

EUROPEAN FOOTBALL AND THE IMPACT OF UNFORESEEN DISRUPTIONS INVOLVING PANDEMICS, WAR AND TERRORISM AND CLIMATE CHANGE

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ABSTRACT

The Union of European Football Associations (UEFA), the governing body of European football, like many other sporting organising bodies, had to contend with the unforeseen disruption of COVID-19. Its handling of the situation centred around maintaining the safety and well-being of all stakeholders involved in European football with matches being cancelled and competitions being re-structured to minimise the risks created by the pandemic. Other unforeseen disruptions, in the sense of not necessarily being a permanent feature of governance, include the impact of war, the threat of terrorism, and the potential impact of climate change. UEFA has dealt with the impact of war by implementing a risk aversion policy of ensuring clubs and national teams from countries in conflict do not meet in the early rounds of its competitions. The threat of terrorism meanwhile has seen the implementation of measures that include providing clubs with up-to-date advice and the provision of security training. Climate change is presently more of a potential than a real risk, but in regard to European football the increased risks it may create include a greater risk of ground flooding and temperatures that are too hot for safe playing conditions. A possible solution for both scenarios is a greater use of roofed stadiums.

I INTRODUCTION

Football, known as the world game, is played by approximately 250 million people in over 200 countries. The sport originated in England and has become an essential part of Europe's culture, its relatively small geographical area containing numerous countries which enabled European-based competitions to thrive, particularly since the advent of air travel. Technological developments including television, satellite television and more recently, the direct streaming of sporting events have made European football available to an even wider audience.

Since the turn of the century European football's income had increased immeasurably, and with it, player wages, leading to a situation where many clubs 'even prominent ones, were struggling to cover their costs, mainly because their wage bills were out of proportion to their revenue'.¹ European football's governing body, the Union des Associations Européennes de Football [Union of European Football Associations]

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¹ André Vieli, 'UEFA 60 years at the heart of football', *UEFA.com* (Web Page, 2014) 119 <https://editorial.uefa.com/resources/021f-0f842a4ba426-22b135e36bc-1000/uefa_60_years_at_the_heart_of_football.pdf>.

(UEFA), therefore introduced its Financial Fair Play Regulations (FFPR)² requiring clubs to keep spending in line with revenue and not to spend more than they earned. In spite of this, the COVID-19 pandemic badly affected European football finances, leading to a temporary suspension of the FFPR. Thus COVID-19 demonstrated how unforeseen circumstances can create difficulties for even sophisticated financial plans of governing bodies.

This article will firstly examine the impact and legal consequences of pandemics on European football, not only COVID-19, but also the Spanish Flu which occurred in 1918. The impact and legal consequences of other unforeseen circumstances, namely the threat of terrorism, the impact of war, and the potential impact of climate change will also be examined.

It should be noted that in utilising the descriptive term ‘unforeseen’ the circumstances are not unforeseen in the sense of being unknown. However, in the context of this article they are matters which, up until recently, were never considered by governing bodies in relation to finance and other governance matters. They are therefore unforeseen in the sense that whilst known, they are usually unforeseen as to when they may impact on the governance of sport. It is also acknowledged that, given the impacts of COVID-19, climate change and the war in Ukraine, these unforeseen circumstances may in the future have to be considered more fully. It is also acknowledged that other sports have had or will need to deal with similar issues. However, an examination of how one of the largest sport governing bodies in the world has dealt with these issues provides material that can be a guide as to how sport needs to deal with such issues.

II THE IMPACT OF PANDEMICS

While COVID-19 is the current pandemic affecting European football it was not the first, with the Spanish Flu pandemic taking place between early 1918 and April 1920. Although called Spanish Flu it was not confined to Spain but had a global impact with the number of deaths worldwide estimated between 50 and 100 million people. It was called Spanish Flu because Spain, neutral in the First World War, allowed free reporting on the outbreak so the pandemic was seen as synonymous with Spain.³ It comprised four successive waves with the second one in the latter part of 1918 being the most

² The UEFA Club Licensing Regulations came into being in 2003. At that time, the regulations related to sporting, infrastructure, personnel, administration, legal and financial issues. In 2010, the financial regulations were fortified with the introduction of a breakeven requirement and stronger measures to cover the payment of club debts. Once these additional financial measures (Financial Fair Play Regulations) were added, the revised regulations became known as the Club Licensing and Financial Fair Play Regulations. This paper principally concerns an analysis of the financial measures adopted in 2010 and, therefore, references will predominantly be to them. When this is the case, the reference used will be FFP Regulations (Financial Fair Play Regulations). However, on occasions, reference will be made generally to all the regulations. When this occurs, the reference used will be CLFFPR (Club Licensing and Financial Fair Play Regulations).

³ Mark Honigsbaum, ‘Spanish flu: the killer that still stalks us, 100 years on’, *The Guardian* (online at 9 September 2018) <<https://www.theguardian.com/world/2018/sep/09/spanish-flu-pandemic-centenary-first-world-war>>.

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deadly.⁴ Estimates of the number of deaths in Europe caused by the pandemic range from 20 to 50 million.⁵ It arrived towards the end of the First World War and ‘descended on already ravaged and poorly prepared communities’.⁶ However, with the English Football League (EFL) already suspended at the time and ‘most leagues in Europe ... decimated due to war with only a small number of nations deciding to maintain league football in order to improve morale’,⁷ the Spanish Flu’s impact on European football was not as great as it might have been.

It should be noted that a particular characteristic of the Spanish Flu was that it affected people aged between 20 and 40.⁸ This demographic contains a high percentage of people associated with playing football. The effect of the pandemic arising as the war was coming to an end clearly had a major impact on European football. Even a country like the Netherlands, which had been neutral in the war, found many of their football matches postponed due to lack of playing numbers caused by the pandemic.⁹ Overall, however, the timing of the Spanish Flu pandemic meant it did not have as great an impact on European football as it might have done.

In contrast, when COVID-19 suddenly appeared, European football was in the midst of its domestic and European competitions with the need for sporting bodies to act quickly and decisively to protect players, spectators and other stakeholders involved in their competitions and, at the same time, to take reasonable measures to restrict the financial damage to clubs by restoring their national and European competitions as soon as possible.¹⁰

UEFA proceeded to do this in respect of European football. On 15 March 2020 it postponed the Round of 16 second leg matches in the Champions League and Europa League.¹¹ It also formed two working groups. The first dealt with the playing arrangements, including completing the 2019-20 national and European competitions

⁴ Callum Rice-Coates, ‘How the great Spanish flu pandemic sheds light on sport’s careful response to coronavirus’, *The Independent* (online at 24 April 2020)

<<https://www.independent.co.uk/sport/coronavirus-pandemic-spanish-flu-influenza-babe-ruth-a9481476.html>>.

⁵ *Ibid.*

⁶ Matthew Crist, ‘The Spanish Flu brought everyday life to a grinding halt just like the spread of coronavirus has today’, *The Sportsman* (Web Page, 17 March 2020)

<<https://www.thesportsman.com/articles/when-the-spanish-flu-brought-the-world-of-sport-to-a-halt-in-1918>>.

⁷ *Ibid.*

⁸ Laura Spinney, ‘Closed borders and ‘black weddings’: what the 1918 flu teaches us about coronavirus’ *The Guardian* (online at 11 March 2020)

<<https://www.theguardian.com/world/2020/mar/11/closed-borders-and-black-weddings-what-the-1918-flu-teaches-us-about-coronavirus>>.

