



# **Explanatory Notes on the New Provisions in the Regulations on the Status and Transfer of Players Regarding the International Transfer of Minors**

**November 2022**

A faint, light blue graphic of a soccer goal is visible in the background, positioned behind the text. It shows the goalposts and the crossbar, with a small circle in the center representing the ball.

## Introduction

Following a series of meetings with stakeholders from the professional game and the subsequent agreement by the Task Force Transfer System, a series of objectives, principles and work areas for the Third Reform Package were defined. In this regard, [on 14 May 2021](#), the Football Stakeholders Committee (FSC) endorsed the general principles pertaining to the Third Reform Package, which encompasses, *inter alia*, the topic of the international transfer of minors.

In this respect, the general principles approved by the FSC in relation to the international transfer of minors were:

- **Humanitarian exception**  
To examine the humanitarian exception in article 19 of the Regulations on the Status and Transfer of Players (RSTP) and whether it could be applied more flexibly or modernised to reflect real-life cases that are rejected.
- **Private academies**  
To explore the possibility of reviewing and modernising the regulation of private academies (currently covered by article 19bis of the RSTP) operating outside the scope of organised football.
- **Trials**  
To explore a regulatory framework for trials in order to provide legal certainty and protect minors (and all footballers) from exploitation.
- **Safeguarding**  
To explore the possibility and feasibility of minimum protection standards for minors who transfer internationally.

This document aims to provide additional and appropriate guidance to FIFA member associations (MAs) and their stakeholders in relation to the recent amendments and additions to the RSTP, which concern the abovementioned sub-topics.

### 1. Humanitarian exception (article 19 paragraph 2 (d) of the RSTP)

The core principle remains that the international transfers of players below the age of 18 are, in general, prohibited, subject to the exceptions defined in article 19 of the RSTP.

One of the existing exceptions is the “humanitarian exception”. However, its scope of application was limited in that it catered to minors moving without their parents<sup>1</sup> and who could not be expected to return to their former country or country of origin due to a threat to their life or freedom (on account of race, religion, nationality, belonging to a particular social group, or political opinion).

---

<sup>1</sup> For completeness, one should note that for a move for humanitarian reasons of a minor with their parents, the exception “parents’ move for reasons not linked to football” in accordance with Article 19 paragraph 2 (a) of the RSTP may still apply.

Crucially, this exception required that the minor had to be at least temporarily permitted to reside in the country of arrival, and have the status of **refugee or person in need of protection**.

[Before the formal introduction of the “humanitarian exception” in the RSTP in 2020](#), the FIFA Sub-Committee on Minors, now the Players’ Status Chamber of the Football Tribunal (PSC), had occasionally granted exceptions based on humanitarian grounds.<sup>2</sup> In this regard, the jurisprudence followed the approach of the [Convention relating to the Status of Refugees, adopted in 1951 in Geneva](#). As a consequence, the humanitarian exception was only applicable to unaccompanied minors granted the formal status of refugee or protected person.<sup>3</sup> The formal introduction of the “humanitarian exception” did not change anything to this basic approach.

In addition to this formal approach, the PSC also considers applications where players have applied for asylum and are still waiting for a decision to determine their status (asylum seekers).<sup>4</sup> The PSC has, however, only considered the status of an asylum-seeking player as being sufficient to corroborate humanitarian reasons in the narrow sense, if the player was likely to be granted asylum.

Moreover, applications relating to asylum-seeking players who had not yet been officially granted asylum are usually accepted in circumstances where they wish to be registered with a purely amateur club. Consequently, the PSC generally does not allow the subsequent transfer of such minor player to a professional club, to avoid the risk that any third party focused on profit, the pursuit of competitive advantage, or sporting success, would circumvent the aim of the exception while exploiting the asylum seeker status of a minor player and/or the geopolitical situation in their home country.

Overall, therefore, humanitarian considerations were *de facto* limited to minor players with the formal status of refugee/protected person (hereinafter: refugee) or to asylum seekers, as described above.

While this strict application was justified to prevent abuse and/or circumvention of the rules, a concern arose that the regulatory framework did not sufficiently cater to the reality of thousands of unaccompanied, displaced and vulnerable children moving internationally because their lives are seriously threatened and who simply wanted to play football as a leisure activity.

