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# Football and Brexit

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## FAQs on the 2021 FA GBE Rules

### Background

On 1 December 2020, The Home Office approved the [revised entry requirements for overseas players post Brexit](#). These requirements, in the form of the Governing Body Endorsement (GBE) regulations, were formulated by The FA, in consultation with the Premier League and the English Football League (“**2021 GBE Rules**”).

While GBE requirements have previously existed for all UK football clubs (and other sports) who recruit players that do not have the automatic right to work in the UK, the new requirements also deal with the practical impact of Brexit.

In a nutshell, after the end of the transition period following the UK’s departure from the EU effective 1 January 2021, all non-UK nationals – **including EU nationals** – will be subject to The FA’s new GBE criteria before they are granted clearance to transfer to an English football club.

While the spirit of the new GBE system remains the same; namely to attract elite talent who will contribute to the development of English football at the highest level, the criteria has become more objective, specific and therefore nuanced.

The sports law team at Mills & Reeve have significant experience advising players with GBE and work permit requirements, and having analysed the new criteria for [male players](#), [female players](#) and [first team managers for the men’s game](#) and [women’s game](#) have set out an FAQ below.

However, please note that the FA has also issued revised criteria for:

- i. Men’s football [assistant managers](#), [directors of football](#) and [performance managers](#); and
- ii. Women’s football [assistant managers](#), [directors of football](#) and [performance managers](#).

Should you require any further assistance on the application of these regulations, please do not hesitate to [reach out to us](#).

## Section 1 – the 2021 GBE criteria

### 1 What is a GBE?

A GBE is confirmation by a sports governing body that a sportsperson migrating to the UK is established at the highest level and/or will make a significant contribution to the development of their sport at the highest level in the UK.

The governing body for every sport in the UK is required to publish ‘endorsement requirements’ which are effectively a set of criteria a sportsperson will be assessed against. If the sportsperson meets these criteria, they will be ‘endorsed’ by the governing body and a GBE will be issued to their employer who will issue the sportsperson with a Certificate of Sponsorship.

Once issued with a Certificate of Sponsorship, the player may then apply for his visa. There are two visa categories a player may apply for – the Tier 2 (Sportsperson) visa and the Tier 5 (Creative or Sporting) visa.

The main difference between the Tier 2 and Tier 5 visas is the length of their validity. Under the Tier 2 visa, the length of validity is three years or the length of the player's contract, whichever is shorter. Under the Tier 5 visa, the length of validity is one year or the length of the player's contract, whichever is shorter.

A Tier 2 visa will be usually be granted as long as the player is able to meet the requirements set by the Home Office.

The FA, being the governing body for football in England is responsible for providing GBEs to all migrant footballers playing in England, to the extent that their nationality would have ordinarily required them to obtain a visa to work in the UK.

## **2 Why are the changes to the FA's GBE system from 2021 important?**

Prior to the enforcement of the 2021 GBE Rules, only nationals outside the EU/EEA nationals (for ease we will refer to these as 'EU' players or from the EU) were required to satisfy the GBE criteria, meaning footballers from the EU had an automatic right of entry to play football in England, if an English club wished to sign them.

However, due to Brexit, and the UK no longer being a part of the EU, the freedom of movement rights available to EU nationals would no longer extend to the territory of the UK. As such, to work (i.e. play football) in the UK after 1 January 2021, they too, would be subject to the approval of The FA, which is responsible for assessing them against six objective criteria.

Under the previous FA GBE system, which had been in place since 2014/15, if players did not automatically qualify for a GBE based on their international appearances, a points based system operated which was based on the transfer fee and wages agreed to be paid to the player, as compared to the average transfer fees and wages paid by Premier League clubs. The increase in transfer fees and wages over the last 5/6 years resulted in this financial criteria becoming a hurdle to recruitment of non-EU players for some clubs.

The new system effectively levels the playing field for the recruitment of EU and non-EU players and is very much focused on an objective evaluation of their playing statistics, where points are awarded based on the calibre of competitions/ leagues (where there has been an element of subjectivity when determining rankings).

## **3 What is the likely impact of these new rules?**

Established international players from countries ranked in the FIFA top 50 will largely be unaffected by these changes.

However, international transfers will become more time consuming for clubs' administrators and advisers with the additional GBE burden when signing EU players. It is advisable for clubs to give serious consideration to a player's playing statistics and the 2021 GBE Rules in the early stages of scouting, so as not to waste resources pursuing players who are unlikely to qualify for a GBE.

The authors consider that the new system could however offer opportunities to clubs to sign players from untapped territories outside the EU where good value deals may be achievable (which would not have satisfied the financially driven criteria of the previous system).

In particular, with respect to continental competitions, South American (CONMEBOL) clubs arguably benefit from the 2021 GBE Regulations, as progression in the Copa Libertadores and Copa Sudamerica are treated on par with the UEFA Champions League and the Europa League respectively (see question 7.c below).

