

Disciplinary Committee

FIFA®

Date: 20 August 2021

Sent to:

Spezia Calcio

c/o Mr. Federico Venturi Ferriolo

federico.venturiferriolo@lcalex.it; nishant.tella@acspezia.com; pierfrancesco.visci@acspezia.com;

info@acspezia.com; segreteria@acspezia.com

C.C.:

Italian Football Association (FIGC)

Notification of the grounds of the Decision

Ref FDD-8068

Dear Sirs,

Please find attached the grounds of the decision passed in the aforementioned case by the FIFA Disciplinary Committee on 30 June 2021.

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

Fédération Internationale de Football Association

FIFA-Strasse 20 P.O. Box 8044 Zurich Switzerland
Tel: +41 43/222 7777 - Email: disciplinary@fifa.org

Decision of the FIFA Disciplinary Committee

passed on 30 June 2021

DECISION BY:

Mr. Jorge Palacio, Colombia (Chairman)

Mr. Thomas Hollerer, Austria (Member)

Mr. Leonardo Stagg, Ecuador (Member)

TO DISCUSS THE CASE OF:

Spezia Calcio, Italy

(Decision FDD-8068)

REGARDING:

Failure to comply with:

Art. 9 (1) RSTP – International Transfer Certificate

Art. 19 (1), (3) and (4) RSTP – Protection of Minors

Art. 1 (1) Annexe 2 RSTP – Procedure governing applications for first registration
and international transfer of minors

Art. 1 (3) Annexe 3 RSTP – Transfer Matching System

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 April 2021, the FIFA Regulatory Compliance Department transferred a report (hereinafter: *“the Report”*) concerning the club Spezia Calcio (hereinafter also referred to as *“the Respondent”* or *“the Club”*), affiliated to the Italian Football Association (hereinafter also referred to as: *“the FIGC”*), containing the following case summary:

“The Nigerian System”

Following media allegations and upon request for information from FIFA, the Italian Football Federation (Federazione Italiana Giuoco Calcio, hereinafter: FIGC) provided us with documentation and information concerning an alleged illegal scheme involving certain clubs and individuals, including Spezia Calcio, discovered by the Police of La Spezia.

The investigation of the Police of La Spezia allowed discovering such a scheme, also known as the “Nigerian System”. Such investigation would have led to proceedings before FIGC and national courts against Spezia Calcio, Valdivara and individuals employed by the respective clubs, who all pled guilty in front of the competent body of FIGC as it will be further described in this report.

The information below would be drawn from the police report:

*Spezia Calcio adopted the “Nigerian System” as early as 2013, which led to Nigerian minors being illegally brought into Italy. The goal was to facilitate bringing the top talent from Nigerian club Football College Abuja, affiliated to the Nigerian Football Federation (NFF), to play for Spezia Calcio or one of their subsidiary amateur clubs, with the aim of eventually selling them for profit once they were of age. First, the club helped the minors obtain tourist visas to enter Italy. The athletes would be accompanied into Italy with coach/guardian Renzo Gobbo of the Football College Abuja (an individual who received payments from Spezia Calcio). Once the players arrived in Italy, they were assigned a tutor guardian, who enrolled them into the local school and subsequently “parked” with either Spezia Calcio’s youth side (hereinafter *“Spezia Primavera”*), amateur club USD Lavagnese 1919 (hereinafter *“Lavagnese”*) or Valdivara 5Terre (hereinafter *“Valdivara”*), with the amateur clubs acting in the interest of (and receiving benefits from) Spezia Calcio. Findings of the Police of La Spezia found that the players were not attending school. Except Players 1 and 2 who were registered in FIGC via Limited Minor Exemption (hereinafter: LME), the player’s would eventually be engaged in a first registration with FIGC when they turned at least 18 years old.*

From February 2018, an investigation by the Police of La Spezia commenced, which included technological devices used against individuals employed by the Spezia Calcio and Valdivara to obtain evidence. The motive being that Spezia Calcio violated the provisions of Italian Legislative Decree no. 286/98 on immigration, by engaging in behaviour aimed at encouraging

the illegal stay of young Nigerian football players, who were underage, within national territory.

The outcome of the investigation led the Police of La Spezia to conclude that Spezia Calcio had direct influence in deciding which players from Football College Abuja were selected to be transferred to Italy, facilitation of the tourist visa application process, their entry into Italy, the placement with a guardian who enrolled them in the local school, acquire an Italian residency permit, placement with an amateur club affiliated to FIGC and then the eventual registration with the latter once they were over 18 years old. Spezia Calcio is therefore “identified both as the real beneficiary of the economic benefits and as a central and crucial part of the ‘Nigerian System’, by virtue of the illegal conduct implemented since 2013”.

The investigation by the Police of La Spezia would have led to proceedings before FIGC and national courts against Spezia Calcio, Valdivara and individuals employed by the respective clubs.

The proceedings opened by FIGC against Spezia Calcio and its representatives referred to the illegal transfers of players 6-13. Spezia Calcio and its representatives pled guilty in such proceedings.”

3. The Report referred to thirteen (13) minor players, who had allegedly been illegally moved by Spezia Calcio from Nigeria to Italy. The situation of each player is summarized hereafter and took into account information from the case file as well as the finding contained in the case Report from the FIFA Regulatory Compliance Department.

Player 1:	Sadiq Umar
Date of birth:	2 February 1997
Nationality:	Nigeria
Previous association:	Nigerian Football Federation (NFF)
Date of the ITC:	N/A
Date of entrance into Italy:	30 September 2013 (16 years old)
Date of first registration with FIGC:	20 February 2014 for Lavagnese (17 years old)
Name of the guardian/tutor:	Giuseppe Addiego Mobilio

Player 2:	Nura Abdullahi
Date of birth:	17 August 1997
Nationality:	Nigeria
Previous association:	Nigerian Football Federation (NFF)
Date of the ITC:	N/A
Date of entrance into Italy:	30 September 2013 (16 years old)
Date of first registration with FIGC:	20 February 2014 for Lavagnese (17 years old)
Name of the guardian/tutor:	Giuseppe Addiego Mobilio

Player 4:	Chidozie David Okereke
Date of birth:	29 August 1997
Nationality:	Nigeria
Previous association:	None
Date of the ITC:	-
Date of entrance into Italy:	26 August 2014 (16 years old)
Date of first registration with FIGC:	3 September 2015 for Lavagnese (18 years old)
Name of the guardian/tutor:	Roberto Sannino

Player 5:	Tahir Nasiru Maigini
Date of birth:	15 May 1997
Nationality:	Nigeria
Previous association:	None
Date of the ITC:	-
Date of entrance into Italy:	26 August 2014 (17 years old)
Date of first registration with FIGC:	31 July 2015 for Lavagnese (18 years old)
Name of the guardian/tutor:	Roberto Sannino

“Lavagnese 1919 and Spezia Calcio (Players 1, 2, 4, 5)

As part of the Nigerian System, minor Players 1, 2, 4 and 5 entered into Italy via tourist visa between 2013 and 2014 being under 18 years old, and were assigned to either tutor guardian Giuseppe Addiego Mobilio or Roberto Sannino. The guardian registered the players for school at Caboto Institute of Chiavari, although they never attended school. The players, entirely at the discretion of Spezia Calcio, either remained with Spezia Primavera or parked to amateur club Lavagnese. Tutor guardians received payments from Spezia Calcio for their efforts.

Players 1 and 2’s first registration with FIGC and Lavagnese should have been entered in the appropriate LME but were not due to “a technical, material, error in the operations of extraction of data” according to the FIGC, but confirm in the players’ respective player passports that they were indeed registered for Lavagnese. Subsequently, their domestic transfers to Spezia Calcio were declared in the following LME report.

Players 4 and 5’s first registrations with FIGC for Lavagnese happened once they both turned 18 and then subsequent amateur transfers to Spezia Calcio thereafter.”

