

## TO THE MEMBER ASSOCIATIONS OF FIFA

Circular no. 1689

Zurich, 21 August 2019

SG/emo/maa/wit

### **Art. 13 of the Rules Governing the Procedures of the Players' Status Committee and the Dispute Resolution Chamber – proposals from the FIFA administration in the context of claims related to training compensation and the solidarity mechanism**

Dear Madam or Sir,

Art. 13 of the Rules Governing the Procedures of the Players' Status Committee and the Dispute Resolution Chamber ("the Procedural Rules") grants the FIFA Players' Status Department ("the PSD") the ability to submit written proposals to the parties involved in a dispute related to training compensation and the solidarity mechanism regarding the calculation of the amounts owed.

With the principle of procedural economy in mind, art. 13 of the Procedural Rules was introduced in order to speed up the decision-making process in training compensation and solidarity mechanism cases without complex factual or legal issues. The relevant article grants the PSD the power to offer a written proposal to the parties to a dispute. This proposal will become final and binding after 15 days following its notification if it is accepted by all parties or the parties fail to provide an answer within the deadline.

In particular, art. 13 of the Procedural Rules reads:

#### ***13 Proposals from the FIFA administration***

*1. In disputes relating to training compensation and the solidarity mechanism without complex factual or legal issues, or in cases in which the DRC already has clear, established jurisprudence, the FIFA administration (i.e. the Players' Status Department) may make written proposals, without prejudice, to the parties regarding the amounts owed in the case in question as well as the calculation of such amounts. At the same time, the parties shall be informed that they have 15 days from receipt of FIFA's proposals to request, in writing, a formal decision from the relevant body, and that failure to do so will result in the proposal being regarded as accepted by and binding on all parties.*

2. If a party requests a formal decision, the proceedings will be conducted according to the provisions laid down in these rules.

Art. 13 of the Procedural Rules has potential to settle a considerable number of training compensation and solidarity mechanism disputes swiftly and efficiently.

Given the above, effective immediately, the PSD will start applying art. 13 of the Procedural Rules to all training compensation and solidarity mechanism claims without *prima facie* complex factual or legal issues.

In particular, the procedure in relation to the above-mentioned claims will be as follows:

**a. Receipt of claims**

Parties will still need to submit their solidarity mechanism and/or training compensation claims via the Transfer Matching System ("TMS"), pursuant to art. 1 par. 1 of Annexe 6 of the Regulations on the Status and Transfer of Players ("RSTP"). The claim must contain all the mandatory documentation and information provided for in art. 5 par. 2 and art. 6 par. 2 of Annexe 6 of the RSTP and art. 9 par. 1 of the Procedural Rules.

Once the PSD is in possession of a complete claim, an analysis of the claim will be made in order to determine: i) that it does not entail any complex legal or factual issues, and ii) that, *prima facie*, all the regulatory requirements for being entitled to receive training compensation or solidarity contribution have been fulfilled.

**b. Proposal of the PSD in accordance with art. 13 of the Procedural Rules and/or the position of the respondent club to the claim**

If both conditions as described above are met, the PSD will make the claim available to the respondent and, at the same time, will provide the parties with a written proposal via TMS which will contain, in particular, the following information, depending on the nature of the claim, i.e. for training compensation or solidarity contribution:

- The date and the clubs involved in the transfer at the basis of the claim;
- The relevant amounts paid within the context of the transfer of the player;
- The dates of registration of the player with the claimant pursuant to the official player passport provided with the claim;
- The dates of the relevant sporting seasons;
- The percentage to which the claimant is entitled;
- The date of registration of the player with the respondent;
- The training category of the claimant and/or the respondent;

- The amounts owed as training compensation or solidarity contribution, pursuant to arts 20 and 21 of the RSTP respectively.

Once the proposal of the PSD has been notified to the parties via TMS, the parties will have **15 days** to either accept or reject the proposal and provide the reasons which could justify the rejection. If one of the parties rejects the proposal, the proceedings will continue according to the pertinent provisions laid down in the Procedural Rules. In the case of rejection by the respondent club, the latter shall provide its position to the claim within the stipulated time frame.

We wish to point out that the relevant proposal is without prejudice to any formal decision which may be passed by the competent deciding body, if the proposal is rejected by one of the parties.

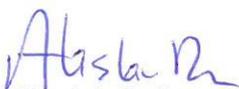
Should none of the parties reject the proposal of the PSD **within the 15 days following its notification via TMS**, the proposal will become binding on them.

Finally, we kindly remind you that according to art. 2 par. 1 of Annexe 6 of the RSTP, all clubs and all member associations shall check the "Claims" tab in TMS at regular intervals of at least every three days.

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

Yours faithfully,

FÉDÉRATION INTERNATIONALE  
DE FOOTBALL ASSOCIATION



Alasdair Bell

Deputy Secretary General (Administration)

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- FIFA Council
  - Confederations
  - Disciplinary Committee
  - Players' Status Committee
  - Dispute Resolution Chamber
  - ECA
  - FIFPro
  - World Leagues Forum