Taking into account that unaccompanied foreign minors are to be considered a vulnerable group whose physical and mental well-being must be protected by national authorities and FIFA, the RSTP is therefore amended to support these unaccompanied, displaced and vulnerable children who

---

<sup>2</sup> The jurisprudence considered that exceptions outside of those contained in article 19 of the RSTP could only be granted in circumstances where not only the international move of the minor player was not linked to football at all, but also where there was no potential opportunity for the protective purpose of article 19 paragraph 1 to be circumvented in the future based on such jurisprudence.

<sup>3</sup> **“Protected person”** is a person who has been granted **other forms of protection** (other than refugee status) by the national authorities, to safeguard persons who leave their country in order to protect their life or freedom and who cannot be expected to return to it. Said forms of protection are accepted by the PSC for the granting of the exception in question, as long as it can be established beyond doubt (based on the documentary evidence submitted by the applicant) that the player’s international move was motivated by humanitarian reasons in the narrow sense.

<sup>4</sup> In this context, an asylum seeker is a person who has formally sought the protection of the state they have fled to, as well as the right to remain in that state, and who is waiting for the relevant decision from the competent state authorities. In this scenario, several factors are considered, including, in particular, the geopolitical situation of the player’s country of origin (or previous country).

have left their countries for reasons not linked to football, but because their lives are seriously threatened and who do not formally qualify as refugees or asylum seekers in the narrow sense and allow them to play football.

Based on the considerations above, a balance was found between the strict application of the exception to avoid circumvention, and the interests of children whose particular situation does not fall within the narrow or formal status of asylum seeker or refugee, but that nevertheless have been recognised as vulnerable and requiring state protection by competent state authorities.

In light of the above, the corresponding amendment to the humanitarian exception in article 19 paragraph 2 (d) of the RSTP is based on the following key considerations:

- ✓ To permit unaccompanied, displaced minors whose survival is seriously threatened in their country of origin (or previous country of domicile) to participate in organised football in a new country, even without the formal status of refugee and/or without a formal process to be granted asylum, however under the condition that they have been otherwise recognised by competent state authorities as vulnerable and requiring state protection in the country of arrival;
- ✓ To codify existing jurisprudence in respect of the extension of the provision to “previous country” and not only to the “country of origin”.

Furthermore, the amendment has also been paired with safeguarding measures to prevent exploitation, which also codify the jurisprudence of the PSC. This entails the following:

- ✓ Applications submitted by professional clubs will only be accepted if the player has been formally recognised as a refugee or a protected person.
- ✓ Applications submitted by purely amateur clubs will be accepted if the player has been formally recognised as a refugee, a protected person, an asylum seeker or a vulnerable unaccompanied minor.
- ✓ For a minor who is registered on the basis of being a refugee or protected person, there are no restrictions on any subsequent national transfers. For a minor who is registered on the basis of being an asylum seeker or vulnerable unaccompanied minor, they may be subject to a national transfer but are not permitted to register with a professional club until the age of 18.

Against this background, further reference is made to the [“Guide to submitting a minor application”](#), available on the FIFA website, which provides an overview and outlines the relevant documents to be included in the application depending on the various individual circumstances surrounding the international move of a minor player or first registration of a foreign minor player.

In this respect, in the particular context of the humanitarian exception in article 19 paragraph 2 (d) of the RSTP, amongst other documents, the following will be required for the approval of the minor application:

- Copy of the decision taken by the relevant national authority that grants the player the status of refugee or protected person; or
- an official confirmation from the relevant national authority that the minor player has been admitted to the procedure seeking the right to asylum; or
- an official confirmation from the relevant national authority recognising the unaccompanied minor as vulnerable and requiring state protection.

Finally, with the aim of providing flexibility, the specific circumstances of each individual case will be considered, with a pragmatic approach and with the best interests of the minor at the forefront, in order to reflect the social, emotional, and cultural benefits that football provides in integrating such minors into their new home and society.

## 2. Private academies

Article 19bis of the RSTP provides a regulatory framework, *inter alia*, for private academies. In essence, it sets out an obligation to report minors who attend such academies, distinguishing between academies with and without a legal, financial or *de facto* link to a club.

