

FIFA / Competition Law / European Law / FIFA Regulations / Freedom of movement for workers / Player transfer / European Court of Justice (ECJ) / FIFA RSTP / Liability / International Transfer Certificate (ITC)

# The *Diarra* Case: Consequences for the Sanctioning of Professional Football Players for Breaches of Contract under FIFA Association Law



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## I – Introduction

The judgment of the European Court of Justice (ECJ) in the *Diarra* case is causing considerable uncertainty among sports associations, clubs and the media. Assessments of the potential consequences of the judgment vary: while some are talking about “*Bosman 2.0*”<sup>2</sup> and fearing a collapse of the entire transfer market,<sup>3</sup> or at least attributing to the judgment the potential to make the transfer system “*tremble*”;<sup>4</sup> FIFA interprets the judgment as confirmation of the legality of the most important principles of the transfer system.<sup>5</sup> It remains to be seen which of these interpretations and predictions will prove to be correct.

The following article analyses the immediate consequences of the decision (II). After specifying

the subject of the investigation (III.), the statements of the ECJ on the challenged provisions of the [FIFA Regulations on the Status and Transfer of Players](#) (FIFA RSTP) in the *Diarra* ruling are analysed, problems are identified, and the consequences for a possible revision of the regulations are discussed (IV, V). The aim is to make an initial contribution to the debate, which is sure to be intense in the coming months, as to whether and how the FIFA RSTP can be further developed in a way that complies with EU Law, taking into account the requirements of the ECJ.

The references to paragraph numbers in the text refer to the *Diarra* judgment.<sup>6</sup>

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2 “*Bosman 2.0*”, *Frankfurter Rundschau*, 4 October 2024.  
3 B. BOßMANN and M. GRAUS, “*Die wichtigsten Fragen zum Transfer-Urteil*”, *Bild*, 4 October 2024.  
4 B. HOFMANN, *Kicker*, 7 October 2024, p. 49.  
5 Quoted from A. LICHTENBERG and B. KANINSKI, “*Was das FIFA-Urteil für den Transfermarkt bedeutet*”, *Deutschlandfunk*, 4 October 2024.  
6 [ECJ, 4 October 2024, Case C-650/22, FIFA v. Lassana Diarra](#).