

**Decision**  
of the  
**Member of the FIFA Disciplinary Committee**

Mr. Lord VEEHALA [TGA], Member  
on 12 February 2020

to discuss the case of:

Club PFC CSKA-Sofia, Bulgaria  
(Decision 160566 PST)

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*regarding:*

failure to comply with  
art. 15 of the FDC (2019 ed.) / art. 64 FDC of the FDC (2017 ed.)

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## I. inferred from the file<sup>1</sup>

1. On 2 September 2015, the Dispute Resolution Chamber (DRC) judge decided that the club PFC CSKA Sofia (hereinafter also referred to as "*the original Debtor*") had to pay to the player Guido di Vanni (hereinafter also referred to as "*the Creditor*"), within 30 days as from the date of notification of the decision the amount of EUR 21,200 plus 5% interest *p.a.* until the date of effective payment, as follows:
  - 5% *p.a.* as of 26 April 2014 on the amount of EUR 5,300;
  - 5% *p.a.* as of 26 May 2014 on the amount of EUR 5,300;
  - 5% *p.a.* as of 26 June 2014 on the amount of EUR 5,300;
  - 5% *p.a.* as of 26 July 2014 on the amount of EUR 5,300.
2. The findings of the decision of the Dispute Resolution Chamber (DRC) judge (hereinafter, "*the DRC judge decision*") were duly communicated to the parties on 17 September 2015. The grounds were requested by the original Debtor and notified to the parties on 6 October 2015.
3. As the aforementioned amounts were not paid to the Creditor, the secretariat to the FIFA Disciplinary Committee (hereinafter, "*the Secretariat*") opened disciplinary proceedings against the original Debtor on 25 July 2016. However, considering that the Bulgarian Football Union had informed the Secretariat that the club PFC CSKA Sofia was undergoing insolvency proceedings, the disciplinary proceedings were, on the same day, declared suspended until the original Debtor's liquidation process finalises in accordance with Bulgarian law.
4. On 4 April 2017, the Creditor requested to be informed of the status of the original Debtor and further pointed out that the latter was still participating in the first division of the Bulgarian championship. Consequently, the Creditor requested the Disciplinary Committee to continue the enforcement of the DRC judge decision.
5. On 8 September 2017, the Secretariat acknowledged receipt of the aforementioned correspondence and informed the parties that it was closely investigating the situation of the original Debtor.
6. By means of a letter received on 13 September 2017, the Bulgarian Football Union informed the Secretariat that the Sofia city court had declared the club PFC CSKA Sofia bankrupt. In addition, the Bulgarian Football Union drew the Secretariat's attention to the fact that the Bulgarian Football Union Executive Committee decided on 20 June 2017 to disaffiliate the original Debtor.
7. On 28 March 2018, the Creditor insisted on continuing the disciplinary proceedings against the original Debtor as the latter was competing in the highest division of the Bulgarian championship.

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<sup>1</sup> Below is a summary of the main relevant facts and allegations based on the documents pertaining to the file. Although the Member of the Disciplinary Committee has considered all the facts, allegations, legal arguments and evidence submitted by the parties, he refers in his decision only to submissions and evidence it considers necessary to explain its reasoning.

