



REAL FEDERACIÓN ESPAÑOLA DE FÚTBOL

TEMPORADA 2021/2022

CIRCULAR N.º 1

Órgano de Control Financiero de Clubes de la UEFA.

En fecha 28 de junio de 2021 el Comité Ejecutivo de la UEFA aprobó la nueva edición de las normas del procedimiento que rige el Órgano de Control Financiero de Clubes, cuya entrada en vigor se produce desde el día 1 de julio de 2021.

Asimismo, el citado Comité ha designado a los nuevos miembros que conformarán la Cámara Primera y la Cámara de Apelación del Órgano de Control Financiero de Clubes hasta el 30 de junio de 2023.

Adjunto a la presente se remite copia de las Normas del Procedimiento que rige el Órgano de Control Financiero de los Clubes de la UEFA y de la composición de los antedichos órganos para conocimiento de todos los clubes que participen en competiciones europeas.

En caso de necesitar cualquier otro tipo de información complementaria al respecto no duden en contactar con el Área de Estrategia y Relaciones Internacionales de la RFEF.

Lo que se comunica a los efectos oportunos.

Las Rozas de Madrid, a 2 de julio de 2021.

Andreu Camps Povill
Secretario General



No. 45/2021

TO UEFA MEMBER ASSOCIATIONS

For the attention of
the President and the General Secretary

Your reference	Your correspondence of	Our reference	Date
		GS/tra/roz	1 July 2021

New Edition of the *Procedural Rules governing the UEFA Club Financial Control Body* and Election of the members of the UEFA Club Financial Control Body for the next two years

Dear Sir or Madam,

On 28 June 2021, the UEFA Executive Committee approved a new Edition of the *Procedural rules governing the UEFA Club Financial Control Body*, for entry into force on 1 July 2021.

We are pleased to enclose a PDF version of the *Procedural rules governing the UEFA Club Financial Control Body (Edition 2021)* and kindly ask you to forward a copy of these regulations to each of your clubs that are taking part in 2021/22 UEFA club competitions.

Furthermore, on the same above-mentioned date, the UEFA Executive Committee elected the members of the UEFA Club Financial Control Body for a term of office from 1 July 2021 to 30 June 2023. Therefore, please find also enclosed the composition of both First and Appeals Chambers of the UEFA Club Financial Control Body for the next two years, in accordance with Article 69 (5) of the *UEFA Statutes* as adopted by the UEFA Congress on 20 April 2021.

Yours faithfully,

UEFA

Theodore Theodoridis
General Secretary

Enclosures

- *Procedural rules governing the UEFA Club Financial Control Body (Edition 2021)*
- Composition of the CFCB First and Appeals Chambers for the period 2021-2023

cc (with enclosures)

- UEFA Executive Committee
- UEFA Club Licensing Committee
- UEFA Legal Committee
- European members of the FIFA Council
- FIFA, Zurich
- European Club Association (ECA)
- European Leagues (EL)



EQUAL GAME

 RESPECT

 RESPECT

EQUAL GAME



Procedural rules governing the UEFA Club Financial Control Body

Edition 2021

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Preamble

Based on Articles 32(3) and 34^{ter} of the UEFA Statutes, the following *Procedural rules governing the UEFA Club Financial Control Body* (hereinafter “CFCB”) have been adopted:

I. GENERAL PROVISIONS

Article 1 – Definition of terms

For the purpose of these rules, the following definitions apply:

- a) Licence applicant: a football club, i.e. a legal entity fully and solely responsible for a football first team participating in national club competitions, that has applied for a licence to enter UEFA club competitions.
- b) Licensee: a licence applicant that has been granted a licence to enter UEFA club competitions.
- c) Licensor: a UEFA member association or its affiliated league that operates the UEFA club licensing system at national level, grants licences to enter UEFA club competitions and undertakes certain tasks as part of the UEFA club monitoring process.
- d) Defendant: a UEFA member association, licensor, licence applicant, licensee or individual that is subject to the *UEFA Club Licensing and Financial Fair Play Regulations* and the regulations governing the UEFA club competitions and against which proceedings have been initiated by the CFCB.

