

Sports Law, Policy & Diplomacy Journal



Vol. 3 / No. 2 (2025)





UNIVERSITY OF RIJEKA, FACULTY OF LAW
Institute of Sports Law, Sports Policies and Sports Diplomacy &
Jean Monnet Chair in EU Sports Law, Policy & Diplomacy

in partnership with



Sports Law, Policy & Diplomacy Journal

ISSN (Online) 2975-6235

UDC 3:796

DOI <https://doi.org/10.30925/slpdj>

Vol. 3

No. 2

Rijeka, 2025



**Co-funded by
the European Union**

THE DUAL MANDATE OF SPORTS AGENTS: A COMPARISON OF NATIONAL AND INTERNATIONAL REGULATIONS

SIMONE LANDI*

UDC 349:796

DOI <https://doi.org/10.30925/slpdj.3.2.2>

Received on October 17, 2025

Accepted on November 20, 2025

Original scientific paper




Copyright© 2025 Authors retain copyright and grant the SLPD journal the right of first publication under CC-BY 4.0 licence that allows others to share the work with an acknowledgment of the work's authorship and initial publication in the journal

Abstract

The dual mandate of sports agents constitutes a paradigmatic instance of the normative tension between autonomy and systemic unity within the broader legal order governing professional sport. This contribution undertakes a comparative analysis of the regulatory treatment of dual representation under both national and international instruments, with specific reference to the Italian legislative framework (Legislative Decree No. 37/2021 and FIGC Regulations 2025) and the FIFA Football Agent Regulations 2025 (FFAR 2025).

The inquiry is premised upon the conception of sports law not as an autonomous or self-contained legal order, but as a specialised sector integrated within the general legal system, characterised by a multi-level structure encompassing state, federal, and international sources. Within this systemic configuration, the Italian model adopts a functional and proportionate approach: dual representation is permissible subject to stringent safeguards of informed consent, disclosure, and conflict-of-interest management. By contrast, the FIFA framework, animated by considerations of transparency and integrity, enshrines a general prohibition on dual mandates, save for narrowly construed exceptions that render its practical application residual.

This comparative examination reveals not merely a divergence in regulatory technique but a deeper antinomy between distinct normative rationales. The Italian framework, grounded in private autonomy and proportionality, privileges contractual freedom within a regime of procedural transparency. On the other hand, the FIFA model, conversely, embodies a preventive and prohibitive logic, privileging integrity over autonomy. The coexistence of these divergent paradigms engenders regulatory asymmetry and legal uncertainty, particularly in cross-border transactions that typify the football industry, thereby undermining both market efficiency and systemic coherence.

* Simone Landi, Ph.D., Lawyer, admitted to the Bar of Salerno; University of Salerno, Italy.  0009-0003-9283-4773. ✉ slandi@unisa.it.

In light of these findings, the paper advocates for a harmonised European regulatory intervention aimed at reconciling the principles of integrity, transparency, and contractual autonomy. Such harmonisation may be pursued either through an internal recalibration of the FFAR or through the enactment of a “European Sports Act” grounded in Article 114 TFEU, which would provide a uniform and binding normative framework. Ultimately, the establishment of a proportionate and coherent European discipline on dual representation constitutes not merely an instrument for enhancing the governance of sport, but also a necessary condition for safeguarding the unity and internal consistency of the European legal order as a whole.

Keywords: *Sports agents, Dual representation, Conflict of interest, Football Agent Regulations, EU sports law harmonisation.*

1. PRELIMINARY FRAMEWORK: THE DUAL MANDATE OF THE SPORTS AGENT AND THE «UNITY» OF THE LEGAL SYSTEM

The dual mandate of sports agents raises intricate issues concerning the balance between autonomy and unity within the legal system. For the purposes of this analysis, the expression “*dual mandate*” refers to scenarios in which a single agent offers professional assistance to multiple parties involved in the same negotiation. While this configuration is not, in itself, incompatible with the fiduciary nature of agency, it inevitably gives rise to potential conflicts of interest that the legal system must address through mechanisms ensuring transparency, full disclosure, and informed consent. The varying calibration of these safeguards represents the principal point of divergence between the Italian regulatory framework and the model introduced by FIFA.