Player 8:	Chukwuemeka Emmanuel Iroanya
Date of birth:	13 September 1999
Nationality:	Nigeria
Previous association:	None
Date of the ITC:	-
Date of entrance into Italy:	3 March 2017 (17 years old)
Date of first registration with FIGC:	13 November 2017 for Valdivara (18 years old)
Name of the guardian/tutor:	Roberto Sannino

Player 9:	Abiola Bankole Ejalonibu
Date of birth:	15 November 1999
Nationality:	Nigeria
Previous association:	None
Date of the ITC:	-
Date of entrance into Italy:	3 March 2017 (17 years old)
Date of first registration with FIGC:	27 November 2017 for Valdivara (18 years old)
Name of the guardian/tutor:	Roberto Sannino

Player 10:	Taiwo Hamid Olonisakin
Date of birth:	25 May 1999
Nationality:	Nigeria
Previous association:	None
Date of the ITC:	-
Date of entrance into Italy:	3 March 2017 (17 years old)

Date of first registration with FIGC: 13 November 2017 for Valdivara (18 years old)
Name of the guardian/tutor: Roberto Sannino

“Valdivara 5 Terre and Spezia Calcio (Players 8-10)

Minor Players 8-10 entered into Italy via tourist visas in 2017 being under 18 years old, where they were assigned to Roberto Sannino as their tutor guardian. The tutor registered the players at Caboto Institute of Chiavari, although they never attended school. The players, entirely at the discretion from Spezia Calcio, were parked to amateur club Valdivara without a formal registration until they were 18. The tutor guardian received payment from Spezia Calcio, via Valdivara, for their efforts.

With reference to the website of Spezia Calcio, there are media releases which clearly disclose that Valdivara is a club affiliated to Spezia Calcio.

Based on conversations recorded both via telephone and electronic eavesdropping, it was clear that Valdivara and its individuals were merely acting as a temporary accommodation for players 8-10, before they could potentially register or transfer to Spezia Calcio. The players were not engaged in a first registration with the FIGC until they turned at least 18 years old. There were no subsequent transfers to Spezia Calcio.”

Player 6: **Theophilus Aondofa Awua**
Date of birth: 24 April 1998
Nationality: Nigeria
Previous association: Nigerian Football Federation (NFF)
Date of the ITC: N/A
Date of entrance into Italy: 15 October 2015 (17 years old)
Date of first registration with FIGC: 9 June 2016 for Spezia Calcio (18 years old)
Name of the guardian/tutor: Roberto Sannino

Player 7: **Abdullhahi Suleiman**
Date of birth: 22 March 1998
Nationality: Nigeria
Previous association: None
Date of the ITC: -
Date of entrance into Italy: 15 October 2015 (17 years old)
Date of first registration with FIGC: 9 June 2016 for Spezia Calcio (18 years old)
Name of the guardian/tutor: Roberto Sannino

Player 11: **Adamu Muhammad Haruna**
Date of birth: 6 June 2000
Nationality: Nigeria
Previous association: None
Date of the ITC: -
Date of entrance into Italy: 3 March 2017 (16 years old)
Date of first registration with FIGC: 5 April 2018 for Spezia Calcio (18 years old)
Name of the guardian/tutor: Giorgio Sannino

“Spezia Calcio (Players 6, 7, 11)

Minor players 6, 7 and 11 entered into Italy via tourist visas between 2014 and 2017 being under 18 years old, and were assigned to either Roberto or Giorgio Sannino as their tutor

guardian. The tutor registered the players at Caboto Institute of Chiavari, although they never attended school. The players, entirely at the discretion from Spezia Calcio, remained with Spezia Primavera without a formal registration until they were 18. Both tutor guardians received payments from Spezia Calcio for their efforts.

Once players 6, 7 and 11 turned 18 years old, they were engaged in a first registration with FIGC for Spezia Calcio.”

Player 3:	Orji Okwonkwo
Date of birth:	19 January 1998
Nationality:	Nigeria
Previous association:	Nigerian Football Federation
Date of the ITC:	N/A
Date of entrance into Italy:	26 August 2014 (16 years old)
Date of first registration with FIGC:	29 September 2016 for Bologna FC (18 years old)
Name of the guardian/tutor:	Roberto Sannino

“Spezia Calcio and Bologna FC (Player 3)

Minor player 3 entered into Italy via tourist visa in 2014 being under 18 years old, and was assigned to Roberto Sannino as his tutor guardian. The tutor registered the player at Caboto Institute of Chiavari, although they never attended school.

Upon turning 18, Player 3 did not engage in registrations with either Spezia Calcio, Lavagnese or Valdivara. Player 3 registered for Bologna FC.”

Player 12:	Riliwan Oyindamola Rabi
Date of birth:	6 February 2000
Nationality:	Nigeria
Previous association:	None
Date of the ITC:	-
Date of entrance into Italy:	3 March 2017 (17 years old)
Date of first registration with FIGC:	3 October 2018 for Modena FC (18 years old)
Name of the guardian/tutor:	Roberto Sannino

“Spezia Calcio and Modena FC (Player 12)

Minor player 12 entered into Italy via tourist visa in 2017 being under 18 years old, and was assigned to Roberto Sannino as his tutor guardian. The tutor registered the player at Caboto Institute of Chiavari, although they never attended school.

Upon turning 18, Player 12 did not engage in registrations with either Spezia Calcio, Lavagnese or Valdivara. According to findings from the police report and recordings of conversations, Player 12 (similar to player 13 – see below) had “moved away” or “ran away” from “the facility made available to them by Spezia Calcio”.

The player engaged in a first registration with Modena FC. The club confirmed that the player registered with the club after a successful trial period. He was registered as an “amateur non-European never been registered-abroad before” player holding a regular Italian residency permit. The residency permit used by Player 12 was the same one that Spezia Calcio facilitated in him acquiring during the Nigerian System.”

Player 13:	Emmanuel Izuchukwu Anih
Date of birth:	1 February 2000
Nationality:	Nigeria
Previous association:	Nigeria Football Federation
Date of the ITC:	N/A
Date of entrance into Italy:	3 March 2017 (16 years old)
Date of first registration with FIGC:	Never officially registered with FIGC
Name of the guardian/tutor:	Giorgio Sannino

“Spezia Calcio and Unknown (Player13)”

Minor player 13 entered into Italy via tourist visa in 2017 being under 18 years old, and was assigned to tutor guardian Giorgio Sannino as his tutor guardian. The tutor registered the player at Caboto Institute of Chiavari, although they never attended school.

Upon turning 18, Player 13 did not engage in registrations with either Spezia Calcio, Lavagnese or Valdivara.

According to findings from the police report and recordings of conversations, Player 13 (similar to player 12 – see above) had “moved away” or “ran away” from “the facility made available to them by Spezia Calcio”. The location of player 13 is unknown.”

4. In addition, the Report contained the following remarks and considerations from the FIFA Regulatory Compliance Department. Having in mind that the Report was particularly extensive, the following is intended to illustrate the main elements and information contained in such Report and is without prejudice to other sections of it that may be relevant to the present case.

1. Italian Budget Law, Law no. 205 of 27 December 2017 (hereinafter, Italian Law)

- *The Italian Law provides that “foreign minors, even if they entered Italian country soil and are residing in Italy in breach of the applicable immigration rules – have to be registered with national Sports Federations, as if they were Italian citizens, (...) provided that they have been registered for at least one year at any level of a school within the Italian school system”.*
 - *Due to the Italian Law, the FIGC has stated that it must strictly comply with the respective law that entitles foreign minor citizens that are enrolled for at least one year in an Italian school to be registered with the FIGC under the same conditions granted to Italian minor citizens if they are in breach of Italian immigration. The FIGC acknowledged that “a significant number of cases that would have normally been rejected [by the FIFA sub-committee] were processed”, which ultimately results in the registration of said minor players on the basis of Italian Law and in breach of FIFA’s regulations.*
 - *According to the police report, it appears that the Nigerian System takes advantage of the compatibility issues between the Italian Law and the provisions of the FIFA regulations on the protection of minors. In fact, important components of the Nigerian System for the successful circumvention of the FIFA rules on minors were the assignment of the players to a tutor guardian (that was eventually economically compensated by Spezia Calcio) and their enrolment at a high school (where the*

player eventually failed to attend classes). In this way, Spezia Calcio could take advantage of the peculiarities of the Italian law and circumvent art. 19 of the RSTP.

