

**Decision**  
of the  
**FIFA Appeal Committee**

(composed of: Mr Thomas Bodström [SWE], Chairman;  
Mr Neil Eggleston [USA], deputy Chairman;  
Mr Randall Cunliffe [GUM], member)

at the Home of FIFA, Zurich, Switzerland

on 11 April 2019,

to discuss the case of:

Chelsea Football Club

(Decision 160620 APC ENG ZH)

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*regarding:*

Appeal lodged by Chelsea Football Club, England, against the decision passed by  
the FIFA Disciplinary Committee on 9 January 2019

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## I. Inferred from the file

1. Below is a summary of the main relevant facts and allegations based on the documents pertaining to the file. Although the FIFA Appeal Committee has considered all the facts, legal arguments and evidence submitted by Chelsea Football Club (hereinafter also referred to as *CFC* or *the Appellant*), it refers in its decision only to submissions and evidence it considers necessary to explain its reasoning.
2. On 9 January 2019, the FIFA Disciplinary Committee passed the decision 160620 TMS ENG ZH (hereinafter, *the Appealed Decision*) against CFC. The Disciplinary Committee decided as follows:
  1. *The club Chelsea FC is declared liable for the violations of article 19 pars. 1 and 3 of the Regulations on the Status and Transfer of Players (RSTP), with respect to the international transfers and first registrations of minor players.*
  2. *The club Chelsea FC is declared liable for the violations of article 19 par. 4 juncto Annexes 2 and 3 of the RSTP and articles 5 par. 1, 9 par. 1 and 19bis par. 1 of the RSTP.*
  3. *The club Chelsea FC is also declared liable for the breach of article 18bis par. 1 of the RSTP after having concluded agreements which enable it to influence other clubs' policies and transfer-related matters.*
  4. *In accordance with article 12(a) and article 23 of the FDC, the club Chelsea FC is banned from registering new players, nationally and internationally, for two (2) entire and consecutive registration periods following notification of this decision. The transfer ban shall cover all male teams of the Club – first team and youth categories. The Club may only register new players, nationally and internationally, from the next transfer period following the complete serving of the transfer ban.*
  5. *The club Chelsea FC is ordered to pay a fine of CHF 600,000. The fine is to be paid within 30 days of notification of the present decision. Payment can be made either in Swiss francs (CHF) to the account no. 0230-325519.70J, UBS AG, Bahnhofstrasse 45, 8098 Zurich, SWIFT: UBSWCHZH80A, IBAN: CH85 0023 0230 3255 1970 J or in US dollars (USD) to the account no. 0230-325519.71U, UBS AG, Bahnhofstrasse 45, 8098 Zurich, SWIFT: UBSWCHZH80A, IBAN: CH95 0023 0230 3255 1971 U, with reference to case no. 160620 aja.*

6. *In application of article 10 a) and article 13 of the FIFA Disciplinary Code, the club Chelsea FC is warned on its future conduct. The club Chelsea FC is ordered to undertake all appropriate measures in order to guarantee that the FIFA regulations are strictly complied with. Should such incidents occur again in the future, the FIFA Disciplinary Committee may impose harsher sanctions on the club Chelsea FC.*
  7. *In application of article 10 b) and article 14 of the FIFA Disciplinary Code a reprimand is issued against the club Chelsea FC.*
  8. *The club Chelsea FC is granted a period of 90 days to regularize the situation with regard to the underage players that are presently with the Club and are subject to the present proceedings.*
  9. *The costs of this proceeding amounting to CHF 50,000 are to be borne by the club Chelsea FC and shall be paid according to the modalities stipulated under point 5. above.*
3. The Appealed Decision were notified to CFC and to The Football Association (hereinafter, *The FA*) on 22 February 2019.
  4. On 25 February 2019, CFC informed the secretariat to the FIFA Appeal Committee (hereinafter, *the secretariat*) about its intention to appeal. Additionally, the Appellant requested to be granted an extension of the time limit to file its reasons for appeal until 15 March 2019 and to be provided with a copy of the transcript of the hearing before the FIFA Disciplinary Committee. Moreover, CFC requested the stay of execution of the Appealed Decision. Finally, the Appellant informed having paid the appeal fee of CHF 3,000.
  5. On 27 February 2019, the secretariat, on behalf of the Chairman of the FIFA Appeal Committee (hereinafter, *the Chairman*), informed CFC that the time limit to provide its reasons for appeal was exceptionally extended until 15 March 2019. Furthermore, CFC was provided with a copy of the requested transcript and was informed that its request for provisional measures would be submitted to the Chairman for a formal decision.
  6. On the same date, the secretariat informed the Appellant that the payment of the appeal fee had been duly received.
  7. On 15 March 2019, the Appellant requested a further extension of the deadline to submit its position until 18 March 2019, which was granted on the same date.
  8. On 18 March 2019, CFC filed its reasons for the appeal, which can be summarized as follows. This summary does not purport to include every single contention put forth by CFC. However, the FIFA Appeal Committee has thoroughly considered in its discussion and deliberations any and all evidence

and arguments submitted, even if no specific or detailed reference has been made to those arguments in the following outline of their positions and in their ensuing discussion on the merits:

*A. Introductory remarks*

- This case is entirely different to the cases involving three leading Spanish clubs. In those cases, minor players were actually registered in breach of the requirements of art. 19 of the RSTP, whereas in the case at hand every minor player was registered in compliance with the substantive and procedural obligations of art. 19 of the RSTP.
- The FIFA Disciplinary Committee took the unprecedented and unsustainable step of characterizing the Appellant being in breach of the rules when minor players who never registered at the club, or who subsequently registered with it in compliance with the applicable rules, visited CFC and trained and played football either as triallists, or as local players.
- Additionally, the FIFA Disciplinary Committee did not take into consideration the realities of how football clubs legitimately operate, and must legitimately operate, in relation to the trialling of players and the maintenance of the contact with the players legitimately under option. Moreover, the FIFA Disciplinary Committee's approach ignored the realities of a cosmopolitan city such as London, where the Appellant is based.

*B. Failure of the FIFA Disciplinary Committee to follow Swiss law on interpretation and general principles*

- Under Swiss Law, interpretation of regulations, in accordance with statutory principles, starts with the literal meaning of the words of provisions and is assisted by its context, historical background and purpose. Further, interpretation is formed by common practice ("*Vereinsübung*") of FIFA. Unclear wording must be interpreted in favour of the Appellant. The interpretation of a provision cannot be stretched beyond its proper meaning in order to achieve a particular goal based on a belief that the provision ought to have gone further than it did.
- The FIFA Disciplinary Committee stretched the rules beyond their ordinary meaning and purpose, and beyond any sufficiently certain or established meaning, in circumstances where their application carries onerous consequences.

C. Failure of the FIFA Disciplinary Committee to exclude players as out of scope

- The FIFA Disciplinary Committee ignored the subject matter and temporal restrictions of the scope of the application of the RSTP as opposed to national regulations.
- The Regulations are limited, in accordance with their terms and long-established FIFA practice, to circumstances with an international element. Moreover, there are constraints on FIFA's ability to assert the application of the RSTP to players under the age of 10 (12).
- As to temporal restrictions, the Regulations only came into force on 1 October 2009 and, there can be no breach of a provision before it has come into effect. Additionally, the FIFA Disciplinary Committee only became competent to investigate and sanction possible violations as of 1 October 2009.
- CFC claims that the following players were out of scope for the reasons below:
  - Twelve players are British nationals (players 32, 34, 39, 44, 45, 54, 55, 58, 78, 105, 134 and 139);
  - Five players were transferred to CFC from another club affiliated to The FA (players 31, 33, 50, 53 and 56);
  - Eight players were registered with CFC before 1 October 2009 (players 15, 73, 122, 134, 135, 138, 139 and 140);
  - Eighteen players were under the age of twelve before the date of the Circular 1468 (players 15, 30, 32, 36, 39, 43, 45, 57, 61, 65, 68, 70, 72, 77, 84, 122, 134 and 136). In this respect, the Appellant recalls the reasoning made by the Sole Arbitrator in the procedure CAS 2016/A/4785 (hereinafter, *the Real Madrid case*) and considers that the FIFA Disciplinary Committee wrongly based its findings on the cases CAS 2014/A/3793 (hereinafter, *the Barcelona case*), CAS 2014/A/3813 (hereinafter, *the RFEF case*) and CAS 2016/A/4805 (hereinafter, *the Atlético de Madrid case*);
  - Nine players were under the age of 10 after the date of the Circular 1468 (players 25, 34, 37, 51, 55, 71, 75, 105 and 162);
  - Seven players fell under the FIFA Commentary on the Regulations, according to which with respect to art. 19 "Youngsters born in a foreign country of those who have lived there for a significant part of their life should be excluded from this rule and should be

*considered as nationals from a sporting point of view*" (players 37, 57, 70, 71, 72, 77 and 84);

*D. Misinterpretation and factual misapplication of art. 19 of the RSTP*

- The FIFA Disciplinary Committee has inconsistently applied the prohibition foreseen under art. 19 par. 1 of the RSTP even when there was no transfer of registration to and actual registration by the Appellant. An international transfer must involve a transfer of registration to and actual registration by a club. This was also the position of FIFA in its submissions in the Atlético de Madrid case, whereas in the Real Madrid case CAS held that there could be no "deemed" or *de facto* registration under Art. 19 of the RSTP.
- CFC claims that the FIFA Disciplinary Committee sought to define, without any clear legal basis, a series of inconsistent and imprecise tests for where there has supposedly been an international transfer of a player, even with no registration by the Appellant. These tests have no legal basis and could not be applied by clubs in the practical everyday pursuit of football. Furthermore, the fact of playing organised football cannot turn, that is not a transfer into a transfer.
- The FIFA Disciplinary Committee erroneously applied the various inconsistent and imprecise test to determine whether an international transfer has occurred, to the factual circumstances of the players in respect of whom breach of art. 19 par. 1 of the RSTP was found in the Appealed Decision. Not only do these tests not exist in the relevant provisions of the Regulations, but the FIFA Disciplinary Committee did not define it precisely and did not define in any way the actual facts or evidence that supposedly sustained any of these conclusions in relation to any of these players. Of the 15 players in respect of whom a breach of art. 19 par. 1 of the RSTP was found, none satisfied these misconceived tests.
- Moreover, CFC explains that:
  - Of the fifteen players in respect of whom a breach of art. 19 par. 1 of the RSTP was found, ten benefitted from an exception under art. 19 pars. 2 or 3 of the RSTP (players 2, 4, 16, 20, 30, 35, 40, 43, 68 and 78), one of whom was a British national (player 78) and three of whom were under the age of twelve at the relevant time (players 30, 43 and 68). As to the remaining players, two were over the age of eighteen at the time of the registration (players 1 and 11), two did not in fact register with CFC (players 6 and 27) and one was under the age of ten at the relevant time (player 25).

