

REGISTERED OVERSEAS AGENTS

Under The FA's new Regulations, Agents that are licensed by a National Association, other than The FA, are required to register with The FA in order to operate in the English market. These Agents are exempt from the requirement to obtain a licence from The FA, but they must register. The procedure for registering is set out in detail in the Regulations (Appendix II) and below. You will also find the full text of the Regulations and further details on The FA's website www.TheFA.com.

Introduction

The FA allows Overseas Agents (ie. someone who holds a licence issued by another National Association) to carry out Agency Activity in England, subject to a requirement to register with The FA and comply with the Regulations. The licence already held by an individual must comply with the requirements of the FIFA Players' Agents Regulations, as may change from time to time.

Registration

Overseas Agents do not need to apply for a licence from The FA; it is purely a registration requirement. This is a quick and easy process, achieved by submission of the correctly completed documentation (available on The FA's website and attached to this letter) to The FA. It is free of charge to register and an individual only need register with The FA once, not every time he acts.

When to register?

The circumstances in which an Overseas Agent **must** register, and **comply** with the Regulations, are where he acts in a Transaction for:

- i) a club that is based in England and is a member of an English league sanctioned by The FA; or
- ii) a professional football player whose registration is held by an English Club; or
- iii) a professional football player whose registration will be held by an English Club after completion of the Transaction on which the Overseas Agent is acting (ie. acting for a Player moving to an English Club).

An Overseas Agent does **not** need to register for a Transaction if:

- i) he acts on behalf of a foreign club, even where this foreign club is seeking to transfer players to and from an English club; or
- ii) he acts for a player who is registered with a foreign club, unless the player is moving to an English club as a result of the Transaction.

How long does a registration last?

A registration with The FA will last for as long as the individual holds a valid licence from another National Association; this means that if the Overseas Agent's original licence is suspended or withdrawn, his registration would be similarly affected. An individual may register with The FA at any time. For example, if he considers that he may act in a Transaction where he is required to register at some point in the future, he can register now and does not need to wait for a Transaction to occur.

The Registered Overseas Agent may cancel the registration with one month's notice.

Confirmation by The FA

Once The FA has received the correct documentation, and is satisfied that it is correct, it will issue a written confirmation of registration. The FA will publish the individual's name as a Registered Overseas Agent as it considers appropriate, which may include adding the Agent's name to the list of Authorised Agents on The FA's website.

Limitations and Obligations

An Overseas Agent must be registered before he can carry out Agency Activity as set out above. For the avoidance of doubt, an Overseas Agent only needs to register where he acts for an English club or a Player whose registration is held, or will be held as a result of the Transaction, with an English club.

The registration is personal to the applicant and cannot under any circumstances be transferred to another individual. The registration is permanent and lasts as long as the Overseas Agent has a valid licence with another National Association.

The process of registration constitutes:

- i) an undertaking by the individual that he will act in accordance with these Regulations when acting in the circumstances which require registration; and
- ii) a submission to the authority and jurisdiction of The FA.

Which Regulations apply?

The Overseas Agent need only comply with the Regulations when he acts for an English club or a Player who registration is held, or will be held as a result of the Transaction, with an English club. The consequences of this are summarised below:

Regulation A	The requirements of Regulation A do <u>not</u> apply to Registered Overseas Agents, as the obligations set out therein are obligations of Players and Clubs.
Regulation B	<p>The requirements of Regulation B only apply to Representation Contracts to be entered into by the Registered Overseas Agent with an English Club (in a league sanctioned by The FA), or with a Player whose registration is already held, or will after the Transaction on which the Registered Overseas Agent is acting be held, by an English Club. Consequently:</p> <ol style="list-style-type: none">i) If a Registered Overseas Agent represents such a Club or such a Player, then pre-existing representation agreements may continue in place until their expiry in accordance with the transitional provisions set out in Regulation B8.ii) If a Registered Overseas Agent represents an overseas Player who in the future becomes a Player whose registration is held by such a Club, then a pre-existing Representation Contract between them may continue to exist and to apply for the remainder of its term, in accordance with the transitional provisions set out in Regulation B8.iii) When a new Representation Contract is entered into with such a Club or such a Player, it must be in accordance with these Regulations.

