

Module 4. Sports Law and Training Rights



"**RIGHTS**, in the plural form, refers to what is granted or recognised to a legal subject (regardless of whether it has been waived or not); as opposed to **law**, in the singular, which may refer to legal science, the legal system, or a legal framework ("Rights," 2024.) Therefore, it encompasses **the authority to demand everything established in our favour by law or the governing authority.**

TRAINING is a process of professional development designed to prepare future professionals and enhance their skills and knowledge.

☰ Football Training Rights

☰ References

Football Training Rights

These are rights recognised by FIFA to all federated clubs that dedicate effort and time to developing football players. They play a crucial role in encouraging clubs to invest resources in nurturing talent.

The Bosman Ruling as a Key to Understanding Training Compensation: End of the Retention Right

"In 1990, the Belgian club, Royal Football Club, of Liège, agreed with the French club, Union Sportive Dunkerque, on the transfer of the Belgian player Jean-Marc Bosman.

Both clubs signed a transfer agreement and agreed on the amounts related to the transfer of the player. Eventually, the transfer did not go through, and Bosman remained with the Belgian club. Following this, the player initiated a legal battle to obtain the freedom to be contracted by other clubs.

On December 15, 1995, the European Court of Justice ruled against the retention right, as it infringed on the freedom of movement of workers within the European Community. As a result of this ruling, the effects of rights derived from a federative license ceased, and the labour law became significant, focusing on the validity of the employment contract.

To compensate training clubs, FIFA established two concepts: **the training compensation rights** and **the solidarity mechanism**.

Training rights are a mechanism created by FIFA to financially compensate football clubs that contribute to the development and training of players from an early age. These rights are generated when a player signs their first professional contract or when a transfer occurs between clubs up to the end of the calendar year in which the player turns 23. Compensation is calculated based on the years of training the player received at each club and aims to recognise the investment and effort of clubs in developing football talent. Its application varies according to the specific regulations of each national federation and league, but always following FIFA's general guidelines" (Bruera, 2021, <https://shre.ink/DC5p>.)

FIFA has a statutory obligation to regulate all matters related to the football transfer system. The FIFA Clearing House will ensure the protection of the fundamental objectives of the transfer system.

Therefore, it must strive to achieve the following objectives with the different regulations:

- 1 **"Protect the contractual stability** between professional players and clubs.
- 2 **Encourage the development** of young players.
- 3 **Promote the principle of solidarity** between elite football and youth academy football.
- 4 **Protect minors.**
- 5 Maintain **competitive balance.**
- 6 Ensure the **regularity of sports competitions"** (Federación Internacional de Fútbol Asociación [FIFA] 2022a, <https://digitalhub.fifa.com/m/ed96414f159f91e/original/FIFA-Reglamento-sobre-Agentes-de-Futbol.pdf>).

Its application varies according to the specific regulations of each national federation and league, but always adhering to FIFA's general principles.

When is Training Compensation Generated?

According to Article 20, further elaborated in Annex 4 of FIFA's Regulations on the Status and Transfer of Players, training compensation is payable when the following conditions are met:

- 1 When a player is registered **for the first time** as a **professional player**.
- 2 When there is an **international transfer**, either during the contract or at its expiration.

These conditions must be met before the end of the calendar year in which the player turns 23 (Bruera, 2021.) This means that whenever a player is registered as a professional for the first time, anywhere in the world, training compensation rights are generated for those teams that contributed to the player's development, i.e., those clubs where the player was registered between the ages of 12 and 21.

To be clear, the age limit for generating these rights is 23 years old, but training compensation will only be paid to those teams that trained the player between the ages of 12 and 21.

Considerations:

1

If it can be clearly demonstrated that the player completed their training before the age of 21, **the calculation will be made from the age of 12** until the age when the player effectively completed their training.

2

The obligation to pay training compensation exists regardless of any other obligations that may be stipulated in the transfer contract.

3

"A calendar year is defined as **a period of 365 days beginning on a specific date and ending the day before the same date in the following year**. For example, if it starts on March 15, 2022, the calendar year will end on March 14, 2023. In the context of football, under FIFA regulations, training compensation is calculated considering these specific calendar year periods, starting from a determined date rather than following more traditional calendar that begins on January 1. " (Bruera, 2021, <https://shre.ink/DC5p>).

4

Each federation will always indicate when the seasons start and end in order to calculate the calendar year for both the player's age and the training received during the federation's specific calendar year period. It is evident that **annual**

seasons do not start at the same time in Europe as they do in Asia or America.

When is Training Compensation Not Owed?

1

If the previous club terminates the contract without just cause. That is, if the club where the player was registered dismisses them without a sufficiently important reason to justify that decision. In such a case, FIFA understands that the club that made this decision cannot claim training compensation for that player.

2

If the player is **transferred to a club of category four**. This is intended to protect situations where players move clubs simply to continue playing football at an amateur level, without creating a barrier for small clubs that often lack the resources to fully understand the regulations on training compensation. We must pay attention to the situations involving "bridge clubs," where a club of category four is used to facilitate a transfer, only for the player to be immediately transferred again to a higher-category club, with the sole purpose of avoiding the payment of training compensation.



