

Decision

of the

FIFA Disciplinary Committee

Mr Alejandro Piera [PAR], Deputy Chairman;
Mr Gudni Bergsson [ISL], Member;
Mr Thomas Hollerer [AUT], Member

on 15 May 2019,

to discuss the case of:

Federazione Italiana Giuoco Calcio (FIGC)

(Decision 160161 TMS)

regarding:

International transfers of minor football players without the prior approval of the Sub-Committee appointed by the Players' Status Committee and misuse of the limited exemption from the obligation to refer applications for approval for minor players to the Sub-Committee of the Players' Status Committee

(Arts. 9 par. 1, 19 pars. 1, 3 and 4 of the RSTP as well as art. 1 par. 1 of Annexe 2 and art. 1 par. 3 of Annexe 3 of the RSTP; art. 64 of the FDC – Ed. 2017)

I. Having noted that

1. This case relates to the registration of several (minor) players for Italian clubs at the Italian Football Association (hereinafter: *Federazione Italiana Giuoco Calcio* or *the FIGC*) between 2010 and 2013.

A. Factual circumstances

2. More specifically, the relevant facts of the case at hand concerned the following players:
 - i. David ANTWI (nationality: GHANA, date of birth: 24.01.1997), hereinafter: *Player 1*;
 - ii. Sebastian GAMARRA RUIZ (nationality: BOLIVIA, date of birth: 15.01.1997), hereinafter: *Player 2*;
 - iii. Baba Ndaw SECK (nationality: SENEGAL, date of birth: 25.12.1995), hereinafter: *Player 3*;
 - iv. Joel BARAYE (nationality: SENEGAL, date of birth: 05.01.1997), hereinafter: *Player 4*;
 - v. Joseph Marie MINALA (nationality: CAMEROON, date of birth: 24.08.1996), hereinafter: *Player 5*;
 - vi. Mame Fily SALL (nationality: SENEGAL, date of birth: 02.02.1996), hereinafter: *Player 6*;
 - vii. Alioune GUEYE (nationality: SENEGAL, date of birth: 20.12.1996), hereinafter: *Player 7*;
 - viii. Souleymane CAMARA (nationality: GUINEA, date of birth: 28.10.1996), hereinafter: *Player 8*;
 - ix. Gaston CAMARA (nationality: GUINEA, date of birth: 31.03.1996), hereinafter: *Player 9*;
 - x. Maodo Malick MBAYE (nationality: SENEGAL, date of birth: 06.11.1995), hereinafter: *Player 10*;
 - xi. Ibest TERBESHI (nationality: ALBANIA, date of birth: 04.05.1996), hereinafter: *Player 11*;
 - xii. Vincent Guedj DIOUF (nationality: SENEGAL, date of birth: 30.12.1995), hereinafter: *Player 12*;
 - xiii. Seraphin Michael BAONE (nationality: CAMEROON, date of birth: 25.12.1996), hereinafter: *Player 13*;

xiv. Mohamed DABO (nationality: SENEGAL, date of birth: 02.01.1996), hereinafter: *Player 14*;

3. Between 2010 and 2013, the aforementioned players were registered for several clubs affiliated to the FIGC, namely:

- i. Brescia Calcio SpA (Players 1 & 2)
- ii. ASD Nuvolera-Rigamonti (Player 3),
- iii. ADC Mario Rigamonti (Player 4),
- iv. ASD Città di Fiumicino (Player 5),
- v. Zane 1931 (Player 6),
- vi. Borgo Rosselli ASD (Player 7),
- vii. Sammaurese ASD (Player 8 & 9),
- viii. Trento Calcio 1921 (Player 10),
- ix. Termoli Calcio 1920 (Player 11),
- x. CBS Scuola Calcio (Player 12),
- xi. MM Sarego ASD (Player 13),
- xii. Pergolettese 1932 (Player 14),

In addition, some of these players were subsequently transferred to other Italian clubs, namely:

- i. Brescia Calcio SpA (Players 3 & 4)
- ii. AC Milan (Player 2)
- iii. SS Lazio (Player 5)
- iv. Hellas Verona (Player 6)
- v. Delfino Pescara (Player 7)
- vi. Santarcangelo (Player 8 & 9)
- vii. AC Chievo Verona (Player 10)
- viii. SS Virtus Lanciano (Player 11)
- ix. A.S. Avellino (Player 12)
- x. FC Inter Milan (Players 13 & 14)

