

Disciplinary Committee

FIFA[®]

Date: 27 April 2021

Sent to:
GS Kallithea FC
c/o Mr. Theoharis G. Grigoriou
grigorioulaw@gmail.com; kokkaman@yahoo.gr; nikolakou@gmail.com

Notification of the grounds of the decision

Ref. no. FDD-6492

Dear Sirs,

Please find attached the grounds of the decision passed in the aforementioned case by a member of the FIFA Disciplinary Committee on 28 January 2021.

The Hellenic Football Federation (in copy) is kindly requested to forward this decision to GS Kallithea FC.

We would appreciate your taking due note of this decision and ensuring its implementation.

Yours faithfully,

FIFA



Carlos Schneider
Head of the FIFA Disciplinary Department

Decision of the FIFA Disciplinary Committee

passed on 28 January 2021

COMPOSITION:

Mr. Mahmoud Hammami, Tunisia (member)

RESPONDENT:

GS Kallithea FC, Greece

(Decision FDD-6492)

Regarding:

Failure to respect decisions (Article 15 FIFA Disciplinary Code (2019 ed.))

I. FACTS OF THE CASE

1. The following summary of the facts does not purport to include every single contention put forth by the actors at these proceedings. 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.
2. On 26 June 2019, the Dispute Resolution Chamber decided that the Greek club Kallithea FC (hereinafter also referred to as: '*the Original Debtor*') had to pay the following amounts:
 - a. To the club Juventude Pedras Salgadas (hereinafter also referred to as: '*the Creditor*'):
 - The amount of EUR 2,916, plus 5% interest *p.a.* on said amount as of 6 March 2017 until the date of effective payment.
 - b. To FIFA:
 - Costs of the proceedings in the amount of CHF 5,000.
3. On 26 July 2019, the findings of the decision passed by the Dispute Resolution Chamber on 26 June 2019 (hereinafter: '*the DRC decision*') were duly communicated to, amongst others, the Creditor and the Original Debtor. Since the grounds of the DRC Decision were not requested, said decision therefore became final and binding.
4. On 2 December 2020, the legal representative of the Creditor requested the opening of disciplinary proceedings against Kallithea FC as it had not paid the outstanding amounts due to the Creditor in accordance with the DRC decision.
5. On 7 January 2021, in light of the foregoing and as the Original Debtor did not pay the aforementioned amounts due to the Creditor or to FIFA, the Secretariat to the FIFA Disciplinary Committee (hereinafter also referred to as: '*the Secretariat*') opened disciplinary proceedings against the Original Debtor 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 Original Debtor was informed that the case would be submitted to a member of the FIFA Disciplinary Committee for evaluation on 28 January 2021 and was invited to provide its position within six days of the notification of the opening of the disciplinary proceedings. Moreover, the Secretariat emphasized that the member of the FIFA Disciplinary Committee would take a decision based on the documents in his possession, should Kallithea FC fail to submit any statement by the specified deadline.
6. On 12 January 2021, the club GS Kallithea FC (hereinafter also referred to as: '*the Respondent*'), having been forwarded the notification of the opening of disciplinary proceedings by the Hellenic Football Federation, provided the Secretariat with its position, containing *inter alia* information

and documentation regarding the Original Debtor and the Respondent. In particular, the club GS Kallithea FC claimed that the Original Debtor had dissolved¹.