Further, 'Band 3 rankings have been given to clubs playing in the Campeonato Brasileiro Série A, Argentinian Primera Division, and the Liga MX (first divisions in Brazil, Argentina and Mexico respectively) (see question 7.b.iii below), ranking players from these clubs on par with those from Russian and Scottish first divisions and higher than those from the first divisions in the Czech Republic, Croatia, Switzerland, Ukraine, Greece, USA and Austria.

#### 4 What are the key features of the 2021 GBE rules?

Broadly speaking, the spirit and framework of the previous GBE system have been retained. However, at the same time, The FA has also introduced significant changes to the GBE system.

- a. What's not changed:
  - i. Senior players will continue to be assessed based on the number of international appearances they have made in the two-year period preceding the application, with an **'Auto-Pass' granted to those who have made a certain percentage of appearances for national teams in the FIFA top 50.**
  - ii. An **exceptions panel** will still operate, although in a limited and different capacity to what was earlier the case (see 3(b.iv) below).
- b. What's changed:
  - i. In addition to international appearances, players will be assessed against **five more objective criteria** (see question 7 below), with the aim of gathering a certain number points based on their credentials in each category (see question 6 below).
  - ii. A **separate set of six criteria for U21 players** has been put in place (see question 8 below).
  - iii. Clubs are only permitted to sign a maximum of **three U21 players** in the January 2021 window, **increasing to six per season moving forward.**
  - iv. Recourse to an **exceptions panel** is only available in limited circumstances (see question 6 below). What's more, the exceptions panel is only available for the January 2021 transfer window.
  - v. In certain cases, The FA can forward GBE applications to **'Relevant Interested Parties' ("RIP")**, who are the league the player would be transferring to and the Professional Footballers' Association. The FA then decides together with the RIP whether this player should be awarded a GBE.

#### 5 How many points does a men's player need under the new framework?

A men's player, whether senior or U-21, **requires a total of 15 points across their respective senior or youth criteria** to qualify for a GBE.

U-21 players who score 15+ points under the youth criteria must also score a minimum of 10 points under the senior criteria. Where this is the case, the U-21 player's application will be submitted to the RIP who has the discretion to grant the GBE on the merits of the application (see question 4.b.v above).

By way of clarification, an U-21 player who obtains 15+ points under the senior criteria will be granted a GBE without the need for his application to be forwarded on to the RIP.

#### 6 What if a male player does not gather the points required?

The 2021 GBE Rules have resulted in a greater degree of objectivity with less scope for discretion. As such, a player who does not gather a total of 15 points across all criteria, will only have recourse to an exceptions panel if:

- a. He is prevented from achieving 15 points due to 'exceptional circumstances'; and
- b. He is an U-21 player who has scored between 10-14 points based on the applicable objective criteria.

However, please note that the 2021 GBE Rules state: ***“Exceptions Panels will not be available after the Winter (January) Transfer Window in 2021”.***

Separately, if an U-21 player achieves between 10 and 14 points under the senior criteria (see question 7 below), but 15+ points in accordance with the youth criteria (see question 8 below), The FA has the power to forward his GBE application to the RIP (see question 4.b.v above), who together with The FA has the discretion to award the player the GBE.

In other words, a youth player who scores 15+ points in accordance with the youth criteria, must also score between 10 and 14 points under the senior criteria for his application to be submitted for review to the RIP. Failure to score between 10 and 14 points under the senior criteria, regardless of the number of points scored under the youth criteria (even if over 15), will result in the U-21 player's GBE application being dismissed, without further consideration by the RIP.

Thus, the only route through which an U-21 player may be granted a GBE without the further consideration of the RIP, is if he was able to score more than 15 points under the senior criteria (see question 7 below).

## 7 What criteria do senior players need to satisfy for a GBE?

Under the 2021 GBE Rules, senior male players (i.e., aged over 21 years) will be required to score a total of 15 points across the following **six categories**:

- a. **International appearances:** As a general rule, players are required to make a certain percentage of appearances for their national teams over the 24 month period preceding the GBE application. The higher the FIFA ranking of the player's national team, the lower the % of required appearances the player is required to make.

At the outset, **it is to be noted that this is the only category under which players are eligible for an ‘Auto Pass’ or an automatic GBE**, without the need to score points under the other criteria.

This rule is based on the premise that the better the national team's FIFA rankings, the better the quality of players generally available for selection in that country.

So, for example, a player from a country like Brazil, ranked within the FIFA top 10 only needs to make a minimum of 30% of appearances for his national team (in competitive matches) during the 24 month period preceding the application, to get an ‘Auto Pass’. On the other hand, a player from, say, Australia (ranked 42), would need at least 70% appearances for his country, if he was to automatically qualify for the GBE.

However, if players do not meet the automatic threshold, they will still be eligible to score points, based on the percentage of appearances they have made during the 24 month period before the GBE application.

