

Rethinking FIFA's Framework for Protecting Minors

Repensando el marco de la FIFA para la protección de menores



ENRIC RIPOLL GONZÁLEZ
Abogado por la Universidad de Zaragoza.
Máster en Derecho y Gestión Deportiva por el Instituto Superior de
Derecho y Economía.
Máster en Leyes in International Arbitration por the University of Miami.
Juris Doctor por the University of Miami.

CARLOS MARROQUÍN ROMERA
Abogado por la Universidad Complutense de Madrid.
Máster en Derecho Deportivo por la Universidad Europea
por la Escuela real de Madrid.

This article was published in English in Football Legal on December 19, 2025.



SUMMARY:

- I. **Introduction.**
 1. Sports Autonomy and observance of European Law.
 2. Innovative system oriented to protect the best interest of the child.
- II. **The best interest of the child. The current situation of the minor and the FIFA registration filter.**
 1. FIFA Minors License.
 2. The system proposed.
 - 2.1. Type of authorization.
 - 2.2. Application process.
 - 2.3. Responsibility of the club.
 - 2.4. Advantages of the system.
- III. **Conclusion.**

RESUMEN:

Las normas actuales de la Federación Internacional de Fútbol Asociación sobre el traspaso internacional de menores, aunque tienen por objeto proteger a los jugadores menores de edad, a menudo no logran dicho propósito. Por ello, enmarcados en los principios de autonomía deportiva y respeto al Derecho Europeo, los autores proponen *The FIFA Minors License*, un sistema de certificación impuesto a los clubes para garantizar una educación, alojamiento y entrenamiento adecuados para los niños. Tiene como principales ventajas trasladar la responsabilidad al club permitiendo un seguimiento continuo, evitar lagunas normativas, reforzar el papel de la FIFA en la protección de los derechos de los niños en el fútbol y ofrecer mayores garantías para el bienestar de los menores.

Palabras clave: Interés superior del niño, derechos humanos, Derecho Internacional, derechos del niño, transferencia de menores.

ABSTRACT:

The Fédération Internationale de Football Association's current regulations on the international transfer of minors, though intended to protect young players, often fail to achieve that purpose. For that reason, framed within the principles of sports autonomy and respect for European law, the authors propose the FIFA Minors License, an annual certification system imposed on clubs to ensure adequate education, accommodation, and training of the children. Its main advantages are shifting responsibility to the hosting club enabling continuous monitoring, avoiding regulatory loopholes, reinforcing FIFA's role in safeguarding children's rights in football and providing stronger guarantees for minors' welfare.

Keywords: Best interest of the child, Human Rights, International Law, Child Rights, transfer of minors.

I. INTRODUCTION

Since the beginning of professionalized football, the *Fédération Internationale de Football Association* —hereinafter referred to as the FIFA— has had minor's protection as one of its main concerns. The scope is to ensure the integrity of their well-being and development as football players, future stars but also as individuals. The main issue, as FIFA itself recognizes, is that:

Young footballers are vulnerable to potential exploitation and abuse when they are in a foreign country without proper controls. While international transfers might, in specific cases, be favourable to a young player's sporting career, they are likely to be contrary to the best interests of the vast

majority of players as minors. For FIFA, protecting the appropriate and stable development of a minor as a whole should prevail over purely sporting interests.¹

The current regulation on transfers of football players under the age of 18 has its origins in 2001² and the ambitious amendment introduced in the Regulations on the Status and Transfer of Players —hereinafter referred to as the RSTP—.

Since then, the prohibition of minors' transfers and their protection has been articulated in accordance with globally recognized articles, we refer to Article 19 and Article 19bis —which includes the registration and notification of the presence of minors in academies, introduced

1. In this respect: <https://img.fifa.com/image/upload/xbnooh14caxzadstknx.pdf>.
2. We are referring, without being exhaustive, to the modification made by the regulatory tsunami that led to the Bosman case (15 December 1995), which in 2000 resulted in a joint suggestion between FIFA and UEFA to the European Commission that culminated in the famous Monti-rules, due to the outstanding role played by European Commissioner Mario Monti in the negotiations and which crystallized in the system of protection for the transfer of minors under 18 years of age. For more information: <https://www.europarl.europa.eu/press/sdp/backg/en/b000905.htm>

by circular number 1190 of 20 May 2009³—, and to Article 19ter introduced by circular number 1816 of 8 November 2022, which focus on the establishment of a clear regulatory framework for trials —of minors or adults—, including rules concerning to medical care, minimum age and effective way to seek legal protection, of the RSTP.

The regulations originally —2001— were included in article 12 of the RSTP, which had the following wording:

Chapter VI.

Protection of Minors.

Art. 12.- International transfers of players under the age of 18 shall only be permitted under the following conditions:

- a. As a general rule, when the family of the player moves to the country in which the new club is located for reasons that are not linked to football.*
- b. Within the territory of the EU/EEA and in the case of players between the minimum working age in the new training club's country and the age of 18, suitable arrangements are guaranteed for their sports training and academic education by the new training club. For this purpose, a code of conduct will be established and enforced by the football authorities. The same principles apply to the first registration of players under 18 who have a nationality other than that of the country in which they first request to be registered.*

In light of the motivation behind the rule, the 59th FIFA Congress —Nassau, June— established the following:

Declaration

Considering the necessity to safeguard the values of football and protect the game and its players with regard to the principles of the integrity of competitions, the unpredictability of results, sporting ethics and fair play in all areas and at all levels of the global football pyramid,

In their determination to make every effort to achieve these objects at the very time when the global financial situation renders it even more imperative to introduce solidarity mechanism between the football family, development programmes and measures enabling everyone to take part in global, continental and national competitions,

Based on the principle of the autonomy of sport protected by the Olympic Charter and the FIFA Statutes that confer on FIFA the right and the duty to act in football's defence,

The member associations of FIFA, meeting at their 59th Congress,

commit themselves to the protection of players aged under 18⁴ and confirm their full support for the measures decided by the Executive Committee in March 2009, (...)

It is not the intention of this document to explore the extensive doctrine⁵ and “jurispruden-

3. In this respect, the aforementioned circular indicated the following: *We believe that the additions and amendments to the regulations will better monitor and control the observance of the rules pertaining to the protection of minors in order to safeguard young players as well as training clubs from being exploited.*
4. In the words of former FIFA President: *It is our duty to the youth of the world to protect young players. We must do it together. Stop the slavery of these young players!*
5. Including one of the authors of this proposal (Ripoll González, E.), who together with Amorós Martínez, A. discussed the subject in detail from a regulatory approach and in an up-to-date manner on the basis of highly interesting awards: FIFA, CAS and Minors: The Return of the Laudable Purposes and the Disproportionate Tools in Football Legal, number 7.

ce⁶” that has approached the subject from the current system outlined by the regulations in force and recent awards on the subject —CAS 2019/A/6301 Chelsea Football Club Limited v. FIFA, CAS 2017/A/5244 Oscar Bobb & Associação Juvenil Escola de Futebol Hernâni Gonçalves v. FIFA or CAS 2016/A/4785 Real Madrid Club de Fútbol v. FIFA—.