7. On 13 January 2021, following the above-mentioned correspondence, the Secretariat requested the Hellenic Football Federation (hereinafter also referred to as: '*the Hellenic FF*') to provide its comments regarding the information and documentation provided by the club GS Kallithea FC, and in particular, to provide its position regarding the potential connection between the Original Debtor and GS Kallithea FC, as well as if the Original Debtor had been disaffiliated from the Hellenic FF. Additionally, the Hellenic FF was requested to confirm the divisions of the national league in which the Original Debtor and GS Kallithea FC had been participating in during the last five seasons.
8. On 22 January 2021, the Hellenic FF provided the Secretariat with the following information:
 - The club Kallithea FC is a Greek professional football club under liquidation. In the season 2017-2018, it participated in the Championship of Football League (the second and lowest national professional division at that time), ranked 13th and was relegated to the C National Amateur Division (the first national amateur division).
 - In accordance with Greek law, as Kallithea FC was a professional football club that was relegated to an amateur division, it was compulsorily dissolved and set under liquidation.
 - Kallithea FC's position in the amateur division championship is automatically taken over by its founding amateur association, without the latter undertaking any contractual or other obligations of the professional football club. Kallithea FC was therefore set under liquidation and replaced in the C National Amateur Division championship by its founding amateur association (Kallithea Amateur), and fully disaffiliated from the Hellenic FF.
 - In the season 2019-2020 Kallithea Amateur participated in the C National Amateur Division Championship and was promoted to the Football League.
 - According to Greek law, only professional clubs are entitled to participate in professional division championships, as a consequence, on 21 June 2020 Kallithea Amateur established a new professional club, GS Kallithea FC, in order for the latter to participate in the above professional championship for the season 2020-2021.
 - The Original Debtor and the Respondent, as well as the aforementioned amateur association, constitute different legal entities with different administrations, as well as different commercial and tax registry numbers.
 - For the Seasons 2015-2016, 2016-2017 and 2017-2018, up until its dissolution, Kallithea FC participated in the Football League.
 - For the Seasons 2018-2019 and 2019-2020, up until its promotion and subsequent establishment of a new professional club, Kallithea Amateur participated in the C National Amateur Division.

¹ Please see section II. *Infra* for the position of GS Kallithea FC in full.

- For the Season 2020-2021, the newly established professional club of Kallithea Amateur, GS Kallithea FC, was to participate in the Football League, which however, did not commence due to the COVID-19 pandemic.
- According to the Hellenic FF regulatory provisions, newly established professional clubs may be held jointly liable for 50% of all football debts of a pre-existent professional club currently under liquidation due to relegation to an amateur division, provided that they were both founded by the same amateur association and such debts are confirmed by final and binding decisions of FIFA, UEFA or the Hellenic FF judicial bodies.

II. RESPONDENT'S POSITION

1. On 12 January 2021, GS Kallithea FC provided its position, which can be summarized as follows:
 - Following the relegation of Kallithea FC and its subsequent liquidation and dissolution, only the amateur club was left to play in a lower championship.
 - This year, the amateur club was promoted to a professional championship and founded the new present football club of GS Kallithea FC, which received a new registration number, has a new administrative council, and has not inherited in any way the financial or other obligations of the club Kallithea FC as it was before 2018.
 - According to Greek law, the newly established club will be jointly liable for 50% of the football debts which have been confirmed by final decisions of the court bodies of the Hellenic FF, FIFA and UEFA *"in solidarity and in entirety with the demoted"*.
 - Accordingly, should GS Kallithea FC be obliged to pay the Creditor, its financial claim should be reduced to 50%.
 - Due to the coronavirus pandemic and the subsequent lockdown, social distancing and quarantining measures, there has been a magnitude and speed of collapse of activity which is unlike anything experienced in our lifetimes.
 - Many countries, including Greece, are facing both health and financial crises, a collapse in commodity prices and considerable uncertainty about the economic landscape once the lockdown has ended. All of the aforementioned have negatively affected the sports field of football, as currently income from sponsorships, tv rights or tickets, which are the main sources of income for football clubs, do not exist.
 - GS Kallithea FC participates in the third professional division of Greek football, for which the championship for the current season has not yet started and which has had disastrous financial consequences for the sustainability of the football clubs.
 - GS Kallithea FC is under no financial obligation to the club Juventude Pedras Salgadas or any other obligation which would *"come from the [Original Debtor]"*, as it existed until 2018 and GS Kallithea is a brand new club which has not inherited the obligations of the old extinct one.

III. CONSIDERATIONS OF THE DISCIPLINARY COMMITTEE

1. In view of the circumstances of the case at hand and the arguments raised by the parties, the member of the FIFA Disciplinary Committee (hereinafter also referred to as: *'the member of the Committee'* or *'the Single Judge'*) decided to first assess as to whether he is competent to decide on the present matter, and should it be the case, whether the club GS Kallithea FC, could be held liable and considered responsible for a potential failure to respect the decision passed by the Dispute Resolution Chamber (DRC) on 26 June 2019.