- *With reference to the compatibility of a national law in connection to the provisions of FIFA, the CAS rendered an award where it had to answer the question to whether national law and the regulations of a national federation have any impact on the club's duty to comply with the relevant regulations of FIFA. The CAS Panel held if a club voluntarily applies for a minor player to be registered, such is bound by the FIFA RSTP and national law¹.*

2. Protection of Minors

- *An aim of art. 19 of the RSTP is to prevent, among others, practices of illicit trafficking and exploitation of young footballers. In this case, it would appear that the Nigerian minors were transferred to Italy by means of abuse of power and vulnerability with the purpose to economically benefit from their eventual sale to other clubs. In this respect, Regulatory Compliance finds that the entire system that would have been put in place by Spezia Calcio could be summarized by quoting Gobbo's statement "[launch] them and take advantage of them and sell them over".*
- *CAS has previously emphasized that clubs have the "direct and primary obligation to avoid transferring under-aged players, unless it can demonstrate that one of the statutory exceptions embedded in Art. 19.2 RSTP have been met [...]"². Without demonstrating the effort to comply with the regulations, other sectors of law would deem the behavior "willful ignorance" and "deliberate shutting of eyes". With no minor application entered in TMS by Spezia Calcio, Lavagnese or Valdivara (for players 3-13), there appears to be no attempt of the club to transfer the minor players on the basis of any of the exceptions.*
- *Regulatory Compliance cannot ignore the police report which would appear to describe the actions and extent to which Spezia Calcio went by using amateur clubs as intermediaries to transfer the minors into Italy to avoid suspicion as an aggravating factor. Likewise, Regulatory Compliance wishes to emphasize how Spezia Calcio used these clubs to remunerate the minors' guardians, who played an essential role in the implementation of the Nigerian System and circumvention of FIFA rules.*
- *Furthermore, it is worth recalling that art. 19 of the RSTP came into force to "protect young players from international transfers which could disrupt their lives, particularly, if, as often happens the football career eventually fails or, anyways, is not as successful as expected".*
- *(...)*
- *The foregoing would show how the conduct of Spezia Calcio, which put in place a system to bring Nigerian minors to Italy, corresponds to a serious infringement of the FIFA rules regarding the protection of minors.*

¹ CAS 2016/A/4805 Club Atletico de Madrid SAD v. FIFA

² CAS 2014/A/3793 Futbol Club Barcelona v. FIFA

3. Res judicata and ne bis in idem

- *Contrary to what was claimed by Spezia Calcio, it is submitted that FIFA has jurisdiction to sanction violations of the FIFA Regulations. The sanctions imposed by the FIGC on this matter referred exclusively to their national regulations. Moreover, art. 19 par. 4 lit. d) is very clear in establishing that the FIFA Disciplinary Committee is competent to sanction any violation of art. 19. Therefore, it is considered that there is no res judicata on this matter concerning FIFA regulations.*

4. Affiliation

- *With reference to the website of Spezia Calcio, there are media releases which clearly disclose that Valdivara is a club affiliated to Spezia Calcio.*
- *The Viareggio Cup is a youth tournament based in Viareggio, Italy that is in collaboration with FIGC. Based on the rosters of the clubs participating in the tournament, it appears that Player 5 participated with Rijeka in 2014, Players 6 and 7 with Abuja Football Club in 2016, and Players 8 to 13 with Abuja Football Club in 2017. It should be noted that the tournament takes place every year in March and falls within the timeline of the player's entering Italy and participating in the tournament before officially registering with the FIGC.*
- *Moreover, it is submitted that the entire Nigerian System would appear to show a clear connection between Lavagnese and Spezia Calcio, since the former, similarly to Valdivara, would appear to have played a key role in ensuring that some of the minors in question could move to Italy in clear circumvention of all applicable rules (cf. subsection "5. Misuse of LME" below).*

5. Breaches of FIFA RSTP

Misuse of LME – failure to submit a minor application

- *FIGC confirmed that Player 1 and Player 2's first registrations of minor player for Lavagnese do not appear in the LME due to a technical mistake.*
- *Player 1 and Player 2 were domestically transferred from Lavagnese to Spezia Calcio under the LME with the exception labelled "Tutor". However, art. 19.2 of the applicable Regulations did not provide for the explicit exception of "Tutor". Due to Spezia Calcio being a professional club, it appears that they relied on Lavagnese's amateur status in order to circumvent the rules of the LME and then have the two players transfer to Spezia Calcio once they reached 18 years old.*
- *According to the LME Decision of 23 January 2014, the FIGC's LME is strictly limited to the exceptions according to article 19.2 of the Regulations. FIGC failed to record the first registrations of Player 1 and Player 2 in their LME report for the period 01.01.2014 to 30.06.2014 and subsequently recorded the players' domestic transfers to Spezia Calcio in a later LME report, uploaded in TMS on 03.02.2015.*
- *It appears that Spezia Calcio would have taken advantage of the Italian law and aided in first registrations with FIGC, via LME, for minor Player 1 and Player 2 after they had resided in Italy with a guardian, had been enrolled in an Italian school and had registered with an*

amateur club acting in the interest of Spezia Calcio. It is worth recalling that the enrolment was a mere façade since Player 1 and Player 2 (as well as all remaining players) never attended school, according to the Investigation Report by La Spezia Police.

- *In view of the above, Player 1 and 2 were incorrectly included in the LME whereas Spezia Calcio should have submitted a minor application to FIFA. Consequently, Player 1 and 2 were registered with Spezia Calcio without approval from FIFA, in breach of art. 19.1.*

First registration of a non-national minor without prior approval (Art. 19.3 and 19.4 RSTP)

- *Pursuant to the FIFA regulations pertaining to the international transfer of minors, clubs are obliged to request prior approval of the Player's Status Sub-Committee for the first registration of a non-national minor.*
- *The NFF confirmed that Players 4, 5, 7-12 are Nigerian citizens, and could not provide registration details of a registration with the NFF. Therefore, Spezia Calcio should have submitted minor applications in TMS to register the players for the first registration of the abovementioned non-national minors.*

International transfer of a non-national minor without prior approval (Art. 19.1 and 19.4 RSTP)

- *Pursuant to the FIFA regulations pertaining to the international transfer of minors, professional clubs are obliged to request prior approval of the Player's Status Sub-Committee for the international transfer of a non-national minor.*
- *The NFF confirmed that players 1-3, 6 and 13 are Nigerian nationals who were registered in Nigeria as amateur players before their entrance into Italy. The NFF also confirms that they did not deliver ITC's for any of the players with the purpose of the players' registration with Spezia Calcio, Lavagnese or Valdivara. With no TMS instruction nor minor application entered, it appears that Spezia Calcio have internationally transferred the above-mentioned minor players without an ITC and without valid registration.*

6. Conclusions from the Investigation report by La Spezia police

The following conclusions would be drawn from the La Spezia police report:

- *The transcripts of the eavesdropping and recordings highlight the subordination of Roberto and Giorgio Sannino to Spezia Calcio by accepting payments from latter, via Valdivara, for their collaboration of being the guardians for the minor players. The payment method via Valdivara was a way for Spezia Calcio "[...] to avoid any possible direct and visible connection with Nigerian players, although it de facto managed them in their entirety, from selection to entry and during their stay in Italy".*
- *The transcripts of the eavesdropping and recordings highlight the awareness of the notable individuals of their actions and outcome of the Nigerian System. "...all persons of the top management were involved in the illegal conduct in question,...".*
- *Excerpts from the police report outline the practices and strategies discussed amongst key role players of how to eradicate suspicions of Spezia Calcio's involvement in the "system". Conclusions from the police report were that "The sports club SPEZIA CALCIO s.r.l. is therefore identified both as the real beneficiary of the economic benefits and as a central*

and crucial part of the “Nigerian System”, by virtue of the illegal conduct implemented since 2013”. Additionally, “[...] all the evidence collected during the technical activity show that [Valdivara], particularly the president Plategher and the managers, acted de facto according to instructions given by [Spezia Calcio], through its management”.

