

Decision
of the
Chairman of the FIFA Disciplinary Committee

Mr Anin Yeboah [GHA]

on 20 November 2019

to discuss the case of:

Club PFC CSKA-Sofia, Bulgaria

(Decision 170528 PST)

regarding:

failure to comply with

art. 15 of the FDC (2019 ed.) / art. 64 FDC of the FDC (2017 ed.)

I. inferred from the file¹

1. On 6 November 2014, the Dispute Resolution Chamber (DRC) decided that the claim of the player Ivan Bolado Palacios was inadmissible as well as the counterclaim of the club PFC CSKA Sofia.
2. The findings of the decision of the Dispute Resolution Chamber (hereinafter, "*the DRC decision*") were duly communicated to the parties on 17 November 2014. The grounds were requested by the player Ivan Bolado Palacios and notified to the parties on 22 January 2016.
3. On 12 February 2016, the player Ivan Bolado Palacios lodged an appeal against the DRC decision with the Court of Arbitration for Sport (CAS).
4. On 24 January 2017, CAS issued the following award:

"The appeal filed on 12 February 2016 by Mr Ivan Bolado Palacios against the decision issued on 6 November 2014 by the Dispute Resolution Chamber of [FIFA] is partially upheld.

PFC CSKA Sofia is ordered to pay to Mr Ivan Bolado Palacios the net amount of EUR 72,000 (...) as outstanding remuneration with interest accruing as follows until the date of effective payment (...).

PFC CSKA Sofia is ordered to pay to Mr Ivan Bolado Palacios the net amount of EUR 200,000 (...) as compensation for breach of contract, with 5% interest p.a. accruing as from 23 July 2012 (...).

The costs of the arbitration, to be determined and served to the parties by the CAS Court Office, shall be borne in a proportion of 20% (...) by Mr Ivan Bolado Palacios and in a proportion of 80% (...) by PFC CSKA Sofia.

PFC CSKA Sofia shall bear its own costs and is ordered to pay to Mr Ivan Bolado Palacios the total amount of CHF 5,000 (...) as a contribution towards the legal fees and expensed incurred in connection with these arbitration proceedings".

5. On 21 March 2017, the player Ivan Bolado Palacios (hereinafter, "*the Creditor*") requested the Disciplinary Committee to sanction the club PFC CSKA Sofia (hereinafter, "*the original Debtor*") for its failure to comply with the aforementioned CAS award.
6. Following the aforementioned request, the Creditor sent several reminders to the Secretariat to the FIFA Disciplinary Committee (hereinafter, "*the Secretariat*").
7. On 7 September 2017, the Secretariat informed the Creditor that it has been informed by the Bulgarian Football Union that the original Debtor was undergoing insolvency

¹ Below is a summary of the main relevant facts and allegations based on the documents pertaining to the file. Although the Chairman of the Disciplinary Committee has considered all the facts, allegations, legal arguments and evidence submitted by the parties, he refers in his decision only to submissions and evidence he considers necessary to explain his reasoning.

proceedings and, therefore no disciplinary proceedings could be opened against the latter.

8. On 9 and 20 October 2017 as well as on 23 November 2017, the Creditor requested the Disciplinary Committee to continue the disciplinary proceedings against the original Debtor.
9. On 11 December 2017, the Creditor filed an appeal with CAS to seek redress "*against what constitutes a case of denial of justice represented by the FIFA Disciplinary Committee's handling of article 64 action*".
10. On 1 February 2018, the Secretariat, on behalf of the Chairman of the Disciplinary Committee, informed the parties that it was not in a position to proceed with the present matter involving the original Debtor since the latter was declared bankrupt and lost its affiliation to the Bulgarian Football Union.
11. On 14 May 2018, CAS issued an award according to which it had no jurisdiction to decide the dispute between the Creditor and FIFA, the Bulgarian Football Union and the club PFC CSKA EAD Sofia. Therefore, the arbitration proceedings were terminated and removed for the CAS roll.
12. In this award, the Sole Arbitrator pointed out the following elements:
 - The original Debtor only went into insolvency after the FIFA Dispute Resolution Chamber and CAS rendered their judgements.
 - As such, the Creditor had the CAS award and sought to enforce it.
 - Unfortunately, the original Debtor went into insolvency so that the Disciplinary Committee could no longer open proceedings against the latter.
 - As a result, the Creditor requested the Disciplinary Committee to put pressure on the alleged successor of the original Debtor, the club PFC CSKA-Sofia.
13. In light of the above, the Sole Arbitrator found that the request of the Creditor had to be considered as a new claim against a different legal entity. Consequently, the Sole Arbitrator decided that the Creditor had to lodge a new complaint against the alleged successor "*following Article 22 of the RSTP*" before the Dispute Resolution Chamber and not the Disciplinary Committee. In particular, the Creditor should seek to convince the Dispute Resolution Chamber that this new club is the successor of the original Debtor and should be responsible for the debts of the original Debtor contained in the CAS award dated 24 January 2017.
14. On 22 May and 24 June 2019, despite the aforementioned CAS award, the Creditor requested to open disciplinary proceedings against the club PFC CSKA-Sofia, considered to be the sporting successor of the original Debtor. In particular, the Creditor claimed that the aforementioned club had to be held liable for the amounts indicated in the CAS award issued on 24 January 2017.

