

TO THE MEMBER ASSOCIATIONS OF FIFA

Circular no. 1645

Zurich, 27 July 2018
SG/mav

Amendments to the FIFA Statutes and the Regulations Governing the Application of the Statutes Amendments to the FIFA Code of Ethics

Dear Sir or Madam,

Following approval by the 68th FIFA Congress in Moscow on 13 June 2018, the amendments to the FIFA Statutes will come into force on 12 August 2018. The amendments to the Regulations Governing the Application of the Statutes came into force immediately after their adoption on 13 June 2018. Therefore, please find enclosed the FIFA Statutes, August 2018 edition.

Furthermore, FIFA bears a special responsibility to safeguard the integrity and reputation of football worldwide. FIFA is constantly striving to protect the image of football from jeopardy or harm as a result of immoral or unethical methods and practices. For FIFA – an international federation with an enormous media presence – the role of the Ethics Committee is of vital importance, particularly in efforts to uphold the integrity and good image of football around the world. Persons bound by the Code of Ethics are the worldwide, public face of FIFA, and consequently they are not only bound to act in a dignified manner, but also to support FIFA's objectives – internally and externally – without reservation.

Similarly, all 211 member associations of FIFA, as well as the six confederations, bear a special responsibility to ensure that the core principles of FIFA are rightfully implemented within their respective spheres of competence.

With this in mind, we are pleased to inform you that as part of the FIFA reforms, including in particular calls for greater transparency and the continual review process of the FIFA regulations, upon the initiative of the chairpersons of the investigatory and adjudicatory chambers of the Ethics Committee, the FIFA Code of Ethics (version 2012) has been thoroughly reviewed. The revision process also involved the participation of the members of the Ethics Committee, as well as representatives of the confederations, which were invited to provide feedback and comments in this respect.

The new FIFA Code of Ethics was approved by the FIFA Council on 10 June 2018, and shall come into force on 12 August 2018. Please find enclosed the relevant text for your consideration, together with the updated FIFA Statutes (August 2018 edition).

The above-mentioned revision was initiated with the intention of guaranteeing greater opportunities for transparency and understanding of the respective proceedings. The goal of the new leadership of the Ethics Committee was also to clarify some articles and definitions, and to be more specific with respect to the conduct that is expected from persons bound by the code. Some of the amendments are mostly of a purely formal nature to reflect the FIFA Statutes and make the FIFA Code of Ethics more reader-friendly. In this sense, please note that the structure of the code has been revised in order to clarify the separation between the different steps of the proceedings. Similarly, the various infringements of the code have been reordered in order to better reflect the seriousness of each breach of the code.

However, some other provisions contain substantial changes, which is why we would like to draw your attention in particular to the following sections:

- The member associations and confederations are required to include, within their respective applicable regulations, the Rules of Conduct of the new FIFA Code of Ethics, articles 13 to 29. This will enable the football world to have a standardised and generally recognised common agreement as to the conduct that is to be considered inappropriate by football officials. The member associations and confederations that have not yet adopted their respective regulations in compliance with the FIFA Rules of Conduct shall make sure that they have implemented these changes as soon as possible, ideally at the occasion of the next meeting of the competent body to adopt those changes.
- The competences of the Ethics Committee, and of the respective ethics committees of the confederations and/or the member associations, have been clarified. In this sense, the new article 30 of the FIFA Code of Ethics provides for an exclusive competence of the Ethics Committee to investigate and judge the conduct of all persons bound by the Code of Ethics where such conduct:
 - Has been committed by an individual who was elected, appointed or assigned by FIFA to exercise a function;
 - Directly concerns their FIFA-related duties or responsibilities; or
 - Is related to the use of FIFA funds.

Thereafter, if the relevant conduct does not fall within one of the three above-mentioned situations, the member associations and/or the confederations, depending on the scope of the relevant conduct, will have competence to investigate and judge the matter. The Ethics Committee's competence will, however, remain reserved, in the event that the respective member association and/or confederation does not act within three months as from when the matter has been known to the Ethics Committee. This will place more responsibility on the member associations and the confederations and will safeguard the football world's interest in making sure that any improper conduct is duly handled by the respective competent bodies.

