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Procedural rules governing the UEFA Club Financial Control Body

Edition 2014

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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: football club, i.e. legal entity fully and solely responsible for a football team participating in national club competitions, which has applied for a licence to enter UEFA club competitions.
- b) Licensee: licence applicant that has been granted a licence to enter UEFA club competitions.
- c) Licensor: 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 in respect of the UEFA club monitoring process.
- d) Defendant: UEFA member association, licensor, licence applicant, licensee or individual which is subject to the *UEFA Club Licensing and Financial Fair Play Regulations* and against which proceedings have been opened by the CFCB.

Article 2 – *Scope of application*

The present rules govern:

- a) the jurisdiction of the CFCB (Article 3);
- b) the organisation of the CFCB (Articles 4 to 11);
- c) the decision-making process of the CFCB (Articles 12 to 41).

Article 3 – *Jurisdiction of the CFCB*

¹ The CFCB is competent to:

- a) determine whether licensors have fulfilled their obligations and whether licence applicants have fulfilled the licensing criteria as defined in the *UEFA Club Licensing and Financial Fair Play Regulations* at the time the licence was granted;
- b) determine whether, after the licence has been granted, licensees continue to fulfil the licensing criteria as defined in the *UEFA Club Licensing and Financial Fair Play Regulations*;

- c) determine whether, after the licence has been granted, licensees fulfil the club monitoring requirements as defined in the *UEFA Club Licensing and Financial Fair Play Regulations*;
 - d) impose disciplinary measures as defined in these rules in the event of non-fulfilment of the requirements set out in the *UEFA Club Licensing and Financial Fair Play Regulations*;
 - e) decide on cases relating to club eligibility for the UEFA club competitions to the extent provided for by the regulations governing the competitions in question.
- 2 When a case seems to come under the jurisdiction of both the CFCB and the Control and Disciplinary Body, the chairmen of the two bodies decide at their own discretion which body shall 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.

II. ORGANISATION OF THE CFCB

Article 4 – Composition

- 1 The CFCB is headed by the CFCB chairman.
- 2 The CFCB is divided into:
- a) an investigatory chamber for the monitoring and investigation stage of the proceedings;
 - b) an adjudicatory chamber for the judgment stage of the proceedings.
- 3 The investigatory chamber consists of:
- a) the CFCB chief investigator, who heads the investigatory chamber of the CFCB and takes the necessary measures to guarantee its proper functioning;
 - b) at least three other members.
- 4 The adjudicatory chamber consists of:
- a) the CFCB chairman, who heads the adjudicatory chamber of the CFCB and supervises the functioning of the CFCB in accordance with the *UEFA Club Licensing and Financial Fair Play Regulations*;
 - b) at least three other members, including two CFCB vice-chairmen.
- 5 Whenever the present rules refer to the CFCB chief investigator, the latter can be replaced by another member of the investigatory chamber.

6 Whenever the present rules refer to the CFCB chairman, the latter can be replaced by a CFCB vice-chairman or another member of the adjudicatory chamber.

7 A member of the investigatory chamber may not belong simultaneously to the adjudicatory chamber and vice-versa.

Article 5 – Election and term of office

1 The CFCB members are elected by the UEFA Executive Committee for a term of four years and are assigned to either the investigatory chamber or the adjudicatory chamber.

2 They may be re-elected for subsequent terms.

Article 6 – Independence of the CFCB

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

Article 7 – Incompatibilities

CFCB members 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 shall disclose any circumstance which might give rise to a conflict of interest.

3 Any objection to a member of the CFCB taking part in the consideration of a case shall be brought within seven days after the ground for objection has become known and in any event before the commencement of the hearing, if any.

4 Any application to recuse a member of the CFCB shall be decided by those members whose impartiality has not been called into question.

Article 10 – Confidentiality

Members of the CFCB ensure complete confidentiality of all facts that come to their attention in the course of their duties and, in particular, refrain from divulging the contents of deliberations.

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 OF THE CFCB

Chapter 1 – Investigatory Chamber

Article 12 – Tasks of the CFCB chief investigator

- 1 The CFCB chief investigator leads the monitoring process and the investigation proceedings.
- 2 An investigation can be opened *ex officio* or upon request.
- 3 The CFCB chief investigator establishes the facts and collects all relevant evidence.
- 4 The CFCB chief investigator leads the investigation proceedings himself or assigns this role to another member of the investigatory chamber.

Article 13 – Collection of evidence

- 1 The CFCB chief investigator may, on his own initiative or, where appropriate, at the request of the defendant, convene a hearing as part of his investigation.
- 2 All means of evidence may be considered by the CFCB chief investigator. This includes, but is not limited to, the defendant's testimony, witness testimonies, documents and records, recordings (audio or video), on-site inspections and expert reports.
- 3 The defendant may consult the case file.

- 4 The CFCB chief investigator may set a suitable time limit for the defendant to submit its observations and/or submit or request complementary evidence.