- Of the fourteen players in respect of whom a breach of art. 19 par. 3 of the RSTP was found, each of them benefitted from an exemption under art. 19 pars. 2 or 3 of the RSTP. Moreover, each of those players is outside the scope of art. 19 par. 3 of the RSTP: were British nationals players 55 and 58), one of whom was also under the age of ten (player 55); eight were under the age of twelve (players 36, 57, 61, 65, 70, 72, 77 and 84); and four were under the age of ten (players 37, 51, 71 and 75). However, the FIFA Disciplinary Committee mistakenly asserted that the application of an exception under art. 19 par. 2 of the RSTP or the five-year rule in art. 19 par. 3 of the RSTP had not been advanced in relation to any of those players and that, in any event, they had not been the subject to an application under art. 19 par. 4 of the RSTP (which cannot go to a substantive breach of art. 19 pars. 1 or 3 of the RSTP), and ignored both the applicable conclusion in Real Madrid case that no breach could be found in respect of a player under the age of twelve at the relevant time, and the fact that the compliance with the provisions of Article 19 in respect of players under the age of ten was a matter for The FA, rather than FIFA.
- Therefore, the FIFA Disciplinary Committee failed to identify that any breach of art.19 par. 4 of the RSTP is only procedural. Additionally, there can be no breach of art. 19 par. 4 of the RSTP if neither at. 19 par. 1 nor art. 19 par. 3 were engaged in the first place. Of the twelve players of whom a violation of art. 19 par. 4 of the RSTP was found, there was no breach in respect of any of them (players 1, 2, 4, 6, 11, 16, 20, 27, 35, 40, 58, and 78).

*E. Misinterpretation and factual misapplication of art. 5 of the RSTP*

- The FIFA Disciplinary Committee wrongly found that the Premier League Games Programme constituted organised football. Such football at the Foundation Phase (Under 9 to Under 11) and Youth Development Phase (Under 12 to Under 16) of the Premier League Games Programme is developmental friendly training football, formally arranged and structured, with wide array of variable features. It does not have to be played in accordance with IFAB Laws of the Game and, consequently, cannot satisfy the definition of "*organised football*", irrespective of by whom or how it was organised, because that definition only extends to football played in accordance with the Laws of the Game.
- In any event, the matches taken into consideration by the FIFA Disciplinary Committee were not organised under the auspices of or authorised by The FA, in contrast to many other types of football organised by the Premier League that The FA does authorise. In this respect, CFC refers to the statement of Mr Richard Garlick, Director of



Football at the Premier League, which confirms the foregoing. The mere fact that the Premier League is established under the sanction of The FA, and that its rules are approved by The FA, does not mean that everything the Premier League organises as training football is authorised by or organised under the auspices of The FA.

- In this context, none of the 41 players for which a breach of art. 5 of the RSTP was found played organised football. In addition, this provision is only procedural and, if read together with art. 11 of the RSTP, it must be enforced by national associations and not by the FIFA Disciplinary Committee.
- Additionally, the FIFA Disciplinary Committee inappropriately implied that in some instances the Appellant failed to cooperate when it was unable to provide a description of certain matches. This is untrue, and CFC has been entirely transparent with FIFA as to the records that it holds.

*F. Misinterpretation and factual misapplication of art. 9 of the RSTP*

- The FIFA Disciplinary Committee mischaracterised art. 9 of the RSTP to invert the provision and to seek to rewrite it.
- Of the twenty players in respect of whom a breach of art. 9 of the RSTP was found, there was in fact no breach in respect of nineteen of them since CFC completed their registration after having obtained the ITC (players 1, 2, 4, 6, 7, 10, 11, 16, 19, 20, 28, 35, 38, 40, 52, 59, 60, 62 and 63). As to the remaining player, he is out of the scope of the Regulations as a British national (player 78).

*G. Misinterpretation and factual misapplication of art. 19bis of the RSTP*

- Attendance at an academy is equivalent to attendance at a school, and what is manifestly contemplated is that the player in question is enrolled as a student at an academy. Pursuant to the CAS jurisprudence, it does not extend to players who only visit a club without enrolling at the academy for long-term training, as set out in the definition of an academy. The FIFA Disciplinary Committee did not articulate any basis for a different interpretation.
- The FIFA Disciplinary Committee failed to identify what constitutes attendance by an inconsistent and erroneous purported application of the provision to the factual circumstances of the players in question. Of the fifty players in respect to whom a breach of art. 19bis par. 1 of the RSTP was found, there was in fact no breach in respect of any of them.



#### H. Misinterpretation and factual misapplication of art. 18bis of the RSTP

- The FIFA Disciplinary Committee limited itself to simply asserting that provisions in agreements for the future transfer of two players breach the rule because (a) one prevents a player being transferred permanently or temporarily on loan to another club (or discussions being commenced on that end) without the Appellant's consent; and (b) the other requires a player to be released for training in the interim period *"as Chelsea shall reasonably require subject to the applicable rules and requirements of FIFA, The FA and the PL"*.
- However, the FIFA Disciplinary Committee failed to take into account that:
  - First, there is no breach of art. 18bis of the RSTP where players presently transfer, nor equally is there any breach where players are simply subject to an option transfer in the future. This is clearly not what this provision intended to prohibit, and, in that regard, it is to be noted that such an approach or interpretation was never communicated in any form to stakeholders.
  - Second, where a player is subject to such an agreement for future transfer on the basis of an option, it is appropriate to contemplate in the agreement that the player might visit the new club on trial or in order to maintain contact, both in his interests and those of the new club. The clear contractual imposition of the qualification that such release must be both *"reasonable"*, which is in any event manifestly implicit, and *"subject to the applicable rules and requirements of FIFA, The FA and the PL"* precludes any possibility of the *"ability to influence"* the former club, since release on a basis that afforded such an ability would be *a fortiori* unreasonable and contrary to the applicable rules.
  - Third, in each instance the contracts dealt with a very short interim period of a maximum of eight weeks before CFC made its application to the Sub-Committee and so cannot have provided any opportunity to influence the old club in any way in breach of art. 18bis of the RSTP.
- The Appellant claims that there was no breach of art. 18bis of the RSTP.

#### I. Disproportionate and unjustified sanction

- The Appellant refers to certain statements of the FIFA Disciplinary Committee and claims that are not corroborated by any evidence and contests them.

- CFC took great care to ensure that any trials or visits of players were in the best interests of the player, both at the time of the visit and for the future and never implemented any practice putting at risk players' development or club's financial or sporting situations.
- The FIFA Disciplinary Committee sought to artificially increase the Appellant's degree of guilt through uncorroborated statements and did not take into account, let alone mention, numerous mitigating circumstances not least the Appellant's forthcoming and collaborative attitude throughout the process.
- Contrary to the Spanish cases, the Appellant never had the intention to act in contravention of the regulatory framework of FIFA or The FA. Further, CFC is surprised that the FIFA Disciplinary Committee has imposed the same sanction as that imposed on Atlético de Madrid, which featured numerous aggravating circumstances that are absent here.
- The FIFA Disciplinary Committee characterised CFC as having committed numerous breaches. Rather, if at all, CFC committed a single broad "mistake". This cannot be seen as multiple breaches of the Regulations. The FIFA Disciplinary Committee also failed to consider particularities for each player and failed to consider numerous out-of-scope exceptions raised by the Club.
- The legal uncertainty in which FIFA operated over the years, the lack of clear rules, guidance and communication should be acknowledged and treated as mitigation circumstances. This is particularly true, when the FIFA Disciplinary Committee attempts to apply new tests in seeking to demonstrate that CFC misapplied the Regulations, while completely disregarding considerations of previous CAS awards or of its own interpretation of the Regulations as pleaded in the Atletico de Madrid case.

*J. Conclusion and relief sought on appeal*

- The Club has committed no breach of the Regulations. As such, the appeal should be allowed, the Appealed Decision set aside, and all of the charges dismissed. Further, the costs of the hearing before both the FIFA Disciplinary and Appeal Committees should be borne in full by FIFA.
- In the short time available to file these reasons for appeal, the Appellant has endeavoured to set out all its relevant arguments, both legal and factual. The Appellant, however, reserves the right to supplement these reasons subsequently, including in the light of any submissions made by

The FA.

- The Appellant has used all reasonable efforts to identify relevant evidence. This has been a complex and time-consuming exercise, in light of both the number of players in respect of whom breach has been found and the fact that some of those players were involved with the club up to ten years ago. In the event that CFC identifies further relevant material, it reserves the right to bring that material to the attention of the FIFA Appeal Committee.
  - Given the importance of this matter, the Appellant seeks an oral hearing, as before the FIFA Disciplinary Committee. The Appellant also seeks the disclosure of certain information:
    - Copy of any submission made by The FA on appeal and given the opportunity to respond to points contained therein.
    - Copy of any documents are produced for the FIFA Appeal Committee, whether by way of summary or analysis, and given the opportunity to respond.
9. On 29 March 2019, the secretariat provided CFC with a copy of the reasons for appeal lodged by The FA against another decision passed by the FIFA Disciplinary Committee on 9 January 2019 and was granted a deadline until 5 April 2019 to file its comments in that regard.
10. On 5 April 2019, CFC sent its comments, endorsing The FA's submission on the following points:
- Organized football as defined by the RSTP corresponds to official matches played within a competitive framework, in compliance with the Laws of the Game, under the auspices of the relevant national association. Additionally, the fact that the Premier League organized those matches, and that the Premier League is subject to the authority of The FA, does not mean that it was organized football.
  - Art. 9 of the RSTP does not sustain the findings made by the FIFA Disciplinary Committee.
  - Art. 19 par. 1 requires registration and the FIFA Disciplinary Committee interpretation of the provision prevents "*a much more loosely-defined type of movement (with no obvious threshold test), even if the player actually remains registered with another club in another country throughout*" and is "*an incorrect and unjustifiable interpretation of the RSTP which is in any event unworkable*". Therefore, the "*loose concept*

*of 'transfer' would be far too imprecise to be realistically capable of application".*

- There was no system in English football to enable CFC to obtain confirmation in respect of players under 12 prior to FIFA Circular no. 1468 and under 10 after said circular.
- There was no requirement for The FA to undergo a process in respect of players under 12 and under 10 subject to a first registration. Even if there was a breach of art. 19 par. 3 of the RSTP, then such breach could only be procedural as each of the players satisfied an exception in any event.