8. By means of a correspondence dated 21 November 2019, the Creditor made reference to the notion of sporting successor illustrated in the recent jurisprudence of the FIFA Disciplinary Committee and believed that this jurisprudence should apply in the present case. Consequently, the Creditor requested that disciplinary proceedings be initiated/resumed against the club PFC CSKA Sofia, competing in the first division of the Bulgarian championship.
9. On 22 January 2020, the Secretariat initiated disciplinary proceedings against the club PFC CSKA-Sofia (hereinafter also referred to as "*the new Club*"), for a potential failure to respect a decision passed by a body, a committee or an instance of FIFA or a CAS decision. In addition, the new Club was informed that the case would be submitted to the Disciplinary Committee for evaluation on 10 February 2020 and was invited to provide its position regarding the allegations made by the Creditor.
10. On 23 January 2020, the new Club requested an extension of the time limit for filing its position.
11. On 30 January 2020, the Secretariat informed the parties that the new Club's request had been exceptionally granted and therefore invited the latter to provide its position by 5 February 2020 at the latest.
12. On 5 February 2020, the new Club provided the Secretariat with its position, which can be summarized as follows:
  - I. The new Club claimed that there is no legal, financial or organizational connection between the legal entity of the former club "*PFC CSKA AD*" and the new one "*PFC CSKA-Sofia EAD*".
  - II. In particular, the new Club pointed out that it is the legal successor of the club Litex Lovech and provides the following explanations :
    - o In the 2015/2016 season, a club called "*Litex Lovech*" was expelled from the first Bulgarian league;
    - o At the beginning of the 2016/2017 season, a group of entrepreneurs bought the company "*PFC Litex Lovech AD*", the legal entity behind the club Litex Lovech;
    - o The main idea of these entrepreneurs was to create a new club, which maintains and reflects the historical sporting history of the old club, which at that time was already declared insolvent and was no longer participating in organized football;
    - o Therefore, on 2 June 2016, the entrepreneurs changed the name of the company "*PFC Litex Lovech AD*" to "*PFC CSKA-Sofia EAD*". Accordingly, the club Litex Lovech became the club PFC CSKA-Sofia. Nevertheless, the new Club highlighted that it took part in the newly created Bulgarian first division championship (2016/2017 season) using the sporting licence of the club Litex Lovech.
  - III. Furthermore, the new Club admitted that it is using a similar logo and image to the original Debtor because it bought certain logos, trademarks, etc. out of the bankruptcy mass of the original Debtor. However, the new Club wished to draw the Disciplinary Committee's attention to the fact that the new Club and the original

Debtor have different owners, licences, football teams and legal entities, implying that the first one cannot be considered as the successor of the second one.

- IV. In these circumstances, the new Club argued that it has never signed any contract with the Creditor. In addition, the new Club pointed out that the Creditor participated in the bankruptcy proceedings before the Bulgarian civil court as his claim was, according to the list of creditors dated 16 June 2017, registered for a total amount of BGN 11,281.75, which will be paid by 100% thanks to the new Club extremely high bid placed and paid into the bankruptcy mass. However, the new Club submitted that if the Creditor was not satisfied with the listed amount, he should have used the legal remedy available to him, which the Creditor clearly did not do.
- V. Consequently and given that the amounts accepted and registered in said proceedings have been or will be fully and completely satisfied in the context of the bankruptcy proceedings, the new Club was of the opinion that the Creditor no longer has any legitimate legal interest to pursue his claim against the new Club outside of the bankruptcy proceedings.
- VI. In addition, the new Club argued that even though the original Debtor had been declared bankrupt, the bankruptcy proceedings are still ongoing, which means that the original Debtor is still able to fulfil its financial obligations towards its employees. Thus, the new Club pointed out that as long as the original Debtor is still in a position to pay its debts, FIFA cannot initiate proceedings against an alleged sporting successor, as the latter would not be able to comply with a decision based on art. 15 of the FDC (2019 edition) given that it is up to the Sofia civil court to decide on the amounts owed to each creditor registered in the bankruptcy proceedings.
- VII. Finally, the new Club submitted that the Disciplinary Committee would be competent to investigate whether a new club can be held liable for the debts of an old club only in the event that the latter would disappear and become disaffiliated without the involvement of bankruptcy proceedings. Nevertheless, the new Club pointed out that the present matter involves a club that went bankrupt, so that national bankruptcy laws take precedence over the Disciplinary Committee's competence to act in such matters

## **II. and considered**

1. In the case at hand, in view of the arguments raised by the parties, the Member of the FIFA Disciplinary Committee (hereinafter, "*the Member of the Committee*") decides first to assess the law applicable to the matter at hand (A), but also as to whether he is competent to decide on the present matter (B), and should it be the case, as to whether the new Club, PFC CSKA-Sofia, could be held liable for a potential failure to respect the DRC judge decision rendered on 2 September 2015 (C).

### **A) Applicable law**

2. First of all, the Member of the Committee would like to analyze which version of the FIFA Disciplinary Code (FDC) applies.

