TRANSFERS OF FOOTBALL PLAYERS
A practical approach to implementing FIFA rules

Michele Colucci and Ornella Desirée Bellia (eds.)

PART I
INTERNATIONAL TRANSFER OF PLAYERS


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NOTE ON THE AUTHORS

Alexandre Antonini, Legal counsel, Olympique de Marseille Legal Department.

Benjamin Arnaud, Legal counsel, Olympique de Marseille Legal Department.

Ornella Desirée Bellia, Head of Professional Football at FIFA.

Andrea Bozza, specialises in national and international sports law and his work covers the entire spectrum of sport law activities, providing legal advice to a variety of clients in relation to different areas, such as representation of athletes and clubs within the contest of negotiation and drafting of transfer/employment contracts and commercial contracts, and legal assistance in pre-contentious and contentious disputes involving clubs, FIFA intermediaries and/or athletes; he is adjunct professor for the LL.M organised by the IE University (Madrid), and lectures sports law at the Global Master in International Sport Law organised by Instituto Superior de Derecho y Economía (Barcelona and Madrid).

Pierfilippo Capello, has been engaged as a sports law expert in a variety of matters, ranging from representation of athletes and clubs within the context of negotiation and drafting of transfer/employment contracts and commercial contracts, to legal assistance in pre-contentious and contentious disputes involving clubs, FIFA intermediaries and/or athletes. He is adjunct professor for Sports Law at Università LIUC in Varese Castellanza and for Civil and Sports Law at the University of Pavia (Medicine); he is also adjunct professor for the LL.M in Sports law at the Milan University and at the IE University.

Roy Chu, Associate at Links Law Offices (Chinese qualified lawyer). Member of the Sports Law Committee of Shanghai Bar Association. Roy is experienced in providing legal service to football clubs in China, as well as in basketball and eSports.

Salvatore Civale, Attorney-at-law specialised in international sports law and arbitration, naming Partner of Studio Civale, Nocera Inferiore and Milan (Italy), founding member and President of the Italian Sports Lawyers Association, Member of Rex Sport Association, Arbitrator at European Handball Federation Court of Arbitration (Vienna, Austria), Pro bono Lawyer at UEFA Legal Aid, Member of Arbitration Panels of Italian Football League Serie A – FIGC, AIC, LNPA and Sports Judge at Italian Twirling Federation. He regularly advises football clubs, agents, players, coaches, national associations and other football stakeholders before the main sport dispute-resolution bodies. He is author of publications and gives lectures on sports law in several Italian Universities and abroad.
Mariano Clariá, Partner of Clariá & Trevisán Abogados, one of the leading Sports Law firms in Argentina. Director of the FIFA/CIES Executive Programme of Sports Law and Management in Argentina. Arbitrator of the Court of Arbitration for Sport (CAS) for the period 2019-2022.

Michele Colucci, Civil servant of the European Union, member of the FIFA Dispute Resolution Chamber and member of the FIFPro Dispute Commission. Co-founder and Honorary President of the Italian Association of Sports Lawyers.

Carol Couse, Head of Sport (International) for Mills & Reeve LLP. She has specialised in sports law with a particular focus on football, both in house and in private practice. She advises professional football leagues, clubs, players, managers and agents on football regulatory matters (including on all aspects of player transfers, player contracts and immigration/work permit requirements and domestic and international disputes). Carol was recognised by Who’s Who Legal as a Global Elite Thought Leader for EMEA in 2018 and 2019. Carol regularly lectures and speaks at conferences on domestic and international football regulatory topics.

Victor Eleuterio, Associate lawyer at Bichara e Motta Advogados since 2010. Arbitrator from the sport list of the Centro Brasileiro de Mediação e Arbitragem (CBMA); Member of the Sports Law Commission of the Rio de Janeiro Bar Association (OAB/RJ); visiting lecturer in several Sports Law and Sports Management courses in Brazil and author of numerous articles on the subject.

Lucas Ferrer, Partner at Pintó Ruiz & del Valle since 2011. Expert in Sports Law, Media Law and International Arbitration. He worked as Legal Counsel at the Court of Arbitration for Sport from 2007 until 2011. As from 2011, he became Director of the Sports Law Department at Pintó Ruiz & Del Valle, where he has regularly advised football clubs, agents, players and international associations and has litigated before the main sport dispute-resolution bodies. In 2015 he was appointed member of the 35th Americas Cup Arbitration Panel and in 2017 he was appointed member of the IAAF Disciplinary Tribunal.

