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EDITORIAL



The evolution of modern professional football has transformed the issue of minors into a major one.

While this issue is very topical, it is also extremely complex.

It is topical as evidenced by the recent cases involving *Barca*, *Real Madrid* and *Atlético Madrid* as well as the other cases in progress.

It is complex as there are two opposing philosophies regarding the FIFA ban on the transfer of minors. The ban can be perceived as an attack on the freedom of movement of persons and a loss of opportunity for many young people (and their families), for whom football is a way out of monetary instability and towards a better future. However, the ban can also be seen as the only way to protect minors from unscrupulous practices dictated by financial greed.

The sporting and commercial stakes are major.

For these reasons, Football Legal devotes a Special Report to the topic of Minors in Football with the aim to give the opportunity to every football stakeholder to share their outlook. This overview is striking and of great interest to those interested in the matter.

Ronan DAVID
Chief Editor

Alexandre DURAND
Publishing Director

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National Frameworks *the Netherlands*

Minors in the Netherlands¹



→ **Minors – Royal Dutch Football Federations (KNVB) – National Regulations – Player contract – Academy/Training center – Training compensation – Solidarity contribution**



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Youth Academies under the KNVB Regulations

In the 2012-2013 sporting season, the Royal Netherlands Football Association (KNVB) developed a certification system for academies of professional and amateur football

clubs: the Academies Quality and Performance Programme (AQ&P Programme) which was introduced in the 2013-2014 sporting season. The rationale behind the implementation of this programme is to be able to support clubs to systematically evaluate and improve the academy in an innovative and progressive way, with the aim to boost the quality of football clubs' youth academies in the Netherlands.⁴

Any club - either amateur or professional - can request the KNVB to certify its youth academy on the basis of the AQ&P Programme.⁵ The programme contributes to the football pyramid in the Netherlands. The pyramid consists of four levels of academies: International Football Academies, National Football Academies, Regional Youth Academies and Local Youth

Academies.⁶ In order to obtain a certificate, an academy needs to pass four stages: a consultation session, an audit, a review and a report.

The consultation session involves an assessment of the ambitions of the club, as well as an estimation of the chances of success.⁷

The audit session aims at verifying the minimal quality requirements: (1) management and governance, (2) teams, (3) the quality of the technical, medical and supporting framework, (4) the training and match programme, (5) cooperation with sports related partners in the region, the KNVB and schools, (6) innovation and exchange of information, (7) development players and trainers, (8) infrastructure, and (9) results and accountability.⁸

¹ The authors are indebted to Mr Martijn DINGEMANS and Mr Rutger SPIERENBURG, in-house counsels at the KNVB, for their assistance in drafting the present contribution. Any possible inaccuracies are nevertheless the sole responsibility of the authors.

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⁴ KNVB Media, report 'Kwaliteit- en Performance Programma Jeugdopleidingen', 23 November 2015, p. 3

⁵ Art. 1, par. 1 KNVB Regulations Quality and Performance Model Youth Academies. See also KNVB Media, report 'Kwaliteit- en Performance Programma Jeugdopleidingen', 23 November 2015, p. 5

⁶ Art. 1, par. 2 KNVB Regulations Quality and Performance Model Youth Academies. KNVB Media, report 'Kwaliteit- en Performance Programma Jeugdopleidingen', 23 November 2015, p. 5

⁷ KNVB Media, report 'Kwaliteit- en Performance Programma Jeugdopleidingen', 23 November 2015, p. 6

⁸ *Ibid.*, p. 7

National Frameworks *the Netherlands*

The review phase focuses on the content and practice of the academy. Key issues in this phase are (10) recognition and identification of talent, (11) development of talent, and (12) training climate.⁹ This part of the Programme is tailored to the dynamics, character, and challenges of the relevant club and is therefore different for every club. The review panel consists of three or four external experts, *i.e.* a football expert of a professional club, a KNVB technical specialist, and a specialist or expert in a relevant area (*e.g.* education, pedagogy, didactics, organisation, communication and marketing).¹⁰ An internal review panel will also be involved in this process. This internal review panel consists of representatives of the board of the club and of the management of the academy, such as the head of the youth academy or the technical youth coordinator.

On various subjects the internal review panel can be complemented with internal experts, such as the Head of Scouting, trainers, medical specialists, youth players, and parents. The objective is to find solutions, directions and/or recommendations to improve the academy programme.¹¹

The findings from the audit phase and the review phase are included in a report, together with the conclusions and recommendations.¹² A certification will be issued for a maximum period of three sporting seasons.¹³

In addition to the system of certification of youth academies, the Guidelines to the Licensing Requirements also require a

licensee to have a youth training programme that is approved by the Licensing Committee (applicable to Professional Football as well as Amateur Football).

