



# FFA Circular

Circular No. 20-01

21 February 2020

**TO THE MEMBERS OF FFA**

## **Amendments to the FIFA Regulations on the Status and Transfer of Players**

The purpose of this circular is to provide an update to the members of Football Federation Australia (**FFA**) on recent amendments to the FIFA Regulations on the Status and Transfer of Players (**RSTP**) and the implementation of these amendments in Australia.

On 13 February 2020, FIFA issued FIFA Circular 1709 regarding amendments to the RSTP, which was approved by the FIFA Council at its meeting in Shanghai, China on 24 October 2019. A copy of FIFA Circular 1709 is enclosed.

The amendments to the RSTP comprise part of a suite of broader reforms to the international player transfer system that must be implemented at a national level by all FIFA Member Associations. Accordingly, FFA will be required to update and amend the FFA National Registration Regulations (**NRRs**) in due course to give effect to the RSTP amendments. Further amendments to the RSTP are anticipated during 2020.

FFA will engage with stakeholders in due course in relation to the RSTP amendments and to discuss and consider the impacts of these amendments on the domestic transfer system. In doing so, FFA will seek to address a range of inter-related footballing issues of national significance that not only relate to the ongoing RSTP reforms (such as the loaning of players) but other matters of importance to Australian football including the regulation of agents, consideration of broader reforms to and evolution of the domestic transfer system generally, further amendments to the NRRs and the ongoing review of the domestic training compensation framework to incentivise clubs to train and develop players.

A copy of the revised RSTP is available on [legal.fifa.com](http://legal.fifa.com) and a copy of the current NRRs is available [www.ffa.com.au](http://www.ffa.com.au).

Yours sincerely

A handwritten signature in black ink, appearing to read "J. Johnson".

**James Johnson**

Chief Executive Officer and General Secretary

Copy to: Association of Australian Football Clubs

## TO THE MEMBER ASSOCIATIONS OF FIFA

Circular no. 1709

Zurich, 13 February 2020

DSG/emo/kop

### Amendments to the Regulations on the Status and Transfer of Players

Dear Sir or Madam,

We are pleased to inform you that several amendments to the Regulations on the Status and Transfer of Players (“**RSTP**”) were approved by the FIFA Council at its meeting in Shanghai, China PR, on 24 October 2019. The following paragraphs briefly set out the amendments.

#### **(a) Application of the solidarity mechanism to national transfers with an international dimension and two clarifications concerning training compensation<sup>1</sup>**

The solidarity mechanism has been extended to national transfers with an international dimension. Subject to whether compensation is paid, the transfer of a player during the course of a contract between clubs affiliated to the same association will now be subject to the payment of a solidarity contribution to any of the player’s training clubs affiliated to a different association.

Articles concerning training compensation have been updated to harmonise language (art. 20) and to codify existing practice (art. 22 lit. e)).

#### **(b) Reflecting the established practice regarding the international transfer of minors<sup>2</sup>**

Two unwritten exceptions to the general prohibition on the international transfer of minors have been incorporated to reflect the well-established jurisprudence of the Sub-Committee of the Players’ Status Committee (“**the sub-committee**”). These exceptions are already included in the FIFA Transfer Matching System (“**TMS**”) and addressed in the “Minor player application guide”.<sup>3</sup>

The first exception permits registration where the minor has fled their country of origin without their parents for **humanitarian reasons**, specifically due to their life or freedom being threatened, and has been (at least) temporarily permitted to reside in the country of arrival. Under such circumstances, the player’s custodian in the country of arrival must consent to their registration with the new club.

The second exception permits registration where a minor has temporarily moved without their parents to another country for **academic reasons**. The player’s registration with the new club until they turn 18, or until the end of the academic or school programme, may not exceed one year. Throughout the duration of this programme, the player shall be supervised by host parents, who shall provide

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<sup>1</sup> The amendments concern: art. 1 par. 2; art. 20; art. 22 lit. e); Annexe 5, art. 1 pars. 1 and 2.

<sup>2</sup> The amendments concern: art. 19.