4. In particular, the factual circumstances relating to the present case can be summarised as follows, including the information that the FIFA Disciplinary Committee has taken into account and considered as having been proved:

- i. these players were all registered for the first time in a club affiliated to the FIGC;
- ii. they were all minors when joining the Italian clubs concerned;
- iii. they were all registered for Italian clubs without the prior approval of the Sub-Committee appointed by the FIFA Players' Status Committee (hereinafter: *the Sub-Committee*);
- iv. some of them were registered at the FIGC on the basis of the Limited Minor Exemption .

B. Procedure

5. On 13 February 2019, following investigations conducted by the FIFA TMS Global Transfer Compliance Department (hereinafter: *FIFA TMS*)¹, disciplinary proceedings were opened against the FIGC with respect to potential violations of:
 - i. Articles 9 par. 1, 19 pars. 1, 3 and 4 of the Regulations on the Status and Transfer of Players (2009 to 2012 editions, hereinafter: *the Regulations or the RSTP*),
 - ii. Article 1 par. 1 of Annexe 2 of the Regulations (2009 – 2012 editions);
 - iii. Article 1 par. 3 of Annexe 3 of the Regulations (2009 – 2012 editions);
 - iv. Article 64 of the FIFA Disciplinary Code (hereinafter: *The FDC*).
6. The FIGC was given a deadline until 20 February 2019 to provide the secretariat to the FIFA Disciplinary Committee (hereinafter: *the Secretariat*) with its position.
7. Upon request of the FIGC, said deadline was extended until 1 April 2019.
8. On 1 April 2019, the FIGC provided its position, which can be summarised as follows²:

¹ All documents included in the proceedings conducted by FIFA TMS were duly analysed and considered by the FIFA Disciplinary Committee in its discussion and deliberations.

² The summary does not purport to include every single contention put forth by the FIGC. However, the FIFA Disciplinary 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 its position and in the ensuing discussion on the merits.

- i. The registration of the relevant players was made during a period of time when there was a huge uncertainty as to the application of the FIFA regulations and its compliance with Italian immigration laws.
- ii. During the mentioned period, the FIGC has been taken to court in several occasions in relation to the application of the regulations of FIFA concerning protection of minors. As a consequence of this, the Italian leagues and some of the local offices of the FIGC decided to register different players under the age of 18 due *“to the fear of being sued and paying damages”*.
- iii. A recent national law issued in Italy, law n. 205 of 27 December 2017, provides that *“foreign minors, even if they entered the Italian sole and are residing in Italy in breach of the applicable immigration rules, can be registered with National Sports Federation, as if they were Italian citizens, provided that they have been registered for at least one year at a national school”*. This law provision has caused a big concern within the FIGC as it contradicts in part the contents of the RSTP.
- iv. The FIGC requests to organize a meeting with the FIFA Players’ Status Department in order to *“discuss the application of the provisions of the FIFA Regulations on the Status of Players addressing the protections of minors in combination with Italian laws on the rights of immigrants [...]”*.

II. and considered

A. Jurisdiction

1. In accordance with article 53 par. 2 of the FIFA Statutes, the Disciplinary Committee (hereinafter also referred to as *the Committee*) may pronounce the sanctions described in the Statutes and the FIFA Disciplinary Code (FDC) on member associations, clubs, officials, players, intermediaries and licensed match agents.
2. Pursuant to article 25 par. 3 of the Regulations, disciplinary proceedings for violation of the Regulations shall, unless otherwise stipulated by the Regulations, be in accordance with the FDC.
3. In continuation, article 9.2 par. 1 of Annexe 3 of the Regulations provides that the Committee is responsible for imposing sanctions in accordance with the

FDC with respect to violations of the provisions of Annexe 3 of the Regulations.

4. With the above in mind, the Committee first noted that the FIGC at no point during the present proceedings challenged the jurisdiction of the Committee or the applicability of the FDC.
5. As a result of the foregoing considerations, the Committee deemed that it is competent to evaluate the matter at hand and to pronounce sanctions in case of corresponding violations.