Before addressing the regulatory frameworks that govern this phenomenon, it is essential to clarify the theoretical premise underlying this study¹ sports law should not be regarded as an autonomous legal order, detached from the general system, but rather as a specialized sector within it.² This systemic unity does not exclude the plurality of legal sources – national, federal, and international – but integrates them into a coherent whole aimed at ensuring consistency, transparency, and fairness in the regulation of sporting relations.³ From this perspective, the progressive integration of sport within the European Union legal framework has contributed to overcoming the traditional notion of sporting autonomy, aligning the sector with the fundamental principles of the European legal order.

Against this backdrop, this contribution examines the dual mandate of sports agents, with particular attention to the interplay between the Italian legal framework and the new FIFA Football Agent Regulations (FFAR 2025). By comparing these two systems, the analysis aims to show how divergent approaches to dual representation – tolerated under certain safeguards in Italy but generally prohibited under FIFA rules – create significant legal uncertainty, particularly in cross-border transactions.

1 Simone Landi, “Il fenomeno sportivo tra autonomia regolamentare e unitarietà ordinamentale multilivello: una rilettura critica alla luce del c.d. «caso Diarra»”, *Rassegna di diritto ed economia dello sport*, no. 2 (2024): 547.

2 Pietro Perlingieri, “Il diritto civile nella legalità costituzionale secondo il sistema italo-europeo delle fonti”, Vol. II (Napoli: Edizioni Scientifiche Italiane, 2020), 334.

3 Pietro Perlingieri, “Lo studio del diritto nella complessità ed unitarietà del sistema ordinamentale”, *Foro napoletano*, no. 1 (2014): 100.

This structural tension highlights the need for a harmonized European framework capable of reconciling the legitimate aims of transparency and fairness with the principles of contractual freedom and legal certainty that underpin the European legal system.

2. THE FIGURE OF THE SPORTS AGENT. THE DUAL NATURE OF THE SPORTING MANDATE AND THE MULTI-LEVEL REGULATORY FRAMEWORK AT NATIONAL, STATE, AND FEDERAL LEVELS

The figure of the sports agent arose in response to the need for a specialised professional possessing expertise in both sports law and economics, as well as the capacity to navigate and manage the contractual and relational dynamics between athletes and sports organisations.⁴

Sports agents are subject to a complex set of rules at both national and international levels, which include state laws, federation rules, and international regulations.⁵

This paper focuses on football agents,⁶ who are regulated by a multi-level system: national law (Legislative Decree No. 37/2021),⁷ FIGC regulations (2025), and FIFA rules (FFAR 2025).

The “*sports mandate contract*” introduced by Legislative Decree No. 37/2021 operates as a normative contractual model specifically designed to accommodate the peculiarities of the sporting sector. It combines elements of the traditional civil law mandate – particularly the fiduciary character of the relationship and the agent’s duty to act in the principal’s interest – with additional obligations that are distinctive of professional sport, such as legal and economic consultancy, assistance during contractual negotiations, and the management of relationships with clubs and federations.

According to Article 3 of Legislative Decree No. 37/2021, a sports agent is defined as a person who, under a sports mandate contract, connects two or more parties operating within a recognized sport (by CONI, CIO). The agent assists in concluding, terminating, or renewing sports contracts or player registrations, and provides professional services such as advice, support, and mediation.

Article 5 specifies that the «sports mandate contract» constitutes a formal contractual model specifically designed to address the peculiarities of sports relationships.

4 Joseph Eugene Stiglitz, “Principal and Agent”, in *Allocation, Information and Markets; The New Palgrave of Economics*, ed. John Eatwell, Murray Milgate, Peter Newman (London: Palgrave, 1987), 967; William Bull and Michael Faure, “Regulation of Football Agents in Europe: A Comparative Law and Economics Analysis”, *American University Business Law Review* 12, no. 1 (2023): 7, <https://ssrn.com/abstract=4479500>.

5 Giacomo Vidiri, “Il mandato stipulato tra agente e calciatore: contratto (normativo) misto a formazione giurisprudenziale?”, *Giustizia civile*, no. 9 (2013): 1813.

6 Robby Houben, *Research Handbook on the Law of Professional Football Clubs* (Cheltenham: Edward Elgar Publishing, 2023), 13; Rupprecht Podszun and Alexander Kirk, “FIFA’s football agent regulations and European competition law”, *Journal of Antitrust Enforcement* 13, no. 2, (2025): 458.