The Auto Pass route is not available to players from countries outside the FIFA top 50. These players can only score points if they have made a minimum of 80% appearances for their national team.

A tabular representation of this criteria, as set out by The FA has been reproduced below:

Aggregated FIFA World Ranking of the Player's National Association					
Player's International Appearances	1-10	11-20	21-30	31-50	51+
90-100%	Auto Pass	Auto Pass	Auto Pass	Auto Pass	2 points
80-89%	Auto Pass	Auto Pass	Auto Pass	Auto Pass	1 point
70-79%	Auto Pass	Auto Pass	Auto Pass	Auto Pass	0 points

60-69%	Auto Pass	Auto Pass	Auto Pass	10 points	0 points
50-59%	Auto Pass	Auto Pass	10 points	8 points	0 points
40-49%	Auto Pass	Auto Pass	9 points	7 points	0 points
30-39%	Auto Pass	10 points	8 points	6 points	0 points
20-29%	10 points	9 points	7 points	0 points	0 points
10-19%	9 points	8 points	0 points	0 points	0 points
1-9%	8 points	7 points	0 points	0 points	0 points

- b. **Player's Domestic Minutes:** The FA have introduced a system of ranking domestic leagues into categories, or 'Bands' from 1-6. Band 1 comprises the higher quality leagues and Band 6, the lower.

For instance:

- i. **Band 1** leagues are *the English Premier League, the Bundesliga, La Liga, Serie A and Ligue 1*;
- ii. **Band 2** leagues are *the Portuguese Primeira Liga, Eredivisie, Belgian First Division A, the Turkish Super Lig and the English Championship*;
- iii. **Band 3** leagues are *the Russian Premier League, Campeonato Brasileiro Série A, Primera División of Argentina, Liga MX and the Scottish Premiership*;
- iv. **Band 4** leagues are *the Czech First League, Croatian First Football League, the Swiss Super League, La Liga 2, Bundesliga 2, Ukrainian Premier League, the Greek Superleague, the Colombian Categoría Primera A, the USA's Major League Soccer, the Austrian Football Bundesliga and Ligue 2*;
- v. **Band 5** leagues are *the Serbian SuperLiga, the Danish Superliga, the Polish Ekstraklasa, the Slovenian PrvaLiga, the Chilean Primera División, the Uruguayan Primera División and the Chinese Super League*; and
- vi. All other leagues not explicitly identified as Band 1-5 above, are classified as **Band 6**.

Players who play more minutes in a higher 'Band' league, will be awarded more points (as below).

Player's Domestic Minutes	Band 1	Band 2	Band 3	Band 4	Band 5	Band 6
90-100%	12 points	10 points	8 points	6 points	4 points	2 points
80-89%	11 points	9 points	7 points	5 points	3 points	1 point
70-79%	10 points	8 points	6 points	4 points	2 points	0 points
60-69%	9 points	7 points	5 points	3 points	1 point	0 points
50-59%	8 points	6 points	4 points	2 points	0 points	0 points
40-49%	7 points	5 points	3 points	1 point	0 points	0 points
30-39%	6 points	4 points	2 points	0 points	0 points	0 points
20-29%	0 points	0 points	0 points	0 points	0 points	0 points
10-19%	0 points	0 points	0 points	0 points	0 points	0 points
1-9%	0 points	0 points	0 points	0 points	0 points	0 points

- c. **Player's Continental Minutes: As with domestic leagues, The FA has classified continental club competitions (such as the UEFA Champions League) into 3 Bands.**
- i. **Band 1** includes *the UEFA Champions League and the Copa Libertadores*. This is significant, given that the Copa Libertadores has been given the same value as the UEFA Champions League. Perhaps this is indicative of the value placed by The FA on South American players, in that they are viewed at par with those playing in the UEFA Champions League.
  - ii. **Band 2** includes the UEFA Europa League and the Copa Sudamerica.

- iii. Any other continental competition not classified as Band 1 or 2 above, is classified as **Band 3** (so this includes continental competitions organised by the AFC, CONCACAF, CAF, OFC).

Player's Continental Minutes	Band 1	Band 2	Band 3
90-100%	10 points	5 points	2 points
80-89%	9 points	4 points	1 points
70-79%	8 points	3 points	0 points
60-69%	7 points	2 points	0 points
50-59%	6 points	1 points	0 points
40-49%	5 points	0 points	0 points
30-39%	4 points	0 points	0 points
20-29%	0 points	0 points	0 points
10-19%	0 points	0 points	0 points
1-9%	0 points	0 points	0 points

- d. **Final League Position of the Player's Last Club:** Players will be awarded points based on the final league position of the player's last club, subject to the following two conditions:
- The player must have been included in the matchday squad for at least one match in the domestic league competition; and
  - The player must have played at least 1% of the minutes for his previous club in a domestic cup competition (and such competition must have a qualification route to a continental competition, for e.g., The FA Cup, but not the EFL Cup).