7. Communications from the FIGC’s Federal Prosecutor’s office

The following information would be drawn from the Communications from the FIGC’s Federal Prosecutor’s office:

- Luigi Micheli – Secretary and later Managing Director of Spezia Calcio - was charged in being actively involved in the illegal transfer of players 6 to 13 to Italy. Mr Micheli facilitated the players’ entry into Italy and followed the players in the pre-registration phase by Spezia Calcio, which assigned them to affiliated amateur clubs; handled the financial aspects related to the activity of the guardians Roberto Sannino and his spouse Elena Achilli. Based of wiretaps concluded by the Spezia police, it was apparent that Mr. Micheli was aware of the illegality of his conduct.*
- According to a communication from the Prosecutor’s office, Mr. Micheli and Spezia Calcio accepted a guilty plea, in relation to the proceedings concerning the illegal transfer of players 6 to 13.*
- According to the letter provided by the Federal Prosecutor’s office informing about the investigation and charges, Giovanni Plategher, was charged for the violation of principles of loyalty, fairness and honesty in conducting sporting business activity in relation to the illegal registering of players 8-10. Additionally, he was in violation for allowing Roberto Sannino to register as a manager for the club with the purpose to assist in the illegal transfers of the Nigerian minors. Mr. Plategher was involved in paying compensation to Mr. Sannino for their guardian services and made efforts to conceal any link between them and Spezia Calcio. The investigative findings revealed that Mr. Plategher was fully aware of the illegality of his conduct, promoted them and received economic compensation from Spezia Calcio.*
- In a decision by the FIGC National Federation Court, the latter accepted the application of plea agreements submitted by Mr Plategher, Mr Sannino and Valdivara with respect to the transfer of the Nigerian minors (players 8 to 10) into Italy. The sanctions resulted in suspensions and a fine for the club.*

8. Spezia Calcio is the “real beneficiary of the economic benefits”

- In their response to [Regulatory Compliance’s] request for information, Spezia Calcio’s acknowledgement of Player’s 1,2,4,6,7 and 11 eventually signing employment contracts with the club further illustrate the club’s benefits and how the system allowed Spezia Calcio to “park” the players with amateur clubs, circumventing FIFA regulations, and then eventually sign the players.*
- With reference to their player passports, Player 1 and Player 2 were subsequently domestically transferred to Roma SPA, Player 4 domestically transferred to Consenza Calcio, Player 6 domestically transferred to Internazionale Milano. Each transfer possibly allowed Spezia Calcio to economically benefit from a system that was in breach of the FIFA*

Regulations. Section 9 of the La Spezia police report clearly outlines the economic analysis and financial benefits for Spezia Calcio in the player's subsequent.

- *Player 5 (amateur) was eventually transferred from Lavagnese to Spezia Calcio, which results in a "free" transfer for the latter.*
- *Findings from the police report state that "...it is believed that the illegal conduct perpetrated for bringing in of young Nigerian athletes into Italy has resulted in profits of EUR 5,950,000.00 for Spezia Calcio".*

9. Conclusions

- *Spezia Calcio used the specificities of the Italian Law applicable to minors to its own advantage in order to bring the 13 players in Italy by means of the "Nigerian System" which included:*
 - *The assignation of the minors to tutor guardians which were actually linked to and remunerated by Spezia Calcio;*
 - *The enrolment of the minors at school although they never attended class;*
 - *The use of two amateur clubs (Lavagnese and Valdivara) to escape from the radar of the football authorities (FIGC and FIFA).*
 - *According to the Swiss Federal Tribunal, "a circumvention of a regulation is given in case someone acts according to the wording of such regulation but does not respect/comply with its purpose". Based on that wording, it would appear that Spezia Calcio waited until players 6,7 and 11 turned 18 years old before having their assigned tutor guardian register them with FIGC in order to circumvent FIFA's regulations on internationally transferring or registering minors.*
 - *The Italian Law has no impact on a Spezia Calcio's duty to comply with its obligations under the FIFA RSTP. Therefore, if the club proceeds to internationally transfer minor players to its club they are bound to article 19.2 of the FIFA Regulations.*
 - *Regulatory Compliance considers having proved that Spezia Calcio was the ultimate beneficiary of the international transfers or first registrations of the players in question and that Lavagnese and Valdivara were mere façades to circumvent the applicable laws and regulations. Consequently, it would appear that Spezia Calcio is in breach of the FIFA Regulations by not requesting prior approval of the Players' Status Sub-Committee for the international transfer or first registration of non-national minor players and submitting a minor application through TMS with respect to players 1-13. Moreover, Regulatory Compliance wishes to underline that the infringements committed by Spezia Calcio are aggravated by the fact that Spezia Calcio would appear to have used the entire Nigerian System to intentionally circumvent the rules and used them to its own benefit. Consequently, Regulatory Compliance considers that such a conduct deserves appropriate sanctions.*
5. At the end of the Report, the FIFA Regulatory Compliance Department considered that Spezia Calcio potentially breached the following provisions:

- Art. 9 (1) of the RSTP for players 1 and 2 (ed. 2012), 3 (ed. 2014), 6 (ed. April 2015) and player 13 (ed. 2016);
 - Art. 19 (1) of the RSTP for players 1 and 2 (ed. 2012), 3 (ed. 2104), 6 (ed. April 2015) and player 13 (ed. 2016);
 - Art. 19 (3) of the RSTP for players 4 and 5 (ed. 2014), 7 (ed. April 2015) and player 8 to 12 (ed. 2016);
 - Art. 19 (4) of the RSTP for players 1 and 2 (ed. 2012), 3 to 5 (ed. 2014), 6 and 7 (ed. 2015) and 8 to 13 (ed. 2016);
 - Art. 1 (1) of Annex 2 RSTP for players 1 and 2 (ed. 2012), 3 to 5 (ed. 2014), 6 and 7 (ed. April 2015) and 8 to 13 (ed. 2016);
 - Art. 1 (3) of Annex 3 RSTP for players 1 and 2 (ed. 2012), 3 to 5 (ed. 2014), 6 and 7 (ed. April 2015) and 8 to 13 (ed. 2016).
6. On 27 April 2021, following the investigations conducted by the FIFA Regulatory Compliance Department, disciplinary proceedings were opened against Spezia Calcio with respect to potential breaches of arts. 9, 19, and Annexes 2 and 3 of the RSTP. The latter was provided with a six-day deadline to provide the Secretariat to the FIFA Disciplinary Committee (hereinafter also referred to as “the Secretariat”) with its position.

II. RESPONDENT’S POSITION

7. On 2 December 2020, Spezia Calcio submitted the following responses to the FIFA Regulatory Compliance Department:
- *“With reference to the list of no. 13 Nigerian players, please be advised that only 6 players [Players 1, 2,4,6,7 and 11] executed a contract with Spezia Calcio, respecting all the applicable laws and provisions, after having played with an Italian amateur club.”*
 - *“The Spezia police report dated 17 January 2019 was erroneously “bombastic” and it had echo on some media articles. [...]”*
 - *“[...] neither the Club nor the actual directors/employees nor the ultimate beneficial owner (Mr Volpi) are defendants in the criminal proceedings concerning the international transfer of Nigerian minor players [...]”*
 - *“After having reviewed all the relevant documents, the Federal Soccer Prosecutor did not ascertain (against Spezia Calcio or its employees) any violation of the rules on transfer of minor players, such as Rule 9, Rule 19, Annex 2 and 3 of Fifa Regulations.”*
 - *“In essence, the matter raised by your Enquiry was already dealt by the Italian Federation of Soccer Game (FIGC) and its competent authority and it became a res judicata. The Italian Federal Soccer Prosecutor Office fully analyzed the matter and it decided that there was only a violation of the principles of loyalty, fairness and honesty in conducting under [Italian law]. Spezia Calcio denied any wrongdoing, and without admitting any responsibility offered to pay EURO 60.000 penalty as final and full settlement of the proceedings [...] No violations of Rule 9, Rule 19, Annex 2 of the FIFA Regulations were ascertained by the Federal Soccer Prosecutor.”*

8. On 18 May 2021, following the opening of disciplinary proceedings, Spezia Calcio provided the Secretariat with its position, which can be summarized as follows:

I. Background

- The Respondent is under new ownership since 10 February 2021.
- The new owner of the Respondent (hereinafter: “*the new owner*”) has no connections whatsoever with the former owner of the Respondent, Mr Gabriele Volpi.
- Upon purchase of the Club, a new management team was set up, with the sole exception of the current president of the Respondent, who joined in 2017 and is not listed in FIFA’s Case Transfer Report as a notable individual involved in the “Nigerian System”. Nevertheless, in order to ensure a clean break from all those associated with the Volpi Group, the Respondent decided to remove the president from his position.
- As part of the purchase process, the former owner of the Respondent made several representations, including that:
 - the Respondent had always complied with all football rules and regulations, including the FIFA RSTP.
 - The Respondent was not subject to any infringement procedures.
- Moreover, the Respondent emphasized that the Investigation Report issued by La Spezia Police had not been provided to the new owner prior to the acquisition of the Club.
- Due to the fact that the Club’s new ownership and management had no involvement in the running of the Club prior to February 2021, the current management has no first-hand knowledge of the matters raised by FIFA.
- Consequently, the Respondent has requested the former owner to provide answers to a series of important questions as well as to disclose all relevant documents, including those in connection with the criminal proceedings.
- Whilst the Respondent is still investigating the matter, it wished to make FIFA aware of the actions already taken.

