

# SOCIONEWS



LAW

## EXTENSION OF SPORTS LEAVE BENEFICIARIES

Sports leave has been open to club sportspeople and volunteers since 1 January 2024.

The Law of 21 July 2023<sup>1</sup> reformed sports leave, first introduced in Luxembourg in 1976 and largely reserved for elite sportsmen and women, to open it up to other sportsmen and women and people involved in sport.

This Law also modifies the number of days of leave to which elite sportsmen and sportswomen, as well as their supervisors, are entitled.

One of the aims of this Law is to promote voluntary work and commitment within clubs and federations and to facilitate sports preparation for competitions.

The Act came into force on 1 January 2024 (except for certain specific provisions that had already come into force on 4 August 2023).

<sup>1</sup> The Law of 21 July 2023 amending 1) the Law amended of 29 November 1988 on the organisation of the administrative structure of physical education and sports; 2) the Law amended of 3 August 2005 on sport; 3) the amended Act of 31 July 2006 introducing a Labour Code. MEMORIAL NO. 467 of 31 July 2023. <https://legilux.public.lu/eli/etat/leg/loi/2023/07/21/a467/jo>

## 1. THE PURPOSE OF SPORTS LEAVE

Sports leave is a special leave that may be granted, under certain conditions, in addition to the annual leave set by Law or by a special agreement.

The Minister for Sport, after analysing the file in relation to the eligibility conditions, decides whether or not to grant sports leave.

## 2. THE BENEFICIARIES

Traditionally, sports leave mainly concerned elite athletes likely to represent the Grand Duchy of Luxembourg at official international competitions (such as the Olympic Games) and their support staff, as well as judges, referees, technical and administrative managers.

The Law of July 2023 extended the circle of beneficiaries of sports leave to include sportsmen and women who are members of a club affiliated to a sports federation, accompanying persons, volunteers and technical or administrative staff appointed by their clubs.

From now on, the following are eligible for sports leave:

- 1. athletes likely to represent the Grand Duchy of Luxembourg** in order to prepare and take part in official international competitions who are part of one of the COSL or LPC frameworks or who have an Olympic project, an Olympic qualification project, a perspective project, an elite project or a Paralympic project with the COSL or LPC, hereinafter referred to as a *"specific project"*, or part of an individual national selection or senior team of an approved sports federation governing a competitive sport;
- 2. athletes who hold a license with a club affiliated to an approved sports federation** in order to prepare and take part in official international club competitions organised by the relevant international federations or with their cooperation;
- 3. athletes other than those referred to in points 1. and 2. who hold a license from an approved sports federation** taking part in an official international competition and who have the joint agreement of the COSL or the LPC and from the Minister responsible for Sport;
- 4. judges and referees selected by the relevant international sports federation**, to take part in international competitions or to take part in international training courses duly authorised by the respective approved sports federations;
- 5. administrative staff**, who are members of the administrative body of an approved sports federation, an affiliated club, the COSL or the LPC, in order to:

- deal with the day-to-day running of the organisation;
- take part in meetings at international level of the statutory bodies, commissions or working groups of international sports federations and the Olympic or Paralympic movement;
- take part in training courses organised at international level and duly authorised by the competent authority.

- 6. natural persons appointed by an approved sports federation, an affiliated club, the COSL or the LPC** to accompany athletes to official international competitions organised by the relevant international federations or to training camps;
- 7. natural persons appointed on a voluntary basis by an approved sports federation, an affiliated club, the COSL or the LPC** to take part in the organisation of international sporting events recognised by international sports federations and held in the Grand Duchy of Luxembourg;
- 8. technical staff appointed by an approved sports federation, an affiliated club, the COSL or the LPC** to accompany sportsmen and women to official international competitions organised by the competent international federations, to preparatory courses or to take part in training courses organised at international level and duly authorised by the competent authority;
- 9. participants taking part in training organised by the "École nationale d'éducation physique et des sports" or other training recognised** by the Minister responsible for Sport.

The text introduces a new category to replace athletes with an Olympic contract, a concept that was abandoned as such by the COSL. These are athletes who have *"an Olympic project, an Olympic qualification project, a perspective or elite project or a Paralympic project"* as *"athletes who can demonstrate potential for progress and an individual project and who are selected by the COSL or the LPC as such"*.

### 3. THE CONDITIONS OF ENTITLEMENT

To be entitled for sports leave, the beneficiary must have been continuously affiliated to the Grand Duchy of Luxembourg for at least six months preceding the date of application for sports leave.

