MINUTES
of meeting no. 4 of the
Committee for Ethics and Fair Play
held at FIFA House, Zürich
on 15 February 2006, 17.00 CET

Present: Senes Erzik (Chairman), Mohammed Bin Hammam (Deputy Chairman), Gabriel Abossoolo, Juan Pedro Damiani, Burton K. Haines, Les Murray, Dominique Rocheteau, Mohammed Yusuf (members), Urs Linsi (FIFA General Secretary), Markus Siegler, Heinz Tännler, Paola Mueller (FIFA Administration).

President Joseph S. Blatter to open the meeting and welcome the members.

Absent: Jack A. Warner (partially in attendance in order to be heard)

Duration: 17.00-20.30 CET

Agenda

A. Welcome by the president

The FIFA president welcomed the committee members and wished them a successful meeting. New committee member Mohammed Yusuf (FJI) was then presented with the FIFA pin badge. The president subsequently left the meeting.

B. Chairman's remarks

The committee chairman welcomed the members and explained that though the agenda was short there were still a number of legal matters to be discussed during the meeting.

C. Roll call

The general secretary read out the roll call.

D. Agenda

I. Request by Jack A. Warner

1. Introduction

The chairman opened the meeting and announced that Jack A. Warner, member of the FIFA Executive Committee since 1983, had requested the committee to examine the circumstances relating to ticket
distribution by the Trinidad and Tobago Football Federation (TTFF) and to rule whether the FIFA Code of Ethics had been breached. He then gave the floor to the FIFA administration.

To begin with, the proceedings were explained. The meeting was informed that the circumstances of the case would be presented first and the provisions of the Code of Ethics that may have been breached would be outlined. Jack A. Warner would then be given an opportunity to respond, in particular to ensure due process. Committee members would have the chance to ask questions and after that they would discuss the case. Following the discussion the committee was to reach a decision.

2. Circumstances of the case

First, the circumstances of the case were explained. At the beginning of December 2005 the FIFA administration was made aware by several newspaper articles that a travel agency in Trinidad and Tobago called Simpaul Travel Service was offering 'ticket packages' for the 2006 FIFA World Cup™ on its website. The packages included match tickets and hotel accommodation, but not inward and onward travel. This type of package, however, was in breach of current FIFA contractual provisions (Participating Member Association Ticket Allocation Agreement = PMA TAA). The newspapers also reported that the company was owned by Jack A. Warner and his family. Based on the aforementioned information the FIFA administration wrote to the TTFF with the request for further information and confirmation of whether the accusations were true. In particular, the FIFA administration pointed out that the TTFF had not informed FIFA that Simpaul was the official tour operator and that the sale of 'ticket packages' was not permitted under current FIFA contractual provisions. By way of reply the TTFF informed FIFA that it had not been made aware of the provisions until the beginning of December in Leipzig and said the offering would be adjusted to bring it into line with the PMA TAA. The administration also received a letter from Jack A. Warner in which he flatly denied the claims and stated that further information would follow. As a result the FIFA ticketing agent, Byrom plc, which is responsible for implementing and ensuring compliance with the PMA TAA provisions, travelled to Trinidad and Tobago and modified the Simpaul Travel Service offering. In association with the TTFF all outstanding questions with respect to ticketing were clarified and corresponding changes were made. The official Simpaul Travel Service website now informed visitors that the company no longer offered package deals (tickets and hotels).

By letter dated 18 January 2006 Jack A. Warner requested FIFA to pass the matter to the FIFA Committee for Ethics and Fair Play to permit a review of whether his conduct was in breach of the FIFA Code of Ethics. In February 2006 the TTFF nominated Simpaul Travel Services as its official tour operator for the 2006 World Cup. The requisite approval had yet to be issued.

As such, though none of the agreements between the TTFF and FIFA had been violated as things stand, the fact that Jack A. Warner was a senior FIFA official and was involving his own company in transactions relating to the FIFA World Cup™ could generate a conflict of interests that in turn could lead to a breach of the Code of Ethics, in particular the following articles:

Article 2, Paragraph 2, Sentence 2 (Representational and conduct obligations): "Under no circumstances may they [the persons bound by this Code] abuse their position to obtain personal benefits."
Article 3, Paragraph 2 (Eligibility for and removal from office): "Prior to being elected or appointed as an Official or a member of a body, all persons must automatically declare any interests they have that may interfere with their duties."

Article 4, Paragraph 1 (Integrity and protection of personal rights): "Persons bound by this Code shall act with complete integrity."

Article 5 (Loyalty and confidentiality): "Officials and members of bodies shall discharge their duties - especially with regard to FIFA, the Confederations, Associations and clubs - with absolute loyalty and preserve the confidentiality of any information to which they are exposed as a result of their position."