<sup>3</sup> Available at legal.fifa.com: [www.fifa.com/about-fifa/who-we-are/legal/judicial-bodies/player-status-committee/faq/](http://www.fifa.com/about-fifa/who-we-are/legal/judicial-bodies/player-status-committee/faq/).

accommodation. Both the player's own parents as well as the host parents must consent to registration with the new club. The player's new club may only be a purely amateur club without a professional team or without a legal, financial or de facto link to a professional club.

Further amendments have also been made to: clarify the assessment of whether a club provides a player with adequate football education and/or training in line with the highest national standard; codify the existing **age threshold** from which approval of the sub-committee is required; and incorporate the principles of the **limited minor exemption** that can be granted to an association as well as the corresponding responsibilities of the associations.

### **(c) Provisional registration of players: streamlining of process<sup>4</sup>**

Provisions regarding the provisional registration of players where an International Transfer Certificate ("ITC") is not delivered by the former association have been amended to optimise the procedure while guaranteeing the right to be heard.

The former association will have **seven days** as from an ITC request to consult with its affiliated club about the contractual situation of a player and decide to refuse or grant international clearance.

In the **absence of a response**, the new association may **immediately proceed to provisionally register** the player. The current fifteen days waiting period has thus been reduced to seven days.

If the former association **rejects the request for the ITC**, subject to the explicit request of the new association, FIFA may now **immediately decide on the authorisation of the provisional registration (provisional measure)** of the player with the new club.

FIFA will consider the arguments of the former association to justify the rejection of the ITC, which must be submitted in TMS at the time it rejects the ITC request. The former association will **not be permitted to make further submissions** prior to the FIFA decision.

A player will be **immediately eligible** to participate in official matches following provisional registration with a new club.

### **(d) Handling of validation exceptions through TMS<sup>5</sup>**

To provide a uniform process for "*validation exceptions*" blocking international transfers in TMS, particularly where an ITC request is made outside a registration period or is rejected, all **requests by an association for FIFA's intervention regarding "validation exceptions" will now be exclusively managed through TMS.**

### **(e) Bridge transfers<sup>6</sup>**

The RSTP now define a "bridge transfer" and explicitly **prohibit such illegitimate practices**. This aims to **ensure that football transfers have a legitimate purpose** and are not undertaken to circumvent FIFA regulations and applicable laws.

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<sup>4</sup> The amendments concern: art. 23 and Annexe 3, art. 8 par. 2.

<sup>5</sup> The amendments concern: Annexe 3, art. 6.

<sup>6</sup> The amendments concern: (new) definition number 24; art. 5 par. 2; and (new) art. 5bis.

To render the prohibition as effective as possible, a reversal of the burden of proof has been included. Parties are presumed to have been involved in a bridge transfer if 2 consecutive transfers of the same player occur within a period of 16 weeks. This may be refuted with evidence to the contrary.

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All amendments will come into force on **1 March 2020**, with the exception of those at paragraph a), which will come into force on **1 July 2020**.

The provisions concerned and their amendment are enclosed with this circular. The revised edition of the RSTP is available on **legal.fifa.com**.

Please do not hesitate to contact us if you have any questions.

We thank you for taking note of the above and for informing your affiliated clubs accordingly.

Yours faithfully,

FÉDÉRATION INTERNATIONALE  
DE FOOTBALL ASSOCIATION



Fatma Samoura  
Secretary General

Encl. as mentioned

- cc:
- FIFA Council
  - Confederations
  - Players' Status Committee
  - Dispute Resolution Chamber
  - ECA
  - FIFPro
  - World Leagues Forum

**(a) Application of the solidarity mechanism to national transfers with an international dimension and two clarifications concerning training compensation**

Article 1 par. 2

2.

The transfer of players between clubs belonging to the same association is governed by specific regulations issued by the association concerned in accordance with article 1 paragraph 3 below, which must be approved by FIFA. Such regulations shall lay down rules for the settlement of disputes between clubs and players, in accordance with the principles stipulated in these regulations. Such regulations should also provide for a system to reward clubs affiliated to the relevant association investing in the training and education of young players.