⁹ Jurryt van de Vooren, ‘The global pandemic of a century ago also impacted football’ *Football Makes History* (Web page, 10 April 2022) <<https://footballmakeshistory.eu/the-spanish-flu-of-1918/>>.

¹⁰ Chris Davies and Neil Dunbar, ‘European Football and the COVID-19 pandemic – Its impact on competitions, clubs and player contracts’ (2022) Vol 18 No 1 *Malaysian Journal of Sport Science and Recreation* 66, 68 <<https://doi.org/10.24191/mjssr.v18i1.17640>>.

¹¹ *Ibid.*

and scheduling arrangements for the 2020-21 seasons.¹² The second ‘had the overall objective to assess the impact of the COVID-19 outbreak on the clubs’ legal and financial frameworks and to draw up consensual proposals to minimise its negative impacts and enable the 2019-20 season to be completed.’¹³

UEFA’s initial aim was to complete national and UEFA competitions by 30 June 2020, but this proved not to be possible with a number of leagues finishing early. However, four out of the top five national leagues in Europe did complete their 2019-2020 season with only the French Ligue not being able to recommence their season due to government legal requirements.¹⁴ Those top leagues that were able to complete their fixtures benefitted financially as they were able to fulfil their contractual broadcasting obligations and thus still receive significant income despite matches being played without spectators. The French Ligue meanwhile received reduced payments for matches already televised and was forced to take a state-guaranteed loan of approximately €224m to cover the shortfall.¹⁵

Once the National Leagues were completed, UEFA’s priority turned to completing its own competitions. The four outstanding games from the round of 16 were completed between 5–8 August. The Champions League and Europa League’s quarterfinals, semi-finals and final were then played in a single-leg format in mid-August in Lisbon and the North Rhine-Westphalia region of Germany, respectively. This replaced the usual two-leg, home and away format. Safety was adhered to with all players tested before each game and there being a total ban on spectators. UEFA took a flexible approach by not only changing the competition rules, but also relocating the competitions to geographical areas where Covid-19 was less prevalent.¹⁶

Despite the late finish to the 2019-20 season, the 2020-21 season began only about four weeks later than usual. Several measures were sanctioned by UEFA’s Executive Committee to ensure safety for those involved in matches which took place.¹⁷ These included the *Return to Play Protocol* in July 2020 which required all games to be played behind closed doors until further notice, and established the structure for sanitary, hygiene-testing and operational arrangements that would be applied to all UEFA matches.¹⁸ This Protocol was subsequently amended in September 2020 to encompass, inter alia, a strengthening of entry measures to stadiums to include team and official temperature checks, and a stipulation that clubs had to undertake a detailed contact tracing programme.¹⁹ On 1 October 2020, the *Minimum Health and Hygiene*

¹² LawInSport, 2020B, ‘Covid-19 and its Impact on Football. A Sports Law and Policy Centre and Law In Sport Joint Survey 4th edition’, *LawInSport* (Web Page, 14 December 2020) 42 <https://www.uefa.com/MultimediaFiles/Download/OfficialDocument/uefaorg/Clublicensing/02/59/40/27/2594027_DOWNLOAD.pdf>.

¹³ *Ibid.*

¹⁴ Davies and Dunbar (n 10) 68.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.* 69.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

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Requirements for the Return of Spectators was approved by UEFA. This provided the minimum requirements national associations and clubs needed to apply before UEFA matches commenced in the presence of at least a limited number of spectators.²⁰

The 2020-21 season finished on time and the 2021-22 has run to schedule, although it has experienced the occasional issue to resolve from a COVID-19 perspective. One such issue arose when Tottenham Hotspur postponed its final UEFA Europa Conference League group stage game against Stade Rennes due to a COVID-19 outbreak in its squad.²¹ UEFA awarded Stade Rennes a 3-0 victory as no rearranged date could be set.²² The English Premier League (EPL) introduced a rule whereby a team could only postpone a match if it could not field 13 senior outfield players and a goalkeeper.²³ This rule was subsequently tightened by the EPL which required that clubs not only needed to meet the player number condition but also to have four positive COVID-19 cases within their squad to secure a postponement.²⁴ This was because it was felt that some clubs were using the pandemic to obtain postponements.²⁵ Under this rule only a handful of EPL matches had to be postponed.²⁶

The second working group established by UEFA was asked to focus on the financial impacts of COVID-19. Following its advice, the UEFA Executive Committee decided on 1 April 2020 to suspend the application of the club licensing provisions that related to the preparation and assessment of clubs' future financial information.²⁷ Subsequently, on 18 June 2020 the Committee passed an *Addendum to the UEFA Club Licensing and Financial Fair Play Regulations*.²⁸ This Addendum had three main objectives: to provide clubs with flexibility in relation to the satisfaction of their transfer and salary obligations; to allow clubs to adjust break-even calculations to include COVID-19 related loss of revenue; and to postpone the need for clubs to submit an assessment for the financial year 2019-20 until 2021.²⁹

²⁰ Ibid.

²¹ 'Why Tottenham was knocked out of Europe: UEFA rules Spurs forfeit after COVID outbreak', *The Sporting News* (Web Page, 21 December 2021) <<https://www.sportingnews.com/au/football/news/tottenham-spurs-knocked-out-europe-uefa-forfeit-covid/1s5crznaxdvn1odro5tmy3idc>>.

²² Ibid. Note that this 3-0 result is commonly used by football leagues when, for whatever reason, a match has had to be forfeited or the match result had to be declared invalid.

²³ 'Premier League changes COVID-19 postponement rules after Arsenal-Tottenham rescheduling outcry', *CBS Sports.com* (Web Page, 26 January 2022) <<https://www.cbssports.com/soccer/news/premier-league-changes-covid-19-postponement-rules-after-arsenal-tottenham-rescheduling-outcry/>>.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Paul Joyce, 'Uefa will allow postponed Premier League matches to be played on Champions League nights' *The Times* (online at 4 January 2022) <<https://www.thetimes.co.uk/article/uefa-will-allow-postponed-premier-league-matches-to-be-played-on-champions-league-nights-q6z0gt8sc>>.

²⁷ *LawInSport*, (n 12) 42.

²⁸ Ibid 43.

²⁹ Kalin Ivanov, 'Countering COVID-19: An overview of the amendments to UEFA's Financial Fair Play Rules', *Linklaters* (Blog Post, 8 July 2020) <<https://www.linklaters.com/en/insights/blogs/sportinglinks/2020/july/countering-covid-19-an-overview-of-the-amendments-to-ufas-financial-fair-play-rules>>.

UEFA also provided financial assistance to clubs. On 23 April 2020, the UEFA Executive Committee approved amendments to the UEFA HatTrick IV and V Regulations allowing member associations to use HatTrick incentive payments that had not been paid for the 2019/20 season (up to €400,000) and those for the 2020-21 season (up to €2,400,000) for COVID-19 needs.³⁰ UEFA also approved the immediate release of €70 million in club benefit payments, allocated to clubs for allowing their players to participate in the UEFA Nations League and the 2020 European Championships qualifiers, with a further €130 million being distributed among the clubs for releasing players for the COVID-19 postponed 2020 European Championship, which was then played in 2021.³¹

UEFA's changes to its FFPR and its financial assistance did help the clubs, though all clubs suffered a reduction in gate receipts due to spectator attendance being curtailed for considerable periods of time. However, the clubs' major expense, namely wages, still had to be paid as player contracts needed to be honoured as it was hard for clubs to terminate player contracts legally. This was because under common law the doctrine of frustration did not apply since these contracts were only delayed, not frustrated. In the civil law jurisdictions force majeure 'normally only provides for suspension or modification of a contract, rather than its termination.'³²

Thus, it is suggested that the full extent of the financial cost of the pandemic to clubs is not yet fully known but is likely to have been extensive.

