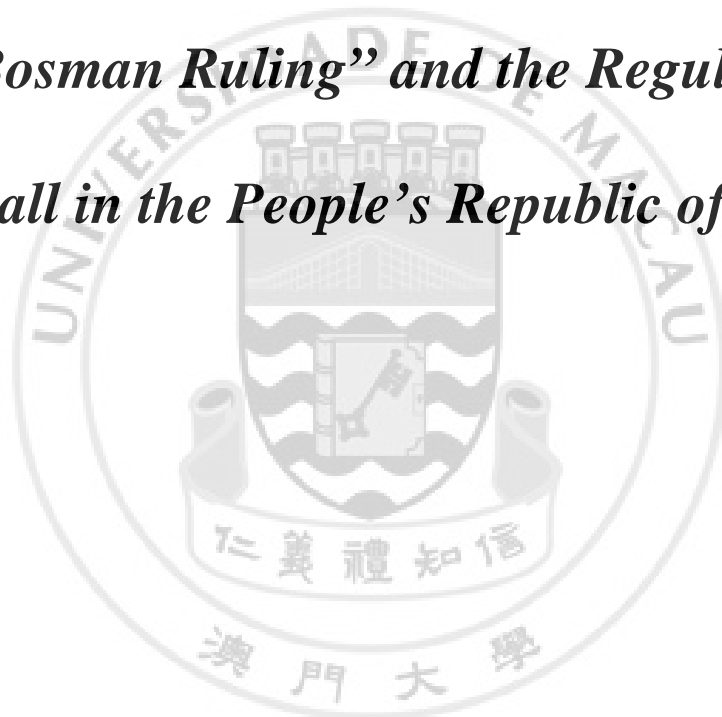


International Business Law Programme

University of Macau/FLL

*The “Bosman Ruling” and the Regulation of  
Football in the People’s Republic of China*



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## ABSTRACT

In 2008, the case of the secret transfers of two professional football players (Zhou Haibin and Feng Xiaoting) shocked the whole professional football industry of the People's Republic of China (PRC). Their behavior caused a series of problems related to the transfer system of professional football players' in the PRC. For football aficionados, it recalled memories from the "Bosman Ruling" in the European Union (EU). In the EU, it was after the "Bosman Ruling" that the system of transfer rules had undergone significant changes. For instance, the "transfer fee" was replaced by the "training compensation", and henceforth, the professional football players were able to freely transfer from one club to another once their contract had expired. Facing the influence of the Bosman case, the UEFA subsequently changed its related rules. With the modifications made to the rule regarding the status of player, the entire football industry in Europe was changed.

In China, the case of the transfer of two Chinese football players' made the China Football Association (CFA) recognize that it is necessary to reform the transfer regulation system of the PRC. In 2010, after 15 years of the Bosman case, China finally published the "Temporary Regulations on the Status and Transfer of China Professional Football Players in the 2011 Season". In this new rule, the CFA made a lot of progress to protect the rights of professional football players and balance the respective interests among the parties involved in the professional football industry. According to the new transfer rules, Chinese professional football players were able to transfer freely once their contracts had expired and, from then on, they had the right to decide their own future. However, as the quota system and the rules applicable to minor player still place restrictions on the professional football players' transfer, the legal system of the professional football in the PRC cannot be considered to be perfect. In addition, the parties of the professional football are barred from going to the court to question the decision of the CFA, because the Court of Arbitration for Sport (CAS) has not yet been set up in the PRC. Therefore, although the new transfer rules may have made some progress, there are still some defects that need to be addressed. For the legal system governing the transfer of professional football players in China, there is hence a long way to catch up with the international competitors. To this end, this thesis offers a comparative analysis of the impact of the "Bosman Ruling" on both the regime of the EU and of the PRC and concludes with the proposal of some suggestions for amendments to be made to the legal system related to professional football in the PRC.

**Key words:** Sport, Professional football,  
Professional football contract, Bosman Ruling,  
"Freeman", Transfer Fee, Training Compensation,  
Statues of professional football players,  
FIFA, CFA, AFC, UEFA