The purpose of this Article is to suggest FIFA with an idea for a new system to modify the current regulatory framework. The effort contained in the following pages is the result of a firm commitment to the traceability of the status of transferred minors and their development in accordance with the highest standards of protection.

This proposal is not accidental, and it has been prepared with absolute respect for the rules,

the specific situation of the existing problem and the tremendous job done by FIFA in the recent years. Notwithstanding the latter, we consider that a new step shall be taken, which is why it seeks to be guided and redirected from two completely necessary perspectives: the Sports Autonomy and the observance of European Law and the intention to create an innovative system oriented to protect the best interest of the child.

1. Sports Autonomy⁷ and observance of European Law

Being the Football Governing Body, FIFA must have a system with a self-regulatory mechanism⁸ in the sense of the Nice Declaration of December 2000 on the specific characteristics of sport and its social function in Europe⁹.

-
6. With absolute respect we refer to the traditional conception linked to the “jurisprudence” of CAS as indicated by Crespo Pérez, J. (2019) *El arbitraje deportivo*. Millán Garrido, A. (director) and Pérez Triviño, J. L. (coordinator) *Resolución de conflictos en el deporte: Análisis y propuestas* (page 106) when pointing out: (...) *that CAS does not have to use precedents or jurisprudence but that each arbitration formation judges according to its own criteria although, obviously, more and more, as a leafy forest of decisions is created, it is usual that the formations refer to previous awards, which really does create a jurisprudence.*
 7. Chapter 4 (The organisation of sport) of the European Commission’s White Paper on Sport, published in July 2007, which states, inter alia:

The Commission acknowledges the autonomy of sporting organisations and representative structures (such as leagues). Furthermore, it recognises that governance is mainly the responsibility of sports governing bodies and, to some extent, the Member States and social partners. Nonetheless, dialogue with sports organisations has brought a number of areas to the Commission’s attention, which are addressed below. The Commission considers that most challenges can be addressed through self-regulation respectful of good governance principles, provided that EU law is respected, and is ready to play a facilitating role or take action if necessary.

4.1 The specificity of sport.

Sport activity is subject to the application of EU law. This is described in detail in the Staff Working Document and its annexes. Competition law and Internal Market provisions apply to sport in so far as it constitutes an economic activity. Sport is also subject to other important aspects of EU law, such as the prohibition of discrimination on grounds of nationality, provisions regarding citizenship of the Union and equality between men and women in employment. At the same time, sport has certain specific characteristics, which are often referred to as the “specificity of sport”. The specificity of European sport can be approached through two prisms:

 - *The specificity of sporting activities and of sporting rules, such as separate competitions for men and women, limitations on the number of participants in competitions, or the need to ensure uncertainty concerning outcomes and to preserve a competitive balance between clubs taking part in the same competitions.*
 - *The specificity of the sport structure, including notably the autonomy and diversity of sports organisations, a pyramid structure of competitions from grassroots to elite level and organised solidarity mechanisms between the different levels and operators, the organisation of sport on a national basis, and the principle of a single federation per sport;...*
 8. *Autonomy of sport in Europe* (Council of Europe Publishing) by Jean-Loup Chappellet states: *Sports autonomy therefore encompasses sports organisations’ self-regulation, a concept which Latty (2007, p. 444) defines as a combination of the internal setting and supervision of rules which primarily relate to those who subscribe to them.*
 9. *About the role of sports federations:*

Role of sports federations

7. The European Council stresses its support for the independence of sports organisations and their right to organise themselves through appropriate associative structures. It recognises that, with due regard for national and Communi-

(Continúa en la siguiente página)

This system shall comply with the relevant regulations, without obviously disregarding the autonomy of sport and FIFA's goals.

Particularly, we should highlight Article 165.1 of the Treaty on the Functioning of the European Union —hereinafter referred to as TFEU— which reads as follows:

1. The Union shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity.

The Union shall contribute to the promotion of European sporting issues, while taking account of the specific nature of sport, its structures based on voluntary activity and its social and educational function.

The specificity of sport does not imply, as it is well known, acting outside EU law. Therefore, the establishment of a self-regulatory capacity shall be placed within the margins of the basic principles and rules of international law — among which is the Convention on the Rights of the Child—.

Having a self-regulatory capacity is vital for the development of FIFA policies, which have the possibility to transform the reality of football worldwide and improve the lives of thousands

of children across the globe, a purpose that no nation unilaterally can achieve.

In this sense, and digging into the minor's situation, it is important to underline that the Convention on the Rights of the Child has become the keystone for the evolution of European legislation on the rights of the child and has an increasing influence on the Council of Europe and the European Union.

Thus, this proposal is based on these two principles —self-regulation and respect for EU law— whose relationship has not been generally peaceful, but if combined, will grant FIFA a stable, lasting and resilient system.

In the light of these considerations, we must not lose sight of the fact that the regulation in relation to the protection of minors emerged in 2001 from the negotiations between the Union of European Football Associations —hereinafter referred to as the UEFA— and FIFA with the European Commission. As we must not forget that all the regulations in the framework of the transfer system have a profound international impact and with emphasis on the EU territory drawn by EU regulations.

2. Innovative system oriented to protect the best interest of the child.

The implementation of a solid and coordinated system with international and EU regulations will serve to improve the current one. The main purpose of this new system is allowing a better monitoring and control over the situation

ty legislation and on the basis of a democratic and transparent method of operation, it is the task of sporting organisations to organise and promote their particular sports, particularly as regards the specifically sporting rules applicable and the make-up of national teams, in the way which they think best reflects their objectives.

8. It notes that sports federations have a central role in ensuring the essential solidarity between the various levels of sporting practice, from recreational to top-level sport, which co-exist there; they provide the possibility of access to sports for the public at large, human and financial support for amateur sports, promotion of equal access to every level of sporting activity for men and women alike, youth training, health protection and measures to combat doping, acts of violence and racist or xenophobic occurrences.

9. These social functions entail special responsibilities for federations and provide the basis for the recognition of their competence in organising competitions.

10. While taking account of developments in the world of sport, federations must continue to be the key feature of a form of organisation providing a guarantee of sporting cohesion and participatory democracy.»

of a child who is transferred between different member associations and will ultimately serve to guarantee his best interest.

This system is represented by two working circles: the first limits the framework or scope of action and the second focuses on activating new proposals that affect the improvement of the final objective, *id est* the best interest of the child, through a more robust and coordinated system.

In line with these considerations, it is vital to bring up the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20 November 1989, we refer to Articles 2, 5, 18, 19 and 31¹⁰ of the aforementioned text which establishes the non-discrimination principle based on the nationality and the respect to responsibilities and rights of parents:

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind (...)

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and

guidance in the exercise by the child of the rights recognized in the present Convention.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. (...)

2. The purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children (...).

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for the other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances

10. United Nations. "Convention on the Rights of the Child." Treaty Series, vol. 1577, Nov. 1989, p. 3.

of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

It establishes the non-discrimination principle based on the nationality and the respect to responsibilities and rights of parents.

