Promoting and Supporting Good Governance in the European Football Agents Industry

INTERIM REPORT GENERAL CONCLUSIONS

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1.0. Introduction

1.1 The purpose of this paper is to present initial findings regarding the operation of the FIFA RWWI (2015), particularly regarding the implementation of the regulations at national association level across the territory of the EU. In doing so, our study aims to support key private stakeholders and public policymakers by providing evidence-based options and recommendations in terms of future regulatory initiatives in the sector informed by principles of good governance.

1.2 Our recommendations are based on five key sources:

- The content of our National Association reports.
- The responses to our Stakeholder Survey.
- Research, including literature reviews, undertaken by the project team.
- Attendance at agent related conferences and seminars throughout Europe.
- Discussions that have taken place as part of our own agent workshops (MSE’s).

1.3 The research team acknowledge that, part way through our research, FIFA undertook to reform the current intermediary regulations and that, at the time of writing, discussions are ongoing within the FIFA Transfer Task Force. In that connection, our Interim Report and conclusions seek to inform discussions taking place within that forum.

1.4 This paper presents our general conclusions relating to:

- Terminology: Intermediary or agent?
- Good governance
- Models of regulation
- Uniformity of the regulations
- Enforcement and dispute resolution

1.5 Further thematic conclusions will be published separately covering:

- Remuneration and representation
- Professional standards

2.0. Terminology: Intermediary or Agent?

2.1 Our National Associations study revealed that most national associations adopted the definition of an intermediary contained in the RWWI. This focuses on the activity of the intermediary, as a person – natural or legal – whose objective is to negotiate between clubs and players with a view to concluding an employment contract or a transfer agreement. It must be noted, in this relation, that a number of national associations employed broader definitions to cover a wider range of professionals whose activities exceed the mere conclusion of a transfer agreement. In particular, the Regulations of the English and the Welsh FAs define the intermediary activity as acting directly or indirectly in relation to any matter relating to a transaction. The definition is therefore stretched to include activities ancillary to the mere conclusion of the employment contract and even related to other forms of consultancy activities. This is in line with the definition used by the Belgian FA, which
specifically mentions consultancy, but also with those adopted by the Bulgarian, Slovakian, and Swedish FAs which all include other aspects of the activity.

2.2 In contrast to this, the French National legislation, which regulates the activity of intermediaries in France, only refers to the activity of bringing together parties with a view to conclude an employment contract, thereby excluding any person involved in the conclusions of other types of contracts, such as image rights licensing contracts, endorsement contracts, etc. On the other hand, the Regulations in some associations, such as Bulgaria, Cyprus, France and Romania provide that intermediaries may represent coaches/trainers as well as players.

2.3 With the exception of France, it can be argued that this demonstrates that the definition contained in the RWWI has been considered, in some circumstances, too rigid, especially in light of the fluidity of the market and the range of activities undertaken by intermediaries. It is suggested that a broader definition would be more suitable in this regard and could allow inclusion of a greater range of professionals under the Regulations.

2.4 It is observed that at the conferences and seminars organised or attended by the research team, many who work in the football industry routinely referred to the work of football ‘agents’ rather than ‘intermediaries’. Whilst the term ‘agent’ was no doubt preferred for cultural reasons, in other words, the term has been used historically, others actually objected to the term ‘intermediary’ as it did not convey the range of services offered by agents/intermediaries.

2.5 FIFA’s reasoning for changing the title from agent to intermediary is clear – the 2015 regulations refocussed the regulatory emphasis away from the individual and placed it on the transaction. In that sense, the term ‘intermediary regulations’ better reflects the new emphasis.

2.6 Our view, is that the term ‘agent’ is to be preferred for the following reasons:

- It is a term generally understood by the public.
- It is a term seemingly favoured by the stakeholders.
- It is a term that conveys more accurately the range of services offered.
- It aligns with our recommendation for FIFA to regulate the profession, by way of a licensing system and ongoing compliance requirements, not just the transaction.

