

# EU Conference on Sports Agents

Brussels, 9 -10 November 2011

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## List of payments made by Barclays Premier League clubs to agents (£67,138,040.40):

1. Arsenal £3,660,199.00
2. Aston Villa £2,279,536.50
3. Birmingham City £1,518,529.09
4. Blackburn Rovers £1,623,232.92
5. Blackpool £45,000.00
6. Bolton Wanderers £3,549,316.72
7. Chelsea £9,293,751.48
8. Everton £3,599,040.51
9. Fulham £2,087,373.55
10. Liverpool £9,032,528.49
11. Manchester City £5,952,261.33
12. Manchester United £2,312,726.00
13. Newcastle United £2,417,776.00
14. Stoke City £2,196,968.50
15. Sunderland £4,421,990.72
16. Tottenham Hotspur £5,361,229.87
17. West Bromwich Albion £614,195.73
18. West Ham United £3,419,089.99
19. Wigan Athletic £2,461,500.00
20. Wolverhampton Wanderers £1,291,794.00

# Reform of FIFA's Players' Agents System

Regulations on working with  
Intermediaries

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# Background of the current system

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- FIFA regulates activity of players' agents since 1991
- Various minor adaptations in 1994 and 1995
- Essential revision in 2000 with new edition of the Regulations coming into force on 1 March 2001
  - licence issued by associations
  - professional liability insurance
  - written examination
  - licence issued for unlimited period of time

# Background of the current system

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- The current FIFA Players' Agents Regulations were approved by the FIFA Executive Committee on 29 October 2007 and came into force on 1 January 2008.
- Main target of the mentioned regulations:
  - to enable FIFA to enhance control on the activity of Players' Agents by means of provisions also binding at a national level and more severe sanctions in case of non-compliance.

# Background of the current system

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After a thorough analysis of the workings of the current system, the following difficulties have been identified:

- Only 25 to 30% of the international transfers are concluded through licensed agents;
- Difficult implementation of the system of licensing involving FIFA and the MAs;
- Conflicts between the FIFA Regulations and national laws in some countries;
- Existence of parallel mechanisms: non-licensed agents;
- Complications for the negotiation of contracts.

# Revision of current system

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Against such a context:

- In June 2009, at the 59<sup>th</sup> FIFA Congress a decision was taken for an in-depth reform of the players' agents system through a new approach based on the concept of intermediaries and thorough discussion with club and player representatives
- A working group within FIFA's Committee for Club Football was created to deal with such a reform with appropriate representation of the main parties involved in transactions involving players agents: Players and Clubs.
- The working group analysed and explored in detail a possible solution.
- Possible completely new approach could be: Regulate the conduct of clubs and players, and extend the scope of the regulations to all kind of intermediaries.

# Revision of current system

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- The working group met on 5 occasions (July, September and November 2009 and May and August 2010).
- The working group gathered the observations and commentaries of different entities and Member Associations: UEFA and the European Club Association (ECA), as part of the working group together with FIFPro; the Association of European Professional Football Leagues (EPFL); the European Football Agents Associations (EFAA); The Football Association (The FA); the French Football Federation (FFF); the German Football Association (DFB); the Italian Football Federation (FIGC); the Royal Netherlands Football Association (KNVB), etc.
- The aim of conducting a review of the system that regulates agents is not to “*deregulate*” the mentioned profession, but on the contrary, to seek a broader control over intermediaries.

# Revision of current system

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- The following elements were to taken into account when drafting the new regulations: transparency; values of fees; conflicts of interest; and, education.
- The working group drafted:
  - a “*working paper*” of the possible future “*Regulations on working with intermediaries*”.
  - two standard representation contracts - as general guidelines at the disposal of clubs and players wishing to engage the services of an intermediary.

