TO THE MEMBERS OF FIFA

Circular no. 1205

Zurich, 23 September 2009
SG/mav

FIFA TMS transition phase

Dear Sir or Madam,

As you know, the 57th Congress in Zurich decided to introduce a transfer matching system as part of the work of the FIFA Task Force “For the Good of the Game”.

The objective of the transfer matching system (TMS) is, on the one hand, to make sure that football’s authorities have more details available to them on each and every transfer, and on the other hand, to increase the transparency of individual transactions, which will in turn improve the credibility and standing of the entire transfer system. At the same time, the system will also ensure that it is indeed a player who is being transferred and not merely a fictitious player being used to move money (“money-laundering”). And last but not least, it will also contribute towards safeguarding the protection of minors.

Having in mind this scope of action, and with respect to potential litigations of an international dimension referred to FIFA, it is worth emphasising that the data contained/entered in TMS may be used by any of the decision-making bodies of FIFA in case of a (contractual) dispute or pertinent complaint.

In October 2010, the use of TMS will be committed to the FIFA Regulations on the Status and Transfer of Players. As of this date, TMS will become a mandatory step for all international transfers of professional players, and any professional player registrations made without the use of TMS will be deemed invalid by FIFA.

In this respect, we would like to clarify that a transfer needs to be included in TMS whenever a player obtains or keeps his professional status after a move. A professional player is a player who has a written contract with a club and is paid more for his footballing activity than the expenses he effectively incurs (cf. art. 2, par. 2 of the Regulations on the Status and Transfer of Players).

5 October 2009 marks the start of a one-year transition period that is intended to provide clubs and associations with two full registration periods to familiarise themselves with the new process. As of
this date, TMS will be enhanced to enable real-time creation and delivery of electronic international transfer certificates (ITC).

If both of the associations involved in an international transfer of a professional player are already participating in the TMS program, i.e. they have already been introduced to the system and have received the necessary and relevant instructions and training by the TMS staff, the electronic ITC process will fully replace the traditional paper ITC process. In such situations, the traditional paper form of the ITC will no longer be accepted. If either association is not yet participating in the TMS program, the traditional paper ITC will continue to be accepted as a valid document by FIFA.

Please note that the functionality and field of application of the electronic ITC will fully correspond to the traditional paper ITC. In particular, players registered at an association may only be registered at a new association once the latter has received the relevant electronic document. Equally, the ITC shall be issued free of charge without any conditions or time limits (cf. art. 9 of the Regulations on the Status and Transfer of Players). However, as the electronic ITC will be generated by TMS, it will no longer be necessary to lodge a copy of the certificate with FIFA.

As far as the administrative procedure governing the transfer of players between associations is concerned (cf. Annexe 3 of the Regulations on the Status and Transfer of Players), the substance will remain unchanged. Obviously, certain provisions will, however, lose their importance in all cases in which the electronic ITC replaces the traditional paper form. This concerns, in particular, Annexe 3, art. 2, par. 7 of the Regulations on the Status and Transfer of Players, which relates to an ITC sent by fax.

The necessary adaptations to the annexe in question regarding the specificities of an electronic ITC being requested and issued via TMS are currently being elaborated. Annexe 3 will be amended accordingly and, after approval by the Executive Committee of FIFA, the pertinent wording will come into force next summer, in time for TMS becoming a mandatory step for all international transfers of professional players and thus the only accepted procedure for the registration of a professional player coming from a different association with a new club. Annexe 3 will then constitute the legal basis for the commitment of TMS to the Regulations on the Status and Transfer of Players.

As already mentioned, during the one-year transition period starting on 5 October 2009, the electronic ITC will already fully replace the traditional paper ITC form, provided that both of the associations involved in an international transfer of a professional player are already participating in the TMS program. In this respect, we are eager to emphasise that this constitutes a unique opportunity for clubs and associations to familiarise themselves entirely with the relevant process. Equally, we would like to stress that during the transitional period, paper ITC forms exchanged between associations already participating in the TMS program will no longer be accepted by FIFA.

The introduction of electronic ITCs will, above all, enable the online enforcement of a key regulation, namely the adherence to registration periods. Each association's registration period details are key to the process, and maintenance of this information is critical for the handling of electronic ITCs. FIFA TMS will run compliance checks to ensure that participating associations are fulfilling their requirements and using electronic ITCs.

Further details of the full set of changes to TMS will be made available on 5 October 2009 in the form of Release Notes and an updated Concepts and Application Functions presentation.
FIFA TMS is finalising the remaining visits to member associations in order to ensure global coverage by the end of April 2010. Despite the directive of the Executive Committee previously communicated by means of circular letter no. 1174 dated 12 January 2009, compliance continues to be rather disappointing. As a result, both club compliance and further club training by member associations will be the main focus of FIFA TMS in the next year. Formal procedures are already in place with the FIFA Disciplinary and Governance Department, and all participating clubs and associations are reminded of the compulsory nature of the program, based on the aforementioned directive of the FIFA Executive Committee.

So far, clubs have been asked to enter transfers that have already been completed. It should be noted that from 5 October 2009, the system must be used on a “real-time” basis. Clubs and associations must use the system for actual transfers occurring in the current transfer period. All participating clubs and associations are therefore reminded of the compulsory nature of the program.

In this respect, procedures are already in place with the FIFA Disciplinary & Governance Department, which shall refer cases of non-compliance to the FIFA Disciplinary Committee for the adoption of the sanctions provided for by the FIFA Disciplinary Code.

We thank you for your valuable cooperation in this matter.

Yours faithfully,
FEDERATION INTERNATIONALE
DE FOOTBALL ASSOCIATION

[Signature]

Jérôme Valcke
Secretary General

cc: - FIFA Executive Committee
    - Confederations