Article 6 (Accepting gifts and benefits): "Gifts, particularly gifts in kind and any other benefits, may be accepted only if they are of token value in accordance with the relevant local and cultural customs. Any gifts or benefits that are not of token value shall be submitted to the presiding body for approval."

3. Hearing of Jack A. Warner

Jack A. Warner, who was present at the meeting solely to be heard and to answer any questions put to him, was then given an opportunity to respond in detail. He began by explaining the (party) political situation in Trinidad and Tobago, informing the meeting that there were three organs of the press in the country. He pointed out that he and his family were the subject of constant attacks by one of the daily papers (the Trinidad Express), in particular by the journalist L. Liburd. He made special reference to Liburd’s close relationship with A. Jennings. At the beginning of December 2005 Liburd had started a new series of articles on the ticket offerings of Simpaul Travel Services in relation to the 2006 FIFA World Cup™. Mr Warner confirmed that the company belonged to him, his wife and their two sons and that one of his sons was responsible for running the business. He also explained that Simpaul had worked for the TTFF on an exclusive basis for 19 years. Simpaul had offered ticket packages (hotel, service and match ticket) for the 2006 World Cup on its official website at the beginning of December 2005. At that time, however, the TTFF had not applied for tickets from FIFA. In addition, neither the TTFF nor Simpaul had been aware that match tickets could not be sold as part of a package (hotel, travel) under FIFA rules (PMA TAA). This had not been brought to his attention until after the draw in Leipzig on 9 December 2005. He had then instructed Simpaul to modify the offer. Mr Warner indicated that Simpaul was no longer selling ticket packages for the 2006 World Cup. He explained that any breach of FIFA’s contractual provisions (PMA TAA) had occurred solely through ignorance and had been immediately put right. Simpaul had not received any money for the sale of World Cup tickets. He stressed once again that the series of articles by the journalist Liburd was simply part of a local character assassination campaign. He did request the committee, however, to examine whether the fact that he owned the company Simpaul Travel Service was in breach of the FIFA Code of Ethics.

4. Questions

The committee members were then given the chance to put questions to Mr Warner. These questions were answered in detail and shed no new light on the case as already outlined. As the committee members had no further questions, Mr Warner left the room to allow the committee to deliberate and then reach a decision.
5. Discussion

Burton K. Haines explained that though he was the CONCACAF representative on the committee his role was not to support CONCACAF or Jack Warner but to give his best, like everyone else, in the interest of FIFA. If there had been a breach of protocol or rules, it had been rectified without delay. He therefore felt no damage had been done. He agreed that Mr Warner should not benefit from his position at FIFA. But he should not be punished either. It was clearly a local political conflict, though he accepted that such a conflict could damage FIFA’s name. The committee should therefore consider the matter very closely. He knew, however, that Mr Warner had done a great deal for football in Trinidad and Tobago and gave the people very generous financial support. It appeared there was a conflict of interests. If that were the case, he had to say there was no provision in the code in this regard. He felt it should not go beyond the local level. He also felt it was unfair to talk of gifts. The travel agency had offered ticket packages for profit. It was not a gift and was not therefore covered by the Code of Ethics. It was, however, a subjective judgment whether it was ethical or not. He respected that. The Code said you were not allowed to exploit your position for personal benefit. He thought this was very important. But you should not be punished; it should be neutral. And Article 4, the integrity clause, was another very subjective matter as regards how the activities were to be characterised. As far as complete integrity was concerned he had difficulty understanding how Mr Warner was supposed to have not been loyal, as he had raised the case himself. He had a problem seeing what he was supposed to have done that was in breach of the Code of Ethics.

Mohamed Bin Hammam said he liked Jack Warner very much and worked with him very closely. However, he believed committee members had the duty to put matters and any improper conduct right and to discipline themselves. He said the committee should first clarify whether Mr Warner had done anything wrong and then consider how to put it right. If he had done nothing wrong, they should make this publicly clear. They should certainly issue a press release. If you read the wording of the Code of Ethics, a breach had been committed. They had to distance themselves from any dealings connected to their position at FIFA. Mr Warner had violated the Code of Ethics, but whether he had done it deliberately or not was a different question. On the other hand, the contractual issues had been put right.

Senes Erzlik said the committee members should go in themselves to allow them to reach a decision. Mr Haines had said that Jack Warner should not be punished. He reminded the committee that the Ethics Committee was not empowered to impose sanctions. It could only refer the case to the Executive Committee.

Mr Haines said he thought there had been a conflict of interests at one stage but it had since been rectified. That should be made clear. But it was very difficult to judge. What they could say was that Jack Warner had been under a misconception, but this had been rectified as soon as it became known. In administrative terms, then, a solution had been found. They therefore had to ask themselves why Mr Warner now wanted to pursue the matter further. He thought it was because he wanted the committee to confirm that he had done nothing else wrong. He felt FIFA should not interfere in local matters, however.