7 Laura Santoro, “La disciplina della professione di agente sportivo contenuta nel D.Lgs. 28 febbraio 2021, n. 37 nel quadro della regolamentazione vigente”, in *Commento alla Riforma dello Sport (legge delega 86/2019 e decreti attuativi 28 febbraio 2021, nn. 36,37,38,39 e 40)*, ed. Laura Santoro, and Giuseppe Liotta (Palermo: Palermo University Press, 2021), 105-135.

Article 7 of the same Decree explicitly requires agents to comply with all applicable national and international provisions, including those established by the relevant sports federations. The Italian legislator has thus adopted a minimalist regulatory technique, leaving the detailed discipline of the profession to the federations themselves.

In the Italian football sector, the FIGC Agent Regulations 2025 supplement state law, adding further obligations and providing a more detailed framework. For the purposes of this analysis, attention will be confined to the issue of dual representation.⁸

Article 21, par. 5, of the new FIGC Regulations (published on 23 April 2025) states that if an agent acts for more than one party (player, selling club, buying club), a separate mandate must be signed with each party. The agent must declare any conflict of interest in each contract and obtain written consent from all parties before negotiations begin.

This provision reiterates the substance of the previous regulatory regime, but introduces one noteworthy innovation: the explicit inclusion of female players within its scope. Although this clarification may appear merely formal, it denotes a clear commitment to gender equality, a value that permeates both domestic and international legal systems.

A further development concerns the prohibition of contractual clauses restricting a player's right to conclude an employment agreement independently, without the assistance of an agent. This safeguard, mirrored in Article 12 of the FFAR, is designed to uphold player autonomy and to prevent the use of unfair contractual practices.

3. THE INTERNATIONAL DISCIPLINE: FIFA FOOTBALL AGENTS REGULATIONS 2025

In contrast to the more flexible approach adopted by the Italian legislator and the FIGC, the FFAR 2025 introduce a markedly stricter regime concerning dual representation.

Article 12 of the FFAR states that an agent can only act after signing a written contract with a single client, seemingly prohibiting dual representation completely.

However, par. 8 of the same provision introduces a narrow exception, allowing dual representation only where both parties have given their prior and informed written consent. Although this derogation mitigates the rigidity of the rule, it remains subject to strict formal requirements and limited in its practical application.

The rationale underlying FIFA's restrictive stance lies in the pursuit of transparency, integrity, and the avoidance of conflicts of interest within the football transfer market;⁹ however, when assessed through the lens of private autonomy and market freedom, this approach raises a number of legal concerns, particularly within the European legal space.

8 Emanuele Indraccolo, "La cessione dei calciatori tra legge dello Stato e disposizioni federali", *Rassegna di diritto ed economia dello sport*, no. 1 (2006): 208.

9 Lise Vitter, "The Ethical Sports Lawyer: Does Avoiding Conflicts of Interest Mean Avoiding Competition?", *The Georgetown Journal of legal ethics*, no. 4 (2022): 1170, <https://www.law.georgetown.edu/legal-ethics-journal/wp-content/uploads/sites/24/2023/03/GT-GJLE220067.pdf>.

The general prohibition of dual representation risks unduly constraining the principle of contractual freedom, a foundational element of both civil law traditions and EU private law.

At the same time, the coexistence of divergent national frameworks – some permitting dual mandates under strict safeguards, others prohibiting them altogether – gives rise to legal uncertainty and normative fragmentation, particularly in the context of cross-border transactions that are intrinsic to the modern football industry.

From a conflict-of-laws perspective, the matter becomes even more intricate: when parties operate under different jurisdictions, determining the applicable law and assessing the validity of a dual mandate pose considerable challenges. This indeterminacy undermines not only the efficiency of the football transfer system, but also the predictability and internal coherence of the applicable legal order.

Moreover, the restrictive nature of FIFA's regulatory approach appears only partially consistent with the foundational principles of the European Union legal order, which traditionally favour harmonisation, proportionality, and the protection of legitimate expectations. While FIFA's objective of enhancing transparency and integrity is undoubtedly legitimate, the regulatory technique employed may be regarded as disproportionate, insofar as less restrictive instruments – such as stricter disclosure duties and explicit consent requirements – could achieve equivalent results without unnecessarily limiting professional autonomy.