A player will be awarded more points if the finishing position of the player's previous team falls within a higher domestic band (see 7.b above).

Interestingly, under this category, The FA values promotion to a higher division more than even qualification for continental competitions in some instances.

Last Club's Final League Position	Band 1	Band 2	Band 3	Band 4	Band 5	Band 6
<b>Title Winner</b>	6 points	5 points	4 points	3 points	2 points	1 point
<b>Qualified for Group Stages of Band 1 Continental Competition</b>	5 points	4 points	3 points	2 points	1 point	0 points
<b>Qualified for Qualifiers of Band 1 Continental Competition</b>	4 points	3 points	2 points	1 point	0 points	0 points
<b>Qualified for Group Stages of Band 2 Continental Competition</b>	3 points	2 points	1 point	0 points	0 points	0 points
<b>Qualified for Qualifiers of Band 2 Continental Competition</b>	2 points	1 point	0 points	0 points	0 points	0 points



<b>Mid-table</b>	1 point	0 points	0 points	0 point	0 points	0 points
<b>Relegated to lower division</b>	0 points	0 points	0 points	0 points	0 points	0 points
<b>Promoted to higher division</b>	N/A	1 point	1 point	1 point	1 point	1 point

If, for example, a team wins the league title (e.g., Premier League), thereby also qualifying for a continental competition (UEFA Champions League), the player will only be granted the higher of the points he is eligible for, so in this case – only points available for winning the Premier League (6) as opposed to 6+5 points (for qualifying for the UEFA Champions League).

- e. **Continental Progression of Player's Last Club:** Players will be awarded points based on how far his team progresses in Continental Competitions, subject to two conditions:
- The player must have been included in the matchday squad for at least one match in the domestic league or continental competitions; and
  - The player must have played at least 1% of the minutes for his previous club in a domestic cup competition (and such competition must have a qualification route to a continental competition, for e.g., The FA Cup, but not the EFL Cup).

The FA have assigned 'Bands' to continental competitions (different to the Bands 1-6 assigned to domestic leagues). The UEFA Champions League and Copa Libertadores are classified as Band 1, while the UEFA Europa League and Copa Sudamerica qualify as Band 2. All other continental competitions fall under the Band 3 category.

A player will be awarded more points if his team progressed further within a higher banded continental competition (see 7.c above).

<b>Continental Progression</b>	<b>Band 1</b>	<b>Band 2</b>	<b>Band 3</b>
<b>Final</b>	10 points	7 points	2 points
<b>Semi-final</b>	9 points	6 points	1 points
<b>Quarter-final</b>	8 points	5 points	0 points
<b>Round of 16</b>	7 points	4 points	0 points
<b>Round of 32</b>	6 points	3 points	0 points
<b>Group Stage</b>	5 points	2 points	0 points
<b>Other</b>	0 points	0 points	0 points

As with the finishing position of the player's previous team in domestic league competition, the player will only be granted the higher of the points he is eligible for; so for example, if a player's team reaches the final of the UEFA Europa League (Band 2), the player will only be granted 7 points, and not 7 + 6 + 5 + 4 + 3 + 2 points for every stage of the competition the team would have progressed through, as a result.

- f. **Quality of the Transferor Club:** Finally, a player will also be awarded points based on which 'Band' League (1-6) he is transferring from. Higher points are awarded for Band 1 clubs (12) as opposed to Band 2 (10), Band 3 (8), Band 4 (6), Band 5 (4) and Band 6 (2).

Points under this category will only be awarded if:

- The player appeared on the matchday squad list for at least one match in the domestic league/continental competition; or

- ii. The value of the player's domestic cup minutes was at least 1% during the 12 months preceding the GBE application.

## 8 What criteria do youth (u21) players need to satisfy for a GBE?

Under the 2021 GBE Rules, 'Youth Players' (i.e. those under the age of 21 at the date of the GBE application) are assessed against a separate set of six criteria that is more relative to their age and level of experience.

- a. **Youth Internationals:** International matches for a national association's youth team are classified as 'Band 1 Youth Internationals' and 'Band 2 Youth Internationals'.

Band 1 Youth Internationals are matches played in a specified list of tournaments including the U17 and U20 FIFA World Cup; age group championships for each of FIFA's six confederations (UEFA, CONMEBOL, CAF, AFC, CONCACAF and OFC); the Olympic Games; and the Toulon Tournament. All qualification matches for each of these tournaments or any other international match at youth level would be classified as Band 2 Youth Internationals.

- i. If a youth player makes an appearance in at least **30% of the Band 1 Youth Internationals** he was available for selection in the **12 month period** before the GBE application, he is granted **7 points**.
- ii. If a youth player makes an appearance in at least **30% of the Band 2 Youth Internationals** he was available for selection in the **12 month period** before the GBE application, he is granted **5 points**.
- b. **Senior team debut:** When an U-21 player makes his first appearance for the senior team of his club in its domestic league competition in the 12 months preceding the GBE application, he is awarded points, based on the stature of that club (by reference to the Band the league is categorised into).