III THE IMPACT OF WAR

While it is acknowledged that war and terrorism can be related, in this article they will be treated separately since terrorism in the context of sport usually involves one-off events while the impact of war extends over a much longer time period. War, depending on the countries involved, its severity, its duration and its impact internationally, has been particularly disruptive for European football. The more individual countries that are involved in a war, the greater this disruption, but even a war between only two countries, or a civil war involving only one country, can impact heavily on football. For example, the Spanish Civil War saw the cancellation of La Liga competitions from 1936 to 1939.³³ Those cancellations only affected Spain at that time because European competition involving clubs from different countries did not commence until the 1950s.

The two main wars in the 20th century had a major impact on football competitions, although the effects were national, rather than European in nature. During the First World War, the most prominent football competition in Europe that was impacted was the EFL, which was suspended from 1915 to 1919.³⁴ In Germany, although some

³⁰ LawInSport, (n 12) 46.

³¹ Ibid 47. See also Davies and Dunbar, (n 10) 69.

³² Davies and Dunbar, (n 10) 69.

³³ 'Spanish La Liga', *FootballHistory.org* (Web Page, viewed 6 January 2021) <<https://www.footballhistory.org/league/la-liga.html>>.

³⁴ John Simkin, 'Football and the First World War', *Spartacus Educational* (Web Page, September 1997) <www.spartacus-educational.com/FWWfootball.htm>.

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football was played 'it was completely in tatters', with the Viktoria Cup halted in Germany between 1914 and 1918.³⁵ The Viktoria Cup was awarded to the champion team in Germany from 1903 to 1944 with that team being determined by a knockout competition between each of the regional winners. Despite the major part of the war being conducted on French soil, the popularity of football in France increased as British troops encouraged their French counterparts to play. France wasted no time in organizing competitions with the first edition of the French Cup played in May 1918 before World War I had ended.³⁶

The Second World War also had an impact on European football, which had grown significantly in popularity within European countries since the First World War.³⁷ However, that impact appeared to be less severe with competitions in Germany continuing up to 1944, and Serie A in Italy continuing until 1943. La Liga continued unaffected, but this was not surprising as Spain remained neutral during the war. In England, however, the EFL was suspended from 1939 to 1946 with friendly and regional games taking the place of the organised football competitions.³⁸ Similarly, in France professional football was suspended in the two regional leagues, Zone Sud and Zone Nord, in which the member clubs of the Ligue du Football Professionnel played.³⁹

Although there have been no major wars in Europe since the Second World War ended in 1945, there have been several smaller conflicts, especially over the last 30 years. These include Ukraine's ongoing dispute with Russia following the latter's invasion and subsequent annexation of the Crimean Peninsula in 2014. This has escalated into Russia's presently unsuccessful invasion of the whole of Ukraine, which is likely to continue for a considerable period of time.

The disintegration of Yugoslavia began in June 1991 after Slovenia declared independence⁴⁰ with Croatia following in October.⁴¹ The disintegration of Yugoslavia produced seven independent countries, namely Serbia, Croatia, Slovenia, Bosnia Herzegovina, Montenegro and ultimately Kosovo.⁴² From a football perspective this

³⁵ Ulrich Hesse, *Tor!: The Story of German Football* (WSC Books, 2003) 40. Hesse also states that '[t]he Kaiser even issued an edict saying that all public open space should be used to grow potatoes. Now the football clubs had neither players nor pitches.'

³⁶ Nick Roche, 'Football in France and the Significance of World War 1', *WorldSoccer* (Blog Post, 6 December 2014) <<https://www.worldsoccer.com/blogs/football-france-significance-world-war-1-358236>>.

³⁷ John Simkin, 'Football and the Second World War', *Spartacus Educational* (Web Page, September 1997) <www.spartacus-educational.com/2WWfootball.htm>.

³⁸ *Ibid.* In May 1940, a game between Chelsea and West Ham drew a crowd of 32,797 in London, while the evacuation of Dunkirk was being undertaken. See Simon Kuper, 'English football during World War II showed how sport can heal and unify during times of crisis', *ESPN* (Web Page, 12 May 2020) <https://www.espn.com.au/football/english-premier-league/story/4092879/english-football-during-world-war-ii-showed-how-sport-can-heal-and-unify-during-times-of-crisis..>

³⁹ *Ibid.*

⁴⁰ Adnan Kajtezovic, 'The Disintegration of Yugoslavia and Football' (Masters Thesis, University of Northern Iowa, 2015) 46 <<https://scholarworks.uni.edu/cgi/viewcontent.cgi?article=1226&context=etd>>

⁴¹ *Ibid.*

⁴² *Ibid.*

meant that the Yugoslav First Federal Football League's last season was 1991-92, even though Slovenian and Croatian clubs had already abandoned the competition to play in their own leagues.⁴³ Clubs from the remaining federative units all took part in the competition, but with the Bosnian War breaking out towards the end of the season, the Bosnian clubs never completed their fixtures.⁴⁴ At a national level, Yugoslavia qualified for the European Championships in 1992, but was banned from taking its place by UEFA. The team that Yugoslavia had beaten in the qualifying matches for the finals, Denmark, took Yugoslavia's place, and proceeded to win the competition.⁴⁵

Further difficulties arose when Kosovo declared independence from Serbia in 2008 with tensions heightened once again in the region with Bosnia Herzegovina and Russia supporting Serbia.⁴⁶ The outcome of this was the establishment of a separate Kosovo nation. A conflict also occurred between Azerbaijan and Armenia over the Nagorno-Karabakh region which, although internationally recognised as part of Azerbaijan, was governed by Artsakh, a breakaway state with an Armenian ethnic majority.⁴⁷ The conflict was settled following Russian intervention, with the warring factions maintaining control of the lands they held at the ceasefire.⁴⁸ There is also the longstanding dispute between Spain and Gibraltar with the former keen to recover Gibraltar which Spain had formerly ceded to the British Crown in 1713 under the Treaty of Utrecht. However, Gibraltar remains a British Overseas Territory.⁴⁹

In dealing with these disputes UEFA has managed to avoid any major disruption, one reason being that it has a prohibited list where certain countries cannot play against each other in its competitions. The most relevant at present is Ukraine and Russia which have not met since 2014 and, bearing in mind current events, are unlikely to meet in the foreseeable future. Kosovo's independence has also led to games between Kosovo and Serbia, Bosnia Herzegovina and Russia all being placed on the prohibited list. Armenia and Azerbaijan meanwhile have not played since 2010 due to their land dispute, and Spain and Gibraltar have not been allowed to play since 2013.⁵⁰

The decision as to whether a national clash will be placed on the prohibited list is determined by the UEFA Executive Board or, if a quick decision is required, by the

⁴³ Onur Bilgic 'How History defeated a Great Era of Yugoslav National Team Talent', *These Football Times* (Web Page, 12 October 2017) 2 <<https://thesefootballtimes.co/2017/10/12/how-history-defeated-a-great-era-of-yugoslav-national-team-talent/>>.

⁴⁴ *Ibid.*

⁴⁵ *Ibid* 4.

⁴⁶ 'Jubilation and hatred over Kosovo', *Daily Telegraph* (online at 18 February 2008)

<<https://thesefootballtimes.co/2017/10/12/how-history-defeated-a-great-era-of-yugoslav-national-team-talent/>>.

⁴⁷ Simon Ostrovsky, 'How Azerbaijan won the Karabakh War', *Pulitzer Centre* (Web Page, 6 January 2021) 2 <<https://pulitzercenter.org/stories/how-azerbaijan-won-karabakh-war>>.