The use of an electronic domestic transfer system is a mandatory step for all national transfers of professional and amateur players (both male and female) within the scope of eleven-a-side football. A national transfer must be entered in the electronic domestic transfer system each time a player is to be registered with a new club within the same association. Any registration of a player for a new club without the use of the electronic domestic transfer system will be invalid.

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Article 20

Training compensation shall be paid to a player's training club(s): (1) when a player is registered for the signs his first time contract as a professional, and (2) each time a professional is transferred until the end of the season of his 23<sup>rd</sup> birthday. The obligation to pay training compensation arises whether the transfer takes place during or at the end of the player's contract. The provisions concerning training compensation are set out in Annexe 4 of these regulations. The principles of training compensation shall not apply to women's football.

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Article 22 lit. e)

e) disputes relating to training compensation (article 20) and the solidarity mechanism (article 21) between clubs belonging to the same association provided that the transfer of a player at the basis of the dispute occurs between clubs belonging to different associations;

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Annexe 5, article 1 par. 1 and 2

1.

If a professional moves during the course of a contract, 5% of any compensation paid within the scope of this transfer, not including training compensation paid to his former club, shall be deducted from the total amount of this compensation and distributed by the new club as a solidarity contribution to the club(s) involved in his training and education over the years. This solidarity contribution reflects the number of years (calculated pro rata if less than one year) he was registered with the relevant club(s) between the seasons of his 12<sup>th</sup> and 23<sup>rd</sup> birthdays, as follows:

- Season of 12<sup>th</sup> birthday: 5% of 5% of any compensation (i.e. 0.25% of total compensation)
- Season of 13<sup>th</sup> birthday: 5% of 5% of any compensation (i.e. 0.25% of total compensation)
- Season of 14<sup>th</sup> birthday: 5% of 5% of any compensation (i.e. 0.25% of total compensation)
- Season of 15<sup>th</sup> birthday: 5% of 5% of any compensation (i.e. 0.25% of total compensation)
- Season of 16<sup>th</sup> birthday: 10% of 5% of any compensation (i.e. 0.5% of total compensation)
- Season of 17<sup>th</sup> birthday: 10% of 5% of any compensation (i.e. 0.5% of total compensation)
- Season of 18<sup>th</sup> birthday: 10% of 5% of any compensation (i.e. 0.5% of total compensation)
- Season of 19<sup>th</sup> birthday: 10% of 5% of any compensation (i.e. 0.5% of total compensation)
- Season of 20<sup>th</sup> birthday: 10% of 5% of any compensation (i.e. 0.5% of total compensation)
- Season of 21<sup>st</sup> birthday: 10% of 5% of any compensation (i.e. 0.5% of total compensation)
- Season of 22<sup>nd</sup> birthday: 10% of 5% of any compensation (i.e. 0.5% of total compensation)
- Season of 23<sup>rd</sup> birthday: 10% of 5% of any compensation (i.e. 0.5% of total compensation)

## 2.

A training club is entitled to receive (a proportion of) the 5% solidarity contribution in the following cases:

- i. a professional player is transferred, either on a definitive or loan basis, between clubs affiliated to different associations;
- ii. a professional player is transferred, either on a definitive or loan basis, between clubs affiliated to the same association, provided that the training club is affiliated to a different association.

