



Arbitration CAS 2006/A/1155 Everton Giovannella v. Fédération Internationale de Football Association (FIFA), award of 22 February 2007

Panel: Prof. Luigi Fumagalli (Italy), President; Mr Miguel Angel Fernández Ballesteros (Spain); Prof. Denis Oswald (Switzerland)

Football

Doping (19-norandrosterone, 19-noretiocholanolone)

Participation of a third party to the arbitration proceedings

Power of FIFA to review the sanctions adopted by a national federation in doping matters

Procedural violations in the adoption of a decision

1. According to the relevant provisions of the CAS Code, a third party can participate as a party to the arbitration proceedings already pending among other subjects in two situations, joinder or intervention, but subject to a common condition: that it is bound by the same arbitration agreement binding the original parties to the dispute or that it agrees in writing to such participation. Although *de facto* interested in the outcome of the appeal, a national federation is not a party in the FIFA proceedings leading to the decision concerning the extension worldwide of the effects of a decision adopted by its disciplinary bodies. As a result, it cannot be compelled to participate in the appeals arbitration concerning the same appealed decision. In addition, pursuant to the CAS Code, the joinder of a third party in the proceedings is possible only upon the request of the respondent, and not of the appellant. The appellant, in fact, has the possibility to name, in the statement of appeal, a plurality of respondents, if he wishes that the proceedings involve all the parties that he might think to be interested in their outcome.
2. The provisions of the FIFA Statutes concerning the obligation of the national football association to abide by the FIFA rules do not confer on FIFA the power to intervene and review disciplinary decisions adopted by national federations in anti-doping matters. Well to the contrary, the FIFA Disciplinary Code expressly states that national associations are responsible for enforcing sanctions imposed against infringements committed in their area of jurisdiction. In addition, the FIFA Disciplinary Code specifically excludes the review of the substance of the domestic decision by the competent FIFA body called to decide on the extension of the effects of sanction imposed by the domestic association.
3. According to Art. R57 of the CAS Code, the Panel has full power to review the facts and the law. The Panel consequently hears the case *de novo* and can consider all new contention submitted before it. This implies that, even if a violation of the principle of due process occurred in prior proceedings, it may be cured by a full appeal to the CAS. In fact, the virtue of an appeal system which allows for a full rehearing before an

appellate body is that issues relating to the fairness of the hearing before the tribunal of first instance “*fade to the periphery*”.

Mr Everton Giovannella (the “Player” or the “Appellant”) is a professional football player of Brazilian nationality.

At the relevant time the Player was registered with Celta Vigo, a football club affiliated to the Real Federación Española de Fútbol (the Spanish Football Federation, the “RFEF”), which in turn is a member of the Fédération Internationale de Football Association (“FIFA”). As a result, the Player is subject to and bound by the applicable rules and regulations of the FIFA.

On 8 October 2005, the RFEF sent to FIFA a copy of a decision issued by the RFEF Comité de Competición (the “RFEF Decision”), whereby the Appellant was imposed a two-year ban further to a doping control, which revealed the presence of 19-norandrosterone and of 19-noretiocholanolone.

On 10 October 2005, the Chairman of the FIFA Disciplinary Committee adopted a decision (the “DC Decision”) to extend the effects of this sanction to the international level, so that “*the player ... [be] suspended worldwide for the period set by the Spanish football federation. This suspension affects all types of match, including those at national and international level*”, and directed that the DC Decision be notified to “*the Spanish football federation, who must immediately inform the player of the decision*”.

On the same day, the RFEF informed FIFA that the Appellant had appealed against the RFEF Decision to the RFEF Appeal Committee and had applied for the stay of such decision, which stay was allowed, as per order which was communicated to FIFA on 20 October 2005.

On 7 November 2005 the RFEF Appeal Committee dismissed the appeal brought by the Player and confirmed the RFEF Decision.

On 12 July 2006, Counsel for the Appellant applied to the FIFA requesting that, in view of all the “*very severe irregularities*” allegedly made by the RFEF disciplinary bodies, RFEF be obliged to modify its statutes so to allow the Appellant to appeal against the disciplinary sanction to the Court of Arbitration for Sports or to FIFA.