Article 2 – Scope of application

The present rules govern:

- a) the organisation and jurisdiction of the CFCB (Articles 3 to 11);
- b) the decision-making process of the CFCB (Articles 12 to 40).

II. ORGANISATION AND JURISDICTION

Article 3 – Composition

- 1 The CFCB is divided into:
 - a) the First Chamber;
 - b) the Appeals Chamber.

- 2 The First Chamber comprises:
 - a) a chairman, who heads the First Chamber and takes the necessary measures to guarantee its proper functioning;
 - b) at least three other members, including a vice-chairman.
- 3 The Appeals Chamber comprises:
 - a) a chairman, who heads the Appeals Chamber;
 - b) at least three other members, including a vice-chairman.
- 4 Whenever the present rules refer to the chairman of the First Chamber, the latter may be replaced by the vice-chairman of the First Chamber or another member of the First Chamber.
- 5 Whenever the present rules refer to the chairman of the Appeals Chamber, the latter may be replaced by the vice-chairman of the Appeals Chamber or another member of the Appeals Chamber.
- 6 No member of the First Chamber may belong simultaneously to the Appeals Chamber and vice-versa.

Article 4 – Election and term of office

- 1 Members of the CFCB are elected by the UEFA Executive Committee for a term of four years and are assigned to either the First Chamber or the Appeals Chamber.
- 2 Members of the CFCB may be re-elected for subsequent terms.
- 3 If a vacancy occurs, the UEFA Executive Committee may elect a replacement for the remaining term of office.

Article 5 – Jurisdiction

- 1 The First Chamber is competent to:
 - a) determine whether licensors have fulfilled their obligations and whether licence applicants have fulfilled the licensing criteria set out in the *UEFA Club Licensing and Financial Fair Play Regulations* at the time the licence was granted;
 - b) determine whether, once the licence is granted, licensees continue to fulfil the licensing criteria set out in the *UEFA Club Licensing and Financial Fair Play Regulations*;
 - c) determine whether licensees fulfil the club monitoring requirements set out in the *UEFA Club Licensing and Financial Fair Play Regulations*;
 - d) enter into settlement agreements as provided for in these rules;

- e) impose disciplinary measures in accordance with these rules in the event of non-fulfilment of the requirements set out in the *UEFA Club Licensing and Financial Fair Play Regulations*;
 - f) decide on cases relating to club eligibility for UEFA club competitions to the extent provided for by the regulations governing the competitions in question;
 - g) decide on requests for exceptions to the three-year rule as defined in the *UEFA Club Licensing and Financial Fair Play Regulations* (hereinafter “three-year rule”);
 - h) enter into voluntary agreements as provided for in the *UEFA Club Licensing and Financial Fair Play Regulations*.
- 2 The Appeals Chamber has jurisdiction to hear appeals against decisions made by the First Chamber.
- 3 When a case seems to come under the jurisdiction of both the First Chamber and the Control, Ethics, and Disciplinary Body, the chairman of the First Chamber and the chairman of the Control, Ethics, and Disciplinary Body decide at their own discretion which body will deal with the case. If they cannot reach an agreement, the chairman of the Appeals Body decides at his own discretion. Such decisions on jurisdiction may only be appealed against with the final decision of the body to which the case was assigned.

Article 6 – Independence

The members of the CFCB are impartial and independent. They are bound exclusively by the *UEFA Statutes*, UEFA’s rules and regulations and the law.

Article 7 – Incompatibilities

Members of the CFCB may not belong simultaneously to:

- a) any other UEFA organ, body or committee;
- b) any organ, body, committee or administrative division of a UEFA member association or any league or club affiliated to a UEFA member association.

Article 8 – Liability

Members of the CFCB are not liable for any action, decision or failure to act in connection with proceedings before the CFCB.

Article 9 – Recusal

- ¹ A member of the CFCB may not take part in the consideration of a case if there is any justifiable doubt as to his impartiality.

- 2 A member of the CFCB must disclose any circumstance that might give rise to a conflict of interest and/or be of such a nature as to compromise the impartiality or independence of such member in the eyes of any of the parties.
- 3 Any objection to a member of the CFCB taking part in the consideration of a case must be brought within seven days of the grounds for objection becoming known and in any event before the start of the hearing, if any.
- 4 Any recusal of a member of the CFCB is decided by the other members of the chamber concerned whose impartiality has not been called into question.