11. On 10 April 2019, the Appellant informed that Mr Neil Bath, Head of Youth Development, could not attend the hearing. Therefore, the Appellant referred to the Mr Neil Bath's oral witness statement before the FIFA Disciplinary Committee.

12. On 11 April 2019, a hearing was held by the FIFA Appeal Committee at the Home of FIFA in Zurich. Together with the Committee and representatives of the secretariat, the following persons attended the hearing on behalf of the Appellant:

- Mr James Bonington, General Counsel of CFC
- Mr Richard Berry, Legal Counsel of CFC
- Mr Adam Lewis QC, External Counsel
- Mr Jonathan Ellis, External Counsel
- Mr Ben Rees, External Counsel

13. During the hearing, CFC received the opportunity to provide its position and answer questions for the members of the FIFA Appeal Committee.

## II. and considered

### A. COMPETENCE OF THE FIFA APPEAL COMMITTEE AND ADMISSIBILITY OF THE APPEAL

1. According to art. 79 of the FDC, the FIFA Appeal Committee (hereinafter: *Committee*) is responsible for deciding appeals against any of the FIFA Disciplinary Committee's decisions that FIFA regulations do not declare as final or referable to another body.
2. Art. 118 of the FDC establishes that an appeal may be lodged with the Committee against any decision passed by the FIFA Disciplinary Committee, unless the sanction pronounced is a warning, a reprimand, a suspension for less than three matches or of up to two months, a fine of up to CHF 15,000 imposed on an association or a club or of up to CHF 7,500 in other cases, or a decision passed in accordance with art. 64 of the FDC.
3. According to art. 120 par. 1 of the FDC, any party intending to appeal must inform the Committee of its intention to do so in writing within three days of the notification of the decision.
4. Furthermore, reasons for the appeal must then be given in writing within a further time limit of seven days. The seven-day period begins after the first deadline of three days has expired, in accordance with art. 120 par. 2 of the FDC.
5. Within the same time limit, the person wishing to lodge an appeal shall transfer an appeal fee of CHF 3,000 to FIFA's bank account, in accordance with art. 123 par. 1 of the FDC.
6. The Committee takes note that the sanctions imposed by the FIFA Disciplinary Committee in the Appealed Decision, duly communicated on 22 February 2019, are a ban from registering new players, nationally and internationally, for two (2) entire and consecutive registration periods, a fine of CHF 600,000, a warning and a reprimand.
7. Moreover, the Committee observes that on 25 February 2019 and, therefore, in due time (cf. art. 120 of the FDC), the Appellant announced its intention to appeal against the Appealed Decision. Additionally, the Appellant provided a copy of the proof of payment of the appeal fee of CHF 3,000 to FIFA's bank account (cf. art. 120 par. 2 and art. 123 par. 1 of the FDC) and requested an extension of its deadline to submit the reasons for appeal. In this respect, the Appellant's deadline was eventually extended until 18 March 2019.

8. On said date, the Appellant provided its reasons for appeal.
9. Consequently, the Committee deems that it is competent to decide on the present appeal and that all the aforementioned procedural requirements have been fulfilled by the Appellant and, thus, declares the appeal admissible.
10. In accordance with art. 121 of the FDC, appeals lodged with the Committee may object to inaccurate representation of the facts and/or wrong application of the law by the first instance.
11. Having said that, the Committee will now analyse the arguments brought forward by the Appellant, to the extent those may be considered relevant.

## **B. MERITS**

12. The Committee considers that, before analyzing the situation of each player and the possible infringements occurred, it has to examine whether the FIFA Disciplinary Committee has correctly interpreted and applied the relevant provisions of the RSTP.
  - a) **Interpretation and application of the relevant provisions**
    - *Interpretation and application of art 5 par. 1 of RSTP*
13. The Committee takes note that according to the Appellant, the FIFA Disciplinary Committee wrongly established that the Premier League Games Programme (hereinafter: *PLGP*) corresponds to organized football. The CFC further claimed that those matches are not played in accordance with the Laws of the Game and are not organized under the auspices of The FA.
14. In particular, CFC submitted a written statement from Mr Richard Garlick, Director of Football at the Premier League, providing an explanation concerning the organization of the PLGP. In particular, Mr Richard Garlick stated that "*Where matches are domestic developmental training football (such as those played in the Foundation and Youth Development phases of the Games Programme) The FA does not organise them or require them to be authorised in any way*". Mr Richard Garlick further explained that "*The FA does "authorise" the Professional Development phase (for Under-17 to Under-23 players) of the Games Programme. Authorisation is a formal, documented process which requires payment and the submission of written application forms*".
15. CFC submitted, based on Mr Garlick's statement, that the PLGP matches mentioned in the Appeal Decision correspond to Foundation and Youth Development phases and are neither organized nor authorized by The FA.

Therefore, according to Mr Garlick's explanation, the FIFA Disciplinary Committee erred in considering them to be organized football.

16. In this context, the Appellant argues that a match falls in the category of organized football only if formally authorized by the national association.
17. The Committee disagrees with the Appellant's narrow interpretation of organized football. In fact, according to the relevant definition provided in the RSTP, a match corresponds to organized football either if is authorized by or if is organized under the auspices of, *inter alia*, a national federation. Therefore, a match is considered to be organized under the auspices of an association even if the association does not organize it directly.
18. In this respect, the Committee wishes to refer to the Appealed Decision, where it was explained "*the role of The FA within the Premier League, where it acts as a special shareholder and, among other things, approves and sanctions the Premier League rules (including the Youth Development Rules) and ensures that rules and regulations on football in England are observed by officials, clubs and players*"<sup>1</sup>.
19. In this context, , the Committee has no doubt that the PLGP matches referred to in the Appealed Decision were organized under the auspices of The FA.
20. In addition to this first argument, CFC submitted that the matches in question did not have to be played in accordance with the Laws of the Game and therefore cannot be considered association football. Consequently, CFC stated that the definition of organized football would not apply to those games, since they do not correspond to association football.
21. Moreover, according to Mr Garlick's statement, matches of the Foundation and Youth Development phases "*involve a variety of different formats and features to increase their effectiveness as training tools that distinguish them from proper matches played in professional game in accordance with IFAB Laws of the Game*".
22. The Committee wishes to highlight that the absence of competitiveness or professionalism does not impede a match from falling into the category of organized football. Therefore, the Committee concurs with the FIFA Disciplinary Committee that organized football is comprised of official matches, friendly matches (unless these friendly matches are organized privately) and tournaments<sup>2</sup>.

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<sup>1</sup> Para. II.81 of the Appealed Decision.

<sup>2</sup> Para. II.76 of the Appealed Decision.



23. In this sense, and for the sake of completeness, the Committee refers to the Laws of the Game and underlines that these rules allow national association to modify them for certain types of matches (including for youth categories). In particular, modification can be implemented with respect to the size of the field of play; size, weight and material of the ball; width between the goalposts and height of the crossbar from the ground; duration of the game; the use of return substitutes; the use of temporary dismissal. Additionally national associations are entitled to determine the maximum of substitutions in youth football.
24. The Laws of the Game also allow national associations to implement other modifications with the approval of IFAB.
25. Therefore, the Committee rejects the attempt of CFC to bind association football only to those games that are played in strict compliance with the Laws of the Game. Modifications to these rules are absolutely admissible and do not prevent a match from belonging to association football. Moreover, the Appellant did not provide any concrete example showing that these games are played in a format that would make them incompatible with association football.
26. In the light of the foregoing, the Committee is comfortably satisfied that the PLGP matches referred to in the Appealed Decision shall be considered to be organized football in accordance with the relevant definition provided in the RSTP.
- *Interpretation and application of art. 19 of RSTP*
27. According to CFC, the FIFA Disciplinary Committee erred in its interpretation and application of art. 19 of the RSTP in respect of players under the age of 18 absent any actual registration with the club. Additionally, the Appellant submitted that the FIFA Disciplinary Committee, in order to establish whether a violation of art. 19 pars. 1 or 3 had occurred, used tests which are inconsistent, imprecise and unworkable.
28. The Committee wishes to recall that a correct interpretation of the FIFA regulations must show their true meaning. This is possible only through the analysis of the purpose sought, of the interest protected as well as of the intent of the legislator<sup>3</sup>.
29. In this sense, the Committee refers to the explanations provided by the FIFA Disciplinary Committee with respect to the history and content of this provision<sup>4</sup>. In particular, the Committee recalls that FIFA made clear in its

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<sup>3</sup> CAS 2008/A/1673; CAS 2009/A/1810; CAS 2009/A/1811; CAS 2017/A/5173

<sup>4</sup> Para. II. 15-33 of the Appealed Decision

circular no. 769 of 24 August 2001 that this prohibition was implemented in order to curb the abuses to which minors had been exposed.