The beneficiary must be a non-professional sports person.

The number of athletes who can benefit from sports leave to prepare for and take part in official international competitions is limited to the maximum number of athletes authorised, including substitutes, according to the international regulations in force.

When preparing for or taking part in international competitions, the number of support staff who may benefit from sports leave may not exceed:

1. five people for a group of no more than ten athletes;
2. six people for a group of eleven or more athletes.

### 4. THE DURATION OF SPORTS LEAVE

The text regulates in detail the way in which leave is allocated and specifies the number of hours available to athletes on the one hand and clubs or federations on the other.

To give an overview, the sports portal has posted this table online: <https://sports.public.lu/dam-assets/fr/actualites/articles/2023/07-juillet/cong-sportif/cong-sportif-tableau.pdf>

Generally, no athlete should lose any hours of sports leave compared with the previous system, but rather see the number of hours increase.

For the calculation of the number of days, only working days are taken into account.

The duration of sports leave depends on each beneficiary. The maximum annual duration of sports leave is determined as follows:

Number of days	Beneficiaries
90 days	Athletes with an Olympic, Olympic qualification or Paralympic project with the COSL or the LPC.
60 days	A technical manager supervising the athlete with an Olympic, Olympic-qualifying, or Paralympic project, as well as for athletes with a perspective or elite project with the COSL or LPC.
50 days	Per organisation, for individuals designated by an approved sports federation, the COSL or the LPC.
40 days	A technical manager supervising the athlete with a perspective or elite project with the COSL or the LPC.

Number of days	Beneficiaries
30 days	Athletes who are part of the COSL or LPC elite team and do not have a specific project.
25 days	<ul style="list-style-type: none"> <li>• Athletes who are part of an individual national selection or senior team of an approved sports federation governing a competitive sport;</li> <li>• Technical staff appointed by an approved sports federation, the COSL or the LPC;</li> <li>• Judges and referees.</li> </ul>
20 days	<ul style="list-style-type: none"> <li>• A technical manager supervising an athlete who is part of the COSL or LPC elite team and who does not have a specific project;</li> <li>• Athletes who are part of the COSL or LPC promotional; framework and who do not have a specific project.</li> </ul>
12 days	<ul style="list-style-type: none"> <li>• A technical manager supervising the athlete who is part of the COSL or LPC promotion framework and does not have a specific project;</li> <li>• For athletes as defined by Law;</li> <li>• Natural persons designated by an approved sports federation, the COSL or the LPC.</li> </ul>

Number of days	Beneficiaries
10 days	<ul style="list-style-type: none"> <li>Per club affiliated to an approved sports federation for individuals designated by the club;</li> <li>For technical staff appointed by a club affiliated to an approved sports federation.</li> </ul>
6 days	<ul style="list-style-type: none"> <li>Athletes as defined by Law;</li> <li>Individuals designated by a club affiliated to an approved sports federation.</li> </ul>
5 days	For technical staff appointed by a club affiliated to an approved sports federation.

**Specific provisions for administrative executives who are members of the administrative body of an approved sport federation.**

The yearly **maximum** duration of sports leave per approved sports federation is limited to:

Number of days	Type of federation by number of competition licenses
5 days	Less than 1,000 competition licenses
10 days	Between 1,000 and 5,000 competition licenses
15 days	More than 5,000 competition licenses

**NOTE:** For administrative executives who are members of the administrative body of an approved sports federation without a competition licence, the maximum annual period of sports leave per approved sports federation is set at two days.

**Specific provisions for administrative staff, members of the administrative body of an affiliated club**

The yearly **maximum** duration of sports leave per affiliated club is limited to:

Number of days	Type of affiliated club by number of competition licenses
2 days	Less than 50 competition licenses
4 days	Between 50 and 200 competition licenses
6 days	More than 200 competition licenses

**NOTE:** For administrative officers, members of the administrative body of an affiliated club that does not have competition licenses, the maximum annual duration of sports leave per affiliated club is two days.

The number of competition licenses is fixed on 1 January of each year based on certified records by the approved sports federations.

For administrative officers, members of the administrative body of the COSL and the LPC, the maximum annual duration of sports leave is limited to five days per organisation.

For administrative officers, the respective administrative body shall fix the duration of the sports leave per beneficiary and issue a pre-established certificate indicating the date of issue and the number of sports leave days allocated. A copy of this certificate must be sent by the respective body to the Minister responsible for Sports and by the beneficiary to his employer, as a supporting title.