Article 10 – Confidentiality

- 1 Members of the CFCB must ensure complete confidentiality with respect to all facts and evidence that come to their attention in the course of their duties, and must, in particular, refrain from divulging the content of deliberations.
- 2 Members of the CFCB remain fully bound by these confidentiality obligations after completing or ceasing their term of office.

Article 11 – Role of the UEFA administration

- 1 The UEFA administration assists the CFCB in the fulfilment of its tasks as set out in these rules.
- 2 The UEFA administration provides the CFCB with the staff, infrastructure and administrative support at UEFA headquarters necessary to accomplish its tasks.

III. DECISION-MAKING PROCESS

Chapter 1 – First Chamber

Article 12 – Opening of proceedings

- 1 Proceedings are opened by the chairman of the First Chamber. The defendant is informed of the opening of the proceedings.
- 2 When opening proceedings, the chairman of the First Chamber either designates himself as reporting member or appoints another member of the First Chamber as reporting member. The reporting member establishes the facts and collects all relevant evidence.

Article 13 – Collection of evidence

- 1 All forms of evidence may be considered by the reporting member. This includes, but is not limited to, the defendant's testimony, witness testimonies, documents and records, audio or video recordings, on-site inspections and experts' reports (whether financial, legal or otherwise).
- 2 The reporting member may set a suitable time limit for the defendant to submit its observations and/or request complementary evidence.
- 3 After the collection of evidence, the reporting member presents his conclusions to the First Chamber, with a recommendation as regards the decision to be taken.

Article 14 – Decisions of the First Chamber

- 1 The chairman of the First Chamber informs the defendant of the reporting member's conclusions and the relevant evidence.
- 2 Where appropriate, the chairman of the First Chamber invites the defendant to submit written observations, together with any supporting evidence, by a suitable deadline.
- 3 After that deadline, the defendant may not submit any further documents to the First Chamber, save in exceptional circumstances and with the consent, or at the request, of the chairman of the First Chamber.
- 4 The chairman of the First Chamber may convene a hearing, either on his own initiative or at the request of the defendant or the reporting member. If a hearing is convened, the reporting member is heard first, followed by the defendant.
- 5 The reporting member may not attend the deliberations and cannot vote.
- 6 At the end of the deliberations, the First Chamber may decide to:
 - a) dismiss the case;
 - b) accept or reject the club's admission to the UEFA competition in question;
 - c) accept or reject a request for an exception to the three-year rule;
 - d) conclude a voluntary agreement with a club in accordance with the *UEFA Club Licensing and Financial Fair Play Regulations*;
 - e) conclude a settlement agreement with the defendant in accordance with these rules; and/or
 - f) impose disciplinary measures on the defendant in accordance with these rules.

Article 15 – Settlement agreements

- 1 In the event that the requirements set out in the *UEFA Club Licensing and Financial Fair Play Regulations* are not fulfilled, the First Chamber may conclude a settlement agreement with the defendant.
- 2 When considering whether to conclude a settlement agreement in cases related to club monitoring, the First Chamber takes Annex XI of the *UEFA Club Licensing and Financial Fair Play Regulations* into account.
- 3 The following provisions apply to all settlement agreements:
 - a) The First Chamber decides at its discretion whether or not to conclude a settlement agreement.
 - b) A settlement agreement may be concluded in circumstances that justify an effective, equitable and dissuasive resolution of the case.
 - c) Settlement agreements set out the obligation(s) to be fulfilled by the defendant.
 - d) Settlement agreements may include any disciplinary measures listed in Article 29 and, where necessary, a specific timeframe with the objective of bringing the defendant into compliance with the *UEFA Club Licensing and Financial Fair Play Regulations*. The disciplinary measures may be conditional and/or unconditional.
 - e) A member of the First Chamber monitors the proper and timely implementation of the settlement agreement and, where appropriate, the First Chamber enforces the disciplinary measures foreseen in the settlement agreement.
 - f) When monitoring settlement agreements, the First Chamber takes into account Annex XI of the *UEFA Club Licensing and Financial Fair Play Regulations*.
 - g) If a defendant breaches its settlement agreement, the First Chamber imposes disciplinary measures in accordance with these rules.