3.0 Good Governance: Stakeholder Consultation

3.1 Press reporting of the work of agents tends to be negative. It tends to stress that agents command high commissions for work that does not merit such remuneration. Reports often comment on how powerful agents are and how their activities have a negative impact on contract stability in football. Some press reports allege poor conduct which is contrary to football regulations and some highlight alleged illegal activity. There seems little value in interrogating all of these claims beyond observing that many press reports relate to the work of a very small number of individuals and that those responsible for adopting agent regulations, be they football authorities or public authorities, should guard against drafting regulations to control the exception rather than the norm. In this regard, these bodies should acquire a good understanding of how the industry actually works in practice rather than
basing regulations on perceptions generated by the media. In that connection, it is advisable
that agents themselves are consulted when new regulations are drawn up.

3.2 When stakeholders were asked whether “your organisation was appropriately consulted
by FIFA during the framing of the RWWI currently in force”, 17.5% of respondents agreed
(0% strongly agreed). 67.5% disagreed or strongly disagreed. Specifically with regards
agents, there is no evidence to suggest that FIFA consulted with EFAA or any other agent
/ agent body when the 2015 RWWI were being drawn up. This is to be contrasted with the
current ongoing discussions as part of the FIFA Transfer Task Force process in which FIFA
has been more willing to engage with EFAA. For example, in an initiative to be welcomed,
FIFA invited individual agents and EFAA to participate within the Task Force process, not
as members but as part of consultative workshops held in Zurich throughout 2018.¹ The
research team do acknowledge that as the global governing of football, FIFA needs to be
satisfied that the stakeholders it consults with are properly organised and representative. In
that connection, EFAA is a recognised football stakeholder by the European Commission,
but it does not yet have a global organisational structure.

3.3 In terms of whether “your organisation was appropriately consulted by the competent
national association when it was developing and implementing the regulations on working
with intermediaries within its territory”, 25% agreed (2.5% strongly agreed) and 47.5%
disagreed or strongly disagreed. The 2017 EU Sectoral Social Dialogue Committee for
Professional Football Resolution on Intermediaries/Agents highlighted the lack of
stakeholder consultation in this process.² Our National Association reports reveal that in
the majority of the associations, agents were not consulted by the national associations
when it came to implementing the RWWI on a national level. In part, this can be attributed
to an absence of a national agent association but elsewhere, agent associations were simply
not involved, or were merely informed of the new Regulations. Exceptions to this
observation are the Netherlands, Germany, and Bulgaria, where agents were recognised
stakeholders actively involved in the discussion, and to a lesser extent Belgium, Denmark,
Sweden, Poland and Slovakia, where minimum consultation took place.

3.4 It must be recalled that under the principles established by the EU institutions, the sport
system is entitled to self-governance, insofar as the principles of good governance are
respected.³ This is the principle of conditional autonomy, a key feature of which is that
relevant stakeholders must be involved in the rule-setting and decision-making processes
of the governing bodies, particularly when the rules are directly affecting their economic
activity. In this regard, the research team acknowledge that consultation with stakeholders
is unlikely to lead to unanimity on all occasions and that, at some point, a governing body
will need to take a decision that might not find favour with all stakeholders.

3.5 When asked, “if properly organised at national and/or European / global level,
intermediaries should be considered an official stakeholder within FIFA's 'football

¹ FIFA holds talks with agents on possible revision of football intermediaries system, FIFA.com, 20/04/18.
possible-revision-of-football-intermediaries-sys.html
² Resolution on intermediaries/agents, EU Sectoral Social Dialogue Committee for Professional Football,
17/11/17.
final, at para. 4.
family’”, 65% of respondents to our stakeholder survey strongly agreed or agreed and 22.5% disagreed (2.5% strongly disagreed).

3.6 Our stakeholder survey also revealed an acceptance by the football stakeholders that “intermediaries are a necessary part of the football industry”. 77.5% of respondents strongly agreed or agreed with that proposition. Even more respondents – 82.5% - strongly agreed or agreed with the proposition that “the job of an intermediary relates to more than just negotiating players’ contracts and includes other aspects including scouting, legal consultancy, career planning, financial planning etc”.