A. Jurisdiction of the FIFA Disciplinary Committee

2. First of all, the Single Judge analyzed as to whether he is competent to assess if the club GS Kallithea FC is the successor of the Original Debtor.
3. In this context, the Single Judge began his analysis by first emphasizing that it is uncontested that the Original Debtor, Kallithea FC, subject of the initial decision of the Dispute Resolution Chamber, had been disaffiliated from the Hellenic Football Federation.
4. In these circumstances, the Single Judge wished 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 FDC on member associations, clubs, officials, players, intermediaries and licensed match agents.
5. 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.
6. 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.
7. Therefore, since the Hellenic FF has confirmed that the Original Debtor is no longer affiliated to the Hellenic FF, this implies that the Original Debtor has lost its indirect membership to FIFA and, therefore, the Disciplinary Committee could not impose sanctions against the Original Debtor. However, the Single Judge notes that, following the disaffiliation of the Original Debtor from the Hellenic FA, the Creditor requested the enforcement of the DRC Decision. The Hellenic FF forwarded the related notification of opening of disciplinary proceedings to GS Kallithea FC for its response and action.

8. In this regard, and in line with the jurisprudence of the Court of Arbitration for Sport (CAS)², the Single Judge considers that he is not prevented from reviewing and/or making a legal assessment and deciding if, the Respondent, GS Kallithea FC, is the same as – and/or the successor of – the Original Debtor, Kallithea FC especially considering that the former is duly affiliated to the Hellenic FF, and as such, under the jurisdiction of the Committee.
9. As a result, the Single Judge deemed 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 for disciplinary proceedings due to non-payment of the outstanding amounts owed in accordance with the DRC decision, and therefore the liability of the Respondent, GS Kallithea FC, towards the debts of the Original Debtor.

B. Applicable legal framework

10. With regard to the matter at hand, the Single Judge pointed out that the disciplinary offence, *i.e.* the potential failure to comply with the DRC decision, was committed after the 2019 FDC entered into force. As a result, he deemed that the merits as well as the procedural aspects of the present case should fall under the 2019 edition of the FDC (hereinafter: '*the 2019 FDC*').
11. Having established the above, the Single Judge wished to recall the content and scope of art. 15 of the 2019 FDC in order to duly assess the case at hand.
12. According to this provision:

"1. 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 CAS decision (financial decision), or anyone who fails to comply with another final decision (non-financial decision), passed by a body, a committee, or an instance of FIFA, or by CAS:

- a) will be fined for failing to comply with a decision; in addition:*
- b) will be granted a final deadline of 30 days in which to pay the amount due or to comply with the non-financial decision;*
- c) in the case of clubs, upon expiry of the aforementioned final deadline and in the event of persistent default or failure to comply in full with the decision within the period stipulated, a transfer ban will be pronounced until the complete amount due is paid or the non-financial decision is complied with. A deduction of points or relegation to a lower division may also be ordered in addition to a transfer ban in the event of persistent failure, repeated offences or serious infringements or if no full transfer could be imposed or served for any reason.*

(...)

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

3. *If the club disregards the final time limit, the relevant association shall be requested to implement the sanctions threatened.”*

13. Moreover, for the sake of good order, it is worth emphasizing that in line with art. 54 par. 1 h) of the 2019 FDC, cases involving matters under art. 15 of the aforementioned code may be decided by one member of the Disciplinary Committee alone, acting as a single judge, as in the present case.
14. Finally, the Single Judge emphasized that equal to the competence of any enforcement authority, he cannot review or modify as to the substance a previous decision, which is final and binding, and thus has become enforceable.

