TO THE MEMBER ASSOCIATIONS OF FIFA

Circular no. 1694

Zurich, 30 October 2019
DSG/emo/mdo

Amendments to the Rules Governing the Procedures of the Players’ Status Committee and the Dispute Resolution Chamber

Dear Sir or Madam,

We are pleased to inform you of several amendments to the Rules Governing the Procedures of the Players’ Status Committee and the Dispute Resolution Chamber (hereinafter: “the Procedural Rules”), which were approved by the FIFA Council at its meeting in Shanghai, China PR, on 24 October 2019.

All of the relevant changes and additions will come into force on 1 November 2019.

You will find the provisions concerned enclosed to this circular letter for your and your clubs’ perusal. The relevant parts have been emphasised for ease of reference. Equally, the revised edition of the Procedural Rules will be available soon on legal.fifa.com.

As you will note from the enclosed provisions, art. 9; art. 9bis par. 3; art. 12 paras 5, 6 and 7; art. 14 paras 2 and 4; art. 15; art. 16 paras 10, 11 and 12; art. 17; art. 20; and art. 21 of the Procedural Rules have been amended, with the following objectives in mind:

Simplifying proceedings:
1. Parties should submit complete claims/petitions to FIFA. If a claim/petition is not complete, a deadline will be set by which to complete it, and if the party does not comply with this deadline, the claim/petition will be considered withdrawn;
2. As a general rule, there will be one exchange of correspondence only. If a party would like to lodge a counterclaim, it should do so jointly with its position to the claim and submit all necessary documents;
3. The contact details of parties contained in the Transfer Matching System (TMS) are binding for procedures managed by the Players’ Status Department. In other words, they will be taken as default information. Therefore, it is important to ensure that the contact details of clubs and associations are up to date at all times in TMS.

Establishing more flexible time limits:
1. Deadlines can last from a minimum of five to a maximum of 20 days. In this respect, please note that the deadline granted to the opposing party to answer a claim will always be 20 days. However, for other exchanges of correspondence (for instance, confirmation of payments), the FIFA administration will decide on the appropriate time limit to be granted (from five to 20 days), depending on the specificities of the matter;
2. Deadlines may be extended for maximum of ten days. The FIFA administration will have discretion to grant shorter extensions of deadlines. In addition, the party requesting the extension will have to provide valid reasons for the request, thereby avoiding a misuse of the provision.
Improving the wording for the decision-making process:
1. The wording of the pertinent provisions has been amended and simplified so as to make them easier to understand. Equally, the language concerning the notification of decisions without grounds has been adapted and brought in line with established practice;
2. One important amendment concerns the payment of procedural costs (when applicable) and the notification of the grounds. As of 1 November 2019, whenever procedural costs are due, the grounds of a decision will only be notified to the party requesting them on time, upon payment of the relevant procedural costs. Moreover, if the due procedural costs are not paid within 20 days of the notification of the findings, the request for the grounds will be deemed withdrawn.

Removing the obligation to pay an advance of costs in cases of solidarity contribution and training compensation
Clubs will no longer be required to pay an advance of costs when submitting a petition requesting solidarity contribution or training compensation via TMS.

Establishing a new approach for publishing decisions on legal.fifa.com:
As a general rule, the decisions of the various bodies will be published without being anonymised. If a party deems that a decision contains confidential or sensitive information, it will have the possibility to ask the FIFA administration, within five days of the notification of the grounds, to publish an anonymised version of the decision only.

In a nutshell, the amendments to the Procedural Rules are aimed in particular at reducing the length of proceedings while assuring due process to the parties. Moreover, it is important to note that these changes will further enhance the efficiency of the whole dispute resolution process.

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Please do not hesitate to contact us if you have any questions in this connection.

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

Yours faithfully,

FÉDÉRATION INTERNATIONALE DE FOOTBALL ASSOCIATION

Alasdair Bell
Deputy Secretary General (Administration)

End. as mentioned
cc: - FIFA Council
    - Confederations
    - Players' Status Committee
    - Dispute Resolution Chamber
    - ECA
    - FIGPro
    - World Leagues Forum
Art. 9. Petitions and statements

1. Petitions shall be submitted in one of the four official FIFA languages via the means of communication as established in these rules (cf. art. 9bis). They shall contain the following particulars:
   a) the name, address and email address of the parties;
   b) the name, address and email address of any legal representatives, if applicable, and the power of attorney;
   c) the motion or claim;
   d) a representation of the case, the grounds for the motion or claim and details of the evidence;
   e) documents of relevance to the dispute, such as contracts and previous correspondence with respect to the case in the original version language and, if applicable, translated into one of the official FIFA languages (evidence);
   f) the name, address and email address of other natural and legal persons involved in the case concerned (evidence);
   g) the amount in dispute, insofar as it is a financial dispute (except in claims related to the solidarity mechanism);
   h) proof of payment of the relevant advance of costs for any proceedings before the Players’ Status Committee or the single judge, or for any proceedings related to disputes concerning training compensation or the solidarity mechanism (cf. art. 17);
   i) the date and a valid signature.