# Regulations on working with intermediaries

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The following principles are included in the draft:

- Application of regulations to players and clubs that engage the services of intermediaries;
- Disclosure and publication of remunerations made to intermediaries → transparency
- Registration system of intermediaries (implemented by the Member Associations and through the information provided by their affiliated clubs and/or registered players);
- Restrictions on payments made to intermediaries (e.g. maximum amounts paid);
- Non payment of commission to intermediary if involved player is a minor;
- Conflict of interests;
- Intermediaries have no link to FIFA;
- Invalidation of current FIFA Players' Agents Regulations.

# Regulations on working with intermediaries

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The “*working paper*” of the possible future “*Regulations on working with intermediaries*” and the standard representation contract drafts were presented to the following FIFA Committees:

- Legal Committee;
- Players’ Status Committee;
- Committee for Club Football.
- FIFA’s Executive Committee in March 2011

## Further timeline:

FIFA’s Executive *Committee* has decided to further discuss the revision of FIFA’s Players’ Agents System based on the concept of intermediaries with all relevant involved parties, and bring it to the FIFA Congress for a formal decision in 2012.

# Regulations on working with Intermediaries

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# Regulations on working with intermediaries

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## **Intermediary** (art. 1 of the Regulations):

A **natural or legal person** who, for a fee or free of charge, represents players and/or clubs with a view to negotiating an employment contract or represents clubs in negotiations with a view to concluding a transfer agreement.

## **Scope of the Regulations:**

Provisions are aimed at **players and clubs** that engage the services of an intermediary.

# Regulations on working with intermediaries

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## **Registration of intermediaries** (art. 4 of the Regulations):

1. **Registration system** implemented by Member Associations.
2. Players and clubs are required to inform their respective association of the name, contact details and any other information required, of such intermediaries.
3. Such notification must be made by clubs to the association to which they are affiliated and by players to the association of their new/or current club.

# Regulations on working with intermediaries

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## **Representation contract** (art. 5 of the Regulations):

The representation contract must contain the following minimum details:

- Names of the parties
- Duration
- Remuneration due to the intermediary
- Terms of payment
- Date of completion
- Termination provisions
- Signature of the parties

# Regulations on working with intermediaries

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## **Disclosure and publication** (art. 6 of the Regulations):

1. Disclosure provisions: Full details of the agreed remunerations by players and/or clubs to an intermediary to the respective Member Association and upon request for the purposes of their investigations, disclosure of all relevant information to the competent bodies of the leagues, associations, confederations and FIFA.
2. Publication provisions: Associations shall make publicly available once a year the total amount of all remunerations or payments made to intermediaries by their registered players and by each of their affiliated clubs (consolidated figures).

# Regulations on working with intermediaries

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## **Payments to intermediaries** (art. 7 of the Regulations):

The total amount of remuneration due to an intermediary shall not exceed:

- 3% of the player's basic gross income for the entire duration of the employment contract *in the event of an employment contract negotiated on behalf of the player*
- 2 million dollars (USD) or 3% of the eventual transfer fee paid in connection with the relevant transfer of the player *in the event of a transfer agreement negotiated on behalf of a club*
- 2 million dollars (USD) or 3% of the player's basic gross income for the entire duration of the contact *in the event of an employment contract negotiated on behalf of a club*
- Lump sum payments have to be adapted/reduced accordingly

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## **Conflicts of interest** (art. 8 of the Regulations):

- Prior to engaging the services of an intermediary, players and/or clubs shall ensure that no conflicts of interest exist or are likely to exist.
- No conflict of interest would be deemed to exist if the intermediary discloses in writing any actual or potential conflict of interest he might have with one of the other parties involved in the matter, in relation to a transaction, representation contract or shared interests, and if he obtains the express written consent of the other parties involved prior to the start of the relevant negotiations.

# Regulations on working with intermediaries

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## **Sanctions on players, clubs and associations** (art. 9 of the Regulations):

- Domestic transactions: the Association imposes sanctions on players and clubs.
- International transactions: FIFA Disciplinary Committee imposes sanctions on players, clubs and associations.

**Thank you**

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