

Edinburgh, 22 November 2022

New provisions in the FIFA Regulations on the Status and Transfer of Players regarding the International Transfer of Minors, Academies and Trials

In November 2022, FIFA made amendments and additions to the Regulations on the Status and Transfer of Players ('RSTP'), which concern the International Transfer of Minors.

➤ **The FIFA rules on protection of minors**

As a general principle, INTERNATIONAL TRANSFER OF MINORS ARE PROHIBITED.

However, Article 19 of the RSTP establishes five EXCEPTIONS to this rule:

1. The player's parents move to the country in which the new club is located for reasons not linked to football.
2. The player is aged between 16 and 18 and:
 - the transfer takes place within the territory of the European Union (EU) or European Economic Area (EEA); or
 - the transfer takes place between two associations within the same country.

The jurisprudence of CAS extended this exception to transfers to a club based in the EU and involving a player holding the citizenship of a European country.

3. The player lives no further than 50km from a national border and the club with which the player wishes to be registered in the neighbouring association is also within 50km of that border. The maximum distance between the player's domicile and the club's headquarters shall be 100km.
4. The player is moving for humanitarian reasons without his/her parents
5. The player is an exchange student undertaking an academic programme abroad

In addition to the five exceptions listed above, there is one more set of circumstances under which a minor player may be registered for a club outside their country of origin, known as the “five-year rule.”

This rule states that a foreign minor player who has never previously been registered with a club, and who has lived for at least the last five years in the country where the member association at which they wish to be registered is domiciled, should be treated as a “national” of that country.

➤ **The new approach to the ‘Humanitarian exception’**

To date, the humanitarian exception was de facto limited to minor players with the formal status of refugee/protected person or to asylum seekers.

The new version of Article 19, par. 2 d) of the RSTP allows unaccompanied, displaced minors whose survival is seriously threatened in their country of origin (or previous country of domicile) to participate in organised football in a new country, even without the formal status of refugee and/or without a formal process to be granted asylum, however under the condition that they have been otherwise recognised by competent state authorities as vulnerable and requiring state protection in the country of arrival.

However, in order to prevent the exploitation of minors:

- professional clubs will only be allowed to register players who have been formally recognised as refugees or protected persons;
- purely amateur clubs will be allowed to register players who have been formally recognised as refugees, protected persons, asylum seekers or vulnerable unaccompanied minors.

Furthermore, please note that:

- a minor registered as a refugee or protected person, is allowed to transfer within the same association without restrictions;
- a minor registered on the basis of being an asylum seeker or vulnerable unaccompanied minor, is allowed to transfer within the same association but is not permitted to register with a professional club until the age of 18.

➤ **Procedure of registration of minors under the FIFA RSTP**

Every first registration and transfer of a minor (of at least 10 years of age) is subject to the approval of the Players’ Status Chamber of the FIFA Football Tribunal.

The application must be submitted via TMS by a member association, at the request of its affiliated club.

The procedure for an international transfer or first registration of a minor is provided under Article 30 of the Procedural Rules Governing the Football Tribunal.

➤ **Private academies**

Article 19bis of the RSTP provides a regulatory framework for private academies, establishing an OBLIGATION TO REPORT minors who attend such academies and distinguishing between academies with and without a legal, financial or *de facto* link to a club.

In particular:

- a club that operates an academy, which can be within its own structure and/or through a separate entity with legal, financial or *de facto* links to the club, must report all minor players (irrespective of the player's nationality) attending the academy to the association to which the concerned club is affiliated, regardless of whether the player is registered or not with the club.

When a club operates an academy outside the territory of the club's respective association, the report shall be made by the club to the association on whose territory the academy operates;

- a club wishing to collaborate with a private academy with no legal, financial or *de facto* links to the club, shall:
 - a) report such collaboration to the association with which the club is affiliated;
 - b) ensure that the private academy reports its players to the association where the academy operates;
 - c) before entering into a contract with a private academy, ensure that the private academy takes proper measures to protect and safeguard minors; and
 - d) report any wrongdoing of which it may become aware to the relevant authorities, taking all necessary measures to protect and safeguard minors from potential abuse.

➤ **The new regulatory framework for Trials**

The new FIFA RSTP establishes for the first time a regulatory framework for trials, defined as *"a temporary period during which a player that is not registered with a club is evaluated by that club."*

The new rules apply to international trials – understood as the move of a player for a trial with a club which is domiciled in a different member association to the one the player is domiciled in.

Please note that:

- a trial does not create an employment relationship between the club and the triallist;

- a trial does not grant professional status to the triallist;
- any person subject to the FIFA Statutes is prohibited from requesting, offering, and/or receiving any payment whatsoever connected to a trial;
- clubs having a player on trial are not entitled to receive training rewards for the period during which a player is on trial with that club;
- a professional player might only undergo a trial with another club with the express written permission of their current club.

Maximum duration of the trial:

- if the player is aged 21 and below: eight weeks - consecutive or non-consecutive - per club, for each season of the club that invited the player on trial. If the player is a minor, he/she may only attend two trials per calendar year;
- if the player is over the age of 21: three weeks - consecutive or non-consecutive - per club, for each season of the club that invited the player on trial.

During a trial, the club owes a duty of care to the triallist. In particular, the club shall provide the triallist with, and cover the cost of, any necessary medical treatment for injuries sustained while performing activities within the trial.

Article 19ter of the RSTP requires the club and triallist to agree, before the trial commences, on the following conditions of the trial:

- payment for accommodation;
- payment for travel;
- payment for meals; and
- payment for daily expenses.

If the parties agree that the club is responsible for the payment of any of these conditions, then the parties must agree on the total amount for the duration of the trial (and not per day) for each of the conditions.

Such information shall be inserted in the FIFA TRIAL FORM (attached), which shall be uploaded by the club on TMS at least 10 days before the commencement of the trial.

In addition to the FIFA Trial Form, the club shall also upload on the TMS:

- if the player is a professional: the written consent from the current club;
- if the player is a minor: the written permission of the minor triallist's parents.

❖ Conditions specific to minor triallists

In addition to the general conditions, a minor may only trial with a club provided that:

- a) the date the trial period begins occurs during the season of:
 - i. the minor triallist's 16th birthday; or
 - ii. the minor triallist's 15th birthday if both the minor's and the club's domicile are located in Europe;
- b) the club obtains express written permission from the minor triallist's parents;

- c) the club designates an employee within the club to be the point of contact for the minor triallist;
- d) the club ensures that the minor triallist is provided with optimum accommodation and living standards and adequate coverage of expenses; and
- e) for amateur minor players below the age of 16, the current club of the minor is informed of the trial and provided with a complete and duly signed FIFA Trial Form.

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Any questions? If you have any questions or would like any assistance, please do not hesitate to contact us.

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