

## **Decision of the Dispute Resolution Chamber**

passed in Zurich, Switzerland, on 2 November 2007,

in the following composition:

**Mr. Slim Aloulou** (Tunisia), Chairman

**Mr. Essa M. Saleh Al-Housani** (United Arab Emirates), member

**Mr. Mohamed Mecherara** (Algeria), member

**Mr. Gerardo Movilla** (Spain), member

**Mr. John Didulica** (Australia), member

on the claim presented by the club

**S**

as "*Claimant*"

against the club

**F**

as "*Respondent*"

regarding training compensation for the player K

## **I. Facts of the case**

1. On 18 April 2006, the club S, sent a claim for training compensation to FIFA against the club F, where the player, K, born on 5 August 1985 had been trained during the 2001-2002 season. S stated that it had contacted the Football Association (FIF) on 21 October 2005 to submit its claim to the Dispute Resolution Chamber but that FIF had not reacted.
2. S was unable to give an exact date for the player's transfer to F, explaining that it had not had any news from the moment the player had taken tests with the club F.
3. On 6 July 2006, FIF informed FIFA that the player had been registered with the training centre of AM in July 1997. On 6 May 2002, he had signed a registration form for S with whom he had taken part in the National Cup. FIF also produced a registration form for the player with AM dated 30 June 2003.
4. FIF explained that S had never been properly affiliated to FIF and that its participation in an official competition was the result of an administrative oversight. S is now called the G Academy. FIF pointed out that even if the club had been affiliated, it would have lost its status of member because it had not taken part in any official competitions since then, a fact which breaches FIF's rules.
5. Based on FIF's information that S was not affiliated to FIF, FIFA informed S on 29 August 2006 that the case should appear to be closed.
6. On 5 September 2006, S affirmed that it was a member of FIF and claimed that an official decision had been reached.
7. The club F was contacted and asked to comment on the dispute. On 28 November 2006, the F Football Association stated that the player had been registered with F on 5 August 2003.
8. F claims that FIFA was not authorised to deal with the case as S was not affiliated to FIF. Moreover, F pointed out that the claim was barred by the time limit as it had been submitted more than two years after the player had been registered with the club F.
9. Furthermore FIFA considered that it was authorised to judge, F requested that S claim be rejected as it had already paid training compensation to AM.

## **II. Considerations of the Dispute Resolution Chamber**

1. First of all, the Chamber analysed whether it was competent to deal with the matter at stake. In this respect, it referred to art. 18 par. 2 and 3 of the Rules Governing the Procedures of the Players' Status Committee and the Dispute Resolution Chamber. The present matter was submitted to FIFA on 18 April 2006, as a consequence the Chamber concluded that the revised Rules Governing Procedures (edition 2005) on matters pending before the decision making bodies of FIFA are applicable to the matter at hand. In this context, and by taking into account the circumstances of the present matter, the Chamber deemed it important to clarify that chapter VII of the Regulations for the Status and Transfer of Players (edition 2005) equally governs procedural issues which is the reason why the said chapter also applies to the present matter insofar as procedural questions are concerned.
2. With regard to the competence of the Chamber, art. 3 par. 1 of the above-mentioned Rules states that the Dispute Resolution Chamber shall examine its jurisdiction in the light of articles 22 to 24 of the Regulations for the Status and Transfer of Players (edition 2005). In accordance with art. 24 par. 1 in combination with art. 22 (d) of the aforementioned Regulations, the Dispute Resolution Chamber shall adjudicate on disputes between two clubs belonging to different Associations related to training compensation.
3. As a consequence, the Dispute Resolution Chamber is the competent body to decide on the present matter concerning the training compensation claimed by the Claimant for the training and education of the player K.
4. First of all, the Chamber had to analyze the formal admissibility of the demand. The members of the Chamber focussed their attention to the formal answer given to FIFA by the Football Federation (FIF) by means of which it confirmed that the club S was never formally affiliated and that it participated shortly in a competition organized by FIF based on an administrative mistake.
5. The members of the Chamber remarked that in accordance with art. 1 of the Regulations for the Status and Transfer of Players (edition 2005) in connection with art. 6 par. 1 of the Procedural Rules, training compensation related to transfers of players may only be claimed by clubs, which are properly affiliated to the member association of the country to which they belong and regularly participate to the competition and championships organized by the relevant association and that no other entities can be entitled to receive such compensation.

6. In this respect, the members of the Chamber pointed out that the Claimant could not provide an official confirmation from its respective Federation, i.e. FIFA, and therefore was not able to fulfill the necessary prerequisites to claim training compensation for the player K.
7. As a consequence, the members of the Chamber concluded that the present demand cannot be considered due to its formal inadmissibility.
8. Subsidiary, the members of the Chamber analyzed which edition of the Regulations for the Status and Transfer of Players should be applicable as to the substance of the matter in case the present matter would be formally acceptable. In this respect, the Chamber referred to art. 26 par. 1 and 2 of the Regulations for the Status and Transfer of Players (edition 2005) in accordance with the FIFA circular no. 995 dated 23 September 2005. Furthermore, it acknowledged that the player K had been registered for his new club F on 5 August 2003. In view of the aforementioned, the Chamber concluded that the former FIFA Regulations for the Status and Transfer of Players (edition 2001, hereinafter: The Regulations) would be applicable to the case at hand as to the substance.
9. In continuation, the members of the Chamber started by acknowledging that during the process of the present matter, the Federation of the club F officially informed that the player K had been registered with its affiliate F on 5 August 2003. Equally the Chamber took note that the claim was lodged at FIFA by the Claimant on 18 April 2006.
10. In view of the aforementioned, the members of the Chamber concluded that the facts leading to the dispute arose more than two years before the filing of the relevant claim at FIFA, that is, 5 August 2003, date in which the player K was registered for the Respondent.
11. Moreover, the members of the Chamber pointed out that according to art. 44 of the Regulations, the FIFA deciding bodies do not deal with any litigation if more than two years have elapsed since the facts leading to the dispute arose.
12. Consequently, the Chamber informed that in view of the prescription described above, this deciding body would not be in a position to analyze and decide on the substance of the matter at stake.
13. In view of all the above, the Chamber decided that the present claim is inadmissible.

### **III. Decision of the Dispute Resolution Chamber**

1. The claim of the Claimant, S, is not admitted.
2. According to art. 61 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 and shall contain all the elements in accordance with point 2 of the directives issued by the CAS, a copy of which we enclose hereto. 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 (cf. point 4 of the directives).

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  
Fax: +41 21 613 50 01  
e-mail: [info@tas-cas.org](mailto:info@tas-cas.org)  
[www.tas-cas.org](http://www.tas-cas.org)

For the Dispute Resolution Chamber:

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Jérôme Valcke  
General Secretary

Encl.: CAS directives