## (b) Reflecting the established practice regarding minors in the RSTP

### Article 19

1. International transfers of players are only permitted if the player is over the age of 18.
2. The following ~~three~~ 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 transfer takes place within the territory of the European Union (EU) or European Economic Area (EEA) and the player is aged between 16 and 18. In this case, the new club must fulfil the following minimum obligations:
    - i. It shall provide the player with an adequate football education and/or training in line with the highest national standards (cf. Annexe 4, article 4).
    - ii. It shall guarantee the player an academic and/or school and/or vocational education and/or training, in addition to his football education and/or training, which will allow the player to pursue a career other than football should he cease to play professional football.
    - iii. It shall make all necessary arrangements to ensure that the player is looked after in the best possible way (optimum living standards with a host family or in club accommodation, appointment of a mentor at the club, etc.).
    - iv. It shall, on registration of such a player, provide the relevant association with proof that it is complying with the aforementioned obligations.
  - c) The player lives no further than 50km from a national border and the club with which the player wishes to be registered in the neighbouring association is also within 50km of that border. The maximum distance between the player's domicile and the club's headquarters shall be 100km. In such cases, the player must continue to live at home and the two associations concerned must give their explicit consent.
  - ~~d) The player flees his country of origin for humanitarian reasons, specifically related to his life or freedom being threatened on account of race, religion, nationality, belonging to a particular social group, or political opinion, without his parents and is therefore at least temporarily permitted to reside in the country of arrival.~~
  - ~~e) The player is a student and moves without his parents to another country temporarily for academic reasons in order to undertake an exchange programme. The duration of the player's registration for the new club until he turns 18 or until the end of the academic or school programme cannot exceed one year. The player's new club may only be a purely amateur club without a professional team or without a legal, financial or de facto link to a professional club.~~
3. The ~~provisions~~ conditions of this article shall also apply to any player who has never previously been registered with a club, is not a national of the country in which he wishes to be registered for the first time and has not lived continuously for at least the last five years in said country.

4. The following general procedural principles apply:
  - a) Every international transfer according to paragraph 2 and every first registration according to paragraph 3, as well as every first registration of a foreign minor player who has lived continuously for at least the last five years in the country in which he wishes to be registered, is subject to the approval of the sub-committee appointed by the Players' Status Committee for that purpose if the concerned minor player is at least 10 years old. The application for approval shall be submitted by the association that wishes to register the player as per the request of its affiliated club. The former association shall be given the opportunity to submit its position. The sub-committee's approval shall be obtained prior to any request from an association for an ~~International Transfer Certificate~~ ITC and/or a first registration. ~~Any violations of this provision will be sanctioned by the Disciplinary Committee, in accordance with the FIFA Disciplinary Code. In addition to the association that failed to apply to the subcommittee, sanctions may also be imposed on the former association for issuing an International Transfer Certificate without the prior approval of the sub-committee, as well as on the clubs that reached an agreement for were involved in the transfer of a minor.~~
  - b) If the minor player concerned is under the age of 10, it is the responsibility of the association that intends to register the player – as per the request of its affiliated club – to verify and ensure that the circumstances of the player fall, beyond all doubt, under one of the exceptions provided for in paragraph 2 above or the five-year rule (cf. paragraphs 3 and 4 a)). Such verification shall be made prior to any registration.
  - c) Under special circumstances, a member association may submit a written request through the transfer matching system (TMS) to the sub-committee, seeking a decision granting it a limited minor exemption ("LME"). The LME, if granted, relieves the member association, under specific terms and conditions and solely for amateur minor players who are to be registered with purely amateur clubs, from the obligation to make a formal application for approval through TMS to the sub-committee in accordance with paragraph 4 a) above and Annexe 2 of these regulations. In such a case, prior to any request for an ITC and/or a first registration, the association concerned is required to verify and ensure that the circumstances of the player fall, beyond all doubt, under one of the applicable exceptions provided for in paragraph 2 above or the five-year rule (cf. paragraphs 3 and 4 a)).
  - d) The Disciplinary Committee, in accordance with the FIFA Disciplinary Code, will impose sanctions for any violation of this provision. In addition, sanctions may also be imposed on the former association for issuing, when applicable, an ITC without the prior approval of the sub-committee, as well as on the clubs that were involved in the transfer of a minor.
5. The procedures for applying to the sub-committee for a first registration and an international transfer of a minor are contained in Annexe 2 of these regulations.



## (c) Provisional registration of players: streamlining of process

### Article 23

1.

The Players' Status Committee shall adjudicate on any of the cases described under article 22 c) and f) as well as on all other disputes arising from the application of these regulations, subject to article 24.

2.

The Players' Status Committee has no jurisdiction to hear any contractual dispute involving intermediaries.

3.

In case of uncertainty as to the jurisdiction of the Players' Status Committee or the Dispute Resolution Chamber, the chairman of the Players' Status Committee shall decide which body has jurisdiction.

4.

