

A group of football players in blue jerseys are celebrating with a trophy in the rain. They are wearing gold medals and have gold confetti on their faces and jerseys. The background is a blurred stadium with lights.

FIFA[®]



The new FIFA Regulations on the Status and Transfer of Players

Associazione Italiana Avvocati dello Sport

James Kitching
Director of Football Regulatory
11 December 2020



FIFA



PAOLO ROSSI
1956 - 2020

Agenda

- Vision 2020-2023
- Amendments to the RSTP
- Regulatory response to COVID-19
- Future modernisation of the regulatory framework
- Questions





**MAKING FOOTBALL
TRULY GLOBAL**

The Vision 2020-2023

11

18 The 11 goals

Realising the vision of making football truly global is no mean feat. The blueprint to achieve this vision covers FIFA's four core areas and is based on 11 goals. Each of these goals is constituted of four pillars and is grounded in the day-to-day effort of dedicated football professionals.

FIFA

Football governance

Corporate governance and administration

Competitions and events

Football development, social responsibility and education

1 | Modernise the football regulatory framework

2 | Grow revenues sustainably for further reinvestment in football

3 | Increase the efficiency and efficacy of the organisation

4 | Ensure the success of our iconic competitions

5 | Globalise our competitions

6 | Increase global competitiveness

7 | Maximise our impact on global football development

8 | Accelerate the growth of women's football

9 | Harness technology in football

10 | Protect positive values in football

11 | Impact society through the power of football

MODERNISE THE FOOTBALL REGULATORY FRAMEWORK

The rules governing football are established to protect the game in its entirety. To fulfil this purpose, it is crucial to continuously modernise the regulatory framework, thereby ensuring that its transparency is safeguarded on a global scale and that the interests of all football stakeholders around the world are taken into account.

REVIEW THE INTERNATIONAL MATCH CALENDAR WITH A GLOBAL APPROACH

The international match calendar plays a central role in the sustainable growth of football in all regions of the world and at all levels. For this reason, the current system should, once and for all, be discussed thoroughly with all stakeholders and reviewed according to their needs in a collective effort to guarantee a truly global approach.

REFORM THE TRANSFER SYSTEM

Key objectives of the transfer system are to protect minors, reward training clubs, promote investment in youth and safeguard the integrity of competitions, while ensuring that money stays within the game for the purposes of reinvestment. The reform of the transfer system will focus on these objectives, as well as achieving greater transparency.

ANALYSE THE LAWS OF THE GAME FOR THEIR POTENTIAL OPTIMISATION

Football keeps evolving, and the Laws of the Game should be continuously analysed and optimised accordingly, while respecting the traditions of football. The promotion of offensive tactics should guide this process with the aim of improving the football experience – from both a sporting and entertainment point of view.

INTRODUCE MECHANISMS TO PROTECT FOOTBALL STAKEHOLDERS

FIFA plays a role of utmost importance in protecting all football stakeholders worldwide. From the reform of the transfer system to the recent establishment of the FIFA Fund for Football Players, modern mechanisms will have to be put in place to further safeguard the players, coaches and clubs involved in the game.

GROW REVENUES SUSTAINABLY FOR FURTHER REINVESTMENT IN FOOTBALL

Investing in football is FIFA's chief priority; it is the ultimate goal behind a number of programmes dedicated to supporting the member associations and other football stakeholders. Building on the solid foundation provided by the FIFA World Cup, new sustainable revenue streams need to be achieved in order to ensure the continuous flow of such investment.

ENSURE PRIME COMMERCIALISATION OF OUR NEW COMPETITION

FIFA tournaments are distinctive, entertaining and unique, both on and off the football pitch. These characteristics represent a perfect opportunity for the prime commercialisation of a new groundbreaking FIFA club competition in 2021.

GROW OUR BRAND GLOBALLY

In a globalised and connected world, FIFA's brand has the potential to further expand its reach and get to the heart of social and business communities. With the aim of fostering this growth, dedicated initiatives will have to be put in place to increase interactions and engagement, and to reinforce the role of FIFA as a point of reference in the football ecosystem.

EXPLORE GROWTH AREAS

Recognising the most prominent trends in football and capitalising on the range of opportunities they offer are two necessary steps to develop new revenue streams. In this context, the exploration of growth areas, including new distribution platforms and opportunities for direct fan engagement, will have to be conducted with a view to ultimately benefiting the football movement on a global scale.

