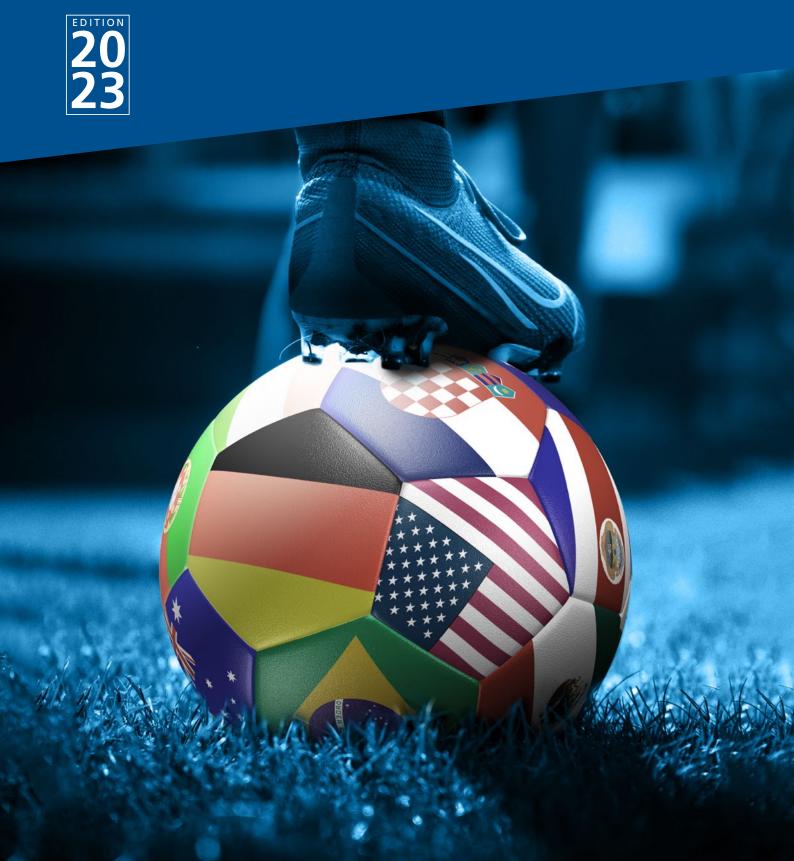
# FIFA CODE OF ETHICS Overview of the changes





FIFA, as one of the leading sport organisations in terms of investigating and adjudicating ethic, doping and other offences that affect the integrity of football, has again and after almost 3 years renewed its commitment to modernise its football regulatory framework. Illustrating is the fact that apart from the last in-depth revision of both Codes in 2018, each had only passed either minimal changes or long periods had elapsed since a revision came through. The last known thorough review was in 2012. There is a clear trend to be committed to constantly adapt FIFA's legal framework to the surrounding reality.

With this background in mind, the FIFA Council recently adopted on 16 December 2022 the new FIFA Disciplinary Code (FDC) and the FIFA Code of Ethics.

This exercise has involved a great number of different discussions with prominent legal associations such as AIAF, football confederations, as well as with important sports entities such as ECA and FIFPro.

The context of these discussions pivoted around FIFA's aim at improving the greater protection to victims of discrimination and sexual abuse or harassment before the FIFA judicial bodies, protecting financial justice between creditors and debtors, while providing FIFA with further instruments to better investigate and adjudicate illegal, immoral or unethical methods and practices.

With more than 70 changes implemented on 52 provisions of both codes, including three new articles, FIFA is proud today to state that it continues with its path of improving its judicial bodies' capacities, including in this exercise the collaboration and involvement of all those potentially unfairly affected by the activity of FIFA's judicial bodies.

All these changes, are to be found in the new editions of the <u>FIFA Disciplinary Code</u> and of the <u>FIFA Code of Ethics</u>, which have come into force on 1 February 2023 and can be accessed on the dedicated portal at legal.fifa.com.

With the aim of also providing greater transparency, FIFA has elaborated two dedicated documents whereby their member associations, players, coaches and other football actors, but also agents and legal representatives can better follow the above-mentioned changes and understand their rationale, the current wording and the aim pursued with these amendments.

We all hope that these documents are helpful and practical to all those who are interested on the new FIFA Disciplinary Code and the Code of Ethics.