C. Merits of the Dispute

I. Analysis and determination of the liability and responsibility of the Respondent

1. Connection between the Respondent and the Original Debtor

15. After having established that he is competent to assess the present matter, the Single Judge moved on to analyse whether the Respondent, on the basis of the evidence provided, is the sporting successor of the Original Debtor and, therefore, can be held liable for the debts of the latter.
16. In this sense, the Single Judge found it worthwhile to recall the existing jurisprudence from CAS on this particular topic.
17. To that end, the Single Judge first referred to decisions that had dealt with the question of the succession of a sporting club in front of the CAS³ and in front of FIFA's decision-making bodies⁴ which have 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. Thus 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 has been stated that the identity of a club is constituted by elements such as its name, colours, fans, history, sporting achievements, shield, trophies, stadium, roster of players, historic figures, etc. that allow it to distinguish itself 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 recognised, even when dealing with the change of management completely different from themselves⁵.
18. In these circumstances, CAS considers that a “new” club has 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 the 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

³ CAS 2007/A/1355; TAS 2011/A/2614 and TAS 2011/A/2646; TAS 2012/A/2778.

⁴ FIFA DRC 12150569.

⁵ CAS 2013/A/3425.

treated the two clubs as successors of one another⁶. 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” club⁷.

19. Furthermore, 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 important to recall that according to CAS, a club is a sporting entity identifiable by itself that, as a general rule, transcends the legal entities which operate it. Consequently, elements to consider are, amongst others, the name, the logo and colours, the registration address and/or the managing board of the club⁸.
20. For the sake of completeness, the Single Judge wished to point out that aforementioned 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”*.
21. Furthermore, it is worth mentioning that the elements as referred to in art. 15 par. 4 of the 2019 FDC are not exhaustive⁹. Finally, it has been established by CAS that the elements for consideration when assessing whether one club may or may not be the sporting successor of another, should the specific element be indicative of sporting succession, will differ in relevance and importance in the context of the overall analysis¹⁰.
22. With the above in mind, the Single Judge subsequently focused on the documentation at his disposal in light of the criteria set by the relevant CAS jurisprudence (now reflected in art. 15 par. 4 of the 2019 FDC) and applied by the Committee in such situations.
23. In this sense, the Single Judge noted that the Respondent has differing administrations and commercial and tax registry numbers than that of the Original Debtor. In this respect, the Single Judge once again made reference to the CAS jurisprudence, according to which a club is a sporting entity identifiable by itself that, as a general rule, transcends the legal entities which operate it. In other words, the fact that a club may be operated through a different legal entity than its predecessor does not bear relevance on whether or not sporting succession can be established.
24. Keeping the above in mind, the Single Judge next considered that the Respondent shares a number of similarities with the Original Debtor, in view of it having a similar name and both clubs sharing the same founding amateur association. The aforementioned, constituting elements which could

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

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

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

⁹ CAS 2020/A/7092 Panathinaikos FC v. FIFA & Club Parma Calcio 1913

¹⁰ CAS 2020/A/7092 Panathinaikos FC v. FIFA & Club Parma Calcio 1913

contribute towards the consideration of the Respondent as the sporting successor of the Original Debtor.

25. In this context, the Single Judge further noted, that based on publically accessible information, the Respondent can also be seen to share the same colours of white and blue, a number of the same players, the same headquarters, both being based in Kallithea, Athens, Greece, and the same stadium as the Original Debtor. The aforementioned also constituting elements which could contribute towards the consideration of the Respondent as the sporting successor of the Original Debtor.
26. In addition, as confirmed by the Respondent itself and by the Hellenic FF, the Original Debtor was relegated from the Championship of Football League (the second lowest national professional division at that time) to the C National Amateur Division (the first national amateur division), due to ranking 13th in the season 2017-2018. As a consequence of its relegation to the C National Amateur Division, the Original Debtor lost its affiliation to the Hellenic FA and, as provided by Greek law, was compulsorily dissolved and, subsequently, set under liquidation according to the provisions of Greek law on “sociétés anonymes”. In addition, and as provided by Greek law, the founding amateur association (i.e. Kallithea Amateur) automatically took over the position of the Original Debtor in the amateur division championship (i.e. in the C National Amateur division). Following the season 2019-2020, where Kallithea Amateur participated in the C National Amateur division and was promoted to the Football League, the latter created a new legal entity, GS Kallithea FC, as mandatorily provided by Greek law, in order to participate in the professional division championships.
27. In light of the foregoing, the Single Judge was of the firm opinion that the Original Debtor was replaced, uninterruptedly, firstly by the founding amateur association and, subsequently, by the Respondent, which created a distinct impression of continuity.
28. In light of all the above, the Single Judge recalled that, in line with the jurisprudence of CAS, which is now reflected in art. 15 par. 4 of the 2019 FDC, the identity of a club is constituted by elements such as its name, colours, logo, fans, history, players, stadium, etc., regardless of the legal entity operating it. As a result, on the basis of the information and documentation at hand, there is no other alternative but to conclude that GS Kallithea FC, is the sporting successor of the Original Debtor, Kallithea FC.