3.7 From the above, there appears to be an acceptance within the football industry that agents are a necessary part of it and that they should play a more prominent role in the framing of the rules. Yet, the current RWWI are framed in such a way that agents are not actually part of the regulated ‘football family’, only the transaction that they facilitate. Indeed, 77.5% of respondents strongly agreed or agreed with the proposition that “with the introduction of the RWWI, the sector has been ‘de-regulated’”. Only 12.5% disagreed or strongly disagreed with this statement. The language of ‘de-regulation’ is also commonly found in academic and practitioner commentaries on the RWWI. This ‘de-regulation’ tends to pull against the desire to embrace agents rather than distance them from the regulatory system.

3.8 For agents to take their place as a recognised stakeholder, they need to be properly organised through representative bodies. This is a challenge for agent bodies given the individualistic nature of the industry. EFAA is a relatively new organisation, established in 2007. It is the European umbrella organisation representing national agent associations from Bulgaria, Czech Republic, Denmark, France, Germany, Italy, Netherlands, Portugal, Spain and UK & Ireland. EFAA also has affiliated member from Argentina, Australia, Brazil, Japan and Switzerland. The EU recognises EFAA as a stakeholder and has invited it to participate in a number of agent related activities, as detailed in the main body of the Interim Report (see: Intermediaries: the EU Dimension). FIFA also consulted with EFAA during the Task Force discussions throughout 2018. EFAA is not, currently, a recognised social partner under the EU social dialogue process.

3.9 In light of the above, we recommend that the football authorities consider:

- Officially recognising properly constituted agent/intermediary associations, particularly EFAA, as stakeholders within the football family.

- Without compromising the integrity of their working relationship, FIFA and the stakeholders should consider how best to support the collective organisation of agent bodies so that levels of representativity can be enhanced.

- Returning to regulating the agent profession as well as the transaction that they facilitate. A further set of conclusions relating to professional standards are published separately.

3.10 To agents we recommend:

- Re-doubling efforts to organise the profession nationally and internationally so that representative agent associations, particularly EFAA, can take its place as a recognised and fully consulted stakeholder. Specifically, EFAA and its national
affiliates should take steps to ensure higher levels of representativity within their respective organisations.

4.0 Models of Regulation

4.1 The necessity to regulate the activities of sports agents is discussed elsewhere in our Interim Report. Essentially, regulation is justified with reference to the need to ensure high standards of professionalism and ethics, especially in order to protect players who are generally young and whose careers are short.

4.2 In terms of who should regulate agents, one, or a combination of the following are usually found in sport:

- Regulation under national law
- Regulation under EU law
- Regulation under international law
- Regulation through collective bargaining
- Regulation by the international federation

4.3 Agent regulation tends to take the form of:

- Regulating access to the profession
- On-going requirements to ensure compliance and, where applicable, retention of any license to practice
- Regulatory requirements, such as remuneration and representation restrictions and
- Disciplinary and dispute resolution systems

4.3 Regulation under national law: Our Interim Report highlighted the increasing importance of national law in the regulation of agents. Most countries across the EU have adopted general legislation, such as that relating to private job placements, that affects the activities of agents with far fewer having enacted sports specific legislation. Only in Bulgaria, Croatia, France, Greece, Hungary, Italy and Lithuania have specific laws regulating the activities of agents been enacted. In terms of the European market, the laws in France and Italy are of greatest significance in terms of imposing requirements on agents that are not currently mandated by FIFA, such as the need to hold a license following satisfactory completion of an examination. The Italian legislation was adopted in 2018. It can be assumed that should the next iteration of the FIFA regulations governing agents fail to address concerns highlighted throughout our Interim Report, more Member States of the EU are likely to consider legislative responses. This will pose a problem for those who favour a sports self-regulatory approach in this area and it might undermine efforts to ensure consistency and uniformity of standards across the EU. On the question of whether “Member States of the EU should regulate intermediaries through national legislation”, only 22.5% strongly agreed or agreed whilst 50% disagreed or strongly disagreed. A higher percentage (42.5%) either strongly agreed or agreed that “the EU should regulate intermediaries through EU legislation” whilst 30% either disagreed or strongly disagreed with this statement.