15. On 22 October 2019, the Secretariat initiated disciplinary proceedings against the club PFC CSKA-Sofia (hereinafter, "*the new Club*") for a potential failure to respect a decision passed by a body, a committee or an instance of FIFA or a CAS decision. In addition, the new Club was informed that the case would be submitted to the Disciplinary Committee for evaluation on 18 November 2019 and was invited to provide its position regarding the allegations made by the Creditor.
16. On 23 October 2019, the new Club requested to suspend the present proceedings until the question of an alleged sporting succession was resolved in a final and binding manner in another proceedings in which the new Club was also involved.
17. On 1 November 2019, the Secretariat informed the parties that the Chairman of the Disciplinary Committee had rejected the aforementioned request. Furthermore, the parties were notified that the matter would be submitted to a member of the Disciplinary Committee on 18 November 2019.
18. By means of two correspondences dated 5 and 6 November 2019, the new Club requested i) to be provided with the complete case file, ii) to suspend the deadline for filing its position and iii) to set a new deadline once said documents have been received. Following this request, the Secretariat provided the parties with the missing documents on 12 November 2019 and set a final deadline to the new Club to file its position by 17 November 2019 at the latest.
19. On 18 November 2019, the Secretariat informed the parties that the present matter would be submitted to a member of the Disciplinary Committee on 20 November 2019 given that the new Club was entitled to file its position by 18 November 2019 in accordance with art. 34 par. 4 of the 2019 FDC.
20. On the same day, the new Club provided the Secretariat with its position, which can be summarized as follows:
 - I. The new Club claimed that there is no legal, financial or organizational connection between the legal entity of the former club "*PFC CSKA AD*" and the new one "*PFC CSKA-Sofia EAD*".
 - II. In particular, the new Club pointed out that it is the legal successor of the club Litex Lovech and provides the following explanations :
 - o In the 2015/2016 season, a club called "*Litex Lovech*" was expelled from the first Bulgarian league;
 - o At the beginning of the 2016/2017 season, a group of entrepreneurs bought the company "*PFC Litex Lovech AD*", the legal entity behind the club Litex Lovech;
 - o The main idea of these entrepreneurs was to create a new club, which maintains and reflects the historical sporting history of the old club, which at that time was already declared insolvent and was no longer participating in organized football;
 - o Therefore, on 2 June 2016, the entrepreneurs changed the name of the company "*PFC Litex Lovech AD*" to "*PFC CSKA-Sofia EAD*". Accordingly, the club Litex

Lovech became the club PFC CSKA-Sofia. Nevertheless, the new Club highlighted that it took part in the newly created Bulgarian first division championship (2016/2017 season) using the sporting licence of the club Litex Lovech.