EXPLOIT DIGITAL OPPORTUNITIES

In order to keep pace with the constant evolution of the digital world, special attention and effort will have to be directed towards areas such as the personalisation of the football experience, the improvement of e-commerce platforms and the modernisation of customer relationship models. As a result, FIFA will gain a better understanding of football fans, leading to more effective communication and a stronger relationship with them.



Amendments to the RSTP

The **main principles** of the football transfer system are (and remain):

- I. the protection of contractual stability;
- II. encouragement of training;
- III. solidarity between the elite and grassroots;
- IV. protection of minors;
- V. competitive balance;
- VI. ensuring the regularity of sporting competitions.

- **1996:** *Bosman* case decided by European Court of Justice.
- **2001:** RSTP enter into force following agreement with FIFA, UEFA, and European Commission.
- **2005:** new edition of RSTP based on jurisprudence. Minor amendments in 2008, 2009, 2010, 2012, 2014, 2016.
- **2017:** Football Stakeholders Committee creates the Taskforce Transfer System to modernise the football transfer system.
- **2018 > now:** several significant changes to the RSTP and governance of international transfer system.



Amendments to the RSTP

February 2017

Kick-off

October 2018

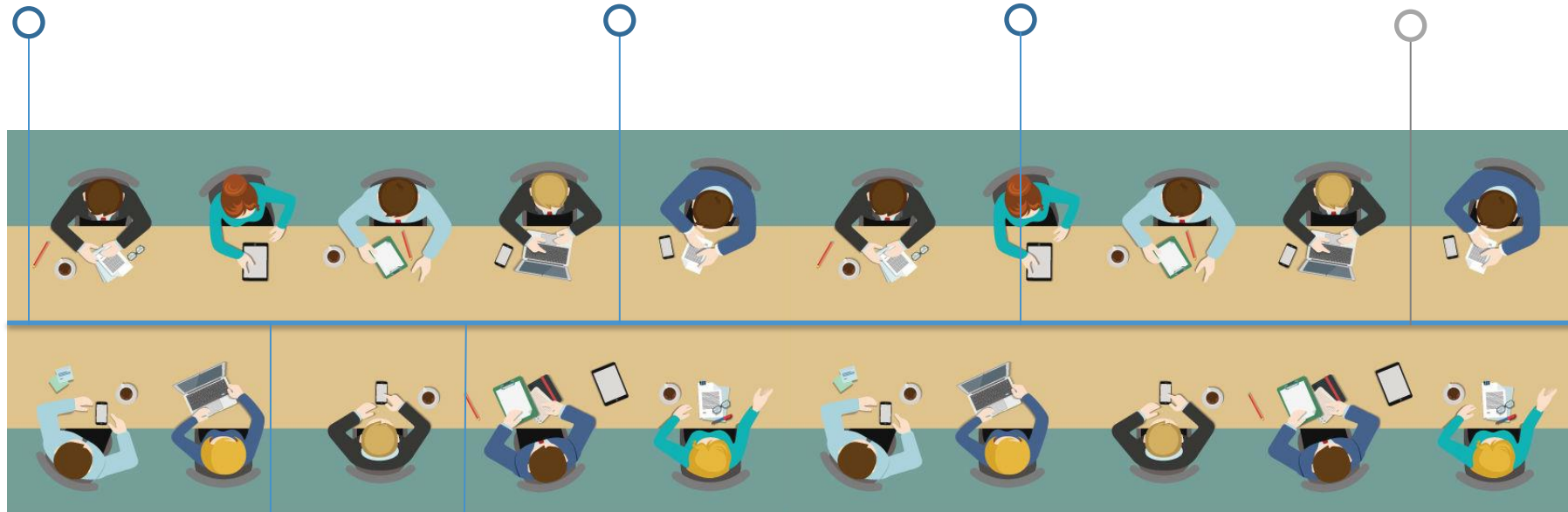
1st Reform Package

October 2019

2nd Reform Package

??????

3rd Reform Package



October 2017

“Narrow issues”

June 2018

White Paper

2020 reforms

The following significant reforms were introduced in 2020:

- I. rules governing international loans (delayed due to Covid-19)
- II. specific labour conditions for female players
- III. regulatory framework for coaches
- IV. new exception to international transfer of minors

Female Players

Background:

- Although professionalism in women's football has grown steadily over the last decade, FIFA regulations have not adapted to provide a regulatory framework governing specific labour matters for female players

Objectives:

- protect female players before, during and after childbirth
- provide female players with a safe and inclusive work environment
- ensure contractual stability



Female Players

30. Maternity leave: a minimum period of 14 weeks' paid absence granted to a female player due to her pregnancy, of which a minimum of eight weeks must occur after the birth of the child.