This article was originally introduced in the RSTP in 2009 as a result of the practice of clubs regularly enrolling very young players from abroad in their academies without registering them. In some cases, this was done to bypass the existing strict provisions on the protection of minors. As they were not registered, these young players were not able to participate in organised football. However, by recruiting these players to their academies, clubs could secure their talent, train and develop them in view of registering them when they reach the age of 18. However, the welfare of these minor players could not be ensured in all cases.

Regrettably, there has been a tendency, seemingly fuelled by the rise of “private football academies”, under which minor players are internationally “transferred” under the radar, circumventing FIFA’s principle of transparency, by using private academies as vehicles for such “transfers”. Since such private academies operate outside organised football, FIFA’s capacity to regulate their activities remains limited. However, the newly introduced reporting mechanisms will give FIFA the maximum insight possible into the operation of academies, so that abuse can be identified and, where appropriate, sanctioned.

Within this context, the corresponding regulatory amendments to article 19bis of the RSTP aim to provide more clarity as to its purpose and to provide legal certainty. The relevant amendments are based on the following key considerations:

- ✓ To avoid ambiguities and to codify existing jurisprudence. In this respect, it is now clarified that:
  - Clubs that operate an academy, which can be within their own structure and/or through a separate entity with legal, financial or *de facto* links to the club, must report all minors attending the academy to the association to which the concerned club is affiliated, regardless of whether the player is registered or not with the club.
  - The report shall be made by the club to the association upon whose territory the academy operates.

- Likewise, when a club operates an academy outside the territory of the club's respective association, the report shall be made by the club to the association on whose territory the academy operates.
- ✓ Clarification of the obligations of the member associations in respect to private academies. In this respect, it is now clarified that:
  - Member associations must request all academies without legal, financial or *de facto* links to a club (private academies) operating upon their territories to report all minors who attend the academy to the association.
  - Member associations must report to the relevant authorities any wrongdoing of private academies they may become aware of, as well as take any available measures to protect and safeguard minors from potential abuses.
  - The obligation to report minor players attending an academy to a member association is independent of the player's nationality. Therefore, all minor players, both nationals and foreigners, must be reported. If the minor is a foreigner and has not lived continuously for at least the last five years in the country where the member association is located, the member association must report the minor to FIFA and assess on a *prima facie* basis whether the minor meets the requirements of article 19 of the RSTP or not.
- ✓ Improved reporting mechanism: member associations shall keep a register of players with additional details concerning the identity of the minor, such as their nationality, their country of origin or previous country of domicile, and whether an agent was involved.
- ✓ Obligations on clubs that enter into cooperation agreements with private academies. In this respect, it is now established that any club wishing to collaborate with a private academy has the following obligations:
  - report such collaboration to the association to which the club is affiliated;
  - ensure that the private academy reports its players to the association where the academy operates;
  - before entering into a contract with a private academy, ensure that the private academy takes proper measures to protect and safeguard minors; and
  - report any wrongdoing they may become aware of to the relevant authorities, as well as to take any available measures to protect and safeguard minors from potential abuse.

To ensure effective enforcement, the FIFA Disciplinary Committee remains competent to impose sanctions for any violations of article 19bis of the RSTP. In this regard, it is highly recommended that associations and clubs keep a record of all communications and actions undertaken in order to comply with the obligations established with the regulatory amendments to article 19bis of the RSTP

### 3. Trials

The regulation of the concept of "trials" is all the more important when considering that often a trial is the first step for a minor into the world of organised football – where some children may be called to travel across the world without any formal guarantees – as well as being a necessary step for many footballers to further their career. However, before the introduction of the recent

amendments and additions to the RSTP in relation to the international transfer of minors, the FIFA regulations did not contain specific provisions regarding trials.

Therefore, to increase legal certainty, after discussions with its stakeholders, FIFA decided to establish a clear regulatory framework in this respect.

The importance of trials in the football ecosystem has led FIFA to address this issue, while taking into consideration the need to provide regulatory protection against the exploitation of all players. FIFA sincerely believes that football's regulatory framework should strive to avoid abuse of players and guarantee their well-being.