⁴⁸ *Ibid.*

⁴⁹ Ben Johnson, 'The History of Gibraltar', *Historic UK* (Web Page, 16 December 2022) <https://www.historic-uk.com/HistoryMagazine/DestinationsUK/History-of-Gibraltar/>.

⁵⁰ Stefan Nestler, 'EURO 2020: Why Serbia can't face Kosovo – and UEFA's other forbidden matchups', *DW* (Web Page, 20 November 2019) <<https://www.dw.com/en/euro-2020-why-serbia-cant-face-kosovo-and-uefas-other-forbidden-matchups/a-51338370>>.

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UEFA Emergency Panel led by the UEFA President.⁵¹ Other decisions have had to be made in regard of these conflicts with UEFA having to act in respect of Ukraine's shirt for the European Championships in 2020. UEFA allowed Ukraine to retain its logo, which was a map of the country that included the Crimean Peninsula. Thus, even though Russia had annexed this area in 2014, the decision by UEFA was on the basis that the map reflected UN recognised borders.⁵² The logo also included the phrase 'Glory to Ukraine' and this was also approved but the phrase 'Glory to the heroes' was not allowed due 'to military connotations.'⁵³

The conflict between Ukraine and Russia escalated in February 2022. UEFA acted swiftly against Russia since it was considered to be the aggressor in the war. On 22 February UEFA stripped Russia from holding the Champions League final in St Petersburg with this match being transferred to the Stade de France in Paris.⁵⁴ The issue of Russia's place in the Federation of International Football Federations (FIFA) competitions was not resolved so quickly, with FIFA initially stating Russia would be able to compete in its World Cup qualifying matches, if it changed its name from Russia and played on neutral grounds. However, the International Olympic Committee (IOC) proceeded to recommend that International Sports Federations should not allow Russian and Belarusian athletes and officials to partake in international competitions. This was followed by the Polish Football Federation stating that it would not play its World Cup qualifying game against Russia.⁵⁵ These outcomes influenced FIFA and UEFA and on 1 March 2022 they announced that all Russian teams or club teams 'should be suspended from participation in both FIFA and UEFA competitions until further notice.'⁵⁶ This meant Poland was allowed to proceed into the final of its four-

⁵¹ Ibid 3. Whilst UEFA's decisions on blacklisted matches are easy to organise in the early rounds of a competition, a problem can arise in the knockout rounds as it nearly did 'in the 2014–15 Europa League when two Ukrainian clubs (Dnipro and Dynamo Kiev) and Russian club Zenit St Petersburg ('Zenit') made the quarter finals.' If all three sides had made the semi-finals, no draw would have taken place with the two Ukrainian sides playing each other and Zenit playing the other semi-final team. It is not clear what would have occurred if Zenit and one of the Ukrainian sides had made the final. However, that did not materialise, with Zenit and Dynamo Kiev losing in the quarter-finals.

⁵² 'UEFA tells Ukraine to remove 'political' slogan from kit ahead of Euros', *Reuters* (online at 11 June 2021) <<https://www.reuters.com/lifestyle/sports/uefa-tells-ukraine-remove-political-slogan-kit-ahead-euros-2021-06-10/>>.

⁵³ Ibid.

⁵⁴ 'UEFA strips Russia of Champions League final over Ukraine attacks', *Aljazeera* (Web Page, 25 February 2022) <<https://www.aljazeera.com/news/2022/2/25/uefa-strips-russia-of-champions-league-final-over-ukraine-attacks>>.

⁵⁵ 'Poland refuses to play Russia in 2022 World Cup playoff game', *ESPN* (Web Page, 22 February 2022) <<https://www.espn.com/soccer/fifa-world-cup/story/4603139/poland-refuse-to-play-russia-in-2022-world-cup-playoff-game>>.

⁵⁶ 'FIFA/UEFA suspend Russian clubs and national teams from all competitions', *FIFA* (online at 1 March 2022) <<https://www.fifa.com/tournaments/mens/worldcup/qatar2022/media-releases/fifa-uefa-suspend-russian-clubs-and-national-teams-from-all-competitions>>. See also Paul MacInnes, 'Russia suspended from all Fifa and Uefa competitions until further notice', *The Guardian* (online at 1 March 2022) <<https://www.theguardian.com/football/2022/feb/28/fifa-and-uefa-suspend-russian-clubs-and-teams-from-world-cup-and-all-competitions>>.

team mini-bracket to play the winners of the Czech Republic and Sweden for a place in the 2022 World Cup finals in Qatar.⁵⁷

Russia appealed to the Court of Arbitration for Sport (CAS),⁵⁸ but it ruled that any appeal would not be expedited to allow Russia to complete its World Cup qualifying match against Poland, with the CAS Panel determining that the balance of interests test decisively favoured FIFA.⁵⁹ Russia has also declared its interest in hosting the 2028 or 2032 European Championships, but UEFA has indicated that it may take action against the Russian Football Union if Russia continues to submit a formal hosting bid.⁶⁰

Ukraine, on the other hand, were in a four-team mini-bracket with the overall winner gaining a place in the World Cup finals. Wales beat Austria in the first semi-final with FIFA postponing Ukraine's match with Scotland until June 2020 to give Ukraine the chance to prepare for the game. At the time of the postponement there was some doubt as to whether the match would be able to proceed at that time as some of the Ukrainian squad had signed up for military service.⁶¹ There were even suggestions that Scotland and Wales should have considered allowing Ukraine to qualify with this being seen as 'a proper and meaningful statement of support.'⁶² However, Ukraine defeated Scotland on 1 June, only to lose to Wales four days later.

Russia's attack on Ukraine led to the Ukrainian government imposing martial law, and this caused the immediate suspension of the Ukrainian Premier League.⁶³ The Ukraine Football Association stripped former Ukrainian player, Anatoliy Tymoshchuk, 'of his coaching licence and de-recognised his on-field accomplishments, which include silverware and a record 144 caps.'⁶⁴ By continuing to work for Zenit Saint Petersburg, 'which is owned and sponsored by (Russian) majority state-controlled energy company,

⁵⁷ Kyle Bonn, 'Poland advances, Ukraine postponed: How UEFA World Cup playoffs schedule and format change after FIFA suspends Russia' *The Sporting News* (Web Page, 9 March 2022) <<https://www.sportingnews.com/us/soccer/news/russia-uefa-world-cup-qualifying-playoff-schedule-format-ban/oytdvxxczrcyetya9xuvjoma>>.

⁵⁸ CAS2022/A/8708 Football of Russia (FUR) v FIFA, UEFA, Polish Football Association, Swedish Football Association, Czech Football Association, Football Association of Montenegro and Malta Football Association.

⁵⁹ Tom Morgan, Sam Wallace, and Ben Rumsby, 'Uefa to hold crisis talks over last-minute Russian bid to rival UK and Ireland as hosts of Euro 2028', *The Telegraph* (online at 23 March 2022) <<https://www.telegraph.co.uk/football/2022/03/23/russia-demands-inclusion-bidding-process-host-european-championships/>>.

⁶⁰ Paul MacInnes, 'Russia warned by Uefa it could face more sanctions if it bids to host Euros' *The Guardian* (online at 24 March 2022) <<https://www.theguardian.com/football/2022/mar/23/russia-declares-interest-in-hosting-euro-2028-or-2032-despite-football-ban-uefa-fifa>>.