On 13 July 2006, the Secretariat of the FIFA Disciplinary Committee answered that, as the Chairman of the Disciplinary Committee had already issued a decision, it was “*not possible for FIFA to re-evaluate the proceedings*” involving the Player.

On 14 July 2006, Counsel for the Appellant complained that his client had never been notified of any decision issued by the FIFA Disciplinary Committee.

On 21 July 2006, FIFA served on Counsel for the Appellant a copy of the DC Decision.

On 27 July 2006, the Appellant requested FIFA to receive an official notification of the DC Decision.

On the same day, the Secretariat of the FIFA Disciplinary Committee requested RFEF to inform whether the notification of such decision had occurred. RFEF answered on 31 July 2006 that the DC Decision had not been served on the Appellant, because the initial RFEF Decision was still under appeal in Spain. Upon request of FIFA, RFEF notified the DC Decision to the Appellant on 8 August 2006.

On 11 August 2006, the Appellant appealed to the Chairman of the FIFA Appeal Committee not only against the DC Decision, whereby the sanction imposed by the RFEF had been extended worldwide, but *“also against the sanction itself”*, asking for a decision ruling that the Player *“did not commit any type of infraction and is therefore exonerated of any type of sanction, or, alternatively, that the extension of the ban to the international sphere is annulled”*. In addition, the Player requested, *inter alia*, the adoption of a provisional measure staying the implementation of the sanction and to be informed of *“any possible oral hearings”*.

On 25 August 2006, the Chairman of the FIFA Appeal Committee issued a decision (the “Appealed Decision”) as follows:

- “1. El recurso de apelación se desecha en su totalidad.*
- 2. En aplicación del Art. 110 del CDF se fijan las costas y gastos del proceso en CHF 1,000 mismos que son puestos a cargo de la parte apelante y que serán cubiertos por el depósito efectuado. El saldo del depósito sera devuelto. (...)”.*

[Translation provided by the Appellant: *“1. The appeal is rejected in its entirety. 2. In application of Article 110 of the FRC, the costs and expenses of the appeal are established at 1,000 CHF, to be paid by the appellant and which will be deducted from the deposit paid. The remainder of the deposit will be returned. (...)”*].

Basically, in dismissing the Appellant’s appeal against the DC Decision, the Chairman of the FIFA Appeal Committee considered that such appeal, in accordance with Article 145 para. 3 of the FIFA Disciplinary Code, in the version then in force (the “FDC”), could only relate to the fulfilment of the requirements set forth at Articles 140 and 141 FDC, and that, accordingly, it was inadmissible to question the DC Decision on its merits.

The Chairman of the FIFA Appeal Committee further considered that all the requirements of Articles 140 and 141 FDC had been complied with, namely that:

- the RFEF Decision had been submitted to FIFA, in *“accordance with the usual procedure”*, in order to apply worldwide;
- the Appellant was kept informed of the ongoing anti-doping proceedings against him and made use of his right to be heard, filing submissions to the RFEF Comité de Competición; where, in any case, the decisions issued by the national federations are not subject to an appeal with FIFA;
- a copy of the RFEF Decision had been received by the Player;
- the RFEF Decision, imposing a two-year ban for doping, based on the presence of 19-norandrosterone and of 19-noretiocholanolone, did not appear to be contrary to the FIFA rules and regulations;
- the RFEF Decision could not be considered to be contrary to the public order or to accepted standards of behaviour.

The Appealed Decision was notified to the Player on 28 August 2006.

On 19 September 2006, the Player filed a statement of appeal with the Court of Arbitration for Sport (the “CAS”), pursuant to the Code of Sports-related Arbitration (the “Code”), to challenge the Appealed Decision.

By letters of various dates the parties agreed that an award be issued without a hearing. The present award is therefore rendered after consideration of the written documents on file.

LAW

Jurisdiction

1. CAS has jurisdiction to decide the present dispute between the parties. The jurisdiction of CAS, which is not disputed by either party, is based *in casu* on Article R47 of the Code and on Articles 60 ff. of the FIFA Statutes, in their version as of 1 August 2006, in force when the Appealed Decision was issued and the appeal was filed (the “FIFA Statutes”).