3

If the player **moves from professional to amateur status**. Again, the aim is to protect transfers that do not have the purpose of advancing the player's professional career, without imposing a financial penalty. Therefore, in a situation where a player is reclassified from professional to amateur status, there is no obligation to pay.

4

The principles of **training compensation do not apply** (yet!!) to **women's football**.

Who Is Responsible for Payment? (Bruera, 2021)

1

First Transfer: In the case of the first registration as a professional player, **the club where the player is registered is responsible for paying** the training compensation, within 30 days from the registration, to all clubs where the player was registered (according to the player's career history recorded in the player passport), and that contributed to the player's development from the calendar year in which the player turned 12 years old.

2

Subsequent Transfers: For subsequent transfers, **the club that signs the player** is responsible for paying the training compensation only to the player's

previous club for the period during which the player was trained there.

Who Is Entitled to Receive Payment? (Bruera, 2021)

All clubs that trained the player until the player signs their first professional contract. **From the age of 12 to 21.** To receive training compensation, clubs must be affiliated with associations that are members of FIFA. Therefore, clubs that are not affiliated cannot claim training compensation. This means that academies, schools, and football schools that are not affiliated with a federation cannot claim training compensation.

If any of the clubs no longer exists, the compensation will go to the association to which those clubs belonged, with the aim of being dedicated to the development of youth football within that association. It must be demonstrated that these clubs have ceased to exist.

How Much Is the Training Compensation?

To calculate training compensation, clubs are classified into a maximum of **four categories** based on their investment in the development and training of players (Bruera, 2021).

According to point 4 of Annex 4 of FIFA's Regulations on the Status and Transfer of Players, each category has a corresponding **value** based on the amount required to train a player for one year, **multiplied by the "player factor,"** which represents the number of players that need to be trained to produce a professional one.

On the official FIFA website (www.fifa.com), the training costs for each confederation and the club categories according to the level of competition in which their first teams participate are published.

How to Calculate A Training Compensation (Bruera, 2021)

As a rule, to calculate training compensation for the previous club or clubs, it is necessary to consider the expenses that the new club would have incurred in if they had trained the player.

1

First Registration as a Professional: Training compensation is calculated based on the training costs of the new club's category, multiplied by the number of years of training. Typically, from the calendar year of the player's 12th birthday until the calendar year of their 21st birthday.

2

Subsequent Transfers: Compensation is calculated using the training costs of the new club's category,

multiplied by the number of years of training with the previous club.

Exceptions (Bruera, 2021)

1

To prevent training compensation for very young players from being disproportionate, it is always considered that training **between the ages of 12 and 15** was conducted by clubs of **category four**.

2

In the European Union

1. If a player moves from a **lower to a higher category**, the compensation is calculated by **averaging** both categories.
2. If a player moves from a **higher to a lower category**, the compensation is based on the training costs of the **lower-category** club.
3. If the previous club **does not offer a contract** to the player, **it will not receive training compensation**, unless it can prove it is entitled to it. To do this, the club must offer the player a similar contract to the previous one in writing and within sixty days before the previous contract ends. This exception does not affect

earlier clubs, which retain their right to receive training compensation.

Table 1: FIFA Table for Calculating Training Compensation Rights

| Confederación | Categoría I | Categoría II | Categoría III | Categoría IV |
|---------------|-------------|--------------|---------------|--------------|
| AFC | | 40 000 USD | 10 000 USD | 2000 USD |
| CAF | | 30 000 USD | 10 000 USD | 2000 USD |
| Concacaf | | 40 000 USD | 10 000 USD | 2000 USD |
| CONMEBOL | 50 000 USD | 30 000 USD | 10 000 USD | 2000 USD |
| OFC | | 30 000 USD | 10 000 USD | 2000 USD |
| UEFA | 90 000 EUR | 60 000 EUR | 30 000 EUR | 10 000 EUR |

Source: own elaboration based on Bruera, 2021.

TABLE 1 TRANSLATION

Confederation – Category I – Category II – Category III – Category IV

Permanent and Loan Transfers

A player **can only be registered with one club at a time**. This will be key in resolving conflicts related to training compensation.

"According to FIFA's regulations, training compensation is payable in both permanent and loan transfers. " (Bruera, 2021, <https://shre.ink/DC5p>.)

However, the jurisprudence of the Dispute Resolution Chamber (DRC), the tribunal for these matters, ruled in 2008 that in loan cases, compensation is not payable because the contract with the previous club remains in force, but its effects are suspended during the loan period, with the new club taking responsibility for the player's development during that time (Bruera, 2021).

Electronic Player Passport

To determine where a player was registered at each moment, an essential tool in this process is the Electronic Player Passport (EPP). This is an electronic document that contains consolidated information about a player's registration throughout their career, including:

1. Name and surname of the player.
2. Date of birth.
3. Nationality.
4. Corresponding member federation.

5. Status (amateur or professional.)
6. Type of registration (permanent or loan.)
7. The club or clubs (including training category) where the player has been registered since the calendar year in which they turned 12 years old.
8. Start and end dates (calendar year) of the seasons in this federation.

