

Disciplinary Committee

FIFA[®]

Date: 11 January 2022

Sent to:
Jakub Jan Świerczok
c/o Bartłomiej Laburda
bartlomiej.laburda@mlalegal.pl

C.C
Japan Football Association
AFC

Notification of the grounds of the Decision

Ref FDD-9853

Dear Madam, Dear Sir,

Please find attached the grounds of the decision passed in the aforementioned case by the Chairperson of the FIFA Disciplinary Committee on 20 December 2021.

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

Yours faithfully,

FIFA



Carlos Schneider
Director of Judicial Bodies

Fédération Internationale de Football Association

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Decision of the FIFA Disciplinary Committee

passed on 20 December 2021

DECISION BY:

Jorge Ivan Palacio (Colombia), Chairperson

ON THE CASE OF:

Jakub Jan Swierczok
(Decision FDD-9866)

Regarding the decision passed by the AFC Disciplinary and Ethics Committee (Chairman)
on 8 December 2021

Art. 66 of the FIFA Disciplinary Code

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 Chairperson of the FIFA Disciplinary Committee (**the Committee**) has thoroughly considered any and all evidence submitted, even if no specific or detailed reference is made to particular elements of the former.
2. On 8 December 2021, the Chairperson of the AFC Disciplinary and Ethics Committee rendered a decision (**the Decision**) provisionally suspending the player Jakub Jan Swierczok (**the Player**) on grounds of doping.
3. On 17 December 2021, the Asian Football Confederation (**AFC**) requested the FIFA Disciplinary Committee to “*extend the sanction to have worldwide effect*”. In support of its request, the AFC submitted various documents, including:
 - i. a letter dated 6 December 2021 inviting the Player “*to provide an explanation regarding the adverse analytical finding*”;
 - ii. a copy of the email sent by the AFC to the Player on 6 December 2021 to provide him with the aforementioned letter;
 - iii. the findings of the Decision;
 - iv. a copy of the email sent by the AFC to notify the Japanese Football Association (**JFA**) about the Decision;
 - v. a letter from the JFA dated 16 December 2021 informing the AFC that the Decision “*has been served*” to the Player and providing the relevant documentary evidence;
 - vi. a copy of the Decision signed by the Player.

II. CONSIDERATIONS OF THE DISCIPLINARY COMMITTEE

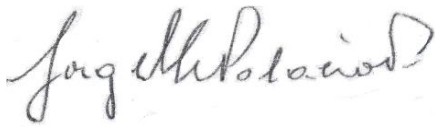
4. First of all, the Committee recalled that, in accordance with art. 53 par. 2 of the FIFA Statutes, it may pronounce the sanctions described in these Statutes and the FIFA Disciplinary Code (**FDC**) on members associations, clubs, officials, players, intermediaries and licensed match agents.
5. With respect to serious infringements, in particular but not limited to discrimination, the manipulation of football matches and competitions, misconduct against match officials or forgery and falsification, the member associations, confederations and other organising sports bodies shall request FIFA to extend the sanction they have imposed so as to have worldwide effect (art. 66 (1) FDC).
6. In conformity with art. 54 (1) (e) FDC, the Chairperson of the FIFA Disciplinary Committee is authorised, in his capacity as a single judge, to rule on the extension of a sanction pronounced by an association to have worldwide effect.

7. According to art. 66 (6) of the FDC, the Chairperson of the FIFA Disciplinary Committee takes his decision regarding the extension of a sanction to have worldwide effect, in principle, without deliberations or hearing any of the parties, and using only the file.
8. In this context, the Committee emphasised that, pursuant to art. 66 (5) FDC, the worldwide extension of a sanction will be approved if:
 - i. the person sanctioned has been cited properly (lit. a);
 - ii. the person has had the opportunity to state his case – with the exception of provisional measures – (lit. b);
 - iii. the decision has been communicated properly (lit. c);
 - iv. the decision complies with the regulations of FIFA (lit. d);
 - v. extending the sanction does not conflict with public order or with accepted standards of behaviour (lit. e).
9. With the above in mind, upon analysing the Decision, the Committee highlighted that it relates to doping, which is considered a serious infringement, and that it could therefore be extended to have worldwide effect.
10. After examining the entirety of the evidence at its disposal in relation to the present matter, the Committee noted that the conditions for worldwide extension as stipulated under art. 66 (5) FDC, have been met. In particular, the Committee emphasised that it appears to be clear from the documentation provided by the AFC that:
 - i. the Player has been cited properly (cf. par. I.3.i and ii *supra*);
 - ii. the Decision was communicated properly to the Player, the latter having received a copy of the Decision by email (cf. par. I.3.iv to vi *supra*);
 - iii. the Decision complies with the relevant FIFA regulations and does not conflict with public order or with accepted standards of behaviour.
11. Consequently, the Committee decided to extend the sanction imposed on the Player by the Chairperson of the AFC Disciplinary and Ethics Committee on 8 December 2021. More specifically, the Player is sanctioned worldwide with a provisional suspension “*from taking part in all football-related activities*” in accordance with the Decision, *i.e.* “*until such time that a final decision is passed by the AFC Disciplinary Committee*”.
12. Finally, and pursuant to art. 66 (11) FDC, should the Decision not yet be final in a legal sense, the present decision shall follow the (final) outcome of the Decision.

IV. DECISION OF THE DISCIPLINARY COMMITTEE

- 1. The request to extend the decision passed by the AFC Disciplinary and Ethics Committee on 8 December 2021 to have worldwide effect is granted.**
- 2. The player Jakub Jan Swierczok is sanctioned worldwide with a provisional suspension from all football-related activities as from 17 October 2021 until such time that a final decision is passed.**

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Mr. Jorge Palacio

Chairperson of the Disciplinary Committee

NOTE RELATING TO THE LEGAL ACTION:

This decision can be contested before the FIFA Appeal Committee (art. 57 FDC). 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) FDC). The appeal fee of CHF 1,000 is payable on the submission of the appeal brief at the latest (art. 56 (6) FDC).