2. Petitions submitted by parties that do not satisfy the aforementioned requirements will be returned for redress along with a warning that the petition will not be dealt with in the event of non-compliance. When receiving an incomplete petition, the FIFA administration will request that the relevant party complete it. If the petition is not completed within the granted time limit, the petition shall be deemed to have been withdrawn. Petitions with improper or inadmissible content will be rejected immediately.

3. If there is no reason not to deal with a petition, once the petition is complete, it shall be sent to the opposing party or the person affected by the petition with a time limit for a
statement or reply. If no statement or reply is received before the time limit expires, a decision shall be taken upon the basis of the documents already on file. Submissions received outside the time limit shall not be taken into account. The parties shall present all the facts and legal arguments together with all the evidence upon which they intend to rely, in the original language, and, if applicable, translated into one of the official FIFA languages. In case the opposing party wishes to lodge a counter-claim, it shall submit within the same time limit applicable to the reply its petition containing all the elements described in paragraph 1 above. There will only be a second exchange of correspondence in exceptional cases.

4.
The parties shall not be authorised to supplement or amend their requests or their arguments, to produce new exhibits or to specify further evidence on which they intend to rely, after notification of the closure of the investigation. The FIFA administration may, however, at any time request additional statements and/or documents.

5. unchanged

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Possible amendment to Art. 9bis of the Procedural Rules

Art. 9bis. Communication with parties

1.
As a general principle, all communication with the parties in the proceedings shall be conducted by email. Electronic notification by email is considered a valid means of communication and will be deemed sufficient to establish time limits and their observance. Alternatively, submissions may also be transmitted by regular mail or courier. In By contrast, submissions transmitted by fax shall have no legal effect.

2. unchanged

3.
Communications from FIFA shall be sent to the parties in the proceedings by using the email address provided by the parties or as provided in the Transfer Matching System (TMS; cf. art. 4 par. 1 of Annexe 3 and art. 5 par. 2 of Annexe 3 of the Regulations on the Status and Transfer of Players). The email address provided in TMS by associations and
clubs is considered as a valid and binding means of communication. The parties and associations must ensure that their contact details (e.g. address, telephone number and email address) are valid and kept up to date at all times.

4. Parties are obliged to comply with the instructions provided in the communications sent by FIFA to the email address provided by the parties or as provided in TMS.

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Possible amendment to Art. 12 of the Procedural Rules

Art. 12. Taking of evidence

1. to 4. unchanged

5. The Players' Status Committee and the DRC may use any documentation or evidence generated by or contained in TMS (in accordance with art. 6 par. 3 of Annexe 3 of the Regulations on the Status and Transfer of Players).

65. If the hearing of presented evidence is associated with high costs, it may be made dependent upon the party paying the anticipated costs within a set time limit.

76. Evidence shall be considered with free discretion, taking into account the conduct of the parties during the proceedings, especially a failure to comply with a personal summons, a refusal to answer questions and the withholding of requested evidence.

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Possible amendment to Art. 14 of the Procedural Rules

Art. 14. Decisions

1. Decision-making by the Players' Status Committee and the DRC is effected by a simple majority vote after secret deliberations. All members in attendance and the chairman have one vote each. Abstentions are not permitted. In the event of a tie, the chairman shall have the casting vote. Decisions may also be taken by way of circulars.
2. Decisions shall be communicated in writing. In urgent cases, the findings of the decision may be communicated first. In such a case, with the exception of article 15 below, the grounds of a decision shall be communicated within 20 days of notification of the findings of the decision. The time limit to lodge an appeal begins upon communication of the grounds of the decision to the parties.

3. The FIFA general secretariat is entitled to announce the decision in the name of and on behalf of the Players’ Status Committee and the DRC.

4. Written The motivated decisions shall contain at least the following:
   a) the date of the decision (for decisions taken by way of circular, the date of completion of the circular process);
   b) the names of the parties and any representatives;
   c) the names of the members participating in the decision taken by the decision-making body;
   d) the claims and/or motions submitted by the parties;
   e) a brief description of the case;
   f) the reasons for the findings;
   g) the outcome of the evaluation of evidence;
   h) the findings of the decision.

5. Obvious mistakes in decisions may be corrected, ex officio or on application, by the body that made the decision.

6. No disadvantage may accrue to any party from the erroneous announcement of a decision.

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Possible amendment to Art. 15 of the Procedural Rules

Art. 15. Decisions without grounds

1. As a general practice and unless otherwise provided, the Players' Status Committee, the DRC, the single judge and the DRC judge may decide not to communicate the grounds of a decision and instead communicate only the findings of the decision (without grounds). At the same time, the parties shall be informed that they have ten days from receipt of the findings of the decision to request, in writing, the grounds of the decision, and that failure to do so will result in the decision becoming final and binding and the parties being deemed to have waived their rights to file an appeal.

