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Zadeva: Postopek uveljavljanja solidarnostnih prispevkov ob mednarodnih prestopih igralcev

Spoštovani!

obveščamo vas, da je Izvršni odbor FIFA na svoji seji dne 20. in 21. marca 2014 sprejel dodatek k Pravilniku o statusu in prestopih igralcev (*angl. FIFA Regulations on the Status and Transfer of Players*), ki ureja postopek uveljavljanja solidarnostnih prispevkov ob mednarodnih prestopih igralcev.

V skladu z okrožnico FIFA št. 1500 (*angl. FIFA CL 1500 – Regulations on the Status and Transfer of Players – procedure governing claims related to training compensation (article 20) and the solidarity mechanism (article 21)*), bo od 1. oktobra 2015 dalje vse zahteve za uveljavljanje nadomestila za vzgojo (*angl. training compensation*) ali uveljavljanje solidarnostnega prispevka (*angl. solidarity contribution*) potrebno vlagati preko sistema TMS (*angl. FIFA Transfer Matching System*). V sistemu TMS bo od 1. oktobra 2015 dalje odprt poseben zavihek preko katerega se bodo tovrstne vloge naslavljalne ustreznim klubom.

Klubi, ki že sodelujejo v sistemu TMS, bodo svoje morebitne vloge oddajali neposredno v sistemu, medtem ko bo za klube, ki še niso v sistemu TMS, ta postopek izvedla Nogometna zveza Slovenije.

Za dodatne informacije smo vam na voljo v sektorju za mednarodne in pravne zadeve (mladen.cicmir@nzs.si; 01 5300 422).

S spoštovanjem,

Nogometna zveza Slovenije

Aleš Zavrl

Generálni sekretar NZS

Priloga:

- *FIFA CL 1500: Regulations on the Status and Transfer of Players – procedure governing claims related to training compensation and the solidarity mechanism.*

Poslati:

- Medobčinske nogometne zveze;
 - ZNSS, ZNTS;
 - Nogometni klubi (v tekmovanjih NZS);
 - Člani organov in komisij NZS;
 - Sodniki, delegati in kontrolorji (na listah NZS).
- Člani NO NZS;
 - Člani IO NZS;
 - Častni predsednik NZS;
 - Direktor in selektorji nogometnih reprezentanc;
 - Arhiv, tu.

PREJETO

07. 09. 2015

TO THE MEMBERS OF FIFA

Circular no. 1500

Zurich, 4 September 2015

SG/mku

Regulations on the Status and Transfer of Players – procedure governing claims related to training compensation (article 20) and the solidarity mechanism (article 21)

Dear Sir or Madam,

We are pleased to inform you that on the occasion of its meeting on 20 and 21 March 2014, the FIFA Executive Committee approved a complete new Annexe 6 to be included in the Regulations on the Status and Transfer of Players (hereinafter: *the Regulations*). The new Annexe 6 concerns procedures governing claims related to training compensation (article 20 of the Regulations) and the solidarity mechanism (article 21 of the Regulations). You will find enclosed a copy of the new Annexe 6 of the Regulations as well as of an amendment to art. 24 of the Regulations.

As from the aforementioned date of approval of the new Annexe 6 of the Regulations, FIFA Transfer Matching System GmbH has been working on the creation and implementation of an adequate system to properly manage claims through the Transfer Matching System (TMS). The new system has now been finalised and the new Annexe 6 of the Regulations will therefore come into force on 1 October 2015.

The new Annexe 6 of the Regulations establishes a procedure by means of which all claims related to training compensation and the solidarity mechanism will be managed through TMS. The new procedure will lead to a more effective way of handling claims and is closely related to the existing handling of applications in relation to the protection of minors, with which associations and clubs are already familiar. We would like to emphasise that the new Annexe 6 does not have any impact on substantial aspects relating to the principles of training compensation and the solidarity mechanism, which will remain unchanged. It only concerns the way claims will be managed, making use of a more up-to-date system, i.e. TMS, rather than the current paper-based process.

In this framework, another measure that has been taken to ensure a more efficient procedure concerning claims related to training compensation and the solidarity mechanism is the creation of a sub-committee appointed by the Dispute Resolution Chamber (DRC) which is composed of all members of the DRC, each of whom is able to pass a decision as a single judge. As a consequence, art. 24 of the Regulations has been amended.

In conclusion, we would like to highlight that as from 1 October 2015, all claims related to training compensation and the solidarity mechanism must be submitted and managed through TMS.

Finally, please be informed that the current Annexe 6 of the Regulations, which governs the Rules for the Status and Transfer of Futsal Players, will as of 1 October 2015 continue as Annexe 7 of the Regulations, with its current wording unchanged.

We thank you for your kind attention to the above and for ensuring that all of your affiliated clubs are informed accordingly without delay.

