance to play in the Premier League?

There are few employment sectors in the UK as diverse as the Premier League. Its twenty clubs offer well-paid employment to nationals of a total of 64 different countries.

In fact, the Premier League has a greater proportion of foreign players than any of Europe's leading football leagues, with 55.07% of its players born outside the UK. In comparison, Germany's leading division sees just 43.5% of its players come from foreign shores and Spain (which has provided the winners of the last two Champions' League competitions) has a foreign player ratio of just 38.6%.

The average Premier League game is watched by 12.3 million fans worldwide.

The UK's membership of the EU gives players from EEA member states (such as Chelsea's Diego Costa and Manchester United's Anthony Martial) the right to freely live and work in the UK. Non-EEA nationals (such as Leicester City's Riyad Mahrez and Crystal Palace's Emmanuel Adebayor) are required to pass a Premier League and Home Office-sponsored work permit test, designed to limit the number of average non-EEA players clogging up first team places from British nationals.

Will a UK exit from the EU mean greater opportunities in the Premier League for the nationals of England, Scotland, Wales and Northern Ireland? Not in the short term.

- Many (economic) commentators believe that in the event of Brexit, the UK is likely to negotiate trade treaties with the remaining EU member states, with that process taking up to two years. In that time, it is unlikely that the 55.07% of Premier League players from outside the UK will be forced to leave. It is likely that the remaining EU member states will seek concessions from the UK to allow their citizens some degree of preferential treatment over non-EEA citizens when it comes to living and working in the UK. This means that

for Premier League clubs entering the transfer market, players from EEA member states will still be easier to recruit than non-EEA players (whom one imagines will still be subject to the exacting work-permit regime).

- Any immediate attempt to cap the number of non-UK players is likely to fall foul of domestic employment law, as it would amount to discrimination because of nationality, prohibited by the Equality Act 2010. Whilst the UK may wish to tinker with elements of the Equality Act 2010 (such as by applying a cap to compensation awards for discrimination), any wide scale changes are likely to be subject to public resistance, as the Equality Act 2010 provides the bedrock of anti-discrimination law in the UK and provides legal protection to disabled people and those suffering from life-threatening conditions such as cancer.
- Some foreign players have played in the Premier League for so long that they could qualify for indefinite leave to remain in the UK. Liverpool's Brazilian midfielder Lucas is close to achieving ten years of permanent residence in the UK, which would (under current rules) entitle him to apply to live and work in the UK free of restrictions.

The national sides of England, Scotland, Wales and Northern Ireland could suffer as their players will not be able to move as freely to other European nations.

Wales' Gareth Bale has set Spain alight with his performances at Real Madrid and was able to move there without restriction due to the UK's membership of the EU. His experience in Spain has helped him play a major role as Wales ended their 57-year wait to qualify for a major tournament.

England has seen leading players such as David Beckham, Ashley Cole and Owen Hargreaves gain valuable experience by playing in Spain, Italy and Germany respectively.

Veteran Northern Ireland goalkeeper Roy Carroll has played in Denmark and Greece. Brexit could mean fewer opportunities abroad for UK players and, in fact, lead to them spending more time sitting on a domestic side's substitutes' bench rather than gaining experience in a foreign first team.

In the longer-term, free of the EU's fundamental pillar prohibiting discrimination on the grounds of nationality, a cap on the number of non-UK players could well be implemented in the United Kingdom.

However, the Premier League has no responsibility for running the English national team – that falls under the remit of the Football Association. Many of the Premier League's biggest stars have been non-British (such as Eric Cantona, Jürgen Klinsmann, Sergio Agüero and Luis Suárez). Therefore the Premier League (with no responsibility for the English national team) is unlikely to want to risk its huge global TV audience by significantly limiting the number of foreign stars its teams can field.

<http://www.sackedinthecity.co.uk/posts/executive-employment-law-news/no-more-bale-outs/>

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