In the same sense some of the international instruments available establish:

Article 3(3) of the TFEU:

(...) It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child.

Article 8 of the European Convention on Human Rights on the Right to respect for private and family life:

Everyone has the right to respect for his private and family life, his home and his correspondence. 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public sa-

fety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health and morals, or the protection of the rights and freedoms of others.

Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women in New York, 18 December 1979:

Article 10

States Parties shall take appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women;

(g) The same opportunities to participate actively in sports and physical education;

Also, the 17 Sustainable Development Goals established by the United Nations Department of Economic and Social Affairs, in their goals numbers 3 and 4, it is foreseen the fight to promote a healthy life and well-being, and an inclusive and equitable quality education for all.¹¹

More recently the resolution adopted by the United Nations General Assembly on 23 August 2013¹² established April 6th as the International day of Sport for Development and Peace, where it recalled the mission and role of the International Olympic Committee —IOC— in placing sport at the service of humankind and in promoting a peaceful society and healthy lifestyles by associating sport with culture and education and safeguarding human dignity without any discrimination whatsoever.

Also, in the same line of minor's protection, we can find other international treaties signed by a vast majority of FIFA members, such as the Afri-

11. "The 17 GOALS | Sustainable Development," n.d., <https://sdgs.un.org/goals>.

12. United Nations, "International Day of Sport for Development and Peace | United Nations," n.d., <https://www.un.org/en/observances/sport-day>.

can Charter on the Rights and Welfare of the Child¹³, the European Convention on the Exercise of Children's Rights 1996¹⁴, the International Covenant on Economic, Social and Cultural Rights 1966¹⁵, the Child Protection and Placement Agreements, the Worst Forms of Child Labour Convention 1999¹⁶, and the Equal Remuneration Convention, 1951 —No. 100—¹⁷.

Finally, the European Court of Justice's case law has confirmed that the obligations arising from EU membership must not conflict with the obligations of Member States under their national constitutions and their international human rights commitments¹⁸.

In the EU Charter of Fundamental Rights, we find another fundamental link to FIFA regulations and minors, we refer to Article 24¹⁹ which states:

Article 24

The rights of the child

1. *Children shall have the right to such protection and cares as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.*

2. *In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.*
3. *Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.*

This concept is fundamental because it is the core of this proposal's development, the concept that builds everything and articulates the working principles. We will address it in the following point to understand which should be the orientation of FIFA's self-regulatory capacity towards the best interests of the child.

In addition, we also highlight article 21²⁰ of the aforementioned text which states:

Article 21

Non-discrimination

1. *Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opi-*

13. "African Charter on the Rights and Welfare of the Child | African Union," n.d., <https://share.google/YerZoQa9PavO3bZNU>.

14. "European Convention on the exercise of children's rights (ETS No. 160). 1 de julio, 2000. <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/160#:~:text=The%20Convention%20aims%20to%20protect,children%20to%20exercise%20their%20rights.&text=This%20European%20legal%20instrument%20will,the%20rights%20of%20the%20child>.

15. United Nations. International Covenant on Economic, Social and Cultural Rights. Adopted 16 December 1966. Vol. 999, U.N.T.S. 3. https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-3&chapter=4&clang=_en

16. "Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)," n.d., https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182.

17. "Convention C100 - Equal Remuneration Convention, 1951 (No. 100)," n.d., https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C100.

18. Judgment of the Court of 14 May 1974. J. Nold, Kohlen- und Baustoffgroßhandlung v Commission of the European Communities. Case 4-73. See in: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:61973CJ0004&from=EN>

19. European Union Agency for Fundamental Rights. "Article 24 - the Rights of the Child," September 24, 2025. <https://fra.europa.eu/en/eu-charter/article/24-rights-child>.

20. European Union Agency for Fundamental Rights. "Article 21 - Non-discrimination," September 24, 2025. <https://fra.europa.eu/en/eu-charter/article/21-non-discrimination>.

nion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

2. *Within the scope of application of the Treaties and without prejudice to any of their specific provisions, any discrimination on grounds of nationality shall be prohibited.*

This whole series of international and EU regulations opens up an intense debate on the reasonableness of the measure with greater determination with regard to Article 35(3) of the Federal Constitution of the Swiss Confederation²¹, which states: *The authorities shall ensure that fundamental rights, where appropriate, apply to relationships among private persons.*

Because we cannot disregard the fact that FIFA is an association registered in the Commercial Register of the Canton of Zurich in accordance with articles 60 et seq. of the Swiss Civil Code in accordance with article 1 of its Statutes —2020 edition—. And although EU law is not directly applicable to the status of a Swiss association, its influence is indirect.

In addition to this, it should be pointed out that the Convention on the Rights of the Child, on which Switzerland has ratified its content, is applicable, and more particularly the observations made by the Committee on the Rights of the Child, since it is the body of 18 independent experts that supervises the implementation of the aforementioned Convention, ex article 43.1²² which reads as follows:

1. *For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.*

Finally, the rights of the child are recognised by FIFA through article 3 of its Statutes²³ which states: *Article 3, Human rights. FIFA is committed to respecting all internationally recognised human rights and shall strive to promote the protection of these rights.*

In addition to the FIFA statutes, FIFA Guardians program guidelines states the following: *In addition, the FIFA Forward 2.0 Development Programme obliges member associations and confederations to “take measures to protect and safeguard children and minors from potential abuses and protect their wellbeing within football” (FIFA Forward 2.0 Regulations, article 8, paragraph 1t)*

So, if measures must be taken to protect and safeguard children and minors from potential abuses, the same effort must be done for a regulatory change on the transfer of minors and even more so when this reform was an objective of the FIFA Vision 2020-2023²⁴ —making football truly global— which stated: *Reform the Transfer System. Key objectives of the transfer system are to protect minors.*

A reform that is maintained in the Vision 2023-2027²⁵ under objective 2 which outlines: *Implementation transfer system reform and address other governance-related matters.*

-
21. “Federal Constitution of the Swiss Confederation of 18 April 1999 (Status as of 3 March 2024),” Refworld, July 2, 2025, <https://www.refworld.org/legal/legislation/natlegbod/1999/en/19508>.
 22. Convention on the Rights of the Child. Signed November 20, 1989. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.
 23. Fédération Internationale de Football Association, “FIFA Statutes”, May 2022, art. 3, https://digitalhub.fifa.com/m/3815fa68bd9f4ad8/original/FIFA_Statutes_2022-EN.pdf.
 24. “The Vision 2020-2023 | FIFA Publications,” FIFA Publications, n.d., <https://publications.fifa.com/es/annual-report-2020/the-global-game/the-vision-2020-2023/>.
 25. “The Vision 2023-2027 | FIFA Unites the world”, n.d., <https://inside.fifa.com/strategic-objectives-2023-2027>.

II. THE BEST INTEREST OF THE CHILD. THE CURRENT SITUATION OF THE MINOR AND THE FIFA REGISTRATION FILTER

Citing the Convention on the Rights of the Child²⁶ adopted by the United Nations General Assembly on 20 November 1989, we must focus on Article 3, the first paragraph of which determines: *In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.*

This principle —the best interest of the child— co-exists with three other general principles²⁷ such as the right to non-discrimination —Article 2—, the right to life, survival and development —Article 6—, and the right to be heard —Article 12—.

