The Dispute Resolution System within the framework of FIFA

Omar Ongaro,
Head of Players’ Status and Governance
Dispute Resolution System

The relevant decision-making bodies:

- Players’ Status Committee
- Single Judge of the Players’ Status Committee (Single Judge)
- Dispute Resolution Chamber (DRC)
- DRC judge
Dispute Resolution System

FIFA

- Dispute Resolution Chamber
- Players’ Status Committee
- Disciplinary Committee

External

Court of Arbitration for Sport

Appeal

Enforcement
Some figures:

• approximately 1945 cases/year referred to FIFA’s decision making bodies, excluding requests for minors (in 2015: 1979; minors: 3174; Total: 5153 matters)
• Dispute Resolution Chamber meetings every 3 weeks, 30 to 40 cases dealt with each time
• approximately 6 to 8 meetings of the DRC judges per year, 40 to 50 cases dealt with each time
• two plenary meetings of the Players’ Status Committee per year
• approximately 8 to 10 meetings of the single judge per year, 20 to 30 cases dealt with each time
• in 2015: more than 3940 decisions passed, 2570 of which pertaining to minors and 1370 to (contractual) disputes
• approximately 730 information requests answered in writing in 2015
One of the principles of the agreement reached between FIFA/UEFA and the European Commission in March 2001:

To provide for an appropriate dispute resolution system inside the football structures, without prejudice to the right of any player or club to seek redress before a civil court for employment-related disputes.
Dispute Resolution System

Statutory provisions

• art. 5 par. 2 of the FIFA Statutes:
  “FIFA shall provide the necessary institutional means to resolve any dispute that may arise between or among member associations, confederations, clubs, officials and players.”
Players’ Status Committee

Activity

• adjudicates in the presence of at least three members, including the chairman or the deputy chairman (art. 23 par. 3 of the Regulations on the Status and Transfer of Players)

• exception: case/dispute is of such a nature that it may be settled by a single judge
Players’ Status Committee

Competences

• employment-related disputes between a club or an association and a coach of an international dimension (art. 22 lit. c of the Regulations on the Status and Transfer of Players)

• disputes between clubs belonging to different associations that do not fall within the scope of training compensation or the solidarity mechanism (art. 22 lit. f of the Regulations on the Status and Transfer of Players)

• proceedings pertaining to the provisional registration of a player (international clearance – provisional measures; art. 23 par. 3 in connection with Annexe 3, art. 8.2 par. 7 respectively Annexe 3a, art. 3 par. 6 of the Regulations on the Status and Transfer of Players) – exclusively dealt with by the single judge
Players’ Status Committee

- disputes or investigations in relation to the release of players to association teams (Annexe 1 to the Regulations on the Status and Transfer of Players)

- all other disputes arising from the Regulations on the Status and Transfer of Players, subject to the competence of the Dispute Resolution Chamber (art. 23 par. 1 of the Regulations on the Status and Transfer of Players)
Note: Protection of minors

Any registration of a minor player who is not a national of the country in which he wishes to be registered for the first time or following an international transfer, is subject to the approval of the sub-committee appointed by the Players’ Status Committee (cf. art. 19 par. 4 of the Regulations on the Status and Transfer of Players).
Dispute Resolution Chamber

Nature

• consists of equal numbers of club and player representatives (art. 24 par. 3 of the Regulations on the Status and Transfer of Players)

Composition

(cf. art. 4 of the Rules Governing the Procedures of the Players’ Status Committee and the Dispute Resolution Chamber)

• currently 1 chairman, 1 deputy chairman and 24 members
• members:
  - 12 club representatives
  - 12 player representatives

Activity

• adjudicates in the presence of at least three members, including the chairman or the deputy chairman (art. 24 par. 2 of the Regulations on the Status and Transfer of Players)
Dispute Resolution Chamber

Competences

• disputes between clubs and players in relation to the maintenance of contractual stability where there has been a request for an international transfer certificate (ITC) and a claim from an interested party in relation to said ITC request (art. 22 lit. a of the Regulations on the Status and Transfer of Players)

• employment-related disputes between a club and a player of an international dimension (art. 22 lit. b of the Regulations on the Status and Transfer of Players)

• disputes relating to training compensation and the solidarity mechanism between clubs belonging to different associations (art. 22 lit. d of the Regulations on the Status and Transfer of Players)

• disputes relating to the solidarity mechanism between clubs belonging to the same association provided that the transfer of a player at the basis of the dispute occurs between clubs belonging to different associations (art. 22 lit. e of the Regulations on the Status and Transfer of Players)
DRC Judge

• *per se* in contradiction with the nature of a chamber that respects the principle of equal representation – therefore:

  - one DRC judge designated for the clubs
  - one DRC judge designated for the players
    ➔ both can decide independently and alone

  - considerable limitation of competences:
    ✓ litigious value max. CHF 100’000
    ✓ disputes relating to training compensation or solidarity contributions without complex factual or legal issues, or in which the DRC already has a clear, established jurisprudence

  - compelled to submit fundamental issues to the Chamber
Court of Arbitration for Sport

Jurisdiction of CAS

• art. 58 par. 1 of the FIFA Statutes

- appeals with CAS to be lodged within 21 days of notification of the decision

- deadline is not extendable (cf. art. R32 par. 2 of the Code of Sports-related arbitration)
Thank you for your attention