

TO THE MEMBER ASSOCIATIONS OF FIFA

Circular no. 1681

Zurich, 11 July 2019

SG/csh

New FIFA Disciplinary Code, 2019 edition

Dear Sir or Madam,

We are pleased to inform you of the approval by the FIFA Council at its meeting in Paris, France, on 3 June 2019, of the new FIFA Disciplinary Code (FDC), 2019 edition.

The development of football over the last decade has created a substantial increase in the workload of the disciplinary committees, as exemplified by the growing volume of TMS and Player's Status cases, together with a rising demand for a faster, more efficient and rigorous disciplinary procedure. At the same time, other relevant topics have gradually acquired an important role in the current disciplinary context, and thus an update is needed. This, for instance, is well illustrated in cases dealing with match manipulation, racism and discrimination.

Bearing the above in mind, FIFA has implemented a new set of procedural rules to simplify and accelerate the various disciplinary proceedings involved, in the form of a more comprehensive and systematic text. In a nutshell, the main changes are as follows:

- (i) The length of the FDC: the new FDC is better structured and clearer, and has less than half the number of articles than the previous version (down from 147 to 72), making it more accessible and comprehensible.
- (ii) Fight against match manipulation: the Disciplinary Committee is now the only judicial body that deals with cases of match manipulation, with the aim of allowing the independent Ethics Committee to focus solely on ethical misconducts (article 18 FDC).
- (iii) Zero tolerance of racism and discrimination: the new FDC has a stricter approach to racist and discrimination misconduct. Thanks to our partnership with Fare, the principle of zero tolerance on racism and discrimination has been updated in line with the FIFA President's recent statement to the effect that discrimination has no place in football and FIFA will not hesitate to tackle any form of discriminatory behaviour. There are three important points to highlight here:
 - The scope, definition, content and standard disciplinary measures of our anti-racism and anti-discrimination vision have been fully aligned with the highest international values and Fare's stance (article 13 paragraph 1 FDC);
 - As a general rule, a match is automatically forfeited if the referee decides to abandon it after having applied the three-step procedure (article 13 paragraph 2 FDC);

- Also, FIFA's Disciplinary Committee may permit the victim to make a written victim impact statement, allowing the latter to participate in the proceedings (article 13 paragraph 3 FDC).

(iv) Financial justice: at the core of these changes stands FIFA's commitment to enforce both financial and non-financial decisions and agreements rendered by the Dispute Resolution Chamber and the Players' Status Committee, as the natural forums of disputes between clubs, players, associations, coaches and other football stakeholders, through the Disciplinary Committee.

In this area, the new FDC contemplates three main changes:

- FIFA will enforce – again – ordinary CAS awards: FIFA will now enforce CAS awards in ordinary proceedings through the same mechanism as that for CAS awards relating to appeal proceedings (article 15 paragraph 1 FDC).
 - As a standard disciplinary measure, FIFA will impose a transfer ban on clubs not paying outstanding amounts until they have paid all of their debts. A transfer ban has shown to be the more effective instrument for this purpose (article 15 paragraph 1 c) FDC).
 - FIFA will act against the sporting successor of a debtor, a practice that has unfortunately become more common in recent years as clubs attempt to avoid mandatory financial responsibilities towards other clubs, players, managers, etc. (article 15 paragraph 4 FDC).
- (v) Legal aid: in the interests of respecting the rights of individuals during proceedings, FIFA has decided to close the gap that exists between individuals in terms of their financial power by supporting those who have insufficient financial means at disciplinary proceedings. In this context and for the first time, FIFA legal aid will provide the following, upon request of the individual: the release of having to pay the costs of proceedings, a pro bono counsel and the payment of own reasonable travel and accommodation costs and those of witnesses and experts, including the travel and accommodation costs of any pro bono counsel selected (article 42 FDC).
- (vi) Procedural costs: FIFA guarantees that proceedings before the Disciplinary Committee (first instance) will be free of costs and has reduced the fee for proceedings before the Appeal Committee (article 45 paragraph 1 FDC).
- (vii) Transparency: in the interests of transparency and defending the parties' fundamental rights, FIFA now guarantees public hearings in certain types of disciplinary proceedings (doping and match manipulation), subject to the conditions of article 50 paragraph 7 FDC). Finally, a dedicated FIFA website (legal.fifa.com) will be launched in the final quarter of 2019 containing the leading decisions passed by the FIFA judicial bodies as well other useful legal resources.
- (viii) Ruling at the specific request of the accused party: similar to plea bargains, this type of legal tool has already been successfully implemented and executed in ethical proceedings in accordance with the current Code of Ethics. The relevant judicial body is not bound by this request. It may decide on the basis of such request or render a decision which it considers appropriate in the context of this FDC (article 50 paragraph 8 FDC).
- (ix) Proposal of sanctions: to reduce the number of disciplinary proceedings, the new FDC incorporates an innovative approach to disciplinary proceedings. It contains the possibility that

in matters reserved for the single judge, the chairperson of the Disciplinary Committee or his/her nominee may propose a sanction on the basis of the existing file before the disciplinary proceedings even commence. The party concerned may reject the proposed sanction and request the commencement of disciplinary proceedings. Should disciplinary proceedings be opened, the Disciplinary Committee will determine the appropriate disciplinary measure. The proposed sanction shall become null and void and shall not be taken into consideration by the Disciplinary Committee (article 54 paragraph 3 FDC).

In summary, the new FDC provides FIFA, together with its member associations, the confederations and stakeholders, with a better legal instrument to confront the many disciplinary issues that it will face in the future in a reliable and innovative manner.

The 2019 edition of the FDC will come into force on **15 July 2019**.

You will find the full FIFA Disciplinary Code (2019 edition) enclosed with this circular letter (cf. enclosure) for your and your clubs' perusal. Furthermore, the 2019 edition of the FDC and an informative video are now available on FIFA.com.

Please do not hesitate to contact us should you have any questions in this regard.

We thank you for your kind attention to the above and for ensuring that your affiliated clubs are informed accordingly.

Yours faithfully,

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Fatma Samoura
Secretary General

Encl. as mentioned

cc: - FIFA Council
 - Confederations
 - Disciplinary Committee
 - Appeal Committee
 - Dispute Resolution Chamber
 - ECA
 - FIFPro
 - WLF