In this context, a regulatory framework applicable to international trials – understood as the movement of a player for a trial with a club which is domiciled in a different member association to the one the player is domiciled in – has been developed in order to provide players, clubs and member associations with legal certainty. In this regard, the majority of the relevant amendments has been implemented in a new article of the RSTP (article 19ter of the RSTP) and can be summarised as follows:

#### Formal definition of “trial”

- ✓ For the first time, the RSTP defines “trial”, taking into consideration the purpose of a trial, namely as a way for a club to assess, over a short period, the skills and character of a player who is not registered with it.

With this in mind, it is important to clarify that the trial, in and of itself, generally does not create an employment relationship between the club and the trialist. Furthermore, a trial does not grant professional status to the trialist (cf. article 2 of the RSTP)

#### General conditions for all trialists

- ✓ Maximum duration of a trial

In order to avoid abusive practices and to provide operational certainty for clubs, the maximum duration of a trial has been established in article 19ter paragraph 4 of the RSTP. In other words, indefinite trials are not permitted. Accordingly, a player may be invited by a club for a trial for a defined period of time (cf. article 19ter paragraph 1 of the RSTP), and the maximum permissible duration of said trial is as follows:

- A maximum of eight weeks per club, in any one season, if the player is aged 21 and below;  
or
- A maximum of three weeks per club, in any one season, if the player is over the age of 21.

It is important to bear in mind that these weeks do not need to be taken consecutively and can be split up during the relevant season, if deemed appropriate. Moreover, the “relevant season” is the playing season of the club that invited the player on trial.

- ✓ Agreement between the parties on the conditions of the trial – FIFA Trial Form

With the aim of providing transparency and certainty to the parties involved, the club and trialist are required to agree, before the trial commences, on the conditions of the trial in accordance with article 19ter paragraph 2 of the RSTP.

In particular, the trialist and the club must agree on the following conditions:

- payment for accommodation;
- payment for travel;
- payment for meals; and
- payment for daily expenses.

In this regard, the parties must agree if the relevant payment in respect of the above-mentioned conditions will be covered by the club that invited the player on trial or not. If the parties agree that the club is responsible for the payment of any of these conditions, then the parties must agree on the total amount for the duration of the trial (and not per day) for each of the conditions.

To this end, the parties must give form to their agreement in the relevant FIFA Trial Form, which is available on FIFA.com.

In accordance with article 19ter paragraph 2 of the RSTP, the FIFA Trial Form must be completed, duly signed by both parties and uploaded by the club in the FIFA Transfer Matching System (TMS) at the latest ten days before the trial is set to begin.

Similarly, the FIFA Trial Form contains several data fields that need to be filled in accordingly. In this regard, the trialist's personal information shall be corroborated with proof of identity which must be uploaded in TMS with the FIFA Trial Form.

It is also important to bear in mind that a professional under contract with a club is allowed to trial with another club, provided that the written permission of the player's current club is duly obtained. In such case, the written consent from the current club must be uploaded in TMS with the FIFA Trial Form.

✓ Duty of care – medical treatment

As a safeguarding provision, in accordance with article 19ter paragraph 3 of the RSTP, the club owes a duty of care to the trialist. In this regard, clubs must provide and cover the cost of any necessary medical treatment for injuries which occur while performing activities within the scope of the trial and which are, therefore, caused directly by the trial.

✓ Type of matches in which a player can participate during a trial

Again, for the purpose of providing legal certainty, it was considered essential to distinguish which type of matches a trialist can participate in during the trial, particularly considering that such period of evaluation carries the particularity that the trialist is not registered with the club that invited him on trial.

Under the previous regulatory framework, while on trial (and therefore not registered with a club), players were only allowed to participate in matches which did not fall within the scope of



“organised football”, which is defined in the RSTP as “association football organised under the auspices of FIFA, the confederations and the associations, or authorised by them”.

The new regulatory framework regarding trials implemented in the new article 19ter paragraph 5 of the RSTP now explicitly establishes that trialists are permitted to participate in friendly matches, provided that those friendly matches take place during the defined period of the trial, as well as any activity which does not fall within the scope of organised football.

For the purposes of article 19ter, a friendly match can generally be understood as any match that does not form part of an official competition of FIFA, a confederation, a member association or a league affiliated to a member association. In this regard, subject to specific rules existing at national level, matches in national league championships and national cup competitions, as well as matches in international club competitions (which form part of the official competitions of FIFA or a confederation), would not qualify as friendly matches.