- III. Furthermore, the new Club admitted that it is using a similar logo and image to the original Debtor because it bought certain logos, trademarks, etc. out of the bankruptcy mass of the original Debtor. However, the new Club wished to draw the Disciplinary Committee's attention to the fact that the new Club and the original Debtor have different owners, licences, football teams and legal entities, implying that the first one cannot be considered as the successor of the second one.
- IV. In these circumstances, the new Club claimed that it has never signed any contract with the Creditor. Therefore, the new Club was of the opinion that the Creditor should have claim his credit in the bankruptcy proceedings before the Bulgarian civil court. In particular, the new Club stressed that thanks to its extremely high bid placed and paid into the bankruptcy mass, many creditors that registered in the bankruptcy proceedings have been/will be compensated for their claims listed in the bankruptcy. The new Club further pointed out that the Court of Arbitration for Sport ruled that in case a creditor has listed his privileged claim in a national bankruptcy – or has omitted to pursue such a claim although possible –, no disciplinary enforcement of the same claim can occur against an alleged successor club.
- V. In addition, the new Club argued that even though the original Debtor has been declared bankrupt, the bankruptcy proceedings are still ongoing, which means that the original Debtor is still able to fulfil its financial obligations towards its employees. Thus, the new Club pointed out that as long as the original Debtor is still in a position to pay its debts, FIFA cannot initiate proceedings against an alleged sporting successor, as the latter would not be able to comply with a decision based on art. 15 of the FDC (2019 edition) given that it is up to the Sofia civil court to decide on the amounts owed to each creditor registered in the bankruptcy proceedings.
- VI. The new Club further submitted that the Disciplinary Committee would be competent to investigate whether a new club can be held liable for the debts of an old club only in the event that the latter would disappear and become disaffiliated without the involvement of bankruptcy proceedings. Nevertheless, the new Club pointed out that the present matter involves a club that went bankrupt, so that national bankruptcy laws take precedence over the Disciplinary Committee's competence to act in such matters.
- VII. Having stated the above, the new Club stressed that the Creditor does not appear on the list of creditors dated 16 June 2017 and therefore did not take part in the bankruptcy proceedings although their opening were published in the commercial register of the Republic of Bulgaria and was widely covered by the media. Consequently, the new Club claimed that the Creditor knew or must have known about the bankruptcy proceedings but did not participate in these proceedings.
- VIII. Finally, the new Club claimed that the Creditor had accepted the conclusions reached by CAS in the award issued in May 2018 as the Creditor lodged a new claim before

the Dispute Resolution Chamber against the new Club. Nevertheless, the new Club stressed that the Creditor failed to comply in full with this award since it also requested the opening of disciplinary proceedings against the new Club to enforce a decision involving the original Debtor.

II. and considered

1. In the case at hand, in view of the arguments raised by the parties, the Chairman of the Disciplinary Committee (hereinafter, "*the Chairman*") decides first to assess as to whether he is competent to decide on the present matter (A), and should it be the case, as to whether the club PFC CSKA-Sofia could be held liable for a potential failure to respect the CAS award issued on 24 January 2017 (B).

A) Applicable law

2. First of all, the Chairman would like to analyse which version of the FIFA Disciplinary Code (FDC) applies.
3. In this sense, the Chairman underlines that the 2019 edition of the FDC (hereinafter, "*the 2019 FDC*") entered into force on 15 July 2019 (art. 72 par. 1 of the 2019 FDC) and applies to all disciplinary offenses committed following said date (art. 4 par. 1 of the 2019 FDC).
4. With regard to the matter at hand, the Chairman highlights that the disciplinary offense, *i.e.* the potential failure to comply with the relevant CAS award, was committed before the 2017 FDC and 2019 FDC entered into force. As a result, he deems that the merits of the present case fall under the 2011 edition of the FDC (hereinafter, "*the 2011 FDC*").
5. Notwithstanding the above, the Chairman holds that the procedural aspects of the present matter should be governed by the 2019 FDC.

B) Jurisdiction of the FIFA Disciplinary Committee to decide on the present matter

6. In view of the particular circumstances of the case, the Chairman will now analyse as to whether he is competent to assess if the new Club is the successor of the original Debtor.
7. For the sake of good order, it is worth emphasising that, in line with art. 54 par. 1 lit. h) of the 2019 FDC, cases involving matters under art. 15 of the 2019 FDC (former art. 64 of the 2011 FDC) may be decided by one member of the Disciplinary Committee alone, *i.e.* the Chairman of the Committee in the case at hand.
8. In this context, the Chairman first emphasises that it is uncontested that the original Debtor subject of the CAS award issued on 24 January 2017, has been disaffiliated from the Bulgarian Football Union.
9. In these circumstances, the Chairman wishes to recall that, according to art. 53 par. 2 of the FIFA Statutes, the Disciplinary Committee (hereinafter also referred to as "*the*

Committee") may pronounce the sanctions described in the Statutes and the FDC on member associations, clubs, officials, players, intermediaries and licensed match agents.