Image 1: FIFA Passport



REAL FEDERACIÓN ESPAÑOLA DE FÚTBOL 4

PASAPORTE FIFA JUGADOR



NOMBRE: **Fuentes Pérez, Andrés** 1 ID. RFEF: **21750863Q** FIFA ID: **1GU7V84**

FECHA DE NACIMIENTO: **19/06/2006** 2 NACIONALIDAD: **España** 3

| TEMPORADA | FECHA REGISTRO LICENCIA | FECHA BAJA LICENCIA | NOMBRE DEL CLUB | CATEGORÍA DEL CLUB | ESTATUS | Nº DE LICENCIA | INFORMACIÓN ADICIONAL |
|-----------|-------------------------|---------------------|------------------------------------------|--------------------|------------|----------------|-----------------------|
| 2017/2018 | 24/08/2017 | 30/06/2018 | U.E. Sant Andreu SAD-145KUAA | 4 | Aficionado | 5387902176 | |
| 2018/2019 | 13/09/2018 | 30/06/2019 | U.E. Sant Andreu SAD-145KUAA | 4 | Aficionado | 5294603180 | |
| 2019/2020 | 25/07/2019 | 03/08/2020 | U.D. Cornellà-145LH2A | 3 | Aficionado | 5118509193 | |
| 2020/2021 | 01/10/2020 | 30/06/2021 | U.D. Cornellà-145LH2A | 3 | Aficionado | 5101522208 | |
| 2021/2022 | 26/07/2021 | 11/08/2022 | R.C.D. Espanyol de Barcelona SAD-145LNDE | 1 | Aficionado | 5051987218 | |
| 2022/2023 | 11/08/2022 | | R.C.D. Espanyol de Barcelona SAD-145LNDE | 1 | Aficionado | 5099514223 | |

*LAS TEMPORADAS DEPORTIVAS EN ESTA RFEF, SON DEL 1 DE JULIO AL 30 DE JUNIO DEL AÑO SIGUIENTE 8

Source: Royal Spanish Football Federation n/d.

IMAGE 1 TRANSLATION

ROYAL SPANISH FOOTBALL FEDERATION

FIFA PALYER PASSPORT

NAME: **Fuentes Perez, Andres** – ID RFEF: **21750863Q** – FIFA ID:
1GU7V84 – DATE OF BIRTH: **19/06/2006** – NATIONALITY: **Spanish**

SEASON: 2017/2018 – 2018/2019 – 2019/2020 – 2020/2021 – 2021/2022 –
2022/2023

LICENSE REGISTRATION DATE: 24/08/2017 – 13/09/2018 – 25/07/2019 –
01/10/2020 – 26/07/2021 – 11/08/2022

LICENSE TERMINATION DATE: 30/06/2018 – 30/06/2019 – 03/08/2020 –
30/06/2021 – 11/08/2022

CLUB NAME: U.E. Sant Andreu SAD-145KUAA - U.E. Sant Andreu SAD-
145KUAA – UD Cornellà-145LH2A - UD Cornellà-145LH2A – R.C.D.
Espanyol de Barcelona SAD-145LNDE - R.C.D. Espanyol de Barcelona
SAD-145LNDE

CLUB CATEGORY: 4 – 4 – 3 – 3 – 1 – 1

STATUS: Amateur – Amateur – Amateur – Amateur – Amateur –
Amateur

LICENSE NUMBER: 5387902176 – 5294603180 – 5118509193 –
5101522208 – 5051987218 – 5099514223

ADDITIONAL INFORMATION

*SPORTS SEASONS IN THIS ROYAL SPANISH FOOTBALL FEDERATION ARE
FROM JULY 1ST TO JUNE 30TH OF THE FOLLOWING YEAR.

Waivers of Training Compensation Rights

The possibility of waiving training compensation rights can arise in
various scenarios:

1

When the transfer agreement between two clubs **does not mention training compensation**, it is understood that the amount related to training rights **is included in the transfer fee**, and the previous club cannot claim it unless it can be proven that both clubs deliberately omitted it from the transfer price. This implies that if both clubs have reached an agreement, the training club is already

satisfied with the amount as a form of compensation for the player's training.

2

Waivers made by training clubs for training compensation arising from the player's first registration as a professional. In this case, the FIFA Dispute Resolution Chamber has ruled that for such a waiver **to be valid, the training club must have unequivocally expressed its intent to waive the rights**. In our opinion, these waivers should not be valid, as they open the door to situations where the club with fewer resources is disadvantaged, contrary to FIFA's intent in establishing training compensation rights.

3

Waivers conditioned to future objectives. It is increasingly common for training clubs to agree on such terms to avoid hindering the transfer of a young player. This should not be confused with a transfer, as a transfer can only be executed by the club holding the player's last license or contract in subsequent transfers before the age of 23. In our opinion, this is a more appropriate approach, as the training club may waive a small amount in exchange for potentially receiving a much larger sum in the future if the player achieves certain milestones, either within the club or elsewhere.

Club Categories

The registration periods and club categorisation established by the federation must be recorded in the TMS. Federations must maintain **accurate data on their affiliated clubs (including the club's category) in their national registration system** (FIFA, 2023.)

According to FIFA circulars, federations must classify all their affiliated clubs registered in the TMS by category before the end of each season, based on each club's financial investment in player training. However, in practice, clubs are categorised based on the division in which they compete (FIFA, 2023.)

