

should comply with its decision in favor of the player's widow, recognizing the right of the widow to receive the amounts due to her deceased husband. This is a very important position adopted by FIFA, which will enable the charge of amounts that would otherwise be practically impossible to Mr MACHADO's family, due to fact that they would probably have to file a claim in Iran to pursue the overdue sums, with all the costs and difficulties involved.

FIFA Disciplinary Committee decisions regarding Article 18bis of its Regulations on the Status and Transfer of Players



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→ **FIFA Disciplinary Committee - FIFA Regulations - Third-party influence - Disciplinary litigation - Financial sanctions**

FIFA Media release, 19 April 2018

On 19 April 2018, the FIFA Disciplinary Committee issued a Media release² on the decisions adopted regarding the violations committed by the Spanish football clubs with regards to the prohibition of third-party influence on clubs.

FIFA is enforcing its Regulations on the Status and Transfer of Players' (RSTP) provisions regarding the prohibition of third-party influence on the clubs. Hence, two Spanish clubs, namely *Rayo Vallecano* and *RC Celta de Vigo*, were recently sanctioned by the governing body of football for corresponding amounts of CHF 55,000 (approx. EUR 47,500) and CHF 65,000 (approx. EUR 56,000) respectively.

Both Spanish clubs, according to FIFA, entered into agreements that enabled a third party to influence the club's independence.

It is crucial to mention that FIFA remarked the difference in two redactions of the FIFA RSTP, 2012 and 2018 respectively. The previous version of the FIFA RSTP provided with sanctions for entering into such agreements for the club that entered in such agreement and enabled for another entity (counter club or any third party) the ability to influence its independence in employment and transfer-related matters, its policies or the performance of its teams. However, it did not establish any sanctions for the club/entity that acquired such ability to influence, which was

corrected by FIFA in the following redactions of the FIFA RSTP.

Besides, the sanctions for the Spanish clubs are based on Article 18bis of the FIFA RSTP and include two separate violations not directly stated in that article. For *Rayo Vallecano*, this violation is being the failure "to record an existing third-party ownership agreement and for failing to enter correct and mandatory information in ITMS." For *RC Celta de Vigo*, another violation consists of a brief statement: "misusing ITMS as a negotiation tool."

As it could be seen, Article 18bis of the FIFA RSTP per se contains a narrow approach not defining such particular violations, however, it can be noted from the sense of the corresponding Annexe of the FIFA RSTP dedicated to the TMS and the completeness of the information that FIFA requires from the clubs at the time of the international transfers of players.

The last question that remains open is whether the financial sanction will only correspond the initial goal of FIFA to make the international transfer system transparent and free of third-party influence.

² www.fifa.com