

TO THE MEMBER ASSOCIATIONS OF FIFA

Circular no. 1862

Zurich, 6 October 2023

FIFA TMS, FIFA Clearing House and Administrative Sanction Procedure

Dear Sir or Madam,

On 22 October 2022 the FIFA Council approved several amendments to the Regulations on the Status and Transfer of Players (**RSTP**). As outlined in the [Circular no. 1816](#), these amendments included a redraft of Annexe 3 of the RSTP, which comprised, among others, the codification of the Administrative Sanction Procedure (**ASP**). As outlined below in more detail, the ASP has played a crucial role in ensuring the proper functioning of the Transfer Matching System (**TMS**).

Subsequently, on 8 November 2022 the FIFA Council announced that the FIFA Clearing House would commence operating on 16 November 2022 and approved the FIFA Clearing House Regulations (FCHR), by means of the [Circular no. 1817](#).

With the new processes related to the FIFA Clearing House coming into force, the ASP has started playing a significant role in guaranteeing that associations and clubs comply with their obligations related thereto. In particular, the ASP ensures the correct declaration of fees paid in relation to international and domestic transfers, which is a crucial step for TMS to identify training reward triggers related to the solidarity mechanism.

This circular describes the recent evolution of the ASP and its application to the processes related to the FIFA Clearing House.

Background

In 2011, following the introduction of TMS, the FIFA Disciplinary Committee identified that certain obligations inherent to the use of the system, and contained in Annexe 3 of the RSTP, were of technical or administrative nature. The FIFA Disciplinary Committee found that said obligations, if not fulfilled, constituted an evident infringement to the provisions of Annexe 3 of the RSTP, which have an immediate negative impact on the relevant transfer.

In this context, the FIFA Disciplinary Committee delegated to FIFA general secretariat (at the time, the FIFA TMS GmbH) its competence to sanction 10 categories of infringements by means of a specific procedure, the ASP. The sanction that could be imposed consisted of a warning, a reprimand and/or a fine of up to CHF 14,000. Like this, FIFA could establish a streamlined and more effective procedure to deal with violations of Annexe 3 of the RSTP (see [Circular no. 1259](#)).

The ASP gave FIFA the possibility to treat these infringements in an expedited manner, granting clubs the possibility to rectify their breach – where applicable – and hence protect the proper functioning of TMS.

Subsequently, the FIFA Disciplinary Committee decided to expand the application of the ASP from 10 to 14 different categories of breaches of the Annexe 3 (see [Circular no. 1478](#)).

Finally, ASP cases were further streamlined, by granting the FIFA general secretariat the power to directly submit ASP cases to the FIFA Disciplinary Committee without the prior intervention of the secretariat to the FIFA Disciplinary Committee (see [Circular no. 1609](#)).

The new Annexe 3

As anticipated above, the redraft of Annexe 3 included a codification of the ASP under art. 17 of said annexe. When an infringement of a technical or administrative nature is detected, the following procedure takes place:

- a) The FIFA general secretariat will contact the association or club to identify the infringement, request a statement or any other relevant information within a defined deadline and, if applicable, request that the infringing behaviour be corrected. In this first correspondence, the association or club will be informed that, if the infringing behaviour is not corrected and/or no satisfactory position is submitted, an administrative sanction letter (**ASL**) will be issued, specifying the type of sanction that will be imposed.;
- b) Upon receipt of the statement or relevant information or upon expiry of the time limit to do so, the FIFA general secretariat may issue an ASL;

- c) The party may accept the sanction or reject it, and, in this case, request the opening of disciplinary proceedings before the FIFA Disciplinary Committee. If the party accepts the sanction, the latter will be enforceable from the date of acceptance;
- d) If the party accepts the sanction, complies with it (where applicable) and corrects the infringing behaviour within the time limits to do so, the matter will be closed;
- e) If the party fails to respond to the ASL, responds inconsistently or incompletely and/or does not correct the infringing behaviour and/or does not comply with the sanction, the matter will be referred to the FIFA Disciplinary Committee.

With the entry into force of the new edition of Annexe 3, the FIFA general secretariat is now granted the power to impose fines up to CHF 30,000.

Finally, and in view of the continuous evolution of TMS, ASP cases are not limited to a specific number of categories of breaches but can be opened for any type of violations of a purely technical and administrative nature related to TMS and players' transfers.

The relation with the FIFA Clearing House

As mentioned above, in the last years TMS witnessed a continuous expansion of its scope of application. With the FIFA Clearing House beginning its operations, together with the entry into force of the FCHR, TMS started to play a pivotal role in the functioning of newly established processes.

In fact, TMS is the tool where the Electronic Player Passports (**EPP**) process takes place, Allocation Statements (**AS**) are issued and where training rewards triggers are identified.

To guarantee the correct functioning of the FIFA Clearing House and the processes related to it, associations and clubs must comply with their obligations as laid down in the FCHR. Similarly to Annexe 3 and TMS, failure to comply with the FCHR has an immediate negative impact on the correct functioning of the FIFA Clearing House, since it undermines the allocation and distribution of the training rewards.

In particular, it is essential that the proof of payment of the transfer fees agreed between clubs (both for international as well as domestic transfers) is uploaded under the relevant TMS instruction within thirty (30) days of the date of the payment and under the correct TMS section

“payments” to ensure that training rewards triggers are properly identified by TMS (cf. arts. 6 and 7 of the FCHR).

In view of the immediate negative impact on the proper functioning of the FIFA Clearing House as well as on training clubs, cases in which a club fails to upload the relevant proof of payment in the context of a domestic transfer will also be investigated by the FIFA general secretariat through an ASP, in line with art. 17 par. 5 of the FCHR.

Finally, to guarantee the proper enforcement of the FCHR, an ASP can also be opened if an association or club fails to comply with other administrative obligations related to the FIFA Clearing House for which the FCHR do not establish the direct competence of the FIFA Disciplinary Committee.

We thank you for taking note of the above and for informing your affiliated clubs accordingly.

Yours faithfully,

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Mattias Grafström
Secretary General ad interim

cc: - FIFA Council
 - Confederations
 - FIFPRO
 - ECA
 - World Leagues Forum