Article 16 – Procedure in particularly urgent cases

The First Chamber is empowered to take final decisions in particularly urgent cases, especially those relating to admission to UEFA competitions.

Chapter 2 – Appeals Chamber

Article 17 – Admissibility of appeals

Appeals against decisions of the First Chamber may be made to the Appeals Chamber, with the exception of the following decisions, which are final:

- a) warnings;
- b) reprimands;
- c) fines of up to € 10,000;
- d) decisions on exceptions to the three-year rule;
- e) decisions in particularly urgent cases.

Article 18 – Appeals and deadlines

- 1 A declaration of appeal against a decision of the First Chamber must be lodged in writing with the Appeals Chamber, within three days of the issuance of the reasoned decision of the First Chamber.
- 2 Within five days of the expiry of the time limit for the declaration of appeal, the appellant must file the written grounds for appeal. These must contain an account of the facts and the legal arguments invoked by the appellant, evidence and the appellant's conclusions.
- 3 Substantial new facts or evidence submitted by an appellant before the Appeals Chamber may be excluded by the latter, at its discretion, if they were available to or could reasonably have been discovered by the appellant and were not adduced by the latter before the appealed decision was passed.
- 4 The appellant is not authorised to produce further written submissions after the deadline for filing the grounds for appeal.

Article 19 – Appeal proceedings

- 1 Proceedings before the Appeals Chamber are conducted by the chairman of the Appeals Chamber.
- 2 The chairman of the Appeals Chamber notifies the parties concerned of the appeal and sets a deadline for responses.
- 3 After this deadline, the parties may not submit any further documents, save in exceptional circumstances and if the chairman of the Appeals Chamber consents or if he requests additional information.

- 4 The chairman of the Appeals Chamber may convene a hearing, either on his own initiative or at the request of the appellant. If a hearing is convened, the appellant is heard first, followed by the representative(s) of the First Chamber.
- 5 The Appeals Chamber determines the admissibility, relevance, materiality and weight of the evidence of the case.

Article 20 – Decisions of the Appeals Chamber

At the end of its deliberations, the Appeals Chamber may take the following decisions, all of which are final:

- a) dismiss the case;
- b) uphold, amend or overturn the First Chamber's decision;
- c) accept or reject the club's admission to the UEFA competition in question; and/or
- d) impose disciplinary measures in accordance with these rules.

Chapter 3 – Provisions applicable to both chambers

Article 21 – Assistance and representation

- 1 A defendant or appellant may be represented by a person of its choice.
- 2 The chairman of the First Chamber or Appeals Chamber may require a representative to provide a written power of attorney.
- 3 The CFCB may be assisted by counsel.

Article 22 – Procedural rights and duties of defendants/appellants

- 1 Defendants/appellants have the right to be heard.
- 2 Defendants/appellants must fully cooperate with the CFCB in respect of its requests and enquiries. If a defendant/appellant fails to fulfil its duty of cooperation, the CFCB may draw adverse inferences.

Article 23 – Hearings

- 1 Hearings may be attended by the parties, their representatives, legal and professional advisers and, with the permission of the chairman of the concerned chamber, by any other person.
- 2 Witnesses and experts may be heard as deemed appropriate by the chairman of the concerned chamber.

- ³ Hearings are confidential and their content may not be disclosed or published.

Article 24 – Quorum and decision-making

The First Chamber and Appeals Chamber make their final decisions:

- a) in the presence of at least three of their members who have attended the deliberations;
- b) by simple majority with abstentions not being taken into account; in the event of a tie, the chairman of the First Chamber or Appeals Chamber has the casting vote.

Article 25 – Applicable rules

In rendering its decisions, the CFCB applies the *UEFA Statutes*, UEFA's rules and regulations and, subsidiarily, Swiss law.

Article 26 – Recidivism

- ¹ Recidivism occurs if another offence of a similar nature is committed within three years of the previous offence.
- ² Recidivism counts as an aggravating circumstance.

Article 27 – Deliberations

- ¹ The deliberations of the CFCB are confidential, held behind closed doors and may not be disclosed to any other person.
- ² Deliberations may be conducted by video, telephone conference or correspondence.

