

LEGAL SHEET

On the regulation of sports agent profession

This legal notice, intended for players, coaches and clubs taking part in the championships and events organized by the French Ice Hockey Federation (« FFHG »), aims to present the legal framework applicable to the exercise of the profession of sports agent.

Every player and coach have to respect its legislative and regulatory obligations, set out in Articles L. 222-7 to L. 222-22 and R. 222-1 to R. 222-42 of the French Sports Code.

Definition : The activity of matching, for a fee, the parties involved in the conclusion of a contract with respect to the paid practice of the practice of ice hockey or ice hockey training, or the conclusion of an employment contract for the purpose of paid practice in the practice of ice hockey or ice hockey training, may only be practiced by a person holding a sports agent's license.

1. Why legally frame the profession of sports agent ?

The sports agent profession can sometimes lead them to be aware of violations of tax regulations, or even to be in contact, near or far, with mafia networks that intend to launder money earned illegally.

The current legislative and regulatory framework as described in this fact sheet is of major importance in the fight against corruption in sport and the preservation of the integrity and uncertainty of sports competitions.

2. Mandatory possession of a federal license

Sports agent profession may only be exercised by a person holding a sports agent's license (C. sport, article L. 222-7).

It is not only the exercise of a professional practice that the legislation has regulated, it is also its access. One session of the Sports Agent License Exam is opened each year.

Morality requirements : the sports agent must not harm the interests of the sportsmen, the clubs and the sports discipline concerned.

Therefore, registration for the sports agent license exam is subject to a number of incompatibilities and disabilities (C. sport, L. 222-9 to L. 222-11).

The exam consists of 2 tests; the first assesses the knowledge useful to the exercise of the profession (in particular in social, fiscal, contractual). The second is intended to assess the knowledge of the regulations of the FFHG and the IIHF.

3. Practice of the profession by a non-French sport agent (2 situations)

Nationals of **Member States of the European Union¹ (EU)** or a **State Party to the Agreement on the European Economic Area² (EEA)** may :

- **to sign a declaration with the FFHG,**
- OR
- **enter into an agreement with a licensed sports agent (limited to 1 agreement during the same sports season).**

Other **nationals (outside the EU, outside the EEA)** : if they do not hold a sports agent license, they are required **to enter into an agreement with a licensed sports agent.**

4. Obligations, prohibitions and modality of payment

Requirement of a written contract and mandatory information

The written contract under which the sports agent carries out the activity of relating the interested parties must specify:

- **the amount of the sports agent's remuneration,**
- **the party who remunerates the sports agent.**

This written contract is not required to take a particular form.

¹ Germany, Austria, Belgium, Bulgaria, Cyprus, Croatia, Denmark, Spain, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Lithuania, Latvia, Luxembourg, Malta, the Netherlands, Poland, Portugal, the Czech Republic, Romania, the United Kingdom, Slovakia, Slovenia and Sweden.

² Iceland, Lichtenstein, Norway

The **employment contract** binding a player or a coach with the club that employs him must mention :

- If the club or person **is represented** by an agent, **the identity and signature** of the latter,
- If the club or the person is **not** represented by an agent, this information must be formulated in the employment contract.

Prohibition of double mandate

A sports agent can not therefore intervene, as part of the same operation, as a representative of both the club and the player or, in the case of a transfer, for the account of the 2 clubs.

Amount of remuneration

The amount of the gross remuneration of the sports agent can not exceed 10% of the amount of the contract concluded by the parties he has put in relation.

Payment of remuneration

Even though he may act only on behalf of one of the parties to the contract, the sports agent may nevertheless be paid by **one and/or the other of the parties**, provided that the contract under which the sports agent carries out his profession precise it and that all the parts agree on it at the time of the operation which triggers the payment of the remuneration.

Example : The sport agent of a player can be paid in whole or in part by the club he joins or who extends his contract of employment even if it was mandated by the athlete or coach.

5. The particular situation of the lawyer

Being a lawyer does not allow the exercise of the sports agent profession as defined in the Sport Code.

Since 2011, as an ancillary activity, a lawyer has the opportunity to act as a sports representative. Lawyers have the possibility within the framework of their own regulations, to represent, as sports agent, one of the parties interested in the conclusion of one of the contracts referred to in the first paragraph of the Article L. 222-7 of the Sport Code.

Without having to obtain a sports agent's license, the lawyer acting as sports agent remains subject to codified rules for sports agents. As such, **lawyers must communicate to the FFHG in particular the contracts mentioned in Article L. 222-7 of the Sports Code (contract relating to the paid exercise of a sports or training activity, or having for subject to the paid exercise of a sports or**

training activity) and the contract by which they were mandated to represent one of the parties interested in the conclusion of one of these contracts.

6. Possible penalties

Clubs (**sports companies and associations**) and sports licensees may also be subject to **disciplinary** sanctions in case of violation, directly or by complicity, of the legislation relating to sports agents or when they have not transmitted the documents requested by the delegate to sports agents. These persons incur sanctions for such acts, ranging from a simple warning to a financial penalty.

Some legal acts may be invalid :

- all agreements giving rise to remuneration for the benefit of a sports agent "missioned" by a **minor** athlete with a view to the conclusion of a "contract" for the sporting practice of the minor athlete,
- all agreements revealing a "**dual mandate**" (C. sport, art L. 22216) or an **overpayment** (C. sport, art L. 22217),
- Sports agency agreements that do **not comply with the obligations set out in Article L. 222-17**, namely the mention of the amount of the remuneration and the absence of a designation of the party who remunerates the sports agent.

On the other hand, the employment contract signed between a club and an athlete or a coach with the intervention of a non-licensed agent is valid.

Finally, the fact of exercising the sports agent profession without having obtained the license, in disregard of a decision of suspension or withdrawal, or in violation of the legislative provisions governing it, is punishable by **2 years of imprisonment and 30 000 € fine.**

These penalties may be accompanied by a **temporary or permanent ban on exercising the profession of sports agent.**

The FFHG requests all players, clubs and players concerned to scrupulously ensure compliance with these legislative and federal provisions.

For your information, the sports agents licensed to the FFHG and active are :

- **Dragan PERCEVIC**
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- **François QUINTARD**
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- **Dorian AUZOU**
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- **Frédéric WIART**
Tel : +33(0)7.54.81.14.78
Email : wiartfrederic64@gmail.com

Sports agents licensed but whose license is temporarily suspended at their request are :

- **Stéphane BAILLS**
Email : stephane.baills.fr@gmail.com
- **Jonathan ZWIKEL**
Tel : +33(0)6.60.34.00.82
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Do not hesitate to get closer to the FFHG for any further information

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