Admissibility

2. The Player’s statement of appeal was filed within the deadline set down in the FIFA Statutes and the Appealed Decision. It complies with the requirements of Article R48 of the Code. Accordingly, the appeal is admissible.
3. According to Article R58 of the Code, the Panel is required to decide the dispute
“according to the applicable regulations and the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law, the application of which the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision”.
4. Pursuant to Article 60 para. 2 of the FIFA Statutes:
“[...] CAS shall primarily apply the various regulations of FIFA and, additionally, Swiss law”.
5. In this case, the parties have not agreed on the application of any particular law, other than Swiss law in accordance with Art 60 para. 2 of the FIFA Statutes. Therefore, FIFA rules and regulations have to be applied primarily, with Swiss law applying subsidiarily.
6. More exactly, the Panel finds that the rules of the FDC that are relevant in these proceedings are the following:

Article 140:

- “1. *If the infringement is serious, in particular doping (cf. section 7 of the special part), corruption (cf. art. 59), manipulation of match results (cf. art. 73), physical assault of a match official (cf. art. 47), forgery (cf. art. 58) or violation of the rules governing age limits (cf. art. 71 a), the associations, confederations, and other organising sports organisations shall request FIFA to extend the sanctions they have imposed so as to have worldwide effect.*
2. *The request shall be submitted in writing and enclose a certified copy matching the decision. It shall show the address of the person who has been sanctioned and that of the club and the association concerned.*
3. *If the judicial bodies of FIFA discover that associations, confederations and other sports organisations have not requested a decision to be extended to have worldwide effect, even though it should have been, these bodies may themselves pass a decision”.*

Article 141:

“The sanction will be extended if:

- a) the person sanctioned has been cited properly;*
- b) he has had the opportunity to state his case;*
- c) the decision has been notified properly;*
- d) the decision complies with the regulations of FIFA;*
- e) extending the sanction does not conflict with public order and accepted standards of behaviour”.*

Article 142:

- “1. *The chairman makes his decision, in principle, without negotiations or hearing any of the parties, using only the file.*
2. *He may exceptionally decide to summon the parties concerned”.*

Article 143:

- “1. *The chairman is restricted to ascertaining that the conditions of art. 141 have been fulfilled. He may not review the substance of the decision.*
2. *He either grants or refuses to grant the request to have the sanction extended”.*

Article 144:

“The sanction passed by the association or confederation requesting it to be extended has the same effect in each member association of FIFA as if the sanction had been passed by any one of them”.

Article 145:

- “1. *Both the body requesting extension of the sanction and the person affected by it may appeal against it.*
2. *A reasoned appeal shall be lodged within four days of receipt of notification of the decision.*
3. *Any grounds for complaint may only refer to the terms set out in art. 140 and 141. It is inadmissible to question the substance of the initial decision”.*

Scope of Panel's Review

7. Pursuant to Article R57 of the Code,

“The Panel shall have full power to review the facts and the law. It may issue a new decision which replaces the decision challenged or annul the decision and refer the case back to the previous instance. [...]”.

The Evaluation of the Panel

A. *The joinder of the RFEF in the proceedings*

8. The Appellant requested “that the RFEF be joined to this proceeding in order to be integral part of this process and so that it cannot then make the plea that it is not possible to modify the decision of an organism as it was not present or represented in the process”. The application has been dismissed by the Panel by decision communicated to the parties on 24 January 2007: the Panel, in fact, deems that the conditions for the joinder of the RFEF in these proceedings are not satisfied.
9. The provisions of the Code that govern the participation of a third party in the proceedings, which apply also to the appeals arbitration proceedings pursuant to Article R54 of the Code, are the following:
- Article R41 para. 2 [“Joinder”]:
“If a Respondent intends to cause a third party to participate in the arbitration, it shall mention it in its answer, together with the reasons therefore, and file an additional copy of its answer. The Court Office shall communicate this copy to the person whose participation is requested and set such person a time limit to state its position on its participation and to submit a response pursuant to Article R39. It shall also set a time limit for the Claimant to express its position on the participation of the third party”.
 - Article R41 para. 3 [“Intervention”]:
“If a third party intends to participate as a party in the arbitration, it shall file with the CAS an application to this effect, together with the reasons therefore within the time limit set for the Respondent’s answer to the request for arbitration. To the extent applicable, such application shall have the same contents as a request for arbitration. The Court Office shall communicate a copy of this application to the parties and set a time limit for them to express their position on the participation of the third party and to file, to the extent applicable, an answer pursuant to Article R39”.
 - Article R41 para. 4 [“Joint Provisions on Joinder and Intervention”]:
“A third party may only participate in the arbitration if it is bound by the arbitration agreement or if itself and the other parties agree in writing. [...]”.
10. According to the abovementioned provisions, a third party can participate as a party to the arbitration proceedings already pending among other subjects in two situations, joinder or intervention, but subject to a common condition: that it is bound by the same arbitration

agreement binding the original parties to the dispute or that it agrees in writing to such participation.