⁶¹ Jim White, 'Wales and Scotland should step aside and let Ukraine go to the World Cup – however hard it may be', *The Telegraph* (online at 25 March 2022) <https://www.telegraph.co.uk/football/2022/03/25/wales-scotland-should-step-aside-let-ukraine-go-world-cup/?li_source=LI&li_medium=li-recommendation-widget>

⁶² *Ibid.*

⁶³ 'Ukrainian Premier League suspended', *Bein Sport* (Web Page, 24 February 2022) <<https://www.beinsports.com/au/football/video/ukrainian-premier-league-suspended/1837441>>.

⁶⁴ 'Tymoshchuk banned from Ukrainian football for life', *Bein Sport* (Web Page, 12 March 2022) <<https://www.beinsports.com/au/football/news/tymoshchuk-banned-from-ukrainian-football-for/1845959>>.

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Gazprom, Tymostchuk was found to be breaching ‘the Association’s code of ethics and fair play’.⁶⁵

The war has also understandably caused some emotional situations for individual players with West Ham’s Andriy Yarmolenko admitting he could not focus on football as he faced up to the horrors of the war in Ukraine.⁶⁶ Further support for Ukraine within the EPL was exhibited by Brighton playing ‘in Ukraine kit’, Southampton lighting up ‘St Mary’s in yellow and blue’ and the EPL captains wearing ‘armbands in Ukrainian colours.’⁶⁷

This war has caused, and is presently causing, scheduling provisions for both FIFA and UEFA. However, the approach of ensuring that countries in conflict do not meet each other in the early stages of UEFA competitions has worked well. This is a governance issue for UEFA with the legal basis for it is that the countries affected by it are members and are subject to its rules and decisions.

IV THE THREAT OF TERRORISM

Terrorism, like war, could create disruption depending on its intensity and frequency. It might be a one-off random attack, an assault against a particular organisation or it might involve only one country with the terrorism directed against a particular national government. On the other hand, it could involve a threat to all member countries. Terrorism has been linked with sport since the Munich Olympics in 1972 when members of the Palestinian terrorist group, Black September, killed two athletes from the Israeli team in the Olympic village whilst taking nine others hostage, who were later killed.⁶⁸

Events, in general, where large numbers of people congregate can be targets for terrorists with the Ariana Grande concert at the Manchester Arena on 22 May 2017 being an example.⁶⁹ Sporting events, including football matches, with many spectators in a confined area provide potential targets for terrorist attacks.⁷⁰ For instance, a triple suicide bombing occurred outside the Stade de France in Paris on 14 November 2015 while an international match between France and Germany was taking place. Tight security measures prevented the terrorists from entering the stadium and potentially

⁶⁵ Ibid.

⁶⁶ Jordan Davies, ‘Yarmo fears Heartbroken West Ham star Andriy Yarmolenko says he cannot focus on football as he faces up to horrors of war in Ukraine’, *The Sun* (online at 22 March 2022) <<https://www.thesun.co.uk/sport/football/18035605/west-ham-andriy-yarmolenko-ukraine-war/>>.

⁶⁷ White (n 61) 3.

⁶⁸ Millicent Kennelly and Kristine Toohey, Terrorism and the Olympic Games: The Games Have Gone On’ (2007) 24 *Sporting Traditions* 1, 6.

⁶⁹ Rory Smith and Sewell Chan, ‘Ariana Grande Manchester Concert Ends in Explosion, Panic and Death’, *The New York Times* (online at 22 May 2017) <<https://www.nytimes.com/2017/05/22/world/europe/ariana-grande-manchester-police.html>>. An Islamist extremist suicide bomber detonated a homemade bomb in the foyer of the Manchester Arena toward the end of the concert, killing 23 people.

⁷⁰ Chris Davies ‘From Munich to Christchurch: International Sport and the Threat of Terrorism’ (2022) 53 *Victoria University of Wellington Law Review* 29, 30.

causing many deaths. As a result, only one unfortunate shuttle bus driver and the three bombers were killed.⁷¹

UEFA's response to the potential threat of terrorism has involved 'taking a proactive role in generating dialogue, sharing best practices and discussing measures to counter the danger'.⁷² UEFA organised a masterclass in April 2018 in Munich where 150 delegates from 40 national associations joined with international experts to discuss terrorism.⁷³ The aim 'was to help show how to protect people against an attack, and was addressed through four themes: the reality of terrorism; the way terrorists operate; how to respond to the threat; and best practices'.⁷⁴ It was stressed at the meeting that '[c]ounter-terrorism work was no stand-alone activity – but had to be integrated within a balanced approach to safety, security and service'.⁷⁵

UEFA has worked in the areas of safety and security including the 'Train the Trainer' scheme⁷⁶ where, so far, more than 600 trainers have trained over 70,000 stewards.⁷⁷ UEFA has also carried out Masterclasses on contemporary topics and training programmes for individual national associations.⁷⁸ During 2018–19, ten such events were staged in seven countries.⁷⁹ Extensive work also took place on security preparation for the 2020 European Championships with the host stadiums being given particular assistance to ensure maximum safety for all persons attending the competition.⁸⁰

More generally, UEFA's mission in respect of stadium and security strategy and development is 'to promote, enhance and safeguard UEFA's corporate stadium and security policies, strategies and expertise, and to develop the national associations'

⁷¹ David Conn, 'Dortmund attack: How soccer has become a target of terrorists', *The Irish Times* (online at 12 April 2017) <<https://www.irishtimes.com/sport/soccer/champions-league/dortmund-attack-how-soccer-has-become-a-target-of-terrorists-1.3046763>>. Other examples include the Borussia Dortmund team bus being attacked with roadside bombs on its journey to the Westfalenstadion to play in a UEFA Champions League match against Monaco on 11 April 2017, and the attack at the Vodafone Arena in Istanbul on 10 December 2016 when 31 police officers and seven others were killed after the match between Besiktas and Bursaspor. In 2009, an attack on the Sri Lankan cricket team travelling by coach to the Gaddafi stadium in Lahore to play a test match against Pakistan resulted in six members of the Sri Lankan cricket team being injured and six policemen and two bystanders killed. See 'Sri Lankan cricketers injured as gunmen attack team bus', *The Guardian* (online at 3 March 2009) <https://www.theguardian.com/sport/2009/mar/03/sri-lanka-cricket-terrorist-attack-pakistan#>.

⁷² UEFA, 'Counter-terrorism focus at UEFA seminar', *UEFA.com* (Web Page, 20 April 2018) <<https://www.uefa.com/insideuefa/protecting-the-game/news/0244-0f8e5f8b0db5-8b866cc1ddb1-1000-counter-terrorism-focus-at-uefa-seminar/>>.

⁷³ *Ibid.*

⁷⁴ *Ibid.* Interestingly, 16 of the countries present at the masterclass had suffered a terrorist attack in 2016–17, which merely confirmed that terrorism was a shared problem across Europe.

⁷⁵ *Ibid.*

⁷⁶ UEFA, 'Security', *UEFA.com* (Web Page, viewed 6 January 2021)

<<https://www.uefa.com/insideuefa/protecting-the-game/security/>>.

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

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capability to implement integrated stadium and security strategies'.⁸¹ To achieve this UEFA, inter alia, runs 'joint training programmes',⁸² hosts 'an annual pan-European stadium and security conference',⁸³ offers 'strategy, policy and practical support to individual national associations'⁸⁴ and develops, maintains and disseminates 'knowledge products, training programmes, and support services to all 55 national associations'.⁸⁵

UEFA's approach to the threat of terrorism seems to be both practical and realistic as it has acknowledged the potential risk and assisted clubs to prepare their personnel and stadiums for unforeseen events in this area. It has also accepted its role as the leader of European football and provides up-to-date information on terrorism and security matters to its national associations and assists them in implementing necessary strategies to ensure as safe an environment as possible for stakeholders attending European football matches. Thus far, terrorism has not been a serious issue to European football, which suggests that UEFA's proactive stance may well have contributed towards the current situation.