II. The investigation carried out by the Respondent

- The Respondent noted that the Police Report states that Mr Volpi:
 - owned, controlled and financed the Nigerian academy (Football College Abuja) through his different companies;
 - financed the scheme and authorized payments to so-called “guardians” of the players;
 - was involved, through companies owned by him, in the process of sponsoring the issuance of visas for certain players; and
 - systematically received all information relating to the scheme and was ultimately responsible for all decisions relating to its implementation and management.
- In this regard, the Respondent pointed out that Mr Volpi was the ultimate beneficiary of the alleged “Nigerian System”.

- The Respondent is fully supportive of the important work done by FIFA to protect minor players. Therefore, should the alleged conduct be true, the Respondent qualified it as abhorrent.
- In continuation, the Respondent indicated that Mr Volpi was still active in the football industry and retained a financial interest in the Croatian club HNK Rijeka and continues to beneficially own Arzachena Academy Smeralda (Italian club that plays in Serie D).
- Accordingly, the Respondent intends to file a complaint to the FIFA Ethics Committee in the above matter that could serve to assist FIFA in establishing the facts as to the Volpi Group's conduct.

III. Conclusions

- Pending the answer of the Volpi Group, the Respondent recognized that the material provided by FIFA appeared, *prima facie*, to suggest that the Club was utilized, along with other companies of the Volpi Group, as part of the alleged "Nigerian System".
 - With that in mind, the Respondent wished to enter into discussions with FIFA in order to shed light on the matter.
 - In this regard, while admitting the seriousness of the allegations, the Respondent was convinced that the specificities of this case differ from any other past investigations of FIFA and considered that the focus of FIFA's enquiry should foremost be directed at the Volpi Group.
 - As a result, the Respondent requested a "virtual meeting" to discuss the case in further detail.
9. On 24 May 2021, the Respondent delivered a correspondence to the Secretariat in which it stated that it accepted its responsibility for the allegations levelled against it in the Report and its willingness to invoke the mechanism of art. 50 (8) FDC. In addition, the Respondent provided the following information:

I. Communication with the Volpi Group

- The Respondent reiterated that the new owner had no involvement whatsoever in the conduct identified by FIFA.
- In particular, the Respondent shared with FIFA the position adopted by the lawyers of the Volpi Group regarding the questions and request for disclosure as submitted by the Respondent:
 - *"They do not accept that there was any wrongdoing.*
 - *They have asserted that the Police Report contains gross inaccuracies.*
 - *In relation to a number of the players identified by FIFA, they deny that those players remained in Italy in excess of the period permitted by their tourist visas.*
 - *They claim that the only reason that the Club paid a fine to the FIGC was to avoid the need to incur legal costs.*
 - *They also claim that they would require a period of at least two months to provide a comprehensive response to the allegations."*

- In this respect, the Respondent considered this position as not convincing.
- However, the Respondent carefully assessed the documentation provided by FIFA and on that basis, it recognized that there was a body of evidence that the players remained in Italy with a view to play football and that, alongside other companies of the Volpi Group, the Respondent was utilized in that endeavor.
- Although it does not associate itself with the actions of the previous owner and management, the Respondent considered it important to accept responsibility at this early stage.

II. Mitigation

- Under the new management, the Respondent has fully cooperated with FIFA.
- Moreover, the Club has accepted responsibility under art. 50 (8) FDC and is one of the minority of clubs that have accepted responsibility in this way.
- The Respondent recalled that Mr Volpi was the main beneficiary of the “Nigerian System”. Therefore, any sanction imposed by FIFA on the Club would not be felt by Mr Volpi or any other individuals involved in this scheme.
- In particular, the Respondent considered that the new owner has exemplary record in business and sport and is a longstanding supporter of initiatives aimed at promoting and protecting the interests of children. Therefore, it appears not necessary to impose a sanction with “deterrent effect”.
- In continuation, the new owner viewed the conduct reported by FIFA as abhorrent and he would never allow the Club to engage in such conduct.

III. Serious detrimental impact of a registration ban

- The Respondent acknowledged that in certain cases involving art. 19 RSTP, a registration ban has been imposed. However, the present case is different as the Respondent accepted responsibility at an early stage and did not dispute the allegations reported against it.
- In addition, the Respondent pointed out that the current owner and management were not involved in the conduct identified by FIFA.
- As a result, the Respondent requested that no transfer ban be imposed as such a sanction could cause serious financial damages and would almost resign the Club to relegation.
- Furthermore, FIFA should consider the possibility of taking action against any individuals still active in football that were involved in the “Nigerian System”.

IV. Proposed sanction

- The Respondent proposed the following two alternative sporting sanctions, in addition to a fine:
 - One window registration ban in the event that the Respondent is found liable for breaches of art. 19 (1) or (3) RSTP in the next three years. This would be a more significant sanction than the one imposed on the other two clubs who accepted responsibility for breaching art. 19 RSTP. Furthermore, in the unlikely event that the

Respondent would commit a breach of art. 19 RSTP under its new management, the suspended ban would be triggered with immediate effect.

- Alternatively, one window registration ban to be triggered in January 2022.
 - In addition, the Respondent proposed the following financial penalty:
 - Fine of CHF 200,000 in the event that a suspended registration ban is imposed;
 - Fine of CHF 150,000 in the event that a ban on registration for one period, coming into effect in January 2022, is imposed.
10. The FIFA Disciplinary Committee (hereinafter also referred to as: “*the Committee*”) once again reiterated that it has considered all the facts, allegations, legal arguments and evidence provided by the Respondent, and in the present decision has only referred to those observations and evidence for which it considered necessary to explain its reasoning.

III. CONSIDERATIONS OF THE DISCIPLINARY COMMITTEE

11. In view of the circumstances of the present matter, the Committee decided to first address the procedural aspects, namely, its jurisdiction and the applicable law, before entering into the substance of the matter and assessing the possible breaches of arts. 9 (1) and 19 together with Annexes 2 and 3 RSTP by Spezia Calcio as well as the potential sanctions, if applicable, resulting therefrom.

A. Jurisdiction of the FIFA Disciplinary Committee

12. First of all, the Committee noted that at no point during the disciplinary proceedings did Spezia Calcio challenge its jurisdiction or the applicability of the FIFA Disciplinary Code (FDC).
13. Notwithstanding the above and for the sake of good order, the Committee found it worthwhile to emphasise that, on the basis of art. 53 FDC as read together with arts. 19 (4) and 25 (3) RSTP and art. 9 (2) of Annexe 3 RSTP, it was competent to evaluate the present case and to impose sanctions in case of corresponding violations.

B. Applicable law

a. Applicable edition of the Regulations on the Status and Transfer of Players

14. In order to duly assess the matter, the Committee deemed that it had to determine which edition of the Regulations on the Status and Transfer of Players (RSTP) applied to the substance of the case.
15. In these circumstances, the Committee took note from the Report that the FIFA Regulatory Compliance Department considered that different versions of the RSTP were applicable, based on the date at which the minor in question entered Italy. In this regard, the Report referred to the following versions of the RSTP:
- ed. 2012 for players 1 and 2;

- ed. 2014 for players 3 to 5;
 - ed. April 2015 for players 6 and 7;
 - ed. 2016 for players 8 to 13.
16. Furthermore, the Regulatory Compliance Department reported that arts. 9 and 19 RSTP headed *International Transfer Certificate* and *Protection of Minors* respectively, had been potentially breached by Spezia Calcio.
17. Notwithstanding the above, the Committee decided to refer to the RSTP in a general manner, without specifically mentioning the pertinent edition applicable to each player involved in the present case, as the aforementioned editions of the RSTP were inherently identical, so that the content and regulatory principles to be respected had not undergone any changes in the different editions, i.e. the 2012 to 2016 editions.
18. The above clarified, the Committee decided to begin by recalling the content and the scope of the relevant provisions of the RSTP applicable to the present case, this without prejudice that other rules may also be at stake.

b. Relevant applicable FIFA provisions

Article 9 (1) of the RSTP – International transfer Certificate

19. This article stipulates as a prerequisite for the registration of a player who has been the subject of an international transfer the need to request, and receive, an International Transfer Certificate (ITC):

“Players registered at one association may only be registered at a new association once the latter has received an International Transfer Certificate (hereinafter: ITC) from the former association. The ITC shall be issued free of charge without any conditions or time limit. Any provisions to the contrary shall be null and void. The association issuing the ITC shall lodge a copy with FIFA. The administrative procedures for issuing the ITC are contained in Annexe 3, article 8, and Annexe 3a of these regulations.”