A youth training programme shall meet certain minimum requirements regarding the philosophy and its goals, the organisational structure, its personnel, the infrastructure, financial resources, a football education programme, an information programme on the Laws of the Game, anti-doping, integrity, its medical assistance, its evaluation and feedback method on results and performance and the period of validity of the Programme.¹⁴

” A youth training programme shall meet certain minimum requirements “

As from 1 November 2018, this licensing requirement “*Youth development programme*” (Guidelines to the Licensing Requirements Professional Football) will only be met by a Professional Football Club if the licensee’s youth academy is audited and fulfils the requirements of at least one National Football Academy (clubs in the Premier Division) or a Regional Youth Academy (clubs in the First Division) under the AQ&P Programme.

Up until 1 November 2018, this licensing requirement is met in any event if the youth academy fulfils the requirements of a Regional Youth Academy or Local Youth Academy in accordance with the AQ&P Programme, but this is not mandatory.¹⁵

The registration system and contracting talent

Upon affiliation to a club, a player will automatically be registered as a member of the KNVB.¹⁶ Player contracts can only start as from the date of the 16th birthday of a player.¹⁷ However, such contract can in practice be concluded shortly before the player’s 16th birthday, although it is submitted that a clear circumvention of the applicable regulations should be prevented.

As is also determined in the FIFA Regulations on the Status and Transfer of Players, it is not allowed to conclude a player contract with a term exceeding three sporting seasons with a player under the age of 18. Any contract in which a longer period is agreed, is void.¹⁸

A minor who has reached the age of 16 is competent to conclude an employment contract without the intervention of a parent or legal guardian.¹⁹

Before the minor player has reached the age of 16, an employment contract can be concluded with the permission of his legal representative.²⁰

Academies of professional football clubs are in principle not allowed to register players under the age of 12. In principle, a minor player can only be transferred to a professional

¹⁶ Art. 6, par. 2 under d in conjunction with sub a, b, and c KNVB Statutes

¹⁷ Terms to the KNVB Assembly’s Regulations. A player contract is defined as: “An individual of at least 16 years old, who has signed an employment agreement that is registered by the board amateur football or the board professional football with a club or an affiliated foundation, under which the player receives financial compensation for his participation in competitions and/or training sessions. A registered employment agreement in amateur football shall at least cover 12 hours per week.”

¹⁸ Art. 53, par. 3 KNVB Regulations Professional Football

¹⁹ Art. 612, par. 1 of Book 7 Dutch Civil Code

²⁰ Art. 612, par. 3 of Book 7 Dutch Civil Code

⁹ *Ibid.*, p. 8

¹⁰ *Ibid.*, p. 8

¹¹ *Ibid.*, p. 9

¹² *Ibid.*, p. 10

¹³ Art. 4, par. 2 KNVB Regulations Quality and Performance Model Youth Academies

¹⁴ No. S.01 of the KNVB Guidelines to the Licence Requirements, edition 2.7, 1 January 2016

¹⁵ No. S.01 of the KNVB Guidelines to the Licence Requirements, edition 2.7, 1 January 2016

National Frameworks *the Netherlands*

club when he is 12 years of age on 1 August of the relevant training season.²¹ However, an academy in compliance with the requirements of one of the four categories of the AQ&P Programme is allowed to register youth players - also under the age of 12 - if complied with the age limits belonging to the lowest youth team the academy is allowed to have.²² The lowest age category national and international football academies are allowed to have a team in is the U6-category,²³ whereas the regional and local academies' lowest age category can be the U12-category.²⁴

A youth player is required to request his transfer in the event he wishes to transfer domestically from one professional club's academy to another professional club's academy.²⁵ However, no transfer has to be requested in the event a youth player, who has not reached the age of 11 on 31 December preceding the relevant sporting season, wishes to transfer from one professional club's academy and the player at his new club will not participate in league games in category A.²⁶

The national compensation system for the education and training of talent

There is no compensation scheme for transfers of youth players in the Netherlands as such, *i.e.* no maximum fee is established for a transfer of a minor player. However, a specific Solidarity Contribution and Training Compensation mechanism exists for domestic transfers of players trained in the Netherlands.

These domestic systems differ from the mechanism established by FIFA in the Regulations on the Status and Transfer of Players, as will be further explained below. Moreover, a specific system applies in respect of training compensation for transfers of youth players from one professional club's academy to another professional club's academy.

Training Compensation

Any club, amateur or professional, that concludes a (consecutive) player contract with a player in the period until the end of the season of the 22nd birthday of the player is indebted to pay training compensation.²⁷

In addition, in the event a player and a professional club have not concluded a player contract, the relevant professional club is indebted to pay training compensation if a player plays five official matches in the first team in the period until the end of the season in which the player has reached the age of 22.²⁸

The period of training lasts at most twelve years. The period up until the season in which the player turned 9 years old counts as one training year. Every subsequent year, until the season in which the player turned 20 years old, counts as one training year.²⁹

The amount of training compensation to be paid is established based on the character of the indebted club. If the indebted club is a professional club, the amount of training compensation is set at EUR 1,490 for each year of training, whereas the amount of training compensation to be paid by an amateur club is EUR 550 per training year.³⁰

KNVB Academies' Pool

In case of a transfer of an amateur youth player from one professional club's academy to another professional club's academy, the former club is entitled to compensation from the Academies' Pool, irrespective of whether the player signs a professional contract with the new club.³¹

Such entitlement, however, depends on the whether the former club complied with the prerequisite to file a written request within 30 days following the registration of the player at the new club with all relevant data concerning the transfer to the Secretariat Professional Football,³² and it expressed the will to maintain the player in its academy

21 Art. 13, par. 2 General Regulations of the KNVB Assembly Regulations. This general rule applies to clubs' academies which are set up as a foundation, a limited company or a public company in accordance with article 13, par. 1 General Regulations of the KNVB Assembly Regulations. Certain professional club's academies are set up as an association, to which the general rule consequently does not apply.

