

Decision of the FIFA Disciplinary Committee

passed on 28 January 2025

DECISION BY:

Jorge PALACIO (Colombia), Chairperson

Anin YEBOAH (Ghana), Deputy Chairperson

Thomas HOLLERER (Austria), Member

ON THE CASE OF:

Yukatel Adana Demirspor A.S.

(Decision FDD-21702)

REGARDING:

Art. 17.6 of the FIFA Clearing House Regulations – *Payment failure*

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 (the **Committee**) has thoroughly considered 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 19 November 2023, the FIFA Clearing House SAS (**FCH**) sent a payment notification to Yukatel Adana Demirspor A.S. (the **Respondent**) with reference PN24003322 for 2310.45 EUR concerning the Solidarity contribution due in connection with Allocation Statement 835 corresponding to the Electronic Player Passport (EPP) 16382 for the player YILDIRIM MERT CETIN (FIFA ID 14JPLF7) and his transfer to the Respondent.
3. Since no payment was made by the Respondent, a second payment notification was issued by the FCH to the Respondent on 23 December 2024 for the same amount indicated above plus a dunning fee for a total of 2368.21 EUR (the **Payment Notification**).
4. Based on the above and in accordance with art. 55 of the FIFA Disciplinary Code, ed. 2023 (**FDC**) as read together with art. 17 of the FIFA Clearing House Regulations (**FCHR**) the matter was referred to the Secretariat to the FIFA Disciplinary Committee (the **Secretariat**), which informed the Respondent of the following on 21 January 2025:

"We refer to the above-mentioned matter as well as to the investigation conducted by FIFA. In this context, all the relevant information and documents constituting the case file are available in the FIFA Legal Portal for your perusal.

*In particular, in accordance with art. 55 of the FIFA Disciplinary Code, edition 2023 (**FDC**) as read together with art.13 paragraph 5 and art. 17 of the FIFA Clearing House Regulations (**FCHR**), we confirm that the present matter has been escalated to the Secretariat of the FIFA Disciplinary Committee and will be referred to the FIFA Disciplinary Committee in due course for consideration and a formal decision in relation to the potential breach of the FCHR by your club.*

*In this respect, the Respondent is invited to **provide the Secretariat to the FIFA Disciplinary Committee with its position, within three days of the notification** of this communication at the latest exclusively via the FIFA Legal Portal (cf. art. 48 FDC).*

Should the aforementioned party fail to submit its position within the stipulated deadline, the FIFA Disciplinary Committee will decide on the case using the file in its possession (cf. art. 12 par. 5 of the FDC).

*For the sake of completeness, please be reminded that pursuant to the FCHR, there might be additional obligations that the Respondent might have to undertake **that are independent of these disciplinary proceedings.***

5. The Respondent provided the following in its response:

"The present is after your correspondence dated 23 January 2025. According to your correspondence you have invited to Club for provide our position within three days of the notification.

As its known by literally whole world, the repeated horrific earthquakes has seriously affected the city of Adana and the club's economy as well as the country. The extreme rise of the EURO against the Turkish Lira ("TL"), in a very short period of time, led the Club face to financial difficulties. Regarding to the financial difficulties that our Club is struggling, our Club could not manage payment amount.

The Club is trying its best to pay the debt subject to this case, as well as its other obligations. In this respect, we would like to highlight that the Club is making significant efforts to improve its dire economic situation but is currently under transfer bans.

As we mentioned above, your administration is kindly required and requested to take the issue of the horrific earthquakes happened in city of Adana and the extraordinary economic crisis is followed into consideration which had affected our club and the country and acknowledge that efforts are being made to include this case in the payment plan."

6. On 28 January 2025, the Committee decided on the matter. The decision was notified with grounds to the Respondent on 28 January 2025.

II. Considerations of the Disciplinary Committee

7. 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 the FCHR and/or FDC by the Respondent as well as the potential sanctions, if applicable, resulting therefrom.

a. Jurisdiction and applicable law

8. First of all, the Committee noted that at no point during the present proceedings did the Respondent challenge its jurisdiction or the applicability of the FIFA Disciplinary Code.
9. Notwithstanding the above and for the sake of good order, the Committee found it worthwhile to emphasise that, in view of the allegations at stake and on the basis of art. 56 FDC as read together with arts. 16.1. d) and 17.2 FCHR, it is competent to evaluate the present case and to impose sanctions in case of corresponding violations.

