

European Sports Law and Policy Bulletin

CONTRACTUAL STABILITY IN FOOTBALL

PRESENTATION

The principle of contractual stability is of paramount importance in the world of football. It is at the basis of an efficient transfer system characterised *inter alia* by the redistribution of wealth from ‘big’ to ‘small’ clubs as well as by secured investments in youth development.

Any dispute between professional players and clubs at international level is dealt with by the FIFA Dispute Resolution Chamber (DRC) and the Court of Arbitration for Sport (CAS) pursuant to art. 17 of the *FIFA Regulations on the Status and Transfer of Players*.

Such regulations were the outcome of the 2001 Gentlemen’s Agreement between the European Commission on one side and FIFA and UEFA on the other. Ten years after the signature of that agreement and the entry into force of the first version of the relevant FIFA regulations, the EU institutions as well as the international sports stakeholders may consider whether to review and modify – if necessary – the rules on transfer of players and contractual stability.

Under the current FIFA transfer rules a compensation must be paid in case of unilateral breach of an employment contract in football and such compensation is calculated by taking into due account the relevant national law and by referring to objective criteria as well as to the *specificity of sport*.

Of course, the consequences of such a termination for the contractual parties (players and clubs) could be extremely important in both economic and sports terms.

In light of the above, this issue of the European Sports Law and Policy Bulletin examines the genesis of the FIFA regulations on Status and Transfer of Players, its content, and – above all – its interpretation by the relevant sports arbitration bodies.

In particular, the Authors critically review the relevant case law of both DRC and CAS and make a legal as well as an economic analysis of the FIFA regulations.

The position of the main stakeholders like the players’ representatives (FIFPRO) and the clubs’ (European Clubs Association) is also underlined.

Particular attention is given to the relevant national law and jurisprudence of both civil law and common law countries in order to determine how contractual stability is guaranteed in practice and how compensation for early termination of employment contracts in football is calculated.

Finally some recommendations are offered to Clubs and Players in order to comply with the principle of contractual stability in a context of increasing international mobility.

Brussels, 18 October 2011

Michele Colucci

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