Decision of the
Dispute Resolution Chamber

passed in Zurich, Switzerland, on 30 July 2014,
in the following composition:

Thomas Grimm (Switzerland), Deputy Chairman
Johan van Gaalen (South Africa), member
Theodore Giannikos (Greece), member

on the claim presented by the club,

Club V, from country N as Claimant

against the club,

Club M, from country T as Respondent

regarding training compensation in connection with the player O
I. Facts of the case

1. According to the player passport issued by the Football Federation of country N, the player, O (hereinafter: the player), born on 11 February 1994, was registered as an amateur with the following country N clubs:

- Club V as from 10 November 2003 until 18 June 2009;
- Club X as from 19 June 2009 until 6 September 2010;
- Club V as from 7 September 2010 until 19 August 2012.

2. The football seasons in country N during the period of time the player was registered with Club V (hereinafter: the Claimant) started on 1 July and ended on 30 June of the following year.

3. According to the information contained in the Transfer Matching System (TMS), the player was registered with Club M from country T (hereinafter: the Respondent) on 20 August 2012.

4. Equally, according to the information contained in the TMS, the Respondent belonged to the category II (indicative amount of EUR 60,000 per year) during the season when the player was registered with it, i.e. the 2012/2013 season.

5. On 14 March 2014, the Claimant contacted FIFA claiming the payment of training compensation from the Respondent, on the ground that the player had signed his first professional contract with the Respondent on 20 August 2012. In particular, the Claimant is claiming EUR 160,000.

6. In spite of having been invited by FIFA to provide its position regarding the claim, the Respondent did not respond to the claim or make any statements at all during the course of the investigation.

II. Considerations of the Dispute Resolution Chamber

1. First of all, the Dispute Resolution Chamber (hereinafter also referred to as DRC or Chamber) analysed whether it was competent to deal with the case at hand. In this respect, it took note that the present matter was submitted to FIFA on 14 March 2014. Consequently, the 2012 edition of the Rules Governing the Procedures of the Players' Status Committee and the Dispute Resolution Chamber (hereinafter: the Procedural Rules) is applicable to the matter at hand (cf. art. 21 par. 2 and 3 of the 2012 edition of the Procedural Rules).

2. Subsequently, the members of the Chamber referred to art. 3 par. 1 of the Procedural Rules and confirmed that in accordance with art. 24 par. 1 and 2 in
Training compensation in connection with the player O

(Club V, from country N / Club M, from country T)
which the player is registered is responsible for paying training compensation
within 30 days of registration to every club with which the player has
previously been registered and that has contributed to his training starting
from the season of his 12th birthday. Based on the documentation provided by
the Football Federation of country N and the information contained in TMS,
the Chamber concluded that it could indeed be established that the player had
been registered for the first time as a professional with the Respondent.

9. In this respect, the members of the Chamber recalled again that the
Respondent had not replied to the claim of the Claimant and therefore ruled
that the Respondent did not provide any argument which would justify the
non-payment of training compensation to the Claimant.

10. Subsequently, the DRC considered that it had to determine which should be
the relevant amount of training compensation to be paid by the Respondent
to the Claimant. In this regard, the DRC went on to establish the proper
calculation of the relevant training compensation due to the Claimant.

11. To that end, the Chamber referred to art. 5 par. 1 and par. 2 of Annexe 4 of
the Regulations, which stipulate that as a general rule, to calculate the
training compensation, it is necessary to take the costs that would have been
incurred by the new club if it had trained the player itself.

12. In continuation, the Chamber recalled that the player was born on 11 February
1994 and was registered with the Claimant as from 10 November 2003 until 18
June 2009 and as from 7 September 2010 until 19 August 2012.

13. On account of the above, the DRC considered that the Claimant is, thus,
entitled to receive training compensation for the period as from 1 July 2005
until 18 June 2009 and for the period as from 7 September 2010 until 19
August 2012.

14. Equally, the DRC recalled that, according to the information contained in the
TMS, the player was registered with the Respondent on 20 August 2012.

15. Furthermore, the members of the Chamber recalled that, according to the
information contained in TMS, the Respondent belonged to the category II
(indicative amount of EUR 60,000 per year) during the season when the player
was registered with it, i.e. the 2012/2013 season.

16. In view of all of the above and taking into account the amount claimed by the
Claimant, the DRC decided to accept the claim of the Claimant and held that
the Respondent is liable to pay the amount of EUR 160,000 to the Claimant as
training compensation in relation to the registration of the player with the Respondent.

17. Lastly, the Chamber referred to art. 25 par. 2 of the Regulations in combination with art. 18 par. 1 of the Procedural Rules, according to which, in proceedings before the DRC relating to disputes regarding training compensation, costs in the maximum amount of CHF 25’000 are levied. It is further stipulated that the costs are to be borne in consideration of the parties’ degree of success in the proceedings and that, in accordance with Annexe A of the Procedural Rules, the costs of the proceedings are to be levied on the basis of the amount in dispute.

18. In respect of the above, the Chamber held that the amount to be taken into consideration in the present proceedings is EUR 160,000 related to the claim of the Claimant. Consequently, the Chamber concluded that the maximum amount of costs of the proceedings corresponds to CHF 20,000 (cf. table in Annexe A).

19. As a result, considering the degree of success as well as that the Respondent never replied to the claim, the DRC determined the final costs of the current proceedings to the amount of CHF 20,000 which shall be borne by the Respondent.

III. Decision of the Dispute Resolution Chamber

1. The claim of the Claimant, Club V, is accepted.

2. The Respondent, Club M, has to pay to the Claimant, within 30 days as from the date of notification of this decision, the amount of EUR 160,000.

3. In the event that the aforementioned sum is not paid within the stated time limit, interest at the rate of 5% p.a. will fall due as of the date of expiry of the stipulated time limit and the present matter shall be submitted, upon request, to FIFA’s Disciplinary Committee for consideration and a formal decision.

4. The final costs of the proceedings in the amount of CHF 20,000 are to be paid by the Respondent within 30 days as from the date of the notification of the present decision as follows:

4.1 The amount of CHF 16,000 has to be paid to FIFA to the following bank account with reference to case no.:

UBS Zurich
Account number 366.677.01U (FIFA Players’ Status)
Clearing number 230

IBAN: CH27 0023 0230 3666 7701U
SWIFT: UBSWCHZH80A

4.2. The amount of CHF 4,000 has to be paid to the Claimant

5. The Claimant is directed to inform the Respondent immediately and directly of the account number to which the remittances under points 2. and 4.2. above are to be made and to notify the Dispute Resolution Chamber of every payment received.

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Note relating to the motivated decision (legal remedy):

According to art. 67 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:

Court of Arbitration for Sport
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
www.tas-cas.org

For the Dispute Resolution Chamber:

Markus Kattner
Deputy Secretary General
Enclosed: CAS directives