10. In order to duly assess the matter, the Committee noted that the present case related to a potential violation of the FCHR. In this regard, the Committee deemed it relevant to recall that in accordance with art. 1.3 FCHR read in conjunction with art. 3.1 FCHR, the FCH is a separate entity from FIFA and was established to act as an intermediary in payments deriving from the football transfer system, especially for the payment of training rewards that fall due pursuant to the Regulation on the Status and Transfer of Players (**RSTP**) and performs all required compliance assessments in their execution.
11. In particular, the Committee underlined that the payment process represents a crucial component of the distribution of training rewards in accordance with FCHR, as outlined in its article 13. Subsequent to the completion of a Compliance Assessment by the new club and any training clubs involved, and the subsequent finalization and binding of the relevant Electronic Player Passport (EPP) and Allocation Statement, the FCH will issue a payment notification to the new club. This notification specifies the total amount that is owed.
12. Upon receipt of the payment notification, the new club is obliged to remit the specified amount within a period of 30 days (this payment must include all applicable bank fees, thus ensuring that the FCH receives the entire amount per the payment notification). If the new club is unable to remit the total sum by the stipulated deadline, a levy of 2.5% of the outstanding amount will be applied in favour of each training club *in lieu* of interest for late payment. Subsequently, the new club will be granted an additional seven days to settle the outstanding balance in full. This extension represents the final opportunity for the new club to fulfil its financial obligations.
13. In the event that the new club is unable to fulfil its financial obligations by the extended deadline, it shall be subject to disciplinary proceedings in accordance with article 17 of the FCHR – which is precisely what took place in these proceedings. To this effect, the Committee deemed important to outline the contents of article 13.5 FCHR: *“A new club that fails to pay the requested amount in full by the further deadline (...) shall be subject to disciplinary proceedings in accordance with article 17”*.
14. In sum, the Committee understood that in view of the above provisions, it is not in a position to review or modify any aspect of the process outline above regarding the payment failure but has as sole task to apply the sanctions provided for in art. 17 FCHR.

b. Merits of the case

15. Having clarified the above, the Committee observed that, according to the information and evidence at its disposal, the FCH issued the Payment Notification to the Respondent regarding the Solidarity contribution due in connection with Allocation Statement 835 corresponding to the EPP 16382, yet no payment was made by the Respondent – something which stood uncontested in these proceedings. On this note and with reference to art. 41.2 FDC, the allegations filed by the Respondent remained unsubstantiated as no supporting documentation was presented by the same, nor any specific explanation as to how an event that took place

almost 2 years ago might still affect the Respondent's ability to pay the sum owed per the Payment Notification.

16. It follows that the Respondent has breached art. 13 FCHR by not paying the Solidarity contribution and administrative levy as indicated in the Payment Notification issued by the FCH.
17. Therefore, since the violations of the FCHR by the Respondent had been established, the Committee subsequently turned its attention to art. 17 FCHR and the relevant sanction(s) to be imposed for infringing art. 13 FCHR.

c. Determination of the sanction

18. With regard to the applicable sanctions, the Committee observed in the first place that the Respondent is a legal person, and as such was subject to the sanctions described under art. 6.1 and 6.3 FDC.
19. Notwithstanding the above, the Committee observed that the FCHR provides for specific consequences and sanctions depending on whether the club in question failed to make the proper payment. In particular, art. 17.6 FCHR reads as follows, and leaves a small margin of discretion only to the Committee:

"17.6 The sanction for a club that fails to pay the amount requested in accordance with article 13 or article 16 paragraph 1 f) shall be:

a) a fine; and

b) a ban on registering any new players, either nationally or internationally. The registration ban shall be lifted once the amount has been paid in full."

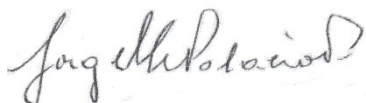
20. For the sake of good order, the Committee underlined that it is responsible to determine the type and extent of the disciplinary measures to be imposed in accordance with the objective and subjective elements of the offence, taking into account both aggravating and mitigating circumstances (art. 25.1 FDC).
21. As it was established above, the Respondent was found responsible of having infringed art. 13 FCHR. In view of the foregoing, consistently with art. 17.7 FCHR, the Committee decided to impose the following sanctions:
 - a. A fine of CHF 1,000.
 - b. A ban from registering new players, either nationally or internationally, until the complete amount due is paid in accordance with the FCHR and the directives of the FCH.
22. In particular, the Committee considered the amount of the fine proportionate to the offence committed as well as to the amount at stake.

