



AQUATIC SPORTS ASSOCIATION OF MALTA

PLAYER TRANSFER TRIBUNAL

*(previously known as the ASA Tribunal)
Last amended 2008 - Euro Currency*

All previous transfer rules and regulations are considered null and void.

Article 1. Objectives

The following rules and regulations shall govern all types of players transfers.

When ever a dispute or a disagreement arises on the compensation to be paid, the A.S.A. Council may be asked by the parties to discuss and arbitrate such cases of dispute or disagreement between the clubs regarding the amount of compensation to be paid by a club to another club for the "regular" transfer of a player, or for the transfer of a player "on loan" by following the procedure under Article 2.

The Council shall fix the amount of compensation to be paid according to the following articles. If the amount of compensation proposed by the Council for the transfer of the player is not accepted by any of the parties concerned, the Council shall appoint independent persons to serve as members of a Tribunal to settle the case as per these Terms of Reference.

Article 2. Procedure for Submitting a Case for Arbitration – Transfer at end of Player Registration

On termination of the registration period of a player, the player shall have the right to be transferred to another club, provided that his original club receives adequate compensation. If such an agreement is not reached on the amount of compensation, the matter may be referred to the Council for discussion and/or arbitration by adopting the following procedure:

- I. The matter shall be referred to the Council for arbitration by the player and by club (jointly or separately) intending to acquire his services. Such referrals shall be in writing and the club's referral shall contain details regarding the last sum offered and the proposed terms of payment.
- II. A fee of Eur 116.45 (Lm50) shall be paid by both the buying and the selling club. Parties who fail to pay the said arbitration fee of Eur 116.45 (Lm50) shall not be permitted to participate under whatever title during the arbitration and or Tribunal Hearing with the case being heard and decided without their presence.
- III. The Council shall inform the selling club of the matter and ask it to confirm in writing the amount and terms of payment that it has requested for the transfer.
- IV. During an ad hoc meeting between ASA Officials, the officials of both clubs and the player, the transfer of the player shall be affected. The player's registration is submitted to the ASA duly filled and signed by the player, and officials of both clubs, besides the sum offered by the purchasing club becomes due and must be paid during this meeting. The selling club, at its discretion, may agree to terms of payment. The transfer of a player shall be effective even in the absence of the selling club.

Article 3. Procedure for Submitting a Case for Arbitration – Transfer of a Player on Loan

When a player expresses his intention to be transferred on loan, whenever permitted by the Statue, and an agreement is not reached on the amount of compensation to be paid between the clubs concerned, then the matter may be referred to the Council for arbitration by adopting the following procedure:

- i. The matter shall be referred to the Council by the player and the club (jointly or separately) intending to acquire his services. Such referrals shall be in writing and the club's referral shall contain details regarding the last sum offered.
- ii. The request shall be accompanied by a fee of Eur 23.29 (Lm10).
- iii. The Council shall inform the lending club of the matter and ask it to state in writing the sum it has requested for the transfer.
- iv. During an ad hoc meeting between A.S.A. officials, the officials of both clubs and the player, the transfer on loan of the player shall be affected. The player's registration is submitted to the ASA duly filled and signed by the player, and officials of both clubs, besides the sum offered by the purchasing club becomes due and must be paid during this meeting. The selling club, at its discretion, may agree to terms of payment.

Article 4. Composition of the Tribunal

- i. The Tribunal shall be composed of three members appointed by the Council. The quorum shall be of two members. The members shall elect a Chairman from among themselves. Each member shall have one vote, except for the chairman who, in case of a tie, shall have the right of a casting vote, provided that, when only the Chairman and one member are present, the Chairman shall not have the right to a casting vote.
- ii. The Tribunal shall be assisted by the General Secretary (or by any other person appointed by the Council) who shall act as secretary of the Tribunal. The Secretary shall not have the right to vote. The Secretary shall bring to the attention of the Tribunal any previous decisions taken by the Tribunal, and to prepare the records and other statistics which may be required by the Tribunal.

Article 5. Procedure Adopted by the Tribunal

The Tribunal has the right to

- i. determine its own procedure;
- ii. hear representations made by the parties concerned;
- iii. Interview other persons as they seem fit.

Article 6. Attendance during Hearings

- i. The parties concerned, that is, the player and/or his representative, the delegate of the selling or lending club, and the delegate of the buying or borrowing club have to be present up to the point when the Tribunal is hearing representations.
- ii. Council Members have the right to be present as observers up to the point when the Tribunal is hearing representations.

Article 7. Procedure for Fixing Compensation – Regular Transfer

- i. The maximum compensation that shall be paid for the transfer of a player shall be Eur 23,290 (Malta Liri: Lm10,000) in accordance with the application of the parameters in Article 8 of these Rules.
- ii. The minimum compensation that shall be paid for the transfer of a player shall be the double the amount paid to the player by the selling club during the season immediately preceding the season in which the transfer takes place and any adjustment as per Articles 7(iii), 7(iv) and 7(v), applied in this order.
- iii. In case that the minimum compensation as per Article 7(ii) is less than the amount fixed by the application of the parameters in Article 8, the compensation shall be the amount fixed by the application of the said parameters.

- iv. If the selling club is a First Division club and the buying club is not, then the compensation shall be adjusted to 40% of the amount determined in Article 7(ii) or 7(iii). If both the selling and the buying clubs are not First Division clubs, then the compensation shall be adjusted to 40% of the amount determined in Article 7(ii) or (7iii). For the purpose of this section, if the Tribunal is convened before the end of the Preliminary Round, the "division" of a club shall be the one in which the club participated in the season immediately preceding the season during which the transfer of the player takes place. If the Tribunal is convened after the Preliminary Round, the "division" shall be the one to which the club qualified.