30. There can be no doubt that the purpose sought by the legislator is to protect the adequate and healthy development of a minor as a whole. Therefore, the Committee considers that the arguments submitted by the Appellant, according to which no violation of art. 19 pars. 1 and 3 can occur in the absence of an actual registration of the player, is to be rejected. Limiting the application of the ban only to those cases in which a mere administrative step (such as the registration of the player with the relevant association) has occurred would prevent the provision from protecting the interest sought and would contradict the essence of the rule. Also, such an interpretation would leave room for abuses and dangerous drifts, allowing clubs to circumvent the prohibition, which would undermine the system built by FIFA to protect minor players.
31. In particular, the Committee wishes to refer to the situation involving several players who underwent trials with CFC. According to the explanations provided by Mr Neil Bath before the FIFA Disciplinary Committee, a trial for overseas players would consist in three to four visits that can last up to three weeks each if they occurred during school holiday. Therefore, it could take up to twelve weeks for a player to finalize a trial with CFC.
32. Nevertheless, the Committee notes that several players actually spent a significant amount of time with CFC, which results to be considerably higher than the one suggested by Mr Neil Bath in his witness statement. During this period, players were also taking part in organized football without being registered for CFC. The Committee firmly believes that this type of conducts cannot be tolerated since they contradict the essence of the prohibition foreseen under art. 19 of the RSTP and undermine the interest protected by said provision.
33. Furthermore, the Committee fully adheres with the CAS' position in the Atlético de Madrid case, where it was clearly established that *"In order for a violation of art. 19 (1) or (3) FIFA RSTP to be committed, the panel does not deem it necessary that minor players are registered with the national association concerned, but that the players have participated in organized football without complying with any of the substantive exceptions set out in art. 19 (2) FIFA RSTP. Moreover, the fact that a minor player participates in organised football for the club without being registered with the [association] and without any evidence of complying with any of the substantive exceptions for registration may indeed be perceived as an aggravating factor"*<sup>5</sup>.

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<sup>5</sup> CAS 2016/A/4805 Club Atlético de Madrid SAD v. FIFA, para. 166.

34. In this context, and with regard to the content of art. 19 par. 1 of the RSTP, the Committee agrees with the reasoning of the FIFA Disciplinary Committee, which establishes that *“a transfer must be considered as the process which covers a player leaving one club (the club he is at, affiliated to or at which is registered – known as the “former club”, i.e. the club that the player is leaving, pursuant to point 2 of the definitions section of the RSTP) and subsequently joins the discipline of a different club (known as the “new club” pursuant to no. 4 of the definitions section in the RSTP). The Committee considers important to clarify that this process is also guided by the physical movement of the player and, more specifically, the relocation of the player’s life and the key elements thereof”<sup>6</sup>.*
35. Likewise, the Committee concurs with the findings of the FIFA Disciplinary Committee that *“in order for it to be concluded that art. 19 par. 3 of the RSTP has been breached by a club, the player concerned should have never been previously registered for a club at an association. Furthermore, - while still being younger than 18 – the player should have moved internationally and joined a club that belongs to a different association than the one of which he is a national of”<sup>7</sup>.*
- 36., The Committee, taking into particular consideration the purpose sought by the legislator, is of the opinion that the application of art. 19 pars. 1 and 3 of the RSTP is not limited to those cases where a minor player has been officially registered with the association for the club.
37. Furthermore, the Committee recalls that, whenever a club wishes to internationally transfer or register for the first time a foreign minor player, it has to request and obtain the approval from the Sub-Committee (as established under art. 19 par. 4 of the RSTP) or the relevant association, depending on the player’s age. Such an approval will be given only if the club in question can demonstrate that the player complies with one of the exceptions foreseen in art. 19 par. 2 of the RSTP.
38. Therefore, it is important to clarify that only the Sub-Committee and the relevant association are entitled to establish whether one of the exceptions provided under art. 19 par. 2 of the RSTP have been met. The club itself is not authorized – for obvious reasons - to decide on its own whether any of the exceptions have been complied with.
39. Likewise, these proceedings are not the correct forum to determine whether CFC would have indeed obtained the authorization for to certain players based on one of the exceptions under art. 19 par. 2 of the RSTP if, at time those players joined its discipline, it had requested the approval. In other

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<sup>6</sup> Para. II.35 of the Appealed Decision (emphasis added)

<sup>7</sup> Para. II.47 of the Appealed Decision

words, only the Sub-Committee and The Football Association were competent to establish whether those players met one of the exceptions and, an alleged compliance with an exception cannot – at this stage of the proceedings - retroactively exempt the Appellant from its liability.

➤ Interpretation and application of art. 9 par. 1 of RSTP

40. In view of the reasons set out above with respect to arts. 5 and 19 of the RSTP, the Committee considers that a club wishing to field in organized football matches a player who was previously registered with another federation, shall first request and obtain the relevant ITC from the player's former association.

41. As already confirmed by CAS, if a club fails to obtain an ITC prior to the player's participation in organised football, it shall be considered to be in breach of art. 9 par. 1 of the RSTP.

42. Consequently, and the Committee agrees with the interpretation and application of art. 9 par. 1 of the RSTP made by the FIFA Disciplinary Committee.<sup>8</sup>

➤ Interpretation and application of art. 19bis of RSTP

43. With respect to art. 19bis of the RSTP, the Appellant claimed that the relevant players for which a violation of the provision was found were never enrolled at the CFC's academy. Therefore, according to the Appellant, no breach of art. 19bis of the RSTP had occurred.

44. The Committee believes that a player is to be considered as attending a club's academy whenever he is present at such academy. The fact that the player indeed underwent a long-term training is not a factor to be taken into account to establish whether a violation of art. 19bis par. 1 of the RSTP occurred.

45. Therefore, clubs that operate an academy with legal, financial or *de facto* links to the club have the obligation to report all minors attending the academy to the relevant association, regardless of whether such players will eventually be trained on a long-term basis. Failure to do so will correspond to a breach of art. 19bis par. 1 of the RSTP.

46. In line with the reasoning concerning the application of art. 19 of the RSTP, the Committee firmly believes that limiting the application of art. 19bis of the RSTP only to those cases where a formal enrollment of a minor at an academy occurred would deprive the provision of any effectiveness and

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<sup>8</sup> Cf. para. II.64-66 of the Appealed Decision.

would open the door to elusive practices aimed at circumventing the obligation foreseen in the rule.

47. Furthermore, the Committee notices that the Appellant claimed that art. 19bis par. 1 of the RSTP cannot be applied to players who joined the academy before the provision entered into force (i.e. before 1 October 2009).
48. In this sense, the Committee wishes to clarify that, even though art. 19bis of the RSTP was only implemented on 1 October 2009, clubs were still obliged to report to the relevant association all players that were attending the academy on 1 October 2009. In other words, if a player started attending the academy prior to 1 October 2009, but was still at the academy when art. 19bis of the RSTP came into force, the club had the obligation to report such a player to the relevant association. The Committee believes that the content of the provision is clear and leaves no room for different interpretations.
49. In view of the foregoing, the Committee rejects the arguments submitted by CFC with respect to the interpretation and application of art. 19bis of the RSTP.

➤ *Interpretation and application of art. 18bis of RSTP*

50. The Committee takes note of the arguments and explanations submitted by CFC concerning art. 18bis of the RSTP and wishes to make some clarification in this respect.
51. First, from the wording of art. 18bis of the RSTP, it is clear that the provision is aimed at prohibiting clubs from signing any agreement that would entitle another party to that agreement or a third party to practice any sort of influence on it with respect to employment and transfer-related matters. Additionally, the provision prohibits clubs from entering into an agreement that entitles them to influence another club.
52. Therefore, it is evident from the plain understanding of such article that the legislator's intention was to ensure that clubs could always take their decisions independently of any external body. In this sense, the Committee rejects the Appellant's allegation that it was not clear to the stakeholders what the legislator intended to prohibit by means of art. 18bis of the RSTP.
53. Furthermore, it must be clarified that a club would violate art. 18bis of the RSTP not only if it has materially influenced the independence and policies of another club with respect to employment and transfer-related matters, but also when the contract in question effectively entitles the club to have

an influence on the other club in such matters, regardless of whether or not this influence actually materialises.

#### **b) Violations of the relevant provisions**

54. After having determined that the FIFA Disciplinary Committee has correctly interpreted and applied the relevant provisions of the RSTP, the Committee will now analyze whether CFC had actually breached said provisions. The Committee will first address the violations found with respect to the provisions concerning minor players.
55. In this respect, the Committee notes that the Appellant has provided several explanations of why the FIFA Disciplinary Committee erred in including certain players in the scope of the Appealed Decision. In particular, CFC provided the following reasons:
- the player was a British national;
  - the player was previously registered for another English club;
  - the player joined the club before 1 October 2009;
  - the player was under 12 before 23 January 2013;
  - the player was under 10 from 1 March 2015.
56. The Committee will first address these points and will analyze whether those players fall or not within the scope of these proceedings.
57. Subsequently, the Committee will address the additional arguments submitted by the Appellant with respect to some of these players and the corresponding violation of art. 19 pars. 1 and 3 of the RSTP.
58. The Committee will then focus on those players for which a violation of art. 19 pars. 1 and 3 of the RSTP has occurred and that do not fall in any of the groups mentioned above.
59. The Committee will then conclude the analysis of the violations committed by CFC with respect to minor players by focusing on the potential breaches of arts. 5, 9, 19 par. 4 and 19bis of the RSTP.
60. Finally, the Committee will analyze whether a violation of art. 18bis of the RSTP was indeed committed by CFC.
- *Players allegedly out of the scope: British players*
61. According to CFC, twelve players would fall out of the scope of the disciplinary proceedings because they are British nationals.

62. In this respect, the Committee notes that for nine of these players CFC was found in breach only of arts. 5 or 19bis of the RSTP or both (i.e. players 32, 34, 39, 44, 45, 54, 105, 134, 139). Additionally, a violation of art. 19 par. 3 of the RSTP was found with respect to players 55 and 58, whereas a violation of arts. 9 par. 1 and 19 par. 1 of the RSTP was found with respect to player 78.
63. The Committee wishes to highlight that arts. 5 and 19bis par. 1 of the RSTP apply to all players regardless of their nationality. In fact, according to art. 5 of the RSTP, all players must be duly registered with the relevant federation in order to participate in organized football. Likewise, the obligation to report the minors attending the academy to the association set forth under art. 19bis of the RSTP refers to all players under the age of 18 irrespective of whether they are foreigner or not.
64. Therefore, the Committee considers that the nationality of the aforementioned players did not exonerate CFC from complying with arts. 5 and 19bis of the RSTP.
65. Subsequently, the Committee proceeds to analyze the facts surrounding the players 55, 58 and 78.

#### Players 55 and 58

66. Both players attended a trial and participated in football matches for CFC. They were both registered as academy players with the Premier League. The Appellant has now provided copy of British passports dated 8 September 2016 and 12 August 2016 respectively. In this regard, the Committee is comfortably satisfied that both players were indeed British nationals. Therefore, CFC cannot be found in breach of art. 19 par.3 of the RSTP with respect to players 55 and 58. Likewise, no violation of art. 19 par. 4 of the RSTP was committed with respect to player 58.