23. In this vein, the Committee outlined that the Respondent is granted a final deadline of thirty (30) days as from notification of the present decision in which to pay the fine. 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, additional measures may be imposed by the FIFA Disciplinary Committee.
24. With regards to the registration ban, it will be implemented automatically and immediately at national and international level by the Respondent's member association 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 this respect, the Committee reminded the Respondent's member association is reminded of its duty to implement this decision and provide FIFA with proof that the registration ban has been implemented at national level.
25. By the same token, the Committee confirmed that the Respondent shall only be able to register new players, either nationally or internationally, once the amount requested in accordance with art. 13 or art. 16 par. 1 f) of the FCHR has been paid in full. In particular, the Respondent may not make use of the exception and the provisional measures stipulated in art. 6 of the RSTP in order to register players at an earlier stage. The Committee further referred to FIFA Circular no. 1843 concerning the scope of application of a registration ban.
26. The Committee was satisfied that such sanctions would produce the necessary deterrent effect, whilst serving as a reminder to the Respondent to undertake all appropriate measures in order to guarantee that the FIFA regulations are strictly complied with.

Decision

1. The club Yukatel Adana Demirspor A.S. (the **Respondent**) is found responsible for failing to pay the amounts indicated by the FIFA Clearing House SAS (FCH) in their Payment Notification (PN24003322) on 23 December 2024.
2. The Respondent is ordered to pay the amount of **2368.21 EUR** as Solidarity contribution and administrative levy as indicated in the abovementioned Payment Notification, which shall be paid in accordance with the FIFA Clearing House Regulations and the directives of the FCH.
3. The Respondent is banned from registering new players, either nationally or internationally, until the complete amount due is paid in accordance with point 2 above.
4. The Respondent shall pay a fine to FIFA in the amount of CHF 1,000. The Respondent is granted a final deadline of thirty (30) days as from notification of the present decision in which to pay the fine. 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, additional measures may be imposed by the FIFA Disciplinary Committee.

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Jorge Ivan PALACIO (Colombia)
Chairperson of the FIFA Disciplinary Committee

NOTE RELATING TO THE LEGAL ACTION:

This decision can be contested before the FIFA Appeal Committee (art. 61 FDC, 2023 edition), with the exception of the fine imposed, which can be appealed directly before CAS (art. 58 (1) of the FIFA Statutes read together with arts. 52 and 61 of the FDC). Any party intending to appeal to the FIFA Appeal Committee must announce its intention to do so in writing within three (3) days of notification of the grounds of the decision. The appeal brief must then be filed in writing within a further time limit of five (5) days, commencing upon expiry of the first-time limit of three (3) days (art. 60.4 FDC, 2023 edition). The appeal fee of CHF 1,000 shall be transferred to the bank account below on submission of the appeal brief at the latest (art. 60.6 FDC, 2023 edition).

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 the abovementioned case number.

NOTE RELATING TO THE PAYMENT OF THE AMOUNT DUE:

The payment of the amount mentioned in the decision is to be made to the FIFA Clearing House in accordance with the instructions already received by the Respondent directly from the FIFA Clearing House. The Respondent is directed to notify the FIFA Clearing House and the Secretariat of the FIFA Disciplinary Committee of every payment made and to provide the relevant proof of payment.

NOTE RELATING TO THE REGISTRATION BAN:

The registration ban mentioned in the present decision will be implemented automatically and immediately at national and international level by the Respondent's member association 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 this respect, the Respondent's member association is reminded of its duty to implement this decision and provide FIFA with proof that the registration ban has been implemented at national level, any failure to do so being subject to potential sanctions (which can lead to an expulsion from FIFA competitions) being imposed by the FIFA Disciplinary Committee.

The Respondent shall only be able to register new players, either nationally or internationally, once the amount requested in accordance with art. 13 or art. 16 par. 1 f) of the FIFA Clearing House Regulations has been paid in full. In particular, the Respondent may not make use of the exception and the provisional measures stipulated in art. 6 of the Regulations on the Status and Transfer of Players in order to register players at an earlier stage.

For more information on the registration ban as well as on the scope of said disciplinary measure, reference is made to [FIFA circular no. 1843](#).