It is also crucial that each federation maintains precise (both current and historical) data in their national registration system, including information related to the categorisation of all affiliated clubs (FIFA, 2023.)

The creation of the electronic player passport requires federations to send registration data covering the entire period during which the player was registered with the federation. This data will include the categorisation of the affiliated clubs where the player has played (FIFA, 2023.)

Therefore, each federation must also ensure that their national registration system accurately reflects the training category of all

their affiliated clubs before the end of each season (FIFA, 2023.)

The specified category will be valid for the entire season in question, and federations cannot change the club's category during the season (FIFA, 2023.)

Refer to FIFA Circular No. 1853 dated July 29, 2023.

Table 2: AFC, Asian Football Confederation

Tabla 1 – AFC

| Federación miembro | Categoría I | Categoría II | Categoría III | Categoría IV |
|---------------------------|--------------------|---------------------|----------------------|---------------------|
| Afganistán | | | | X |
| Arabia Saudí | | | X | X |
| Australia | | X | X | X |
| Bangladés | | | | X |
| Baréin | | | | X |
| Brunéi Darusalam | | | | X |
| Bután | | | | X |
| Camboya | | | | X |
| Catar | | | X | X |
| China Taipéi | | | | X |
| Emiratos Árabes Unidos | | | X | X |
| Filipinas | | | | X |
| Guam | | | | X |
| Hong Kong | | | | X |
| India | | | | X |
| Indonesia | | | | X |
| Irak | | | X | X |
| Japón | | X | X | X |
| Jordania | | | | X |
| Kuwait | | | X | X |
| Laos | | | | X |
| Líbano | | | X | X |
| Macao | | | | X |
| Malasia | | | X | X |
| Maldivas | | | | X |
| Mongolia | | | | X |
| Myanmar | | | | X |
| Nepal | | | | X |
| Omán | | | | X |
| Pakistán | | | | X |
| Palestina | | | | X |

| Federación miembro | Categoría I | Categoría II | Categoría III | Categoría IV |
|--------------------|-------------|--------------|---------------|--------------|
| RDP de Corea | | | | X |
| República de Corea | | X | X | X |
| República Kirguisa | | | | X |
| RI de Irán | | X | X | X |
| RP China | | | X | X |
| Singapur | | | X | X |
| Siria | | | | X |
| Sri Lanka | | | | X |
| Tailandia | | | | X |
| Tayikistán | | | | X |
| Timor Oriental | | | | X |
| Turkmenistán | | | | X |
| Uzbekistán | | | | X |
| Vietnam | | | | X |
| Yemen | | | | X |

Source: FIFA, 2023, <https://shre.ink/DCOT>

TABLE 2 TRANSLATION

Table 1 – AFC

Federation Member: Afghanistan – Saudi Arabia – Australia – Bangladesh – Bahrain – Brunei – Bhutan – Cambodia – Qatar – Chinese Taipei – United Arab Emirates – Philippines – Guam – Hong Kong – India – Indonesia – Iraq – Japan – Jordan – Kuwait – Laos – Lebanon – Macao – Malaysia – Maldives – Mongolia – Myanmar – Nepal – Oman – Pakistan – Palestine – DPR of Korea – Republic of Korea – Kyrgyzstan – IR of Iran – PR of China – Singapore – Syria – Sri

Lanka – Thailand – Tajikistan – Timor-Leste – Turkmenistan –
Uzbekistan – Vietnam – Yemen

Category I

Category II

Category III

Category IV

Table 3: CAF, Confederation of African Football

Tabla 2 – CAF

| Federación miembro | Categoría I | Categoría II | Categoría III | Categoría IV |
|---------------------------|--------------------|---------------------|----------------------|---------------------|
| Angola | | | | X |
| Argelia | | X | X | X |
| Benín | | | | X |
| Botsuana | | | | X |
| Burkina Faso | | | | X |
| Burundi | | | X | X |
| Cabo Verde | | | | X |
| Camerún | | X | X | X |
| Chad | | | | X |
| Comoras | | | | X |
| Congo | | | | X |
| Costa de Marfil | | X | X | X |
| Egipto | | X | X | X |
| Eritrea | | | | X |
| Esuatini | | | | X |
| Etiopía | | | | X |
| Gabón | | | | X |
| Gambia | | | X | X |
| Ghana | | X | X | X |
| Guinea | | | | X |
| Guinea-Bisáu | | | | X |
| Guinea Ecuatorial | | | | X |
| Kenia | | | | X |
| Lesoto | | | | X |
| Liberia | | | | X |
| Libia | | | X | X |
| Madagascar | | | | X |
| Malawi | | | | X |
| Mali | | | X | X |
| Marruecos | | X | X | X |
| Mauricio | | | | X |

| Federación miembro | Categoría I | Categoría II | Categoría III | Categoría IV |
|--------------------------|-------------|--------------|---------------|--------------|
| Mauritania | | | | X |
| Mozambique | | | | X |
| Namibia | | | | X |
| Níger | | | | X |
| Nigeria | | X | X | X |
| RD del Congo | | | | X |
| República Centroafricana | | | | X |
| Ruanda | | | X | X |
| Santo Tomé y Príncipe | | | | X |
| Senegal | | X | X | X |
| Seychelles | | | | X |
| Sierra Leona | | | | X |
| Somalia | | | | X |
| Sudáfrica | | X | X | X |
| Sudán | | | X | X |
| Sudán del Sur | | | | X |
| Tanzania | | | | X |
| Togo | | | X | X |
| Túnez | | X | X | X |
| Uganda | | | | X |
| Yibuti | | | | X |
| Zambia | | | | X |
| Zimbabue | | | | X |