B. Applicable regulations

6. With respect to the applicable regulations, the Committee first emphasised that, in accordance with article 19 par. 1 of the Regulations, "*[i]nternational transfers of players are only permitted if the player is over the age of 18*".
7. In this respect, the Committee recalled that article 19 par. 3 of the Regulations establishes that "*the conditions of this article shall also apply to any player who has never previously been registered with a club and is not a national of the country in which he wishes to be registered for the first time*".
8. In addition, par. 4 of the mentioned article expresses that "*[e]very international transfer according to paragraph 2 and every first registration according to paragraph 3 is subject to the approval of the sub-committee appointed by the Players' Status Committee for that purpose. The application for approval shall be submitted by the association that wishes to register the player (...). The sub-committee's approval shall be obtained prior to any request from an association for an International Transfer Certificate and/or a first registration*".
9. In continuation, reference shall also be made to article 1 par. 1 of Annexe 2 of the Regulations which establishes that "*All applications for a first registration of a minor player according to article 19 paragraph 3, or an international transfer involving a minor according to article 19 paragraph 2, must be submitted and managed through TMS*", as well as to article 1 par. 3 of Annexe 3 of the Regulations in accordance with which "*TMS [the Transfer Matching System] helps safeguard the protection of minors. If a minor is registered as a*

non-national for the first time or is involved in an international transfer, an approval must be given by a sub-committee appointed by the Players' Status Committee for that purpose (cf. article 19 paragraph 4)".

10. Finally, considering that some of the potential violations committed by the FIGC appear to be related to the decisions passed by the bureau of the Sub-Committee of the Players' Status Committee on 17 December 2009 and 15 December 2011 (related to the limited exemption from the obligation to refer applications for approval for minor players to the Sub-Committee, hereinafter: *the LME*), the Committee emphasised the contents of article 64 of the FDC, according to which: "[...] anyone who fails to comply with another decision (non-financial decision) passed by a body, a committee or an instance of FIFA, or by CAS (subsequent appeal decision):
- a) *will be fined for failing to comply with a decision;*
 - b) *will be granted a final deadline by the judicial bodies of FIFA in which to [...] comply with the (non-financial) decision;*
 - c) *[...];*
 - d) *(only for associations) will be warned and notified that, in the case of default or failure to comply with a decision within the period stipulated, further disciplinary measures will be imposed."*

C. Analysis of the violations by the FIGC

11. Having recalled the relevant provisions as a preliminary remark, the Committee found it worthwhile to emphasise that the protection of minors constitutes one of the principles included in the agreement that was concluded between FIFA, UEFA and the European Commission in March 2001 and is one of the essential pillars of the Regulations since then. All of the aforementioned authorities and members of the football community agreed that the measures to ensure the protection of minors and to combat abuses require robust rules that must be implemented in a consistent and strict manner. Such principles were recognised by the Court of Arbitration for Sport (CAS) which by a decision of 6 March 2009 (CAS 2008/A/1485 FC Midtjylland A/S v. FIFA), confirmed the legality of the relevant FIFA regulations, further emphasising that these provisions do not contravene any rule of public policy or European law.
12. In continuation, the Committee pointed out that FIFA's efforts to protect minors have since then been recognised by CAS on several occasions (CAS

2005/A/955 Cádiz C.F., SAD v. FIFA and Asociación Paraguaya de Fútbol & 956 Carlos Javier Acuña Caballero v. FIFA and Asociación Paraguaya de Fútbol, CAS 2008/A/1485 FC Midtjylland A/S v. FIFA, CAS 2011/A/2354 Elmir Muhic v. FIFA, CAS 2011/A/2494 FC Girondins de Bordeaux v. FIFA, CAS 2012/A/2787 Villareal CF. FIFA, CAS 2014/A/3611 Real Madrid FC v. FIFA, CAS 2014/A/3793 Fútbol Club Barcelona, CAS 2014/A/3813 Real Federación Española de Fútbol v. FIFA, CAS 2015/A/4312 John Kenneth Hilton v. FIFA, CAS 2016/A/4785 Real Madrid Club de Fútbol v. FIFA, CAS 2016/A/4805 Club Atlético de Madrid SAD v. FIFA and CAS 2017/A/5244 Oscar Bobb & Associação Juvenil Escola de Futebol Hernâni Gonçalves v. FIFA).