It is important to recall that the general principle of the registration system is that all players who want to participate in organised football must be registered with a club, regardless of whether they have amateur or professional status. Since friendly matches may also fall within the scope of organised football, article 5 paragraph 1 of the RSTP has been amended in order to provide an exception to the general rule that dictates that only electronically registered players identified with a FIFA ID are eligible to participate in organised football, so that trialists (despite not being registered) may participate in friendly matches during a trial.

However, it shall be clarified that, similar to being registered, a player, by accepting a trial, agrees to fully comply with the FIFA Statutes and other regulations, as well as those of the confederations and the member associations.

Accordingly, and to further enhance legal certainty, article 9 paragraph 2 of the RSTP has been amended in order to clarify that member associations shall not request an International Transfer Certificate for the sole purpose of allowing a trialist to participate in friendly matches played in the context of a trial.

- ✓ Prohibition from requesting, offering and/or receiving payment connected to a trial

To safeguard the welfare of players on trial and avoid abuse, article 19ter paragraph 6 of the RSTP explicitly prohibits any person subject to the FIFA Statutes from requesting, offering and/or receiving any payment in connection with a trial. This provision does not have an impact on the agreement between the club and trialist on the conditions of the trial, i.e. the club is allowed to cover costs related to a trial within the framework of article 19ter of the RSTP.

- ✓ Clubs are not entitled to receive training rewards for trials

Furthermore, given that the purpose of a trial is for a club to be able to assess a trialist's skills and character without having to register them, article 19ter paragraph 7 of the RSTP explicitly states that clubs are not entitled to receive training rewards (i.e. solidarity mechanism or training compensation) for the defined trial period. The entitlement remains with the club for which the player remains registered, even if absent for a trial.

#### General conditions for minor players

Minors find themselves in a much more vulnerable position than adults, and as such more stringent safeguarding mechanisms are needed to protect them. To help combat child trafficking, prevent mistreatment and abuse of minor players, avoid circumvention of the rules, and provide stronger accountability, the following specific instruments have been introduced in article 19ter paragraphs 8 and 9 of the RSTP, which applies to trials concerning minors, in addition to the general conditions for all trialists.

✓ Minimum age for international trials

Trials of minor players are allowed, provided that the date on which the trial begins is during the season in which the minor has their 16<sup>th</sup> birthday. The season to take into account is the season of the club that invites the minor on trial.

If the domicile of both the minor trialist and the club that invited the minor on trial is in Europe, the date of the trial may begin during the season in which the minor has their 15<sup>th</sup> birthday. The term “Europe” is to be understood not in a political sense but rather comprising the member associations affiliated to UEFA.

✓ Express written permission of the minor trialist’s parents

Written permission of the minor trialist’s parents is required for a minor to trial with a club. The written permission must be uploaded in TMS with the FIFA Trial Form.

✓ Point of contact for the minor trialist

The club that invited the minor on trial must designate an employee within the club to be the point of contact for the minor trialist. The full name and contact details of the designated employee within the club to be the point of contact for the minor trialist must be specified in the FIFA Trial Form.

✓ Obligation to provide the minor trialist with optimum accommodation, living standards and adequate coverage of expenses

The club must ensure that the minor trialist has optimum accommodation, living standards and adequate coverage of expenses. In order to protect young players, these conditions may not be negotiated.

✓ A minor amateur below the age of 16 may only trial with a club provided that their current club is duly informed of the trial and given a copy of the relevant FIFA Trial Form.

The regulations establish that an amateur minor below the age of 16 is allowed to trial with another club. However, the minor must inform their current club about the trial and provide said club with a copy of the completed and duly signed FIFA Trial Form.

✓ Limitation on the number of trials of a minor per year

In order to avoid minors going on international trials for an extensive period, which can be detrimental to their development, the new regulations establish that there will be a limitation on the number of trials per player, within a calendar year. Accordingly, a minor may only attend a maximum of two trials per calendar year.

Furthermore, each trial must comply with the established maximum duration of eight weeks per club, in any one season.

