To the members of FIFA and the confederations

Circular no. 995

Zurich, 23 September 2005
GS/hta-vde

Modification of Article 26 § 2 of the Regulations for the Status and Transfer of Players (edition July 2005)

Dear Sir or Madam,

On 1 July 2005, the revised Regulations for the Status and Transfer of Players (edition July 2005, hereinafter; the revised Regulations) entered into force, including Article 26, which is dealing with transitional measures.

Wording of Article 26 of the revised Regulations:

Transitional Measures

1. Any case that has been brought to FIFA before these Regulations come into force shall be assessed according to the previous regulations.

2. All other cases shall be assessed according to these Regulations.

3. Member Associations shall amend their regulations in accordance with Art. 1 to ensure that they comply with these Regulations and shall submit them to FIFA for approval by 30 June 2007. Notwithstanding this, each Member Association shall implement Art. 1 par. 3 (a) as from 1 July 2005.

According to this provision, the date of the submission of a claim is the only relevant criteria to define which version of the Regulations for the Status and Transfer of Players is applicable on the claim in question.
Based on this transitional measure, the decision on certain claims dealt with by the FIFA Players’ Status Committee and the Dispute Resolution Chamber depends thus only on their date of submission. In other words, certain claims are to be accepted if they were submitted after 1 July 2005, but the same claims would have had to be rejected if they were submitted before this date. The date on which the facts that led to the claim concerned arose is not taken into consideration.

The above-described situation is clearly in violation of the procedural principles of equality of opportunity and of legal certainty.

In consequence to the above, in order to keep the Regulations for the Status and Transfer of Players in compliance with the above-mentioned procedural principles, the Executive Committee of FIFA, at its meeting on 10 September 2005, in Marrakech, Morocco, decided to modify Article 26 par. 2 of the revised Regulations as stated hereunder:

Modified wording of Article 26 par. 2 of the revised Regulations:

„As a general rule, all other cases shall be assessed according to these Regulations, with the exception of the following:

a. Disputes regarding training compensation
b. Disputes regarding the solidarity mechanism
c. Labour disputes relating to contracts signed before 1 September 2001.

Any cases not subject to this general rule shall be assessed according to the regulations that were in force when the contract at the centre of the dispute was signed, or when the disputed facts arose."

The Executive Committee also decided that the aforementioned modification of Article 26 par. 2 of the revised Regulations has retroactive effect and comes into force as of 1 July 2005.

We thank you for taking note of the above and for your cooperation, and remain,

Yours faithfully,
FEDERATION INTERNATIONALE DE FOOTBALL ASSOCIATION

[Signature]
Urs Linsi
General Secretary

cc.
• FIFA Executive Committee
• FIFA Players’ Status Committee
• Members of the Dispute Resolution Chamber
• EPFL
• FIFPro