3. In this sense, the Member of the Committee underlines that the 2019 edition of the FDC (hereinafter, "*the 2019 FDC*") entered into force on 15 July 2019 (art. 72 par. 1 of the 2019 FDC) and applies to all disciplinary offenses committed following said date (art. 4 par. 1 of the 2019 FDC).
4. With regard to the matter at hand, the Member of the Committee highlights that the disciplinary offense, *i.e.* the potential failure to comply with the relevant DRC judge decision, was committed before the 2019 FDC entered into force. As a result, he deems that the merits of the present case fall under the 2017 edition of the FDC (hereinafter, "*the 2017 FDC*").
5. Notwithstanding the above, the Member of the Committee holds that the procedural aspects of the present matter should be governed by the 2019 FDC.

### **B) Jurisdiction of the FIFA Disciplinary Committee to decide on the present matter**

6. In view of the particular circumstances of the case, the Member of the Committee will now analyse as to whether he is competent to assess if the new Club is the successor of the original Debtor.
7. For the sake of good order, it is worth emphasising that, in line with art. 54 par. 1 lit. h) of the 2019 FDC, cases involving matters under art. 15 of the 2019 FDC (former art. 64 of the 2017 FDC) may be decided by one member of the Disciplinary Committee alone, *i.e.* the Member of the Committee in the case at hand.
8. In this context, the Member of the Committee first emphasises that it is uncontested that the original Debtor subject of the DRC judge decision has been disaffiliated from the Bulgarian Football Union.
9. In these circumstances, the Member of the Committee wishes to recall that, according to art. 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 on member associations, clubs, officials, players, intermediaries and licensed match agents.
10. Clubs are affiliated to regional and/or national football associations and these national football associations are members of FIFA. Consequently, football clubs are considered as "indirect members" of FIFA and therefore, are subject to and bound by the FIFA Statutes and all other FIFA rules and regulations as well as by all relevant decisions passed by the FIFA bodies.
11. The aforementioned principle is embedded in art. 14 par. 1 lit. d) of the FIFA Statutes which requires the member associations "*to cause their own members to comply with the Statutes, regulations, directives and decisions of FIFA bodies*" as well as in art. 60 par. 2 of the FIFA Statutes that states that the member associations, amongst others, "*shall take every precaution necessary to ensure their own members, players and officials comply with these decisions*". The foregoing is only possible to the extent that the so-called "members" are still affiliated to the member associations of FIFA.

12. Since the Bulgarian Football Union has confirmed that the original Debtor was no longer one of its affiliated clubs, the original Debtor has lost its indirect membership to FIFA and the Disciplinary Committee can therefore no longer impose sanctions on it. However, the Member of the Committee notes that the Creditor subsequently requested the enforcement of the DRC judge decision against the club competing in the first division of the Bulgarian championship, PFC CSKA-Sofia, which, in his view, should be considered as the successor and/or the same entity as the original Debtor, PFC CSKA Sofia.
13. In this context, the Member of the Committee takes note that in another disciplinary proceedings involving the original Debtor, CAS also had to discuss the question of the potential successor of the original Debtor<sup>2</sup>. In this respect, the Sole Arbitrator decided on 28 December 2018 that the Disciplinary Committee was not prevented from reviewing, making a legal assessment and deciding if the club PFC CSKA-Sofia was the same as – and/or the successor of – the original Debtor.
14. In light of the foregoing and bearing in mind that the club PFC CSKA-Sofia is still duly affiliated to the Bulgarian Football Union, and as such, under the jurisdiction of the Disciplinary Committee, the Member of the Committee decides to endorse the approach established in the aforementioned CAS award by considering that he is not prevented from making a legal assessment and deciding whether the club PFC CSKA-Sofia is the same as – and/or the successor of – the original Debtor.
15. As a result, the Member of the Committee deems that he is competent to assess the present matter and therefore to pass a formal decision of a substantive nature on the Creditor's request concerning the liability of the new Club towards the debts of the original Debtor in the frame of art. 64 of the 2017 FDC.