#### Other matters

- ✓ Relationship with collective bargaining agreements

Where a collective bargaining agreement is validly concluded at national level, it is possible to deviate from the minimum standards between the trialist and the club provided by article 19ter of the RSTP, as well as establish additional conditions when a player may leave their current club to attend a trial. However, for the sake of clarity, no deviation is possible, for example, from the minimum age in respect to international trials (article 19 paragraph 8 a) of the RSTP), the type of matches that a player can participate in during a trial (article 19ter paragraph 5 of the RSTP), that clubs are not entitled to receive training rewards for having a player on trial (article 19ter paragraph 7 of the RSTP), etc.

#### Sanctions

The FIFA Disciplinary Committee will impose sanctions for any violation of these provisions, as well for the failure to upload a completed and duly signed FIFA Trial Form in TMS or to fulfil a condition agreed in a FIFA Trial Form. In these types of proceedings both the trialist and the concerned club will have the procedural status of a party before the Disciplinary Committee, to ensure that whenever their rights are directly affected, they can duly participate in such proceedings.

It is important to bear in mind that for the commencement of disciplinary proceedings in relation to a failure to comply with agreed conditions of a trial, a written complaint must be made.

#### **4. Safeguarding**

“[Safeguarding](#)” is defined as taking proactive action to protect people from harm or abuse through appropriate prevention and response measures and promoting their well-being, which means doing everything possible to identify and address risks and to prevent any kind of harm or abuse from happening, as well as offering the best conditions for a player’s future. It goes without saying that child protection is an essential part of safeguarding.

Before the recent amendments, the safeguarding concepts for the international transfer of minors in the RSTP were limited to specific scenarios, covered by article 19 paragraph 2 (b) of the RSTP, i.e. to transfers of minor players between 16 and 18 years of age within the territory of the EU/EEA, or between two associations within the same country as long as certain obligatory conditions were met.

These existing safeguarding protocols focus on a set number of requirements for the minor player’s proposed new club, namely:

- ✓ Football education: the new club must provide the player with an adequate football education and/or training in line with the highest national standards;

- ✓ Academic education: the new club shall guarantee the player an academic and/or school and/or vocational education and/or training, in addition to their football education and/or training, which will allow the player to pursue a career other than football should they cease to play professional football;
- ✓ Accommodation: the new club shall make all necessary arrangements to ensure that the player is looked after in the best possible way (optimum living standards with a host family or in club accommodation, appointment of a mentor at the club, etc.); and
- ✓ Verification: on registration of the player, the club shall provide the relevant association with proof that it is complying with the aforementioned obligations.

Notwithstanding the amendments to, and improvement of, the rules in relation to the humanitarian exception, trials and private academies, safeguarding standards will be enhanced, to ensure more comprehensive protection of minor players and additional safeguarding and protection standards have been introduced in the RSTP.

In this context, the corresponding amendments in relation to safeguarding are based on the fundamental premise that all minor players must be properly looked after and must be safeguarded as far as possible and that protecting the welfare of young players against exploitation and mistreatment is paramount. The relevant amendments can be summarised as follows:

- Introduction of a new article 19 paragraph 8 of the RSTP, which establishes the following obligations for clubs that have registered a minor player following a national transfer, an international transfer or a first registration:
  - Clubs have a duty of care towards the minor player.
    - Clubs must exercise a reasonable standard of care when engaging in activities that may foreseeably cause harm to others and clubs must act with prudence and vigilance towards minor players to avoid any foreseeable risk of harm.
  - Clubs have the obligation to take all appropriate measures to protect and behave in an appropriate way in order to safeguard the minor from any possible abuse.
    - In this respect, it is recommended that all players should have access to a reliable point of contact at all times within the club.
    - It is also recommended that such persons complete the FIFA Safeguarding in Sport educational programme, which is a 90-minute online and free education tool available at <https://safeguardingsport.fifa.com>.
  - Clubs must ensure that the minor has the opportunity to obtain an academic education in accordance with the highest national standards that will enable them to pursue a career in a field other than football.
    - It has been deemed of the outmost importance that players should be given the chance to pursue solid dual education (in football and in academic or vocational subjects) in order to be better prepared for the future.
    - In this regard, although clubs are not required to present documentary evidence that the player has actually been enrolled in a school or academic institution unless explicitly required by the RSTP (cf. article 19 paragraph 2 (b)(ii) of the RSTP), it is expected that clubs keep records of all actions undertaken to make sure that the minor has the chance to obtain a solid and

suitable education in order to be in a better position to face a future away from football, where relevant.