4.4 Regulation under EU law: As outlined in the main body of the Interim Report (Intermediaries: The EU Dimension), the EU has the competence to act in the area of the
regulation of agents. This is because EU law regulates economic activity taking place with the Single Market. This has implications for agent regulations in relation to the application of EU competition law, EU free movement requirements and the recognition of professional qualifications. Although the fourth paragraph of the EU’s sports competence (Article 165 TFEU) specifically excludes harmonisation of national sports laws, EU action could be justified under another Treaty heading. For example, it could be argued that given the current 2015 RWWI has contributed to a fragmented regulatory environment and has failed to address some concerns regarding the activity of agents, Article 114 TFEU could be used to adopt binding measures as EU regulation of the sector is necessary for the establishment and functioning of the internal market. Clearly, EU measures are applicable within the territory of the EU with, by contrast, FIFA’s jurisdiction being global. EU measures would therefore, impact on the sporting self-regulation of this area and raise questions concerning the global functioning of agent regulations, particularly in light of the UK leaving the EU. To counter this view, it must be recalled that the EU accounts for the largest share of agent activity globally. 4 47.5% of respondents either strongly agreed or agreed that “the EU should support the football stakeholders with intermediary regulations but this should fall short of legislation”. Only 7.5% disagreed with this statement (0% strongly disagreed). In that connection, 67.5% either strongly agreed or agreed that “An EU Social Dialogue committee is a useful and effective platform for discussing and agreeing future intermediary regulations”. Only 7.5% disagreed or strongly disagreed with the proposition.

4.5 Regulation under international law: Our Interim Report and our thematic conclusions on Remuneration and Representation Restrictions highlight that in relation to the regulation of agents, specifically regarding payments to agents, most countries disregard the provisions of the International Labour Organisation Convention C181 (1997) on Private Employment Agencies. This Convention forbids private employment agencies from charging any fees or costs to workers. Similar provisions are also to be found under EU law which provides that temporary workers should not be charged any recruitment fees. 5 The notable exception is in the Netherlands where Dutch law and national association (KNVB) regulations follow the ILO Convention.

4.6 Regulation through collective bargaining: Some sports regulate agents through collective bargaining. For example, the US National Basketball Players Association (NBPA) plays a central role in agent regulation. This type of regulation can result in the adoption of higher standards than those imposed by law or governing body regulation. For example, the NBPA adopts stricter requirements than FIFA in relation to a mandatory license and educational requirements. The collective bargaining model has a link with the EU model. As is explained elsewhere in the Interim Report, the EU possesses a range of ‘softer’ measures that can help shape the content of agent regulations adopted by the football authorities. Most productive appears to be the EU’s role in encouraging social dialogue within the football sector. Agent regulation has been discussed with the EU sectoral social dialogue

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5 Directive on Temporary Agency Work, 2008/104/EC.
committee for professional football throughout 2016 and 2017, culminating in a Resolution being published.6

4.7 The social dialogue committee for professional football is a tool that could potentially be used to discuss agent regulation and conceivably, at EU level at least, a European agreement on agent regulation could sit alongside the FIFA agents regulations in the same way as national laws and collective agreements sit alongside the FIFA Regulations on the Status and Transfer of Players. This is appealing given the high concentration of global agent activity with the territory of UEFA. However, for a social dialogue agreement to materialise, a number of obstacles need to be overcome. First, EFAA requires wider recognition from stakeholders than previously afforded, although developments in 2018 (through the FIFA Transfer System Task Force) indicate that FIFA is increasingly willing to consult with the agents themselves. Second, and connected to this, agreements within the social dialogue committee must relate to the employment relationship between employers (clubs) and workers (players). Agents do not fall within these two categories although they are clearly connected to both.7 However, it must be noted that UEFA sits on the Social Dialogue Committee as an Associate Party. In the same way, a collective representation of agents could participate in the discussion of the committee. Finally, agent regulation is a matter of FIFA regulatory oversight and currently it is UEFA that chairs the social dialogue meetings for professional football. Clearly, FIFA and UEFA have different jurisdictional reaches (global and European respectively) and the social dialogue committee is very much a European initiative.