Article 28 – Fixing of disciplinary measures

The CFCB determines the type and extent of the disciplinary measures to be imposed, depending on the circumstances of the case.

Article 29 – List of disciplinary measures

- ¹ The following disciplinary measures may be taken against any defendant/appellant other than an individual:
 - a) warning;
 - b) reprimand;
 - c) fine;
 - d) deduction of points;
 - e) withholding of revenues from a UEFA competition;

- f) prohibition on registering new players in UEFA competitions;
 - g) restriction on the number of players that a club may register for participation in UEFA competitions, including a financial limit on the overall aggregate cost of players registered on the List A for the purpose of UEFA club competitions;
 - h) disqualification from competitions in progress and/or exclusion from future competitions;
 - i) withdrawal of a title or award.
- 2 The following disciplinary measures may be imposed against any defendant/appellant who is an individual:
- a) warning;
 - b) reprimand;
 - c) fine;
 - d) suspension for a specified number of matches or for a specified or unspecified period;
 - e) suspension from carrying out a function for a specified number of matches or for a specified or unspecified period;
 - f) ban on exercising any football-related activity.
- 3 Disciplinary measures may be combined.

Article 30 – Suspension of disciplinary measures

A disciplinary measure may be suspended in whole or in part, for a specific period or until the occurrence of a specific event.

Article 31 – Costs

- 1 The costs of proceedings include the expenses of the First Chamber or Appeals Chamber.
- 2 The costs are borne in accordance with the outcome of the proceedings, as determined by the chamber concerned.
- 3 Costs caused unnecessarily by the defendant/appellant are charged to the latter, irrespective of the outcome of the proceedings.

Article 32 – Form and contents of decisions

- 1 The First Chamber and Appeals Chamber issue their decisions in writing.
- 2 The defendant/appellant is first notified of the operative part of the decision followed by the grounds if, within five days following the notification of the operative part, the defendant/appellant requests in writing a reasoned decision.

- 3 A reasoned decision contains:
- a) the date and place of the decision;
 - b) the names of the members of the chamber who took part in the deliberations;
 - c) the name of the defendant/appellant;
 - d) a summary of the relevant facts and evidence as well as the grounds upon which the decision is based;
 - e) the operative part of the decision, including the allocation of any costs;
 - f) the signature of the chairman of the First Chamber or Appeals Chamber;
 - g) a notice of the applicable appeal conditions.

Article 33 – Notification and publication of decisions

- 1 Defendants and appellants are notified of decisions by email, registered mail or fax.
- 2 A summary of the content and effect of any final decision is announced on the UEFA website promptly after the decision has been notified to the defendant or appellant.
- 3 The UEFA administration publishes final reasoned and binding decisions unless they are appealed against in accordance with Article 34.
- 4 The UEFA administration may, ex officio or following a reasoned request from a defendant or appellant made within three days of the date of the notification of the decision, redact a final reasoned and binding decision to protect confidential information or personal data.
- 5 A party that considers itself to be directly affected by a final decision and claiming a right to appeal to CAS under Article 34(1) may, within three days of the announcement of the decision summary on the UEFA website in accordance with Article 33(2), submit a reasoned request to the chairman of the applicable chamber to be provided with a copy of the final decision. The chairman concerned shall then consider and issue his decision on such request.

Article 34 – Appeals against final decisions before the CAS

- 1 Appeals against final decisions by the First Chamber or Appeals Chamber may be made only to the Court of Arbitration for Sport (CAS), in accordance with Articles 62 and 63 of the *UEFA Statutes*.
- 2 In view of (i) the specific UEFA club licensing criteria and monitoring requirements, (ii) the need to apply club licensing and monitoring in a consistent manner to all clubs, and (iii) the aim of treating all clubs equally, and therefore in the interests of the good administration of justice, the relevant reference date for the assessment of financial and economic data, facts and evidence submitted by the

parties in proceedings before the CAS shall be no later than the date of the final decision being appealed against before the CAS.

- 3 In any event, the CAS shall not take into consideration any substantial new facts or evidence that were available to or could reasonably have been discovered by the appellant and were not adduced by the latter before the CFCB.