20. Specifically, art. 9 (1) RSTP provides that players registered at one association may only be registered at a new association (and for the new club) after the latter has received an ITC from the former association.

Article 19 of the RSTP – Protection of minors

21. This article governs the international transfer of minor players as well as the first registration of foreign minor players. This provision was implemented with the aim of protecting minor players in the context of international transfers, as young football players are generally extremely vulnerable to exploitation, abuse and mistreatment in a foreign country. Furthermore, although international transfers may benefit the sporting career of a young player in specific cases, it is far more likely that they will harm the overriding interests of the minor in question. Put differently, the adequate and healthy development of a minor as a whole must always prevail over mere sporting interests.

22. In light of the above, it is therefore essential that member associations and clubs comply with this provision to safeguard the interests of minor players. Moreover, it is only through the consistent and strict application of this provision that football authorities, such as FIFA, can ensure effective control of international transfers and guarantee the protection of minor players.
23. Bearing the foregoing in mind, it is worth recalling that the international transfer of a player is only permitted if the latter is over the age of 18. The same principle applies to the first registration of a foreign player. These two bans are reflected in paragraphs 1 and 3, respectively:

“International transfers of players are only permitted if the player is over the age of 18.”

“The conditions of this article shall also apply to any player who has never previously been registered with a club, is not a national of the country in which he wishes to be registered for the first time and has not lived continuously for at least the last five years in said country.”

24. Notwithstanding the above, art. 19 (2) RSTP provides for three exceptions to the aforementioned general ban, whereby an international transfer of a minor player or the first registration of a foreign minor player is possible:

“The following three exceptions to this rule apply:

- a) The player’s parents move to the country in which the new club is located for reasons not linked to football.*
- b) The transfer takes place within the territory of the European Union (EU) or European Economic Area (EEA) and the player is aged between 16 and 18. In this case, the new club must fulfil the following minimum obligations:
(...)*
- c) The player lives no further than 50km from a national border and the club with which the player wishes to be registered in the neighboring association is also within 50km of that border. The maximum distance between the player’s domicile and the club’s headquarters shall be 100km. In such cases, the player must continue to live at home and the two associations concerned must give their explicit consent.”*

25. Consequently, when a minor player complies with one of the exceptions set out in art. 19 (2) RSTP, the association concerned is required, upon request of its affiliated club, to request and obtain the approval of the Sub-Committee appointed by the Players’ Status Committee (hereinafter, “the Sub-Committee”) as established under art. 19 (4) RSTP, provision which reads as follows:

“Every international transfer according to paragraph 2 and every first registration according to paragraph 3, as well as every first registration of a foreign minor player who has lived continuously for at least the last five years in the country in which he wishes to be registered, is subject to the approval of the subcommittee appointed by the Players’ Status Committee for that purpose. The application for approval shall be submitted by the association that wishes to register the player. The former association shall be given the opportunity to submit its position. The sub-committee’s

approval shall be obtained prior to any request from an association for an International Transfer Certificate and/ or a first registration. (...)."

26. Such approval will be given only if it can be demonstrated that the minor player complies with one of the exceptions of art. 19 (2) RSTP. In addition, this approval must be obtained before any further steps are taken in relation to the registration of the player, such as the ITC request (art. 9 (1) RSTP) and the registration of the player with the association concerned (art. 5 (1) RSTP).
27. In a nutshell, the aforementioned procedure can be summarised as follows:
- a) For a minor player who was previously registered with a foreign association and is therefore subject to an international transfer:
 - i. One of the exceptions of art. 19 (2) RSTP must be applicable to the player's situation;
 - ii. The association concerned, upon request of its affiliated club, submits an application for the approval of the Sub-Committee via TMS (art. 19 (4) RSTP along with Annexe 2 and art. 1 (3) of Annexe 3 RSTP);
 - iii. Once the approval is granted by the Sub-Committee, the association requests the player's ITC from the former association (cf. art. 9 (1) RSTP);
 - iv. Once the former association has issued the ITC, the new association receives the ITC and proceeds to the player's registration (art. 9 together with art. 5 RSTP).
 - b) For a foreign minor player who wishes to be registered for the first time³:
 - i. One of the exceptions of art. 19 (2) RSTP must be applicable to the player's situation;
 - ii. The association concerned submits, upon request of its affiliated club, an application for the approval of the Sub-Committee via TMS (art. 19 (4) RSTP along with Annexe 2 and art. 1 (3) of Annexe 3 RSTP);
 - iii. Once the approval is granted by the Sub-Committee, the association proceeds to the player's registration (art. 5 RSTP).
28. The contours of the provisions at stake being outlined, the Committee then referred to the jurisprudence of the Court of Arbitration for Sport (CAS), which has shed some light on this matter.
29. First, it should be recalled that art. 19 (1) of the RSTP is the backbone of the RSTP on the protection of minor players and is a provision that must be observed by clubs and associations alike⁴.

³ To be considered as a foreign minor player wishing to register for the first time, the prerequisites are as follows:

- a. The player is not a national of the country in which he wishes to be registered for the first time and has not lived continuously for at least the last five years in said country and;
- b. The player has never previously been registered for a club or his last match played for his previous club occurred more than 30 months ago.

⁴ CAS 2014/A/3813.

30. Secondly, the rules contained in the aforementioned provision are divided into substantive and procedural rules as follows⁵:
- a. Pars. 1 to 3 are regarded as substantive rules establishing a general ban on the international transfer (par. 1) of a minor player and on the first registration of a foreign minor player (par. 3), unless one of the exceptions set out in par. 2 of that article applies to the minor concerned.
 - b. Par. 4 is a procedural provision requiring the national association to seek and obtain approval of the Sub-Committee before taking any further step in the registration of the minor player.
31. This distinction implies that an association or a club would, on the one hand, be in breach of art. 19 (1) or (3) RSTP, and therefore subject to sanctions, if it has registered a minor player for whom none of the exceptions of art. 19 (2) RSTP applied at the time of registration⁶.
32. On the other hand, an association or a club would be facing sanctions in the event that it failed to submit an application for approval to the Sub-Committee, and obtain that approval, before registering the minor player. In particular, the RSTP contains no exception to art. 19 (4) RSTP and to the strict and mandatory obligation to seek for the Sub-Committee's approval, even if such approval was subsequently granted (once the player has already been registered with the association)⁷.
33. It follows that, when determining whether the provisions governing the protection of minor players have been infringed by an association or a club, FIFA's Judicial Bodies are required to analyse distinctly and separately if the association has infringed the substantive and/or the procedural rules of art. 19 RSTP.
34. Finally, it is worth recalling that CAS has confirmed on repeated occasions that the protection of minor players constitutes a key element in FIFA's overall regulatory framework⁸. Moreover, the legality of these provisions was validated by CAS, which in addition, concluded that these regulations do not contravene any rule of public policy or European law⁹.

Article 1 (1) of Annexe 2 and Article 1 (3) of Annexe 3 of the RSTP

35. Finally, as for as the procedure to obtain the approval of the Sub-Committee is concerned, the following provisions specify that the process should take place in the Transfer Match System (TMS) as per art. 1 (1) Annexe 2 and art. 1 (3) Annexe 3 RSTP, respectively:

"All applications for a first registration of a minor according to article 19 paragraph 3, or an international transfer involving a minor according to article 19 paragraph 2, must be submitted and managed through TMS."

"TMS helps safeguard the protection of minors. If a minor is being registered as a non-national for the first time or is involved in an international transfer, an approval must

⁵ CAS 2019/A/6301.

⁶ CAS 2019/A/6301.

⁷ CAS 2016/A/4805.

⁸ CAS 2005/A/955 & 956; CAS 2008/A/1485; CAS 2011/A/2354; CAS 2011/A/2494; CAS 2012/A/2787; CAS 2014/A/3611; CAS 2014/A/3793; CAS 2014/A/3813; CAS 2015/A/4312; CAS 2016/A/4785; CAS 2016/A/4805; CAS 2017/A/5244.