- in line with minimum standards established by International Labour Organization
- **compensation** during maternity leave shall be **2/3 of contractual salary**
- if more favourable conditions (e.g. length of maternity leave, compensation) are available at national law or in a Collective Bargaining Agreement, these shall prevail

Female Players

(new) Article 18quater – special provisions for female players

Where a player becomes pregnant, she has the:

- **Right to continue providing sporting services** , following confirmation from her treating practitioner and an independent medical professional that it is safe to do so.
- **Right to provide employment services in another manner**, if she wishes to do so. Clubs and players must agree on the alternate services. Player shall receive **full compensation** during this time.
- **Right to independently determine the commencement date** of her maternity leave. Clubs that pressure players will be sanctioned.



Female Players

- **Right to return to football activity after maternity leave is completed**, as long as it is safe for her to do so. Her club will have the obligation to reintegrate her into football activity and provide adequate ongoing medical support.
- **Right to the remuneration guaranteed under the same conditions** as were established in her employment contract prior to her maternity leave.
- **Right to a safe environment.** The player has to be provided the necessary time, as well as suitable facilities in accordance with national legislation, to breastfeed or express breast milk.



CONTRACTUAL PROTECTIONS

- **Validity of a contract** may not be made subject to a player being or becoming pregnant, taking maternity leave, or utilising rights related to maternity in general
- **Contract may not be terminated on any ground related to pregnancy.** Presumption that termination was due to a player being pregnant if occurred during pregnancy period. Significant sanctions (financial and sporting) for clubs that terminate a contract due to pregnancy.
- **Players may be registered outside of transfer window** to replace a player on maternity leave **OR** if a player returns from maternity leave.



Coaches

Background:

- historically, FIFA has regulated players only
- “*coaches*” are recognised in regulations only for the purpose of dispute resolution

Objectives:

- provide football coaches with a minimum regulatory framework that will offer a higher degree of legal certainty in their employment relationships
- facilitate the work of the relevant FIFA bodies adjudicating disputes involving coaches

Amendments to the RSTP

Coaches

ANNEXE 8

Rules for the employment of Coaches

1 Scope

1.

This annexe lays down rules concerning contracts between coaches and professional clubs or associations.

2.

This annexe applies to coaches that are:

- a) paid more for their coaching activity than the expenses they effectively incur; and
- b) employed by a professional club or an association.

3.

This annexe applies equally to football and futsal coaches.

4.

Each association shall include in its regulations appropriate means to protect contractual stability between coaches and clubs or associations, paying due respect to mandatory national law and collective bargaining agreements.

New Annexe 8 applies to contracts:

- between professional clubs / coaches
- between associations / coaches
- Involving football or futsal coaches

Amendments to the RSTP

Coaches

Definition of Coach:

- 28.** Coach: an individual employed in a football-specific occupation by a professional club or association whose:
- i. employment duties consist of one or more of the following: training and coaching players, selecting players for matches and competitions, making tactical choices during matches and competitions; and/or
 - ii. employment requires the holding of a coaching licence in accordance with a domestic or continental licensing regulation.

Coaches

Other matters:

The new annex will mirror principles already in existence for players:



- Contractual stability
- Termination of contract (with or without just cause)
- Consequences for the unilateral termination of a contract



- Overdue payables
- Execution of monetary decisions

Minors

Background:

- UK is one country with 4 separate Football Associations
- Legal uncertainty due to UK leaving the EU and the international transfer of minors no longer being subject to the EU/EEA exception

Objective:

- Avoid absurd situations of minors being unable to transfer within the same country
- Will apply to all situations where more than 1 association is domiciled within the same country, not just the UK



19 Protection of minors

1.

International transfers of players are only permitted if the player is over the age of 18.

2.

The following five exceptions to this rule apply:

a) The player's parents move to the country in which the new club is located for reasons not linked to football.

b) The player is aged between 16 and 18 and:

i. the transfer takes place within the territory of the European Union (EU) or European Economic Area (EEA); or

ii. the transfer takes place between two associations within the same country.