Ultimately, the comparison between the FIGC and FIFA regulatory models reveals a structural and conceptual tension between two distinct paradigms: on the one hand, the Italian model, grounded in contractual freedom and transparency; on the other, the FIFA framework, based on a logic of prevention and prohibition.

This divergence not only mirrors differing legal cultures and regulatory philosophies, but also exposes the absence of a harmonised international regime capable of reconciling the imperatives of integrity, market efficiency, and party autonomy in the governance of sports agents.

4. CONCLUDING REMARKS: THE NEED FOR AN INTERVENTION TO HARMONIZE THE REGULATORY FRAMEWORK, AT LEAST AT THE EUROPEAN LEVEL

The foregoing analysis reveals that the regulation of sports agents – and, in particular, the discipline of dual representation – remains fragmented and conceptually unstable across both national and international levels.

The comparative examination of the Italian and FIFA frameworks highlights not merely a divergence in regulatory technique, but a more profound difference in normative orientation. While the Italian model endeavours to reconcile contractual freedom with transparency through mechanisms of informed consent and disclosure, the FIFA system embraces a predominantly preventive rationale, founded on prohibition rather than proportionality.

In assessing the compatibility of the FIFA model with EU law, explicit reference must be made

to the Court of Justice's case law delimiting the scope of the specificity of sport. Since *Walrave* (C-36/74), *Bosman* (C-415/93) and, most notably, *Meca-Medina* (C-519/04 P), the Court has consistently held that sporting rules affecting economic activity are subject to the principle of proportionality: they must pursue legitimate objectives and employ measures that do not exceed what is necessary to achieve those objectives. From this perspective, a general prohibition of dual representation appears difficult to reconcile with the necessity test, as less restrictive alternatives – such as enhanced disclosure obligations, informed consent procedures, and effective supervisory oversight – would protect market integrity without imposing a disproportionate restriction on professional freedom and private autonomy. This concern is echoed across the academic literature (including Parrish, Exner, Weatherill and others), which has repeatedly cautioned that preventive regulatory models risk conflicting with the substantive logic of the internal market.

This divergence engenders a condition of regulatory asymmetry that produces significant legal uncertainty, particularly in cross-border contexts where the activity of sports agents is most widespread. The coexistence of multiple, and at times conflicting, normative layers undermines both market efficiency and systemic coherence, thereby eroding the overall predictability and credibility of the regulatory framework.

In light of these considerations, it becomes apparent that a coordinated harmonisation effort at the European level is urgently required, at least with regard to the core principles governing the profession of sports agents. A possible path forward could consist in a recalibration of the FIFA Football Agent Regulations, allowing for dual representation under narrowly defined procedural safeguards that ensure transparency, informed consent, and effective supervisory oversight.

Should FIFA's self-regulatory capacity prove insufficient to secure such uniformity, a legislative intervention by the European Union would appear not only appropriate but necessary.¹⁰

In this regard, a part of the academic literature¹¹ has proposed the adoption of a European Sports Act as a means of improving the governance of professional sport within the European Union. According to this scholarly view, Article 114 TFEU, rather than Article 165, provides the appropriate legal basis for such an initiative: the former empowers the Union to adopt binding measures designed to eliminate disparities that distort the functioning of the internal market, whereas the latter confines the EU's competence to the coordination and support of national policies.

A legislative initiative grounded in Article 114 TFEU could thus establish a uniform and binding regulatory framework, capable of enhancing legal certainty, promoting market integrity, and ensuring the effective protection of all parties involved in the negotiation process. Any future European discipline on dual representation should, however, preserve a delicate balance

10 Richard Parrish and Samuli Miettinen, *The Sporting Exception in European Union Law* (Den Haag, T.M.C. Asser Press: 2008); Andrea Cattaneo and Richard Parrish, *Sports law in the European Union* (Alphen aan den Rijn: Wolters Kluwer, 2020).

11 Jan Exner, Stephen Weatherill and Jan Zgliniski, "The European Sports Act: A Proposal to Improve Sports Governance through EU Legislation", *LSE Law, Society and Economy Working Papers*, no. 10 (2025): 24, <https://dx.doi.org/10.2139/ssrn.5235136>.

between integrity and autonomy, imposing stringent conditions such as transparency, informed consent, and robust oversight without eroding the principle of contractual freedom, which remains a structural element of European private law.