The Players' Status Committee shall adjudicate in the presence of at least three members, including the chairman or the deputy chairman, unless the case is of such a nature that it may be settled by a single judge. In cases that are urgent or raise no difficult factual or legal issues, and for decisions on the provisional registration of a player in relation to international clearance in accordance with Annexe 3, article 8, and Annexe 3a, the chairman or a person appointed by him, who must be a member of the committee, may adjudicate as a single judge. Each party shall be heard once during the proceedings. In the case of the international clearance of a player the former association will be heard upon receipt of the ITC request (cf. Annexe 3, article 8.2 paragraphs 3 and 4). Decisions reached by the single judge or the Players' Status Committee may be appealed before the Court of Arbitration for Sport (CAS).

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### Annexe 3, article 8.2

1.

All data allowing the new association to request an ITC shall be entered into TMS, confirmed and matched by the club wishing to register a player during one of the registration periods established by that association (cf. Annexe 3, article 4 paragraph 4). When entering the relevant data, depending on the selected instruction type, the new club shall upload at least the following documents into TMS:

- a copy of the contract between the new club and the professional player, if applicable;
- a copy of the transfer or loan agreement concluded between the new club and the former club, if applicable;
- copy of proof of the player's identity, nationality(ies) and birth date, such as passport or identity card;
- proof of player's last contract end date and reason for termination, if applicable.
- proof signed by the player and his/her former club that there is no third-party ownership of the player's economic rights, if applicable;

Where third-party ownership of players' economic rights has been declared (cf. Annexe 3, article 4 paragraph 2), the former club shall upload a copy of the relevant agreement with the third party.

Documents must be uploaded in the format required by the relevant FIFA department. If explicitly requested, a document not available in one of the four official languages of FIFA (English, French, German and Spanish), or a specifically defined excerpt of it, must be uploaded in TMS together with its respective translation in one of the four official languages. Failure to do so may result in the document in question being disregarded.

~~A player is not eligible to play in official matches for his/her new club until the new association has confirmed the receipt of the ITC and has entered and confirmed the player registration date in TMS (cf. Annexe 3, article 5.2 paragraph 4).~~

2. and 3. unchanged

4.

Within seven days of the date of the ITC request, the former association shall, by using the appropriate selection in TMS, either:

- a) deliver the ITC in favour of the new association and enter the deregistration date of the player; or
- b) reject the ITC request and indicate in TMS the reason for the rejection, which may be either that the contract between the former club and the professional player has not expired or that there has been no mutual agreement regarding its early termination.

At the same time, the former association shall upload a duly signed statement in one of the four official languages of FIFA (English, French, German and Spanish) in TMS supporting its argumentation for the rejection of the ITC.

The latter possibility applies to the international transfer of players who had professional status at their former clubs only.

5. unchanged

6.

If the new association does not receive a response to the ITC request within ~~15~~ seven days of the ITC request being made, it shall immediately register the player with the new club on a provisional basis ("provisional registration"). The new association shall complete the relevant player registration information in TMS (cf. Annexe 3, article 5.2 paragraph 6). ~~A provisional registration shall become permanent one year after the ITC request. The Players' Status Committee may withdraw a provisional registration, if, during this one-year period, the former association presents valid reasons explaining why it did not respond to the ITC request.~~

7.

The former association shall not deliver an ITC for a professional player if a contractual dispute on grounds of the circumstances stipulated in Annexe 3, article 8.2 paragraph 4 b) has arisen between the former club and the professional player. In such a case, upon request of the new association, FIFA may take provisional measures in exceptional circumstances. In this respect, it will take into account the arguments presented by the former association to justify the rejection of the ITC request (cf. Annexe 3, article 8.2 paragraphs 3 and 4). If the competent body authorises the provisional registration (cf. article 23 paragraph ~~34~~), the new association shall complete the relevant player registration information in TMS (cf. Annexe 3, article 5.2 paragraph 6). Furthermore, the

professional player, the former club and/or the new club are entitled to lodge a claim with FIFA in accordance with article 22. ~~FIFA shall then decide on the issue of the ITC and on sporting sanctions within 60 days. In any case, the decision on sporting sanctions shall be taken before the delivery of the ITC. The delivery of the ITC shall be without prejudice to compensation for breach of contract. The decision on the provisional registration of the player shall be without prejudice to the merits of such possible contractual dispute.~~

8.

