



A BRIEF GUIDE TO INTERNATIONAL FOOTBALL TRANSFERS

Footballers between the ages of 18 and 29 are most likely to make an international transfer. Younger players are often looking for that career defining move where more seasoned players may be looking to wind down their careers or find a new challenge. This Brief Guide provides an overview for players, agents and family members on the international transfer process and highlights key considerations to be aware of when making the move.

The Process

Once a transfer deal has been negotiated and terms have been agreed, the selling and buying clubs must ensure that the deal is successfully passed through FIFA's secure transfer portal, known as the FIFA Transfer Matching System (TMS). TMS is mandatory for all international transfers and requires the following:

- 1 An International Transfer Certificate (ITC) issued by the player's current member association (e.g. the FA or the Real Federación Española de Fútbol) to be delivered to the new member association;
- 2 Details of the player such as, name, club, nationality, address etc.; and
- 3 Information on the agent, commissions, fees and other payment details (e.g. currency and proof and banking details).

The player will also need to have a work permit or visa in place to be a professional footballer in his new country. Vitaly, there also needs to be a contract in place between the buying and selling clubs.

Once the above information has been verified and importantly, confirmed by the national association in the country that the player is moving to, the TMS will 'match' the transfer and issue a new ITC for the player in their new country.

Issues often arise where the information provided by the clubs and associations does not correspond. Agents and clubs need to be properly advised when submitting transfers through TMS to avoid there being any questions over the validity of the transfer or even worse, the clubs missing a transfer window deadline.

The Contract

The transfer agreement is entered into between the buying and selling clubs. The player is unlikely to be a party to the agreement, equally, the agent is likely to have separate representation and mandate agreements in place that will govern his fee for the relevant transfer.

“ The contract itself will detail timescales for the transfer, price of the player, buy-back provisions, who is responsible for certain solidarity and training payments moving forward, tax liabilities and obligations in respect of confidentiality. The buying club may commit to paying certain bonuses to the player which will then be reflected in his employment contract with the new club. ”

The contract will provide the parties with an outcome if the transfer fails to pass through the TMS. Usually, the contract would terminate and the transfer would be void unless the parties agree to try to repeat the TMS process.

The Agent's Role

Agents must be registered in the state in which they operate in order to provide intermediary activity. Agents may use their connections in certain countries to help them facilitate international transfers. The agent will be acting on behalf of either the player, a club or both.

We regularly advise agents on how to structure their deals whilst helping them to understand how the terms of the transfer align with the representation agreements that they have in place. Please see our [Guide to Representation Contracts here](#).

The agent will have carried all the initial leg work in the transfer by identifying possible target clubs, discussing these with the player, negotiating terms and finalising the agreement. The agent is likely to take a fee from the transaction however, the agent's role is to protect the player and find them the best possible deal. Players and agents should always take separate legal advice when brokering a transfer to ensure that they are properly protected and there is no conflict of interest.

Once the deal is finalised, players and their families should consult their representation agreement with the agent to be clear on which services the agent needs to be providing to the player after the transfer. It is likely that the agency will need to use personnel on the ground to assist the player with their day to day activities. Most agencies will help players settle into their new home by assisting with housing, cars and healthcare. Equally, many clubs have a team of player liaison officers to assist new players when joining the club.

Pricing

The agents and clubs will determine the transfer fee. Players are likely to be concerned with the own benefits which need to be reflected in their playing/employment contracts with their new club.

We would always encourage players to play an active role in their transfer to ensure they are not met with surprises when they make their move abroad. Players and family should always be aware of how much an agent is receiving as part of a deal.

Third Party Ownership

Clubs and agents should always be aware of the restrictions against third party ownership.

Our Role

We work with players and agencies on international transfers. We guide you through the process and help you to reduce the risks when moving abroad or coming back to the UK. We will then be there to help you negotiate a deal that ensures payment and image rights protection following the transfer.



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