To further develop what is to be understood as the best interests of the child, we refer to General Comment N°14 —2013— on the rights of the child to have his or her best interests as a primary consideration —Article 3, paragraph 1—.

This is a dynamic concept that must be evaluated in each context—we add that it must adapt to the sporting environment and in the FIFA universe²⁸ of regulations—. The target of the concept being the full and effective enjoyment of all rights recognised by the Convention and the holistic development of the child while highlighting a triple concept:

- a. A substantive right: The right of the child to have his or her best interests assessed and taken as a primary consideration when different interests are being considered to reach a decision on the issue at stake, and

the guarantee that this right will be implemented whenever a decision is to be made concerning a child. Article 3, paragraph 1, creates an intrinsic obligation for States, is directly applicable —self-executing— and can be invoked before a court.

- b. A fundamental, interpretative legal principle: If a legal provision is open to more than one interpretation, the interpretation which most effectively serves the child's best interests should be chosen. The rights enshrined in the Convention and its Optional Protocols provide the framework for interpretation.
- c. A rule of procedure: Whenever a decision is to be made that will affect a specific child, an identified group of children or children in general, the decision-making process must include an evaluation of the possible impact —positive or negative— of the decision on the child or children concerned. Assessing and determining the best interests of the child require procedural guarantees. Furthermore, the justification of a decision must show that the right has been explicitly taken into account. In this regard, States parties shall explain how the right has been respected in the decision, what criteria it is based on and how the child's interests have been weighed against other considerations, be they broad issues of policy or individual cases.

Using these elements, we will make an evaluation of the current FIFA regulations and on them we will try to build a new system.

The motivation for this evaluation is simple: the current privileged position of football's governing body allows the implementation

26. "Convention on the Rights of the Child". United Nations Children's Fund. n.d., <https://www.unicef.org/child-rights-convention>.

27. In accordance with Fact Sheet No. 10 (Rev. 1), The Rights of the Child. See in the following website link: <https://www.refworld.org/docid/479477390.html>

28. In relation to the words of Professor Ferrer in the prologue of the book *Derecho del Fútbol: presente y futuro*. Editorial Reus.

of a new mechanism that is oriented towards the achievement, constantly, of policies firmly oriented towards the best interest of the child in connection with the possibilities of development of the child. This *de facto* translates the idea of a self-regulation mechanism which, within the framework drawn by international and EU regulations, should be oriented towards the achievement of the best interests of the child, forming a more solid system.

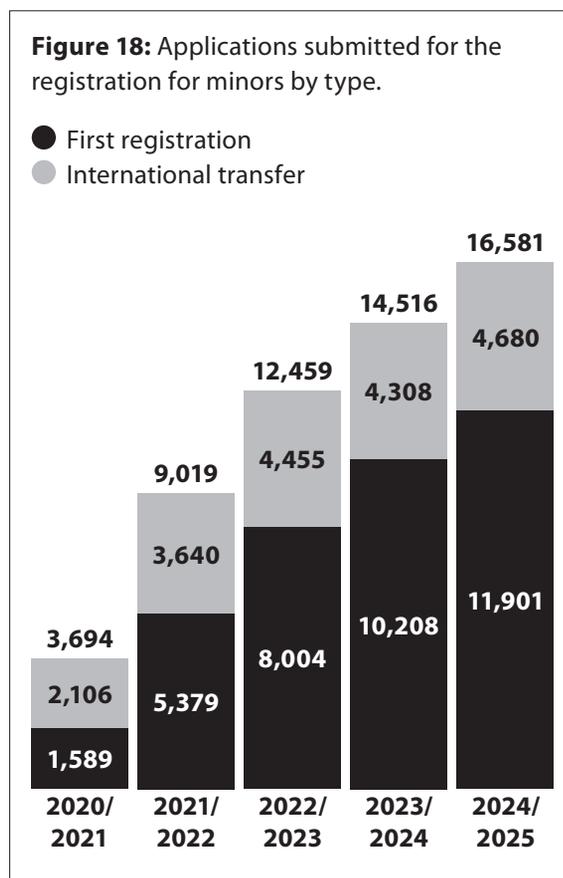
We would like to emphasise that child protection policies have already been recognised through the FIFA Guardians Programme and that, in the words of former FIFA’s General Secretary, are:

As highlighted in FIFA Vision 2.0, our organisation is committed to the standards that are demanded of a global sport governing body. For all those under 18, this means ensuring the highest standards are met by implementing effective measures so that football is played in a safe, positive and encouraging atmosphere for all children, everywhere.²⁹

Returning to point c, it is necessary to include an estimate of the current FIFA system on minors in view of 23 years of uninterrupted application and whether the prohibitions reflected in the RSTP have ended the risks to the exploitation of minors, their welfare and development. This is because it is a regulatory system that allows for continuous monitoring of the registration data of minors —assessment in accordance with point a—.

Thanks to the study presented by FIFA, reliable data on the current situation of international child transfers can be reported. For the 2024/2025 season, a total of 16,581 applica-

tions for the registration of minors can be observed, a 14,2% increase compared to the previous season, and in the overall count we can see 56,269 applications in five seasons with the following detail:

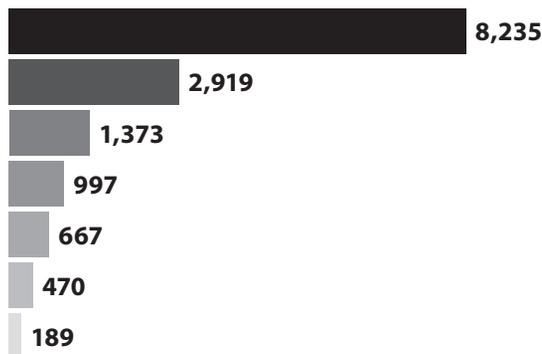


There was a record-breaking in the 2024/2025 season, which denotes a large volume of international transfers of minors. In this last season, a percentage of 71.77% was available for first registrations and 28.23% for transfers between two different associations. The movements in relation to the reasons for authorization recognized in the RSTP regulations in article 19 are shown in the following figures:

29. “FIFA President Infantino Unveils ‘FIFA 2.0: The Vision for the Future,’” n.d., <https://inside.fifa.com/organisation/president/media-releases/fifa-president-infantino-unveils-fifa-2-0-the-vision-for-the-future-2843428>.

Figure 20: Decisions on applications for the registration of minors by applied-for exception in 2024/2025.

