

The Dispute Resolution System within the framework of FIFA

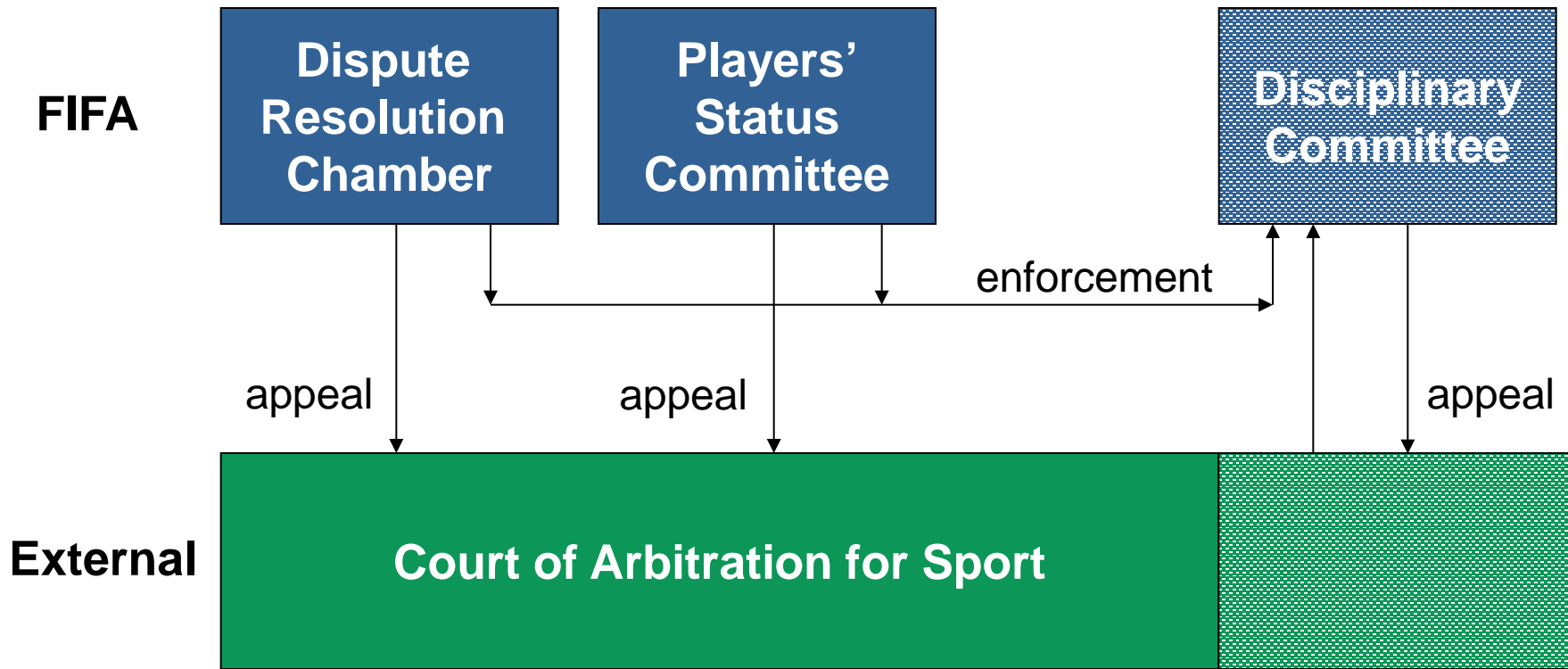
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Dispute Resolution System

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



Dispute Resolution System

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

Dispute Resolution System

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)

Players' Status Committee

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

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**