#### Player 78

67. Player 78 was registered with the Canada Football Association. He then moved to England in February 2014, participated in a 6-week trial starting 4/2014 and in football matches for CFC (e.g. 7 PLGP) as from 9 February 2014 and prior to registration at age 13 as an academy player with the Premier League on 12 May 2014.
68. In this respect, and keeping in mind the reasoning set out above with respect to the application of arts. 5, 9 and 19 of the RSTP, the Committee wishes to underline that since the player was previously registered at the Canada Football Association, CFC should have requested and obtained the approval of the Sub-Committee prior to the player joining the discipline of the club



and participating in organized football matches. By failing to do so, CFC breached art. 9 as well as art. 19 pars. 1 and 4 of the RSTP.

69. Therefore, the Committee concurs with the findings of the FIFA Disciplinary Committee with respect to player 78.

➤ Players allegedly out of the scope: players previously registered for another English club

70. The Appellant claimed that five players (i.e. players 31, 33, 50, 53, 56) fall out of the scope of the proceedings since they were previously registered for another English club. Therefore, none of these players was subject to an international transfer or a first registration.

71. The Committee notices that for these players CFC was held in breach of arts. 5 and 19bis par. 1 of the RSTP.

72. In this respect, and similarly to what it has been established with regard to British players, it must be highlighted that arts. 5 and 19bis par. 1 of the RSTP apply to all players regardless of whether they are subject to an international transfer or a first registration. As explained above, art. 5 of the RSTP provides that all players must be duly registered with the relevant federation in order to participate in organized football. Likewise, the obligation to report the minors attending the academy to the association set forth under art. 19bis of the RSTP refers to all players under the age of 18 irrespective of whether they were previously registered with the same association for another club or not.

73. In view of the foregoing, the Committee considers that the FIFA Disciplinary Committee correctly found CFC in breach of art. 5 and 19bis of the RSTP with respect to the players in question.

➤ Players allegedly out of the scope: players who joined the club before 1 October 2009

74. According to the Appellant, eight players (i.e. players 15, 73, 122, 134, 135, 138, 139 and 140) fall out of the scope of the proceedings since they joined the club before 1 October 2009.

75. The Committee notices that the Appellant was found to be in violation of art. 19bis of the RSTP for not having reported the aforementioned minor players to The FA. The Committee - in line with the explanations set out above<sup>9</sup> - considers that since these players were still attending the CFC's academy on 1 October 2009, CFC had the obligation to report them to The

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<sup>9</sup> Cf. para. II.48 above.

FA when the provision came into force. The Committee concurs with the FIFA Disciplinary Committee, according to which *"any minor present at the academy on [1 October 2009] and any minor who attended it after that date should have been reported to The FA within reasonable time"*.<sup>10</sup>

In other words, the Committee is of the opinion that, when art. 19bis of the RSTP came into force, CFC became responsible to report to The FA all minor players attending its academy. Therefore, since all the eight players in question were still attending the CFC academy on 1 October 2009, CFC should have reported them to The FA. The Committee believes that the rule is very clear and does not leave room for a different interpretation.

76. Additionally, the Appellant was found in breach of art. 5 of the RSTP for having fielded the player 15 in organized football matches. In this regard, the Committee notes that said provision was already in force when the player joined CFC on 13 August 2008. Therefore the Committee rejects the Appellant's position that the player is out of the scope of these proceedings.

➤ Players allegedly out of the scope: players under 12 before 23 January 2015

77. The Committee takes note of the extensive explanation submitted by the Appellant with respect to the situation of players under 12 before 23 January 2015, date in which the FIFA Circular no. 1468 was sent to all member associations. Additionally, the Committee takes note that according to the Appellant, eighteen players would therefore fall out of the scope of the proceedings (i.e. players 15, 30, 32, 36, 39, 43, 45, 57, 61, 65, 68, 70, 72, 77, 84, 122, 134 and 136).

78. In this respect, it is first important to point out that, according to art. 19 pars. 1 and 3 of the RSTP, the general rule at stake is the prohibition of international transfer or first registration of minor players, whereas art. 9 par. 1 of the RSTP establishes a formal requirement for the registration of a player. It is therefore clear that both provisions refer to different obligations.

79. Therefore, the Committee strongly believes that there is no element suggesting that an exception to a purely formal obligation can be applied by analogy to a substantial prohibition, since it would deprive art. 19 of the RSTP of its *ratio legis*. Indeed, the Committee considers that there is no reasonable explanation justifying the exclusion of players under 12 (10) from the protection of minors guaranteed by art. 19 of the RSTP.

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<sup>10</sup> Para. II.120 of the Appealed Decision

80. In this sense, the Committee fully agrees with the reasoning of CAS in the Barcelona case, where it was clearly explained that it *"must privilege the interpretation that allows the various provisions in a statute to coexist, and cannot and should not interpret one provision so as to eliminate the scope of another one (...)* lead us to the following conclusion: no ITC was required when the transfers occurred for players below the age of 12; their transfer nevertheless can only be lawful if it complies with the requirements embedded in Art. 19.2 RSTP. In this way, both provision (Art. 9.4 and 19.2 RSTP) can enjoy their scope"<sup>11</sup>.
81. Finally, the Committee is eager to emphasize that the content of the FIFA Circular no. 1468 does not imply that the regulatory system in place at that time was unclear. The Committee endorses and welcomes the clarification provided to FIFA's direct and indirect members, and considers that this circular cannot be used by CFC to escape from its responsibilities.
82. Taking into account the foregoing, the Committee concurs with the position of the FIFA Disciplinary Committee and rules that the fact that the aforementioned under 12 players joined the club before 23 January 2015 does not exonerate CFC from its liability for having breached art. 19 pars. 1 and 3 of the RSTP.
83. Furthermore, the Committee notes that the Appellant was also found liable for a violation of arts. 5 and 19bis par. 1 of the RSTP with respect to these players. Since both provisions apply to all minor players regardless of their age, and in line with the explanations set out above,<sup>12</sup> the Committee considers that there is no reason for departing from the findings of the FIFA Disciplinary Committee in this regard.
- Players allegedly out of the scope: players under 10 from 1 March 2015
84. The Appellant referred to The FA's submission before the FIFA Disciplinary Committee, according to which the FIFA Circular no. 1468 was not binding and, as such, absent an amendment to the rules to introduce an obligation on the part of national associations, the obligation could not be transferred. Therefore, CFC was not in a position to obtain an approval from The FA.
85. In this line of thought, the Appellant considers that nine players fell out of the scope of the proceedings (i.e. players 25, 34, 37, 51, 55, 71, 75, 105 and 162).
86. First of all, the Committee considers that the content of the FIFA Circular no. 1468 was crystal clear in emphasizing that as from 1 March 2015 *"if a member association intends to register players under the age of 10 (...)*,

<sup>11</sup> CAS 2014/A/3793 Futbol Club Barcelona v. FIFA, para. 9.8.

<sup>12</sup> Cf. para. II.13-26 and para. II.43-49 above.

*despite the fact no ITC and no application to the sub-committee appointed by the Players' Status Committee will be required, it is all the more the responsibility of this association to verify and ensure that the requirements for the protection of minors established in art. 19 par. 2 of the Regulations are met.*" Therefore, the Committee is of the firm opinion that the wording of the circular left no room for adducing that member associations had no obligation to verify and ensure the compliance with the rule.

87. Subsequently, the Committee wishes to refer to the Appealed Decision, where it was highlighted that the clubs, which have the predominant interest in the international transfer and first registration of minor players, are not exempted from responsibilities in case of wrongdoing from the football association they are affiliated to<sup>13</sup>.
88. In this context, it is undisputable that all clubs have the obligation to ensure full compliance with art. 19 of the RSTP. The fact that The FA had apparently not implemented an official system to verify if an exception under art. 19 par. 2 of the RSTP was met before registering a player does not automatically exonerate CFC from its duty to comply with the regulations. In other words, the alleged lack of an official control from The FA did not authorize CFC to proceed with the international transfer and first registration of minors as if the prohibition established under art. 19 of the RSTP did not exist.
89. Indeed, the Committee considers that CFC could (and should) have done more to ensure that art. 19 of the RSTP was respected. Even in the absence of an official system implemented by The FA, the Appellant could have still referred to the latter seeking for an approval to register a player under one of the exceptions of art. 19 par. 2 of the RSTP. To the contrary, there is no proof in the file demonstrating that CFC had ever sought for an approval or tried to ensure compliance with art. 19 of the RSTP.
90. In the light of the foregoing, the Committee considers that the Appellant cannot be exonerated from its responsibilities with respect to the violation of art. 19 pars. 1 and 3 of the RSTP and that the aforementioned players indeed fell within the scope of the proceedings.
91. Additionally, the Appellant was found liable for a violation of arts. 5 and 19bis par. 1 of the RSTP with respect to these players. Since both provisions apply to all minor players regardless of their age, and in line with the explanations set out above,<sup>14</sup> the Committee considers that, also for this group of players, there is no reason for departing from the findings of the FIFA Disciplinary Committee in this regard.

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<sup>13</sup> Cf. in particular para. II.40 of the Appealed Decision.

<sup>14</sup> Cf. para. II.13-26 and para. II.43-49 above.

92. After having addressed the Appellant's position concerning players allegedly out of the scope of these proceedings, the Committee will now analyze the further arguments submitted by CFC for some of these players and the corresponding violation of art. 19 pars. 1 and 3 of the RSTP.

➤ Players who are allegedly out of scope but to whom secondary arguments are made with respect to art. 19 par. 1 of the RSTP

93. The Committee will now analyze the additional arguments provided by CFC with respect to certain players for whom it has been established that fall within the scope of these proceedings.

#### Player 25

94. The Appellant explained that it had taken independent legal advice from its lawyers at that time, and was advised that there was no provision to register the player since he was under 10. However, after the registration had occurred, CFC was informed by its lawyers that in light of the FIFA Circular no. 1468 this legal advice was "questionable". Therefore, CFC acted in good faith and the breach of art. 19 par. 1 of the RSTP, if any, should be considered to be procedural and not substantive.