Debuts for a Band 1 club will score 6 points for the player, with Bands 2-6, scoring 5, 4, 3, 2 and 1 points respectively.

- c. **Final League Position:** If an U-21 player does not qualify for points based on his club's finishing position set out at question 7.d above, he may still qualify for points based on his club's finishing position if the value of one or more of the following is at least 30%:
  - i. UEFA Youth League Minutes;
  - ii. CONMEBOL U20 Libertadores Minutes
  - iii. Youth Competition Minutes (i.e. the top domestic youth league, for e.g. the U-23 Premier League)
  - iv. B Team Minutes (i.e. a secondary team of a club which plays in a lower domestic professional division within the same league structure as the club's first team, for example, Real Madrid Castilla, is the B team of Real Madrid, which plays in the third tier of Spanish football).

Last Club's Final League Position	Band 1	Band 2	Band 3	Band 4	Band 5	Band 6
Title Winner	3 points	3 points	2 points	2 points	1 point	1 point
Qualified for Group Stages of Band 1 Continental Competition	3 points	2 points	2 points	1 points	1 point	0 points
Qualified for Qualifiers of Band 1	2 points	2 points	1 point	1 point	0 points	0 points



<b>Continental Competition</b>						
<b>Qualified for Group Stages of Band 2 Continental Competition</b>	2 points	1 point	1 point	0 points	0 points	0 points
<b>Qualified for Qualifiers of Band 2 Continental Competition</b>	1 points	1 point	0 points	0 points	0 points	0 points
<b>Mid-table</b>	1 point	0 points	0 points	0 point	0 points	0 points
<b>Relegated to lower division</b>	0 points	0 points	0 points	0 points	0 points	0 points
<b>Promoted to higher division</b>	N/A	1 point	1 point	1 point	1 point	1 point

- d. **Continental progression:** If an U-21 player does not qualify for points based on his club's progression in continental competition set out at question 7.e above, he may still qualify for points based on his clubs finishing position if the value of one or more of the following is at least 30%:
- UEFA Youth League Minutes;
  - CONMEBOL U20 Libertadores Minutes
  - Youth Competition Minutes (i.e. the top domestic youth league, for e.g. the U-23 Premier League)
  - B Team Minutes (i.e. a secondary team of a club which plays in a lower domestic professional division within the same league structure as the club's first team, for example, Real Madrid Castilla, is the B team of Real Madrid, which plays in the third tier of Spanish football).

<b>Continental Progression</b>	<b>Band 1</b>	<b>Band 2</b>	<b>Band 3</b>
<b>Final</b>	5 points	4 points	1 point
<b>Semi-final</b>	5 points	3 points	1 point
<b>Quarter-final</b>	4 points	3 points	0 points
<b>Round of 16</b>	4 points	2 points	0 points
<b>Round of 32</b>	3 points	2 points	0 points
<b>Group Stage</b>	3 points	1 point	0 points
<b>Other</b>	0 points	0 points	0 points

- e. **League quality of Player's Current Club (I):** If a player does not qualify for points based on the stature of his club in accordance with question 7.f above, he can score points in accordance with the table below if the value of one or more of the following is at least 30%:
- UEFA Youth League Minutes;
  - CONMEBOL U20 Libertadores Minutes
  - B Team Minutes (i.e. a secondary team of a club which plays in a lower domestic professional division within the same league structure as the club's first team, for example, Real Madrid Castilla, is the B team of Real Madrid, which plays in the third tier of Spanish football).

Higher points are awarded for Band 1 clubs (11) as opposed to Band 2 (9), Band 3 (7), Band 4 (5), Band 5 (4) and Band 6 (2).

- f. **League quality of Player's Current Club (II):** If the youth player is unable to satisfy a minimum of 30% as set out at 8.e(i-iii) above, he may still score points if the value of his youth competition minutes (so for example, the U-23 Premier League) is at least 30%. 9, 8, 6, 5, 3 and 2 points will be awarded for Bands 1-6 clubs respectively.

## 9 What happens after a player obtains a GBE?

Once a player's application for a GBE is granted by The FA, his club will then proceed to assign the player a 'Certificate of Sponsorship' ("**CoS**"). Only clubs who hold a valid Sponsor's License may issue a CoS to a player. Premier League and English Football League clubs are eligible for a sponsor's license.

Within 3 months of the CoS being assigned, the player must then present his GBE and CoS to the UK Home Office to apply for 'entry clearance' or a visa.

There are two types of visas that a player can be granted – Tier 2 or Tier 5.

- i. **Tier 2** visas will be granted for **three years or the length of the player's contract** (whichever is shorter); and
- ii. **Tier 5** visas will be granted for **twelve months or the length of the player's contract** (whichever is shorter).

