

**Players' Agents
and
Match Agents**



REGULATIONS



FÉDÉRATION INTERNATIONALE DE FOOTBALL ASSOCIATION

Regulations

**governing
Players' Agents**

Contents

	page
Regulations governing players' agents	3
Regulations governing match agents	9

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Regulations governing players' agents

In compliance with Art. 17, par. 2 of the Regulations governing the Application of the FIFA Statutes and with a resolution passed at its meeting on 13 December 1990, the FIFA Executive Committee promulgated the following regulations at a meeting held on 20 May 1994:

Preamble

¹ These regulations govern the activity of players' agents who undertake the transfer of players from one national association to another.

² The provisions stipulated in chapters I, III, IV and V are also compulsory at national level.

³ Any national association which deems it necessary may establish its own internal regulations governing players' agents who deal with transfers within their own association. Such regulations must be approved by FIFA and must contain the basic principles mentioned in paragraph 2 above (cf. Art. 22 below).

I. General matters

Art. 1

¹ Players and clubs are entitled to use the services of an adviser to represent them or safeguard their interests in negotiations with other players or clubs. The adviser (hereafter named players' agent) must be in possession of a licence issued by FIFA (all types of transfers) or by his national association (only domestic transfers).

² The players and clubs are not permitted to employ the services of a non-licensed agent (cf. Art 16 and 18).

³ Par. 2 is not applicable if a players' agent is a close relative of the player or if the agent of a club or a player is a registered solicitor in the country or the place of his permanent residence.

II. Granting the licence

Art. 2

¹ Any natural person wishing to act as a players' agent shall send a written request to this end to the national association of the country of which he is a national or, if he lives elsewhere, to the one in which he is legally domiciled. In the case of the latter, a request may only be made if the candidate has been a resident of that country for at least five years.

² The candidate shall enclose with his request a police certificate verifying that he has no criminal record, or a similar document confirming his good reputation.

³ Only natural persons may apply for a licence. Applications from companies or organisations are not admissible.

Art. 3

¹ A request submitted by a candidate who has a criminal record or a bad reputation shall not be admissible.

² Exceptions may be made by the FIFA Players' Status Committee particularly in cases where the candidate can prove mitigating circumstances. The decisions for any such exceptions shall be final.

Art. 4

A person requesting a players' agent's licence may not, under any circumstances, occupy a position with FIFA, a confederation, a national association, a club or any organisation connected with such bodies.

Art. 5

¹ Each national association that receives an application for a licence shall decide if it is admissible.

² If the request is admissible, the national association concerned shall call the candidate to a personal interview.

³ An applicant whose application has been turned down by a national association, may apply to the FIFA Players' Status Committee, which will then make the final decision.

Art. 6

¹ The personal interview is intended to enable the national association to ascertain if the candidate:

(a) has adequate knowledge of football regulations (the statutes and regulations of FIFA, of the confederations and of the national association on whose territory he is legally domiciled);

(b) has adequate knowledge of civil law (basic principles of natural law) and the law of obligations (contractual law).

(c) generally appears capable of advising a player or a club who calls on his services.

² The national association concerned shall be responsible for arranging the interview, subject to the following conditions:

(a) the interview shall be conducted by an official designated for this purpose by the national association;

(b) a second representative of the national association (who may be an elected member of a committee) is required to be present;

³ FIFA shall issue a checklist to serve as a guideline for the national association on how to conduct the interview.

⁴ The national association is not entitled to charge expenses and/or a fee for conducting an interview.

Art. 7

¹ At the end of the personal interview, the national association concerned shall inform the candidate if it considers that the conditions under Art. 6, par. 1 above have been fulfilled.

² If not the candidate may request a second personal interview which shall be conducted by a different official and attended by a different observer from those present at the first interview.

³ If the second interview is also unsuccessful, the national association shall inform the candidate that it refuses to grant him a licence. In such a case, the candidate may not lodge a new application until a period of one year has elapsed.

⁴ If, after the period of one year has elapsed, as stipulated in par. 3, the third interview also has a negative result, the applicant may request to be interviewed by the FIFA Players' Status Committee, whose decision is then final.

