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FOOTBALL COACH-RELATED DISPUTES

*A Critical Analysis of the relevant CAS awards and
FIFA Players' Status Committee decisions*

By

Josep F. Vandellós Alamilla

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Book Review

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Throughout the book presented by the Author, we find a unique opportunity to immerse ourselves in the football coaches' reality and the way the conflicts arising from their contractual relationships with clubs or national associations are handled.

Starting with the issue of which body has the jurisdiction to deal with such kind of conflicts and their applicable law; passing through the substantial issues regarding the contractual relationships between coaches and clubs or associations; and finishing with the causes of contractual termination and their respective consequences, the author addresses and supports each of these topics with relevant and precise jurisprudence from the FIFA's Players' Status Committee (PSC), the FIFA's Dispute Resolution Chamber (DRC), the Court of Arbitration for Sports (CAS) and the Swiss Federal Tribunal (SFT).

With regard to the PSC jurisdiction, Vandellós clearly illustrates the situations where its competence is indisputable and when the lack of competence of such body can be argued based on *ratione-materiae*, *ratione personae*, or *ratione-temporis* issues.

In this analysis and pursuing a better comprehension of the cases where the PSC is competent, some concepts like “international dimension” or “independent arbitral tribunal at a national level” are reviewed.

When revising the applicable law for the disputes that might derive from contracts with football coaches, the author appropriately differentiates between the one applicable to the arbitral procedure and the one which is applicable to the substance of the conflict. Furthermore, he evidences, with clear examples, how problematic the absence of a specific FIFA regulation for coaches’ relations and the common problems they face, actually is when determining the applicable law to the merits of the case.

After examining the jurisdiction and the applicable law issues, Josep Vandellós analyses the substantial issues in coaches’ contracts, for instance, the form, the object of the contract and the rights and obligations of coaches and employers. He underlines some differences between the players’ contracts from the coaches’ contracts; for example, that the latter may be entered verbally and do not require a specific time limit. He specially emphasizes the importance to determine the conditions and object of the contract and correctly affirms that “*the accurate drafting of the subject matter of the employment is therefore crucial in avoiding conflict*”.

The Author further explains the different causes that may end the employment relation with a coach and punctually holds that, according to the well-established jurisprudence, the unilateral termination shall be the last resort when no friendly solution is possible. The grounds and causes for the termination of coaches’ contracts are quite diverse, but Vandellós smoothly take us through an extensive list of examples that allow us to understand the complex relationship between coaches and employers.

Finally, the book contains the consequences and effects of terminating the coaches’ contracts which may trigger claims for pending payments, economic compensation and even moral damages. It further explains how the judicial bodies may calculate and determine the compensations when they are not foreseen in the contract, through different criteria like the principle of mitigation.

In his introduction, the Author anticipates that his goal when writing the book was to “*give visibility*” to the decisions issued by the competent bodies regarding football coach-related disputes as well as the analysis behind them; all this with the final purpose of offering the reader a practical view about the implications that arise from the contractual relationship between coaches and clubs or national associations. Without hesitation, the Author has successfully achieved his goal and certainty this document will be used as a reference and as a consultation material in the future, not only for coaches’ related disputes, but also for other sport-related issues.

Writing a legal book is itself complicated and requires a lot of study and investigation, especially, when the selected topic is sometimes relegated or has not been in the spotlight. Coaches are, undoubtedly, a key piece in the assembly of sports and for that reason this book has a great merit which shall be recognized. Moreover in this book, Josep Vandellós, an experienced and prominent professional, has skilfully combined the theory, regulations and jurisprudence applicable to football coach- disputes resulting in producing a fundamental asset to the sports law world.

Barcelona, 20 February 2018

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Coaches are a fundamental part of football and the disputes arising from their relationship with the clubs or federations are happening every day. However, in spite of the importance and relevance of the matter, until the present date, no work exists that analyzes this question with the exhaustiveness and the rigor like the one carried out by the Author.

Without any doubt, the study of the legal regime applicable to the disputes related to coaches in football is not at all an easy and simple task. Indeed, to undertake this task, as this work does, from the practical perspectives of the decisions of the FIFA's Players' Status Committee, the FIFA's Dispute Resolution Chamber, the Court of Arbitration for Sports and the Swiss Federal Tribunal was an almost "*Mission: Impossible*", in the most cinephile sense of expression, if allowed by the sense of humor of the reader and the author. Well, it is advisable to affirm, *prima facie*, that this mission has been an outstanding success through the pages that compose this work.

The book is structured into five sections. In the first section, the problems of the jurisdiction of the FIFA's Players' Status Committee are exposed, by means of a detailed exhibition of the regulations and relevant jurisprudence, followed by section two, which is devoted to the applicable law, through the analysis of the legal sources and the regulations and relevant jurisprudence.

Subsequently, in the third section, the different disputes are exposed regarding the standing to sue, the form, the object or the duration of the contract, and the rights and obligations, like the right to be remunerated, the right to effective occupation or the obligation to train the team. On the other hand, sections four and five focus on the problem of the termination of contracts, by studying different causes for termination, as well as the legal consequences derived therefrom. Finally, we must specially commend the effort of the systematization carried out by the author in the selection of selected case law, listed by subject and jurisdiction.

Thus, the book has effectively dissected the profiles of the relationships between the multiple regulations and jurisdictions regarding the legal regime applicable to the disputes of coaches in football. With this work, a gap is filled in the study of the legal regime of coach disputes in football, which is worth to praising and congratulating the author for constituting a very valuable contribution to the study of Sports Law in general and Football Law, in particular. In short, and with no doubt, the person who comes to the book, whether in the condition as a jurist, football coach, profane or simply an individual with intellectual concerns in the matter, will enjoy this content.

The Author can only be congratulated for the huge effort made, placing the work as a reference book and obligatory consultation in any legal and sporting library.

Madrid, 22 February 2018

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