11. In the present dispute the Panel finds that this common condition is not satisfied. Indeed, pursuant to Articles 60 and 61 of the FIFA Statutes, CAS jurisdiction derives from the issuance by FIFA of a decision and is therefore limited to the scope of such decision and to the parties concerned by the same. The RFEF, in fact, however *de facto* interested in the outcome of this appeal, concerning the extension worldwide of effects of a decision adopted by its disciplinary bodies, was not a party in the FIFA proceedings leading to the Appealed Decision. As a result, it cannot be compelled to participate in the appeals arbitration concerning the same Appealed Decision.
12. In addition, the Panel notes that, pursuant to Article R41 para. 2 of the Code, the joinder of a third party in the proceedings is possible only upon the request of the respondent, and not of the appellant. The Appellant, in fact, had the possibility to name, in the statement of appeal, a plurality of respondents, if he wished that the proceedings involve all the parties that he might think to be interested in their outcome. In this case, therefore, only FIFA, and not the Player, had the possibility to request that the RFEF be joined in the proceedings: if the Player wanted the RFEF to participate in this arbitration, he had the burden to name it as a respondent in the statement of appeal and to indicate the basis for the jurisdiction of the Panel to hear a claim against RFEF.
13. In light of the foregoing, the Panel confirms that the RFEF cannot be joined as a party in these arbitration proceedings.

B. *The merits of the dispute*

14. The dispute to be determined by the Panel follows the adoption of the Appealed Decision, whereby the review of the sanction adopted on the Player by the RFEF with the RFEF Decision has been denied and the effects of such sanction have been extended to the international level. In other words, and in substance, the dispute concerns the challenge brought by the Appellant against both the sanction adopted by the Spanish football federation, and against the extension worldwide of the effects of the RFEF Decision.
15. The Panel considers that the first question to be determined concerns the challenge brought by the Player against the denial by FIFA to review the facts and the law applied in the RFEF Decision. Should, in fact, the Panel come to the conclusion that the FIFA wrongly denied such review, and that the RFEF had to be set aside, the extension of its effects would automatically cease to apply.
16. The dispute between the parties, indeed, involves two different issues: first, the existence of the power of the FIFA to review the sanctions adopted by a national federation in doping matters; second, the very merits of the RFEF Decision, i.e. whether the Player had to be sanctioned by the RFEF for an anti-doping rule violation.

