



## CHAPTER IV. -PLAYERS— AGENTS

132. These rules govern the activities of players' agents (hereinafter referred to as "Agent[s]") who undertake to bring about or assist in the international transfer of players or coaches (players and coaches are hereinafter also referred to as "Players")
133. Any national member federation which deems it necessary may establish its own regulations governing players' agents who deal with transfers within their own federation. Such regulations must be approved by FIBA and must respect the principles set out below with respect to agents, players, and clubs.

### GENERAL MATTERS

134. Players are entitled to use the services of an Agent to represent them or safeguard their interests in negotiations with clubs. The Agent must be in possession of a valid license issued by FIBA.
135. Clubs are entitled to use the services of Agents to represent them or safeguard their interests in negotiations with players. The Agent must be in possession of a valid license issued by FIBA.
136. Players and clubs are not permitted to use the services of a no licensed agent.
137. Article 3-136 does not apply if an agent is licensed to practice law in the country of his permanent residence.

### GRANTING THE LICENSE

138. Any individual wishing to act as an Agent shall file an application with FIBA on the Standard Application Form provided for that purpose.
139. FIBA shall require the candidate to provide a certificate confirming that he is in good standing and, in particular, that he has no criminal record.
140. Individuals only may apply for a license. Applications from companies or organizations are not admissible, but individuals who have obtained a license are allowed to operate through a company or a similar entity, provided that the license holder continues to be the only person responsible vis-à-vis FIBA.
141. An application may be rejected if the candidate is not in good standing, in particular if he has a criminal record or does not have a good reputation.
142. A person applying for an agent's license may not, under any circumstances, hold a position within or be otherwise involved personally or through third persons in FIBA, a Zone, a member federation, a club, or any organisation connected with such entities such as leagues or players' associations.
143. If an application for an agent's license is admissible pursuant to articles 3-141 and 3-142 above, FIBA shall invite the candidate for a personal interview and a test (see article 3-144 below), unless this requirement is waived by the Secretary General in the individual case. Persons who hold a current certificate to practice law in their country of permanent residence are not required to undertake the interview and test in order to become an accredited players' agent but they must fulfill all other requirements.

144. The personal interview and the test are intended to enable FIBA to ascertain whether the candidate:
  - a. Has adequate knowledge of the basketball regulations (the General Statutes and Internal Regulations of FIBA, of the Zones, and of the national member federation on whose territory he is domiciled);
  - b. Generally appears capable and suitable of advising a player or club who calls on his services.
145. If the requirements of article 3-144 are not met, the application will be rejected.
146. FIBA is entitled to charge expenses and/or a fee for conducting the interview and the test. The candidate shall bear his own expenses.
147. FIBA may charge an annual fee not exceeding that stipulated in article 3-305.
148. Within thirty (30) days after the personal interview and the test, FIBA shall inform the candidate whether the requirements under article 3144 above have been met.
149. In order to obtain a license the approved candidate shall prove to FIBA that he has taken out professional liability insurance for no less than CHF 250,000 with an insurance company acceptable to FIBA.
150. If the requirements under articles 3-144 and 3-149 have been met, FIBA shall issue a license to the approved candidate and shall inform the respective Zone accordingly. The license shall be strictly personal and nontransferable.
151. If the national member federation of the country in which the candidate is domiciled enacts or has enacted regulations governing the activities of players' agents, then the Agent shall prove to FIBA that he is the holder of a valid license issued by that federation, provided that the regulations of the national federation have been approved by FIBA in terms of article 3-133.
152. FIBA shall publicise on its website a list of licensed Agents and their clients (clubs and players), and shall update this information regularly.

### **KEEPING THE LICENSE CURRENT**

153. Beginning at the end of the year in which the Agent's license has been issued, an Agent shall attend every two years a seminar organised by FIBA in order to update the Agent on new developments concerning agents' activities and to verify that the requirements for the issuing of the license are still met (see article 3-150).
154. An Agent must pay the annual fee provided for in article 3-147.