Faithfully,

Dr. Emilio García Silvero

FIFA
Chief Legal & Compliance Officer

**Carlos Schneider Salvadores** 

FIFA

**Director of Judicial Bodies** 

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ARTICLE	<b>Ø</b> OBJECTIVE/PURPOSE	CLARIFICATIONS	WORDING
Definitions	Definitions of match agent and football agent  Following the new terminology used for football agents and match agents, the code has been amended to reflect this change.	The terms "match agent licensed by FIFA" and "football agent" replace the terms "match agent" and "intermediary" respectively.  In addition, the related definitions have been amended, including a specific reference to the applicable regulations.	AMENDMENT  Official: any board member (including the members of the Council), committee member, referee, assistant referee, coach, trainer or any other person responsible for technical, medical or administrative matters in FIFA, a confederation, a member association, a league or a club as well as all other persons obliged to comply with the FIFA Statutes (except players, match agents licensed by FIFA, and football agents).  Match agent licensed by FIFA: as per the FIFA Match Agent Regulations.  Football agent: as per the definition contained in the FIFA Football Agents Regulations.
7 (1) former 7 (1)	Sanctions The wording has been amended.	The notion of "community football service" (used also in the FIFA Disciplinary Code) replaces the notion of "social work".  In addition, the notion of "team bench" (used in various competition regulations) replaces the notion of "substitutes' bench".	AMENDMENT  1. The following sanctions may be imposed for breaches of this Code or any other FIFA rules and regulations: () f) community football service; () h) ban from dressing rooms and/or team bench;
9 (5) former 9 (5)	Sharing of information  To strengthen its independence, it was deemed appropriate that the Ethics Committee would be allowed to directly share information with public authorities (or to order this sharing of information).	The article has been amended so that, instead of being limited to mere recommendations (cf. former wording "may recommend to the responsible FIFA body that it share information"), the Ethics Committee "may directly share or otherwise order the responsible FIFA body to share" relevant information on a case.	<b>5.</b> The Ethics Committee may directly share, or otherwise order the responsible FIFA body to share information on a case with the appropriate public authorities without prejudice to the relevant laws and the existing legal channels.
10 former 11	Concurrent breaches  Amendments were required to clarify the consequences of "concurrent breaches".	The article has been amended to specify that "concurrent breaches" shall be considered aggravating circumstances.  In addition and in order to improve the structure of the code, the article has been moved before the notion of "repeated breaches".	1. Where more than one breach has been committed, the sanction other than monetary sanctions shall be based on the most serious breach.  2. Concurrent breaches shall be considered aggravating circumstances.





**ARTICLE** 



# **OBJECTIVE/PURPOSE**



# **CLARIFICATIONS**



### WORDING

11 former 10

# **Repeated breaches**

Amendments were required to define breaches to be considered as "repeated".

"Repeated breaches" have been defined (i.e. they occur "if another offence of a similar nature and gravity is committed repeatedly over a period of time") and clarification has been provided with respect to the related limitation period for prosecution.

In addition and in order to improve the structure of the code, the article has been moved after the notion of "concurrent breaches".

### **AMENDMENT**

1.

Repeated breaches shall be considered aggravating circumstances. In such circumstances, the Ethics Committee may go beyond the maximum sanction provided for a violation of the relevant rule, as specified in this Code.

2.

Repeated breaches occurs if another offence of a similar nature and gravity is committed repeatedly over a period of time. The limitation period for prosecution shall only apply as from the date the most recent offence has been committed and shall therefore apply to all previous breaches.

12 New

### Recidivism

The notion of recidivism (distinct from the repeated breaches) has been included in the FCE. A new article referring to "recidivism" (i.e. when "another offence of a similar nature and gravity is committed within fifteen years of notification of a decision sanctioning a previous offence") has been included in the code.

Similarly to "concurrent breaches" and "repeated breaches", "recidivism" is to be considered as an aggravating circumstance enabling the Ethics Committee to go beyond the maximum sanctions provided in the code.

### NEW

1.

Recidivism shall be considered aggravating circumstances. In such circumstances, the Ethics Committee may go beyond the maximum sanction provided for a violation of the relevant rule, as specified in this Code.

Recidivism occurs if another offence of a similar nature and gravity is committed within fifteen years of notification of a decision sanctioning a previous offence.