13. That having been established, the Committee subsequently analysed the evidence and documentation at its disposal (*i.e.* the documentation and information provided by the Italian clubs involved, the FIGC, the Players' former associations and clubs in the scope of the proceedings before FIFA TMS as well as the ones provided by the FIGC during the present proceedings) to determine the potential violations of the RSTP committed by the FIGC.

(1) Article 19 par. 3 of the RSTP

14. In this regard, the Committee first highlighted that at no point during the present proceedings did the FIGC contest that the players concerned by the matter at hand were registered for Italian clubs. In fact, the FIGC has even explicitly confirmed the registration of the mentioned players and provided information regarding the said registrations (*i.e.* passport of the players with the date of registration).
15. In continuation, the Committee turned its attention to the birth dates of the players involved and acknowledged that, at the time they joined the Italian clubs, they were all minors in accordance with the definitions section of the Regulations.
16. In addition to the above, the Committee emphasised that, being all the players not nationals of Italy, they had never been previously registered at an association. As a result, the Committee highlighted that any potential registration of the Players in Italy would be considered as a first registration.
17. Against such background, the Committee reiterated that, in principle, first registrations of players that are not nationals of the country of the association

intending to register them are only permitted if the player is over the age of 18.

18. As such, the Committee was convinced that, by being registered for the first time at the FIGC, whilst being aged below 18 and, Players 1 to 14, who all are not Italian nationals, were registered in contravention of article 19 par. 3 of the Regulations.
19. With the above in mind, the Committee wished to emphasise that it concurs with the conclusions of CAS in its award CAS 2014/A/3813 Real Federación Española de Fútbol v. FIFA (par. 232 ff.) in line with which, as the body in charge of running football in Italy and by virtue of its status as a member of FIFA, the FIGC was obliged by article 14 par. 1 lit. d) of the applicable edition of the FIFA Statutes to ensure full compliance of article 19 par. 3 of the RSTP by its affiliated clubs. In particular, the Committee recalled that "*[t]his [art. 19], is the backbone of the FIFA RSTP provisions on the protection of minors and is a provision that must be complied by clubs and associations alike*" (CAS 2014/A/3813, par. 229) and that "*Article 19.3 of the FIFA RSTP is in fact one of the mandatory provisions which associations must incorporate into their regulations without any modification [...]*" (CAS 2014/A/3813, par. 240)
20. As a result of all the above, and in particular considering that "*[t]here should be no doubt that the ban on transferring under-aged players is addressed to both "associations" and "clubs"*" (CAS 2014/A/3793 FC Barcelona v. FIFA, par. 9.2), the Committee was of the opinion that the FIGC breached article 19 par. 3 of the Regulations on fourteen (14) occasions, namely with respect to the first time registration of Players 1 to 14.

(2) Article 19 par. 4 of the RSTP in conjunction with art. 1 par. 1 of Annexe 2 of the RSTP and 1 par. 3 of Annexe 3 of the RSTP

21. Notwithstanding the above, the Committee recognised that article 19 par. 2 of the Regulations provides for three exceptions to the general principle of article 19 par. 1 of the Regulations (as read together with art. 19 par. 3 of the Regulations), including the circumstances under which an international transfer of a minor player and/or a first registration of a minor player could be possible.

22. However, the Committee pointed out that, even in the event that one of the exceptions laid down under article 19 par. 2 of the Regulations would have been applicable to any of the situations at issue here, *quod non*, neither the Italian clubs involved nor the FIGC would have been authorised to complete the first registration of the Players unless and until the Sub-Committee had granted its approval. Indeed, in line with article 19 par. 4 of the Regulations, such a first registration *"is subject to the approval of the sub-committee appointed by the Players' Status Committee for that purpose"* and said approval shall be obtained prior to the registration of the minor player concerned.
23. For the sake of completeness, the Committee also took into consideration the fact that, on 17 December 2009 and 15 December 2011 the bureau of the Sub-Committee granted the FIGC a Limited Minor Exemption (LME). Such exemption, restricted to limited periods of two years, is, however, only valid for minor amateur players who only wish to be registered with purely amateur clubs. Furthermore, the LME is only applicable whenever the registration of a player fulfils at least one of the exceptions set out in article 19 par. 2 of the RSTP.
24. As such, the Committee first highlighted that the LME was, in any event, not applicable to the registration of Player 2, since the club that he was registered for, had a professional status, and therefore, was beyond the scope of the LME.
25. In continuation, the Committee observed that, according to the FIGC, the registration of the Players 2 to 13, which took place under the LME, had been done based on the exception provided for by article 19.2. a), according to which, players under the age of 18 can be transferred internationally or registered for the first time at an association from a country they are not national of if *"the player's parents move to the country in which the new club is located for reasons not linked to football"*.
26. However, the Committee noted that when FIFA TMS asked the FIGC for clarification on the situation of the relevant players, the FIGC informed that *"the minor players arrived in Italy, without [their] parents, from a country outside the UE/EEE, as immigrant; they were assigned to a third person according to a provision of assignment released by the Italian Courts or by the competent Authorities, as delegation of parental authority; as you know, in this case, the minor is entrusted to the replacement organs of parental rights"*