- Parents moved
- Five-year rule
- humanitarian reasons (without parents)
- Player and club are within 50km of border
- Humanitarian reasons (with parents)
- Over 16 moving within EU/EEA
- Exchange students

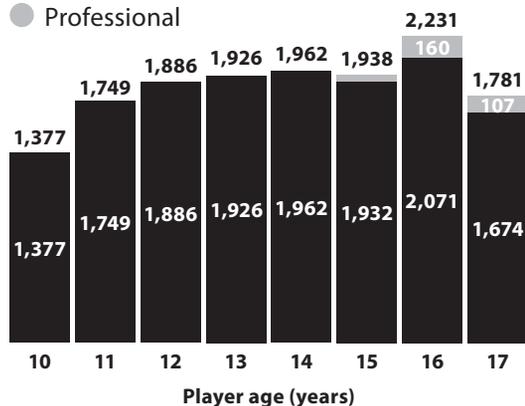


This means that the exceptions contained in Article 19(2)(a) and (d) and the exception contained in Article 19(3) apply by far more often.

In addition, decisions on minors involve minors annually in relation to the following ages:

Figure 21: Decisions on applications for the registration of minors by player age at submission and player status at new club in 2024/2025

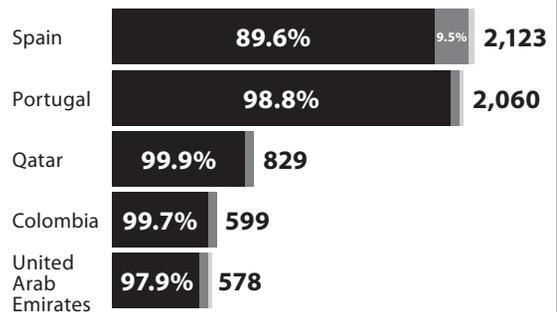
- Amateur
- Professional



These data show that in the 2024/2025 season, 8,936 children aged 14 and under moved internationally to play football and 5,950—including amateur and professional—children aged 15 and over travelled internationally to play football³⁰. However, we can determine that these are the five associations with the highest number of applications.

Figure 22: Top five member associations by number of applications decided upon and outcome in 2024/2025

- Accepted
- Rejected
- Inadmissible



This means that five countries account for approximately 40% of the world's applications for international children, which provides a clearer picture of international action.

In light of these data, two interesting questions arise.

- a. The first is in relation to the well-being of minors after the authorised international transfer, since the data only shows current market movements, and
- b. The second is in relation to the best interests of the minor and its relationship with the current regulations.

In line with general comment N° 14 —2013— on the right of the child to have his or her best interests a primary consideration —article 3,

30. Without taking into consideration the rejected applications.

paragraph 1—, it is necessary to understand the rationale behind the exceptions for children’s transfers. This is why it is necessary to refer to the reasoning behind the former Article 12 of the ECR in its 2001 edition.

In the document published by the European Union in 2002³¹, the following was noted:

(...) international transfer of players aged under 18 to be allowed subject to agreed conditions; the football authorities will establish and enforce a code of conduct to guarantee the sporting, training and academic education to be provided.

In other words, a Code of Conduct³² was recognized to guarantee the sporting, formative and academic development of the child. In this sense, the circular number 769 determined the following:

1. Protection of minors

The new regulations set forth strict conditions for the international transfer of minors —i.e., players under the age of 18—, in order to provide a stable environment for the training and education of players. The abuses to which minors have been exposed in the past must be curbed.

*Minors cannot transfer internationally, unless they move to another country with their family for family reasons. National associations shall not register minors who have transferred without their family, or with their family in case the family’s move was prompted by the transfer of the minor to another football club.*² *National associations or, by default, FIFA’s Player Status Committee, may also impose disciplinary measures on clubs wishing to register minors who have trans-*

*ferred improperly.*³ *In addition, FIFA’s Player Status Committee or the national associations may impose disciplinary measures on players agents who have been involved in the improper transfer and/or registration of a minor.*

*Within the EU/EEA, players younger than 18 but above the minimum working age can move from one member country to another country on their own, on condition that their sporting training and academic training is guaranteed by the new training club.*⁵ *FIFA, in cooperation with UEFA, will establish a Code of Conduct which should be followed by national associations, leagues and clubs.*⁶ *FIFA is committed to issuing this Code in due course. Where a club does not comply with the Code, its national association shall not register the player, and may impose disciplinary measures on the non-observant club. National associations can carry out on the spot investigations at clubs to verify compliance with de Code of Conduct, and may if they encounter violations impose sanctions such as the annulment of wrongful registrations of minors. FIFA’s Player Status Committee may impose disciplinary measures on clubs in case of default by a national association. In addition, FIFA’s Player Status Committee may impose sanctions on player agents, and on other third parties subject to FIFA’s jurisdiction, who are implicated in registrations of minors where the Code of Conduct has not been respected.*

The same principles apply for the first registrations of players under 18 who have a nationality other than that of the country which they first request to be registered.

Any disciplinary measures envisaged here can be appealed against to the Arbitration Tribunal for Football.

31. “Outcome of discussions between the Commission and FIFA/UEFA on FIFA Regulations on international football transfers”. European Commission, 2001.
32. “FIFA Publishes Its Guide to Submitting a Minor Application,” n.d., <https://inside.fifa.com/legal/media-releases/fifa-publishes-its-guide-to-submitting-a-minor-application>.

Notwithstanding that, the truth is that the Code of Conduct was never applied to ensure the above-mentioned benefits for the child. Thus, the current regulation was born but deviated from the postulates defended by the Commission, since the exceptions contained in the current Article 19 do not guarantee the sporting, formative and academic development of the minor —unless the minor is an EU citizen over 16 years of age—.

Instead, they guarantee the requisites for a minor's registration but does not include a monitoring system of his development. On this point we will carry out a detailed analysis to corroborate the situation.

In 2007, the European Commission³³ made a strong case for the protection of minors in the White Paper on Sport, which stated that:

The exploitation of young players is continuing. The most serious problem concerns children who are not selected for competitions and abandoned in a foreign country, often falling in this way in an irregular position which fosters their further exploitation. Although in most cases this phenomenon does not fall into the legal definition of trafficking in human beings, it is unacceptable given the fundamental values recognised by the EU and its Member States. It is also contrary to the values of sport. Protective measures for unaccompanied minors in Member States immigration laws need to be applied rigorously. Sexual abuse and harassment of minors in sport must also be fought against.

(42) The Commission will continue to monitor the implementation of EU legislation, in particular the Directive on the Protection of Young People at Work. The commission has recently launched a study on child labour as a complement to its monitoring of the implementation of the Directive. The issue

of young players falling within the scope of the Directive will be taken into account in the study.

(43) The Commission will propose to Member States and sport organisations to cooperate on the protection of the moral and physical integrity of young people through the dissemination of information on existing legislation, establishment of minimum standards and exchange of best practices.

It is logical to think of a system that is designed to improve and guarantee, continuously, the well-being of minors in a triple aspect —sports, training and education— will always be more effective than a system of exceptions for the registration of the minor whose control is focused on a specific moment of the registration of the minor.

The risks of a system of exceptions are based on the vulnerability of the child throughout the sporting adventure:

On a first instance, there is a high level of control through the high level of information required but there is no monitoring afterwards to ensure the maintenance of the minor's integrity. This can be illustrated with some examples:

- a. A Colombian player under the age of 16 travels to Spain and is allowed his first registration or international transfer under the first exception of the RSTP, transfer not linked to football, which does not require the provision of any documents regarding his education, accommodation, or training. After one year, the player is transferred to another club in the same association and continues to move without providing FIFA any information regarding his welfare.
- b. A French player at the age of 15, travels to Italy and is also allowed his first registration.