4.8 Regulation by International Federations: In some sports, for example football, basketball, athletics and rugby, the competent international federation adopts globally applicable rules regulating agents. In other sports, the national federation assumes this role. In the Piau judgment, the European Court accepted FIFA’s rule making authority over agents due to “the almost complete absence of national rules” on agent regulation,8 and because “collectively, players' agents do not, at present, constitute a profession with its own internal organisation”.9 FIFA’s need and legitimacy to regulate this profession was therefore strengthened by the absence of external regulatory control and a representative trade body to consult with. Our National Association reports highlight an evolving picture since that judgment. As discussed above, many Member States of the EU have general laws applicable to employment agencies with a smaller number having adopted specific legislation applicable to sports agents. A far more comprehensive regulatory landscape has been provided by FIFA who, since the early 1990s, has regulated the activities of agents on a global scale.

4.9 Assessment: Due to the global nature of the football sector, particularly concerning cross-border migratory flows of labour, international solutions are to be preferred. A recurring theme of our National Association report was the fragmented system of agent regulation the 2015 reforms had spawned. A properly functioning and uniform set of globally applicable rules allows the regulator monitor and enforce sanctions and an effective dispute

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6 EU Sectoral Social Dialogue Committee for Professional Football, Resolution on Intermediaries / Agents, November 2017.
resolution system facilitates the efficient and economical settlement of disputes. FIFA is best placed to deliver this system, but as is discussed above and below it should do so with the assistance of the football stakeholders, UEFA, national associations and public authorities.

4.10 Unsurprisingly, continued self-regulation in the area of intermediary regulation is favoured by the stakeholders who responded to our survey, although many respondents also favoured a role for the EU in this area.

- 90% of respondents either strongly agreed or agreed that “The football stakeholders should find solutions to issues concerning intermediaries (self-regulation)”.

- 90% of respondents either strongly agreed or agreed that “FIFA should retain competence to regulate intermediaries” although

- 50% either strongly agreed or agreed that “UEFA should regulate intermediaries in the EU / UEFA territory”.

4.11 The extent to which sport should be self-regulating divides opinion but the research team see merit in advocating continued self-regulation in this area. However, we agree with the line of reasoning that asserts that this should be conditioned on the competent authorities adhering to principles of good governance, including the type of stakeholder involvement in decision making discussed above.

4.12 The football stakeholders have acquired significant experience of regulating agents and they are better placed than public authorities to adapt regulations to fast changing industry practices in the sector. A proper functioning set of football agent regulations adopted by the football authorities would reduce or remove the need for Member States to legislate in this area and reduce the necessity for the EU to consider action. In this way, the football authorities can preserve sporting autonomy and protect the specificity of sport by adopting appropriate regulations governing agents.

4.13 In doing so, the football authorities are encouraged to work with public authorities, such as national public authorities and the EU, in the search for workable solutions. FIFA alone is incapable of addressing serious illegality within the sector but it can work with public crime and tax authorities to combat wrongdoing by, for example, providing evidence that will facilitate prosecutions. In order to do so, FIFA are encouraged to establish more robust investigatory and auditing processes, such as the wider use of clearing-houses to monitor financial flows.