17. Under the first point of view, the Appellant stresses that, in his opinion, *"FIFA does have the authority to revoke, annul or alter"* the RFEF Decision, and, in support of such submission, invokes, in addition to some rules set by the FIFA Statutes and some principle expressed in the CAS jurisprudence, a letter of FIFA, dated 13 July 2006, which the Appellant reads as indicating that FIFA itself had confirmed its power to *"re-evaluate the facts and the law applied on the sanctioning of the player"*. At the same time, the Appellant refers to the link between the RFEF Decision and the FIFA decisions, existing insofar as the latter extended worldwide the effects of the former, in order to submit that *"the RFEF Decision has ... come into effect from ... August 8, 2006"*, i.e. from the date the DC Decision was communicated, and to conclude that the appeal to the Chairman of the FIFA Appeal Committee, brought on 11 August 2006, was timely filed also with respect to the review of the RFEF Decision.
18. The Panel does not agree with such submission, and finds that the Player cannot challenge in these proceedings the RFEF Decision, and that the Appealed Decision correctly applied the FIFA rules in denying a review of the RFEF Decision.
19. The Panel notes, in this respect, that the Player is challenging the RFEF Decision only through an appeal directed against the Appealed Decision, insofar as the FIFA denied the review of the RFEF Decision. In other words, the Appellant is not directly bringing an appeal against the RFEF Decision. In fact, no legal basis would exist for such an appeal. The Appellant himself, indeed, is submitting that the internal rules of the RFEF do not provide for the possibility to challenge final domestic decision before the CAS, and exactly for this reason he was forced to turn to FIFA, asking for an intervention on the RFEF so that such internal rules be amended (see above).
20. Contrary to the Appellant's submissions, however, the Panel finds that no FIFA rule allows a review of the RFEF Decision. The very provisions of the FIFA Statutes invoked by the Appellant, concerning the obligation of the national football association to abide by the FIFA rules, do not confer on FIFA the power to intervene and review disciplinary decisions adopted by national federations in anti-doping matters: principles or rules set forth in the system of different international federations are clearly irrelevant. Well to the contrary, Article 74 para. 1 FDC expressly states that national associations are responsible for enforcing sanctions imposed against infringements committed in their area of jurisdiction.
21. In addition, the Panel remarks that it cannot be held that the power of FIFA to review the RFEF Decision has been admitted by FIFA itself. The Panel stresses, in fact, that the FIFA letter of 13 July 2006 does not have the meaning that the Appellant is reading in it. FIFA, in such letter, is clearly referring to the decision adopted by the Chairman of the FIFA Disciplinary Committee and is only mentioning the fact that the extension to the international level of the effects of the RFEF Decision could no longer be reviewed because a decision in this respect had already been adopted by the competent FIFA body.
22. Finally, the Panel notes that the power of the competent FIFA body, called to decide on the extension of the effects of sanction imposed by the domestic association, is expressly limited to the examination of the conditions set forth at Article 141 FDC: the review of the substance of the domestic decision is specifically excluded by Article 143 para. 1 FDC (*"He may not review the*

substance of the decision") and by Article 145 para. 3 FDC (*"It is inadmissible to question the substance of the initial decision"*).

23. The challenge to the portion of the Appealed Decision, whereby the review of the sanction adopted on the Player by the RFEF has been denied, has therefore to be dismissed.
24. The conclusion so reached implies that any and all criticisms submitted by the Appellant against the merits of the RFEF Decision, with respect to the *"severe irregularities"* allegedly affecting the sanction adopted on the Player, in order to have the sanction annulled, cannot be reviewed by this Panel.
25. The Appellant, as mentioned, is challenging in these proceedings the Appealed Decision also in the portion whereby the effects of the RFEF Decision have been extended to the international level.
26. The Panel notes that the conditions for the extension worldwide of a sanction adopted by a national association are established by Article 141 FDC. Such conditions deal with the procedure leading to the domestic sanction (*"the person sanctioned has been cited properly"*; *"he has had the opportunity to state his case"*; *"the decision has been notified properly"*), as well as to the legality of its content and of the extension of its effects (*"the decision complies with the regulations of FIFA"*; *"extending the sanction does not conflict with public order and accepted standards of behaviour"*). Article 142 FDC, then, sets the procedure for the adoption of the decision to extend the effects of a domestic sanction to the international level: in principle, the decision is adopted *"without negotiations or hearing any of the parties, using only the file"*; only *"exceptionally"* the competent FIFA body may *"decide to summon the parties concerned"*.
27. The Appellant is basing its challenge to the extension of the sanction on two different submissions: *"procedural defects"* committed in the passing of the Appealed Decision; and *"procedural defects and rights infringed"* perpetrated in the adoption of the RFEF Decision. In other words, the Appellant seeks the annulment of the Appealed Decision (i) for defects in the procedure leading to its adoption and (ii) for defects in the procedure leading to the domestic sanction. On the other hand, no submission is made with respect to the compliance of the RFEF Decision with the regulations of FIFA or to any conflict of the extension of the effects of the RFEF Decision with public order and accepted standards of behaviour.
28. More specifically:
 - with respect to the *"procedural defects in the judgment of the case by the FIFA"*, the Appellant submits that he had been denied the possibility to attend a hearing before the Chairman of the FIFA Appeal Committee, in breach of FIFA rules;
 - with respect to the *"procedural defects and rights infringed in the judgment of the case by the RFEF"*, the Appellant alleges the *"complete invalidity"* of the analysis performed on the Sample and submits that no stability test has been performed on it, notwithstanding the directions given by the WADA by means the *"Explanatory Technical Note"* dated 13 May 2003. In the Appellant's opinion, his rights have been infringed, *inter alia*, because throughout the proceedings before the RFEF he was denied the possibility to perform the stability test

on the Sample that he had requested, because the Sample was destroyed, making it impossible to perform now the required stability test, and because “*no notice of fundamental documents was given to this party*”. In this latter respect, the Appellant refers to a letter dated 20 October 2005, issued by laboratory that had performed the analysis of the Sample, whose existence had not been disclosed to him, allegedly confirming that the analysis of the Sample could not be taken as valid, since no stability test had been performed.