⁹ CAS 2008/A/1485.

be given by a sub-committee appointed by the Players' Status Committee for that purpose (cf. article 19 paragraph 4). The request for approval by the association that wishes to register the minor on the basis of article 19 paragraphs 2 and 3 and the subsequent decision-making workflow must be conducted through TMS (cf. Annexe 2)."

C. Standard of proof

36. Firstly, the Committee recalled that the burden of proof lies with FIFA, which is required to prove the infringement under art. 36 (1) FDC.
37. Secondly, the Committee pointed out that, according to art. 35 (3) FDC, the standard of "comfortable satisfaction" is applicable in disciplinary proceedings. According to this standard of proof, the onus is on the sanctioning authority to establish the disciplinary violation to the comfortable satisfaction of the judging body, taking into account the seriousness of the allegation.
38. In particular, CAS, which also applies this standard in disciplinary proceedings, defined this standard of proof as higher than the civil standard of "*balance of probability*" but lower than the criminal standard of "*proof beyond a reasonable doubt*"¹⁰.
39. In addition, the Committee underlined that CAS has recently confirmed that the standard of proof to be applied in disciplinary proceedings involving a potential violation of art. 19 RSTP is "comfortable satisfaction"¹¹.
40. Having clarified the foregoing, the Committee proceeded to consider the merits of the case.

D. Merits of the dispute

a. Issue of review

(1) The "Nigerian System" implemented by Spezia Calcio

41. The Committee started to analyze the evidence at its disposal, in particular the documentation and information provided in the scope of the proceedings before the FIFA Regulatory Compliance Department as well as the present disciplinary proceedings, to determine the potential violations of the RSTP committed by Spezia Calcio.
42. For the sake of good order, the Committee noted that it was undisputed that all thirteen (13) players involved in the present case had Nigerian citizenship and entered Italy when they were under 18 years old.

¹⁰ See amongst other CAS 2009/A/1920; CAS 2010/A/2172; CAS 2013/A/3323; CAS 2017/A/5006.

¹¹ CAS 2019/A/6301.

43. Then, the Committee observed that, in the light of the investigation carried out by *La Spezia police* and referred to in the Report, Spezia Calcio appeared to be deeply involved in the "Nigerian System", as the Club:
- had direct influence in deciding which players from the Football College Abuja were selected to be transferred to Italy;
 - facilitated the tourist visa application process, the entry of the minors into Italy, the placement with a guardian who enrolled them in the local school;
 - remunerated those guardians/tutors;
 - acquired an Italian residency permit for those players;
 - placed them with different clubs affiliated to the FIGC or parked them directly in its own youth teams.
44. In particular, the Committee noted that under this system, the players were placed either with different clubs or remained in the youth teams of Spezia Calcio.
45. With respect to the players parked at another club, the Committee noticed that these players were not immediately registered with the FIGC. Instead, the practice was to wait until the player in question reached the age of 18 to register him with the FIGC (players 3-5; 8-10 and 12) - or even while still a minor (players 1-2) - and then to transfer a number of them to Spezia Calcio by way of a domestic transfer (players 1-2; 4-5). For the players directly parked in its youth teams, Spezia Calcio also waited until they turned 18 years old to apply for their official registration with the FIGC (players 6-7 and 11).

(2) Purposes of the "Nigerian System"

46. In view of the aforementioned observation and the information contained in the case file, it was apparent to the Committee that Spezia Calcio put in place the "Nigerian System" by taking advantage of the compatibility issues between the Italian Law and the provisions of the FIFA regulations on the protection of minors. As set out in the Report, the assignment of the minor players to a tutor and their enrolment at a high school, the *Caboto Institute of Chiavari*, were key components of that system to successfully circumvent the regulations put in place by FIFA to protect minor players.
47. The Committee also underlined that Spezia Calcio did not contest the allegations and conclusions contained in the Report. Even if the new owner of the Club strongly emphasized that he does not associate himself with the actions of the previous owner and management, he considered it important to accept responsibility for the allegations levelled against the Club and informed FIFA of his desire to invoke the mechanism of art. 50 (8) FDC.
48. In light of the above, the Committee was comfortably satisfied that Spezia Calcio was involved in the conduct described in the Report. In this context and after examining the evidence on file, the Committee concluded that it was apparent that the Club implemented the "Nigerian System" in order to circumvent the prohibition on international transfers of minor players or on first registration of foreign minor players enshrined in art. 19 RSTP, as none of the minor players in question could qualify for one of the exceptions enumerated in art. 19 (2) RSTP.

49. Under the scheme, and to successfully bypass art. 19 RSTP, Spezia Calcio not only facilitated the procedure for applying for a tourist visa to enter Italy, but also placed these minor players with a tutor who enrolled them in the local school, paid these tutors and even obtained an Italian residence permit for them. Finally, while these players were still minors and allegedly not attending school, the Club placed them with various FIGC-affiliated clubs or parked them directly in its own youth teams without, however, applying for their official registration at the FIGC. This was only carried out once the players had turned 18, so that the prohibitions set out in art. 19 RSTP could no longer apply.

b. Infringements committed by Spezia Calcio in connection with the “Nigerian System”

50. As explained above, the Committee found that Spezia Calcio implemented the "Nigerian system" to circumvent the provisions governing the protection of minor players. Therefore, it was necessary for the Committee to assess whether the Club had breached the rules contained in art. 19 RSTP as well as art. 9 RSTP, as implied in the Report.
51. To this end, the Committee decided to begin with the procedural aspects of art. 19 RSTP and then to focus on the possible violation of the substantive rules contained therein, and finally to analyze whether further provisions had been infringed by Spezia Calcio.

(1) Failure to request the approval of the Sub-Committee – art. 19 (4) RSTP and Annexes 2 and 3 RSTP

52. As far as the procedural rule of art. 19 is concerned, the Committee had not doubt that, by introducing this system, Spezia Calcio sought to evade the control mechanism established by FIFA in art. 19 (4), which was set up to verify that the situation of the player to be transferred/registered for the first time corresponded to one of the exceptions laid down in art. 19 (2) RSTP.
53. In particular, the Committee noticed that no application for approval had been submitted to the Sub-Committee in Transfer Matching System (TMS) for any of the thirteen (13) players involved in the present case. This led the Committee to conclude that Spezia Calcio failed to comply with art. 19 (4) RSTP with regard to these players and therefore breach the provisional rule contained in art. 19 RSTP.
54. Furthermore, the Committee recalled that the procedure for obtaining the approval of the Sub-Committee must be carried out in TMS. Therefore, by not submitting a request for approval to the Sub-Committee in the said system, Spezia Calcio breached art. 1 (1) of Annex 2 and art. 1 (3) of Annex 3 RSTP in respect of all players implicated in the present case.

(2) Breach of the ban on international transfer of minor players and on first registration of foreign minor players – art. 19 (1) and (3) RSTP

55. The Committee then turned its attention to the substantive rules contained in art. 19 RSTP and noticed that Spezia Calcio contravened the general prohibition on international transfer of minor players and first registration of foreign minor players.

56. Indeed, after examining the evidence available to it, the Committee had no doubt that none of the thirteen players qualified for any of the exceptions listed in art. 19 (2) RSTP at the time of their respective entry into Italy.
57. In particular, the Committee observed from the case file that players 1-3, 6 and 13 were all registered with the Nigerian Football Federation before entering Italy. Given that none of the situations of the five players could fall under one of the exceptions of art. 19 (2) RSTP, the Committee came to the conclusion that these five minor players could not have been internationally transferred by Spezia Calcio without violating the general prohibition embodied in art. 19 (1) RSTP. However, the Club circumvented this general prohibition by using the "Nigerian System" described above, and thus transferred these five minor players in contravention of art. 19 (1) RSTP.
58. The same applies to players 4-5 and 7-12 who, according to the case file, had never been registered with any association before moving to Italy. Consequently, any registration with the FIGC would constitute a first registration within the meaning of art. 19 (3) RSTP. However, as already outlined, these Nigerian minor players did not satisfy one of the exceptions of art. 19 (2) RSTP and did not live continuously for at least five years in Italy, thus excluding any first registration with the FIGC. Nevertheless, the Club moved these minor players from Nigeria to Italy as part of the "Nigerian system" and parked them until they reached the age of 18, thereby breaching art. 19 (3) RSTP in respect of these eight players.