### **C) The liability and responsibility of the new Club, PFC CSKA-Sofia**

#### **a. Whether the new Club, PFC CSKA-Sofia, is liable for the debts incurred by the original Debtor**

16. After having established that he is competent to assess the present matter, the Member of the Committee moves on to analyse whether the new Club has a connection with the original Debtor and therefore can be held liable for the debts of the latter.
17. In this sense, the Member of the Committee finds it worthwhile to recall the existing CAS jurisprudence on this particular topic.
18. To that end, he first refers to decisions that had dealt with the question of the succession of a sporting club in front of CAS<sup>3</sup> and in front of FIFA's decision-making bodies<sup>4</sup>. In particular, it has been established that, on the one side, a club is a sporting entity identifiable by itself that, as a general rule, transcends the legal entities which operate it meaning that the obligations acquired by any of the entities in charge of its administration in relation with its activity must be respected. On the other side, it was determined that the identity of a club is constituted by elements such as its name, colours, fans, history,

<sup>2</sup> CAS 2018/A/5647 Civard Sprockel v. FIFA & PFC CSKA Sofia, para. 135.

<sup>3</sup> CAS 2007/A/1355; TAS 2011/A/2614 and TAS 2011/A/2646; TAS 2012/A2778.

<sup>4</sup> FIFA DRC 12150569.

sporting achievements, shield, trophies, stadium, roster of players, historic figures, etc. that allow it to distinguish from all the other clubs. Hence, the prevalence of the continuity and permanence in time of the sporting institution in front of the entity that manages it has been recognized, even when dealing with the change of management completely different from themselves<sup>5</sup>.

19. In these circumstances, CAS already considered that a “new” club had to be considered as the “sporting successor” of another one in a situation where a) the “new” club created the impression that it wanted to be legally bound by obligations of its predecessor, *i.e.* the “old” club, b) the “new” club took over the licence or federative rights from the “old” club and c) the competent federation treated the two clubs as successors of one another<sup>6</sup>. By the same token a “sporting succession” is the result of the fact that 1) a new entity was set up with the specific purpose of continuing the exact same activities as the old entity, 2) the “new” club accepted certain liabilities of the “old” club, 3) after the acquisition of the assets of the “old” club, the “new” club remained in the same city and 4) the “new” club took over the licence or federative rights from the “old” club<sup>7</sup>.
20. Further, the issue of the succession of two sporting clubs might be different than if one were to apply civil law regarding the succession of two separate legal entities. In particular, it is recalled that according to CAS, a club is a sporting entity identifiable by itself that generally transcends the legal entities which operate it<sup>8</sup>. Consequently, elements to consider are amongst others the name, the logo and colours, the registration address and/or the managing board of the club.
21. For the sake of completeness, the Member of the Committee wishes to point out that this established jurisprudence from CAS has now been reflected in the 2019 FDC, under art. 15 par. 4 which states that *“The sporting successor of a non-compliant party shall also be considered a non-compliant party and thus subject to the obligations under this provision. Criteria to assess whether an entity is to be considered as the sporting successor of another entity are, among others, its headquarters, name, legal form, team colours, players, shareholders or stakeholders or ownership and the category of competition concerned”*.
22. With the above in mind, the Member of the Committee subsequently analyses the documentation at his disposal in light of the criteria set by the relevant jurisprudence of CAS (now reflected in art. 15 par. 4 of the 2019 FDC) and applied by the Committee in such situations.
23. The Member of the Committee first takes note from the new Club’s submission that the latter bought certain logos and other trademarks out of the bankruptcy mass of the original Debtor. Moreover, he observes that the new Club claimed that it has different owners, licences, football teams and legal entities than the original Debtor, implying that the first one cannot be considered as the successor of the second one.

<sup>5</sup> CAS 2013/A/3425.

<sup>6</sup> CAS 2007/A/1322 FC Politehnica Timisoara SA v. FIFA & RFF & Politehnica Stintia 1921 Timisoara Invest SA.

<sup>7</sup> CAS 2011/A/2646 Club Rangers de Talca v. FIFA.

<sup>8</sup> CAS 2016/A/4576 Ujpest 1885 v. FIFA, para. 134 – 139.