10. Clubs are affiliated to regional and/or national football associations and these national football associations are members of FIFA. Consequently, football clubs are considered as "indirect members" of FIFA and therefore, are subject to and bound by the FIFA Statutes and all other FIFA rules and regulations as well as by all relevant decisions passed by the FIFA bodies.
11. The aforementioned principle is embedded in art. 14 par. 1 lit. d) of the FIFA Statutes which requires the member associations *"to cause their own members to comply with the Statutes, regulations, directives and decisions of FIFA bodies"* as well as in art. 60 par. 2 of the FIFA Statutes that states that member associations, amongst others, *"shall take every precaution necessary to ensure their own members, players and officials comply with these decisions"*. The foregoing is only possible to the extent that the so-called "members" are still affiliated to the member associations of FIFA.
12. Since the Bulgarian Football Union has confirmed that the original Debtor was no longer affiliated to the Bulgarian Football Union, the original Debtor has lost its indirect membership to FIFA and the Disciplinary Committee can therefore no longer impose sanctions on it. However, the Chairman notes that the Creditor subsequently requested the enforcement of the CAS award dated 24 January 2017 against the club PFC CSKA-Sofia, which, in his view, should be considered as the successor and/or the same entity as the disaffiliated club, PFC CSKA Sofia.
13. In this respect, the Chairman notes that the Creditor's request to initiate disciplinary proceedings against the new Club PFC CSKA-Sofia to enforce the CAS award dated 24 January 2017 appears to be inconsistent with the CAS award issued on 14 May 2018. In particular, the Chairman observes that the Sole Arbitrator ruled that the Creditor had to file a new claim against the club PFC CSKA-Sofia before the Dispute Resolution Chamber and had to demonstrate that this club was the successor of the original Debtor.
14. However, the Chairman takes note that in another disciplinary proceedings involving the original Debtor, CAS also had to discuss the question of the potential successor of the original Debtor². In this respect, the Sole Arbitrator decided on 28 December 2018 that the Disciplinary Committee was not prevented from reviewing, making a legal assessment and deciding if the new club, PFC CSKA-Sofia, was the same as – and/or the successor of – the original Debtor.
15. In light of the foregoing and bearing in mind that the new club PFC CSKA-Sofia is still duly affiliated to the Bulgarian Football Union, and as such, under the jurisdiction of the Disciplinary Committee, the Chairman decides to endorse the approach established in the later CAS award by considering that he is not prevented from making a legal assessment and deciding whether the club PFC CSKA-Sofia is the same as – and/or the successor of – the original Debtor.

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

16. As a result, the Chairman deems that he is competent to assess the present matter and therefore to pass a formal decision of a substantive nature on the Creditor's request concerning the liability of the club PFC CSKA-Sofia towards the debts of the original Debtor in the frame of art. 64 of the 2011 FDC.

C) The liability and responsibility of the club PFC CSKA-Sofia

a. Whether the club PFC CSKA-Sofia is liable for the debts incurred by the original Debtor

17. After having established that he is competent to assess the present matter, the Chairman moves on to analyse whether the new Club, PFC CSKA-Sofia, has a connection with the original Debtor and therefore, can be held liable for the debts of the latter.

18. In this sense, the Chairman finds it worthwhile to recall the existing CAS jurisprudence on this particular topic.

19. To that end, the Chairman first refers to decisions that had dealt with the question of the succession of a sporting club in front of CAS³ and in front of FIFA's decision-making bodies⁴. In particular, it has been established that, on the one side, a club is a sporting entity identifiable by itself that, as a general rule, transcends the legal entities which operate it, meaning that the obligations acquired by any of the entities in charge of its administration in relation with its activity must be respected. On the other side, it has been determined that the identity of a club is constituted by elements such as its name, colours, fans, history, sporting achievements, shield, trophies, stadium, roster of players, historic figures, etc. that allow it to distinguish from all the other clubs. Hence, the prevalence of the continuity and permanence in time of the sporting institution in front of the entity that manages it has been recognized, even when dealing with the change of management completely different from themselves⁵.

20. In these circumstances, CAS already considered that a "new" club had to be considered as the "sporting successor" of another one in a situation where a) the "new" club created the impression that it wanted to be legally bound by obligations of its predecessor, *i.e.* the "old" club, b) the "new" club took over the licence or federative rights from the "old" club and c) the competent federation treated the two clubs as successors of one another⁶. By the same token a "sporting succession" is the result of the fact that 1) a new entity was set up with the specific purpose of continuing the exact same activities as the old entity, 2) the "new" club accepted certain liabilities of the "old" club, 3) after the acquisition of the assets of the "old" club, the "new" club remained in the same city and 4) the "new" club took over the licence or federative rights from the "old" club⁷.