**NB:** Although it may be quicker to obtain a Tier 5 visa, if a player can speak English (generally proven by a standardised 'IELTS' test) it will likely be preferable to obtain the longer Tier 2 visa, which will also count towards the time spent in the UK if a player is later looking to obtain Settled Status and remain in the UK/ obtain British citizenship.

## 10 Can a club sign a player before they obtain a GBE?

A player can register for a club without a GBE (which may be crucial for those deadline day signings), but before he can play any football (including participation at training and in friendly matches), he must have obtained his GBE, been assigned his CoS, and secured leave to remain in the UK by way of a Tier 2 or Tier 5 visa.

## Section 2 - Loans

The general position with loans (regardless of the jurisdiction in which the loanee club is based) is that if a player who is granted a GBE is subsequently loaned to another club during the validity of that GBE, the player's club must notify the Home Office within 10 working days of the completion of such loan deal.

At the end of the player's loan period, his parent club will not be required to make another GBE application, provided that the original GBE remains valid beyond the date of the player's return.

## 11 What if an English club obtains a GBE for a player, but then wants to send them out on loan to another English club?

In this case, no GBE application will be required from the loanee club.

## 12 What if an English club obtains a GBE for a player, but then wants to send them out on loan to a Scottish/Welsh/Northern Irish club?

In this case, the GBE process and immigration requirements of the association to which the player is being loaned will have to be satisfied by the loanee club.

## 13 What if an English club obtains a GBE for a player, but then wants to send them out on loan to a non-UK club?

In this case, the GBE process and immigration requirements of the association to which the player is being loaned will have to be satisfied by the loanee club.

## Section 3 – Minors

### 14 After Brexit, can UK clubs benefit from the exemption under Art 19.2(b) of the FIFA RSTP, allowing them to sign minors from the EU, aged 16-18?

Article 19.1 of the RSTP provides the general prohibition of the international transfer of players under the age of 18. However, among the exceptions to the rule, Article 19.2(b) of the FIFA Regulations on the Status and Transfer of Players (“**RSTP**”), players aged 16-18 could transfer within the territory of the EU or the EEA, in compliance with the EU principle of ‘free movement of people’.

With Brexit, the UK will no longer form part of the “territory of the EU/EEA” and therefore clubs will be unable to benefit from the exemption which allows them to sign minors from the EU aged 16-18.

### 15 Can 16-18 year olds transfer within the UK (England, Scotland, Wales, Northern Ireland)?

Notwithstanding the position at question 14 above, FIFA have recently announced a ‘Brexit exemption’ in the form of Article 19.2(b) (ii) of the RSTP, which states that players aged between 16-18 can transfer “between two associations within the same country”. This would enable players from the four UK football associations – England, Wales, Scotland and Northern Ireland – to transfer between each other from the age of 16 onwards.

### 16 What about 16-18 year olds from the Republic of Ireland?

In 2019, the UK and Republic of Ireland negotiated the terms of a ‘Common Travel Area’ (“**CTA**”) between the two countries, giving Republic of Ireland nationals the right to travel to, live and work freely in the UK, post-Brexit.

However, this arrangement does not apply to the transfer of 16-18 year old players from the Republic of Ireland. This is because such transfer:

- i. Would qualify as an ‘international transfer’ for the purposes of the RSTP; and
- ii. Would not fall within the ‘Brexit exemption’ as the Republic of Ireland does not form part of the UK.

However, with the Republic of Ireland being members of the EU, 16-18 year old Irish nationals would still be able to benefit from the ‘EU exemption’ by transferring to clubs within the EU/EEA.

### 17 Do players aged 18 + from the Republic of Ireland require a GBE?

No. Players aged 18 and over from the Republic of Ireland do not require a GBE.

This is because Irish nationals have the right to work in the UK under the terms of the CTA. It is just that the FIFA provisions relating to the international transfer of minors restrict the transfer of Irish nationals aged 16-18.

The 2021 GBE Rules also clarify that they are applicable to *“any player who is not a citizen of the UK or Ireland....”*.

## Section 4 – EU nationals

### 18 What happens to EU players already playing in the UK before 1 January 2021?

If an EU national (say for example, a Spanish player) can evidence that he moved to the UK before 11pm on 31 December 2020, he will be eligible to apply either for ‘settled status’ or ‘pre-settled status’ under the EU Settlement Scheme, depending on how long he has been in the UK.

- i. ≥ 5 years = player can apply for settled status;
- ii. < 5 years = player can apply for pre-settled status.

Within 12 months of securing 'settled status', players (and managers) will be eligible to apply for naturalisation as British citizens. Players who apply for and receive 'pre-settled status' can be 'upgraded' to settled status upon completing 5 years of residence in the UK.

NB: All applications for settled/pre-settled status must be made before 30 June 2021.

### 19 What happens to EU minors already playing in the UK before 1 January 2021?

If an EU minor (say, for example, an Italian) currently playing at a UK club, wanted to transfer to another UK club, he would be able to do so, if he applied under the EU Settlement Scheme for 'pre-settled status'.