The new club must fulfil the following minimum obligations:

Regulatory response to COVID-19



Regulatory response to COVID-19

Two main responses:

- i) release of players during international windows
- ii) employment and transfer matters

Regulatory response to COVID-19

Release of players during international windows

As the circumstances constitute a situation of force majeure, the Bureau of the Council today decided on the following course of action in accordance with article 27 of the FIFA RSTP:

1. Clubs are not obliged to release their registered players to association teams.
2. If a club agrees to release a registered player to an association team, the player may decline the call-up.
3. Any such decisions shall not be subject to disciplinary measures.
4. If a player is unable to resume duty with their club by the relevant deadline due to COVID-19, the association and/or the player shall not be subject to any future restrictions or disciplinary measures.

Link: [Circular 1712](#) (March to September 2020)

Regulatory response to COVID-19

Release of players during international windows

1. *these temporary amendments to the FIFA RSTP apply to the following international windows on the relevant international match calendar:*
 - (i) *for men: 31 August 2020 to 8 September 2020;*
 - (ii) *for women: 14-22 September 2020;*
2. *the rules relating to release of players to association teams in Annexe 1 of the FIFA RSTP shall apply as normal, except where:*
 - (i) *there is a mandatory period of quarantine or self-isolation of at least five days upon arrival in:*
 - a. *the location of the club which has an obligation to release the player to an association team; or*
 - b. *the location where a representative team match is scheduled to take place; or*
 - (ii) *there is a travel restriction to or from either location (a. or b. above); and*
 - (iii) *a specific exemption from the relevant authorities relating to the above decisions has not been granted to players of a representative team;*
3. *all participants in matches during international windows must abide by the health and safety protocols established by the relevant competition organiser.*

1. *These temporary amendments shall apply to all international windows for men's football, women's football, and futsal scheduled for the remainder of 2020.*
2. *All international matches taking place in those windows are required to apply FIFA's Return to Football – International Match Protocol or an equivalent protocol of the relevant confederation compliant with the said Protocol.*
3. *The rules relating to release of players to association teams, as provided for in Annexe 1, apply as normal, except where:*
 - i. *there is a mandatory period of quarantine or self-isolation of at least five (5) days upon arrival in:*
 - a. *the location of the club which has an obligation to release the player to an association team; or*
 - b. *the location where a representative team match is scheduled to take place; or*
 - ii. *there is a travel restriction to or from either location (a. or b. above); and*
 - iii. *a specific exemption from the relevant authorities relating to the above decisions has not been granted to players of a representative team.*

For the avoidance of doubt, the terms "mandatory period of quarantine or self-isolation" and "travel restriction" refer to measures implemented by a government health authority at the relevant "location" cited in article 3 paragraph i).

Link: [Circular 1729](#) (Sep 2020 window) 2020)

Link: [Circular 1735](#) (Oct-Dec

Regulatory response to COVID-19

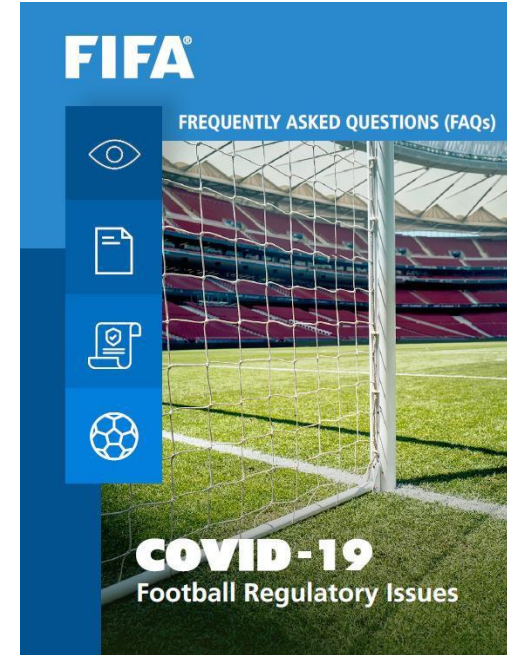
Employment and transfer matters



March 2020
May 2020



7 April 2020



10 June 2020

Regulatory response to COVID-19

Employment and transfer matters

1



Expiring agreements and new agreements

2



Agreements that cannot be performed as the parties originally anticipated as a result of COVID-19

3



The appropriate timing for registration periods



To be considered as general interpretative guidelines to the RSTP.

