



athlete leaves, and the club, part of which he passes, and 3) these relationships are called “contract of sale”, “contracts of exchange (barter)”, “lease (leasing)” and others. It should be noted that the first and third of the above conditions is not a subject of the research. Actually, it is not possible to check the fact of payment, so it presumes. As for the use of names of agreements which defines the transition of athletes, so they are not conscious attempt of legal qualification the acts that take place. Therefore, the greatest scientific interest is the study of the legal basis for the implementation of transfer payments – the contract between sports clubs (transfer contract). We propose to consider the question on the example of regulation of the transition of professional athletes in football, because, firstly, it is the football transfer system is the most common and the most advanced and demonstrates all its essential features, and secondly, organizations of this kind of sports accepted the largest number of regulations dealing on governing of transfer relationships on both international and national levels.

Regulation of the FFU On the Status and Transfer of players [2] defines the transfer contract as a form of agreement between the clubs about transfers, ie transition of player from one club to another. Thus, as mentioned, the rules do not offer extended definition of the transfer agreement, but regulates in detail the procedure requirements for the transition process of professional athletes from one club to another, which are as follows.

1. Preconditions of the right to transfer football player. First of all, footballer must be registered with the association. Registration gives him the right to perform at the club as a professional or an amateur, and, accordingly, the right to move to another club. For a professional footballer registration shall consist of the signing to associations the term of the contract with a club player for a specified period and issuing “the passport of football player.” That is the first condition for player to have a right for transfer is to conclude a contract with the relevant club (sports contract, contract for athletic activity), the second one is the presence of registration with the association, and in cases of international transfers is also the International Transfer Certificate, which is issued free of charge without any conditions or time limits.

2. Requirements for the right to transfer. Footballer has the right to transfer to another club in the following cases: (1) the expiration of the contract; (2) formalize an agreement between the club and the player on the early termination of the contract; (3) early termination of the contract in violation by the club labor legislation of Ukraine, as well as

failure of contractual obligations by the club or the player. If the term of the contract with the player is not over, transfer is possible in case of the consent of all interested parties (footballer, former club and new club). Regulation does not require the conclusion of transfer contract in all these cases, but only when the validity of player’s contract with the club is not over and he wants to move to another club, and when the transition of player is “on loan”.

3. Compensation payments for the transfer of player. Transfer contract must contain a clause of compensation and assistance for the training of athletes. Such compensation should be paid to the club (clubs) who train or prepare a player to take part in competitions each footballer’s professional transfer between clubs (during or after the expiration of his contract) to the end of the season, in which he reaches 23 years. In the follow transfers of athletes the right to compensation belongs only to his former club, and it is charged and paid for the actual period of training a professional footballer at this club.

4. Liability for violation of conditions of transfer. Transfer, conducted in compliance with regulatory standards and contract with a new club entitles footballer participate in competitions for the new club. If any conversion to athletes as well as sports clubs who have signed contracts with them, relevant professional league or federation may apply sanctions, such as disqualification of the athlete and the prohibition for the club to allow the athlete to participate in competitions.

Analyzing these rules and regulations, it is clear that the current regulatory model of transfer system significantly limits the right of an athlete to transfer to another sports club. Taking into account the need for restrictions on transitions of athletes from one club to another in order to achieve the goals and objectives of professional sports, the commercial nature of professional sport activities aimed at obtaining high income and the high level of competition, we must recognize the existing system of transfer of athletes imperfect and contradictory . And in this regard recognition the relationships that develop between an athlete and sports organizations as labor relations, and the contract between the athlete and the club as an employment contract creates the greatest difficulties [7, 59-60]. Article 38 of the Law stipulates that the athlete gets the status of professional athlete after signing the contract with the relevant actors of physical culture and sports about his participation in the competitions among professional athletes, but at the same time the Law doesn’t consist any definition of this contract or conditions or requirements to its conclusion. Regulation of the FFU defines a contract as a form of labor agreement between professional





## АННОТАЦІЯ

**Сухая Ю. С. Трансферные контракты в профессиональном спорте: проблемные вопросы правового регулирования.** – Статья.

Статья посвящена рассмотрению вопросов организации трансферной системы в профессиональном спорте. Автором исследованы источники регулирования трансферных отношений в Украине, в частности, положения законодательных и локальных нормативных актов, выявлены их пробелы в правовом регулировании отношений по переходам спортсменов и предложены пути их разрешения.

Основное внимание уделено исследованию сущности и условий договора о переходе спортсмена с одного спортивного клуба в другой (трансферного контракта), выявлено несовершенство существующей практики заключения таких договоров и предложено авторское видение разрешения указанной проблемы.

**Ключевые слова:** трансферный контракт, трансферная система, спортивное право, профессиональный спорт, гражданско-правовой договор.

## SUMMARY

**Sukha Yu. S. Transfer contracts in professional sports: problematic issues of legal regulation.** – Article.

The article deals with the issues of organization of the transfer system in professional sports. The author has investigated the sources of regulation of transfer relations in Ukraine, in particular, the provisions of laws and local regulations, and identified gaps in legal regulation of relations in the transitions of athletes and suggested ways to solve them.

The main attention was paid to the nature and conditions of the contract for the movements of athletes from one sports club to another (transfer contract), revealed the imperfection of the existing practice of concluding such agreements and asked permission of the author's vision of the problem.

**Keywords:** a transfer contract, transfer system, sports law, professional sports, a civil contract.