V CLIMATE CHANGE AND SEVERE WEATHER EVENTS

Another area which is not currently a problem, but which may become one, is climate change. Unlike pandemics, wars and the possibility of terrorism, the potential impact of climate change is presently more hypothetical. One reason for this is that it is still difficult to provide accurate forecasts as to its likely future effects. Estimates suggest that an increase in temperature of between three to five degrees centigrade could occur by 2100⁸⁶ with sea levels potentially rising by 1.3 metres.⁸⁷ Global warming is also likely to cause more extreme weather events including flooding.⁸⁸

While the effects of these changes on European football and sport generally is still unknown, Goldblatt has put forward a number of potential predictions for European football.⁸⁹ He suggests that, in England, 23 of the 92 league grounds could expect partial or total annual flooding of their stadiums by 2050.⁹⁰ The EPL grounds Goldblatt deems to be most at risk include 'Southampton's St Marys, Chelsea's Stamford Bridge and

⁸¹ UEFA, 'Respect: UEFA Football and Social Responsibility Report 2018–19', *UEFA.com* <https://www.uefa.com/MultimediaFiles/Download/uefaorg/General/02/64/11/33/26411_DOWNLOAD.pdf>.

⁸² *Ibid.*

⁸³ *Ibid.*

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*

⁸⁶ 'Global temperatures on track for 3-5 degree rise by 2100: UN', *Reuters* (Web Page, 29 November 2018) <<https://www.reuters.com/article/us-climate-change-un-idUSKCN1NY186>>.

⁸⁷ Marlowe Hood, 'Latest Estimates in Sea Level Rises by 2100 are worse than we thought', *ScienceAlert* (Web Page, 11 May 2020) <<https://www.sciencealert.com/oceans-are-on-their-way-to-rising-over-a-meter-as-soon-as-2100#>>.

⁸⁸ The Climate Reality Project, 'How the climate crisis threatens the future of sports', *BBC* (Web Page, 8 September 2020) <<https://www.bbc.com/news/science-environment-53111881>>.

⁸⁹ *Ibid.*

⁹⁰ Matt McGrath, 'Climate Change: Sport heading for a fall as temperatures rise', *BBC* (Web Page, 20 June 2020) 3 <<https://www.bbc.com/news/science-environment-53111881>>.

West Ham's Olympic Stadium'.⁹¹ The Championship grounds at risk include Hull City and Cardiff City, both of which are close to the coast and, in a worse-case scenario, could be under water by 2050,⁹² as could National League club Grimsby Town's Blundell Park ground.⁹³ Goldblatt also states that 'football is going to feel the impact of the climate emergency very soon. More very hot weather is going to be a problem for spectators and players alike'.⁹⁴

UEFA has taken some action in responding to climate change by reducing its carbon emissions. For example, at the 2016 European Championship UEFA prepared a social responsibility and sustainability report and focussed on areas including public transport and mobility, waste management, energy and water optimisation, and sourcing of products and services.⁹⁵ It also set up a campaign and app that allowed spectators to offset their own carbon emissions when attending the tournament.⁹⁶ In addition, UEFA produced an eco-calculator to estimate the environmental impact of their travel to the event and attendees were encouraged to support the Prony and Kafate Wind Project.⁹⁷ Unfortunately the uptake of the campaign and app was not high⁹⁸ and therefore the 2016 drive to offset carbon emissions achieved minimal success.

For the 2020 European Championship UEFA agreed to 'invest in gold standard renewable energy projects.' This was in partnership with a Swiss carbon finance consultancy firm, South Pole, with the aim being to offset an estimated 405 000 tonnes of carbon that would be produced by the fans and UEFA staff when travelling to the tournament.⁹⁹ UEFA also agreed to plant 50,000 trees in each of the 12 host countries

⁹¹ David Goldblatt, 'Playing Against the Clock: Global Sport, the Climate Emergency and the Case for Rapid Change', *Rapid Transition Alliance* (Web Page, 20 June 2020) 9

<<https://www.rapidtransition.org/resources/playing-against-the-clock/>>.

⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ David Goldblatt, 'The climate crisis is hitting football but the global game has time to take action', *The Guardian* (online at 21 August 2020)

<<https://www.theguardian.com/commentisfree/2020/aug/21/climate-crisis-football-global-game-carbon-neutral>>.

⁹⁵ UEFA, 'EURO 2016: Social Responsibility and Sustainability Report One-year-to-go report', *UEFA.com* (Web Page, 2015)

<https://www.uefa.com/MultimediaFiles/Download/uefaorg/General/02/26/41/78/2264178_DOWNLOAD.pdf>.

⁹⁶ UEFA, 'UEFA launch EURO 2016 eco-calendar', *Sportanddev.org* (Web Page, 26 August 2015) <<https://www.sportanddev.org/en/article/news/uefa-launch-euro-2016-eco-calculator>>.

⁹⁷ *Ibid.* The wind farms are in New Caledonia. See 'Prony and Kafate Windfarms, New Caledonia', *Gold Standard* (Web Page, viewed 7 January 2021) <<https://www.goldstandard.org/projects/prony-and-kafate-windfarms-new-caledonia>>. The Pacific Islands, being low-lying, are particularly vulnerable to climate change.

⁹⁸ Goldblatt (n 91) 18.

⁹⁹ UEFA, 'UEFA announces climate action for EURO 2020', *UEFA.com* (Web Page, 24 September 2019) <<https://www.uefa.com/insideuefa/social-responsibility/news/0255-0f8e700075c4-61482c5c5c8b-1000--uefa-announces-climate-action-for-euro-2020>>.

South Pole is a Swiss carbon finance consultancy founded in 2006 in Zurich. One of the projects UEFA is investing in provides efficient cooking stoves to rural areas in Rwanda with the aim of reducing the burning of fossil fuels (wood or charcoal). See UEFA, 'UEFA's pledge towards an environmentally conscious UEFA EURO 2020', *UEFA.com* (Web Page, 27 November 2019) <<https://www.uefa.com/insideuefa/about>>.

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to tackle the climate change issues surrounding the competition.¹⁰⁰ It is likely that these activities will have a greater beneficial impact on the environment than UEFA's efforts in relation to the 2016 Championship.

UEFA's actions towards climate change has also extended beyond its European Championship competitions. In conjunction with World Wide Fund for Nature, UEFA has produced a report showing how sport can contribute to sustainability and tackle climate change.¹⁰¹ The report 'highlights good practices in sustainable sports to emphasise the commitment made by many sports to local communities and the planet'.¹⁰² It also stresses that sport has 'unique power to raise awareness and promote sustainability to fans in Europe and beyond'.¹⁰³ UEFA has also joined the Sports for Climate Action Framework which aims 'to gather sports organisations, teams, athletes and fans together 'to create a concerted effort to raise awareness of the need to meet the goals set out in the Paris Agreement for climate protection'.¹⁰⁴

More recently, in October 2021, UEFA agreed to advertise the European Union's climate advertisement during its televised men's, women's and international games at no charge as part of a three-year agreement. The advertisement contains information about the European Union's Green Deal project 'to make the continent climate neutral by 2050' and focuses on how individual consumers can minimise their climate impact.¹⁰⁵ In agreeing to this, UEFA appears to be encouraging action to halt climate change, but it has been criticised for 'greenwashing football's oil and gas sponsors.'