provided by the law of the Italian State (...) therefore, for the Italian Law, this provisions make those people equal to the parents".

27. In this sense, the Committee recalled that, as already explained by the FIFA Players' Status Department to the FIGC, in line with the jurisprudence of the Players' Status Committee, as a general rule, the possible delegation of the parental authority over a minor, to a relative or any other third person, does not allow for an exception, under article 19 par. 2 a) of the Regulations, to the prohibitions set out in article 19 pars. 1 and 3 of the RSTP.
28. In light of all the above, the Committee understands that the registrations of Players 2 to 13, since the LME does not apply to them, were subject to the prior approval of the Sub-Committee of the Players' Status Committee. In other words, said approval was mandatory prior to the registration of all Players at hand (*i.e.* Players 1 to 14).
29. With those considerations in mind, the Committee went on to analyse as to whether, *in casu*, the first registration of Players 1 to 14, had been duly approved by the Sub-Committee.
30. In this regard, the Committee first observed that, no minor application had been approved by the Sub-Committee for Players 1 to 14. In addition, the Committee emphasised that at no point did the FIGC claim to have obtained the approval of the sub-committee with respect to players 1 to 14 nor even submitted a minor application in relation to the first time registration of Players 1, 2 and 4 to 14.
31. With the above in mind, and for the sake of good order, the Committee wanted to address the specific situation of Player 3 for whom a minor application had been submitted to the Sub-Committee by the FIGC. In this sense, the Committee observed that this application, related to the first registration of Player 3 for a professional club, was rejected by the Sub-Committee on 13.06.2012. Nevertheless, Player 3 was subsequently registered for an Italian amateur club under the LME, which, as already explained (*cf.* points 24 – 26 *ut supra*), was not applicable for his specific situation, as none of the exceptions of article 19 par. 2 of the RSTP were applicable to the situation at hand.
32. As a consequence, the Committee deemed that it had no other alternative but to conclude that the FIGC had to be declared liable for the violation of article

19 par. 4 of the Regulations as a result of the first registration of Players 1 to 14 for Italian clubs without the prior approval of the Sub-Committee.

33. To that end, the Committee considered that, by not submitting an application to the Sub-Committee through TMS, the FIGC failed to follow the correct procedure governing applications for the first registration of a foreign minors according to article 19 par. 4 of the Regulations and is therefore also in violation of article 1 par. 1 of Annexe 2 of the Regulations as well as of article 1 par. 3 of Annexe 3 of the Regulations.
34. At this stage, the Committee was of the opinion that the FIGC did not act with the requested diligence expected in circumstances such as the ones at hand. These deficiencies led to the current situation in which minor players were registered without the relevant applicable procedures having been followed.
35. Bearing in mind that TMS is *inter alia* designed to help safeguard the protection of minors, the Committee was eager to emphasise that the system would not serve its purpose and would not be viable, should all the stakeholders act in the same way as the FIGC did *in casu*, i.e. by allowing (foreign) minor players to be registered without any prior approval in accordance with article 19 par. 4 of the Regulations.

