

The Significant Decisions Adopted in FIFA's Last Congress Came into Force on 1 October 2021

Author: Meriç Bahçivancı

In 1893, Willie Groves moved from West Bromwich Albion to Aston Villa for GBP 100. 124 years after this first transfer in the football history, in 2017, Mbappe and Neymar received EUR 180 mio and EUR 220 mio respectively as transfer fees.

FIFA, the chief regulator of football, has constantly been amending its rules to meet the sophisticated and complex needs of this game. FIFA introduced the latest amendments on 10 September 2021 through its Circular No. 1769 (the "Circular"). The Circular embedded the decisions adopted during FIFA's 71st Congress on 21 May 2021. With these amendments, FIFA:

- consolidated the chambers performing the dispute resolution functions under the umbrella of the FIFA Football Tribunal ("FT"); and
- introduced significant revisions in the Regulations on the Status and Transfer of Players ("RSTP") and Procedural Rules Governing Football Tribunal ("PR").

These amendments came into force, and the FT started its operations as of 1 October 2021.

The FT

In 1991, FIFA introduced its first set of rules on international transfers and established the Players' Status Committee ("PSCo") to facilitate the implementation of these rules. Prior to the constitution of the FT, PSCo had functioned both as a rule making and judicial body.

In its Congress on 21 May 2021, FIFA decided to:

- dissolve the PSCo;
- transfer the PSCo's rule making functions to the Stakeholders Committee (which has already been performing such functions more actively in practice);
- restructure the dispute resolution functions under the following chambers that will perform under the auspices of the FT:
 - *Dispute Resolution Chamber* will be responsible for the employment law disputes between the clubs and players as well as the disputes regarding the training compensation and solidarity mechanism.
 - *Players' Status Chamber* will decide on (i) employment-related disputes between coaches and clubs or associations; (ii) transfer-related disputes between clubs; (iii) regulatory applications related to the international transfer system; and (iv) the eligibility of the players to participate in national teams.
 - *Agents Chamber* will hear the disputes involving the football agents. This Chamber will be operational following FIFA's approval of Football Agent Regulations.

Amendments to RSTP and PR

Prominent amendments to RSTP and PR, which came into force as of 1 October 2021, are as follows:

- No procedural costs will incur if one of the parties is a natural person (player, coach, agent etc.). Prior to the amendments, exemptions from procedural costs were limited to the international employment-related disputes between the clubs and players and those regarding the maintenance of contractual stability.
- The procedural costs (if applicable) must now be paid within 10 days. The previous timeframe was 20 days.
- The procedural costs (if any) are now payable in US Dollars.
- If the parties' submissions are in one of FIFA's official languages (i.e., English, French, German, Spanish), the proceedings will proceed in such language. English will be used in the proceedings and the decision, on the other hand, if the parties use more than one official language. There were no clear provisions on this issue before the amendments.
- The FIFA general secretariat may refer the matter for a decision before continuing the procedure if a chamber obviously lacks jurisdiction or a claim is obviously time-barred.