Yours faithfully,

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Jérôme Valcke
Secretary General

Encl. as mentioned

cc: - FIFA Executive Committee
- Players' Status Committee
- Dispute Resolution Chamber
- Confederations

Procedure governing claims related to training compensation (article 20) and the solidarity mechanism (article 21)

1 Principles

1. All claims related to training compensation according to article 20 and to the solidarity mechanism according to article 21 must be submitted and managed through TMS. The claims shall be entered in TMS by the professional club holding a TMS account or, in the case of a professional club without a TMS account or an amateur club, by the association concerned.

2. Unless otherwise specified in the provisions below, the Rules Governing the Procedures of the Players' Status Committee and the Dispute Resolution Chamber shall be applied to the claim procedure, subject to any slight deviations that may result from the computer-based process.

2 Responsibility of clubs and member associations

1. All professional clubs and all member associations shall check the "Claims" tab in TMS at regular intervals of at least every three days and pay particular attention to any petitions or requests for statements.

2. Professional clubs and member associations will be fully responsible for any procedural disadvantages that may arise due to a failure to respect paragraph 1 above.

3 Composition of sub-committee

The sub-committee appointed by the Dispute Resolution Chamber shall be composed of members of the Dispute Resolution Chamber and, as a general rule, each member of the sub-committee shall be able to pass decisions as a single judge.

4 Conduct during proceedings

1. All parties involved in proceedings shall act in good faith.

2. All parties involved in proceedings are obliged to tell the truth to the sub-committee. Sanctions may be imposed on any association or club found to have provided untrue or false data to the sub-committee or for having misused the TMS application procedure for illegitimate purposes. Any violations, such as forged documents, will be sanctioned by the FIFA Disciplinary Committee in accordance with the FIFA Disciplinary Code.

3. The sub-committee may use all means at its disposal to ensure that these principles of conduct are observed.

4. FIFA TMS GmbH shall investigate matters in relation to the obligations of parties under the present annexe. All parties are obliged to collaborate to establish the facts. In particular, they shall comply, upon reasonable notice, with requests for any documents, information or any other material of any nature held by the parties. In addition, the parties shall comply with the procurement and provision of documents, information or any other material of any nature not held by the parties but which the parties are entitled to obtain. Non-compliance with these requests from FIFA TMS GmbH may lead to sanctions imposed by the FIFA Disciplinary Committee.

5 Initiation of proceedings and submission of documents related to training compensation claims

1. The claim for training compensation (article 20 and Annexe 4) shall be entered in TMS by the appropriate party in accordance with article 1.1 above. Applications under the aforementioned provision submitted by any other means will not be considered.

2. Depending on the details of the claim in question, the claimant shall also either personally or through its association (if it does not hold a TMS account) mandatorily enter specific documents from the following list in TMS:

- Names of the parties
- A detailed representation of the case and the grounds for the claim
- The amount claimed
- The category (I,II,III or IV) of the respondent
- Official confirmation from the claimant's member association of the start and end dates of its sporting season (e.g. from 1 July until 30 June of the following year) during the period when the player was registered with the claiming club
- Complete career history (all player passports [cf. article 7] from the relevant associations involved), including the player's date of birth and all clubs with which the player has been registered since the season of the player's 12th birthday until the date of his registration with the respondent club, taking into account any possible interruptions, as well as indicating the status of the player (amateur or professional) with all clubs
- Information about the exact date (day/month/year) of the first registration of the player as a professional (if applicable)
- Information about the exact date (day/month/year) of the transfer on which the claim is based (if the claim is based on a subsequent transfer of a professional player)
- Evidence that the advance of costs has been paid or that no advance of costs need to be paid
- Official confirmation from the claimant's member association of the category of the claiming club (if the player is moving inside the territory of the EU/EEA, cf. Annexe 4, article 6)
- Documentary evidence in connection with Annexe 4 article 6 paragraph 3 (if the player is moving inside the territory of the EU/EEA, cf. Annexe 4 article 6)
- Documentary evidence in connection with Annexe 4 article 3 paragraph 3 (if the claimant is an association)
- Power of attorney (if applicable)

3. If an obligatory document is not submitted, or if a translation is not submitted in accordance with article 8 below, the claimant will be notified accordingly in TMS. A claim will only be processed if all obligatory documents have been submitted, or if all necessary translations have been correctly submitted in accordance with article 8 below.

4. The claimant may also submit any other documents it deems necessary together with the claim. The sub-committee may request further documents from the claimant at any time.

5. The claims of amateur clubs shall be submitted by the association concerned.

6 Initiation of proceedings and submission of documents related to solidarity mechanism claims

1. The claim for solidarity contribution (article 21 and Annexe 5) shall be entered in TMS by the appropriate party in accordance with article 1.1 above. Applications under the aforementioned provision submitted by any other means will not be considered.