Miguel María García Caba, Director of the Legal Department of Real Federación Española de Fútbol.

André Galdeano, Legal Manager at the Football Department of Clube de Regatas do Flamengo since 2010. Member of the Sports Law Commission of the Rio de Janeiro Bar Association (OAB/RJ) and of the Brazilian Institute of Sports Law (IBDD). Professor of Sports Law and Sports Management in universities and author of numerous articles on the subject.

Tiran Gunawardena, Senior Associate (Australian Qualified) in the London office of Mills & Reeve LLP. He specialises in international and domestic sports arbitration, with significant experience with proceedings before the Court of Arbitration for Sport (CAS) and regulatory matters in sport. He advises domestic federations, professional football leagues, clubs, players and agents on regulatory matters across various sports. He is a disciplinary panel member for England Boxing and British Gymnastics, and is also dual qualified as an Australian solicitor and chartered accountant. He was recognised by Who’s Who Legal as a leading sports lawyer in the UK in 2018 and 2019.
João Leal, Graduated in law by Universidade Autonoma de Lisboa, lawyer, former Legal Director of the Portuguese Football Federation and currently Director of Players’s Transfers.


Stefano Malvestio, International Consultant and Head of International Arbitration at Bichara e Motta Advogados, arbitrator at the Centro Brasileiro de Mediação e Arbitragem (CBMA). Stefano was recognised by Who’s Who Legal as a leading sports lawyer in Brazil in 2018 and 2019 and as a Global Elite Thought Leader in 2019.

Giandonato Marino, Associate at Llinks Law Offices (Italian qualified lawyer). Giandonato specializes in consultancy and litigation for clients in the sports industry, with a particular focus on football. Before moving to China in 2017, he had relevant professional experiences in Italy, the Netherlands and Brazil.

Alexandre Mialhe, General Secretary and the Head of Olympique de Marseille Legal Department.

Kimberly T. Morris, Chief HR & Services Officer at FIFA and former FIFA Head of Global Player Transfers & Compliance.

Marcos Motta, Founding partner of Bichara e Motta Advogados, Member of the FIFA Working Group on TPO (2015) and member of the working group of the Brazilian Federal Senate that prepared the new Brazilian General Law of Sports. Marcos was recognised by Who’s Who Legal as a Global Elite Thought Leader in 2018 and 2019.

Omar Ongaro, Vice Chairman of the FIFA DRC.

Luca Pastore, Attorney-at-law admitted before Italian Courts, of Counsel at Lombardi Associates, Edinburgh (UK). He specialises in sports law with a particular focus on football and expertise in sports dispute resolution before FIFA and the Court of Arbitration for Sport. He is a member of the Editorial Board for the Italian journal Rivista di Diritto ed Economia dello Sport (RDES).

Vanessa Plavjanikova, Junior Legal Counsel at FIFA Players’ Status. She graduated in law at the University of Zurich and holds a master’s degree from ISDE (Barcelona).


Tomas Pereda Rueda, Associate at Llinks Law Offices (Spanish qualified lawyer). He regularly advises Chinese football clubs and other clients in the sports industry, with a particular focus on football and relevant experience in intermediary business in China.
Nicole A. Santiago, Associate at Pintó Ruiz & Del Valle, SLP. Nicole specializes in international sports law, with considerable experience in sports dispute resolution before national dispute resolution chambers, FIFA and the Court of Arbitration for Sport, as well as advising players, agents, clubs, leagues and national associations. She is qualified to practice law in New York.

Michele Spadini, Attorney-at-law based in Lugano (CH), admitted before Italian and Swiss courts, Senior Associate at Elite Law SA. He specializes in national and international sports law and arbitration and regularly advise a wide range of clients in the sports industry.

Mario Tenore, tax advisor at Maisto e Associati (Milan). He advises clients (sport teams, athletes and agents) in various areas such as relocation of the tax residence of sportspersons, application of the Forfait tax regime to sportspersons, application of the Impatriate tax regime to football players, negotiation and drafting of sport contracts, streamlining income from image rights and sponsoring, litigations and settlements re fringe benefits taxation, tax regularization procedures for artists and sportspersons. He is member of the International Tax Entertainment Group (ITEG).