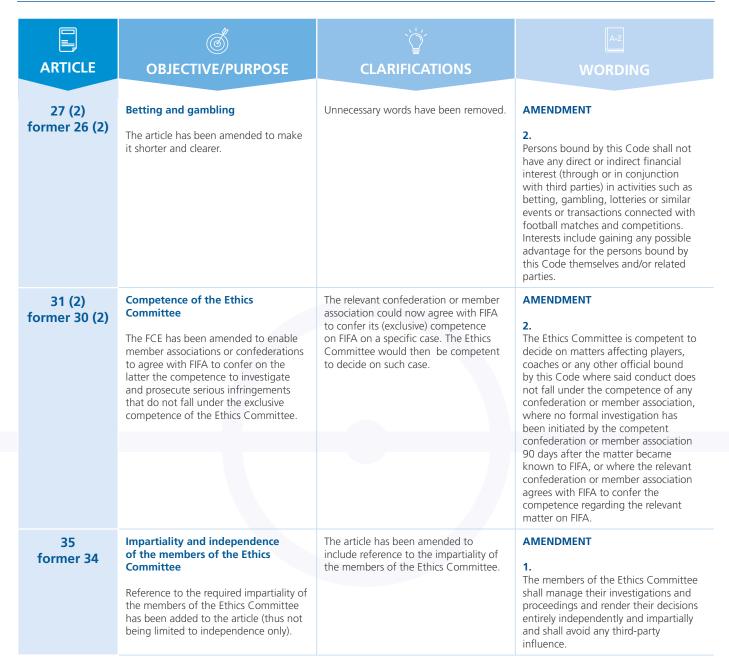




	_ (8)	Ö	A-Z
ARTICLE	OBJECTIVE/PURPOSE	<b>■</b> CLARIFICATIONS	WORDING
13 former 12	Limitation period for prosecution  Empirical evidence shows the tendency for most victims of sexual abuse or harassment, when they come forward, to do so years/decades after the offence and especially if they were minors at the time of the facts.	In order to ensure the proper prosecution of sexual offences, while protecting the victims, those offences are no longer subject to a limitation period.	AMENDMENT  1.  As a general rule, breaches of the provisions of this Code may no longer be prosecuted after five years have elapsed.  2.
	Therefore, it was considered that the statute of limitation for violation of art. 24 (formerly art. 23), or for sexual-related offences, should be separated from the other two types of offences (namely general offences and offences related to corruption and misappropriation of funds).		Offences relating to bribery and corruption (article 27), as well as to misappropriation and misuse of funds (article 28) may no longer be prosecuted after ten years have elapsed.  3. Offences relating to threats, the promise of advantages, coercion and all forms of sexual abuse, harassment and exploitation (article 24) are not subject to such limitation period.
16 (1) former 15 (1)	Duty of loyalty  The 2020 FCE did not provide for a definition of loyalty nor fiduciary duty, resulting in potential misinterpretations, and thus requiring an update of the code.	The article has been amended to define what is to be considered "a breach of fiduciary duty".	AMENDMENT  1. Persons bound by this Code shall have a fiduciary duty to FIFA, the confederations, associations, leagues or clubs. A breach of fiduciary duty occurs when, inter alia, someone who is placed in a position of responsibility or trust, acts in a way that is detrimental to the interests of FIFA, the confederations, associations, leagues or clubs or is likely to damage their reputation.
24 (6) New	Victims of sexual abuse  Amendments were required to clarify the victims' status as a party in proceedings.	FIFA would provide global support in the context of the fight against sexual abuse by allowing victims to (i) receive the motivated decision and (ii) to subsequently appeal it.  NB: This article would only apply if the case has been opened on the basis of a complaint filed by the victim.	6. Persons bound by this Code who may have been the victim of a potential sexual abuse or harassment may appeal before CAS against the decision rendered by the adjudicatory chamber in the related proceedings in accordance with the procedure defined in this Code. They will in particular be provided with the decision, the final report of the investigatory chamber as well as with any document or evidence produced by the parties before the adjudicatory chamber. Their deadline to appeal the relevant decision before CAS shall commence on the day of notification of those documents.
24 (7) New	Obligation to inform FIFA of (sexual) abuse and harassment decisions  In order to avoid cases of (sexual) abuse and/or harassment going unpunished, or being sanctioned using standards that are not compatible with FIFA's, it is essential that FIFA is made aware of any related decision issued by its member associations or the confederations.	Member associations and confederations are now required to inform FIFA of any decision they issue in relation to conducts described in art. 24 FCE (Protection of physical and mental integrity).	7. Confederations and associations shall immediately notify FIFA of any decision taken by their respective bodies sanctioning a person for conduct described in this article.