33. Espen Auberg, "Protection of Minors – the Chelsea Case | EA Sports Law," EA Sports Law, September 15, 2021, <https://www.easportslaw.com/news/protection-of-minors-the-chelsea-case>.

tration or international transfer under the first exception of the RSTP, transfer not linked to football, does not have any kind of control over his education or training, if the transfer takes place some months later, the situation is completely different, being the club mandatorily forced to provide him with education, training and accommodation.

- c. A Bolivian minor, professional football player, member of a poor family, and not being an EU Citizen, is prevented from accepting a professional contract abroad because he does not meet the requirements. Such contract could improve his economic situation and his family's. Bolivian football is not as wealthy as others, and his salary is therefore not enough to support his family being forced to accept a job offer outside football to help them.

Reading these examples, it will be understood why our proposal is born with the firm vocation of guaranteeing the superior interest of the minor in line with the sport, formative, and academic development of the same one through a system called:

1. FIFA MINORS LICENSE

As abovementioned, the current model does not guarantee the sporting, educational and academic development of the minor since the registration system is based on an authorisation procedure that does not allow FIFA to monitor the clubs.

In this respect, the documents requested for the various exceptions proposed within FIFA³⁴ are presented.

- a. Article 19 par. 2 a) of the RSTP —The parents of the player moved for reasons not linked to football—.

- i. Employment contract of the player and work permit of the player.
- ii. Employment contract of the player's parent(s).
- iii. Work permit of the player's parents).
- iv. Other documents corroborating the reason invoked.
- v. Proof of birth —birth certificate— of the player.
- vi. Proof of identity and nationality of the player.
- vii. Proof of identity and nationality of the player's parent(s).
- viii. Proof of residence of the player's parent(s).
- ix. Request for approval of first registration or international transfer.
- x. Documentation corroborating that the player's parent moving to or residing in the new country has custody of the player.
- xi. Death certificate of the player's parent(s).
- xii. Statement of the new association explaining the specific circumstances.
- xiii. Decision of the relevant national authority taking away the parental authority from the player's parents and appointing a third person as the player's legal guardian.
- xiv. Decision from the relevant national authority appointing a third person as the player's legal guardian following the death of his/her parents.

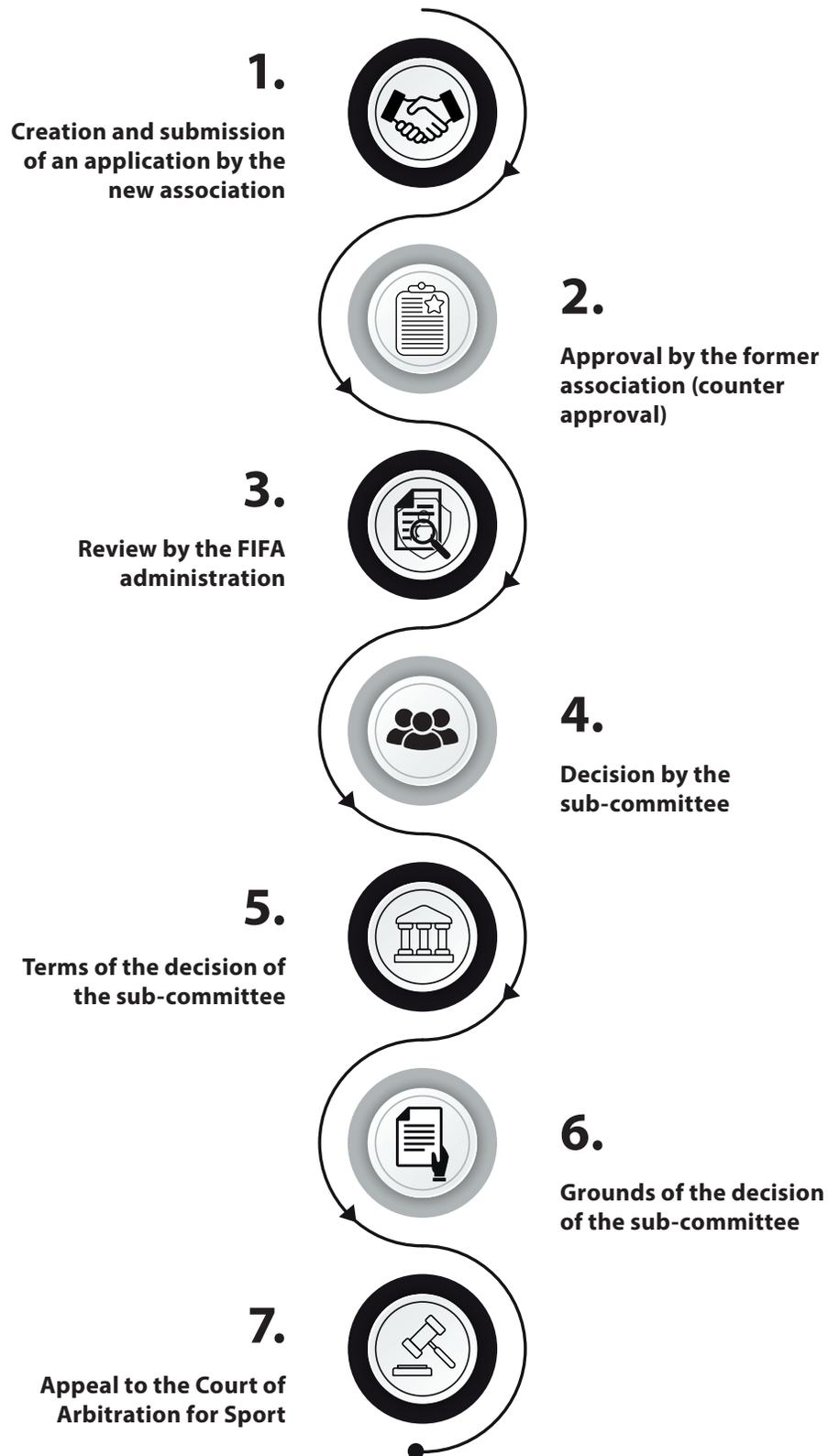
The documentation to present will depend on the circumstances recognized by FIFA. It can be an international move of both player's biological parents, of only one of the player's biological parents or neither of the player's biological parents.

- b. Article 19 par. 2 a) of the RSTP —The player is moving for humanitarian reason with his/her parents—.