Art. 8

¹ If the outcome of the personal interview is positive, the national association concerned shall inform the candidate accordingly and forward his file to FIFA and the confederation to which it possibly belongs.

² The confederation concerned and/or FIFA is entitled to object to the candidate being granted a licence. As long as such an objection stands, the applicant is not permitted to practise his aspired activity. FIFA's decision on such matters shall be final.

Art. 9

¹ If there is no objection to the licence being granted, FIFA will request the candidate to deposit a bank guarantee in the amount of CHF 200,000.—. This guarantee shall be issued by a Swiss bank and be irrevocable.

² Only FIFA will have access to this bank guarantee, which shall cover possible claims for damages made by players or clubs arising from an agent's activities which FIFA considers contravene the principles of these regulations. The guaranteed sum (CHF 200,000.—) shall not be considered as constituting the limit to the amount of compensation that may be awarded to an injured party.

FIFA has the right to consult the national associations and/or the confederations involved in any such disputes.

³ If a payment from a bank is due in virtue of the provisions under par. 2 above, the players' agent's licence shall be suspended until the original amount has been entirely replenished.

⁴ Any party wishing to file a complaint against a players' agent shall address it in writing to FIFA. Such a complaint shall be lodged within a maximum of twelve months of the event which provoked the complaint and, in any case, within a maximum of six months if the agent concerned has terminated his activities.

Art. 10

¹ Players' organisations which are recognised by the national associations in whose territory they operate may establish a bank guarantee in their own name.

² In this case the bank guarantee is deemed to cover the risks inherent in the issuance of three licences at the most. The licence holders must however be legitimate bona fide members of the above-mentioned organisations and have successfully passed the personal interview as mentioned in Art. 6, par. 1 above. The names of the candidates who have obtained the licence must also be stated on the guarantee mentioned in par. 1.

Art. 11

¹ Upon receipt of the bank guarantee, FIFA shall issue the candidate with a players' agent's licence. This licence shall be strictly personal and non-transferable.

² FIFA shall draw up a list of players' agents at least once each calendar year and send it to every national association and confederation.

III. Rights and duties of licensed players' agents

Art. 12

Licensed players' agents shall have the following rights:

- (a) contact any player who is not or is no longer under contract with a club (cf Art. 12 and 13 of the FIFA Regulations governing the Status and Transfer of Players);
- (b) represent any player or club requesting him to negotiate and/or conclude a contract on his/their behalf;
- (c) manage the affairs of any player who requests him to do so;
- (d) manage the affairs of any club which requests him to do so.

Art. 13

¹ A players' agent may represent a player or a club or manage their affairs under the terms of Art. 12 above only if he has a written contract with the player or club in question.

² Such a contract shall be limited to a period of two years but may be renewed with the express agreement of both parties.

Art. 14

A licensed players' agent shall have the following duties:

- (a) to comply with the statutes and regulations of the national associations, confederations and FIFA at all times;
- (b) to ensure that every transaction to which he is a party conforms with the above-mentioned statutes and regulations;
- (c) never to approach a player who is under contract with a club so as to persuade him to break his contract or not to adhere to the rights and duties contained in the contract;
- (d) to represent the interests of only one party in one and the same transfer.

Art. 15

¹ Any players' agent who abuses the rights granted to him or does not conform with the duties contained in these regulations is liable to be sanctioned.

² The following sanctions shall apply:

- (a) a reprimand, censure or caution;
- (b) a fine;
- (c) suspension of the licence;
- (d) withdrawal of the licence.

The sanctions may be cumulative.

³ The foregoing sanctions shall be imposed only by FIFA. They shall be final.

IV. Players' duties

Art. 16

A player who wishes to avail himself of the services of a players' agent shall deal only with a licensed players' agent as provided for in these regulations, subject to the reserves mentioned in Art. 1, par. 3 above.

Art. 17

¹ In the event that a player uses the services of an unlicensed agent, FIFA is entitled to:

(a) take this factor into account when considering the player's position in any subsequent contractual dispute;

(b) sanction the player as follows:

- a reprimand, censure or caution;
- a fine of up to CHF 50,000.-;
- disciplinary suspension of up to 12 months.

The sanctions may be cumulative.