Rafael Trevisán, Partner of Clariá & Trevisán Abogados, one of the leading Sports Law firms in Argentina. Director of the FIFA/CIES Executive Programme of Sports Law and Management in Argentina.

Josep F. Vandellós Alamilla, international sports lawyer. He is an arbitrator at Sport Resolutions UK and member of the editorial board of LawInSport. He is also the Academic Director of the Global Master in Sports Management and Legal Skills ISDE-FC Barcelona (on-line ed.). He is the author of “Coach-related disputes, a critical analysis of the FIFA PSC decisions and CAS awards” (Bulletin 1/2018 Sports Law and Policy Centre - Michele Colucci Ed.)

Jonathan Wilkens, LL.M., Lawyer (Rechtsanwalt) and Legal Counsel at VfB Stuttgart 1893 AG; former Head of Corporate and Football Affairs Legal at DFL Deutsche Fußball Liga GmbH.

David Wu, Partner and Head of the Sports law practice for Links Law Offices (Shanghai). He has extensive experience in the sports industry, being a CAS arbitrator since 2013 and advising professional football clubs, players, coaches and agents in China for more than 10 years. He has a leading position in China for legal services to the sports industry (including clients in basketball, yachtting and eSports).

Konstantinos N. Zemberis, Founding partner of Zemberis, Markezinis, Lambrou & Associates Law Firm, based in Athens, Greece. LL.M. in International Economic Law from the University of Warwick, UK (2000). Frequent lecturer on intellectual property law and image rights.
INTRODUCTION

Football is a global marketplace where talented players move frequently from one club to another.

Since footballers’ contracts are now more lavish than ever, the interests at stake are also huge. As a consequence, footballers, clubs, and intermediaries, are often involved in extended, exhausting negotiations to close employment and transfer agreements, which have multifaceted contents, encompassing sport activity and image marketing.

In such a context, it becomes obvious that the stakeholders’ lawyers bear the responsibility to carefully and diligently conceive, negotiate, and draft the relevant contracts’ clauses.

They do so within the legal framework designed by FIFA over the years and shaped mostly by the evolution of the CAS and FIFA jurisprudence. So, it is unsurprising that the transfer regulatory framework has been amended several times.

The last reform has recently been endorsed by the FIFA Football Stakeholders Committee which debated and agreed some measures in the spirit of positive dialogue between parties with mutual interests in the effective functioning of the transfer rules.

Taking into account the legal and economic context of the transfer system, the ongoing reform process, and the consolidated digest of FIFA and CAS jurisprudence, this book has the realistic ambition to provide football stakeholders and lawyers with an updated and comprehensive overview of all the sensitive questions, which seriously matter for the transfer of players, such as:

What are the indispensable facts and legal acts that clubs and players should consider in order to complete a mutually profitable and successful transfer agreement?

What are the main provisions that clubs, players, and intermediaries should focus on while concluding a contract?

Furthermore, what are the federations’ responsibilities, duties and operative measures?

How do the regulatory provisions governing football transfer and employment agreements work in practice?
The Authors of this publication are practitioners and scholars, who shall answer those and other questions, exploiting their proven, professional experience as in-house lawyers or legal counsels to clubs, Football Associations, and players. They shall provide a comprehensive overview of all matters related to the transfer of players.

This book is divided into two parts: the first one has an international scope and puts emphasis on the main contractual clauses drafted in the context of a transfer in light of the relevant FIFA regulations and international case law. Highlighted topics include training compensation, third party ownership, transfer of minors, intermediaries and international tax issues.

The second part concentrates on national transfers. Following the same outline, the Authors analyse the relevant domestic regulatory frameworks by underlining and explaining in detail the peculiarities of each system from a practical viewpoint.

On the basis of such analysis the editors draw the main conclusions in order to identify and validate the best practices and to hopefully contribute to upgrading the legal framework of the football transfer system.

The editors wish to sincerely thank James Mungavin for his linguistic revision and valuable comments, Durante Rapacciuolo for his precious suggestions, and Antonella Frattini for her patience and her meticulous work in editing the book.

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Ornella Desirée Bellia and Michele Colucci

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