4.14 In that connection, the research team point to some positive developments facilitated by the EU, such as its support for structured and social dialogue as a means of the football stakeholders achieving better governance standards and finding solutions to common problems in the sector. Ultimately, however, the EU’s competence in the area of sport is limited and progress in areas such as agent regulation requires the football authorities and stakeholders to show leadership and will. If self-regulation in this area fails, Member States and the EU are likely to act. Recent developments in Italy concerning the state regulation of sports agents demonstrates this point.
4.15 Given the high concentration of global agent activity with the territory of UEFA, it is also appealing for UEFA to assume a greater responsibility in this area. Since 2013, the total spending on agent commissions paid by clubs to agents is $1.89 billion, out of which 97.2% was paid by clubs from UEFA Members. As Chair of the Social Dialogue Committee and a member of the FIFA Task Force, UEFA is already, and should continue to be, an influential voice concerning the reform agenda. However, the question of whether it should, at this stage, acquire greater powers in the area of agent regulation is more complex. From a constitutional perspective, the statutes of FIFA and UEFA would need amending to accommodate the jurisdictional adjustment.

4.16 In light of the above, we recommend:

- That the football authorities, notably FIFA, are currently best placed to regulate the activities of agents, but should do so in accordance with good governance principles, particularly genuine stakeholder consultation, and with the support of public authorities, particularly the EU. In return, the EU institutions should offer the football authorities a wide margin of appreciation when supervising the regulatory choices made by football. This is especially important when questions concerning the compatibility of EU laws to agent regulations arise. Given the high concentration of global agent activity with the territory of UEFA, it is important that the voice of the European stakeholders is prominent within ongoing discussions regarding reforming agent regulations.

5.0 Uniformity of Regulations

5.1 The 2015 RWWI establish minimum standards and require national associations to adopt national intermediary regulations that can go beyond these minimum standards. The ability of national associations to adopt more stringent national requirements found favour with the Expert Group on Good Governance and respondents to our stakeholder survey also supported this principle. 67.5% of respondents strongly agreed or agreed that “in any new set of regulations, National Associations should retain the ability to adopt more stringent national rules”. Only 10% disagreed with 0% strongly disagreeing.

5.2 The question with the 2015 RWWI is whether the minimum standard bar was set too low and whether mandatory requirements should have been more stringent. In this regard, a number of issues have been raised. First, there is a concern that this approach has resulted in a lack of consistency in terms of the implementation of the RWWI at national association level. Second, concern has been expressed that the variation of approaches and regulatory requirements at national association level raises legal issues and questions of compatibility with national and EU laws, particularly concerning whether intermediaries are unlawfully having their economic activity restricted and whether an uneven playing field in the EU exists. Third, a lack of uniformity risks increasing the administrative burden on

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stakeholders (national associations, leagues, clubs, players and intermediaries) but it is unclear if this effort is proportionate to the benefits secured.

5.3 Our National Associations reports highlight the considerable variations in approaches to intermediary regulations across the territory of the EU. Registration requirements, definitions of ‘impeccable reputation’, rules on representation contracts, disclosure, remuneration, approaches to minors, conflicts of interest and dispute resolution mechanisms vary across the territory of the EU. In this regard, it seems that administrative costs have increased for national associations, for intermediaries and for clubs and players as well, when the latter are required to register transactions. The registration fee varies considerably from one association to the other, with cases in which the registration is free of charge (Austria, Croatia, Czech Republic), associations that charge thousands of Euros for the annual registration (Greece and Portugal) and others that impose a fee for any representation contract registered (Italy).

5.4 Only 12.5% of respondents to our stakeholder survey agreed with the statement that “the RWWI and the national association regulations have brought consistency to standards in terms of intermediary regulations across the EU”. 60% disagreed or strongly disagreed with this statement and 27.5% neither agreed nor disagreed.

5.5 The problem with such a varied regulatory landscape is that simplicity and transparency is compromised and the incentives for regulatory circumvention are increased as stakeholders navigate the complex system. 77.5% of respondents to our stakeholder survey either strongly agreed or agreed that “current intermediary regulations are easily circumvented” and only 5% disagreed. Football is an inherently international business but the current system (2015 RWWI) partitions the single market into national markets with different standards thus making some markets more or less attractive to do business in. The varying standards make the work of an agent more difficult and frustrate the provision of his/her services across frontiers. This complexity also raises the potential for agents (and indeed clubs and players) to commit technical regulatory offences despite having acted in good faith.

