

TO THE MEMBERS OF FIFA

Circular no. 1609

Zurich, 8 December 2017

SG/MAV/ktm/jca

FIFA TMS – Administrative Sanction Procedure - Change of Process

Dear Sir or Madam,

Background

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 and as of 1 January 2018 for all female players (c.f. FIFA Circular 1601) within the scope of eleven-a-side football. In particular, Annexe 3 of the Regulations sets out, inter alia, the obligations of associations and clubs in relation to the use of TMS when processing the international transfers of professional players.

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

Circular No. 1259 (7 April 2011) – Delegation and Introduction of ASP

By way of Circular No. 1259 (dated 7 April 2011), the member associations of FIFA were notified of a decision of the FIFA Disciplinary Committee with respect to violations of the obligations set out in Annexe 3. In order to establish a streamlined and more effective procedure to deal with violations of Annexe 3, the FIFA Disciplinary Committee delegated to FIFA TMS GmbH its competence to sanction ten categories of infringements by means of the procedure known as the Administration Sanction Procedure (hereinafter "ASP"). 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.

Circular No. 1478 (6 March 2015) – Expansion of ASP

In March 2015 by way of Circular No. 1478, the member associations were advised that the FIFA Disciplinary Committee decided that due to the increased use of TMS since April 2011, a revised and extended ASP was required to increase compliance among football stakeholders. Consequently, the FIFA Disciplinary Committee expanded the ASP categories from 10 to 14. The possible sanctions that could be imposed by FIFA TMS GmbH still consisted of a warning, a reprimand and/or a fine of up to CHF 14'000.00.

ASP Process

- Current procedure

Since the establishment of the ASP process in April 2011 the procedure with respect to an ASP case has been as follows:

- i. If one of the 14 ASP infringements was detected, FIFA TMS GmbH (now the FIFA department TMS Global Transfers & Compliance, hereinafter "TMS Compliance") would first contact the association or club to identify the infringement and request a statement of the party's position within a defined deadline (an "ASP case"). TMS Compliance also requested that the infringing behaviour be corrected.
- ii. Subsequently, TMS Compliance if appropriate, could issue an administrative sanction letter(s) (hereinafter ASL) imposing sanctions within their limits. The respective ASL would specify that the party could accept the application of the sanction or refute it and request the opening of disciplinary proceedings in accordance with the FIFA Disciplinary Code. If the party signed the ASL, the sanction was effective from the date of signature.
- iii. If the party accepted the sanction imposed by TMS Compliance, complied with the sanction and corrected the infringement in TMS the matter would be closed.
- iv. Nevertheless, if the party failed to respond to the ASL, did not accept and/or pay the sanction or did not correct the infringement in TMS, the matter would be referred to the FIFA Disciplinary Committee for evaluation and decision.
- v. The secretariat to the Disciplinary Committee, then conducted any necessary investigations it deemed convenient and officially opened disciplinary proceedings.
- vi. Finally, the case would be submitted by the secretariat to the FIFA Disciplinary Committee, which was entitled to impose any sanction it deemed appropriate in accordance with the content of the FIFA Disciplinary Code.

- New procedure

In order to resolve ASP cases on a more timely basis, thereby facilitating the smooth functioning of international transfers and compliance with the Regulations, the FIFA Disciplinary Committee has decided that in the above mentioned cases, the administrative work related to the investigation of the case will be performed solely and directly by TMS Compliance. Accordingly, the new procedure will remain the same as noted above with the exception of paragraph "v" noted above which will no longer be necessary.

Under the new procedure, in cases where a party fails to respond to the ASL, does not accept and/or pay the sanction or does not correct the infringement in TMS, **TMS Compliance shall inform the concerned stakeholder (club or association) by way of an additional and final letter that the ASP case will be submitted directly to the FIFA Disciplinary Committee.** Therefore, the prior intervention of the secretariat to the FIFA Disciplinary Committee will not be required. The additional and final letter will identify the date on which the ASP case will be heard by the FIFA Disciplinary Committee and the stakeholder will be provided with a deadline by which it may submit any final position to be considered by the FIFA Disciplinary Committee.

The cases will continue to be submitted to the FIFA Disciplinary Committee by the secretariat, which will continue to assist the Disciplinary Committee, ensuring that all the elements of a due process are respected before a decision is passed based on the file received from TMS Compliance regarding the ASP cases.

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

Yours faithfully,

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Marco Villiger
Deputy Secretary General (Administration)

Cc. - FIFA Disciplinary Committee