Decision

of the

Member of the FIFA Disciplinary Committee

Mr. LIM Kia Tong [SiN], Member

on 14 January 2020,

to discuss the case of:

MITROPOULOS Pavlos, Greece

(Decision 191620)

regarding:

failure to comply with

art. 15 of the FDC (2019 ed.) / art. 64 FDC of the FDC (2017 ed.)
I. inferred from the file

1. On 26 April 2016, the Single Judge of the Players’ Status Committee decided that the player Pavlos Mitropoulos (hereinafter also referred to as the Debtor) had to pay to the players’ agent Paschalis Papadopoulos (hereinafter also referred to as the Creditor), within 30 days as from the date of notification of the relevant decision, the amount of EUR 16,900 plus interest at a rate of 5% p.a. to be calculated in accordance with said decision.

   Furthermore, the Single Judge of the Players’ Status Committee imposed costs of proceedings, amounting to CHF 4,000, to be paid by the Debtor as follows:
   a) CHF 3,000 to be paid to FIFA;
   b) CHF 1,000 to be paid to the Creditor.

2. The findings of the decision of the DRC were duly communicated to the parties on 20 May 2016. Subsequently, on 23 May 2017, the grounds of the decision were notified to the parties.

3. On 11 December 2019, as the aforementioned amounts (cf. para. I.1 supra) were not paid, the Secretariat (hereinafter: the Secretariat) opened disciplinary proceedings against the Debtor.

4. After the opening of disciplinary proceedings, no statement was provided by the Debtor.
II. and considered

1. In view of the circumstances of the present matter, the Member of the FIFA Disciplinary Committee (hereinafter also referred to as the Member of the Committee) decided to first address the procedural aspects of the present matter, namely the applicable law as well as its jurisdiction, before entering into the substance of the matter and assessing the potential failure to comply with a financial decision of FIFA or CAS as well as the potential sanctions resulting therefrom.

A) Applicable law and jurisdiction of the FIFA Disciplinary Committee to decide on the present matter

2. First of all, the Member of the Committee went on to analyse which version of the FIFA Disciplinary Code (FDC) applies.

3. In this sense, the Member of the Committee underlined 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 highlighted that the disciplinary offense, i.e. the potential failure to comply with the decision of the Single Judge of the Players' Status Committee, was committed before the 2019 FDC entered into force. As a result, the Member of the Committee deemed 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 held that the procedural aspects of the present matter are governed by the 2019 FDC.

6. Having said that, and 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, as in the case at hand.

7. The applicable law having been determined and his jurisdiction having been established, the Member of the Committee subsequently turned her attention to the decision rendered by the DRC.
B) Did the Debtor fail to comply with a financial decision passed by FIFA or CAS?

8. First of all, the Member of the Committee emphasised that equal to the competence of any enforcement authority, it cannot review or modify as to the substance a previous decision, which is final and binding and, thus, has become enforceable.

9. Having said that, the Member of the Committee noted that the terms of the decision passed by the Single Judge of the Players’ Status Committee on 26 April 2016 have been duly communicated, amongst others to the parties, on 20 May 2016. In addition, the Member of the Committee noticed that the grounds of the aforementioned decision were notified on 23 May 2017. As no appeal was lodged against said decision, it became final and binding.

10. As such, and in view of what has been explained under paragraph II/8. above, the Member of the Committee recalled that he is not allowed to assess the case decided by the Single Judge of the Players’ Status Committee as to the substance, in other words, to check the correctness of the amount ordered to be paid, but has as a sole task to analyse if the Debtor complied with the final and binding decision rendered by the Single Judge of the Players’ Status Committee.

11. In this context, the Member of the Committee acknowledged, on the one hand, that neither the amounts due to the Creditor nor the ones due to FIFA had been paid by the Debtor, and, on the other hand, that the latter remained silent during the present disciplinary proceedings.

12. In light of all of the above, the Member of the Committee deemed that it can only conclude that the Debtor did not comply with the decision passed by the Single Judge of the Players’ Status Committee on 26 April 2016, and is consequently withholding money from both the Creditor and FIFA, as a result of which it is considered guilty of non-complying with a financial decision, under the terms of art. 64 of the 2017 FDC.

13. This being said, and after having established the violation committed by the Debtor, the Member of the Committee went on to assess the sanction resulting therefrom.

C) The sanction(s) to be imposed

14. First of all, and with regard to the sanction(s) to be imposed, the Member of the Committee recalled that the 2017 FDC is applicable. In particular, the latter referred to art. 64 of the 2017 FDC, in accordance with which anyone who fails to pay another person (such as a player, a coach 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.
In addition, a ban on any football-related activity may also be imposed against natural persons in accordance with art. 64 par. 4 of the 2017 FDC.

15. In these circumstances, the Member of the Committee underlined that the fine to be imposed under the above-referenced art. 64 par. 1 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.

16. This being established, the Member of the Committee considered that the Debtor withheld the amount unlawfully from the Creditor and FIFA. Even FIFA’s attempts to urge the Debtor to fulfil its financial obligations failed to induce it to pay the total amount due.

17. With the above in mind, the Member of the Committee insisted on the fact that the Debtor at hand is a natural person and that any possible fine imposed on the latter should not prevent him from settling his debt towards the Creditor (and FIFA). As such, after a careful analysis of all the circumstances pertaining to the present case, the Member of the Committee regarded a fine amounting to CHF 500 as appropriate and proportionate.

18. In application of art. 64 par. 1 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 decided to grant the Debtor with a final deadline of 30 days to pay the amount due to the Creditor.

19. In continuation, in view of the circumstances of the case 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), the Member of the Committee also considered a ban on any football-related activity to be an appropriate sanction. In particular, the Member of the Committee held that such ban may be imposed on the Debtor following the expiry of the granted deadline should the debt towards the Creditor not be settled.
III. **has therefore decided**

1. The natural person MITROPOULOS Pavlos (hereinafter, *the Debtor*) is found guilty of failing to comply in full with the decision passed by the Single Judge of the Players’ Status Committee on 26 April 2016 according to which it was ordered to pay:

   a) To the player’s agent PAPADOPOULOS Paschalis (hereinafter, *the Creditor*);
      - EUR 16,900 plus 5% interests pa to be calculated in accordance with the decision
      - CHF 1,000 as final costs of proceedings

   b) To FIFA: CHF 3,000 as final costs of proceedings.

2. The Debtor is ordered to pay a fine to the amount of CHF 500. 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 and to FIFA.

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 Hellenic Football Federation by this deadline, the Creditor may demand in writing from the secretariat to the FIFA Disciplinary Committee that the matter be resubmitted to the FIFA Disciplinary Committee, so that a ban on taking part in any kind of football-related activity be imposed on the Debtor.

5. The Debtor is directed to notify the secretariat to the FIFA Disciplinary Committee as well as the Hellenic Football Federation of every payment made and to provide the relevant proof of payment.

6. The Creditor is directed to notify the secretariat to the FIFA Disciplinary Committee as well as the Hellenic Football Federation of every payment received.

**FÉDÉRATION INTERNATIONALE DE FOOTBALL ASSOCIATION**

LIM Kia Tong
Member of the 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 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.

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