### **RIGHTS OF AGENTS**

155. Licensed Agents shall have the following rights:
  - a. To contact any player who is not or is no longer under contract with a club provided such player has not yet retained another agent (a player can be represented by one agent only at the same time);
  - b. To represent any player or club requesting him to negotiate and/or conclude a contract on his/its behalf;
  - c. To manage the affairs of any player who requests him to do so.
156. An Agent may represent a player or manage his affairs under the terms of article 3-155 above only if he has a written contract with the player in question. In his dealings for and on behalf of the player the Agent must present a written power of attorney.
157. The duration of a contract shall not exceed a period of two (2) years but may be renewed with the express agreement of both parties.

## DUTIES OF AGENTS

158. A Licensed Agent shall have the following duties:
- a. To comply with the statutes and regulations of the member federations, Zones, and FIBA at all times;
  - b. To ensure that every transaction in which he is involved conforms with these Regulations;
  - c. To notify the name of a new client to FIBA within fourteen (14) days of signing a new contract to represent a player or club;
  - d. Never to approach a player who is under contract with a club so as to persuade him to break his contract or not to adhere to the rights and duties contained in that contract;
  - e. Never to approach a player who is under contract with another agent so as to persuade him to break his contract or not to adhere to the rights and duties contained in that contract;
  - f. To accept payment only from or on behalf of the player/club with whom/which he is contractually linked ;
  - g. Not to engage in any acts of unfair competition;
  - h. To observe the law;
  - i. To avoid any conflict of interests, in particular not to represent both sides in the same transaction;
  - j. To make use, to the extent possible, of the master agreement between agents and players (see Appendix 2 to this Book 3) as provided by FIBA;
  - k. To use his best efforts that the player/club takes into account the main points as provided by FIBA to be covered in a player contract – see Appendix 2 to this Book 3;
  - l. Never to approach a player, in particular a player under eighteen (18) years of age, during training camps and during competitions;
  - m. To request a new client to disclose any pending or threatened litigation under a previous agent contract;
  - n. To inform the Player about the provisions of the FIBA Internal Regulations, particularly those which refer to the Eligibility of Players, National Status of Players, International Transfers of Players, and Players' Agents;
  - o. To inform a new client that any obligations under a previous contract must be honoured;
  - p. To represent his client in good faith and to demonstrate integrity and transparency in all of his dealings with the client. He shall inform his client of any and/or all activities undertaken on the client's behalf;
  - q. To negotiate terms and conditions of offers of employment in consultation with the client and to inform the client of his obligations under the offer, such as payment of fees, performance credits, working conditions, etc.;
  - r. To ensure that the Player personally signs the contract which has been negotiated on his behalf;
  - s. To recognise and uphold the client's prerogative to refuse any or all employment opportunities offered;
  - t. To maintain an accessible office, telephone and other appropriate means of communication, and such other facilities normally deemed necessary and to be reasonably available to conduct business effectively and efficiently as an Agent.
  - u. Never to terminate, encourage or be involved in the termination of a player's contract on the basis of nonpayment of the agent fee.

## SANCTIONING OF AGENTS

159. FIBA, through the Secretary General, shall be entitled to sanction an Agent as per article 3-161 below:
- a. If the requirements for issuing the license under these Regulations are not/no longer met;

- b. If the Agent fails to attend a FIBA seminar as per article 3-153 above;
  - c. If the Agent fails to pay the annual fee for his license (see article 3-147);
  - d. If the Agent fails to provide proof to FIBA that he is the holder of a valid agent's license issued by the federation of his domicile (see article 3-151);
  - e. If the Agent is in breach of any of his duties according to these Regulations;
  - f. For other important reasons.
160. The Agent has a right to be heard.
161. The following sanctions shall apply:
- a. A reprimand or caution;
  - b. A fine as stipulated in article 3-303;
  - c. Withdrawal of the license.
162. The sanctions may be cumulative.