(3) Article 64 of the FDC

36. In continuation, the Committee reiterated that, on 17 December 2009 and 15 December 2011 the bureau of the Sub-Committee granted the FIGC a Limited Minor Exemption (LME). In particular, the Committee emphasised that, in accordance with said LME, the FIGC was exempted from the obligation to refer applications for approval for minor players to the Sub-Committee in accordance with article 19 par. 4 of the Regulations provided that the minor players concerned were to be registered as amateur, for purely amateur clubs. Furthermore, the Committee highlighted that the LME is only applicable if the registration of the players fulfils at least one of the exceptions set out in article 19 par. 2 of the Regulations.
37. In these circumstances, the Committee observed from the file in its possession that the FIGC reported having registered Players 2 -13 on the basis of the LME.
38. With the above in mind, the Committee emphasised that Player 2 was registered for the club Brescia Calcio SpA.

39. In this regard, on the basis of the information at its disposal, the Committee was of the opinion that the mentioned club could, by no means, be considered as an amateur club, *i.e.* club without a professional team and without a legal, financial or *de facto* link to a professional club.
40. In addition, the Committee expressed that for Players 3-13, the exemption included in article 19 par. 2 a), which was the one the FIGC relied on to register the above-mentioned players under the LME, was not applicable to the relevant Players, as already explained above (cf. points 24 – 26 *ut supra*).
41. As such, by proceeding to the registration of foreign minor players for clubs that were not of purely amateur status or of foreign minor players that do not fulfil any of the exceptions included in article 19 par. 2 of the Regulations, the FIGC failed to comply with the LME and therefore with the decisions rendered by the bureau of the Sub-Committee.
42. In doing so, the FIGC is to be found in breach of article 64 of the FDC for having "*fail[ed] to comply with [a non-financial decision] passed by a body, a committee or an instance of FIFA*" on twelve (12) occasions.

D. Determination of the sanctions

43. Once the violations committed by the FIGC had been established, the Committee subsequently went on to consider the sanction(s) to be imposed.
44. To that end, the Committee recalled that, in accordance with articles 10 and 12 of the FDC, legal persons such as the FIGC, are punishable by the following sanctions: warning, reprimand, fine or return of awards, transfer ban, playing a match without spectators and/or on neutral territory, ban on playing in a particular stadium, annulment of the result of a match, expulsion, forfeit, deduction of points and relegation to a lower division.
45. As established above, the FIGC is guilty of having infringed several provisions of the RSTP, namely article 19 pars. 3 and 4 as well as article 1 par. 1 of Annexe 2 and 1 par. 3 of Annexe 3 of the Regulations. In addition, the FIGC was found to be in violation of article 64 of the FDC. As a result, there are concurrent infringements within the meaning of article 41 par. 1 and 2 of the FDC. In accordance with the principles contained in the previous provisions, in such cases the sanction applicable to the most serious infringement should apply,

which may be increased depending upon the specific circumstances, as a result of the remaining concurrent infringements.

46. As a result, the following considerations refer to the sanctions that may be imposed for the most serious infringements committed by the FIGC, namely, those directly related to the protection of minors, *i.e.* article 19 par. 3 of the RSTP together with article 19 par. 4 (in conjunction with art. 1 par. 1 of Annexe 2 and art. 1 par. 3 of Annexe 3 of the RSTP). Based on the sanctions that are to be imposed for these infringements, it will be decided below whether the sanctions must be increased on the basis of the infringement of article 64 of the FDC and, depending on the case, how this should be done. All relevant factors of the case will be taken into account alongside with the degree of the offender's guilt (article 39 par. 4 of the FDC); it is therefore important to establish to which extent the FIGC can be considered individually guilty of misconduct.
47. When assessing the degree of guilt of the FIGC within the context of the sanction for the violations of article 19 par. 3 as well as article 19 par. 4 of the RSTP (in conjunction with article 1 par. 1 of Annexe 2 and article 1 par. 3 of Annexe 3 of the RSTP), it is necessary to take into account the severity of the infringements with respect to the legal interest protected by that provision, namely, the integrity of the minors' development. More generally, article 19 of the RSTP seeks to protect minor players. In this context, the Committee stressed that it is clear that the behaviour of the FIGC as described throughout this decision, breaches the general prohibition of transfers of minor players, which is one of the pillars of the RSTP. In this respect, the Committee recalled that the breaches in question of article 19 pars. 3 and 4 of the RSTP (in conjunction with art. 1 par. 1 of Annexe 2 and art. 1 par. 3 of Annexe 3 of the RSTP) committed by the FIGC involved fourteen (14) underage players.
48. In these circumstances, the Committee highlighted that the provision of article 19 of the RSTP is not merely procedural but rather substantive, and that it seeks to provide effective protection to the integrity and development of underage players. Therefore, the Committee considered that the FIGC reprehensible conduct required a sanction that recognises and takes account of all these factors.
49. Taking into account the facts described in the present case – and in particular that this matter involves improper registrations of underage players –, the Committee considered that the appropriate sanction to be imposed on the

FIGC in relation to the violations of article 19 pars. 3 and 4 of the RSTP (in conjunction with art. 1 par. 1 of Annexe 2 and art. 1 par. 3 of Annexe 3 of the RSTP) would be a fine.