A player is not eligible to play in official matches for his/her new club until the new association has either:

- a) entered and confirmed the player registration date in TMS upon receipt of the ITC for the player (cf. Annexe 3, article 5.2 paragraph 4); or
- b) completed the player registration information in TMS upon receiving no response to the ITC request for the player within seven days of the ITC request being made or upon authorisation of FIFA to provisionally register the player (cf. Annexe 3, article 5.2 paragraph 6).

## (d) Handling of validation exceptions through TMS

Annexe 3, article 6

1.

Upon request from the association concerned through TMS, the relevant department will deal with any validation exceptions and, if need be, refer the matter to the competent decision-making body, i.e. the Players' Status Committee, its single judge, or the DRC or a DRC judge, as the case may be, for a decision, except for the so-called "player confirmation", which needs to be dealt with by the association concerned (cf. Annexe 3, article 5.2 paragraph 1).

2.

The association(s) concerned shall be legally notified of the relevant department's assessment or the competent decision-making body's decision via TMS. Notification will be deemed complete once the assessment or the decision has been uploaded into TMS. Such notification of assessments or decisions shall be legally binding.

2.3.

Upon request, the relevant department will deal with any validation warnings and, if need be, refer the matter to the competent decision-making body for a decision.

3.4.

Within the scope of proceedings pertaining to the application of these regulations, FIFA may use any documentation or evidence generated by or contained in TMS or obtained by the relevant TMS department on the basis of their investigation powers (cf. Annexe 3, article 7 paragraph 3) in order to properly assess the issue at stake.

4.5.

Sporting sanctions of relevance for TMS will be entered in TMS by the competent department.

5.6.

Disciplinary sanctions of relevance for TMS will be entered in TMS by the competent department.

6.7.

Association sanctions of relevance for TMS will be entered in TMS by the competent department.

## (e) Bridge transfers

### Definition:

#### 24.

Bridge transfer: any two consecutive transfers, national or international, of the same player connected to each other and comprising a registration of that player with the middle club to circumvent the application of the relevant regulations or laws and/or defraud another person or entity.

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## Article 5

### 1.

Each association must have an electronic player registration system, which must assign each player a FIFA ID when the player is first registered. A player must be registered at an association to play for a club as either a professional or an amateur in accordance with the provisions of article 2. Only electronically registered players identified with a FIFA ID are eligible to participate in organised football. By the act of registering, a player agrees to abide by the FIFA Statutes and regulations of FIFA, the confederations and the associations.

### 2.

A player may only be registered with a club for the purpose of playing organised football. As an exception to this rule, a player may have to be registered with a club for mere technical reasons to secure transparency in consecutive individual transactions (cf. Annexe 3).

### 2.3.

A player may only be registered with one club at a time.

### 3.4.

Players may be registered with a maximum of three clubs during one season. During this period, the player is only eligible to play official matches for two clubs. As an exception to this rule, a player moving between two clubs belonging to associations with overlapping seasons (i.e. start of the season in summer/autumn as opposed to winter/spring) may be eligible to play in official matches for a third club during the relevant season, provided he has fully complied with his contractual obligations towards his previous clubs. Equally, the provisions relating to the registration periods (article 6) as well as to the minimum length of a contract (article 18 paragraph 2) must be respected.

### 4.5.

Under all circumstances, due consideration must be given to the sporting integrity of the competition. In particular, a player may not play official matches for more than two clubs competing in the same national championship or cup during the same season, subject to stricter individual competition regulations of member associations.

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## Article 5bis Bridge Transfer

1.

No club or player shall be involved in a bridge transfer.

2.

It shall be presumed, unless established to the contrary, that if two consecutive transfers, national or international, of the same player occur within a period of 16 weeks, the parties (clubs and player) involved in those two transfers have participated in a bridge transfer.

3.

The FIFA Disciplinary Committee, in accordance with the FIFA Disciplinary Code, will impose sanctions on any party subject to the FIFA Statutes and regulations involved in a bridge transfer.