Article 14 – End of the investigation

- 1 At the end of the investigation, the CFCB chief investigator, after having consulted with the other members of the investigatory chamber, may decide to:
- a) dismiss the case; or
 - b) conclude, with the consent of the defendant, a settlement agreement; or
 - c) apply, with the consent of the defendant, disciplinary measures limited to a warning, a reprimand or a fine up to a maximum amount of €100,000; or
 - d) refer the case to the adjudicatory chamber.
- 2 The decision of the CFCB chief investigator is notified to the defendant in writing.
- 3 Decisions of the CFCB chief investigator shall be forwarded to the CFCB chairman.
- 4 Decisions of the CFCB chief investigator pursuant to Article 14(1)(b) or Article 14(1)(c) shall be published within five days from the date of their communication to the defendant.
- 5 The CFCB chief investigator may, following a reasoned request from the defendant made within two days from the date of communication of the decision, redact the decision to protect confidential information or personal data.

Article 15 – Settlement agreement

- 1 Settlement agreements pursuant to Article 14(1)(b) shall take into account, in particular, the factors referred to in Annex XI of the *UEFA Club Licensing and Financial Fair Play Regulations*. Such agreements may be deemed appropriate in circumstances which justify the conclusion of an effective, equitable and dissuasive settlement without referring the case to the adjudicatory chamber.
- 2 Settlement agreements may set out the obligation(s) to be fulfilled by the defendant, including the possible application of disciplinary measures and, where necessary, a specific timeframe.
- 3 The CFCB chief investigator monitors the proper and timely implementation of the settlement agreement.
- 4 If a defendant fails to comply with the terms of a settlement agreement, the CFCB chief investigator shall refer the case to the adjudicatory chamber.

Article 16 – Review of decisions of the CFCB chief investigator

- 1 Any decision of the CFCB chief investigator to dismiss a case or to conclude a settlement agreement or to apply disciplinary measures within the meaning of Article 14(1)(c) may be reviewed by the adjudicatory chamber on the initiative of the CFCB chairman within ten days from the date of communication of the decision to the CFCB chairman.
- 2 Any decision of the CFCB chief investigator to conclude a settlement agreement or to apply disciplinary measures within the meaning of Article 14(1)(c) may be reviewed by the adjudicatory chamber at the request of a directly affected party within ten days from the date of publication of the decision.
- 3 The adjudicatory chamber only reviews decisions of the CFCB chief investigator with regard to the existence of a manifest error of assessment.
- 4 The adjudicatory chamber may uphold, reject, or modify the decision or refer the case back to the CFCB chief investigator.

Article 17 – Decision of the CFCB chief investigator to refer a case to the adjudicatory chamber

- 1 Any decision of the CFCB chief investigator to refer a case to the adjudicatory chamber shall contain:
 - a) a concise summary of the facts;
 - b) an outline of the gathered evidence;
 - c) a description of the nature of the alleged breach(es);
 - d) a reference to the provision(s) alleged to have been breached;
 - e) a proposal to the adjudicatory chamber as regards the final decision to be taken, including, where appropriate, any disciplinary measures.
- 2 Further information may be requested from the CFCB chief investigator by the adjudicatory chamber at any time in the course of the judgment stage.

Article 18 – Reporting investigator

- 1 If the case is referred to the adjudicatory chamber, then a reporting investigator from among the members of the investigatory chamber presents the case to the adjudicatory chamber for decision.
- 2 The reporting investigator may be assisted by legal counsel.

Chapter 2 – Adjudicatory Chamber

Article 19 – Tasks of the adjudicatory chamber

- 1 The adjudicatory chamber decides on cases referred to it by the CFCB chief investigator, the CFCB chairman or on request in accordance with Article 16(2).
- 2 The proceedings are conducted by the CFCB chairman.
- 3 The CFCB chairman informs the defendant of the opening of the judgment stage.

Article 20 – Written observations

- 1 The CFCB chairman invites the defendant to submit its written observations within a suitable time limit.
- 2 After the submission of the written observations, no further documents may be submitted to the adjudicatory chamber by the defendant, except in exceptional circumstances and with the consent of the CFCB chairman.

Article 21 – Hearing

- 1 The CFCB chairman may, on his own initiative or at the request of the defendant, convene an oral hearing.
- 2 Hearings may be attended by the defendant, its legal and professional advisers and, with the permission of CFCB chairman, any other person.
- 3 As a general rule, the reporting investigator shall be heard first, followed by the defendant.
- 4 Witnesses and experts may also be heard as deemed appropriate by the CFCB chairman.
- 5 Hearings are confidential and their content may not, unless the CFCB chairman otherwise directs, be disclosed or published.

Article 22 – Intervenors

- 1 Member associations and clubs who are directly affected and who have a legitimate interest in participating in the proceedings before the adjudicatory chamber may be invited or accepted to do so as intervenors.
- 2 Any party seeking to intervene in proceedings shall file a written application to intervene, together with reasons, within seven days of the proceedings becoming known to the party seeking to intervene.

- 3 The extent to which an intervening party may participate in the proceedings before the adjudicatory chamber or have access to the case file shall be decided by the CFCB chairman.