50. In line with article 15 par. 2 of the FDC, such fine shall not be less than CHF 300 and not more than CHF 1,000,000. Taking into account the relevant principles and conclusions set out above, as well as the amount imposed in the past for violations similar to the present case, the Committee considered a fine of CHF 40,000 to be adequate on account of the violations of article 19 pars. 3 and 4 of the RSTP (in conjunction with art. 1 par. 1 of Annexe 2 and art. 1 par. 3 of Annexe 3 of the RSTP) related to 14 minor players.
51. As has been established above, in addition to the violations of the regulations related to the protection of minors, the FIGC also breached article 64 of the FDC on twelve (12) occasions.
52. In this regard, the Committee emphasised that the aforementioned additional and concurrent breaches are different and independent from the violations of article 19 pars. 3 and 4 of the RSTP (in conjunction with art. 1 par. 1 of Annexe 2 and art. 1 par. 3 of Annexe 3 of the RSTP).
53. In this case, the most serious offence being the violation of the provisions related to the protection of minors, the Committee decided to supplement the fine of CHF 40,000 by a further fine of CHF 10,000 for the breach of article 64 of the FDC.

The Committee considered this increase to be consistent with the circumstances.

54. Furthermore, in application of articles 10 lit. a) and 13 of the FDC, the Committee decided to warn the FIGC as to its future conduct. In particular, the FIGC is ordered to undertake all appropriate measures in order to guarantee that the FIFA regulations (in particular the FDC as well as the Regulations and its provisions related to the protection of minors) are strictly complied with. Should such infringements occur again in the future, the Committee would be left with no other option than to impose harsher sanctions on the FIGC.
55. Notwithstanding the above, the Committee noted that the FIGC affirmed that during the period when the present infringements took place, some local

offices of the FIGC were registering players to avoid being sued for not complying with national laws. In addition, the Committee also observed that the FIGC made reference to a national law, which was issued on December 2017, and whose enforcement was creating the FIGC some concerns as its content is in contradiction from the contents of the Regulations. However, the Committee deemed that this facts could not be considered as a mitigating circumstance as the FIGC itself, by accepting its affiliation to FIFA, accepted to comply with its regulations and rules and, in any event, the above-mentioned national law entered into force after the registration of the relevant players was made and hence, it is not applicable to the present matter.

III.therefore decided

1. The Disciplinary Committee orders the Federazione Italiana Giuoco Calcio to pay a fine to the amount of CHF 50,000.
2. In addition to the above, the Federazione Italiana Giuoco Calcio is warned on its future conduct.
3. The above fine is to be paid within thirty (30) days from the notification of the present decision.

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Alejandro Piera
Deputy Chairman of the FIFA Disciplinary Committee

Note relating to the payment of the fine

Payment can be made either in Swiss francs (CHF) to 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 account no. 0230-325519.71U, UBS AG, Bahnhofstrasse 45, 8098 Zurich, SWIFT: UBSWCHZH80A, IBAN: CH95 0023 0230 3255 1971 U, with reference to the case number above mentioned.

Note relating to the legal action:

This decision can be contested before the FIFA Appeal Committee (art. 57 of the FDC - Ed. 2019). Any party intending to appeal must announce its intention to do so in writing within three (3) days of notification of the grounds of the decision. Reasons for the appeal must then be given in writing within a further time limit of five (5) days, commencing upon expiry of the first time limit of three (3) days (art. 56 par.2 of the FDC – Ed. 2019). The appeal fee of CHF 1,000 shall be transferred to the aforementioned bank account on the date of the expiry of the time limit of five days for submitting the reasons for appeal at the latest (art. 56 par. 6 of the FDC – Ed. 2019).