Source: FIFA, 2023, <https://shre.ink/DCOT>

TABLE 3 TRANSLATION

Table 2 – CAF

Member Federation: Angola – Algeria – Benin – Botswana – Burkina Faso – Burundi – Cape Verde – Cameroon – Chad – Comoros – Comoros

– Cote d'Ivoire – Egypt – Eritrea – Eswatini – Ethiopia – Gabon – The Gambia – Ghana – Guinea – Guinea-Bissau – Equatorial Guinea – Kenya – Lesotho – Liberia – Libya – Madagascar – Malawi – Mali – Morocco – Mauritius – Mauritania – Mozambique – Namibia - Niger – DR of Congo – Central African Republic – Rwanda – Sao Tome and Principe – Senegal - Seychelles – Sierra Leone – Somalia – South Africa – Sudan – South Sudan – Tanzania – Togo – Tunisia – Uganda – Djibouti – Zambia -Zimbabwe

Category I

Category II

Category III

Category IV

Table 4: CONCACAF, includes North America, Central America, and the Caribbean

Tabla 3 – CONCACAF

| Federación miembro | Categoría I | Categoría II | Categoría III | Categoría IV |
|--------------------------------|-------------|--------------|---------------|--------------|
| Anguila | | | | X |
| Antigua y Barbuda | | | | X |
| Aruba | | | | X |
| Bahamas | | | | X |
| Barbados | | | | X |
| Belize | | | | X |
| Bermudas | | | | X |
| Canadá | | | X | X |
| Costa Rica | | X | X | X |
| Cuba | | | | X |
| Curasao | | | | X |
| Dominica | | | | X |
| EE. UU. | | X | X | X |
| El Salvador | | | X | X |
| Granada | | | | X |
| Guatemala | | X | X | X |
| Guyana | | | | X |
| Haiti | | | | X |
| Honduras | | | X | X |
| Islas Caimán | | | | X |
| Islas Vírgenes Británicas | | | | X |
| Islas Vírgenes Estadounidenses | | | | X |
| Jamaica | | | X | X |
| México | | X | X | X |
| Montserrat | | | | X |
| Nicaragua | | | | X |
| Panamá | | | | X |
| Puerto Rico | | | | X |
| República Dominicana | | | | X |
| San Cristóbal y Nieves | | | | X |
| Santa Lucía | | | | X |
| San Vicente y las Granadinas | | | | X |
| Surinam | | | | X |
| Trinidad y Tobago | | | X | X |
| Turcas y Caicos | | | | X |

Source: FIFA, 2023, <https://shre.ink/DCOT>

TABLE 4 TRANSLATION

Table 3 – CONCACAF

Federation Member: Anguilla – Antigua and Barbuda – Aruba – Bahamas – Barbados – Belize – Bermudas – Canada – Costa Rica – Cuba – Curaçao – Dominica – U.S.A. – El Salvador – Grenada – Guatemala – Guyana – Haiti – Honduras – Cayman Islands – British Virgin Islands – U. S. Virgin Islands – Jamaica – Mexico – Montserrat – Nicaragua – Panama – Puerto Rico – Dominican Republic – Saint Kitts and Nevis – Saint Lucia – Saint Vincent and The Grenadines – Suriname – Trinidad and Tobago – Turks and Caicos Islands

Category I

Category II

Category III

Category IV

Table 5: CONMEBOL, for South American Countries

Tabla 4 – CONMEBOL

| Federación miembro | Categoría I | Categoría II | Categoría III | Categoría IV |
|--------------------|-------------|--------------|---------------|--------------|
| Argentina | X | X | X | X |
| Bolivia | | | X | X |
| Brasil | X | X | X | X |
| Chile | | X | X | X |
| Colombia | | | X | X |
| Ecuador | | | X | X |
| Paraguay | | | X | X |
| Perú | | | X | X |
| Uruguay | | X | X | X |
| Venezuela | | | X | X |

Source: FIFA, 2023, <https://shre.ink/DCOT>

TABLE 5 TRANSLATION

Table 4 – CONMEBOL

Federation Member: Argentina – Bolivia – Brazil – Chile – Colombia – Ecuador – Paraguay – Peru – Uruguay – Venezuela

Category I

Category II

Category III

Category IV

Table 6: OFC, Oceania Football Confederation

Tabla 5 – OFC

| Federación miembro | Categoría I | Categoría II | Categoría III | Categoría IV |
|----------------------|-------------|--------------|---------------|--------------|
| Fiyi | | | | X |
| Islas Cook | | | | X |
| Islas Salomón | | | | X |
| Nueva Caledonia | | | | X |
| Nueva Zelanda | | | X | X |
| Papúa Nueva Guinea | | | | X |
| Samoa | | | | X |
| Samoa Estadounidense | | | | X |
| Tahití | | | | X |
| Tonga | | | | X |
| Vanuatu | | | | X |