ARTICLE	<b>⊚</b> OBJECTIVE/PURPOSE	CLARIFICATIONS	(A-Z) WORDING
36 former 35	Withdrawal and challenge of the members of the Ethics Committee  Reference to the required independence of the members of the Ethics Committee has been added to the article.  In line with such change, the provision has been amended to provide for the disclosure by a member of any legitimate grounds to question their independence or impartiality.	The article has been amended to: include reference to the impartiality of the members of the Ethics Committee; provide for the disclosure by a member of any legitimate grounds to question their independence or impartiality.	AMENDMENT  1.  A member of the Ethics Committee shall decline to participate in any investigation or adjudicatory proceedings concerning a matter where there are legitimate grounds for questioning their independence or impartiality and/or if there is a conflict of interest. They shall disclose any circumstance which may give rise to any such ground.  2.  The foregoing shall apply, inter alia, in the following cases: ()  4.  An objection against a member of the Ethics Committee believed not to be independent or impartial must be submitted within five days following the identification of the grounds for non-participation, failing which, such objection shall be deemed waived.
			The claim must cite the grounds and, if possible, be substantiated.
39 former 38	<b>Number of legal representatives</b> The wording of said article has been adjusted.	The verb "may" replaces the verb "can".	4. The Ethics Committee may limit the number of legal representatives of a party if deemed excessive.
40 former 38bis	Legal aid  The article has been renumbered.	Art. 38bis has been changed into art. 40.	<b>RENUMBERING</b> Former article 38bis







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ARTICLE	OBJECTIVE/PURPOSE	\\ CLARIFICATIONS	WORDING
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40 (7) New	Nomination of pro bono counsel in absentia  In the context of ethics proceedings, it may be very difficult to contact the accused, and sometimes even impossible to find and reach them.  In order to ensure that the accused's right to be heard is respected, as well as to guarantee the proper administration of justice, a pro bono counsel may, under specific conditions, be appointed to defend the accused's rights when the latter cannot be reached.	In situations where the secretariat has unsuccessfully made all reasonable efforts to notify the accused of the final report, including sending the report by email and through the accused's member association, the accused will be deemed to be absent, and a pro bono counsel would be appointed to defend the rights of the accused. A concrete example is drawn below for the sake of clarity.  An example is drawn below for the sake of clarity.  • Contact details of the accused are unknown and/or the latter remained silent during the investigatory proceedings;  • Final report sent by FIFA on 1 March 2023 through the relevant member association (which would be requested to provide FIFA with evidence that the communication has been duly forwarded to the accused). Through the same communication, the accused would be informed that in the absence of any response 15 days following the notification, a pro bono in absentia may be appointed;  • If no response is received from the accused on 16 March 2023 at the latest, the latter would be considered absent and the adjudicatory chamber may appoint a pro bono counsel to act on their behalf.	7. In cases where the party could not been reached, the adjudicatory chamber may appoint a pro bono counsel in absentia who will act on their behalf. The absence of the party is established when the adjudicatory chamber has tried to submit the final report by email through the member association and no response has been received after 15 days following the notification to the member association in accordance with article 43 of this Code.
42 former 40	Languages  The FIFA official languages have recently been amended in the FIFA Statutes (additional languages being included).	The article has been amended in view of the changes to the FIFA Statutes, clarifying which languages (English, French and Spanish) would be used in ethics proceedings.	AMENDMENT  1. The languages used in proceedings shall be English, French, and Spanish. The Ethics Committee and parties may choose any of these languages.
43 (3) former 41 (3)	Time limits  Clarification has been provided with regard to the starting point and ending of time limits.	<ul> <li>An example is drawn below for the sake of clarity.</li> <li>Communication sent by FIFA to the accused via the relevant member association on 1 March 2023;</li> <li>Communication considered to have been communicated properly to the accused on 5 March 2023;</li> <li>The time limit would commence on 6 March 2023 (i.e. Day 1 in the counting).</li> </ul>	3. Decisions and other documents intended for persons bound by this Code may be addressed to the person directly and/or to the association concerned on condition that it forwards the documents to the intended recipient. In the event that the documents were not also or solely sent to the party concerned, these documents shall be considered to have been communicated properly to the ultimate addressee four days after communication of the documents to the association. The time limit shall commence at midnight (Central European Time) the day after the communication of the document in question.







potential violations of FIFA regulations.