If this article is applied, the said transferred player may not be re-transferred on loan to another club in the First Division, during the same season when the transfer was affected as well as the following seasons, unless the full compensation is paid to the original selling club.

- v. If the compensation as fixed by Articles 7(ii) and 7(iii) is greater than the sum being requested by the selling club, then the sum requested by the selling club shall be the compensation to be paid. If the compensation as fixed by Articles 7(ii) and 7(iii) is less than the sum being offered by the buying club, then the sum offered by the buying club shall be the compensation to be paid.
- vi. If a player being transferred has been registered on loan with the buying club in the season immediately before the transfer, then the amount paid by the buying club for each of the consecutive seasons during which the player was registered on loan with it, shall be deducted from the amount of compensation fixed by the preceding sections of this article.

Article 8. Calculation of the Value of a Player by the Application of Parameters

The sum of the amounts allocated in respect of each of the three parameters listed below shall be the value of the player by the application of parameters.

Parameter 1: The Age of the Player

This shall be the age which the player has reached, or will reach, in the season during which the transfer takes place. The maximum allocation for this parameter is Eur 4658 (Malta Liri: Lm 2000) as per Schedule 1 below:

Schedule 1 –20% of Total Value			
Age	Euro	Value (Lm)	Value as % age of Lm2000
18	1863.20	800	40
19	2329.00	1000	50
20	3260.60	1400	70
21	3726.40	1600	80
22	4192.20	1800	90
23	4658.00	2000	100
24	4658.00	2000	100
25	4658.00	2000	100
26	4192.20	1800	90
27	3260.60	1400	70
28	2329.00	1000	50
29	1630.30	700	35
30	1164.50	500	25
31	698.70	300	15
32	465.80	200	10

Parameter 2: National Team Service

This shall calculate the number of years that a player (irrespective of the number of matches played) formed part of the final selection with the senior National Team in official matches. The maximum backward count is ten (10) years not counting the year of transfer. It is not required that the years be consecutive but there should not be a gap in the count of more than five years. Prove of the service shall rest with the Clubs. The maximum allocation for this parameter is Euro 6976.74) (Malta Liri: Lm3000) as per Schedule 2 below:

Schedule 2 – National Team Service – 30% of the Total Value

Years	Euro	Value (Lm)	Value as %age of Lm3000
0	0	0	0
1	698.70	300	10
2	1397.40	600	20
3	2096.10	900	30
4	2794.80	1200	40
5	3493.50	1500	50
6	4192.20	1800	60
7	4890.90	2100	70
8	5589.60	2400	80
9	6288.30	2700	90
10	6987.00	3000	100

Parameter 3: Premium

This parameter shall be at the discretion of the Tribunal. Starting from zero premium, the Tribunal may allocate amounts of up to a total of Euro 11645 (Malta Liri: Lm 5000) (that is, 50% of the Compensation allowed by these Rules), based on the player's characteristics as shown in the list below.

- i. The perceived skill level or potential of the player
- ii. The demand for the player by virtue of his position (for example. Goalkeeper, centre etc.)
- iii. The player's disciplinary record
- iv. Whether the player is a club product or not
- v. The player's experience in foreign leagues and training camps
- vi. The "rarity" value of the player (for example, left-handed players, exceptionally fast swimmers, etc.)

It is the responsibility of the selling club to provide all the necessary information regarding the player being transferred, such as track record etc. so as to enable the Tribunal to arrive at the desired compensation. The Tribunal may, at its discretion, allocate a premium on factors not included in the above list;

Article 9. Procedure for Fixing Compensation – Transfer on Loan

- i. The Compensation that shall be paid for the transfer on loan of a player from a First Division club to another First Division club, or from a Second Division to any other club, shall be 10% of the amount that would have been fixed as compensation as per these Terms of Reference were the player to be "regularly" transferred from one club to another, provided that the adjustment mentioned in Article 7(vi) is not to be taken into consideration,

- ii. The Compensation that shall be paid for the Transfer on loan of player from a First Division club to a Second Division club shall be 15% of the amount that would have been fixed as compensation as per these Terms of Reference were the player to be “regularly” transferred from one club to another, provided that the adjustment mentioned in Article 7(vi) is not to be taken into consideration.
- iii. For the purpose of this Article, the division of a club shall be defined as in Article 7(ii).

Article 10. Procedure for Fixing Compensation – Transfer of Non-Maltese Athletes

A fee of Eur 465.80 (Malta Liri: Lm 200) is to be paid by a club registering an Athlete of non Maltese nationality if such athlete was registered with a local club in any competition, that same or the previous competitive season. However, if the club registering the Athlete qualifies to play in the Final Round of the National Water Polo Championship or the 1st Division, a further fee of Eur 698.70 (Malta Liri: Lm300) is to be paid by the registering club. Both fees are to be paid prior to the start of the first competition that the athlete in question shall be participating in.

Article 11. Decision

- i. The decision shall be in writing and shall contain details of how the compensation was calculated. In the case of a “regular” transfer, the decision may also contain details of the terms and conditions of payment based on the submissions of the clubs (as per Article 2). The decision shall be communicated to all parties without delay.
- ii. The decision shall be final and binding on all parties.