2. Whether the Respondent is liable for the debts of the Original Debtor

29. In this regard, the Single Judge noted that neither the Original Debtor nor GS Kallithea FC have complied with the decision passed by the Dispute Resolution Chamber on 26 June 2019 as neither club has paid the outstanding amounts due to the Creditor and to FIFA.
30. The Single Judge recalled that, according to art. 15 par. 4 of the FDC 2019, the sporting successor *i.e.* GS Kallithea FC of a non-compliant party, *i.e.* the Original Debtor, shall also be considered a non-compliant party and thus, subject to the obligations under art. 15 of the FDC 2019. Therefore, in the Single Judge’s view, in principle, whenever a club is considered the sporting successor of a

non-compliant party that no longer exists or is no longer under FIFA's jurisdiction, it is automatically responsible of the debts of its predecessor.

31. Therefore, the Single Judge had no other alternative but to find GS Kallithea, liable for the debts incurred by the Original Debtor – namely the one related to the decision passed by the Dispute Resolution Chamber on 26 June 2019 – and consequently concluded that GS Kallithea FC is responsible for non-compliance with a financial decision, under the terms of art. 15 of the FDC.

3. Financial difficulties of the Respondent

32. Additionally, the Single Judge acknowledged the submission of GS Kallithea FC in relation to the financial difficulties, amongst other effects, experienced by football clubs in many countries including Greece, as a result of the COVID-19 pandemic.
33. Towards this end, the Single Judge deemed it necessary to emphasize that clubs have the duty to be aware of their actual financial strength, constitute provision in anticipation of possible issues, such as a decrease in the income or a relegation (i.e. a contingency that any club may face), and finally conclude contracts that can be fulfilled. In other words, the principle of *pacta sunt servanda* – more relevant in the context of contractual dispute per se – is of paramount importance for FIFA and a key issue to be protected among others by the Regulations on the Status and Transfer of Players.
34. Additionally, the Single Judge wished to refer to the content of art. 2 of the Swiss Civil Code, according to which “[e]very person is bound to exercise his rights and fulfil his obligations according to the principle of good faith”¹¹. Thus, the sole fact that GS Kallithea FC may be undergoing financial problems and/or encountering impediments to the usual operations of the club does not exonerate it from its obligations to pay the outstanding amounts owed to the Creditor, as confirmed by CAS¹².
35. Finally, and with respect to the submission of GS Kallithea FC relating to the COVID-19 pandemic, the Single Judge deemed it appropriate to turn to the content of the FIFA publication of 2 April 2020 titled “COVID-19 – Football Regulatory Issues”.
36. In said publication, it was publicly indicated that *“although FIFA is fully aware of the potential financial difficulties of some clubs flowing from the obligation to comply with financial decisions rendered by the DRC, the PST or the Disciplinary Committee, no exceptions will be granted in this regard. Consequently, decisions passed by the above-mentioned judicial bodies must be respected by MAs, clubs, players and coaches without exception. FIFA will continue to apply article 15 of the FIFA Disciplinary Code in the event of failure to respect these decisions”*.
37. As such, the Single Judge deemed that the submissions of GS Kallithea FC relating to the COVID-19 pandemic and its effects, do not justify the fact that the amounts due to the Creditor and to FIFA in accordance with the DRC decision have not been paid.