Critics have pointed out that this is an exercise in double standards as these advertisements appear during games played by clubs owned by countries involved in oil production and in a competition which, at the time of the agreement, was sponsored by Russian gas company Gazprom.¹⁰⁶ It was also noted that the advertisements started during the week that Saudi Arabia's sovereign wealth fund, which is heavily reliant on oil revenue, was purchasing Newcastle United. In the circumstances, Mathiesen has suggested that the message was not a realistic one, stating that individual contributions

uefa/news/0257-0f8e727c349e-86a76bb607b1-1000--uefa-s-pledge-towards-an-environmentally-conscious-uefa-euro-20/>. .

¹⁰⁰ Ibid.

¹⁰¹ UEFA, 'Playing for our Planet: How sports win from being sustainable', *UEFA.com* (Web Page, May 2018) <https://www.uefa.com/MultimediaFiles/Download/uefaorg/General/02/55/63/72/25563_DOWNLOAD.pdf>.

¹⁰² UEFA, 'Playing for our Planet: How sports win from being sustainable', *Sportanddev.org* (Web Page, 8 May 2018) <<https://www.sportanddev.org/en/document/manuals-and-tools/playing-our-planet-how-sports-win-being-sustainable>>.

¹⁰³ Ibid.

¹⁰⁴ UEFA, 'UEFA's pledge towards an environmentally conscious UEFA EURO 2020', *UEFA.com* (Web Page, 27 November 2019) <<https://www.uefa.com/insideuefa/about-uefa/news/0257-0f8e727c349e-86a76bb607b1-1000--uefa-s-pledge-towards-an-environmentally-conscious-uefa-euro-20/>>>.

¹⁰⁵ Karl Mathiesen, 'EU accused of greenwashing football's oil and gas sponsors' *Politico* (Web Page, 18 October 2021) <<https://www.politico.eu/article/eu-uefa-football-oil-and-gas-sponsors-climate-change/>>.

¹⁰⁶ Ibid.

to reduce emissions would not assist ‘the huge systemic shift required to reach net zero omissions.’¹⁰⁷

UEFA has also been criticised for not taking climate change issues sufficiently into account in running its football operations. It has been argued that the introduction of the Europa Conference League for the 2021-22 season, and the proposal to expand the Champions League from 2024-25, will provide a 55% increase in the total number of group-matches in major European club competitions. This will lead to a significant increase in the use of flying with ‘the aviation industry accounting for about 5% of global warming.’¹⁰⁸ Further it has been pointed out that the 2020 European Championship was staged in 11 different countries, which increased the air travel required to be undertaken by competing teams, and that five of the past 11 Champions League finals have been between clubs from the same country yet were played at a foreign venue.¹⁰⁹

It is acknowledged that UEFA needs to be able to expand its business from a commercial perspective and also, as the representative body of European football, to disseminate matches to as wide an audience as possible. However, these goals appear to be in direct opposition to policies aimed at sustainability and reducing emissions. UEFA can argue that it is building its own sustainable event management program, but it is suggested that this is unlikely to make any of its events emissions-neutral. With digital communication at an advanced level now, it is suggested that the need to run a competition (EURO 2020) in 11 countries, and to not host finals in the country of the two competing finalists causing fans to have to travel longer distances to see their teams play, is unnecessary, particularly in view of the climate change issue, which UEFA’s President, Aleksander Ceferin, sees as ‘one of the biggest threats facing society today.’¹¹⁰

In summary, it is suggested that UEFA will continue to receive criticism for double standards in its actions towards climate change from climate protection advocates, if it maintains its stance of pointing out the dangers of climate change but, at the same time, takes no direct action to reduce carbon emissions from the conduct of its main business arm of organising football competitions throughout Europe. UEFA has a moral, and perhaps a legal duty, to fulfil this obligation since, while only a sport governing body, it is still closely affiliated with numerous countries that have signed up to international emission reduction treaties and introduced domestic legislation aimed at fulfilling this goal.

¹⁰⁷ Ibid.,

¹⁰⁸ John Stanton, Katie Gornall and David Lockwood, ‘More games, more countries, more travel: Does European football care about its climate impact’, *BBC Sport* (Web Page, 21 October 2021) <<https://www.bbc.com/sport/football/58595026>>.

¹⁰⁹ Ibid.

¹¹⁰ ‘UEFA commits to ambitious climate targets and joins Race to Zero Campaign’. *UEFA* (Web Page, 27 January 2022) <<https://www.uefa.com/returntoplay/news/0271-144d385a4854-96a247ce82e6-1000-uefa-commits-to-ambitious-climate-targets-and-joins-race-to-zero/>>.

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VI DISCUSSION

When examining the issue of unforeseen circumstances facing an organising body like UEFA, the question that arises is whether having a contingency plan is the best option. The advantage of having such a plan is preparedness while the disadvantage is a potential lack of flexibility and the fact the plan may not have been developed to cover the exact circumstances that have occurred. Thus, with a plan some adjustments or changes are likely to be required to deal with the precise circumstances of the particular unforeseen disruption.

When the COVID-19 pandemic struck, UEFA had no contingency plan to deal with it. The earlier Spanish Flu pandemic had occurred in 1918, which was 36 years before UEFA was even formed. That meant there was no living memory of its impact. UEFA therefore had no experience of a pandemic and cannot be criticised for not having a contingency plan in place. Its initial response was to work with governments in ensuring the safety of all those involved in European football, including the players, administrators and the football supporters and spectators. This approach was a correct one as the safety of all stakeholders involved in European football is a prime objective for UEFA in its guardianship role.

With the key issue of safety prioritized, UEFA then proceeded to encourage the resuming of national leagues wherever possible, before finalising its own European competitions. If a national league was terminated early due, for instance, to the need to comply with government legal requirements, UEFA then required an explanation and a list of clubs selected for UEFA's 2020-21 competitions based on sporting merit in the 2019-20 domestic competitions.¹¹¹ UEFA's desire for national leagues to complete their seasons was the correct one as it assisted in maintaining the integrity of European football since it meant clubs qualified for European competitions based on results from matches, rather than decisions made by administrators. However, it was equally important for UEFA to show some flexibility in its approach to cover situations where competitions could not be completed. Thus, UEFA appeared to strike the right balance in its handling of this difficult situation.

UEFA then faced the problem of only having a short period of time in which to complete competitions. Its first step was a re-configuration of both the quarter-finals and semi-finals with these being played in a single-leg format, rather than the usual two-leg, home and away format. The next step was to have the games played in either Lisbon¹¹² or the North Rhine-Westphalia region of Germany,¹¹³ these locations being

¹¹¹ Ibid.

¹¹² UEFA, 'Paul MacInnes, 'UEFA's Aleksander Ceferin talked about a salary cap – but could it ever happen?', *The Guardian* (online at 9 July 2017) <<https://www.theguardian.com/football/2017/jul/09/uefa-ceferin-smaller-leagues-talk-wage-cap>>. See also 'Champions League to resume on 7 August', *UEFA.com* (Web Page, 17 June 2020) <<https://www.uefa.com/uefachampionsleague/news/025e-0f9a3f8c5c4d-3323c8a96a4d-1000/>>.

¹¹³ UEFA, 'Updated UEFA Competitions Calendar', *UEFA.com* (Web Page, 9 July 2020) <<https://www.uefa.com/insideuefa/about-uefa/news/0262-1081498f8833-04c0fb0a653d-1000-this-season-s-competitions-calendar/>>.

chosen because of the availability of suitable stadia in relatively COVID-19 free areas.¹¹⁴ This approach not only protected the integrity of the competitions but, by completing them within a short-time frame, it also allowed the following 2020-21 season to commence only four weeks behind its originally proposed commencement date.