(3) Failure to request the International Transfer Certificate – art. 9 (1) RSTP

59. Finally, the Committee stressed that players 1-3, 6 and 13 were all registered with the Nigerian Football Federation before moving to Italy. However, there was no evidence in the case file establishing that an International Transfer Certificate (ITC) had been issued by the Nigerian Football Federation and received by the FIGC for these five players.
60. In this regard, the Committee recalled that for any international transfer, an ITC has to be requested and obtained by the new association before registering the player in question. With this in mind, the Committee considered that Spezia Calcio, by internationally moving these five players from Nigeria to Italy through the "Nigerian System", not only infringed art. 19 RSTP as explained above, but also failed to request and obtain the relevant ITC for these players, and therefore infringed art. 9 (1) RSTP.

(4) Conclusion

61. All in all, the Committee was firmly convinced that Spezia Calcio's motives in setting up this "Nigerian System" were to move, or more appropriately, "to bring" these Nigerian minor players from their home country to Italy, in total disregard of the rules put in place by FIFA to protect the integrity and health of minor players.
62. Indeed, the thirteen minor players brought to Italy by the Club could not benefit from any of the exceptions to the general prohibition laid down in art. 19 RSTP, so that Spezia Calcio had to park them in other clubs or in its youth teams before being able to proceed with their official

registration once they turned 18. In other words, the above-mentioned system was meant to escape not only FIFA's radar, but also that of the FIGC.

63. Having determined all of the above, in particular that Spezia Calcio infringed arts. 9 (1) and 19 (1), (3) and (4) RSTP together with art. 1 (1) of Annex 2 and art. 1 (3) of Annex 3 RSTP, the Committee held that Spezia Calcio had to be sanctioned for the aforementioned violations.

c. Determination of the sanction

64. The violations of the RSTP by Spezia Calcio having been established, the Committee subsequently considered the sanction(s) to be imposed.
65. The Committee observed in the first place that the Spezia Calcio is a legal person, and as such can be subject to the sanctions described under art. 6 (1) and (3) FDC.
66. For the sake of good order, the Committee underlined that it is responsible to determine the type and extent of the disciplinary measures to be imposed in accordance with the objective and subjective elements of the offence, taking into account both aggravating and mitigating circumstances (art. 24 (1) FDC).
67. As it was established above, Spezia Calcio was found guilty of violating arts. 9 (1) and 19 (1), (3) and (4), and art. 1 (1) of Annex 2 and art. 1 (3) of Annex 3 RSTP for the illegal international transfer of five minor players from Nigeria to Italy and the first registration of eight Nigerian players.
68. However, the Committee was far more concerned about the system – the so-called “Nigerian System” – put in place by Spezia Calcio to circumvent the provisions governing the protection of minor players than about the number of players actually involved in the present case. Indeed, in the Committee's view, it is inconceivable and unacceptable that a club uses and manipulates underage players by playing with their health and education in order to generate profits on their back. Such a lack of respect and moral behaviour should be condemned in the strongest possible terms, but also with sanctions that reflect the seriousness of the offence.
69. In this respect, the Committee recognised that since the occurrence of the prohibited conducts, the Club is under new management, which has fully cooperated with FIFA and has even assumed its responsibility under art. 50 (8) FDC with regard to the allegations made in the Report.
70. Furthermore, the Committee was aware that the likely main beneficiary was probably not the current owner of the Club, but the former one. In this respect, the Committee strongly recommended that the persons behind the “Nigerian System” be further investigated by the competent bodies.
71. Notwithstanding the above, the Committee, while welcoming the fact that the current Spezia Calcio board has acknowledged the allegations and accepted its responsibility, considered that the seriousness of the offences committed could not be left unpunished and considered the sanctions proposed by Spezia Calcio to be insufficient.

72. The mere fact that the Club has a new owner does not in any way exonerate Spezia Calcio, as a club, from being sanctioned. On the contrary, the Committee considered that any other conclusion would jeopardise the application of art. 19 RSTP, as a club could, as in the present case, severely flout the said provision, be acquired by a new owner, who would admit the facts after taking over the club but argue that no sanction should be imposed because the management/ownership of the club is different.
73. Moving forward, the Committee recalled that when assessing the degree of fault of Spezia Calcio, it was necessary to take into account the severity of the infringements with respect to the legal interest protected by that provision, namely the integrity of the minor's development. As stated above, the protection of minor players is one of the main pillar of the RSTP and art. 19 was implemented with the aim of protecting minor players in the context of international transfers, as young football players are generally extremely vulnerable to exploitation, abuse and mistreatment in a foreign country.
74. In the light of the above clarification and the various precedents where clubs have been sanctioned for breaching the rules governing the protection of minors as well as those relating to international transfers of players, the Committee noted that the gravity of the infringement in the present case was unprecedented and considered that a fine and a transfer ban were the minimum sanctions to be imposed in view of the Committee's and CAS's jurisprudence. Indeed, the Committee recalled that the Club had not inadvertently disregarded the rules governing the protection of minors but had set up a systematic and organized system for the movement of foreign minors with the main purpose of making financial gain.
75. Against this background, the Committee decided to start with the fine by determining its amount, which according to art. 6 (4) FDC, may not be lower than CHF 100 and greater than CHF 1,000,000.
76. As already explained, the Committee found that Spezia Calcio deliberately disregarded the provisions at stake by setting up the "Nigerian System", which, according to the Committee, amounted to child trafficking. In other cases where the essence and purpose of the provision was blatantly and flagrantly disregarded, the harshest possible sanctions were imposed on the offenders.¹².
77. In considering the amount of the fine to be imposed in the present case, the Committee took into account the Club's willingness to cooperate and the new owner's acceptance of responsibility. However, it could not ignore the seriousness of the facts and the violations committed, and therefore imposed a fine of CHF 500,000, an amount qualified as appropriate and proportionate in view of the whole case.
78. With regard to the transfer ban, the Committee noted that neither the FDC nor any other FIFA regulation provides for a maximum or minimum duration for such a ban. However, when determining the duration of a ban, the Committee is obliged to bear in mind the proportionality of the sanction as a guiding principle. The Committee would like to stress, in view of the elements highlighted above, that the degree of culpability of the Club is of the highest degree. In this

¹² Cf. decisions of the FIFA Adjudicatory Chamber in cases involving Mr Yves Jean-Bart ([adj. ref. no 3/2020](#)) or Mr Keramuddin Karim ([adj. ref. no 12/2019](#)).

context, it should be recalled once again that FIFA takes the protection of minors in football very seriously. Therefore, the Committee considered that a ban on national and international registration of players for four (4) full and consecutive registration periods was appropriate based on the violations committed by Spezia Calcio.

79. The Committee clarified that this sanction involves a strict ban on the Club registering new players at national and international level for four (4) complete and consecutive registration periods. In particular, Spezia Calcio will only be able to register new players at national and international level from the registration period following the full implementation of the transfer ban and will not be able to make use of the exception and provisional measures specified in art. 6 RSTP in order to register new players at an earlier stage. The Committee also pointed out that the sanction applies to all categories and sections of men's eleven-a-side football of Spezia Calcio, with the exception of women's football, beach soccer and futsal.

IV. DECISION OF THE DISCIPLINARY COMMITTEE

1. **The club Spezia Calcio is banned from registering new players, both nationally and international level, for four (4) entire and consecutive registration periods following the notification of this decision for failing to comply with the relevant provisions of the RSTP related to the protection and transfer of minors.**
2. **The club Spezia Calcio is ordered to pay a fine to the amount of CHF 500,000.**
3. **The above fine is to be paid within thirty (30) days of notification of the present decision.**

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Mr. Jorge Palacio

Chairman of the FIFA 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.

NOTE RELATING TO THE LEGAL ACTION:

This decision can be contested before the FIFA Appeal Committee (art. 57 of the FDC, 2019 edition). Any party intending to appeal must announce its intention to do so in writing within three (3) days of notification of the grounds of the decision. Reasons for the appeal must then be given in writing within a further time limit of five (5) days, commencing upon expiry of the first-time limit of three (3) days (art. 56 (4) of the FDC, 2019 edition). The appeal fee of CHF 1,000 shall be transferred to the aforementioned bank account on the date of the expiry of the time limit of five days for submitting the reasons for appeal at the latest (art. 56 (6) of the FDC, 2019 edition).