¹¹ cf. par. 46 ff. CAS 2010/A/2144 Real Betis Balompié SAD v. PSV Eindhoven.

¹² CAS 2018/A/5779; CAS 2016/A/4402; CAS 2014/A/3533; CAS 2005/A/957.

II. Summary

38. In view of the foregoing, the Single Judge concludes that the Respondent, by its conduct as described above, violated article 15 of the FDC 2019.
39. Therefore, the Single Judge considers that the Respondent is to be sanctioned for the abovementioned violation.

III. The determination of the sanction

40. With regard to the applicable sanctions, the Single Judge observed in the first place that GS Kallithea FC is a legal person, and as such can be subject to the sanctions described under art. 6 par. 1 and 3 of the FDC.
41. In these circumstances, the Single Judge underlined that the fine to be imposed under the above-referenced art. 15 par. 1 a) of the FDC in combination with art. 6 par. 4 of the FDC shall range between CHF 100 and CHF 1,000,000.
42. This being established, it is emphasized that the Original Debtor and, subsequently, GS Kallithea FC withheld the amounts unlawfully from the Creditor and from FIFA, despite FIFA's attempts to urge it to fulfil its financial obligations.
43. In view of all the circumstances pertaining to the present case and by taking into account the outstanding amounts due, the Single Judge regarded a fine amounting to CHF 1,000 as appropriate. This amount complies with the Committee's established practice, namely to the fines imposed in cases in which similar amounts were due.
44. In the application of art. 15 par. 1 b), the Single Judge considered a final deadline of 30 days as appropriate for GS Kallithea FC to settle the amounts due to be paid to the Creditor and to FIFA.
45. In accordance with art. 15 par. 1 c) of the FDC, GS Kallithea FC is hereby warned and notified that, in the case of default within the period stipulated, a transfer ban (at national and international level) will be automatically imposed until the complete amount due is paid. A deduction of points or relegation to a lower division may also be ordered in addition to a transfer ban in the event of persistent failure, repeated offences, or serious infringements or if no full transfer could be imposed or served for any reason.
46. For the sake of good order, the Hellenic Football Federation 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 GS Kallithea FC. In this respect, and for the sake of clarity, the Hellenic Football Federation is referred to art. 34 of the FDC in what concerns the calculation of time limits. Should the Hellenic Football Federation fail to automatically implement said sanction and provide the Secretariat 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.

IV. DECISION OF THE DISCIPLINARY COMMITTEE

1. The club GS Kallithea FC is found guilty of failing to comply in full with the decision passed by the FIFA Dispute Resolution Chamber on 26 June 2019.
2. The club GS Kallithea FC is ordered to pay to the club Juventude Pedras Salgadas as follows:
 - EUR 2,916, plus 5% interest *p.a.* on said amount as of 6 March 2017 until the date of effective payment
3. The club GS Kallithea FC is granted a final deadline of 30 days as from notification of the present decision in which to settle said amount. Upon expiry of the aforementioned final deadline and in the event of persistent default or failure to comply in full with the decision within the period stipulated, a transfer ban will be pronounced until the complete amount due is paid or the non-financial decision is complied with. The transfer ban will be implemented automatically at national and international level by the Hellenic Football Federation 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. In addition, a deduction of points or relegation to a lower division may also be ordered in addition to a transfer ban in the event of persistent failure, repeated offences or serious infringements or if no full transfer could be imposed or served for any reason.
4. The club GS Kallithea FC is ordered to pay a fine in the amount of CHF 1,000. The fine is to be paid within 30 days of notification of the present decision.

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Mr. Mahmoud Hammami, Tunisia
Member of the FIFA Disciplinary Committee

NOTE RELATING TO THE PAYMENT OF THE AMOUNT DUE:

As a member of FIFA, the Hellenic Football Federation 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 Hellenic Football Federation 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.

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

NOTE RELATING TO THE BAN FROM REGISTERING NEW PLAYERS:

The transfer ban shall cover all men eleven-a-side teams of the Respondent – first team and youth categories –. The club GS Kallithea FC 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 club GS Kallithea FC 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.

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.

NOTE RELATING TO THE 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.