TO THE MEMBERS OF FIFA

Circular no. 1478

Zurich, 6 March 2015
SG/mav/mca/jra

FIFA TMS – Administrative Sanction Procedure

Dear Sir or Madam,

As you are aware, since 1 October 2010 the transfer matching system (hereinafter ‘TMS’) has been incorporated into the FIFA Regulations on the Status and Transfer of Players (hereinafter ‘The Regulations’).

The use of TMS is mandatory for all international transfers of professional male players within the scope of eleven-a-side football. In particular, Annex 3 of the Regulations sets out the obligations of associations and clubs in relation to the use of TMS when processing the international transfer of professional male players.

In 2011 the FIFA Disciplinary Committee identified that certain obligations inherent to the use of the FIFA Transfer Matching System, and contained in Annex 3 of the Regulations, are of a technical or minor nature. Said obligations if not fulfilled, constitute an evident infringement to the provisions of Annex 3 of the Regulations, which have an immediate negative impact on the relevant international transfer.

In this regard, the FIFA Disciplinary Committee with the intent to establish a streamlined and more effective procedure to deal with violations of Annex 3 of the Regulations delegated (cf, art. 9 par. 2 of the Annex 3 of the Regulations), to FIFA TMS GmbH, its competence to sanction certain infringements. In particular, ten categories of infringements were identified and the FIFA TMS GmbH was authorized to initiate sanction proceedings on its own initiative for non-compliance of the obligations of the Annex 3 of the Regulations, by means of the procedure known as the Administration Sanction Procedure (hereinafter “ASP”).

In its 2011 decision, the FIFA Disciplinary Committee identified that sanctions imposed by FIFA TMS GmbH by way of the ASP may consist of a warning, a reprimand and/or a fine of a maximum amount of CHF 14’000.00

The Members of FIFA were notified of this delegation and the implementation of the Administrative Sanction Procedure by way of Circular No. 1259 dated 7 April 2011.

The Disciplinary Committee took note that since April 2011 there has been an increased use of TMS, particularly that over 6’000 clubs and 209 associations use TMS. Furthermore, as a result
of monitoring the extensive transfer activity in TMS it is clear that a revised and extended ASP is required to increase compliance among football stakeholders and to fully comprise all possible infringements of Annex 3 of the FIFA Regulations of a similar minor and/or technical nature, as the ones identified in the decision of 19 January 2011.

Consequently, the FIFA Disciplinary Committee has revised the existing ASP categories. In view of the foregoing, the following fourteen categories of infringements of Annex 3 of the Regulations were identified and will fall under the competence of the FIFA TMS GmbH to be dealt via the ASP:

a. Failure to train a club
b. Absence of a trained TMS manager
c. Breach of Confidentiality and Unauthorised Access to TMS
d. Failure to maintain master data in the TMS
e. Failure to enter counter-instruction within reasonable time
f. Failure to correctly confirm or reject player in a reasonable time
g. Failure to upload a mandatory document
h. Failure to upload a conforming document
i. Failure to upload a valid proof of payment
j. Failure to comply with a FIFA TMS investigation
k. Failure to provide mandatory information in a TMS instruction
l. Failure to enter correct information in a TMS instruction
m. Improper International Transfer Certificate Request
n. Improper Response to the International Transfer Certificate Request

The above noted fourteen infringements replace the existing ten ASP infringements. In this sense, if one of the above infringements is detected, FIFA TMS GmbH will first contact the association or club to identify the infringement and request a statement of the party’s position within a defined deadline. FIFA TMS GmbH may also request that the infringing behaviour be corrected. Subsequently, FIFA TMS GmbH, if appropriate, may issue an administrative sanction letter(s) (hereinafter ASL) imposing sanctions within their limits.

The sanctions imposed by FIFA TMS GmbH may still consist of a warning, a reprimand, and/or a fine of up to CHF 14’000.00.

The respective ASL will specify that the party may sign the letter and thus accept the application of the sanction, or refute the sanction imposed and request the opening of ordinary disciplinary proceedings in accordance with the FIFA Disciplinary Code, within the deadline stipulated in the relevant ASL. If the party signs the ASL, the sanction will become effective from the date of signature.

If the party accepts the sanction imposed by FIFA TMS GmbH, complies with the sanction and corrects the infringement in TMS the matter will be closed.
If the party fails to respond to the ASL the matter will be referred to the FIFA Disciplinary Committee for evaluation and decision. If the request made by FIFA TMS GmbH is not correctly complied with and/or the sanction imposed (if a fine) is not respected within the deadline stipulated in the ASL, the matter will be submitted to the FIFA Disciplinary Committee for evaluation and decision. The FIFA Disciplinary Committee may impose a harsher fine or sanction than the one imposed by FIFA TMS GmbH.

We thank you for your kind attention to the above and for informing your affiliated clubs accordingly.

Yours faithfully,

Jérôme Valcke
Secretary General

cc: - FIFA Executive Committee
    - FIFA Disciplinary Committee