95. In this respect, the Committee considers that professional clubs such as CFC are supposed to be aware of the legal framework within which they operate, including the FIFA regulations. Therefore, the wrong advice given by its former lawyers does not excuse the Appellant for having breached art. 19 par. 1 of the RSTP.

96. Likewise, the Committee considers that, in view of the reasons set out above with respect to players under 10 as from 1 March 2015,<sup>15</sup> this corresponds to a substantial violation of the provision. Moreover, the Appellant did not explain why it should be considered as a mere procedural breach.

97. In the light of the foregoing, the Committee rejects the additional arguments submitted by the Appellant with respect to player 25 and confirms the findings of the FIFA Disciplinary Committee.

#### Players 30, 43, 68, 78

98. With respect to these four players, the Appellant claimed that they would have benefitted at all times from the exception under art. 19 par. 2 lit. a) of the RSTP, since they had moved to England with their parents for reasons not related to football.

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<sup>15</sup> Cf. para. II.84-92 above.

99. The Committee refers to its reasoning as to art. 19 par. 4 of the RSTP<sup>16</sup> and underlines that it is not up to CFC to establish whether the players benefitted from the exception under art. 19 par. 2 lit. a). Additionally, it is not the role of this Committee to retroactively verify at this stage whether one of said exceptions was indeed met.

100. Therefore, the Committee agrees with the ruling of the FIFA Disciplinary Committee and confirms that the Appellant breached art. 19 par. 1 of the RSTP with respect to these players.

➤ Players who are allegedly out of scope but to whom secondary arguments are made with respect to art. 19 par. 3 of the RSTP

101. The Appellant submitted secondary arguments with respect to players 36, 37, 51, 55, 57, 58, 61, 65, 70, 71, 72, 75, 77 and 84.

102. Nevertheless, the Committee notices that for all these players, CFC submitted that they complied at all times with the 5-year rule exception. Moreover, the Appellant claimed that no application could be submitted to The FA.

103. Before examining the position submitted by the Appellant, the Committee recalls that for players 55 and 58 no violation of art. 19 par. 3 of the RSTP can be found since it has been proven that both were British nationals at the time they joined the discipline of CFC.

104. After this clarification, the Committee recalls once again that these proceedings are not the right forum to establish whether the remaining players complied or not with the 5-year rule exception and if they were entitled to join the discipline of CFC. Additionally, the fact that The FA had apparently not implemented a system to verify the compliance with one of the exceptions does not exonerate CFC from its responsibilities.

105. Therefore, the Committee rejects the arguments submitted by CFC and confirms the findings of the FIFA Disciplinary Committee with respect to these players.

➤ Players who are within scope and for which a violation of art. 19 par. 1 of the RSTP was found

106. The Appellant also provided a defense for the remaining ten players for whom it was held liable of a violation of art. 19 par. 1 of the RSTP (i.e. players 1, 2, 4, 6, 11, 16, 20, 27, 35 and 40).

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<sup>16</sup> Cf. para. II.38-39 above.

### Player 1

107. The Committee notes player 1 moved to England in October 2011 aged 16, participated in organized football for CFC (including 10 PLGP matches) as from 26 October 2011 and prior to registration at age 18 with The FA on 16 January 2014 in the context of an international transfer.

108. In this respect, the Appellant submitted that i) the player was not internationally transferred before turning 18 because he was never registered with The FA; ii) he moved to England for reasons not linked to football; iii) he did not play organized football; iv) a breach, if any, would only be procedural.

109. As to the first point, the Committee refers to the reasoning set out above, and considers that this is a perfect example of conduct that falls within the prohibition enshrined in art. 19 par. 1 of the RSTP. In fact, the player left his country and moved abroad in order to join the discipline of a new club. Between October 2011 until his registration for CFC on 16 January 2014, the player mainly remained in England and played for CFC.

110. The Committee firmly considers that this conduct contradicts the spirit of art. 19 par. 1 of the RSTP and cannot therefore be tolerated. The Appellant's argument is not admissible and would undermine the entire legal framework created for the protection of minors.

111. Additionally, the reasons for the player's mother to move to England are irrelevant at this stage of the proceedings.

112. Finally, by having played PLGP, the player is considered to have played organized football for CFC.

113. In the light of the foregoing, the Committee agrees with the FIFA Disciplinary Committee and considers that CFC indeed breached art. 19 par. 1 of the RSTP with respect to player 1.

### Player 2

114. The Committee notes that player 2 made 6 visits (68 days) to CFC during 10/2012-8/2013, moved to England in August 2013 aged 15 and participated in organized football for CFC (including 19 PLGP matches) as from 17 August 2013 and prior to registration at age 16 with The FA on 16 September 2014 after the approval of the Sub-Committee.

115. In this respect, the Appellant submitted that i) the player was not internationally transferred because he was never registered with The FA; ii)



he moved to England when he was 16; iii) he did not play organized football; iv) a breach, if any, would only be procedural.

116. In line with the explanations provided above, the Committee considers that this player is to be considered as internationally transferred to CFC even though no registration with The FA occurred. The Committee notes that the player had already moved to England in August 2013 aged 15. Although the Appellant claims that he actually moved in September 2013 when he had turned 16, it does not change the fact that he was a minor who left his country to join the discipline of CFC and that he spent one year playing organized football for the club without being registered with The FA.

117. Furthermore, the fact that the player was allegedly 16 when he joined CFC does not imply that he automatically benefitted from the exception under art. 19 par. 2 lit. b) of the RSTP. In fact, this exception is met only when a 16 years old player moves within the EU/EEA and if specific educational and living requirements are met. In this particular case, there is no proof that these requirements were indeed met.

118. Additionally, as already explained, these proceedings are not the right forum and the Committee is not the competent body to verify if the exception was complied with.

119. Therefore, the Committee concurs with the FIFA Disciplinary Committee that the Appellant breached art. 19 par. 1 of the RSTP with respect to player

#### Player 4

120. Player 4 moved to England in June 2012 aged 15 and participated in organized football matches for CFC (including 16 PLGP matches) as from 14 July 2012 and prior to registration at age 16 with The FA on 26 April 2013 after the approval by the Sub-Committee.

121. In this respect, the Appellant submitted that i) the player was not internationally transferred until he was registered with The FA; ii) the player did not play organized football before he was registered with The FA; iii) the player met the exception under art. 19 par. 2 lit. b) of the RSTP.

122. In line with the reasoning exposed above, the Committee rejects the first argument of the Appellant, since it is clear that the player had already moved to England and joined the discipline of CFC before the approval of the Sub-Committee.

123. Likewise, the Committee rejects the Appellant's second argument, since it considered demonstrated that the PLGP matches correspond to organized football.

124. Finally, the Committee recalls that, for the exception under art. 19 par. 2 lit. b) of the RSTP to be met, the player's age is not the only factor to be taken into account. Additionally, these proceedings are not the right forum and the Committee is not the competent body to verify if the exception was actually met.

125. Consequently, the Committee rules that CFC breach art. 19 par. 1 of the RSTP with respect to player 4.

#### Player 6

126. The player participated in organized football for CFC (including 75 PLGP matches) from 8 September 2013 (age 13) until 13 February 2016. The player was never registered (only documented as a trialist by The FA and for CFC in three 6-week trials during the 2012/2013, 2013/2014 and 2014/2015 seasons).

127. The Appellant submitted that i) the player was not internationally transferred since he was never registered with The FA; ii) the player did not play organized football before he was registered with The FA.

128. The Committee rejects the arguments submitted by CFC. In fact, the player took part in 75 PLGP matches –that is organized football - between 2013 and 2016. To the Committee, this is a clear evidence of the relocation of the player's life.

129. Therefore, the Committee rules that such a conduct corresponds to a clear violation of the prohibition foreseen by art. 19 par. 1 of the RSTP and concurs with the findings of the FIFA Disciplinary Committee.

#### Player 11

130. Player 11 moved to England in January 2014 aged 16 and participated in organized football matches for CFC (including 2 PLGP matches and 1 Premier League U18 match) as from 8 March 2014 and prior to registration at age 18 with The FA on 17 June 2015 within the context of an international transfer.

131. In this respect, the Appellant submitted that i) the player was not internationally transferred until he was registered with The FA; ii) the player did not play organized football before he was registered with The FA; iii) the player always benefitted from the exception of art. 19 par. 2 lit. b) of the RSTP.

132. For the reasons set out above, and considering that the player took part to 2 PLGP matches, the Committee rejects the two first arguments of CFC.

133. The Committee also rejects the third argument since it is irrelevant (and unproven) that the player would have at all time benefitted from the exception of art. 19 par. 2 lit b) of the RSTP. In this respect, the Committee finds important to underline that the request for approval was initially rejected by the Sub-Committee due to issues with the educational provisions. This corroborates that the player's age is not the only requirement needed in order to benefit from the exception of art. 19 par. 2 lit b) of the RSPT.

134. For these reasons, the Committee agrees with the FIFA Disciplinary Committee and finds CFC in breach of art. 19 par. 1 of the RSTP with respect to the player 11.

#### Player 16

135. Player 16 moved to England in August 2010 aged 14 and participated in football matches for CFC (including 3 PLGP matches) as from 26 October 2011 and prior to registration at age 16 with The FA on 28 August 2012 after the approval by the Sub-Committee.

136. The Appellant submitted that i) the player was not internationally transferred until he was registered with The FA; ii) the player did not play organized football before he was registered with The FA.

137. In line with the reasons set out above, the Committee rejects these arguments since the player had moved to England, joined the discipline of the club and played organized football (i.e. 3 PLGP matches) prior to the approval of the Sub-Committee. Therefore, the Committee finds no reason to depart from the findings of the FIFA Disciplinary Committee with respect to the violation of art. 19 par. 1 of the RSTP.

#### Player 20

138. Player 20 moved to England in February 2014 aged 12 and participated in organized football matches for CFC (including 47 PLGP matches and 8 "*Premier League Tournament*") as from 10 January 2015 and prior to registration at age 16 with The FA on 30 August 2017 after the approval by the Sub-Committee.

139. In this sense, CFC submitted that i) the player was not internationally transferred until he was registered with The FA; ii) the player did not play organized football before he was registered with The FA.

