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TRANSFERS OF FOOTBALL PLAYERS A Practical approach to implementing FIFA rules

Michele Colucci and Ornella Desirée Bellia (eds.)

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A. Antonini, B. Arnaud, A. Bozza, P. Capello, R. Chu, S. Civale, M. Clariá, C. Couse, V. Eleuterio, L. Ferrer, M. García Caba, A. Galdeano, T. Gunawardena, J. Leal, J. Lobão, S. Malvestio, G. Marino, A. Mialhe, K.T. Morris, M. Motta, O. Ongaro, L. Pastore, V. Plavjanikova, A.N. Reck, T. Pereda Rueda, N. A. Santiago, M. Spadini, M. Tenore, L. Tettamanti, R. Trevisán, J.F. Vandellós, J. Wilkens, D. Wu, K.N. Zemberis

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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 answer those and other questions, exploiting their proven, professional experience as in-house lawyers or legal counsels to clubs, Football Associations, and players.

They provide a comprehensive overview of all matters related to the transfer of players.

This book is updated with the latest amendments to the *FIFA Regulations on the Status and Transfer of Players* published in March 2020.

It 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 Rapacciulo for his precious suggestions, and Antonella Frattini for her patience and her meticulous work in editing the book.

Last but not least, a word of thanks to all the Authors who – despite their busy agendas – found the time and the necessary concentration to write the chapters which have made this book unique.

Ornella Desirée Bellia and Michele Colucci

Zurich – Brussels, 13 April 2020