### **DUTY OF PLAYERS**

163. A player may use the services of only one Agent licensed under the terms and conditions of these Regulations.

### **SANCTIONING OF PLAYERS**

164. In the event that a player uses the services of an unlicensed agent or more than one agent at the same time, FIBA acting through the Secretary General is entitled to:
- a. Take this factor into account when considering the player's position in any subsequent contractual dispute;
  - b. Sanction the player as follows:
    - i. a reprimand or caution;
    - ii. a fine as stipulated in article 3-303;
    - iii. prohibit the player from obtaining national and/or international transfers.
165. The sanctions may be cumulative.

### **DUTY OF CLUB**

166. Any club wishing to engage the services of a player shall negotiate only with:
- a. The player himself, or
  - b. An Agent licensed under the terms and conditions of these Regulations, subject to the exception mentioned in article 3-137.

### **SANCTIONING OF CLUBS**

167. In the event that a club violates one or more of the provisions under article 3-166 above, FIBA acting through the Secretary General is entitled to impose the following sanctions:
- a. A reprimand or caution;
  - b. A fine as stipulated in article 3-303;
  - c. Prohibiting the club from carrying out national and/or international transfers;
  - d. Ban from all national and/or international basketball activity.
168. The sanctions may be cumulative.

## **SPECIAL PROVISIONS APPLICABLE TO AGENTS**

169. An Agent who terminates his activities is obliged to return his license to FIBA. If he fails to do so, the license shall be cancelled, and this fact shall be made known officially.
170. FIBA shall publish on its website the names of any Agent who has terminated his activities or had his license withdrawn.
171. The insurance policy (see article 3-149) may not be cancelled until at least six (6) months have elapsed after the termination of the Agent's activities.

## **OTHER SPECIAL PROVISIONS**

172. A national member federation which exercises the option of establishing its own regulations governing the activities of players' agents for domestic transfers (national transfers) is obliged to organise a system of personal interviews similar to that provided for in these Regulations. Exceptions require FIBA's approval.
173. Any appeal against any decision of FIBA under these Regulations shall be filed with the FIBA Appeals' Panel in accordance with the FIBA Internal Regulations governing Appeals (see Book 1, Chapter VII).

## **CHAPTER V. - FIBA APPROVED COACHES**

### **DUTIES AND OBLIGATIONS OF MEMBER FEDERATIONS**

174. Each national member federation is obliged to have a licensing system for its coaches.
175. Each national member federation is obliged to have an accreditation system in place which grades its coaches according to national standards prescribed by the national member federations.
176. The national member federation shall inform FIBA of the names of Coaches who have been graded at the highest level, and shall inform FIBA of any changes to the list at the end of each year.

### **QUALIFYING AS FIBA APPROVED COACHES**

177. Coaches in possession of the highest grading as determined by their national member federation are entitled to the designation "FIBA Approved Coach".
178. To achieve designation of FIBA Approved Coach, a coach must first be included in the list of coaches holding the highest grading by his national member federation.
179. A Coach may be included only in the national list of the country of which he is a legal citizen. This does not affect his ability to perform the duties of a Coach in another country according to the applicable regulations of that country.
180. Each national member federation may have an unlimited number of FIBA Approved Coaches.
181. Once approved, the title of FIBA Approved Coach is valid as long as the coach remains on the list submitted to FIBA in terms of article 3-178, unless FIBA adopts additional requirements, which would require the renewed qualification of the FIBA Approved Coach.
182. A coach must be a holder of a FIBA Approved Coach license in order to act as a Head Coach (see, for example, article 7.5 of the Official Basketball Rules) of a national team competing in the Competitions of FIBA.
183. Once a coach has been issued a FIBA Approved Coach licence, he becomes automatically a member of the World Association of Basketball Coaches (WABC).