140. The Committee notices that the player had moved to England and joined the discipline of CFC way before the Sub-Committee approved his registration with The FA. In this period of time, the player took part in several

matches, which – as established above – fall within the definition of organized football provided in the RSTP.

141. Consequently, the Committee is of the firm opinion that the player had been already transferred to CFC in February 2014 when he started training and playing organized football with the club. Therefore, the Committee agrees with the FIFA Disciplinary Committee that a violation of art. 19 par. 1 of the RSPT had indeed occurred with respect to the player 20.

#### Player 27

142. Player 27 made 4 visits (11 days) during 8/2014-6/2015, moved to England in June 2015 aged 11 and participated in organized football matches for CFC (including 20 PLGP matches) as from 11 October 2015 and without registration with The FA.

143. The Appellant submitted that i) the player was not internationally transferred since he was never registered with The FA; ii) the player did not move to England for reasons related to football; iii) the player did not play organized football.

144. In this sense, the Committee takes note that player 27 moved to England and joined the discipline of the club together with his brother, player 25, and mother. He also played several organized football matches for the club. Therefore, and in line with the reasoning applied for other players, the Committee is comfortably satisfied that CFC breached art. 19 par. 1 of the RSTP.

145. Finally, and with respect to the alleged (and unproven) compliance with the exception foreseen by art. 19 par. 2 lit. a) of the RSTP, it is not the role of this Committee to analyze the compliance (or lack thereof) with the exception.

#### Player 35

146. Player 35 moved to England in August 2015 aged 13, participated in a 6-week trial starting 9/2015 and participated in organized football matches for CFC (including 21 PLGP matches) as from 25 August 2015 and prior to registration at age 13 with The FA on 1 April 2016 after the approval by the Sub-Committee.

147. According to the Appellant i) the player was not internationally transferred until he was registered with The FA; ii) the player did not play organized football before he was registered with The FA; iii) the player always benefitted from the exception of art. 19 par. 2 lit. a) of the RSTP.

148. In this sense, the Committee notes that the player moved to England and joined the discipline of CFC without any approval from the Sub-Committee. He also played several organized football matches for CFC before being registered with The FA. Therefore, the Committee rejects the two first arguments for the reasons thoroughly explained above.

149. Additionally, it must be reiterated that it is not the role of the Committee to establish whether the player benefitted from the exception under art. 19 par. 1 lit. a) of the RSTP when he joined the discipline of CFC. In this sense, the Committee emphasizes that CFC should have requested and obtained the authorization from the Sub-Committee prior to allowing the player to join its discipline and participate in organized football with its teams. By failing to do so, the Appellant did not comply with art. 19 par. 1 of the RSTP.

#### Player 40

150. Player 40 moved to England in 2017 aged 16, participated in two 6-week trials during 7/2017-8/2017 and participated in organized football matches for CFC (including 3 PLGP matches) as from 19 August 2017 and prior to registration at age 16 with The FA (and the Premier League) on 28 November 2017 after approval by the Sub-Committee.

151. In this respect, the Appellant submitted that i) the player was not internationally transferred until he was registered with The FA; ii) the player did not play organized football before he was registered with The FA; iii) the player always benefitted from the exception of art. 19 par. 2 lit. a) of the RSTP.

152. The Committee, in line with its position concerning player 35, considers that a violation of art. 19 par. 1 of the RSTP had indeed occurred since the player joined the discipline of the club and played organized football matches before the Sub-Committee gave the authorization to register the player with The FA. Additionally, it is not the role of the Committee to verify if the CFC would have obtained the authorization of the Sub-Committee at the time the player had joined its discipline.

153. After having analyzed all arguments and contentions submitted by CFC with respect to players allegedly out of the scope of these proceedings and the violation art. 19 pars. 1 and 3 of the RSTP, the Committee will now assess whether the Appellant breached the other provisions of the RSTP.

#### ➤ As to the violation of art. 19 par. 4 of the RSTP

154. According to the Appellant, it did not commit a violation of art. 19 par. 4 of the RSTP since:

- some players are out of the scope of these proceedings (i.e. players 58 and 78);
- some players were never registered by CFC (i.e. players 6, and 27);
- some players were actually registered by CFC (i.e. players 2, 4, 16, 20, 35 and 40);
- some players were registered by CFC over the age of 18 (i.e. players 1 and 11).

155. As to the first point, the Committee recalls that, whereas it has been established that no violation of art. 19 of the RSTP can be found with respect to player 58,<sup>17</sup> the nationality of the player 78 is irrelevant, since the player was previously registered in Canada<sup>18</sup>. Therefore, player 78 falls within the scope of these proceedings and CFC is to be held responsible for a violation of art. 19 par. 4 of the RSTP.

156. The Committee then analyzes the situation of the other players, and notices that they all moved to England, joined the discipline of CFC and played organized football with its teams. They were all over 12 when this occurred.

157. Therefore, and in line with the considerations previously provided for each of these players, the Committee considers that CFC should have requested and obtained the authorization of the Sub-Committee before the foregoing occurred. By not doing so, the Appellant breached art. 19 par. 4 of the RSTP.

➤ As to the violation of art. 5 of the RSTP

158. The Committee takes note of the Appellant submission, according to which:

- some players took part in organized football matches only after their registration (i.e. players 15 and 57);
- some players did not take part to organized football matches (i.e. players 1, 2, 4, 6, 7, 10, 11, 16, 19, 20, 24, 27, 28, 35, 38, 40, 42, 47, 49, 52, 59, 60, 62, 63 and 64).

159. As to the second group of players, the Committee wishes to recall that it has been demonstrated that PLGP matches are to be considered as organized football<sup>19</sup>. Likewise, it is important to clarify that, the fact that a player is wrongly trialled by CFC in an organized football match does not change the qualification of such match to a "*trial match*"

160. Therefore, the Appellant is to be considered responsible for a breach of art. 5 of the RSTP with respect to the players included in the second group.

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<sup>17</sup> Cf. para. II.66 above.

<sup>18</sup> Cf. para. II.67-69 above.

<sup>19</sup> Cf. para. II.13-26 above.

161. With respect to player 15, the Committee notices that indeed he participated in organized football only after having been registered with The FA. Therefore, no violation of art. 5 of the RSTP occurred with respect to him.

162. With respect to player 57, the Committee takes note that, according to the file at its disposal, he was registered at the Premier League only. Therefore, CFC did not comply with art. 5 par. 1 of the RSTP by fielding a player in organized football without him being properly registered with the relevant national association.

➤ As to the violation of art. 9 par. 1 of the RSTP

163. In respect to this provision, the Appellant claimed that:

- some players were never subject to an international transfer and therefore no ITC was required (i.e. players 6, 28, 38, 52, 60 and 63).
- some players were registered following the issuance of an ITC (i.e. players 1, 2, 4, 7, 10, 11, 16, 19, 20,

164. In this sense, the Committee wishes to reiterate that all aforementioned players joined the discipline of CFC and played organized football prior to the approval of the Sub-Committee. For certain players, CFC never requested or obtained the authorization of the Sub-Committee

165. Taking into account the considerations concerning the application of arts. 9 par. 1 of the RSTP<sup>20</sup>, the Committee concurs with the findings of the FIFA Disciplinary Committee and confirms that CFC breached art. 9 par. 1 of the RSTP with respect to the aforementioned players.

➤ As to the violation of art. 19bis par. 1 of the RSTP

166. The Committee takes note that CFC has submitted the following arguments concerning art. 19bis par. 1 of the RSTP:

- some players are out of the scope of the proceedings (i.e. players 15, 25, 30, 32, 33, 34, 36, 37, 39, 43, 44, 45, 50, 51, 53, 54, 55, 57, 58, 61, 65, 68, 70, 71, 72, 73, 75, 77, 78, 84, 105, 122, 134, 135, 138, 139 and 140);
- some players were reported in accordance with art. 19bis par. 1 of the RSTP (i.e. players 1, 2, 4, 11, 16, 20, 35, 40, 41, 136 and 152);
- some players did not attend the academy (players 6 and 27).

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<sup>20</sup> Cf. para. II.40-42 above.



167. With respect to the first argument, the Committee refers to its reasoning set out above and reiterates that all players fall within the scope of the procedure.
168. As to the second argument, the Committee recalls that the intent of art. 19bis of the RSTP is to ensure that associations exercise detailed controls over minor players within the country. This requires the regular submission of information and details of players' movement within the country. In this respect, the Committee concurs with the FIFA Disciplinary Committee that this obligation shall be fulfilled with the utmost diligence and in the most exhaustive sense; as well as that clubs have the obligation to provide the association within the territory of which the academy operates with regular, diligent and appropriate information<sup>21</sup>.
169. In this context, the Committee considers that CFC failed to abide by its obligation foreseen under art. 19bis par. 1 of the RSTP. Said provision clearly establishes that clubs that operates an academy must report all minors attending it to the relevant association. This requirement is justified by the fact that associations are empowered and requested to exercise a control over the minor players in their territory.
170. By informing the Premier League only, the Appellant did not comply with its duty of reporting established under art. 19bis par. 1 of the RSTP. The Committee wishes to stresses that the *ratio* of this provision is to ensure that national association are in a position to monitor the minor players attending academies in its territory. Only a direct and regular provision of information from clubs operating an academy in such a territory can allow the provision to be effective and reach its goal.
171. Finally, the Committee takes note that players 6 and 27 joined the discipline of CFC and played organized football matches with its teams. As consequence, the Appellant should have registered the players with The FA in order for them to take part in said matches.
172. In this context, and considering that the players joined the discipline of the Appellant and were never registered with The FA, the Committee considers that they were at least attending the academy of CFC. Therefore, the Committee is comfortably satisfied that CFC has breached art. 19bis of the RST with respect to these players.
173. After having examined all violations of the RSTP committed by CFC with respect to minor players, the Committee will now assess whether the Appellant breached art. 18bis of the RSTP.

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<sup>21</sup> Para.II.57-58 of the Appealed Decision.

➤ As to the violation of art. 18bis par. 1 of the RSTP

174. With respect to the violation of art. 18bis of the RSTP, the Committee notes that the Appellant was found liable of having violated said provision for having entered into agreements with Rangers Football Club and AFC Ajax NV (hereinafter: *the Rangers agreement* and *the Ajax agreement* respectively).