Ultimately, overcoming the current regulatory asymmetries constitutes not merely a matter of improving the efficiency of professional sport, but a fundamental requirement for safeguarding the systemic coherence of the European legal order. Only through a harmonised and proportionate framework can the law of sport fulfil its integrative function within the broader legal system one that reconciles economic rationality with fairness, and autonomy with responsibility.

Bibliography

1. Bull, William, and Michael Faure. "Regulation of Football Agents in Europe: A Comparative Law and Economics Analysis", *American University Business Law Review* 12, no. 1, (2023): 1-49. <https://ssrn.com/abstract=4479500>.
2. Cattaneo, Andrea and Richard Parrish. *Sports law in the European Union*. Aalphen aan den Rijn: Wolters Kluwer, 2020.
3. Exner, Jan. Stephen Weatherill, and Jan Zglinski, "The European Sports Act: A Proposal to Improve Sports Governance through EU Legislation", *LSE Law, Society and Economy Working Papers*, no. 10 (2025). <https://dx.doi.org/10.2139/ssrn.5235136>.
4. Houben, Robby. *Research Handbook on the Law of Professional Football Clubs*. Cheltenham: Edward Elgar Publishing, 2023. <https://doi.org/10.4337/9781802206975>.
5. Indraccolo, Emmanuele. "La cessione dei calciatori tra legge dello Stato e disposizioni federali", *Rassegna di diritto ed economia dello sport*, no. 1-2 (2006): 204-223.
6. Landi, Simone. "Il fenomeno sportivo tra autonomia regolamentare e unitarietà ordinamentale multilivello: una rilettura critica alla luce del c.d. «caso Diarra»". *Rassegna di diritto ed economia dello sport*, no. 2 (2024): 547-584.
7. Parrish, Richard, and Samuli Miettinen. *The Sporting Exception in European Union Law*. Den Haag: T.M.C. Asser Press, 2008.
8. Perlingieri, Pietro. "Il diritto civile nella legalità costituzionale secondo il sistema italo-europeo delle fonti", Vol. II. Napoli: Edizioni Scientifiche Italiane, 2020.
9. Perlingieri, Pietro. "Lo studio del diritto nella complessità ed unitarietà del sistema ordinamentale". *Foro napoletano*, no. 1 (2014): 100-106.
10. Podszun, Rupprecht, and Alexander Kirk. "FIFA's football agent regulations and European competition law". *Journal of Antitrust Enforcement* 13, no. 2, (2025): 458-483. <https://doi.org/10.1093/jaenfo/jnae045>.
11. Santoro, Laura. "La disciplina della professione di agente sportivo contenuta nel D.Lgs. 28 febbraio 2021, n. 37 nel quadro della regolamentazione vigente". In *Commento alla Riforma dello Sport (legge delega 86/2019 e decreti attuativi 28 febbraio 2021, nn. 36,37,38,39 e 40)*, edited by Laura Santoro, and Giuseppe Liotta, 105-135. Palermo: Palermo University Press, 2021. https://www.coni.it/images/rivistadirittosportivo/ultime_novita/1._LA_DISCIPLINA_DELLA_PROFESSIONE_DI_AGENTE_SPORTIVO_NEL_D.LGS.28_FEBBRAIO_2021_N._37_1_2.pdf.
12. Stiglitz, Joseph Eugene. "Principal and Agent". In *Allocation, Information and Markets; The New Palgrave of Economics*, edited by John Eatwell, Murray Milgate, Peter Newman, 252-264. London: Palgrave, 1987.

13. Vidiri, Giacomo. "Il mandato stipulato tra agente e calciatore: contratto (normativo) misto a formazione giurisprudenziale?", *Giustizia civile*, no. 9 (2013): 1813-1823.
14. Vitter, Lise. "The Ethical Sports Lawyer: Does Avoiding Conflicts of Interest Mean Avoiding Competition?". *The Georgetown Journal of legal ethics*, no. 4 (2022): 1169-1181. <https://www.law.georgetown.edu/legal-ethics-journal/wp-content/uploads/sites/24/2023/03/GT-GJLE220067.pdf>.