5.6 In light of the above, the research team recommend:

- The adoption of a high level and harmonised uniform approach to the regulation of agents/intermediaries, at least at EU level and preferably at global level.

- Where National Associations adopt more stringent standards, a mutual recognition system should operate, at least in the territory of the EU, so that the system does not result in the fragmentation of the European single market.

6.0 Enforcement and Dispute Resolution

6.1 Resourcing the global regulation of agents was administratively burdensome for FIFA and this burden has now passed to the national associations. One problem with the pre-2015 system appeared to be the varying cultures of compliance and resources across national associations. For example, pass rates for the agent examination varied considerably across the world suggesting varying standards of diligence at national association level. These
varying cultures still exist at national association level and this raises questions about standards of compliance, enforcement and sanctioning.

6.2 Under the 2008 PAR, if a dispute had an international dimension, a mandatory referral was made to FIFA. Some claim that a benefit of this was that it addressed concerns of bias at national association level. \(^{13}\) Now, an intermediary from outside the association is subject to the dispute resolution system of the national association, if one exists, and he/she may feel disadvantaged in so far as the association may favour ‘its’ club for example.

6.3 In line with the regulatory shift of emphasis under the 2015 RWWI in which the national associations and not FIFA regulate intermediaries, Article 22 of the FIFA Regulations on the Status and Transfer of Players (RSTP) (Art 22) now declines FIFA jurisdiction for intermediary disputes. However, Article 57 of FIFA Statues (2016) states: “FIFA recognises the independent Court of Arbitration for Sport (CAS) with headquarters in Lausanne (Switzerland) to resolve disputes between FIFA, member associations, confederations, leagues, clubs, players, officials, intermediaries and licensed match agents”. This means that intermediary disputes can be heard at national association level, at the CAS, but not by FIFA.

6.4 Our study highlights the need for greater uniformity in the area of dispute resolution. Under the rules of some of the national associations examined (including Spain, Croatia and Slovenia), the intermediaries are not members of the association, and as such they are not subject to the jurisdiction of its dispute resolution body. In other associations (Italy), the intermediary is subject to the jurisdiction of a body specifically created for that purpose. On the other hand, if the rules are breached by a player or a club, the jurisdiction rests with the dispute resolution body of the association. This creates inconsistency in the system and within the national associations themselves. This goes to the detriment of the members of the associations, namely clubs and players which may have to take disputes to ordinary courts, and of the intermediaries themselves. It is indeed evident that greater clarity in this area would increase the ability of the intermediaries to rely on the rules, and act effectively against those breaching the rules to their disadvantage. In turn, this would also increase the perception of professionalism.

6.5 When asked whether “the sanctions provided for under the national association intermediary regulations are sufficient”, 15% of respondents agreed (2.5% strongly agreed). 67.5% disagreed or strongly disagreed. 15% neither agreed nor disagreed. Asked whether “the resolution of disputes involving intermediaries is working well”, 10% of respondents agreed (0% strongly agreed) and 62.5% disagreed or strongly disagreed. 27.5% neither agreed nor disagreed.

6.6 Compliance, enforcement and dispute resolution are discussed in more depth throughout our thematic conclusions relating to (1) remuneration and representation restrictions and (2) professional standards.

6.7 In light of the above, we recommend that the football authorities:

- Bring agents into the ‘football family’ so that they acquire rights but are also subject to obligations. Agents should become subject to the dispute resolution and sanctioning system of the football authorities, both at national and international level.

- Consider enforcement and dispute resolution as starting principles in any new set of regulations, not afterthoughts.

- Impose stringent but proportionate sanctions on all those who breach the regulations, not just agents.

- Explore the possibility of introducing a whistleblowing scheme to facilitate the reporting of poor practice and a victimisation scheme to ensure the protection of those who report such conduct.