22 Art. 13, par. 4 of the General Regulations of the KNVB Assembly Regulations

23 Art. 13, par. 3, under a of the General Regulations of the KNVB Assembly Regulations

24 Art. 13, par. 3, under b and c of the General Regulations of the KNVB Assembly Regulations

25 Art. 3, par. 1, under c KNVB Regulations Transfer Provisions Amateur Football. The transfer of a youth player from an amateur club to an academy of a professional club is regulated in the KNVB Regulations Transfer Rules in General, Training Compensation and Solidarity Contribution. See Art. 1, par. 1, under h KNVB Regulations Transfer Rules in General, Training Compensation and Solidarity Contribution in this regard.

26 Art. 3, par. 5, under b KNVB Regulations Transfer Provisions Amateur Football in conjunction with Art. 15, par. 3 KNVB Regulations on Competitions Amateur Football

27 Art. 12, par. 1, under a and b in conjunction with Art. 3, par. 1 KNVB Regulations Transfer Rules in General, Training Compensation and Solidarity Contribution

28 Art. 12, par. 2 in conjunction with Art. 3, par. 2 KNVB Regulations Transfer Rules in General, Training Compensation and Solidarity Contribution

29 Art. 11 KNVB Regulations Transfer Rules in General, Training Compensation and Solidarity Contribution

30 Art. 12, par. 5 under a KNVB Regulations Transfer Rules in General, Training Compensation and Solidarity Contribution. These amounts are reviewed every three years, with the first review set for 1 July 2017.

31 Art. 1, par. 1 in conjunction with Article 2 KNVB Regulations Academies Pool

32 Art. 2, par. 1 under a in conjunction with Article 7 KNVB Regulations Academies Pool

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in writing to the player by 1 May of any calendar year.³³

In the event that a club received compensation from the Academies' Pool, the right to training compensation ceases to exist.³⁴ The amount of compensation to be received depends on the number of training years and the amount of training compensation for each training year as established by the Board Professional Football.³⁵ Such training compensation amounted to EUR 13,914 in 2016 for each year the player was active at the former professional club's academy as of the season in which the player turned 12 years old.³⁶

Solidarity Contribution

In the event a player is transferred to another club during the term of his player contract, 5% of the transfer fee paid for the definite transfer or the loan of the player is to be paid to the training clubs, reflecting the number of years the player was registered with the relevant club(s), between the seasons of his 9th birthday and his 22nd birthday as follows:

- Seasons of 9th until 11th birthday: 5% (i.e. 0.25% of total compensation);
- Season of 12th birthday: 5% (i.e. 0.25% of total compensation);
- Season of 13th birthday: 5% (i.e. 0.25% of total compensation);
- Season of 14th birthday: 10% (i.e. 0.5% of total compensation);

- Season of 15th birthday: 10% (i.e. 0.5% of total compensation);
- Season of 16th birthday: 10% (i.e. 0.5% of total compensation);
- Season of 17th birthday: 10% (i.e. 0.5% of total compensation);
- Season of 18th birthday: 10% (i.e. 0.5% of total compensation);
- Season of 19th birthday: 10% (i.e. 5% of total compensation);
- Season of 20th birthday: 10% (i.e. 0.5% of total compensation);
- Season of 21st birthday: 10% (i.e. 0.5% of total compensation);
- Season of 22nd birthday: 5% (i.e. 0.25% of total compensation).³⁷

rewarded for their achievements in producing a talented young player if such player is taken over by another domestic club.

Conclusion

Many issues are domestically regulated regarding the registration of young talent to football academies, the development of talent, contracting and transfer of minor players, as well as the aftermath of a fruitful training period. The objective to develop talent is one of the priorities of the KNVB, which has now resulted in the AQ&P Programme. The KNVB evaluates and adjusts this Programme if the developments in football require doing so.

Overall, minors seem to be well protected from unwanted influences under the current regulations, with the necessary freedom for a player (and his parents) to play for the club of his choosing, while at the same time ensuring that training clubs are

³³ Art. 2, par. 1 under b KNVB Regulations Academies Pool in conjunction with Article 48 KNVB Regulations Professional Football

³⁴ Art. 2, par. 2 KNVB Regulations Academies Pool

³⁵ Art. 2, par. 5 KNVB Regulations Academies Pool

³⁶ Art. 14 KNVB Regulations Academies Pool

³⁷ Art. 14, par. 1 in conjunction with article 4 KNVB Regulations Transfer Rules in General, Training Compensation and Solidarity Contribution