Regulatory response to COVID-19

Employment and transfer matters

Other regulatory amendments:

- exceptional registration outside of transfer window in certain cases
- delayed implementation of new rules regarding loan transfers
- decisions by the FIFA judicial bodies will be enforced (no delay)
- increase of extension deadlines before FIFA judicial bodies to 15 days
- contract offer for training compensation (in EU/EEA) can be made electronically
- deadline to publish intermediary data extended to 30 June 2020
- players may be registered and play for 3 clubs in 2020/21 season



Future modernisation of the football regulatory framework

Football Agents



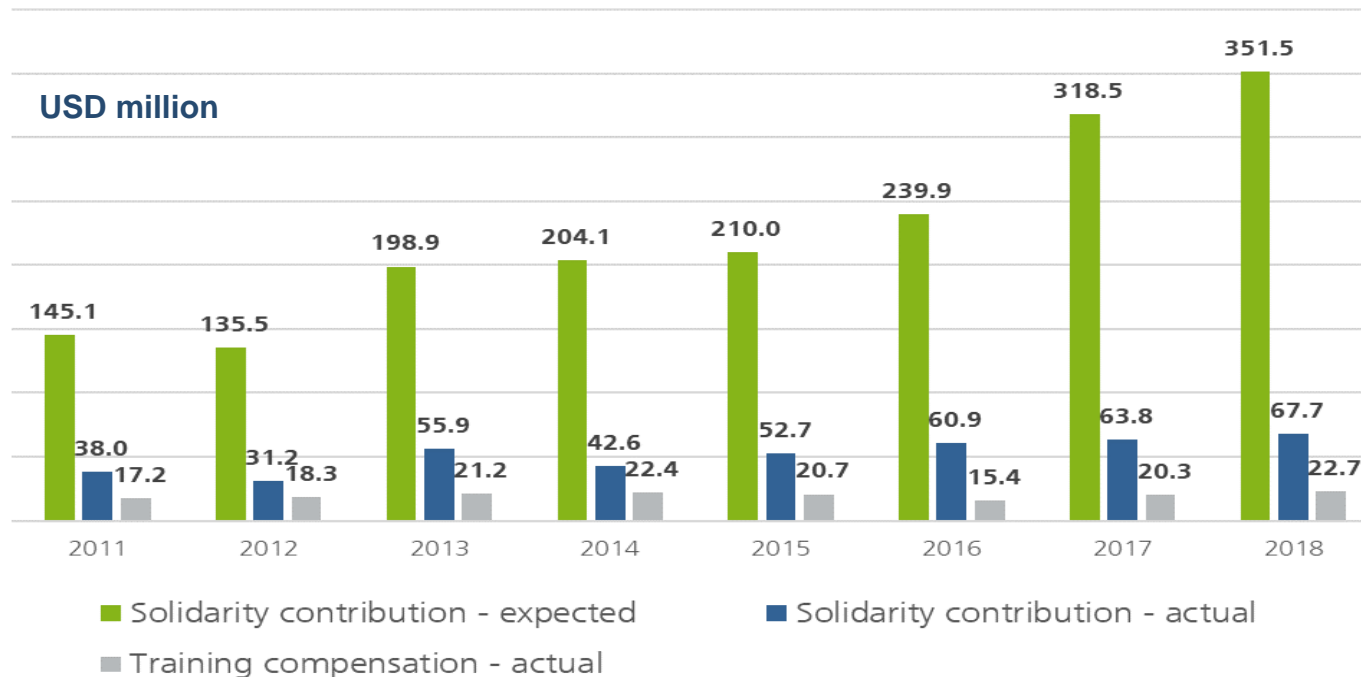
Due to COVID-19:

- transfer compensation dropped by 23.9%
- agent service fees dropped by 24.2%

Agreed Principles

- reintroduce mandatory licensing system which includes further education requirements
 - ..to raise professional standards
- effective dispute resolution system
 - ..to solve disputes between agents, clubs, and players
- prohibition of multiple representation
 - ..to avoid conflicts of interest
- commissions paid via the Clearing House
 - ..to guarantee financial transparency
- cap on commissions
 - ..to avoid excessive and abusive practices
- cap on commissions