24. Secondly, the Member of the Committee remarks that decisions on the issue relating to the sporting successor of the original Debtor were recently rendered by the Chairman and the Deputy Chairman of the Disciplinary Committee<sup>9</sup>. In particular, it has already been determined that the new Club, PFC CSKA-Sofia, is to be considered the sporting successor of the original Debtor, PFC CSKA Sofia, on the basis of the following elements:
- The new Club itself admitted that when the group of entrepreneurs bought the company “PFC Litex Lovech AD” – the legal entity behind the club Litex Lovech – at the beginning of the 2016/2017 season, the main idea was to maintain and reflect the historical sporting history of the original Debtor, which was already declared insolvent.
  - The colours used by the original Debtor and the new Club were identical as well as the logo, the address and the stadium. In addition, it was emphasised that the names of both clubs were very similar and that according to the new Club’s official website, they share the same history and sporting achievements.
25. Finally, the Member of the Committee further observes that in these decisions reference was made to a CAS award, according to which a new club acquiring in the bankruptcy proceedings the “*economic unit composed of all the assets seized*” from the old club was to be understood as a successor of the old club since it was clear that the new club, by purchasing the assets of the old club, continued the activity formerly developed by the old club with the same image, badge, hymn, representative colours, emblems and placement<sup>10</sup>.
26. In light of the aforementioned considerations, it was held that the fact that the new Club uses elements that constituted the identity of the original Debtor, combined with its intention to appear as the original Debtor, had to prevail over the arguments put forward by the new Club, such as its ownership, licence, football teams and legal entities being different from those of the original Debtor. It was therefore decided that the new Club had to be considered as the sporting successor of the original Debtor.
27. Having taken all the above into account and on the basis of the information and documentation at his disposal, the Member of the Committee decides to endorse the conclusions of the Chairman and the Deputy Chairman of the Disciplinary Committee and considers that there is no other alternative but to conclude that the new Club, PFC CSKA-Sofia, is to be regarded as the sporting successor of the original Debtor, PFC CSKA Sofia.
28. In this regard, the Member of the Committee notes that neither the original Debtor nor the new Club have complied with the DRC judge decision dated 2 September 2015, as neither club has paid the outstanding amounts to the Creditor.
29. As such, following the jurisprudence of the FIFA Disciplinary Committee, the Member of the Committee concludes that, in principle, the sporting successor, *i.e.* the new Club, of a non-compliant party, *i.e.* the original Debtor, shall also be considered a non-compliant party and is thus subject to the obligations under art. 64 of the 2017 FDC.

<sup>9</sup> Cf. Decision 150860 of the Deputy Chairman of the Disciplinary Committee rendered on 19 September 2019; Decisions 150034 and 170528 of the Chairman of the Disciplinary Committee rendered on 20 November 2019.

<sup>10</sup> CAS 2011/A/2646 Club Rangers de Talca v. FIFA.

**b. Whether the new Club, PFC CSKA-Sofia, is responsible to pay the amounts imposed in the DRC judge decision**

30. First and foremost, the Member of the Committee stresses that the original Debtor went bankrupt. In this context, and as established already by CAS, it appears relevant for the legal assessment of this case to analyse the diligence of the Creditor in recovering his debt in order to assess as to whether a sanction can be imposed on the new Club, *i.e.* whether the Creditor also contributed to create the breach of art. 64 of the 2017 FDC as it could be that his credit would have been paid in the bankruptcy proceedings and therefore no sanction may be imposed<sup>11</sup>.
31. In this regard, the Member of the Committee first recalls that art. 64 of the 2017 FDC empowers the Disciplinary Committee to impose sanctions on a club that failed to respect a financial decision rendered by a body, a committee or an instance of FIFA or in a subsequent CAS award. In other words, a club will be sanctioned in the event it did not respect a financial decision by means of which it was ordered to pay a certain amount to another person (such as a player, a coach or a club).
32. Secondly, the Member of the Committee notes that, as mentioned above, CAS already discussed the possibility for the Disciplinary Committee to impose sanctions in accordance with art. 64 of the FDC on a new club that was considered as the successor of the bankrupt club<sup>12</sup>. In particular, CAS decided that no disciplinary sanctions could be imposed on the new club, should the player fail to claim his credit in the bankruptcy proceedings of the former/bankrupt club.
33. Bearing the above in mind, the Member of the Committee shares CAS conclusion that there is no certainty that a creditor would receive the outstanding amounts in the bankruptcy proceedings but there is at least a theoretical possibility that he could recover his credit in the bankruptcy proceedings instead of remaining passive and pretending that disciplinary sanctions should be imposed on the new club, irrespective of his diligence or negligence in attempting to recover his credit.
34. As a result, should a creditor fail to pursue his claim in the bankruptcy proceedings, such creditor will be, in principle, precluded from requesting disciplinary sanctions to be imposed on the new club that took over from the bankrupt club. In such a situation, the creditor, by his inaction, somehow contributed to create the breach by the bankrupt club of art. 64 of the FDC.
35. The Member of the Committee concedes that bankruptcy proceedings before national courts are complex, lengthy and differ from one country to another and that their outcomes are hardly predictable. However, in light of the aforementioned CAS award, it is of paramount importance that a creditor seeking to recover his credit participates in the bankruptcy proceedings at national level.
36. Should, however, a new club appear and the creditor claim that this new club should be considered as the successor of the bankrupt one, the Member of the Committee considers

