



INTERMEDIARIES - A new paradigm in world football

FIFA approved, in March 2014, a new Intermediaries Regulation - New Regulations on Working with Intermediaries - as stated in Circular 1417 of such Institution.

This aim - it is believed – is associated with two major goals. The first goal is, unequivocally, clear from the wording of the aforesaid Circular: the proposal of a new system, more transparent and easier to implement at the level of each member Federation of FIFA, as it provides the guidelines for each Federation, in compliance with the local legal framework in force, to implement the respective Intermediaries Regulation. The second goal had to do with an attempt to regulate in a more clear and transparent manner, the activity of the former FIFA agents in order to disclose the amounts transferred thereby.

The Portuguese Football Federation Intermediaries Regulation, which applies to Intermediaries as well as to all affiliated players and clubs of the Portuguese Football Federation (FPF), the Portuguese League for Professional Football (LPFP) and the district and regional football associations, entered into force on April 1, 2015, establishing the Intermediary as the natural or legal person with legal capacity, for payment or free of charge, who represents the player or the club in negotiations aiming at signing a sporting labour agreement, or a transfer agreement.

For greater transparency and clarity in deals involving Intermediaries and, also, so that they may effectively intervene in transfers, they will have to mandatorily be registered in the FPF, in the case of legal persons the registration only being accepted if a representative thereof is registered as such. The Regulation itself specifically establishes those who are unable to conduct the business of Intermediary, creating also an Intermediaries Committee with powers to issue mandatory and binding opinions, on its own initiative or at the request of any interested party. Such Regulation sets out the essential elements of the representation agreement, as well as it impose, in art. 10, the obligation of both clubs and players which have entered into agreements with intermediaries to notify FPF, and also the requirement for the FPF to yearly, at the end of March, disclose in its official site the names of the registered intermediaries, the transactions subject to intermediation and the total amount of remunerations / payments settled by players and affiliated clubs. In terms of the remuneration of the Intermediaries the Regulation even goes a step further than FIFA's Circular 1417 as it refers a percentage of remuneration. The Regulation also governs conflicts of interest as well as the sanctions regime.

Last but not least, it should be noted that the Regulation lacks a clarification by the FPF, with regard to minors, since it explicitly provides that the Intermediary may not act on behalf and for the account of underage sporting practitioners. In view of the regime stipulated by Law No. 28/98 of June, 16 1998 (as amended by Law No. 114/99 of August, 3 1999), which establishes a new legal regime of the sporting practitioner labour agreement- maxime, art . 4 - as well as of the provisions of article 122 of the Civil Code, we are facing a pertinent question: Intermediaries may mediate the transfers of players who have already completed sixteen years of age – art. 4 of Law No. 28 / . 98 of June, 26 1998 - or may only mediate transfers of youngsters aged 18 years or more?

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