² The foregoing sanctions shall be imposed by FIFA. They shall be final.

V. Clubs' duties

Art. 18

¹ Any club wishing to engage the services of a player shall negotiate only with:

- the player himself, or
- a players' agent licensed under the terms and conditions of these regulations, subject to the reserves mentioned in Art. 1, par. 3.

² Any club which pays another club compensation for a player's training or development shall be obliged to transfer the amount directly to the club in question and shall be strictly prohibited from transferring any or all of the amount, even as remuneration, to a player's agent.

Art. 19

¹ Any club violating one or more of the interdictions under Art. 18 above shall be liable to the following sanctions:

- (a) a reprimand, censure or caution;
- (b) suspension of all or part of its management bodies;
- (c) a fine of up to CHF 100,000.-;
- (d) interdiction to carry out national and/or international transfers;
- (e) ban on all national and/or international footballing activity.

Any action taken by a club in breach of the foregoing article shall be declared null and void.

The sanctions may be cumulative.

² The foregoing sanctions shall be imposed only by FIFA. They shall be final.

VI. Special provisions

Art. 20

¹ Any players' agent who terminates his activities is obliged to return his licence to FIFA. If he fails to do so, the licence shall be cancelled and the fact officially made known.

² FIFA shall publish the names of any players' agents who have terminated their activities.

³ The guarantee may not be cancelled until at least six months have elapsed after the termination of the players' agent's activities (return or withdrawal of the licence), subject to any pending claims by third parties.

Art. 21

The FIFA body responsible for the supervision and ruling on any matters connected with the application of these regulations shall be the Players' Status Committee.

Art. 22

¹ A national association which makes use of the possibility of establishing its own regulations governing the activities of players' agents for domestic transfers (national transfers) is obliged to organise a system of personal interviews similar to that foreseen in these regulations.

² The national association concerned is also obliged to request a bank guarantee in its favour, the amount of which shall be not less than CHF 50,000.—.

VII. Final provisions

Art. 23

Any matters not provided for under these regulations shall be dealt with by the Executive Committee and shall not be subject to appeal.

Art. 24

These regulations were adopted by the FIFA Executive Committee at its meeting on 20 May 1994 and modified at its meeting on 11 December 1995. The modified version of the regulations is valid as of 1 January 1996.

Paris/Zurich, 11 December 1995

For the FIFA Executive Committee

President
Dr João Havelange

General Secretary
J. S. Blatter



FÉDÉRATION INTERNATIONALE DE FOOTBALL ASSOCIATION

Regulations

**governing
match agents**

Regulations governing match agents

At its meetings on 13 June 1991 and 31 May 1995, the FIFA Executive Committee passed the following regulations in compliance with art. 16 par. 3 of the Regulations governing the Application of the FIFA Statutes.

I. Principles

Art. 1

The employment of agents to arrange matches shall be permitted (cf. art. 16, par. 1 of the Regulations governing the Application of the Statutes).

Art. 2

Agents who arrange matches between teams belonging to different confederations must be in possession of a licence issued by FIFA (cf. art. 16, par. 3 of the Regulations governing the Application of the Statutes).

Art. 3

¹ Agents who arrange matches between teams from the same confederation must be officially recognised by the confederation in question (cf. art. 16, par. 2 of the Regulations governing the Application of the Statutes).

² Confederations shall be entitled to make provisions to issue a licence of their own.

³ If a confederation makes use of this entitlement, an agent who is either domiciled or has his headquarters within that confederation shall not be authorised to become a FIFA agent unless he has already obtained a licence from this confederation.

⁴ If a confederation has no provisions to issue a licence, the agent may obtain a licence from FIFA.

II. FIFA licence

Art. 4

Anyone wishing to obtain a FIFA licence to arrange matches shall send a written request to the FIFA general secretariat.

Art. 5

¹ The national association where the prospective agent is either domiciled or has his headquarters shall enclose written confirmation with the application that

(a) the candidate applying for the licence has a good reputation

(b) it does not object to the candidate acting as agent to organise matches.

² It is the responsibility of the national association in question to examine the application.

Art. 6

In his application, the prospective agent shall formally declare that he is fully conversant with the terms of these regulations and of the provisions contained in art. 16 of the Regulations governing the Application of the FIFA Statutes and that he accepts the conditions therein.