21. Further, the issue of the succession of two sporting clubs might be different than if one were to apply civil law regarding the succession of two separate legal entities. In particular, the Chairman recalls that according to CAS, a club is a sporting entity identifiable by itself

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

⁴ FIFA DRC 12150569.

⁵ CAS 2013/A/3425.

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

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

that generally transcends the legal entities which operate it⁸. Consequently, elements to consider are amongst others the name, the logo and colours, the registration address and/or the managing board of the club.

22. For the sake of completeness, the Chairman wishes to point out that this established jurisprudence from CAS has now been reflected in the 2019 FDC, under art. 15 par. 4 which states that *"The sporting successor of a non-compliant party shall also be considered a non-compliant party and thus subject to the obligations under this provision. Criteria to assess whether an entity is to be considered as the sporting successor of another entity are, among others, its headquarters, name, legal form, team colours, players, shareholders or stakeholders or ownership and the category of competition concerned"*.
23. With the above in mind, the Chairman subsequently analyses the documentation at his disposal in light of the criteria set by the relevant jurisprudence of CAS (now reflected in art. 15 par. 4 of the 2019 FDC) and applied by the Committee in such situations.
24. In this sense, the Chairman first notices that the new Club itself admitted that when the group of entrepreneurs bought the company *"PFC Litex Lovech AD"* – the legal entity behind the club Litex Lovech – at the beginning of the 2016/2017 season, the main idea was to maintain and reflect the historical sporting history of the original Debtor, which was already declared insolvent.
25. In addition, the Chairman observes that the colours used by the original Debtor and the new Club are the same as well as the logo, the address and the stadium. Moreover, he notes that the name of both clubs are very similar and that according to the new Club's official website, they share the same history and sporting achievements.
26. In this regard, the Chairman takes note from the new Club's submission that the latter bought certain logos and other trademarks out of the bankruptcy mass of the original Debtor. However, the Chairman observes that new Club claimed that it has different owners, licences, football teams and legal entities than the original Debtor, implying that the first one cannot be considered as the successor of the second one.
27. Against this background, the Chairman notices that CAS already decided that a new club acquiring within the frame of the bankruptcy proceedings the *"economic unit composed of all the assets seized"* from the old club, was to be understood as a successor of the old club⁹. In particular, CAS pointed out that by purchasing the assets of the old club, it was clear that the new club continued the activity formerly developed by the old club with the same image, badge, hymn, representative colours, emblems and placement.
28. In light of all the above, the Chairman recalls that, in line with the jurisprudence of CAS, which is now reflected in art. 15 par. 4 of the 2019 FDC, the identity of a club is constituted by elements such as its name, colours, logo, fans, history, players, stadium, etc., regardless of the legal entity operating it.

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

⁹ CAS 2011/A/2646 Club Rangers de Talca v. FIFA.

29. Consequently, and bearing in mind that the new Club uses elements that constituted the identity of the original Debtor combined with its intention to appear as the original Debtor, the Chairman is of the opinion that these elements prevail over the arguments put forward by the new Club, such as its ownership, licence, football teams and legal entities being different from those of the original Debtor.
30. As a result, the Chairman considers that, on the basis of the information and documentation at hand, there is no other alternative but to conclude that the new Club, PFC CSKA-Sofia, appears to be the sporting successor of the original Debtor, PFC CSKA Sofia.
31. In this regard, the Chairman notes that neither the original Debtor nor the new Club have complied with the CAS award dated 24 January 2017 as neither club has paid the outstanding amounts to the Creditor.
32. As such, following the jurisprudence of the FIFA Disciplinary Committee, the Chairman concludes that, in principle, the sporting successor, *i.e.* the new Club, of a non-compliant party, *i.e.* the original Debtor, shall also be considered a non-compliant party and is thus subject to the obligations under art. 64 of the 2011 FDC.

b. Whether the new Club, PFC CSKA-Sofia, is responsible to pay the amounts imposed in the CAS award dated 24 January 2017