2. Depending on the details of the claim in question, the claimant shall either personally or through its association (if it does not hold a TMS account) also mandatorily enter specific documents from the following list in TMS:

- Names of the parties
- A detailed representation of the case and the grounds for the claim
- Information about the exact date (day/month/year) of the transfer on which the claim is based
- Information about the clubs involved in the transfer on which the claim is based
- The percentage of solidarity contribution claimed
- Official confirmation from the claimant's member association of the start and end dates of its sporting season (e.g. from 1 July until 30 June of the following year) during the period when the player was registered with the claiming club
- Written confirmation from the relevant association with regard to the player's exact registration dates with the claimant club, i.e. as from which date (day/month/year) until which date (day/month/year), taking into account any possible interruptions, including the player's date of birth as well as indicating his status (amateur or professional) with the claiming club
- The alleged amount for which the player was apparently transferred to his new club, if known, or a statement that the amount is currently not known
- Evidence that the advance of costs has been paid or that no advance of costs need to be paid
- Documentary evidence in connection with Annexe 5 article 3 paragraph 3 (if the claimant is an association)
- Power of attorney (if applicable)

3. If an obligatory document is not submitted, or if a translation is not submitted in accordance with article 8 below, the claimant will be notified accordingly in TMS. A claim will only be processed if all obligatory documents have been submitted, or if all necessary translations have been correctly submitted in accordance with article 8 below.

4. The claimant may also submit any other documents it deems necessary together with the claim. The sub-committee may request further documents from the claimant at any time.

5. The claims of amateur clubs shall be submitted by the association concerned.

7 Notification of claim to respondent

1. If all obligatory documents have been submitted (cf. articles 5 and 6 above) and if there is no reason not to deal with a claim, the claim (including all documents) shall be sent via TMS to the respondent. The respondent shall have 20 days from the date on which the claim is sent via TMS in which to upload its responding statement (including all exhibits, if any). The respondent will also be granted access to all documents on file in TMS. The documents and their contents must be treated with the necessary confidentiality and may only be used within the scope of the relevant procedure. The sub-committee may request further documents from the respondent at any time.

2. A second exchange of correspondence will only be held in special cases. If applicable, the second exchange of correspondence shall also be processed through TMS.

3. If no responding statement is received within 20 days, a decision shall be taken upon the basis of the documents already on file.

8 Language of documents

All documents shall be submitted in the original version and, if applicable, translated into one of the four official languages of FIFA. Failure to do so may result in the sub-committee disregarding the document in question.

9 Deadlines

1. Deadlines shall be set legally through TMS.
2. All submissions must be entered in TMS by the deadline in the time zone of the association concerned.

10 Notification of decisions, legal remedy

1. All parties concerned shall be legally notified of the sub-committee's decision via TMS, either directly or through their association. Notification will be deemed complete once the decision has been uploaded into TMS. Such notification of decisions shall be legally binding.
2. The parties concerned shall be notified of the findings of the decision, either directly or through their association. At the same time, the parties shall be informed that they have ten days from notification in which to request, in writing via TMS, the grounds of the decision, and that failure to do so will result in the decision becoming final and binding and that the parties shall be deemed to have waived their rights to lodge an appeal. If a party requests the grounds of the decision, the motivated decision will be notified to the parties, either directly or via their association, in full, written form via TMS. The time limit to lodge an appeal begins upon such notification of the motivated decision.

1. The DRC shall adjudicate on any of the cases described under article 22 a), b), d) and e) with the exception of disputes concerning the issue of an ITC.

2. The DRC shall adjudicate in the presence of at least three members, including the chairman or the deputy chairman, unless the case is of a nature that may be settled by a DRC judge. The members of the DRC shall designate a DRC judge for the clubs and one for the players from among its members. The DRC judge may adjudicate in the following cases:

- i. all disputes up to a litigious value of CHF 100,000;
- ii. disputes relating to training compensation without complex factual or legal issues, or in which the DRC already has a clear, established jurisprudence;
- iii. disputes relating to solidarity contributions without complex factual or legal issues, or in which the DRC already has a clear, established jurisprudence.

Disputes as per points ii. and iii. of this paragraph may also be adjudicated by the chairman or the deputy chairman as single judges.

The DRC judge, as well as the chairman or deputy chairman of the DRC (as the case may be), is obliged to refer cases concerning fundamental issues to the chamber. The chamber shall consist of equal numbers of club and player representatives, except in those cases that may be settled by a DRC judge. Each party shall be heard once during the proceedings. Decisions reached by the Dispute Resolution Chamber or the DRC judge may be appealed before the Court of Arbitration for Sport (CAS).

3. Training compensation and solidarity mechanism claims handled through TMS (cf. Annexe 6) shall be decided by the sub-committee of the DRC.