Integrity experts, like those at UEFA,

would take on the tasks and duties

currently performed by the secretariat,

thus allowing the latter to focus more

on training and prevention, as well as

coordination with public enforcement

authorities.

The secretariat of the investigatory chamber may initiate preliminary investigations into a potential breach of this Code based on a filed complaint and shall act upon the instructions of the chairperson of the investigatory chamber. This may include, in particular, engaging third parties – under the leadership of the chairperson – with investigative duties, appointing an integrity expert (cf. article 36 of the FIFA Disciplinary Code), collecting written information, requesting documents and obtaining witness statements.









**ARTICLE** 



## **OBJECTIVE/PURPOSE**

# **CLARIFICATIONS**



# 67 former 65

### Conclusion of investigation proceedings

In order to ensure the accused is aware of the conclusion of the investigation proceedings and that his rights are respected, an additional procedural step has been included prior to the opening of adjudicatory proceedings.

Further clarification has also been provided with respect to the procedural steps following the conclusion of the investigations.

Specifically, efficiency purposes the chief of investigation should be able to forward to the adjudicatory chamber the results obtained during the investigation insofar violations have been established.

In addition, the FCE contained a lacuna in those cases where there is no evidence of any misbehaviour. According to the relevant provisions, the investigatory chamber had to issue a final report and forward the adjudicatory chamber. It is now considered that the investigatory chamber has the competence to close the case.

The article has been amended to:

- (i) include the possibility for the accused to be provided with a copy of the investigation file upon conclusion of said investigations;
- (ii) provide the accused with the opportunity to submit observations and comments prior to the start of the adjudicatory proceedings;
- (iii) enable the investigatory chamber to close a case without passing it to the adjudicatory chamber;
- (iv) include the possibility for the investigatory chamber to reopen investigations on previously closed proceedings "if new facts or evidence suggesting a potential breach come

### **AMENDMENT**

If the chief of the investigation considers the investigation to be adequate, they shall inform the parties that the investigation proceedings have been concluded, and provide them with a copy of the investigation files, including a brief summary of the main potential charges. The parties will then have ten days from that notification to submit any observation or comment.

If the chief of the investigation considers that there are sufficient grounds to establish that rules have been breached, they shall forward the final report together with the investigation files to the adjudicatory chamber. The chief of the investigation may also inform the adjudicatory chamber that other allegations, which might be contained in the file, may still be under investigation.

If the chief of the investigation considers that there are no sufficient grounds to establish that rules have been breached, they shall close the case. In addition to the internal closure of the proceedings, the investigatory chamber shall send a closing letter to the party reminding them of their duties, as well as informing them of the outcome of the investigations and that any ongoing provisional sanction is lifted.

If proceedings have been closed, the investigatory chamber may reopen the investigation if new facts or evidence suggesting a potential breach come to light.

# 69 (4) former 67 (4)

### Community football service

The wording has been amended to be harmonised with the FIFA Disciplinary Code.

The notion of "community football service" (used also in the FIFA Disciplinary Code) replaces the notion of "social work".

### **AMENDMENT**

Should any compliance training and/ or community football service provided by the plea agreement not be fully executed by the party concerned within the terms established within the agreement, the agreement is automatically revoked.





