

TO THE MEMBERS OF FIFA

Circular no. 1259

Zurich, 7 April 2011

FIFA TMS administrative sanction procedure

Dear Sir or Madam,

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 within the scope of eleven-a-side football.

In particular, Annexe 3 of the Regulations sets out the obligations of associations and clubs in relation to the use of TMS.

While all of the obligations imposed on TMS users through the Regulations must be complied with, some of these obligations are of a more technical or minor nature. Infringements of these obligations may nevertheless have an immediate negative impact on the parties involved in the international transfer of a professional player, and on the international transfer market as a whole. International transfers need to progress smoothly and in line with the objective of increasing the transparency of individual transactions.

FIFA takes the view that the combination of these two factors (infringements of a relatively minor or technical nature, but with a significant impact on transfers) supports the creation of streamlined and more effective procedures to deal with such infringements.

Consequently, the FIFA Disciplinary Committee has decided to delegate its competence to deal with certain infringements of Annexe 3 of the Regulations (cf. Annexe 3, article 9) in part to FIFA TMS GmbH through the application of an administrative sanction procedure (hereinafter: *ASP*).

Pursuant to the decision of the FIFA Disciplinary Committee, the ASP will be applied only to the following infringements:

- i. Failure to train club/failure to provide data protection agreements;
- ii. Absence of trained TMS manager;
- iii. Abusive request for ITC made outside the registration period;
- iv. Failure to maintain master data in TMS;
- v. Failure to enter counter-instruction in TMS;
- vi. Failure to confirm player in a reasonable time;

- vii. Upload of non-conforming document;
- viii. Failure to provide mandatory information/entering incorrect information in TMS;
- ix. Failure to provide proof of payment in TMS;
- x. Failure to comply with FIFA TMS GmbH investigation.

If one of the above infringements is detected, FIFA TMS GmbH will first contact the association or club to identify the infringement and request a statement of the party's position within a defined deadline. FIFA TMS GmbH may also request that the infringing behaviour be corrected. Subsequently, FIFA TMS GmbH may issue an administrative sanction letter (hereinafter: *ASL*) recommending an appropriate sanction.

The sanctions recommended by FIFA TMS GmbH may consist of a warning, a reprimand, and/or a fine of up to CHF 14,000.

The ASL will specify that the party may sign the letter and thus accept the application of the sanction, or refute the recommended sanction and request the opening of ordinary disciplinary proceedings in accordance with the FIFA Disciplinary Code, within the deadline stipulated in the ASL. If the party signs the ASL, the sanction will become effective from the date of signature.

If the party fails to respond to the ASL, or fails to comply with the agreed sanction within the stipulated deadline, the matter will be referred to the FIFA Disciplinary Committee for evaluation and decision.

FIFA is convinced of the benefits to all members of a smoother, more transparent international transfer market for football players. The procedures outlined herein will serve to increase the fluidity of transfers and preserve the integrity of the system.

The ASP will come into effect on 2 May 2011.

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

Yours faithfully,

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Jérôme Valcke
Secretary General

cc: - FIFA Executive Committee
- FIFA Disciplinary Committee