While UEFA's short-term governance issues related to completing competitions, a longer-term issue related to finances. UEFA's response to the financial issues created by the pandemic was to provide some financial support through its Hatrick Regulations.

In regard to the FFPR, UEFA deferred the need for clubs to file a report for the period 2019-20 for 12 months, stating that it would allow clubs to offset certain revenue losses against their expenditure.

UEFA also reviewed the FFPR. This review established that its main component, the breakeven provision, involved an assessment of a club's profit and loss position over the previous three years. This, it was concluded, involved a backward-looking approach that was not tenable in a situation where an unforeseen disruption like a pandemic suddenly occurred. UEFA has therefore modified the FFPR with the main restriction now being to limit club spending on player wages to 70% of revenue.¹¹⁵

Thus, UEFA's handling of the pandemic was commendable, as illustrated by the fact that one of the most surprising outcomes of the pandemic was the lack of clubs forced into liquidation. UEFA's response to COVID-19 therefore provided it with a blueprint for how to deal with future pandemics.

Unlike pandemics, UEFA already has a contingency plan, developed over a number of years, in regard to dealing with wars. A crucial part of this plan is to ensure that countries in conflict do not, as far as is possible, play each other in competitions. This, for instance, was successfully applied during Kosovo's war of independence and the

¹¹⁴ "Bild": UEFA to move Champions League final stages to Lisbon', *BeSoccer* (Web Page, 7 June 2020) <<https://www.besoccer.com/new/bild-uefa-to-move-champions-league-final-stages-to-lisbon-843908>>. See also Ryan Kelly, 'Europa league 2020 tournament: Where and when will matches take place', *Goal* (Web Page, 6 August 2020) <<https://www.goal.com/en/news/europa-league-2020-tournament-where-when-will-matches-take/72k9fzzo4l4i180jmlzvoglqv>>. The Estadio da Luz (home of Benfica) and Estadio Jose Alvalade (home of Sporting CP) are in Lisbon and the stadia in Cologne, Duisburg, Dusseldorf and Gelsenkirchen are all situated in the North Rhine–Westphalia region in Germany.

¹¹⁵ Chris Davies and Neil Dunbar, 'UEFA's Financial Fair Play Regulations: legality and viability post-COVID-19' (2022) 43.3 *European Competition Law Review* 103, 108. The new Financial Sustainability Regulations (FSR) restrict clubs from spending more than 70% of their revenue on their squad costs, which include player and coach wages, transfers and agent fees. These measures will provide 'a direct measure between squad costs and income to encourage more performance-related costs and to limit the market inflation of wages and transfer costs of players.' They will also allow for a timelier assessment of a club's position in respect of the regulations. The new provisions are subject to a gradual implementation with the percentage set at 90% for 2023-24, 80% for 2024-25 and 70% for 2025-26. This leeway will assist clubs as they seek to recover from the financial difficulties of the COVID-19 pandemic.

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disputes it created with neighbouring countries, namely Serbia, Russia, and Bosnia Herzegovina. Thus, the approach adopted by UEFA in regard to these conflicts is risk-averse and pragmatic, one that accords with its main objectives of ensuring the safety and protection of those participating in football.

FIFA also adopted UEFA's avoidance approach when dealing with Russia's invasion of Ukraine, excluding Russia from the 2022 World Cup and offering Ukraine a flexible playing schedule in order to provide it with every opportunity to qualify. However, it should be acknowledged that FIFA had little choice in the matter as the other national teams involved in the play-offs made it clear they were not prepared to play Russia.

In comparison with war, terrorism attacks are generally sporadic, and their occurrence is less likely to cause major disruption to UEFA's competitions than either pandemics or wars. A further difference is that clubs can take more direct action to prevent terrorism by ensuring grounds are protected by the best security available.

UEFA now requires that clubs meet appropriate, up-to-date terrorism security standards. Necessary measures have been added to the infrastructure criteria clubs must meet to obtain their licences in order to compete in UEFA's competitions. These licensing requirements are updated regularly following consultation with national and international law enforcement and other government anti-terrorism agencies, thus ensuring that clubs competing in UEFA's competitions are always utilising the best terrorism protection available.

UEFA's approach to the threat of terrorism, therefore appears to be practical and realistic. It has acknowledged the potential risk and has assisted clubs to prepare their personnel and stadiums for unforeseen events in this area. UEFA's success in this area can be gauged by the fact that terrorism has not been a serious issue in European football.

Whilst climate change does not present an immediate threat to European football, its long-term threat may prove to be potentially more serious than pandemics, terrorism or wars. Temperatures in the United Kingdom, for instance, reached over 40°C for the first time in 2022 while Portugal recorded a temperature of 47°C. Heatwaves and fires were common across Europe throughout the summer. The fact that, at present, climate change involves a potential future threat, means there is time for UEFA to produce a proactive contingency plan in regard to the two most likely potential impacts of climate change on European football: a rise in temperatures and an increased risk of flooding

High temperatures were an issue that Qatar had to consider in its preparation for the 2022 World Cup, which was held in November and December. All the stadiums used by Qatar were roofed and fully air-conditioned. This is not a new approach as other sports have utilised closed stadiums due to known weather conditions. In Major League Baseball (MLB), for instance, both the Miami Marlins and Tampa Bay Rays, the most southerly clubs, have roofed stadiums to deal with the hot Florida summers. Toronto Blue Jays, the most northerly club, also has a roofed stadium, but that is to deal with cold weather in the early and later parts of the baseball season. In tennis meanwhile

Wimbledon now has roofs on its Centre and Number 1 courts to ensure that at least some matches can be played during rain events. Melbourne Park, used for the Australian Open Championship, likewise has roofed courts, though that is mainly to contend with hot weather.

Thus, the use of roofed stadiums, although expensive, can provide a practical answer to extreme weather conditions. If they are seen as a solution in European football to potential climate change-induced extreme weather conditions, a possible consideration to overcome the large cost involved could be ground-sharing. Shared grounds already successfully occur in European football, the best example being AC Milan and Inter-Milan sharing a ground in Milan. This would mean only one stadium, instead of two, needing to be roofed, and it would also mean maintenance costs would be split between two clubs.

If climate change does become the major issue that some scientists are predicting, UEFA will need to take a leadership role. This could, for instance, involve that its licensing requirements include the need for clubs to prepare reports on the effects of potential flooding at their grounds with expert evidence needing to be included. Discussions would also need to be undertaken as to how clubs will counter the potential problem of rising temperatures, with UEFA ultimately producing a contingency plan to deal with the situation. This could, *inter alia*, include drink breaks during games, postponing matches to the evening, and not playing matches when temperatures are above an agreed level, such as 35 degrees centigrade.

VII CONCLUSION

UEFA displayed decisive and flexible leadership in handling the COVID-19 pandemic by, first, ensuring the safety and well-being of all those involved in European football, with its secondary aim being the continuity of its competitions and football generally to ensure financial security. UEFA's policy of ensuring that countries involved in armed conflict do not meet in the early stages of its competitions has worked well and was copied by FIFA when the recent Russian invasion of Ukraine caused problems with the qualifying stages of the 2022 World Cup. The success of UEFA's plans and procedures in regard to the threat of terrorism can be gauged by the fact it has not had any impact on European football. The threat of climate change to European football is still unknown, but UEFA's record in dealing with other potential unforeseen circumstances and disruptions suggests it has the governance structure and competence to deal with it as well as any other sporting body.