

Brussels, 5 June 2002

Commission closes investigations into FIFA regulations on international football transfers

The European Commission has closed its investigation into the rules governing international transfers of football players following the final formal rejection of two remaining complaints related to the former FIFA rules that were changed last year. "FIFA has now adopted new rules which are agreed by FIFpro, the main players' Union and which follow the principles acceptable to the Commission ." said Mario Monti, the Competition Commissioner. "The new rules find a balance between the players' fundamental right to free movement and stability of contracts together with the legitimate objective of integrity of the sport and the stability of championships. It is now accepted that EU and national law applies to football, and it is also now understood that EU law is able to take into account the specificity of sport, and in particular to recognise that sport performs a very important social, integrating and cultural function. Football now has the legal stability it needs to go forward."

In response to a number of complaints, the Commission had undertaken a detailed investigation of FIFA's rules on international football transfers. The investigation led to a statement of objections being sent to FIFA on 14 December 1998.

On 5 March 2001, Commissioners Anna Diamantopoulou, Vivianne Reding and Monti finalised discussions with Sepp Blatter, President of FIFA, and the President of UEFA, Lennart Johansson on international football transfers. The outcome was formalised in an exchange of letters between President Blatter and Commissioner Monti.

Following the discussions, President Blatter submitted a document which sets out the principles for amendment of the FIFA rules regarding international transfers¹. The new regulations, including a set of Application regulations, were finally adopted by FIFA's Executive Committee on 5 July 2001 in Buenos Aires (see annex). Moreover, at the end of August 2001, FIFA and FIFPro reached an agreement about FIFPro's participation in the implementation of FIFA's new regulations on international transfers of football players.

According to the new rules and in case of dispute on their implementation, players may have recourse to an arbitration on a voluntary basis or to national Courts. This therefore should mark the end of the Commission's involvement in disputes between players, clubs and football organisations.

Following the entry into force of the new rules, three complaints were withdrawn.

¹ See [IP/01/314](#) for a summary of these new rules.

The Commission has now closed the procedure that had been opened by rejecting officially two other complaints. These complaints focused on the ban on unilateral breaches of contract by a player, an issue that is now settled in the new FIFA rules. The applicants in question (Syndicat des employés, techniciens et cadres de la Fédération Générale des travailleurs de Belgique (SETCA-FGTB) and Sports et Libertés) have two months in which to challenge the Commission's analysis before the European Court in Luxembourg.

Annex : New Fifa rules in international transfers

The new rules adopted last July came into effect on the 1st September 2001 and are based on the following principles :

- in the case of players aged under 23, a system of training compensation should be in place to encourage and reward the training effort of clubs, in particular small clubs;
- creation of solidarity mechanisms that would redistribute a significant proportion of income to clubs involved in the training and education of a player, including amateur clubs;
- international transfer of players aged under 18 to be allowed subject to agreed conditions; the football authorities will establish and enforce a code of conduct to guarantee the sporting, training and academic education to be provided;
- creation of one transfer period per season, and a further limited mid-season window, with a limit of one transfer per player per season;
- minimum and maximum duration of contracts of respectively 1 and 5 years;
- contracts to be protected for a period of 3 years up to 28; 2 years thereafter;
- the system of sanctions to be introduced should preserve the regularity and proper functioning of sporting competition so that unilateral breaches of contract are only possible at the end of a season;
- financial compensation can be paid if a contract is breached unilaterally whether by the player or the club;
- proportionate sporting sanctions to be applied to players, clubs or agents in the case of unilateral breaches of contract without just cause, in the protected period;
- creation of an effective, quick and objective arbitration body with members chosen in equal numbers by players and clubs and with an independent chairman; representatives of FIFPro² will sit on FIFA's Dispute Resolution Chamber, together with representatives of clubs. FIFPro will also nominate representatives for the new Arbitration Tribunal for Football, to which decisions of the Dispute Resolution Chamber can be appealed.
- arbitration is voluntary and does not prevent recourse to national courts.

² At the end of August 2001, FIFA and FIFPro reached an agreement about FIFPro's participation in the implementation of FIFA's new regulations on international transfers of football players.