- With a view to promoting transparency as well as legal certainty in ethics proceedings, the degree of sanctions has been further specified. Each material article contains either a minimum or a maximum sanction, which is binding upon the Ethics Committee with the exception of cases with repeated breaches. This important measure will help to further establish the Ethics Committee's constant jurisprudence, which is useful as it will contribute to a deeper understanding and a higher efficiency of the work of the Ethics Committee, and is in line with FIFA's strong stance to fight all unethical behaviour.

- Match manipulation has no place in football and the football community must be united in response. To ensure the effective handling of match-manipulation incidents, extensive additions have been made to the subsection of the Code of Ethics related to the manipulation of football matches. With this holistic approach, collectively employed with the will and commitment to fight corruption and to safeguard the integrity of football, we are aiming to provide the Ethics Committee with appropriate and effective legal means in order to combat this (often complex) threat to football. The changes aim at covering more situations and therefore leave even less room for legal uncertainty and interpretation, but still confer a high level of discretion upon the Ethics Committee to decide.
- The new Code of Ethics has also introduced a new procedure, which is an expedited procedure of application of a sanction by mutual consent (plea bargain). This will enable the Ethics Committee to handle cases in an even swifter manner, if the relevant party accepts responsibility for his acts and agrees on a sanction with the chairperson of the investigatory chamber. This then needs to be ratified by the chairperson of the adjudicatory chamber.
- As a general rule, decisions of the Ethics Committee will be published in an appropriate manner once they become final and binding.
- The notification process of the decisions has also been adapted to better reflect the practice of the Ethics Committee. Therefore, all decisions will now be notified via email. Similarly, the parties are requested to communicate with the respective secretariats to the judicial bodies via email to the following email addresses:
 - Secretariat to the investigatory chamber: secretariat-investigatory-chamber@fifa.org;
 - Secretariat to the adjudicatory chamber: secretariat-adjudicatory-chamber@fifa.org;
 - Secretariat to the Appeal Committee: secretariat-appeal-committee@fifa.org.
- The disciplinary measures now include the possibility for the Ethics Committee to impose compliance training, which aims to ensure that the football officials concerned understand and adhere to the applicable laws and regulations that apply to their roles. This measure shall mitigate the risk of future additional ethics and compliance breaches, including with regard to the regulatory framework of FIFA.
- One of the most fundamental changes relates to the appeal procedure. With the new FIFA Code of Ethics, most of the decisions of the Ethics Committee may be appealed directly before CAS. However, this will not apply for cases in relation to match manipulation (new article 29), which will still have the possibility to be appealed first to the FIFA Appeal Committee, and then, where required, to CAS. The two-instance procedure for most ethics-related cases shall not only ensure a more effective handling of appeals and the reduction of costs, but will also help the persons concerned to have their cases settled in an even more timely manner. On the other hand, it was determined that cases in relation to match manipulation, which *per se* have more connection to the field of play than other infringements of the FIFA Code of Ethics, should still be subject to the review of the FIFA Appeal Committee, where applicable.
- Finally, please note that the procedure for provisional measures has also been adapted. Under the new code, the initial decision will be taken by the chairperson of the investigatory chamber, and will then be appealable, where necessary, to the chairperson of the adjudicatory chamber.

Furthermore, the maximum time period of a provisional suspension has been adapted to better reflect the reality of such situations, and is now of twice 90 days, where needed.

Should you have any questions regarding the foregoing, you are kindly invited to contact either of the two secretariats to the Ethics Committee, under the respective email addresses mentioned above.

We thank you for your kind attention to the above and for your valuable cooperation.

Yours faithfully,

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Fatma Samoura
Secretary General

Encl.: - FIFA Code of Ethics, 2018 edition
- FIFA Statutes, August 2018 edition

cc: - FIFA Council
- Confederations
- Court of Arbitration for Sport (CAS)