From an immigration perspective, the EU minor would have exercised his EU free movement rights before 31 December 2020. The UK does not distinguish between England, Scotland, Northern Ireland or Wales so once he obtains his pre-settled status, the player is eligible to work anywhere in the UK.

### 20 If an EU national enters the UK and obtains pre-settled status before 1 January 2021, will they be subject to the new GBE requirements?

EU nationals who enter the UK by 11pm on 31 December 2020 will still be eligible for 'pre-settled status', provided they apply before 30 June 2021. Players who have been granted pre-settled status are exempt from fulfilling GBE requirements.

## Section 5 – Managers

### 21 What are the GBE requirements for a Men's Team Manager

A manager needs to satisfy **four criteria** to be granted a GBE:

- a. They must have 'Overall Responsibility' – i.e. the ultimate (but not sole) responsibility and decision making authority – for the first team (and team selection) for the club;
- b. They must hold a UEFA professional license/diploma or equivalent;
- c. The relevant club does not have an 'Existing Manager'; and
- d. The manager has:
  - i. Managed a club in a Top League – i.e. any league in Bands 1-5 (see question 7.b above) for either:
    - a) a cumulative total of at least 36 months; or
    - b) a consecutive total of at least 24 months
 within the 5 year period immediately preceding the date of the GBE application;
 

**OR**
  - ii. Managed an international team for either:
    - a) a cumulative total of at least 36 months; or
    - b) a consecutive total of at least 24 months within the 5 year period immediately preceding the date of the GBE application

which had an aggregated FIFA World Ranking of 50 or above during this period.

### 22 What if a manager is not granted a GBE in accordance with the criteria at question 21 above?

In this scenario, his employer club has the ability to request that an exceptions panel consider the application. The exceptions panel has the discretion to grant the GBE if it is satisfied that the manager is of *"the highest calibre and is able to contribute significantly to the development of the game at the top level in England"*.

The exceptions panel will take into account criteria which inter alia includes previous managerial experience; stature of leagues in which the manager has previously managed; the FIFA ranking and competitiveness of international teams previously managed and any reasons why the automatic criteria (see question 21 above) have not been met.

### 23 What are the GBE requirements for a women's team manager?

A manager needs to satisfy **four criteria** to be granted a GBE:

- a. They must have 'Overall Responsibility' – i.e. the ultimate (but not sole) responsibility and decision making authority – for the first team (and team selection) for the club;
- b. They must hold a UEFA professional license/diploma or equivalent;
- c. The relevant club does not have an 'Existing Manager'; and
- d. The manager has:
  - i. Managed a club in a Top League – i.e. any league in the women's Band 1 for either:
    - a) a cumulative total of at least 36 months; or
    - b) a consecutive total of at least 24 months

within the 5 year period immediately preceding the date of the GBE application;

**OR**

- ii. Managed an international team for either:
  - c) a cumulative total of at least 36 months; or
  - d) a consecutive total of at least 24 months within the 5 year period immediately preceding the date of the GBE application

which had an aggregated FIFA World Ranking of 40 or above during this period.

## Section 6 – Women's GBE Criteria

### 24 How many points does a women's player need under the new framework?

Under the 2021 GBE Rules, female players are required to score **a total of 24 points across five different categories**. Unlike the GBE criteria for the men's game, the women's game does not provide for a separate set of criteria for youth female players.

Note that only Women's Super League and Women's Championship clubs (i.e. clubs from the first two women's professional divisions) are eligible to apply for GBE's and subsequently sponsor female players.

### 25 What if a female player does not gather the points required?

The 2021 GBE Rules have resulted in a greater degree of objectivity with less scope for discretion. As such, a player who does not gather a total of 24 points across all criteria, will only have recourse to an **exceptions panel** if:

- a. The Player achieves between 20-23 points across all criteria (see below) **AND** the club is able to demonstrate that she was prevented from achieving 24 points due to 'exceptional circumstances'; or
- b. She was unavailable for selection during the International Reference Period (i.e. either 24 months or 12 months before the GBE application depending on whether the player was a senior or youth player). A player will be considered unavailable for selection if she is injured, serving a suspension, is pregnant/on maternity leave or any other circumstance which would legitimately prevent her from physically entering the field of play but which shall not include any other period of suspension imposed by the player's national association, UEFA, FIFA or the World Anti-Doping Agency.

However, please note that the 2021 GBE Rules state: ***“Exceptions Panels will not be available after the Winter (January) Transfer Window in 2021”***.

## 26 What criteria do female players need to satisfy for a GBE?

Under the 2021 GBE Rules, senior female players (i.e., aged 22 or over years) will be required to score a total of 24 points across the following **five categories**:

- c. **International appearances:** As a general rule, players are required to make a certain percentage of appearances for their national teams over the 24 month period preceding the GBE application. The higher the FIFA ranking of the player's national team, the lower the % of required appearances the player is required to make.