34. FIFA Regulations on the Status and transfer of players. Art. 19.

- xv. Employment contract of the player and work permit of the player.
 - xvi. Proof of birth —birth certificate— of the player.
 - xvii. Proof of identity and nationality of the player.
 - xviii. Proof of identity and nationality of the player's parent(s).
 - xix. Proof of refugee status of the player's parent(s).
 - xx. Proof of residence of the player's parent(s).
 - xxi. Status of new club.
 - xxii. Request for approval of first registration or international transfer.
- c. Article 19 par. 2 b) of the RSTP —The player is over 16 and is moving within the territory of the EU/EEA—.
- xxiii. Employment contract of the player.
 - xxiv. Proof of birth —birth certificate— of the player.
 - xxv. Proof of identity and nationality of the player.
 - xxvi. Documentation of academic education.
 - xxvii. Documentation of accommodation/care.
 - xxviii. Documentation of football education.
 - xxix. Parental authorisation.
 - xxx. Request for approval of first registration or international transfer.
- d. Article 19 par. 2 c) of the RSTP —Both player and club are within 50km of their common border and the distance between the two is less than 100km—.
- i. Employment contract of the player.
 - ii. Proof of birth certificate of the player.
 - iii. Proof of identity and nationality of the player.
 - iv. Proof of residence of the player.
 - v. Proof of Distance: 50km rule.
 - vi. Proof of consent of releasing association.
 - vii. Request for approval of first registration or international transfer.
- viii. Proof of residence of the player's parent(s).
 - ix. Documentation corroborating that the player's parent moving to or residing in the new country has custody of the player.
- The documentation to present will depend on the circumstances recognized by FIFA. If The distance from the player's domicile to the closest common border of the neighbouring association is more than 50 km or if it is not more than 50km from the neighbouring association to the club's headquarters.
- e. Article 19 par. 2 d) of the RSTP —The player is moving for humanitarian reasons without his/her parents—.
- i. Employment contract of the player and Work permit of the player.
 - ii. Proof of birth —birth certificate— of the player.
 - iii. Proof of identity and nationality of the player.
 - iv. Proof of refugee status of the player.
 - v. Proof of custody.
 - vi. Authorisation of custody holder.
 - vii. Parental situation.
 - viii. Status of new club.
 - ix. Status of player with former club.
 - x. Request for approval of first registration or international transfer.
- f. Article 19 par. 2 e) of the RSTP —The player is an exchange student undertaking an academic programme abroad—.
- i. Proof of birth certificate of the player.
 - ii. Proof of identity and nationality of the player.
 - iii. Proof of identity and nationality of the player's parent(s).
 - iv. Documentation of exchange programme.
 - v. Registration form for exchange programme.
 - vi. Confirmation of player's return.
 - vii. Documentation of academic education.

- viii. Confirmation of player's participation from academic institution in home country.
 - ix. Documentation of accommodation/care.
 - x. Status of new club and duration of registration.
 - xi. Authorisation of host parents.
 - xii. Parental authorisation.
 - xiii. Request for approval of first registration or international transfer.
- g. Article 19 pars 3 and 4 of the RSTP —The player is registering for the first time and has lived continuously for the last five years in the country of intended registration prior to this request—.
- i. Employment contract of the player.
 - ii. Proof of birth certificate of the player.
 - iii. Proof of identity and nationality of the player.
 - iv. Proof of residence of the player.
 - v. Request for approval of first registration.
- The application procedure is set in Article 30 of the Procedural Rules Governing the Football Tribunal.
- The basic principles may be summarized as follows:
- a. Every request will be submitted via the Transfer Matching System —hereinafter referred to as the TMS—.
 - b. National Associations shall check the TMS minors tab regularly and will be fully responsible for any procedural disadvantages that may arise due to a failure to respect the obligation to check TMS.
 - c. All parties must act in good faith and are obliged to tell the truth. On the contrary sanctions will be imposed.
 - d. TMS department is authorised to conduct investigation on matters related to minors' transfers' requests.
 - e. The application will begin via TMS by the new Association sending the relevant documents as provided in the guide. All documents must be sent; without them the application will not be processed.
 - f. The former association will be granted a 7-day deadline to submit its own statement.
 - g. The documents must be sent in one of the four official languages —Spanish, English, French—.
 - h. Decisions will be submitted without grounds and parties will have ten days to request them via TMS. If requested, the 21-day deadline to submit an appeal before CAS will begin upon notification of the motivated decision.
 - i. The standard of proof in the minor's applications to demonstrate the existence of the exception is set at beyond any reasonable doubt.
- Finally, and in a schematic view, it can be established that the approval process follows the following steps:



The current minor's protection system is based on a strong documentary control prior to the registration stage. This strong documentary control will be called FIFA Registration Filter for the purposes of this document.

However, the purpose of the rule is different, the CAS award 2005/A/ 955 & 956 *Acuña and Cadiz v. FIFA and PFA*³⁵—paragraph 7.2.2— stated:

The Panel, having examined carefully the contested FIFA rules limiting the international transfer of players who are less than 18 years old, has come to the conclusion that those FIFA rules do not violate any mandatory principle of public policy —“ordre public”— under Swiss law or any other national or international law, insofar as:

- i) they pursue a legitimate objective, namely the protection of young players from international transfer which could disrupt their lives, particularly if, as often happens the football career eventually fails or, anyways, is not as successful as expected.*
- ii) they are proportionate to the objective sought, as they provide for some reasonable exceptions.*

In other words, the current system pursues a legitimate objective: the protection of minors and establishes a series of reasonable exceptions, but the question we have to raise is: does the FIFA Registration Filter guarantee the protection of minors?

Analysing the documentation requested by the relevant FIFA bodies, there is no doubt about the strong control prior to the registration of a minor or its transfer. While it is true that the new Article 19.8 of the RSTP introduces general and dedicated protection and safeguarding requirements for clubs that register minors, the following elements must be considered:

- a. There is no FIFA body in charge of monitoring the status of the minor at the host club since the Players' Status Committee has no inspection functions in view of the protection standards guaranteed by FIFA.

This element is reflected in the high level of information currently held by FIFA in relation to the registration of minors under 18 years of age. However, if they are not European over 16 or involved in an academic exchange, what academic level do they receive? How are the facilities where they are trained? What accommodation and/or support do they receive from the club? These are some questions that arise in consideration of the enormous volume of minors transferred.

- b. The system is oriented towards an in-depth documentary contribution in the first instance that serves to ascertain important circumstances with regard to the player — situation of the parents, specific circumstances, proof of refugee status, etcetera.— but is not directed at ascertaining the situation of the authorised minor at the club, which may represent a serious risk for him.

This element results in very precise and clear information at the beginning of the minor's sporting adventure. However, later on there are no tools or mechanisms to know their academic, training or sporting situation.

- c. There are interesting requests for the situation of the child who falls within the scope of the exception contained in point b) as documentation is requested on accommodation, academic care, etc.

This element inspires guidance for a future system that guarantees an adequate academic, training or sports situation over time.

35. “CAS 2005/a/955 *Cádiz C.F., SAD V/FIFA and Asociación Paraguaya*”, n.d., <https://www.yumpu.com/en/document/view/12213719/cas-2005-a-955-cadiz-cf-sad-v-fifa-and-asociacion-paraguaya->.

- d. There is a lack of focus in the regulation as the goal is to ensure the safety and welfare of the child which cannot be addressed from the perspective of a FIFA Registration Filter but from a system of Licensing of those ultimately responsible for the welfare of the child, —that is the clubs—.

The focus should be on a system of guarantees for the well-being of the minor in his or her sporting adventure rather than a one-time authorisation.