33. First and foremost, the Chairman stresses that the original Debtor went bankrupt. In this context, and as established already by CAS, it appears relevant for the legal assessment of this case to analyse the diligence of the Creditor in recovering his debt in order to assess as to whether a sanction can be imposed on the new Club, *i.e.* whether the Creditor also contributed to create the breach of art. 64 of the 2011 FDC as it could be that his credit would have been paid in the bankruptcy proceedings and therefore no sanction may be imposed¹⁰.
34. In this regard, the Chairman first recalls that art. 64 of the 2011 FDC empowers the Disciplinary Committee to impose sanctions on a club that failed to respect a financial decision rendered by a body, a committee or an instance of FIFA or in a subsequent CAS award. In other words, a club will be sanctioned in the event it did not respect a financial decision by means of which it was ordered to pay a certain amount to another person (such as a player, a coach or a club).
35. Secondly, the Chairman notes that, as mentioned above, CAS already discussed the possibility for the Disciplinary Committee to impose sanctions in accordance with art. 64 of the FDC on a new club that was considered as the successor of the bankrupt club¹¹. In particular, CAS decided that no disciplinary sanctions could be imposed on the new club, should the player fail to claim his credit in the bankruptcy proceedings of the former/bankrupt club.

¹⁰ CAS 2011/A/2646 Club Rangers de Talca v. FIFA.

¹¹ CAS 2011/A/2646 Club Rangers de Talca v. FIFA.

36. Bearing the above in mind, the Chairman shares CAS conclusion that there is no certainty that a creditor would receive the outstanding amounts in the bankruptcy proceedings but there is at least a theoretical possibility that he could recover his credit in the bankruptcy proceedings instead of remaining passive and pretending that disciplinary sanctions should be imposed on the new club, irrespective of his diligence or negligence in attempting to recover his credit.
37. As a result, should a creditor fail to pursue his claim in the bankruptcy proceedings, such creditor will be, in principle, precluded from requesting disciplinary sanctions to be imposed on the new club that took over from the bankrupt club. In such a situation, the creditor, by his inaction, somehow contributed to create the breach by the bankrupt club of art. 64 of the 2011 FDC.
38. The Chairman concedes that bankruptcy proceedings before national courts are complex, lengthy and differ from one country to another and that their outcomes are hardly predictable. However, in light of the aforementioned CAS award, it is of paramount importance that a creditor seeking to recover his credit participates in the bankruptcy proceedings at national level.
39. Should, however, a new club appear and the creditor claim that this new club should be considered as the successor of the bankrupt one, the Chairman considers that the Disciplinary Committee may only decide on questions relating to the succession of the former club and the liability of the new club towards the debts of the former one provided that the creditor has first participated in the bankruptcy proceedings.
40. Turning back to the case at hand, the Chairman observes that the new Club claimed that the Creditor was duly informed of the opening of the bankruptcy proceedings and had the opportunity to file a claim within those proceedings. However, the new Club submitted that for an unknown reason the Creditor decided not to participate in this bankruptcy proceedings and, therefore was negligent as he failed to properly register his credit in the aforementioned bankruptcy proceedings.
41. Bearing the above in mind, and taking into consideration that the Creditor did not register his claim during the bankruptcy proceedings as he is not listed on the list of creditors dated 16 June 2017, it appears that the Creditor decided not to participate in the bankruptcy proceedings – or at least remained passive –, therefore waiving his right to collect his debt within the frame of the bankruptcy proceedings.
42. As a result, the Chairman concludes that the Creditor failed to perform the expected due diligence that the circumstances demanded, and hence, contributed to the non-compliance by the original Debtor, and subsequently by the new Club, of the CAS award dated 24 January 2017.
43. Therefore, although the new Club, PFC CSKA-Sofia, is to be considered the sporting successor of the original Debtor, PFC CSKA Sofia, the Chairman resolves that no disciplinary sanctions shall be imposed on the new Club and all charges against the latter shall be dismissed, as a result of the lack of diligence of the Creditor in collecting his debt in the insolvency proceedings.

III. has therefore decided

1. All charges against the club PFC CSKA-Sofia are dismissed.
2. The disciplinary proceedings initiated against the club PFC CSKA-Sofia are hereby declared closed.

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Anin Yeboah
Chairman of the FIFA Disciplinary Committee

LEGAL ACTION

According to article 49 together with article 57 par. 1e) of the FDC and article 58 par. 1 of the FIFA Statutes, this decision may be appealed against before the Court of Arbitration for Sport (CAS). The statement of appeal must be sent to the CAS directly within 21 days of receipt of notification of this decision. Within another 10 days following the expiry of the time limit for filing the statement of appeal, the appellant shall file a brief stating the facts and legal arguments giving rise to the appeal with the CAS.

The full address and contact numbers of the CAS are the following:

Avenue de Beaumont 2
1012 Lausanne
Switzerland
Tel: +41 21 613 50 00
Fax: +41 21 613 50 01
e-mail: info@tas-cas.org
www.tas-cas.org