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<sup>11</sup> CAS 2011/A/2646 Club Rangers de Talca v. FIFA.

<sup>12</sup> CAS 2011/A/2646 Club Rangers de Talca v. FIFA.

that the Disciplinary Committee may only decide on questions relating to the succession of the former club and the liability of the new club towards the debts of the former one provided that the creditor has first participated in the bankruptcy proceedings.

37. Turning back to the case at hand, the Member of the Committee observes that nothing in the case file reflects any lack of diligence by the Creditor in recovering his debt. To the contrary, the Member of the Committee points out that the Creditor performed the expected due diligence that the circumstances demanded since he participated in the bankruptcy proceedings at national level and was included in the list of creditors dated 16 June 2017.
38. In this respect, the Member of the Committee considers irrelevant the fact that the Creditor's claim was accepted by the competent civil court for a lower amount than the one determined in the DRC judge decision. In particular, he finds that the Creditor, by participating in the bankruptcy proceedings at national level, has not contributed to the non-compliance of the DRC judge decision dated 2 September 2015 by the original Debtor, and subsequently by the new Club.
39. In addition, it is relevant to refer to a decision where CAS considered that *"UEFA regulations cannot be overridden by the national laws as this would lead to unequal treatment among clubs from different countries"*<sup>13</sup>. In this sense, the same principle should apply to FIFA regulations and decisions.
40. Against this background, the Member of the Committee stresses that the main objective of the FIFA regulations is to create a standard set of rules to which all actors within the football community are subject and can rely on. This objective would not be achievable if national law could simply override FIFA regulations.
41. In particular, the Member of the Committee considers that the bankruptcy of the original Debtor does not automatically release its sporting successor, the club PFC CSKA-Sofia, from the obligation to comply in full with the DRC judge decision which remains final and binding and cannot be overridden by a national decision.
42. As a result, and bearing in mind that the Creditor has been diligent in recovering his debt, the Member of the Committee finds the new Club liable for the debts incurred by the original Debtor – namely the one related to the decision passed by the Dispute Resolution Chamber (DRC) judge on 2 September 2015 – and consequently concludes that the new Club, PFC CSKA-Sofia, is responsible for complying with the aforementioned financial decision under the terms of art. 64 of the 2017 FDC. However, it appears that the new Club failed to do so and therefore must be sanctioned accordingly.

#### **D) Sanctions**

43. With regard to the sanction to be imposed, the Member of the Committee recalls that the 2017 FDC is applicable. In particular, the latter refers to art. 64 of the 2017 FDC, in accordance with which anyone who fails to pay another person (such as a player, a coach

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<sup>13</sup> CAS 2013/A/3067 Málaga CF SAD v. UEFA

or a club) or FIFA a sum of money in full or part, even though instructed to do so by a body, a committee or an instance of FIFA or a subsequent CAS 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 pay the amount due;
- c) if it is a club, it will be warned and notified that, in the case of default or failure to comply with a decision within the period stipulated, (...) a transfer ban may also be pronounced.

