



8 February 2024

Sent via email

Dear Dame Caroline,

Thank you for your letter following the recent Committee session, and for the opportunity to follow up on my evidence in writing. I will also reference the Committee's media statement in replying.

Classification of Clubs

First, you asked about whether a distinction is made between 'big' and 'small' Clubs within the Premier League. As you will recall, I was asked a question by a Committee Member who used the term "*big Clubs*" when arguing that there is cynicism about certain Clubs' ability to use legal means to ensure that cases "*take ten years or never come to fruition*".

In response, I sought to emphasise that the Premier League's Profitability and Sustainability Rules (PSRs) apply equally to all Clubs. Furthermore, I am happy to confirm that, while Clubs can be delineated by many different measures, no such criteria or classification is used by the Premier League.

As I said in my evidence, Everton and Nottingham Forest are valued and respected members of the Premier League. Both Clubs enjoy successful histories, have strong and passionate fanbases, and make a significant contribution not just to the Premier League's vibrant competition, but also to their cities and local communities. By reflecting the Committee Member's framing of the question, I did not intend to suggest otherwise. It would be incorrect to infer from this that there is any unfair treatment based on Club size, as suggested in the Committee's media statement. Indeed, the point I made was the opposite, in that the Premier League Board applies the Rules consistently, irrespective of the Club in question.

Everton case

Secondly, you raise the issue of fairness and transparency in the recent Everton case and request certain confidential documents. We respect the role of the Select Committee in holding Government to account and seeking insight from relevant industries on matters of public policy. We value the opportunity to provide such input and answer questions. As the Committee will appreciate, being a private business, it is not our practice to provide or publish minutes of Premier League Board Meetings. Nor are we able to publish submissions the Premier League Board or Executive make as part of confidential legal proceedings.

However, I hope I can address the Committee's questions as this is an important matter, and I am grateful for the opportunity to provide additional clarity further to my oral evidence to the Committee. At all times during this process, the Premier League has sought to treat the Club fairly and with respect. Of course, as the competition organiser and administrator, it is also our role to ensure fairness for Clubs that have adhered to the Rules. That means enforcing our Rulebook consistently and impartially.

This is the first time that a breach of the PSRs, and a resulting sanction, has been determined by an independent Commission. We therefore acknowledge that the role of the Premier League, our regulatory framework and the duties of the independent Commission require explanation, particularly to fans. Given the sanction that was imposed (which is awaiting an appeal), it is also understandable that the process has generated passionate debate.

As your letter points out, the Premier League was entitled (and expected) to make a submission with a recommendation for the sanction in this case, just as the Club was (and did). In regulatory cases it is normal practice for both parties to do so. It is a process that assists the independent Commission in determining the appropriate and proportionate sanction by enabling it to understand each side's position on the issue. The Premier League did not establish a "*policy*", but rather made a submission to the Commission that provided the Premier League Board's recommendation for considering the sanction in this particular case.

Your letter appears to suggest that, although the adoption of the Premier League's recommendation of a sanction in the Everton case was rejected by the independent Commission, the Premier League's recommendation of "*a structured formula*" may somehow generate a perception of unfairness or "*moving the goalposts*". We do not agree. As stated above, the Premier League was expected to provide a view as to what it considered to be the appropriate sanction in this case, in order to assist the independent Commission. A sanction without any underlying basis or explanation as to how it was arrived at would have been of limited assistance. The Board rightly felt that the most appropriate way of assisting the independent Commission was not simply to submit a particular number of points to be deducted, but to explain the method by which it had arrived at that view: considering the extent to which the Club had exceeded the relevant threshold in the Rules and how that should be taken into account; and considering the specific aggravating and mitigating factors that it considered to be relevant to this Club in this case.

The Committee's media statement suggests that this submission somehow makes the Commission less than independent. As I explained to the Committee, the Judicial Panel, and the selected Commission that heard this case, are entirely independent of the League. The Panel members are appointed by an Independent Chair in a process in which the League plays no part, and members of each Commission are appointed by that Chair independently, again in a process in which the League plays no part. Each member of the independent Commission that heard this case was a senior and experienced lawyer or financial expert, including one former member of the judiciary.

The Commission considered that a 10-point sanction was appropriate and explained why over a detailed 41-page Decision, having considered the facts and submissions advanced by both parties over a five-day hearing and precedents from other cases.

Everton was provided with complete transparency as to the Premier League Board's view on the appropriate sanction in this case. So as to provide as much notice as possible, it was communicated to the Club two months before the hearing, with detail of not only the sanction that the Board considered appropriate, and in the interests of transparency, how it had arrived at that answer.

Recent PSR charges

As the latest PSR charges have only recently been brought forward, and we await the judgment of the independent Appeal Board in respect of the first Everton case, I hope the Committee will understand that I cannot provide details about how the Premier League Board will approach the question of a recommendation of sanction in these cases, save that (as with all disciplinary matters) the Board will consider the appropriate approach based on the particular facts of the case. We will of course inform the Clubs in question, and the independent Commissions, once we are in a position to do so.

Finally, I can confirm that the most recent PSR cases will be heard according to Appendix 1 of the League's Rules (p533 of our [Rulebook](#)), which are designed to provide certainty for the League and Clubs as to the membership of the League in the subsequent season. This aims to ensure sanctions take effect in the Season in which the Club's latest annual audited accounts are submitted.

I hope this letter will be beneficial to ensure that the Committee has the fullest possible understanding of the Premier League's regulatory framework.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'R' followed by a series of loops and a long horizontal tail.

Richard Masters
Chief Executive