At the outset, **it is to be noted that this is the only category under which players are eligible for an ‘Auto Pass’ or an automatic GBE**, without the need to score points under the other criteria.

This rule is based on the premise that the better the national team's FIFA rankings, the better the quality of players generally available for selection in that country.

So, for example, a player from a country like the USA, ranked within the FIFA top 10 only needs to make a minimum of 50% of appearances for her national team (in competitive matches) during the International Reference Period to get an ‘Auto Pass’. On the other hand, a player from, say, Portugal (ranked 30), would need at least 80% appearances for her country, if she was to automatically qualify for the GBE.

However, if players do not meet the automatic threshold, they will still be eligible to score points, based on the percentage of appearances they have made during the International Reference Period. The Auto Pass route is not available to players from countries outside the FIFA top 40. These players can only score points (a maximum of one point) if they have made a minimum of 90% appearances for their national team.

A tabular representation of this criteria, as set out by The FA has been reproduced below:

Aggregated FIFA World Ranking of the Player's National Association					
Player's International Appearances	1-5	6-10	11-20	21-40	41+
90-100%	Auto Pass	Auto Pass	Auto Pass	Auto Pass	1 point
80-89%	Auto Pass	Auto Pass	Auto Pass	Auto Pass	0 points
70-79%	Auto Pass	Auto Pass	Auto Pass	2 points	0 points
60-69%	Auto Pass	Auto Pass	3 points	1 point	0 points
50-59%	Auto Pass	4 points	2 points	0 points	0 points
40-49%	5 points	3 points	1 point	0 points	0 points
30-39%	4 points	2 points	0 points	0 points	0 points
20-29%	3 points	1 point	0 points	0 points	0 points
10-19%	2 points	0 points	0 points	0 points	0 points
1-9%	1 point	0 points	0 points	0 points	0 points

- d. **Player's Domestic Minutes:** The FA have introduced a system of ranking domestic leagues into two categories, or ‘Bands’. Band 1 comprises the higher quality leagues and Band 2, the lower.



For instance:

- i. **Band 1** leagues are *the English Women's Super League, Australian W-League, French Feminine Division 1, Italian Femminile Serie A, German Frauen Bundesliga, National Women's Soccer League, Spanish Women's Primera Division, and the Swedish Damallsvenskan*; and
- ii. **Band 2** leagues are all other leagues not expressly classified as Band 1.

Players who play more minutes in a higher 'Band' league, will be awarded more points (as below).

Player's Domestic Minutes	Band 1	Band 2
90-100%	10 points	5 points
80-89%	9 points	4 points
70-79%	8 points	3 points
60-69%	7 points	2 points
50-59%	6 points	1 points
40-49%	5 points	0 points
30-39%	4 points	0 points
20-29%	0 points	0 points
10-19%	0 points	0 points
1-9%	0 points	0 points

- e. **Player's Continental Minutes:** As with domestic leagues, The FA has classified continental club competitions (such as the UEFA Women's Champions League) into two 'Bands'.
  - i. **Band 1** includes *the UEFA Women's Champions League and the Copa Libertadores Femenina*. This is significant, given that the Copa Libertadores has been given the same value as the UEFA Champions League. Perhaps this is indicative of the value placed by The FA on South American players, in that they are viewed at par with those playing in the UEFA Champions League.
  - ii. Any other continental competition not classified as Band 1 above, is classified as **Band 2** (so this includes all other continental competitions organised by the six FIFA confederations).

Player's Continental Minutes	Band 1	Band 3
90-100%	10 points	2 points
80-89%	9 points	1 point
70-79%	8 points	0 points
60-69%	7 points	0 points
50-59%	6 points	0 points
40-49%	5 points	0 points
30-39%	4 points	0 points
20-29%	0 points	0 points
10-19%	0 points	0 points
1-9%	0 points	0 points

- f. **Final League Position of the Player's Last Club:** Players will be awarded points based on the final league position of the player's last club, provided that the player has played at least 1% of the domestic minutes she was available for selection.

A player will be awarded more points if the finishing position of the player's previous team falls within a higher domestic band.

Last Club's Final League Position	Band 1 or Band 2
Title Winner/Band 1 Continental Competition Winner	10 points
Qualified for Group Stages of Band 1 Continental Competition	8 points
Qualified for Qualifiers of Band 1 Continental Competition/ Group Stages of Band 2 Continental Competition	6 points
Qualified for Qualifiers of Band 2 Continental Competition	4 points
Mid-table	2 point
Relegated to lower division	0 points
Promoted to higher division	2 points

- g. **Quality of the Transferor Club:** Finally, a player will also be awarded points based on which 'Band' (1 or 2) club she is transferring from. Higher points are awarded for Band 1 clubs (10) as opposed to Band 2 (5).

If you have any queries or comments, we would love to hear from you.

## Get in touch



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