175. Before analyzing the content of the aforementioned agreements, the Committee wishes to recall that art. 18bis of the RSTP prohibits clubs from, *inter alia*, entering an agreement that would entitle them to influence the independence and policies of another club with respect to employment and transfer related matters. This provision is aimed at protecting clubs' independence from any sort of external influence.

176. After this clarification, the Committee notes that clause 5.1 (c) of the Rangers agreement and clause 6.1 (c) of the Ajax Agreement prevented the respective clubs from loaning the player at stake without the consent of CFC.

177. Additionally, according to clause 5.1 (f) of the Rangers agreement and 6.1 (f) of the Ajax agreement, CFC's consent was required also for simply engaging discussions or negotiations for the possible loan of the players.

178. The Committee has no doubt that these clauses entitled CFC to influence on the policies of Rangers and Ajax, since it could prevent them from loaning the player to another club. In this respect, the Committee considers that clubs, in order to be considered truly independent, shall be free to negotiate and loan their players with no need to obtain the authorization from another club.

179. Likewise, the Committee is of the firm opinion that clause 6.1 (d) of the Rangers agreement and 5.1 (d) of the Ajax agreement limited the independence of the respective clubs, since they had the obligation, upon request of CFC, to release the players in question so that they could attend take part to specific trainings and matches with CFC.

180. Once again, the Committee considers that these clauses entitled the Appellant to influence both Rangers and Ajax in transfer related matters. Indeed, said clubs would be obliged to release the players upon request of CFC, regardless of whether it was in their sporting interest to keep them with their team.

181. In the light of the foregoing, the Committee concurs with the FIFA Disciplinary Committee and rules that CFC breached art. 18bis par. 1 of the RSTP by entering in these agreements with Rangers and Ajax.

➤ Conclusions

182. In the light of the foregoing, the Committee confirms the findings of the FIFA Disciplinary Committee with the exception of players 55 and 58, where no violation of art. 19 pars. 3 and 4 of the RSTP was committed.

183. Additionally, the Committee considers that CFC did not breach art. 5 of the RSTP with respect to player 15.

184. Consequently, the Committee finds that the Appellant violated:

- i. the ban on international transfers of underage players laid down by article 19 par. 1 of the RSTP in fifteen (15) cases (players 1, 2, 4, 6, 11, 16, 20, 25, 27, 30, 35, 40, 43, 68 and 78);
- ii. the ban on the first registration of foreign underage players laid down in article 19 par. 3 of the RSTP in relation to the provisions of article 19 par. 1 of the RSTP in twelve (12) cases (players 36, 37, 51, 57, 61, 65, 70, 71, 72, 75, 77 and 84);
- iii. the procedural rules laid down in article 19 par. 4 of the RSTP in conjunction with Annexe 2 of the RSTP and article 1 par. 3 of Annexe 3 of the RSTP in eleven (11) cases (players 1, 2, 4, 6, 11, 16, 20, 27, 35, 40 and 78);
- iv. the provisions of article 19bis par. 1 of the RSTP in fifty (50) cases (players 1, 2, 4, 6, 11, 15, 16, 20, 25, 27, 30, 32, 33, 34, 35, 36, 37, 39, 40, 41, 43, 44, 45, 50, 51, 53, 54, 55, 57, 58, 61, 65, 68, 70, 71, 72, 73, 75, 77, 78, 84, 105, 122, 134, 135, 136, 138, 139, 140 and 152);
- v. the provisions of article 9 of the RSTP in twenty (20) cases (players 1, 2, 4, 6, 7, 10, 11, 16, 19, 20, 28, 35, 38, 40, 52, 59, 60, 62, 63 and 78);
- vi. the provisions of article 5 of the RSTP in forty (40) cases (players 1, 2, 4, 6, 7, 10, 11, 16, 19, 20, 24, 27, 28, 31, 34, 35, 36, 38, 40, 42, 47, 49, 51, 52, 53, 54, 55, 56, 57, 59, 60, 62, 63, 64, 68, 71, 75, 78, 156 and 162);
- vii. the provisions of article 18bis par.1 of the RSTP with regard to two (2) agreements.

**c) Determination of the sanction**

185. After having established the violations committed by the Appellant, the Committee will now proceed to assess the sanctions imposed by the FIFA Disciplinary Committee.

186. The Committee notes that CFC was sanctioned with a fine of CHF 600,000, a ban from registering new players, nationally and internationally, for two (2) entire and consecutive registration periods following notification of the Appealed Decision, a reprimand and a warning.
187. The Committee agrees with the FIFA Disciplinary Committee that the infractions committed by CFC are inexcusable and shall be punished accordingly. Additionally, the Committee strongly believes that a sanction, in order to be effective, must have both a punitive and a deterrent effect.
188. Having said that, the Committee notices that the registration ban imposed on the Appellant with respect to the breaches of art. 19 pars. 1 and 3 of the RSTP consists in a prohibition from registering new male players, both nationally and internationally, for two entire and consecutive transfer periods. This ban covers all male teams of the Appellant, youth categories included.
189. In this sense, it must be emphasized that CFC's wrongdoing consisted in not respecting the prohibition from internationally transferring or registering for the first time (foreign) minor players. In the Committee's opinion, imposing a ban from registering any minors would not be proportionate to the offence committed.
190. Therefore, the Committee considers that, as far as youth categories are concerned, the ban from registering new players should only cover those situations where a minor requires to be transferred/registered in compliance with art. 19 of the RSTP.
191. In other words, with respect to youth categories, the ban shall cover the following situations: i) the international transfer of minor players to CFC (regardless of their nationality); as well as ii) the first registration of foreign minor players.
192. At the same time, the Committee is eager to emphasize that – in order to guarantee the punitive effect of the sanction - the possibility granted to CFC to register minors who do not fall into one of the aforementioned situations shall be limited to players under the age of 16.
193. In the light of the foregoing, the Committee confirms the fine of CHF 600,000, the warning and the reprimand imposed on the Appellant. Additionally, the Committee rules that the ban from registering new players shall be amended in the terms set out above.
194. Finally, the Committee takes note that the Appellant was granted a period of 90 days to regularize the situation with regard to the underage players who are presently with the club and are subject to the present proceedings.

The Committee decides that said period shall start from the date of the notification of this decision.

**d) Costs**

195. The Committee decides based on art. 105 par. 1 of the FDC that the costs and expenses of these proceedings amounting to CHF 3,000 shall be borne by CFC.

196. In this sense, the Committee notes that the Appellant has already paid the appeal fee of CHF 3,000 and decides that the aforementioned costs and expenses of the proceedings are set off against this amount.

197. Finally, the Committee wishes to clarify that the costs of the proceedings before the FIFA Disciplinary Committee amounting to CHF 50,000 are confirmed and therefore are to be borne by CFC.

### III. therefore decided

1. The appeal lodged by Chelsea FC is partially upheld.
2. The decision of the FIFA Disciplinary Committee rendered on 9 January 2019 is modified as follows:
  1. *The club Chelsea FC is declared liable for the violations of article 19 pars. 1 and 3 of the Regulations on the Status and Transfer of Players (RSTP), with respect to the international transfers and first registrations of minor players.*
  2. *The club Chelsea FC is declared liable for the violations of article 19 par. 4 juncto Annexes 2 and 3 of the RSTP and articles 5 par. 1, 9 par. 1 and 19bis par. 1 of the RSTP.*
  3. *The club Chelsea FC is also declared liable for the breach of article 18bis par. 1 of the RSTP after having concluded agreements which enable it to influence other clubs' policies and transfer-related matters.*
  4. *In accordance with article 12(a) and article 23 of the FDC, the club Chelsea FC is banned from registering new players, nationally and internationally, for two (2) entire and consecutive registration periods following notification of this decision. The transfer ban shall cover all male teams of the Club – first team and youth categories, with the exception of those minor players under the aged of 16 that do not fall under the scope of art. 19 of the RSTP. The Club may only register new players, nationally and internationally, from the next transfer period following the complete serving of the transfer ban.*
  5. *The club Chelsea FC is ordered to pay a fine of CHF 600,000. The fine is to be paid within 30 days of notification of the present decision. Payment can be made either in Swiss francs (CHF) to the account no. 0230-325519.70J, UBS AG, Bahnhofstrasse 45, 8098 Zurich, SWIFT: UBSWCHZH80A, IBAN: CH85 0023 0230 3255 1970 J or in US dollars (USD) to the account no. 0230-325519.71U, UBS AG, Bahnhofstrasse 45, 8098 Zurich, SWIFT: UBSWCHZH80A, IBAN: CH95 0023 0230 3255 1971 U, with reference to case no. 160620 aja.*
  6. *In application of article 10 a) and article 13 of the FIFA Disciplinary Code, the club Chelsea FC is warned on its future conduct. The club Chelsea FC is ordered to undertake all appropriate measures in order to guarantee that the FIFA regulations are strictly complied with. Should such incidents occur again in the future, the FIFA Disciplinary Committee may impose harsher sanctions on the club Chelsea FC.*

7. *In application of article 10 b) and article 14 of the FIFA Disciplinary Code a reprimand is issued against the club Chelsea FC.*
  8. *The club Chelsea FC is granted a period of 90 days to regularize the situation with regard to the underage players that are presently with the Club and are subject to the present proceedings.*
  9. *The costs of this proceeding amounting to CHF 50,000 are to be borne by the club Chelsea FC and shall be paid according to the modalities stipulated under point 5. above.*
3. The costs and expenses of these proceedings in the amount of CHF 3,000 are to be borne by Chelsea FC. This amount is set off against the appeal fee of CHF 3,000 already paid by Chelsea FC.

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Sent to: - Chelsea FC, c/o Northridge Law;  
- The Football Association.

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## LEGAL ACTION

According to art. 58 par. 1 of the FIFA Statutes, this decision may be appealed against before the Court of Arbitration for Sport (CAS). The statement of appeal must be sent to the CAS directly within 21 days of receipt of notification of this decision. Within another 10 days following the expiry of the time limit for filing the statement of appeal, the appellant shall file a brief stating the facts and legal arguments giving rise to the appeal with the CAS.

The full address and contact numbers of the CAS are the following:

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FÉDÉRATION INTERNATIONALE  
DE FOOTBALL ASSOCIATION



Thomas Bodström  
Chairman of the FIFA Appeal Committee