To the members of FIFA
To the confederations

Circular no. 1080

Zurich, 13 February 2007
GS/mav-mjo

Enforcement of decisions passed by FIFA’s bodies

Dear Sir or Madam,

Disputes between associations, clubs, players, coaches etc. regarding payment of salary or player transfers are a daily occurrence in international football. In 2006, a total of 1,530 such cases were submitted to the FIFA Players’ Status Committee and Dispute Resolution Chamber for adjudication.

If such a decision is not respected, the FIFA Disciplinary Committee is entitled to impose sanctions on associations, clubs, players etc, in particular fines, points deductions and relegation, in accordance with art. 71 of the FIFA Disciplinary Code. In 2006, the Court of Arbitration for Sport (CAS) in Lausanne endorsed every decision passed by the FIFA Disciplinary Committee, thus establishing a firm legal basis on which to act. Appeals against decisions passed by CAS may be brought before the Swiss Federal Court as a last resort.

A recent case dealt with by the supreme legal body in Switzerland – the Swiss Federal Court – has now reinforced the strength of FIFA’s existing jurisdiction. In its judgment, the Swiss Federal court ratified the decision passed by the FIFA Disciplinary Committee and CAS, and, on the basis of art. 71 (former art. 68) of the FIFA Disciplinary Code, acknowledged the authority of the FIFA Disciplinary Committee to impose sanctions on direct or indirect members that violate their obligations and ignore decisions passed by FIFA bodies.

The FIFA Disciplinary Committee will therefore continue to pronounce and implement sanctions (fines, points deductions, relegation) on the basis of art. 71 of the FIFA Disciplinary Code if judgments by FIFA bodies or CAS on disputed claims are not complied with.

This has far-reaching implications for FIFA’s judicial system and consequently for all parties to a dispute being judged by a FIFA body, in that the FIFA Disciplinary Committee can ensure that decisions reached by the Dispute Resolution Chamber or the Players’ Status Committee are enforced. A decision that cannot be enforced is, of course, no use to the successful party.
We should therefore be grateful if you would take note of the jurisdiction that has been endorsed by the Swiss Federal Court. We hope that the jurisdiction thus validated will henceforth be better respected, especially by clubs, so that the FIFA Disciplinary Committee is not called upon to take further action.

Thank you for your attention to the foregoing.

Yours faithfully,

FEDERATION INTERNATIONALE DE FOOTBALL ASSOCIATION

Urs Linsi
General Secretary

cc: FIFA Executive Committee
    FIFA Disciplinary Committee
    FIFA Appeal Committee