Article 35 – Enforcement

- 1 The UEFA administration is competent to enforce the decisions of the First Chamber or Appeals Chamber.
- 2 The enforcement of a decision imposing disciplinary measures is barred after ten years.

Article 36 – Rectification

The First Chamber and Appeals Chamber may, at any time, rectify any mistakes in calculation or any other obvious errors made in its decisions.

Article 37 – Statute of limitations

Opening of proceedings for any breaches of the *UEFA Club Licensing and Financial Fair Play* Regulations is barred after five years.

Article 38 – Time limits

- 1 Unless a time limit is expressly provided for in these rules, the chairman of the First Chamber or Appeals Chamber, or the reporting member are entitled to set appropriate time limits at their discretion.
- 2 A time limit starts from the day after which it is notified in writing. It is considered to have been observed if acted upon by 24.00 CET (Central European Time) on the deadline date. Official holidays and non-working days are included in the calculation of time limits. When a deadline expires on a Saturday, Sunday or public holiday in the Swiss canton of Vaud, where UEFA's headquarters are located, it is carried forward to the next working day.
- 3 On receipt of a reasoned, written request, the chairman of the First Chamber or Appeals Chamber, or the reporting member may extend a time limit.
- 4 Time limits are interrupted from 20 December to 5 January inclusive.

Article 39 – Language of proceedings

- 1 The language of proceedings is English.
- 2 Upon written request at least three days prior to the day of the hearing, an interpreter is provided for the defendant/appellant at the latter's expense.
- 3 Any supporting document expressed in another language must be accompanied by a translation in English certified as accurate by the defendant/appellant submitting it.

Article 40 – Provisional or conservatory measures

The chairman of the First Chamber or Appeals Chamber may order provisional or conservatory measures, where and for as long as these are deemed appropriate to ensure a proper administration of justice.

IV. FINAL PROVISIONS

Article 41 – Unforeseen matters

Matters not provided for in these rules are decided in accordance with the relevant provisions of the UEFA Disciplinary Regulations, which apply by analogy.

Article 42 – Authoritative text

In the event of any discrepancy between the English, French and German versions of these rules, the English version prevails.

Article 43 – Equal treatment of men and women

The use of the masculine form in these rules refers also to the feminine.

Article 44 – Adoption, entry into force, abrogation and modification

- 1 These rules were adopted by the UEFA Executive Committee on 28 June 2021.
- 2 They enter into force on 1 July 2021.
- 3 They replace the Procedural rules governing the UEFA Club Financial Control Body (Edition 2019).
- 4 All UEFA regulations or decisions referring to the Investigatory Chamber or the Adjudicatory Chamber of the CFCB and applicable at the date of entry into force of the present rules are amended in the sense that such references are automatically replaced, as from this date, with the First Chamber or Appeals

Chamber of the CFCB. Potential breaches of the provisions of settlement agreements concluded before the entry into force of the present rules will be decided upon in the first instance by the First Chamber.

For the UEFA Executive Committee:

Aleksander Čeferin
President

Theodore Theodoridis
General Secretary



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Composition of the UEFA Club Financial Control Body

The First and Appeals Chambers of the UEFA Club Financial Control Body will be composed of the following persons for the period from 1 July 2021 to 30 June 2023:

1. First Chamber

<u>Chairman:</u>	Mr Sunil Gulati (United States of America)
<u>Vice-chairwoman:</u>	Mrs Petra Stanonik Bosnjak (Slovenia)
<u>Other Members</u> <i>(in alphabetical order):</i>	Mr Jacobo Beltrán (Spain)
	Mr Michael Bolingbroke (England)
	Mr Marco Di Siena (Italy)
	Mr Egon Franck (Germany)
	Mr Helmut Schwärzler (Liechtenstein)
	Mr Jeroen Slop (Netherlands)

2. Appeals Chamber

<u>Chairman:</u>	Mr Didier Poracchia (France)
<u>Vice-chairman:</u>	Mr Charles Flint (England)
<u>Other Members</u> <i>(in alphabetical order):</i>	Mr Giovanni Facci (Italy)
	Mr Adam Giersz (Poland)
	Mrs Louise Reilly (Ireland)