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_	ORIECTIVE/PLIRPOSE	CI ARIFICATIONS	WORDING
69 (6) former 67 (6)	Plea bargain and substantial assistance  Plea agreement will now be possible where a party provides substantial assistance. The criteria of said assistance have been defined in the relevant article.	CLARIFICATIONS  The article has been amended to: (i) include the possibility for a plea agreement to be concluded for offences "related to the protection of physical and mental integrity, or related to offences of bribery and corruption, misappropriation and misuse of funds, and manipulation of football matches or competitions" where "substantial assistance" is provided; (ii) define the notion of and conditions for "substantial assistance"; (iii) clarify that no plea agreement shall be allowed in relation to sexual abuse for the "principal actors or any other person directly participating in such conduct" (this, even if substantial assistance is provided).	AMENDMENT  6.  No plea agreement shall be allowed concerning sanctions related to the protection of physical and mental integrity, or related to offences of bribery and corruption, misappropriation and misuse of funds, and manipulation of football matches or competitions, unless the party concerned provides substantial assistance. Substantial assistance may be considered where the relevant party:  a) fully disclosed in a signed written statement or recorded interview all the information they possess in relation to the infringement(s); and  b) fully cooperated with the investigation and adjudication of any case or matter related to the information provided, including but not limited to, presenting a testimony at a hearing if requested to do so by FIFA or the relevant deciding panel;  c) provided credible information which constitutes a significant part of a case or proceeding subsequently initiated or, at least, which would have provided a sufficient basis on which to initiate a case or proceeding
			Notwithstanding the above, in cases of sexual abuse, no plea agreement shall be allowed with the principal actors or any other person directly participating in such conduct.
70 (4) New	Allowing the adjudicatory chamber to gather evidence  The 2020 FCE code limits the tasks of the adjudicatory chamber during ethics proceedings to simply request the position of the accused. Sometimes, as a result of the party's position, certain elements need to be clarified or questions remain open.  Consequently, the adjudicatory chamber should be allowed to gather evidence on its own and to include them in the case file.	The new article establishes the adjudicatory chamber's competence to clarify certain aspects of the investigation or the position of the accused.	NEW  4. The adjudicatory chamber may gather evidence, documents or information or request clarification at any time prior to the hearing or the deliberations on the matter.
77 (3) former 75 (3)	Appearance of witnesses  The 2020 FCE provided that witnesses need to appear in person. Some flexibility has been included in order for them to eventually appear by video conference under specific conditions.	The article has been amended to provide the possibility for witnesses to be heard by video conference.	AMENDMENT  3. Witnesses called by the parties and/ or by the investigatory chamber shall, in principle, appear in person. The chairperson of the adjudicatory chamber or their deputy may, however, decide to hear the parties by video conference, which shall be conducted under the specific conditions set by the chairperson or their deputy/acting chairperson.





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ARTICLE	OBJECTIVE/PURPOSE	CLARIFICATIONS	WORDING
77 (5) former 75 (5)	Hearings by video conference  In order to ensure a smooth organisation of hearings, the conditions for such hearings to be conducted by video conference have been extended.	The article has been amended to provide the possibility for hearings to conducted by video conference.	<b>AMENDMENT 5.</b> Exceptionally, the chairperson of the adjudicatory chamber (or the deputy/ acting chairperson in the respective proceedings) may decide to organise a hearing by means of video-conference.
86 former 84 and 85	Provisional sanction  In order to respect the accused's right to be heard, the latter will be granted with the opportunity to state his case prior to a decision on provisional sanctions being issued.  The length of the provisional sanction has also been amended in so far that the current 90 days (possibly extended for a further period of 90 days) may not be sufficient to conduct the related investigations.	The article has been amended to:  (i) provide the accused with the possibility to file a position before a potential provisional sanction is decided upon;  (i) extend the length of a provisional sanction (which would now "end with the final decision of the adjudicatory chamber"), being however limited to the "maximum length of the sanction that may be imposed with regard to the related breach(es)".  In addition and in order to improve the structure of the code, the articles related to provisional sanctions	AMENDMENT  1. At any time during an investigation, the chairperson of the investigatory chamber or the chief of the investigation may request that the chairperson of the adjudicatory chamber to impose provisional sanctions in order to ensure that investigation proceedings are not interfered with or when a breach of this Code appears to have been committed and a decision on the merits of the case may not be taken early enough.
		(formerly arts. 84 and 85) have been	<b>2.</b> The interested party may file their
		merged.	position against the request for provisional sanctions with the chairperson of the adjudicatory chamber within five days of the notification of the request for provisional sanctions.  3. The chairperson of the adjudicatory chamber shall decide without delay based on the file or they may decide to hear the interested parties or their representatives.  4. A provisional sanction shall start on the date on which it is notified (or deemed to be notified) by the chairperson of the adjudicatory chamber and shall end with the final decision of the adjudicatory chamber, unless lifted earlier in accordance with article 67 of this Code. The period of the provisional sanction shall however not exceed the maximum length of the sanction that may be imposed with regard to the related breach(es).  5. The duration of provisional sanctions shall be taken into account in the final decision.





ARTICLE	<b>S</b> OBJECTIVE/PURPOSE	CLARIFICATIONS	WORDING
88 former 87	The FIFA official languages have recently been amended in the FIFA Statutes (additional languages being included).	The article has been amended in view of the changes to the FIFA Statutes, clarifying in which languages (English, French and Spanish) the FCE would be published.	<ol> <li>AMENDMENT</li> <li>This Code exists in English, French, and Spanish.</li> <li>In the event of any discrepancy between the three texts, the English version shall be authoritative.</li> </ol>