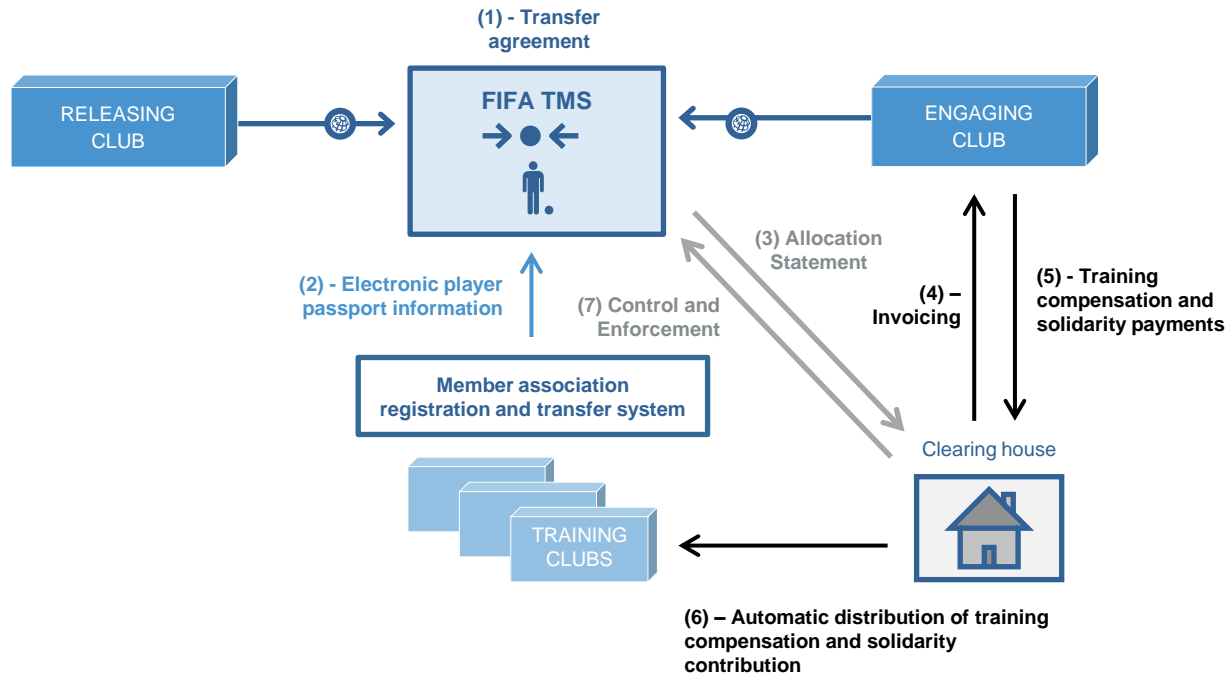
Gap between solidarity mechanism due and the actual training rewards paid to training clubs

Clearing House

With the **introduction of the FIFA Clearing House**, clubs where a player has been trained will be **automatically distributed** any training rewards owed pursuant to FIFA regulations.

After a professional player is transferred, their registration information at a member association during their training period will be gathered and consolidated in their electronic player passport.

Using this information, training rewards will be calculated and the corresponding payments will be executed through the Clearing House from the engaging club of the player to the player's training club(s).



10 principles approved by Council in April 2020 for new system:

1. A **fund is established** to partly finance the payment of TC
2. The fund is financed by an **additional 1% levy** on transfer fee
3. All training compensation payments are **automated via the Clearing House**
4. **Categorisation of clubs** is made on **individual basis**, and not on division/league basis. Criteria to be considered: club turnover, average training costs, other objective criteria
5. **Training amounts** to be revised in order to bring them up to date.
6. The fund pays relatively **more for lower categories** of clubs and relatively **less for higher categories**



Training Compensation
Compromise Proposal



Training Compensation
Compromise Proposal

7. Previous **clubs must offer the player a contract** with (at least) equivalent conditions to be entitled to TC
 8. When a player moves across different categories: **EU rule to apply worldwide**
 9. TC due for the season between the age of **12–15** to be based on **Category 4** (likely to increase)
 10. Transfers between 21st and 23rd birthday of a player: amount to be reduced by 50%
- **New system will commence as from 1 January 2022**
 - **Training Fund will commence as from 1 July 2021**

1. Fiscal Regulations

2. Minors

3. Squad Sizes

4. Registration Periods



2020

- Guide to submitting a minor application
- Manual on TPI and TPO in football agreements
- FIFA Legal Handbook 2020
- International Transfer Market Snapshot: June-October 2020
- Players' Status Department Report 2019/20
- Intermediaries Report 2020 (1 Jan – 30 Nov 2020)

2021

UPDATED Commentary to the RSTP

NEW Commentary to the rules governing eligibility to play for representative teams

+ more



Q + A ?

Grazie mille!