Source: FIFA, 2023, <https://shre.ink/DCOT>

TABLE 6 TRANSLATION

Table 5 – OFC

Federation Member: Fiji – Cook Islands – Solomon Islands -New Caledonia – New Zealand – Papua New Guinea – Samoa – American Samoa – Tahiti -Tonga -Vanuatu

Category I

Category II

Category III

Category IV

Table 7: UEFA, for clubs in Europe

Tabla 6 – UEFA

| Federación miembro | Categoría I | Categoría II | Categoría III | Categoría IV |
|----------------------|-------------|--------------|---------------|--------------|
| Albania | | | X | X |
| Alemania | X | X | X | X |
| Andorra | | | | X |
| Armenia | | | X | X |
| Austria | | X | X | X |
| Azerbaiyán | | | X | X |
| Bélgica | X | X | X | X |
| Bielorrusia | | | X | X |
| Bosnia y Herzegovina | | | X | X |
| Bulgaria | | | X | X |
| Chipre | | | X | X |
| Croacia | | | X | X |
| Dinamarca | | X | X | X |
| Escocia | | X | X | X |
| Eslovaquia | | | X | X |
| Eslovenia | | | X | X |
| España | X | X | X | X |
| Estonia | | | X | X |
| Finlandia | | | X | X |
| Francia | X | X | X | X |
| Gales | | | X | X |
| Georgia | | | X | X |
| Gibraltar | | | | X |
| Grecia | | X | X | X |
| Hungría | | X | X | X |
| Inglaterra | X | X | X | X |
| Irlanda del Norte | | | X | X |
| Islandia | | | X | X |
| Islas Feroe | | | | X |
| Israel | | | X | X |
| Italia | X | X | X | X |

| Federación miembro | Categoría I | Categoría II | Categoría III | Categoría IV |
|----------------------|-------------|--------------|---------------|--------------|
| Kazajistán | | | X | X |
| Kosovo | | | X | X |
| Letonia | | | X | X |
| Liechtenstein | | | | X |
| Lituania | | | X | X |
| Luxemburgo | | | X | X |
| Macedonia del Norte | | | X | X |
| Malta | | | X | X |
| Moldavia | | | X | X |
| Montenegro | | | | X |
| Noruega | | X | X | X |
| Países Bajos | X | X | X | X |
| Polonia | | | X | X |
| Portugal | | X | X | X |
| República Checa | | | X | X |
| República de Irlanda | | X | X | X |
| Rumanía | | | X | X |
| Rusia | | X | X | X |
| San Marino | | | | X |
| Serbia | | | X | X |
| Suecia | | X | X | X |
| Suiza | | X | X | X |
| Turquía | | X | X | X |
| Ucrania | | X | X | X |

Source: FIFA, 2023, <https://shre.ink/DCOT>

TABLE 7 TRANSLATION

Federation Member: Albania – Germany – Andorra – Armenia – Austria – Azerbaijan – Belgium – Belarus – Bosnia and Herzegovina – Bulgaria – Cyprus – Croatia – Denmark – Scotland – Slovakia –

Slovenia – Spain – Estonia -Finland – France – Wales – Georgia -
Gibraltar – Greece – Hungary – England – Northern Ireland – Iceland –
Faroe Islands – Israel – Italy – Kazakhstan – Kosovo – Latvia –
Liechtenstein – Lithuania – Luxemburg – North Macedonia – Malta –
Moldova – Montenegro – Norway -Netherlands – Poland – Portugal –
The Czech Republic – Ireland – Romania – Russia – San Marino –
Serbia – Sweden – Switzerland – Turkey - Ukraine

Category I

Category II

Category III

Category IV

It is evident that **a significant modification is necessary in the categorisation of clubs** for training compensation. Currently, only UEFA and CONMEBOL have clubs in category one. However, it is difficult to explain why countries with a very high level of football and significant investments in their professional leagues are still considered category three or four.

At present, we see the phenomenon of the Arab leagues, particularly the Saudi Arabian League, with extraordinarily large investments but no clubs in category one or two. A similar situation occurred a few

years ago with the exodus of stars to the Chinese Super League or even with a more elaborate and purely commercial football project like the MLS in the USA, which also does not have any clubs in category one.

Football is now a global phenomenon, and FIFA must have the necessary mechanisms and resources to update the categories of clubs in each confederation to ensure that the system is as fair and accurate as possible.

Likewise, the amounts listed in the training compensation table are completely outdated, having not been revised since the year 2000. They require an update to effectively fulfil their purpose.

Solidarity Mechanism

FIFA's solidarity mechanism, like training compensation, **clearly aims to compensate smaller clubs** that have invested time and effort in the early training of players. This is necessary to prevent large clubs from exploiting their structure, financial capacity, and prestige to obtain young players for free.

As seen with training rights, the Bosman ruling, which eliminated clubs' federative retention rights, prompted the creation of direct compensation mechanisms by the global football governing body.