Article 23 – Evidence

- 1 The adjudicatory chamber may request either the reporting investigator or the defendant to produce such evidence as the adjudicatory chamber may consider appropriate for the determination of the case.
- 2 The adjudicatory chamber determines the admissibility, relevance, materiality and weight of the evidence offered.

Article 24 – Deliberations

- 1 The deliberations of the adjudicatory chamber are confidential and may not be disclosed to any other person.
- 2 Deliberations may take place through video or telephone conference or correspondence.

Article 25 – Quorum and decision-making

- 1 The adjudicatory chamber makes its final decision in the presence of at least three of its members, including the CFCB chairman, who have attended the deliberations.
- 2 The adjudicatory chamber makes its final decision by simple majority. Abstentions shall not be taken into account. In the event of a tie, the CFCB chairman has the casting vote.

Article 26 – Applicable rules

In rendering its final decision, the adjudicatory chamber applies the *UEFA Statutes*, rules and regulations and, in addition, Swiss law.

Article 27 – Final decision

The adjudicatory chamber may take the following final decisions:

- a) to dismiss the case; or
- b) to accept or reject the club's admission to the UEFA club competition in question; or
- c) to impose disciplinary measures in accordance with the present rules; or
- d) to uphold, reject, or modify a decision of the CFCB chief investigator.

Article 28 – Fixing of disciplinary measures

The adjudicatory chamber determines the type and extent of the disciplinary measures to be imposed according to the circumstances of the case.

Article 29 – List of disciplinary measures

- 1 The following disciplinary measures may be imposed against any defendant 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 the employee benefits expenses of players registered on the A-list for the purposes 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 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 of time or until the occurrence of a specified event.

Article 31 – Form and content of the final decision

- 1 The adjudicatory chamber issues its final decision in writing.
- 2 The final decision contains:
 - a) the date and place of the decision;
 - b) the names of the members of the adjudicatory chamber who took part in the deliberations;
 - c) the name of the defendant;
 - d) a summary of the relevant facts and evidence;
 - e) the grounds upon which the decision is based;
 - f) the operative part of the decision, including the allocation of costs (if any);
 - g) the signature of the CFCB chairman;
 - h) notice of the appeal conditions (including form, competent body and deadline for appeal).
- 3 In urgent cases the operative part of the final decision may be communicated to the defendant before the full reasoned decision. The decision shall be enforceable from the date of notification of the operative part.

Article 32 – Costs

- 1 The costs of proceedings include the expenses of the CFCB.
- 2 The costs are borne in accordance with the outcome of the proceedings, as determined by the adjudicatory chamber.
- 3 Costs caused unnecessarily by the defendant are charged to the latter, irrespective of the outcome of the proceedings.

Article 33 – Notification and publication of the final decision

- 1 The final decision of the adjudicatory chamber is notified to the defendant by registered mail or fax.
- 2 Final decisions of the adjudicatory chamber shall be published within five days from the date of their communication to the defendant.
- 3 The adjudicatory chamber may, following a reasoned request from the defendant made within two days from the date of communication of the decision, redact the decision to protect confidential information or personal data.

Article 34 – Appeal

- 1 A party directly affected has the right to appeal a final decision of the CFCB.

- ² Final decisions of the CFCB may only be appealed before the Court of Arbitration for Sport (CAS) in accordance with the relevant provisions of the *UEFA Statutes*.

Chapter 3 – Rules applicable to the whole proceedings

Article 35 – Enforcement

- ¹ The UEFA administration is competent to enforce the decisions of the CFCB.
- ² If a decision imposes disciplinary measures, its enforcement is barred after ten years.

Article 36 – Rectification

The CFCB may, at any time, rectify any mistakes in calculation or any other obvious errors made in its decisions.

Article 37 – Statute of limitations

Prosecution is barred after five years for all breaches of the *UEFA Club Licensing and Financial Fair Play Regulations*.

Article 38 – Time limits

- ¹ A time limit begins on the date from which the decision is notified or published, whichever is the earlier. 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.
- ² On receipt of a reasoned, written request, the CFCB chief investigator or CFCB chairman may extend a time limit.
- ³ Time limits are interrupted from 20 December to 5 January inclusive.

Article 39 – Language of proceedings

- ¹ The language of proceedings is English or French.
- ² Upon written request at least three days prior to the day of the hearing, an interpreter shall be provided to the defendant at the expense of the latter.

- ³ Any supporting document expressed in another language shall be accompanied by a translation in either English or French certified by the defendant submitting it as accurate.

Article 40 – Assistance and representation

- ¹ The defendant may be represented by a person of its choice.
- ² The CFCB chief investigator or CFCB chairman may require the representative to provide a written power of attorney.

Article 41 – Provisional or conservatory measures

The CFCB chief investigator or CFCB chairman may order provisional or conservatory measures.

IV. FINAL PROVISIONS

Article 42 – Unforeseen cases

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

Article 43 – Authoritative text

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

Article 44 – Adoption and entry into force

- ¹ These rules were adopted by the UEFA Executive Committee at its meeting on 12 December 2013.
- ² They come into force on 1 January 2014.

For the UEFA Executive Committee:

Michel Platini
President

Gianni Infantino
General Secretary

Bilbao, 12 December 2013

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