Art. 7

Once the above-mentioned conditions have been fulfilled, the general secretariat shall submit the application received to the FIFA Executive Committee.

Art. 8

¹ Once the application has been approved by the FIFA Executive Committee, the agent shall provide a bank guarantee to the amount of CHF 50,000.-. This guarantee shall be issued by a Swiss bank and be irrevocable.

² The sum guaranteed shall serve to compensate any party having concluded a contract with an agent who has proved to have caused damages as the result of his activities (cf. art. 19). The total amount of compensation which may be due to a party suffering such damages shall not, however, be limited by the amount of the bank guarantee.

³ The guarantee shall not be repaid until at least three months after the agent has officially notified FIFA of the termination of his activities (and the licence has been returned) and only if there are no pending claims for damages from a contractual partner.

Art. 9

Once it has received the bank guarantee, the general secretariat shall issue the licence.

Art. 10

The rights and duties described under chapter III below are inherent in the licence.

Art. 11

The agent's licence is not transferable. It is not commercial property which can be negotiated, loaned or sold.

III. Rights and duties inherent in the FIFA licence

Art. 12

The FIFA licence to arrange matches confers the exclusive right to arrange friendly matches or tournaments between national teams or clubs from different confederations.

Art. 13

It is the responsibility of the clubs to obtain authorisation from their national associations to arrange one or more match(es) involving two clubs from different national associations.

Art. 14

If no arrangements have been made directly between clubs and/or national associations, the latter shall, in principle, only authorise matches organised by authorised agents.

Art. 15

The club, national association or the person the agent claims he is representing, shall, upon demand, confirm such a mandate in writing as well as any commitments undertaken on their behalf.

Art. 16

Any commitments undertaken by and for an agent shall be drawn up in duplicate in writing in the form of a contract signed by all the parties concerned.

Art. 17

To be valid, a contract drawn up in accordance with art. 16 shall contain provisions covering:

- (a) expenses for travel, board and basic living costs of the contractual parties;
- (b) the total net indemnification (after deduction of all charges, taxes or levies) due to the contractual parties;
- (c) the conditions which shall apply if a match is (or matches are) cancelled in the case of force majeure;
- (d) the conditions which shall apply if a player who was due to have been fielded under the terms of the contract does not appear in the team (including reasons of force majeure);
- (e) the fact that the parties concerned shall be aware of these regulations and undertake to observe the provisions therein.

Art. 18

The emoluments received by the FIFA agent shall not exceed 10% of the amount he has negotiated for the club or national association he represents. A contract which contains higher commission shall be null and void.

Art. 19

¹ FIFA may intervene to ensure that any commitments undertaken between agents and teams under contract to the agents are observed only if the two conditions mentioned under art. 16 par. 4 of the Regulations governing the Application of the Statutes have been complied with.

² If one of the parties to the contract can prove that it has suffered loss as a result of an agent's action, the Executive Committee may decide to indemnify the party concerned from the bank guarantee provided by the agent (cf. art. 8).

³ If an agent repeatedly creates problems, the Executive Committee may decide to withdraw his licence.

⁴ Any national association or club which does not observe the commitments it has undertaken or fails to adhere to the provisions contained herein shall be sanctioned in accordance with the statutes and regulations in force.

Art. 20

The body responsible at FIFA for supervising and ruling on any matters connected with the application of these regulations shall be the FIFA Executive Committee.

IV. Termination of activity

Art. 21

¹ Any FIFA agent who terminates his activity is obliged to return his licence.

² The general secretariat shall return the bank guarantee provided by the agent, subject to the provisions of art. 8, par. 3 above, without prejudice to any payments FIFA may have had to make in virtue of art. 8 and art. 19 above.

V. Final provisions

Art. 22

Any contingencies not provided for in these regulations shall be settled by the Executive Committee.

Art. 23

These regulations were initially adopted on 13 June 1991 and subsequently amended on 31 May 1995. The new version shall come into force on 1 June 1995.

Zurich, 2nd May 1995

For the FIFA Executive Committee

President
Dr João Havelange

General Secretary
J. S. Blatter