Solidarity, defined as "**circumstantial adherence to the cause or enterprise of others,**" in sociological terms, refers to the feeling and attitude of unity based on common goals or interests. It is about helping without expecting anything in return, applying what is considered good, and without profit motives.

It is evident that in football and sports in general, maintaining the base of the pyramid, where many social and training clubs serve as the first point of contact for athletes with their sport, makes it much easier to develop future professionals in that sport. **Therefore, FIFA is committed to maintaining and strengthening the broad base of the football pyramid.**

It is important to note that this mechanism is only triggered if the player is transferred before their contract ends; therefore, if the player completes the contract, the solidarity mechanism is not activated. This means that FIFA's designed solidarity does not apply in these cases. This is a modification we consider necessary for the application of the solidarity mechanism, given that these situations do not generate solidarity for clubs. Still, FIFA's intent is to do so. Our proposal is that the "signing fee" or "transfer bonus" that players receive when they join a club as free agents, which could be considered compensation, although in this case for the player, should also generate solidarity rights.

When Is the Solidarity Mechanism Applied?

"Annex 5.1 of the FIFA Transfer Regulations states that the Solidarity Mechanism applies when a professional player is transferred during the term of a contract" (Bruera, 2023, <https://shre.ink/DCOn>.)

The conditions, therefore, are that there is a transfer and that it involves a professional player. This mechanism does not apply if compensation is agreed upon for a player who is not yet a professional.

Similarly, point 1.2 of the Annex states that "training clubs are entitled to receive (a proportional share) of 5% of the solidarity contribution in the following cases:

1

A **definitive transfer or loan** of a professional player **between clubs affiliated with different associations**" (Bruera, 2023, <https://shre.ink/DCOn>), meaning this mechanism only applies if the transfer occurs between different federations and does not apply to transfers within the same federation.

2

"A **definitive transfer or loan** of a professional player **between clubs affiliated with the same association, provided the training club is affiliated with a different association**" (Bruera, 2023, <https://shre.ink/DCOn>.) This modification was made

to include situations where, although the transfer is between clubs within the same federation, the player was trained in a different federation, ensuring that clubs from other federations are not excluded.

How Much does the Solidarity Mechanism Cost?

Unlike the fixed amounts set in training rights, "**the solidarity contribution is 5% of any compensation**, excluding training rights compensation" (Bruera, 2023, <https://shre.ink/DCOn>.) In other words, it is a much simpler calculation to perform and much fairer because it will be directly proportional to the time the player was trained and the amount paid for their transfer.

According to Annex 5.1.1, the solidarity contribution **will be calculated proportionally, based on the number of years the player was registered with each club during the calendar years between the ages of 12 and 23**, as follows:

1

12th birthday calendar year: 5% out of 5% of any compensation.

2

13th birthday calendar year: 5% out of 5% of any compensation.

3

14th birthday calendar year: 5% out of 5% of any compensation.

4

15th birthday calendar year: 5% out of 5% of any compensation.

5

16th birthday calendar year: 10% out of 5% of any compensation.

6

17th birthday calendar year: 10% out of 5% of any compensation.

7

18th birthday calendar year: 10% out of 5% of any compensation.

8

19th birthday calendar year: 10% out of 5% of any compensation.

9

20th birthday calendar year: 10% out of 5% of any compensation.

10

21st birthday calendar year: 10% out of 5% of any compensation.

11

22nd birthday calendar year: 10% out of 5% of any compensation.

12

23rd birthday calendar year: 10% out of 5% of any compensation.

As can be seen, the same philosophy applied to the concept of training compensation is used here, **giving more value (in this case, double) to training provided from the 16th birthday onwards.** While it is understandable that training a footballer becomes more costly as they age, it is also important to consider that this will affect smaller clubs that may have trained the players at a younger age.

An urgent consideration related to what was mentioned earlier is the starting age of footballers' training. Today, footballers' training does not start at 12 years old. Most clubs have structures in place to train players from the age of 7 or 8, and federations themselves offer organised competitions starting from age 7. Therefore, FIFA will need to align this situation with current realities, starting the compensation periods at ages that better reflect the actual conditions faced by both clubs and federations.

Who Is Responsible for Payment?

The club responsible for the payment is always **the one making the transfer payment, meaning the new club to which the player is being transferred.** This club must withhold 5% of the total agreed compensation to distribute it proportionally among the training clubs

from the player's 12th to 23rd birthday, as outlined previously (Bruera, 2023.)

Who Is the Beneficiary?

The beneficiaries are **all clubs that trained the player during the period from their 12th to their 23rd birthday**, taking into account the calendar years as defined by each federation.

If a player was registered with **different clubs during the same season, the payment will be made proportionally** to the number of days the player was registered with each club. A player cannot be registered with two clubs simultaneously, but they can be registered with different clubs during the same season.

If **future variables** were included in the transfer contract, these variables are considered part of the transfer price and, therefore, an additional 5% must be settled when these amounts are due.

In the case of **deferred payments**, the solidarity payments may also be deferred in the same manner as the main payments.

If the **payments are made in kind**, for example, a player or rights to a player, the training clubs can claim the monetisation of these values and claim 5% of them as part of the solidarity mechanism.