- e. There are exceptions, such as that contained in the 50 km rule, which have nothing to do with a minor’s protection, development or original motivation contained in 2001.
- f. In the case of humanitarian reasons, a system that monitors the situation of the minor throughout his or her stay would make even more sense, as recognition of his or her status as a refugee does not per se guarantee correct development.
- g. Some national legal frameworks —such as the Spanish, and others— have already established that their approach on the registration of minors, when they are legal residents of their countries is contrary to any kind of discrimination based on nationality, forcing a conflict between FIFA and its members as a consequence.
- h. Ultimately, there are reasonable arguments to support that the FIFA Registration Filter is not fit to determine whether the minor is protected and his or her development is guaranteed in the long term.

2. THE SYSTEM PROPOSED.

In view of the problems raised, in relation to the effectiveness of Articles 19 and 19bis in guaranteeing the well-being of the minor over time, while being able to rely on an instrument that monitors the situation of these, we propose the creation of the system FIFA MINORS LICENSE.

This can be understood as the creation of a FIFA

Registration Filter but focused on the requisites to be met by clubs instead of minors. And it includes a new system for tracking and monitoring the minor’s development. With the current system, clubs are held responsible for the registration of a minor, but no burden is placed on them regarding the conditions they have to host minors in their facilities —except for EU minors over 16 and those in academic exchange—.

2.1. Type of authorisation.

Article 19.8 of the RSTP states that:

A club that has registered a minor player following a national transfer, international transfer or first registration shall:

Owe a duty of care to the minor; take any reasonable measures to protect and safeguard the minor from any possible abuse; and ensure that the minor is provided with an opportunity to obtain an academic education — according to the highest national standard — that allows them to pursue a career other than football.

FIFA MINORS LICENSE will be a certification — issued by FIFA— that precisely certifies, on a case-by-case basis, the availability of human and material resources of a club to host, and mandatorily register, foreign minors —i.e. that the club complies with the requirements of Article 19.8—.

The authorization will be subject to annual revisions, including no-advance notice inspections, to check and examine the human and material resources for the authorisation of international registrations of foreign minors. The request of the license will require the provision of a detailed analysis of all the elements that guarantee that the clubs that receive foreign minors do so in conditions that are subject to the highest standards of security, development and protection of the minor.

2.2. Application process

Inspired by the club licensing systems designed by UEFA, the annual submission —per sports

season— is suggested, before 30 March for those countries whose season ends in June and before 30 September in countries where the season ends in December. These deadlines make it possible to study in detail the documentation accrediting the material and human resources, as well as to carry out additional inspections or investigations. This allows also to accept private academies where the parents pay a monthly fee — usually high— to provide their children to study abroad in an international sportive environment.

FIFA will decide, considering the documentation presented, how many foreign minors can be registered by the club. This decision can be appealed to FIFA's internal body and to CAS — second instance or appeal instance—.

The Club must maintain the established requirements and may improve them to increase the quota established by the licence, without the ability to reduce the requirements or their improvements.

Every season and before March 30th, or September 30th, the Club must prove the continuity of the resources presented to obtain the FIFA MINORS LICENSE. This report will include information regarding the status of the minors already registered, providing the system with valuable information.

Each foreign minor registered under FIFA MINORS LICENSE must be reported with detailed information about his or her situation —FIFA Registration Filter —, regardless of whether he or she had a sports licence in his or her country.

2.3. Responsibility of the club

Each foreign minor registered by a club and in accordance with the FIFA MINORS LICENSE system, must be guaranteed, accommodation, academic and sporting education, up to the age of majority in their respective countries.

Irrespective of whether the child travels with or without her or his parents, the club must guarantee these requirements until the child reaches the age of majority —guarantee of the

child's welfare—, the parents travelling not being a circumstance that reduces responsibility.

The minor under the FIFA MINORS LICENSE system may not see his or her conditions worsened in relation to the club's responsibilities until the age of majority.

The transfer of the minor will be permitted but only to another club with the same or higher sporting status and which meets all the requirements of FIFA MINORS LICENSE.

An anonymous reporting channel will be set up for the status of minors in clubs that hold a FIFA MINORS LICENSE.

2.4. Advantages of the system

It eliminates the burden of proving the meeting of the exceptions' requisites on the player, since his registration depends on the conditions provided by the club for the minor's well-being. In addition, a lesser strict FIFA Registration Filter will be maintained via TMS which will provide important information to FIFA.

The test and obligations are on the clubs, who will know —before the beginning of each season— how many minors can be transferred from other countries, without having to ask for FIFA's permission, which will firmly attack the speculative market that exists on minors.

The registration of the minor will continue to be carried out through the TMS and FIFA will have knowledge of the licence obtained by the foreign player as well as valuable information regarding the circumstances of the minor.

FIFA will be in possession of information on the status and welfare of minors worldwide and will be able to monitor compliance with certification, through the TMS itself, annual/biennial or surprise inspections as well as a reporting channel. Including the intermediaries involved in the registration of those minors.

In the event of non-compliance or falsification of the procedure/licence, a sanction will be

applied, ranging from a warning to the withdrawal of the certification and severe sports sanctions, without the club's responsibilities towards the minor disappearing.

Underage players may be transferred, always provided the fulfilment of the FIFA License requisites by the new club.

It will allow to implement measures to promote women's football —reserved quota or incentives to increase the female quota through the development of women's football development policies or even FIFA financial help—.

The legislation preventing discrimination against minors, *id est* the Spanish, would not come into play as long as the responsibility of proving that the necessary means are available to guarantee the well-being of the minor would fall on the club. On this point it would be shocking to invoke such discrimination against a club which cannot guarantee the welfare of a foreign child.

The regulations based on exceptions prevent many children, who do not see their case included in one of these, from developing their sporting career and therefore with the highest level of education and training until it is included in the list.

Prior authorisation without subsequent monitoring does not provide evidence that the integrity of the minors and their well-being is being safeguarded. This system maintains an important FIFA registration filter while developing a licence that compels clubs to care for the minor, under penalty, until he or she reaches the age of majority.

Clubs, regardless of their sporting category — the competitive level at which they play— will be able to accredit means of taking care of the minor, allowing the use of a classification more in line with the case than that applied until now —training compensation—.

The elimination of the current system would end discrimination against non-European minors and FIFA would avoid being accused of replacing parental authority.

It would be a decisive step forward and at the forefront of the good governance model of football, creating a Licence for the protection, development and care of minors.

Families with financial meanings will also be allowed to send their children to study abroad in football related programs, allowing them to engage in organized competitions irrespective of their sporting level, always provided that the same requisites are met.

III. CONCLUSION

The implementation of a system that places the burden on the host club, allows not only circumventing any accusation of discrimination based on nationality, but also, allows FIFA to take control over the development of any minor transferred or registered for the first time. Clubs will not try to find the loopholes in the regulations or to plan any strategy to convince FIFA of the existence of an exception. Instead, they will focus on having the resources, both human and material, to host players in the best conditions, and the disciplinary sanction awaiting in case of breach of the regulations will be foreseeable and as harsh as important is the integrity of a minor.