44. The fine to be imposed under the above-referenced art. 64 par. 1 lit. a) of the 2017 FDC, in combination with art. 15 par. 2 of the 2017 FDC shall range between CHF 300 and CHF 1,000,000.
45. The original Debtor and, subsequently, the new Club withheld the amount unlawfully from the Creditor despite FIFA's attempts to urge them to settle the debts towards the Creditor.
46. In view of all the circumstances pertaining to the present case and particularly taking into account the outstanding amount due, the Member of the Committee regards a fine amounting to CHF 2,000 as appropriate. This amount complies with the Committee's established practice.
47. In application of art. 64 par. 1 lit. b) of the 2017 FDC, while taking into consideration the standard deadlines granted by the Committee in its recent decisions, the Member of the Committee decides to grant a final deadline of 30 days for the amount due to be paid to the Creditor.
48. In continuation, in view of the circumstances of the case (namely the long period during which the decision rendered by the DRC judge had not been complied with to the detriment of the Creditor) but also the aim of the provision at hand (*i.e.* to ensure that decisions passed by a body, a committee or an instance of FIFA or a subsequent CAS appeal decision are respected and complied with) while keeping in mind the content of FIFA circular no. 1628, the Member of the Committee considers a ban from registering new players (at national and international level) as an appropriate sanction. In particular, taking into account the standing practice of the Committee in similar situations, the Member of the Committee holds that such ban will be automatically imposed on the new Club following the expiry of the granted deadline and will only be lifted upon the payment of the total outstanding amount to the Creditor.
49. For the sake of good order, the Bulgarian Football Union is hereby reminded of its obligation to automatically implement the transfer ban upon expiry of the final deadline without having received any proof of payment from the new Club. In this respect, and for the sake of clarity, the Bulgarian Football Union is referred to art. 34 of the 2019 FDC, in what concerns the calculation of time limits. Should the Bulgarian Football Union fail to automatically implement said sanction and provide the secretariat to the FIFA Disciplinary Committee with the relevant proof of implementation of the transfer ban at national level, disciplinary proceedings – which may lead to an expulsion from all FIFA competitions – may be opened against it.

### III. has therefore decided

1. The club PFC CSKA-Sofia (hereinafter, the Debtor) is found guilty of failing to comply in full with the decision passed by the Dispute Resolution Chamber (DRC) judge on 2 September 2015 according to which it was ordered to pay to the player Guido di Vanni (hereinafter, the Creditor) the amount of EUR 21,200 plus 5% interest *p.a.* to be calculated in accordance with the aforementioned decision.
2. The Debtor is ordered to pay a fine to the amount of CHF 2,000. The fine is to be paid within 30 days of notification of the present decision.
3. The Debtor is granted a final deadline of 30 days as from notification of the present decision in which to settle its debt to the Creditor.
4. If payment is not made to the Creditor and proof of such a payment is not provided to the secretariat to the FIFA Disciplinary Committee and to the Bulgarian Football Union by this deadline, a ban from registering new players, either nationally or internationally, will be imposed on the Debtor. Once the deadline has expired, the transfer ban will be implemented automatically at national and international level by the Bulgarian Football Union and FIFA respectively, without a further formal decision having to be taken nor any order to be issued by the FIFA Disciplinary Committee or its secretariat. The transfer ban shall cover all men eleven-a-side teams of the Debtor – first team and youth categories -. The Debtor shall be able to register new players, either nationally or internationally, only upon the payment to the Creditor of the total outstanding amount. In particular, the Debtor may not make use of the exception and the provisional measures stipulated in article 6 of the Regulations on the Status and Transfer of Players in order to register players at an earlier stage.
5. As a member of FIFA, the Bulgarian Football Union is reminded of its duty to implement this decision and provide FIFA with proof that the transfer ban has been implemented at national level. If the Bulgarian Football Union does not comply with this decision, the FIFA Disciplinary Committee will decide on appropriate sanctions on the member. This can lead to an expulsion from FIFA competitions.
6. The Debtor is directed to notify the secretariat to the FIFA Disciplinary Committee as well as the Bulgarian Football Union of every payment made and to provide the relevant proof of payment.
7. The Creditor is directed to notify the secretariat to the FIFA Disciplinary Committee as well as the Bulgarian Football Union of every payment received.

FÉDÉRATION INTERNATIONALE  
DE FOOTBALL ASSOCIATION



Lord VEEHALA  
Member of the Disciplinary Committee

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## **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 case number above mentioned.

## **LEGAL ACTION**

According to article 49 together with article 57 par. 1e) of the FDC and article 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:

Avenue de Beaumont 2  
1012 Lausanne  
Switzerland  
Tel: +41 21 613 50 00  
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e-mail: [info@tas-cas.org](mailto:info@tas-cas.org)  
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