

# FIFA Football Law Annual Review 2022

## FIFA's Football Tribunal

FIFA announced the new members of the Players' Status Chamber and the Dispute Resolution Chamber.

The changes in the RSTP (affecting the former articles 23, 24, 24 bis, 24 ter and 25) and in the new Procedural Rules governing the Football Tribunal (in force since 1 October 2021, see [FIFA Circular No. 1769](#)) are also announced.

The main procedural novelties are:

- Procedures are free of charge if at least one of the parties is a natural person (player, coach or agent).
- The deadline to pay procedural costs is ten days. Payment remains a requirement to obtain the grounds of a decision and they will only be notified to the party that requested them and paid the procedural costs.
- Introduction of an expedited decision-making process for preliminary procedural matters.
- Parties may be invited to undertake a voluntary and free mediation process.

## Clearing House

The operation of the Clearing House in relation to the accrual of the solidarity contribution and the training compensation was explained.

After its entry into force (expected in the second half of 2022), calculations and payments will be made automatically through the Clearing House, in a process that is estimated to take a maximum of 3-4 months.

The Clearing House is an independent entity of FIFA based in Paris, whose future aim is to handle all transfer-related payments, including fixed and variable transfer fees as well as agents' commissions.

## New Football Agent Regulations

Under the new regulations, it will be necessary to meet 5 requirements to become a football agent: (i) be a natural person, (ii) complete an online form, (iii) comply with all eligibility requirements, (iv) pass an exam (if not exempt) and (v) pay an annual fee to FIFA. There will be two annual exam sessions.

Once licensed, agents must undergo continuing education to maintain their license. Lawyers or family members of footballers will no longer be exempt from obtaining a license if they wish to act as agents.

A minor may only be approached or represented by an agent six months before the player meets the age required to sign his first professional contract, and prior to that the agent must pass a specific training course.

Disputes and disciplinary matters shall be dealt by FIFA or the National Association depending on whether or not there is an international dimension to the dispute.

## New loan regulations

As of July 1, 2022, new loan regulations will be implemented, both nationally and internationally. Main aspects of this new regulation are:

- Minimum duration between two registration periods and maximum duration of one year, extendable with the player's written consent (and with the same duration limits). Loan agreements prior to the new regulations with a duration of more than one year will continue to be valid.
- Prohibition of sub-loans.
- Upon unilateral termination of the loan, the player has the right to return to his former club and be reintegrated immediately. The original contract will resume, and the player must be remunerated.
- The number of loans is progressively limited from 8 to 6 loans per year as follows:
  - Season 2022/2023: 8 loans (in and out)
  - Season 2023/2024: 7 loans (in and out)
  - Season 2024/2025 and following: 6 loans (in and out)
- However, as of 1 July, 2022, the maximum number of loans between two clubs will be three.
- The loan of U21 club-trained players is exempt from the above limitations.

## Transfer of minors

Currently the exception foreseen in article 19.2d) RSTP only applies to refugees or protected persons by the Geneva Convention. The intention is to give a more flexible interpretation to this exception, although a final agreement has not yet been reached.

Some aspects on the protection of minors (art. 19 par. 5 RSTP) and private academies (art. 19bis RSTP) are clarified. Finally, there is no consensus among stakeholders on the regulations of trials.

## New Annex 7 RSTP

A new Annex 7 RETJ has been approved adopting transitional rules to respond to the problems deriving from the war in Ukraine.

Unless otherwise agreed by the parties, the employment contracts of foreign players and coaches in Ukraine are automatically suspended until 30 June, 2022. The same provision applies in Russia, provided that the parties have not been able to reach an agreement before 10 March, 2022.

## FIFA Legal Portal

Presentation of the FIFA Legal Portal, the new digital platform through which all claims and proceedings before the Football Tribunal, and before the Disciplinary, Appeal and Ethics Committees will be handled.

From its entry into force, all communications will be made through this platform, thus putting an end to the e-mail. Previous procedures will follow their normal course.

Players, coaches, clubs, member Associations, agents and their lawyers and legal representatives will have access to the platform, thus providing security and transparency in their communications.

## Application of article 15 of the FIFA Disciplinary Code

- The standing of a person to invoke article 15 of the Disciplinary Code (DC) must be examined on the date on which the claim (or the reopening of the proceedings) is filed.
- Persons who are not members of FIFA cannot invoke article 15 DC.
- FIFA does not require the international connection point to apply sanctions ex. article 15 DC.
- The Disciplinary Committee may impose sanctions under article 15 DC for failure to pay the FIFA Administration's proposals, followed by the Letter of Confirmation.

## Insolvency in football and the sporting successor

- FIFA enforcement proceedings must be closed if insolvency proceedings have been initiated over the estate of the debtor. The enforcement proceedings may be initiated again once the insolvency proceedings have been as long as the debtor has not been liquidated.
- The effects of the creditors' arrangement on the original debt are a question of the merits and must be addressed according to the applicable insolvency regimen.
- The scope of application of the concept of "sporting succession" depends on the purpose of the provision. Some CAS Panels want to restrict the purpose of the provision to cases of abuse.
- The concept of sporting succession is a means of creditor protection. However, it cannot be applied in the context of insolvency proceedings because it is contrary to economic sense and because in these proceedings the transfer of assets is transparent.

## Jurisprudence

- Carlos Schneider: [CAS 2019/A/6344](#), [CAS 2019/A/6665](#) and [CAS 2020/A/7592](#) (admissibility of evidence).
- Miguel Lietard: [CAS 2020/A/7516](#) (proposals from the FIFA Administration) and [CAS 2020/A/6899 & CAS 2020/A/6930](#) (Watford FC vs Cádiz FC & Mamadou Mbaye).
- Gustavo Abreu: [CAS 2012/A/2983](#), [CAS 2016/A/4426](#), [CAS 2020/A/6884](#) (capacity to invoke art. 15 DC) and [Decision Disciplinary Committee FDD-8384](#) (persons not members).
- Rafael Trevisán: [Decision Disciplinary Committee FDD-7865](#) and [FDD-6282](#) (international connection point) and [Decision Disciplinary Committee FFD-7731](#) and [CAS 2020/A/7251](#) (sanctions on Associations for non-compliance with decisions).
- Ulrich Haas: [CAS 2017/A/5054](#), [CAS 2020/A/6900&6902](#), [CAS 2012/A/2750](#), [CAS 2011/A/2646](#), [CAS 2015/A/4162](#), [CAS 2020/A/7183](#), [CAS 2020/A/7092](#), [CAS 2016/A/4550&4576](#), [CAS 2019/A/6461](#), [CAS 2020/A/6884](#), [CAS 2020/A/7423](#) y [CAS 2020/A/6831](#) (insolvency and bankruptcy proceedings and sporting succession).

## NEW PUBLICATIONS

- New version RSTP (march 2022, [link](#))
- New commentary on the RSTP (2021, [link](#))
- New Football Agent Regulations

## NEW TRAINING COURSES

- Executive Programme in Football Agency ([link](#))

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