**Does sports leave count as working time?**

The duration of sports leave shall be treated as working time. During this period, the provisions on social security and worker protection shall remain applicable.

The duration of the sports leave can't be charged to the annual leave as determined by Law or by a special convention.

**Can the duration of sports leave be prorated?**

Yes, the annual duration of sports leave is prorated according to the degree of occupation and the annual working time.

The annual duration of the sports leave is also prorated with effect from the first of the month following the beginning of the criterion which gave entitlement to the leave in question.

**Is the sports leave cumulative?**

Unless the employer agrees, sports leave may not be combined with a period of annual leave in the event of a continuous absence exceeding the total amount of annual leave due.

The cumulative duration of the different categories of sports leave per beneficiary is limited to a maximum of 40 days per year, except for athletes with a specific project, as well as their technical frameworks for which the duration of the sports leave can't exceed the number of days as defined in article 15-3, paragraph 1 (cf. supra point 5. The duration of the sports leave).

**Can the sports leave be split?**

Sports leave can be split. Each split must be at least four hours.

## Can sports leave be postponed from one year to the next?

The annual sports holiday can't be carried over from one calendar year to the next.

### **EXAMPLES<sup>2</sup>:**

#### **1. Volleyball player**

12 extra days: if he plays the European Cup with his club.

25 additional days: if accompanying the national selection of Handball as Physiotherapist.

**ATTENTION:** maximum accumulation 40 days.

#### **2. Football Club 250 licenses**

6 days for committee members (day-to-day management, international meeting, international training).

10 days to organise an international tournament in Luxembourg.

#### **3. FLGym: > 5000 licences**

15 days for board members (day-to-day management, international meeting, international training).

50 days to organise an international tournament in Luxembourg.

**ATTENTION:** the accumulation is not applicable for organisations (federations, clubs, COSL, LPC) but for individuals!

## 5. THE PRACTICAL MODALITIES

Applications for the granting of sports leave must be submitted to the Ministry of Sports by the accredited sports federation, the affiliated club, the COSL or the LPC on a form prepared one month before the date of the event for which the sports leave is requested, unless the entitlement is less than one month from the date of the event.

The application must be accompanied by an employer's certificate of agreement in principle for the leave requested.

The Minister of Sports, after assessing the application, decides whether to grant or refuse such sports leave.

The form is downloadable below:

The federations/clubs/COSL/LPC send the request by e-mail to [congesportif@sp.etat.lu](mailto:congesportif@sp.etat.lu), by post or via "MyGuichet.lu".

## 6. CAN THE EMPLOYER REFUSE SPORTS LEAVE?

Sports leave may be refused by the employer if the absence of the employee resulting from the requested leave may result in a major impact detrimental to the operation of the

company, the smooth running of the administration or public service or the smooth running of the paid annual leave of other staff.

## 7. THE COMPENSATORY ALLOWANCE

A compensatory allowance shall be granted to persons receiving sports leave who are under 65 years of age and self-employed. This compensatory allowance may not exceed four times the minimum social wage for unskilled workers (i.e. 10,283.72 € index 944.43).

Employees in the public and private sectors continue to receive their remuneration and enjoy the rights attached to their function.

Employers receive a compensatory allowance of up to four times the minimum social wage for unskilled employees.

The compensatory allowance is advanced by the employer.

The State shall reimburse the employer, up to the above ceiling, the amount of the gross remuneration of the employee receiving the leave and the employer's share of the social contributions advanced.

The application for reimbursement by the employer and the application for compensation of a self-employed person shall be made based on a declaration to be submitted to the Minister of Sports in his or her powers and duties not later than 1 February of the following year the granting of sports leave.

If the declaration is not submitted by that date, the right to reimbursement or compensation in question shall lapse.

<sup>2</sup> Source: <https://sports.public.lu/dam-assets/fr/actualites/articles/2023/07-juillet/cong-sportif/cong-sportif.pdf>



The payment of the compensatory allowance is subject to the presentation of a pre-established certificate, duly attested by the approved sports federation, the affiliated club, the COSL or the LPC thus certifying the effective participation of the beneficiary of the sports leave if triggered the right to this leave.

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**For more details:** <https://sports.public.lu/fr/programs/conge-sportif-2024.html>

**Link to forms:** <https://guichet.public.lu/en/citoyens/formulaires/conges.html>