29. Under the first point of view, concerning the alleged procedural violations in the adoption of the Appealed Decision, the Panel notes that, according to Article R57 of the Code, the Panel has full power to review the facts and the law. The Panel consequently hears the case *de novo* and is not limited to the considerations of the argument that was made before the FIFA bodies: the Panel can consider all new contention submitted before it. This implies that, even if a violation of the principle of due process occurred in prior proceedings, it may be cured by a full appeal to the CAS (CAS 94/129, CAS Digest I, p. 187 at 203; CAS 98/211, CAS Digest II, p. 255 at 257; CAS 2000/A/274, CAS Digest II, p. 398 at 400; CAS 2000/A/281, CAS Digest II, p. 410 at 415; CAS 2000/A/317, CAS Digest III, p. 159 at 162; CAS 2002/A/378, CAS Digest III, p. 311 at 315). In fact, the virtue of an appeal system which allows for a full rehearing before an appellate body is that issues relating to the fairness of the hearing before the tribunal of first instance “*fade to the periphery*” (CAS 98/211, CAS Digest II, p. 255 at 264, citing Swiss doctrine and case law).
30. The Appellant has had, and used, the opportunity to bring the case before CAS, where all of the Appellant’s fundamental rights have been duly respected. Accordingly, even if any of the Player’s rights had been infringed upon by the FIFA – but without conceding that they had actually been infringed – the *de novo* proceedings before CAS would be deemed to have cured any such infringements.
31. In any case, the Panel wishes to stress that the proceedings before the FIFA bodies have taken place in accordance with the applicable provisions set forth in the FDC, and that no right of the Appellant has been infringed. In fact, after the Chairman of the Disciplinary Committee had passed a decision pursuant to Article 142 FDC, the Appellant was given, and used, the possibility to lodge a reasoned appeal against it pursuant to Article 145 FDC, and was even invited to an oral presentation of his case before the Chairman of the FIFA Appeal Committee.
32. Under the second point of view, the Panel underlines that the criticism brought against the Appealed Decision can be heard only with respect to the points mentioned in Article 141 FDC, and to the extent “*procedural defects*” of the domestic disciplinary proceedings are therein made relevant. As already mentioned (para. 20-24 above), no room is left for a review of the merits of the RFEF Decision, i.e. for a new assessment of the existence, or not, of an anti-doping rule violation.
33. In this connection the Panel confirms that the Player has been cited properly and that the RFEF Decision has been notified properly: indeed, no specific criticism is made against the domestic proceedings in this respect. In addition the Panel notes that the Player has had the opportunity to state his case not only before the disciplinary bodies of the RFEF, but also in subsequent appeals, before the Spanish Sports Disciplinary Committee, and the ordinary courts of law. The

fact, indicated by the Appellant, that the laboratory letter dated 20 October 2005 was not disclosed to him at the time it was sent, does not affect this conclusion. By such letter, in fact, the laboratory simply confirmed that the analysis of the Sample had been performed on the basis of the established official procedures in force at the time of the analysis, i.e. confirmed a position of which the Appellant was aware, and that the Appellant has challenged throughout the proceedings before the RFEF disciplinary bodies.

34. As a result, also the challenge to the portion of the Appealed Decision, whereby the effects of the RFEF Decision have been extended to the international level, has to be dismissed.

Conclusion

35. In light of the foregoing, the Panel holds that the appeal has to be dismissed. The Appealed Decision is to be confirmed.

The Court of Arbitration for Sport rules that:

1. The appeal filed by Mr Everton Giovanella against the decision issued on 25 August 2006 by the Chairman of the FIFA Appeal Committee is dismissed.
2. The decision issued on 25 August 2006 by the Chairman of the FIFA Appeal Committee is confirmed.

(...)