Transfers made within **women's football also trigger the activation of the solidarity mechanism.** Unlike training compensation, which is specifically excluded for women's football, in this case, since there is no reference in the regulations regarding transfers made in women's football, it should be considered that they are included.

Finally, just as with training compensation, **a federation has the right to receive a percentage of the solidarity contribution,** which would normally go to one of its affiliated clubs, if **the club** can provide irrefutable proof that the club where the player was trained and educated **no longer participates in organised football or no longer exists.** This compensation will be allocated to the youth football development programmes of the relevant association(s) (Bruera, 2023.)

Example Table for Solidarity Mechanism Distribution

Table 8: Solidarity Mechanism Distribution

| | | | |
|-------------------------|----------------------------|---------------|------------|
| Registering Club | F.C. INTERNAZIONALE MILANO | Player | |
| Former Club | A.S. MONACO F.C. | D.O.B | |
| Amount/Instalment | 6.315.789,47 | Currency | EUR |
| 95% due to Selling Club | 6.000.000,00 | Solidarity 5% | 315.789,47 |

| Season of Birthday | Club | % due | Amount | Season (days) |
|-------------------------|----------------|--------------|---------------------|--------------------|
| Season of 12th Birthday | F.C. BARCELONA | 5,00% | 15.789,47 € | 2006/2007 |
| Season of 13th Birthday | F.C. BARCELONA | 5,00% | 15.789,47 € | 2007/2008 |
| Season of 14th Birthday | F.C. BARCELONA | 5,00% | 15.789,47 € | 2008/2009 |
| Season of 15th Birthday | F.C. BARCELONA | 5,00% | 15.789,47 € | 2009/2010 |
| Season of 16th Birthday | F.C. BARCELONA | 3,84% | 12.126,32 € | 2010/2011 (140 dd) |
| Season of 16th Birthday | U.D. CORNELLA* | 6,16% | 19.452,63 € | 2010/2011 (255 dd) |
| Season of 17th Birthday | U.D. CORNELLA* | 10,00% | 31.578,95 € | 2011/2012 |
| Season of 18th Birthday | S.S. LAZIO | 10,00% | 31.578,95 € | 2012/2013 |
| Season of 19th Birthday | S.S. LAZIO | 10,00% | 31.578,95 € | 2013/2014 |
| Season of 20th Birthday | S.S. LAZIO | 10,00% | 31.578,95 € | 2014/2015 |
| Season of 21st Birthday | S.S. LAZIO | 10,00% | 31.578,95 € | 2015/2016 |
| Season of 22nd Birthday | S.S. LAZIO | 10,00% | 31.578,95 € | 2016/2017 |
| Season of 23rd Birthday | S.S. LAZIO | 1,67% | 5.273,68 € | 2017/2018 (61 dd) |
| Season of 23rd Birthday | A.S. MONACO | 8,33% | 26.305,26 € | 2017/2018 (304 dd) |
| | | TOTAL | 315.789,47 € | |

* overlapping seasons

| Totals | | Pro - rata calculation of days | |
|----------------|-------------------|--------------------------------|------------|
| Club | Amount | % of S.C. | Enter Days |
| A.S. MONACO | 26.305,26 | 0,42% | 225 |
| S.S. LAZIO | 163.168,42 | | 31578,95 |
| U.D. CORNELLA* | 51.031,58 | | |
| F.C. BARCELONA | 75.284,21 | | |
| TOTAL | | | |
| | 315.789,47 | | |

| | | |
|-------------------------------|--|-----------------|
| Enter Amount due | | |
| Pro-rata % | | 19466,48 |
| Percentage of 5% | | 6,16% |
| Percentage due to S.C. | | 0,31% |

Source: own elaboration.

This table provides an example of how the solidarity mechanism is distributed among the various clubs that trained the footballer. As shown, the distribution is prorated among the clubs based on the number of days the player was registered with each of them, while also considering the specific training periods during those days.

It should be noted that to obtain this data, the information from the player's sports passport must be referenced.

In this case, the transaction amounts to €6,315,789.47. The figure may seem unusual, but it is because the transfer fee was agreed upon as a

net amount, and the buying club had to also cover the cost of the solidarity mechanism.

FIFA Clearing House

The FIFA Clearing House will ensure the protection of the fundamental objectives of the transfer system according to the statutes of FIFA.

"The **specific objectives** of FIFA Clearing House are as follow:

- 1** To process specific payments related to the transfer of football players between clubs.
- 2** To protect the **integrity of the football transfer system**.
- 3** To enhance and promote **financial transparency** within the football transfer system.
- 4** To prevent **fraudulent activities** in the football transfer system.

In achieving these objectives, the FIFA Clearing House **acts as an intermediary for the payment of training compensation** within the

football transfer system, as required by the RSTP, and carries out all necessary compliance evaluations for its execution" (FIFA, 2022b, <https://shre.ink/DCJ5>.)

The FIFA Clearing House **is an independent entity** established by FIFA itself to act as an intermediary in payments derived from the football transfer system.

The FIFA Clearing House is a licensed payment service provider, authorised by the relevant regulatory authorities, and **will not obtain any financial benefit** from the assets it receives or from the transactions it executes.

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