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IMPLEMENTATION AT NATIONAL LEVEL

II EDITION

Michele Colucci (ed.)

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INTRODUCTION

The running FIFA landmark regulations on intermediaries define the intermediary as “a natural or legal person who, for a fee or free of charge, represents players and/or clubs in negotiations with a view to concluding an employment contract, or represents clubs in negotiations with a view to concluding a transfer agreement”.

Now, anyone with a “self-certified” impeccable reputation and no conflict of interest may qualify as an intermediary.

Targeting the commonly recognised need of upgrading the transparency in the close and economically attractive fields of transfer of players and intermediaries' activities, FIFA has established a new registration procedure. From now on, clubs and players are due to submit to their national associations the relevant documents related to the activities of their intermediaries. In doing so, the latter must be registered every time they assist clubs and players in concluding a transaction.

This radical change in FIFA's approach focuses more on monitoring the intermediaries' transactions rather than the formalities of their access to the profession as it was the case before. However, FIFA regulations require national associations drafting an annual report on the intermediaries' activities and remunerations. Such obligation has been further confirmed by the FIFA circular n° 1519 of 11 January 2016.

The updated comparative analysis outlines the FIFA self-constraint in verifying the national associations' duties in registering intermediaries as well as their transactions and reporting to the international association.

The FIFA regulations aim to better protect the integrity of football and the interests of sports stakeholders. Indeed, footballers engage intermediaries in order to wrangle for the best contracts while clubs' managers rely on them to get the best players at the best conditions.

In this new legal context, the FIFA rules set minimum standards to be implemented by the national associations, which are free to adopt even stricter requirements, if they wish so.

Eventually, the variety of local, legal and traditional sports frameworks heads for various forms and types of implementations of national regulations.

Therefore, the inevitable result is that there is a huge diversity of national measures to govern the profession's activity.

As a consequence, therefore, those who are interested in transferring a player to a given country are obliged to know the relevant intermediaries' regulations if they do not want to put at risk the successful outcome of any relevant transfer.

Starting from the latest official figures and statistics concerning the FIFA regulations, the second edition of this book offers an updated analysis of the implementing measures in 36 national associations.

Finally, it highlights the still existing discrepancies and their impact on the sports stakeholders as well as the best national practices.

Brussels, 30 November 2016

Michele Colucci