	<p>iv) A Registered Overseas Agent has no obligation in relation to representation agreements that he has with overseas Clubs or overseas Players that have no immediate intention of joining an English Club.</p>
Regulation C	<p>Regulations C2, C3 and C5 only affect the Registered Overseas Agent's ability to act for a Club (i.e. an English club) in specific circumstances:</p> <p>i) Under C2 the Registered Overseas Agent cannot act for a particular Club in relation to a particular Player if he has within the defined period carried out Agency Activity for that Player in a completed Transaction or Contract Negotiation with that or any other Club, or with any other professional football club wherever situated.</p> <p>ii) Under C3 the Registered Overseas Agent cannot act for a particular Club in relation to a particular Player if he has within the defined period carried out Agency Activity for any other Club, or for any other professional football club wherever situated, in relation to that particular Player.</p> <p>iii) Under C5 the Registered Overseas Agent cannot act for a particular Club in relation to a particular Player if he has within the defined period held any interest in the Commercial Rights of the Player.</p> <p>iv) Regulations C2, C3 and C5 do not affect the ability of a Registered Overseas Agent to act on behalf of foreign clubs, whatever the circumstances of his or her prior representation of those clubs or of any player or any ownership of the Player's Commercial Rights.</p> <p>v) Regulations C2, C3 and C5 do not apply to Registered Overseas Agents acting for Players.</p> <p>The remaining obligations in Regulation C1 (to act for only one party) C4 (to disclose conflicts of interest) and C6 (not to conceal who he represents) apply to a Registered Overseas Agent only to the extent that he is acting in an English Transaction on behalf of such a Club or such a Player.</p>
Regulations D, E and F	<p>The obligations in Regulations D, E and F apply to a Registered Overseas Agent only to the extent that he is acting in an English Transaction for an English Club or for a Player whose registration is already held, or will after the Transaction be held, by an English Club.</p>
Regulation G	<p>Regulation G only affects the way in which a Registered Overseas Agent may act and negotiate and receive his remuneration for work done in an English Transaction on behalf of an English Club or for a Player whose registration is already held, or will after the Transaction be held, by an English Club. In particular:</p> <p>i) A Registered Overseas Agent acting in such a context may only be remunerated by one party, his client, and must not make certain specified payments.</p>

	<p>ii) A Registered Overseas Agent acting in an English Transaction for such a Player must not negotiate, seek or receive any payment from a Club (save to the extent permissible under Regulation G).</p> <p>iii) A Registered Overseas Agent is only required to make disclosure of information in relation to his acting in an English Transaction for such a Club or such a Player.</p>
Regulation H	The requirements of Regulation H apply to a Registered Overseas Agent only to the extent that he is acting in an English Transaction on behalf of an English Club or for a Player whose registration is already held, or will after the Transaction be held, by an English Club.
Regulation I	The only obligation in Regulation I that applies to a Registered Overseas Agent is the requirement under I6, and it only applies to the extent that the Transaction in question is an English Transaction.
Regulation J	The only obligation in Regulation J that applies to a Registered Overseas Agent is the requirement under J9 and it only applies to the extent that the Transaction in question is an English Transaction.
Regulation K	The requirements of Regulation K apply to a Registered Overseas Agent only to the extent that he is acting in an English Transaction on behalf of an English Club or for a Player whose registration is already held, or will after the Transaction be held, by an English Club.

Jurisdiction

An FA Regulatory Commission will consider any alleged breaches of the Regulations, Rules of The FA or any of the terms and conditions of the overseas registration. An individual who registers with The FA is bound by, and subject to, decisions of the Regulatory Commission (for details of The FA's disciplinary procedures and how Regulatory Commissions operate, please refer to the relevant section on Disciplinary Procedures in The FA's Handbook, which is available on The FA's website). The sanctions which the commission can impose on a Registered Overseas Agent are:

- i) issuing a warning; and/or
- ii) report the individual to their National Association; and/or
- iii) report the individual to FIFA; and/or
- iv) suspend or withdraw the registration.

If the Regulatory Commission withdraws the individual's registration, The FA can refuse a request by the individual for re-registration in line with any decision of the Regulatory Commission.

The FA has the right to refer any matter in relation to the conduct of the Overseas Agent to FIFA or the National Association that holds his licence or any other regulatory authority.