

TO THE MEMBERS OF FIFA

Circular no. 1417

Zurich, 30 April 2014
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New Regulations on Working with Intermediaries

Dear Sir or Madam,

As you are aware, on the occasion of the 59th FIFA Congress on 3 June 2009, a decision was taken to conduct an in-depth reform of the players' agents system through a new approach based on the concept of intermediaries. In this respect, we are now pleased to inform you that at its meeting on 20 and 21 March 2014, the FIFA Executive Committee approved the new Regulations on Working with Intermediaries (hereinafter: *the Regulations*). Please find enclosed the relevant text for your information.

The new set of Regulations is to come into force on 1 April 2015, subject to the approval of the pertinent provisions of the FIFA Statutes by the member associations of FIFA on the occasion of the forthcoming 64th FIFA Congress in São Paulo on 11 June 2014.

Before referring briefly to the main principles of the Regulations, we deem it appropriate to remind you that the new text of the Regulations is the result of widespread discussions and a very lengthy and extensive consultation procedure with all the relevant members of the international football community. One of the main objectives of this in-depth review process has been to propose a new system that is more transparent and simpler to administer and implement, resulting, in turn, in better enforcement at national level. It is worth adding that the new Regulations have been previously discussed and analysed in the framework of various working groups, the competent FIFA standing committees, namely the Committee for Club Football, the Players' Status Committee and the Legal Committee, and ultimately at the FIFA Executive Committee.

The sub-committee established by the Committee for Club Football with a mandate to deal specifically with the revision of the FIFA Players' Agents Regulations was composed of representatives of all relevant stakeholders and thoroughly evaluated all possible options that had been identified. The main aspects of the approach proposed by the working group were that any future set of regulations should be based on minimum standards or requirements, that the current licensing system should be abandoned and that a registration system should be set up for intermediaries. The FIFA Executive Committee supported these findings, and, in parallel, the 63rd FIFA Congress in Mauritius last year also endorsed the approach on which the new regulations were to be based.

The working group that was set up as a result of the 63rd FIFA Congress decision subsequently drafted these Regulations which, as already mentioned, were finally approved by the FIFA Executive Committee in March.

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The Regulations developed on the basis of the aforementioned approach contain the following minimum standards or requirements:

1. *Scope (art. 1)*

The scope of the Regulations concerns services of intermediaries provided to players and clubs to conclude employment contracts or transfer agreements.

2. *General principles (art. 2)*

In particular, players and clubs must act with due diligence when selecting an intermediary. This principle is complied with if the Intermediary Declaration (cf. Annexes to the Regulations) is completed and signed by the intermediary.

3. *Registration system (arts 3 and 4)*

For the sake of transparency, a registration system shall be put in place at member association level, whereby intermediaries shall be registered for every individual transaction they are involved in. Moreover, the concept of an Intermediary Declaration for natural or legal persons has been established. As part of the registration requirement, all intermediaries will have to complete the Intermediary Declaration (cf. Annexes to the Regulations), which will then need to be submitted to the member association concerned. The declaration constitutes an essential element of the new Regulations as by signing it, the intermediary confirms adherence to the applicable statutes and regulations of FIFA and those of the confederations and member associations when carrying out his activities, his impeccable reputation, his compliance with disclosure requirements, etc. Finally, the representation contract concluded between the intermediary and his client (cf. art. 5 of the Regulations) also needs to be deposited with the association when the intermediary is being registered.

4. *Representation contract (art. 5)*

In any representation contract concluded with an intermediary, clubs and players shall specify at least certain minimum information, such as the scope of the services to be provided, and the nature of the legal relationship they have with their intermediaries (e.g. job placement or consultancy). Equally, the main points of the pertinent relationship shall be recorded in writing, with selected minimum details (e.g. names, duration of the contract, remuneration, general terms of payment, signature of the parties, etc.) being compulsory.

5. *Disclosure and publication (art. 6)*

The new Regulations also contain enhanced provisions for transparency purposes in activities involving intermediaries. In particular, specific disclosure requirements vis-à-vis the respective member association (e.g. with respect to payments made to intermediaries, contracts and agreements with intermediaries, etc.) have been included. Moreover, member associations are required to make publicly available on an annual basis the names of all intermediaries they have registered. Equally, the consolidated total figure of remuneration paid to intermediaries by all players registered within a member association and, separately, by each of its affiliated clubs shall be published.

6. *Payments to intermediaries (art. 7)*

In an attempt to provide for an overall rationalisation of fees paid to intermediaries, as a recommendation, the new Regulations set a limit on the remuneration payable to intermediaries;

3% of the agreed player's basic gross income (in case of conclusion of an employment contract) or of the transfer compensation (in case of conclusion of a transfer agreement). A stricter approach has also been incorporated in relation to transactions involving minor players, prohibiting any payments to intermediaries.

7. *Conflicts of interest* (art. 8)

As a general rule, conflicts of interest shall be avoided. However, the new Regulations provide for the possibility of disclosure, in writing, of any potential conflict of interest by the intermediary. If, prior to the start of the relevant negotiations, written agreement is then obtained by all the parties concerned, in particular the clubs and the player, dual representation would become permissible.

8. *Sanctions* (art. 9)

The responsibility for sanctioning parties that violate the applicable provisions lies mainly with the member associations.

9. *Enforcement of the obligations of associations* (art. 10)

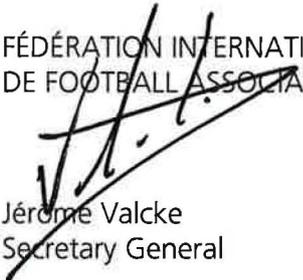
FIFA shall monitor the proper implementation of the aforementioned minimum standards or requirements by the associations in order to ensure compliance.

As mentioned in the introductory part of the present circular, as a final step, the 64th FIFA Congress will be asked to approve the necessary amendments to the FIFA Statutes, taking into account that the current licensing system will ultimately be abandoned.

We thank you for your kind attention to the above and remain at your disposal should you require any further clarification.

Yours faithfully,

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION


Jérôme Valcke
Secretary General

Encl. as mentioned

cc: FIFA Executive Committee
Players' Status Committee
Committee for Club Football
Confederations
ECA
FIFPro
EPFL

Legal