2. Following the notification of the findings of the decision, the parties are entitled to request the grounds of the decision within ten calendar days as from the notification of the findings of the decision. Failure to do so will result in the decision becoming final and binding and the parties being deemed to have waived their right to file an appeal.

3. If a party requests the grounds of a decision, the motivated decision will be communicated to the parties in full, written form. The time limit to lodge an appeal begins upon receipt of this from the date of notification of the motivated decision to the parties.

4. If the parties do not request the grounds of a decision, a short explanation of the decision shall be recorded in the case files. Whenever procedural costs are due, the grounds of a decision will only be notified to the party requesting the grounds and upon payment of the relevant procedural costs. If the procedural costs are not paid within 20 days of the notification of the findings, the request for the grounds shall be deemed to have been withdrawn. As a result, the decision will become final and binding and the relevant party will be deemed to have waived their right to file an appeal.

5. All decisions that lead to sporting sanctions may only be communicated with grounds. Without prejudice to the contents of paragraph 1 above, the Players' Status Committee,
the DRC, the single judge and the DRC judge may, at their own discretion, decide to notify a decision with grounds.

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Possible amendment to Art. 16 of the Procedural Rules

Art. 16. Time limits

1. to 9. unchanged

10. The time limit for the answer and for possible second submissions, if applicable, shall be 20 days. The time limits that are set by the Players' Status Committee and the DRC should run for no less than five days and no more than 20 days. In urgent cases, time limits may be reduced.

11. If a substantiated request is submitted before the time limit expires, an extension of a maximum of ten days may be granted, but only once.

12. The time limit for lodging an appeal shall always begin as from the notification of on receipt of the full version of the motivated decision.

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Possible amendment to Art. 17 of the Procedural Rules

Art. 17. Advance of costs

1. An advance of costs (cf. art. 18) is payable for proceedings before the Players' Status Committee and the single judge (with the exception of proceedings relating to the provisional registration of players), as well as for proceedings before the DRC in relation to disputes regarding training compensation and the solidarity mechanism.

2. No advance of costs shall be paid for proceedings before the DRC in relation to disputes regarding training compensation and the solidarity mechanism if the value of the dispute does not exceed CHF 50,000.

23. The advance of costs shall be paid by the claimant or counter-claimant when the claim or counter-claim is lodged.
The advance of costs is calculated according to the value of the dispute as follows:

Amount in dispute | Advance
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up to CHF 50,000 | CHF 1,000
up to CHF 100,000 | CHF 2,000
up to CHF 150,000 | CHF 3,000
up to CHF 200,000 | CHF 4,000
from CHF 200,001 | CHF 5,000

The advance of costs is to be paid into the following bank account, with a clear reference to the parties involved in the dispute.

UBS Zurich
Account number 366.677.01U (FIFA Players' Status)
Clearing number 230
IBAN: CH27 0023 0230 3666 7701U
SWIFT: UBSWCHZ80A

If a party fails to pay the advance of costs when submitting a claim or counterclaim, the FIFA administration shall allow the party concerned up to ten days to pay the relevant advance and advise that failure to do so will result in the claim or counter-claim not being heard.

The advance of costs paid in accordance with the preceding paragraphs of this article shall be duly considered in the decision regarding costs in accordance with art. 18.

The advance of costs for disputes relating to training compensation or the solidarity mechanism shall be reimbursed to the party concerned if all parties to the dispute accept the FIFA administration's proposal regarding the amounts owed and the calculation of such amounts (cf. art. 13).

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Possible amendment to Art. 20 of the Procedural Rules

Art. 20. Publication

Decisions, should they be of general interest, may be published by the general secretariat in a form determined by the Players’ Status Committee or the DRC, and condensed, if applicable, in the form of a media release. Due restraint shall be exercised when
publicising decisions. On substantiated request by a party, certain elements of the
decision may be excluded from publication. The FIFA administration may publish decisions
issued by the Players’ Status Committee or the DRC. Where such decisions contain
confidential information, FIFA may decide, at the request of a party within five days of
the notification of the motivated decision, to publish an anonymised or a redacted
version.

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Possible amendment to Art. 21 of the Procedural Rules

Art. 21. Enforcement

1. These rules were approved by the FIFA Council on 2724 October 2017 and come into force
on 1 November 2019 to January 2018.

2. These rules are applicable to proceedings submitted to FIFA on or after the date on which
these rules came into force.

3. As from 1 January 2018, the provisions set forth in art. 9bis of these rules shall apply to
all proceedings pending in front of FIFA, irrespective of the date on which the petition
was received.