Mr Erzlik said that political pressure was exerted on football associations everywhere, so there was no need to go into detail. He also believed that FIFA had been unable to deal with the case for 19 years because it had had no code of ethics. He asked himself, however, why he [Warner] had not explained the circumstances or notified FIFA. He felt it was not right.
Mr Bin Hammam said that what was unethical about the matter was that the company belonged to Mr Warner. As a FIFA vice-president he should not be selling tickets for the World Cup.

Dominique Rocheteau said that though Warner had been involved in football for 20 years he had to abide by the rules.

Mr Erzik said he was very surprised that Simpaul was still selling tickets and asked the committee what they should do.

Juan Damiani said he was in no doubt that there was a conflict of interests between Mr Warner's company and his official position. He felt it was irrelevant whether the Code of Ethics was now in force or not. He did not believe that Mr Warner had acted properly in the last 19 years. Ethical demands were always there, regardless of whether FIFA had a code of ethics or not. It was the principle that mattered and not the question of whether he had made a profit or not. The committee should concentrate on the ethical issue.

Les Murray said it was a very simple and clear cut case and a serious matter. It was the committee's duty to protect FIFA's reputation. He told Mr Haimes that it was not a matter of a misconception. A company belonging to a FIFA Executive Committee member had done business with an association. It was not a gift, it was worse. For him it was a clear breach of the Code of Ethics. The fact that the company had been acting in this way for 19 years did not make it right. If they failed to take action and things continued as they were, it would go all round the world. Even if he did have political problems in Trinidad, that was irrelevant for the committee.

Mr Haimes said he did not agree with Mr Murray. He did not know what he [Mr Warner] was meant to have done wrong. There were people in every association who did business with the association. It had to be approved by the local association, so it was solely a matter for the TTFF. He admitted that FIFA's name had been brought into it and that it was a serious matter. The contractual issues had been settled, however. He asked why they should issue a punishment. If FIFA's name had been brought into disrepute, that had to be taken into consideration. But he could not see that it had. He did, however, respect the opposite point of view.

Mr Erzik told Mr Haimes his opinion was respected, too, but he was afraid that everyone else took a different view. He said the committee should now reach a decision. If he had understood everybody's comments properly, it was a case that ought to be dealt with by the Executive Committee. They should prepare a general report, not a legal one; they should limit themselves to the Code of Ethics, address the articles concerned and outline the conflict of interest between business and office, which had the potential to harm FIFA's reputation.

The members of the Committee for Ethics and Fair Play continued to discuss the arguments in depth and eventually agreed that in light of the circumstances described Jack A. Warner was in a conflict of interests and had thus violated the provisions of the Code of Ethics referred to at Fig. I.2.

6. Decision

The committee came to the unanimous conclusion that Jack A. Warner was in a conflict of interests and that the Code of Ethics (Article 2, Para. 2; Article 3, Para. 2; Article 4, Para. 1) had been violated as a result. The matter was to be submitted to the FIFA Executive Committee at its meeting on 16/17 March 2006. This was to be announced in a press release.
The chairman requested the administration to formally prepare the matter for the Executive Committee meeting. The proposal was noted and agreed by all committee members.

II. Scope of the FIFA Code of Ethics

This item was dealt with at item 3 c) of the agenda.

III. Miscellaneous

1. Fatih Terim

The committee members were informed that following the investigations by the FIFA Disciplinary Committee into the occurrences at the qualifying match between Turkey and Switzerland no disciplinary proceedings could be instituted against Turkey national coach Fatih Terim as his conduct did not constitute an offence under the FIFA Disciplinary Code. It was suggested, however, that Mr Terim had at least whipped up the emotions and made for a negative atmosphere. It was pointed out that a national coach had a role model function and that FIFA should therefore condemn this kind of 'incitement'. In response to a proposal by deputy chairman Mohammed Bin Hammam (chairman Senes Erzik had stood down for this agenda item) the committee agreed to issue a general declaration at its next meeting according to which such wrongdoing by persons with a role model function would be expressly condemned. No conclusion was reached with regard to Mr Terim.

2. Weinreich/Berliner Zeitung

The committee was informed that the German journalist Jens Weinreich had recently published two factually inaccurate articles on FIFA attacking the integrity of the FIFA president and the FIFA general secretary, in particular. The journalist/the newspaper had in the meantime been ordered by a court to publish a retraction. The general secretary Urs Linsi proposed that the journalist be declared a persona non grata, as his misconduct was comparable with that of the journalist Jennings, the damage to FIFA's image had been considerable and the deliberate dissemination of untruths had been confirmed by a state court. The committee unanimously agreed the general secretary's motion and referred the matter to the Executive Committee for ratification.


The committee was introduced to the work of the new Working Group for Financial Matters, which forms part of the FIFA Task Force for the Good of the Game. It was explained that the working group's role was to search for solutions to financial problems within the professional game. One of the issues being considered, besides club ownership, players' agents, the club licensing process and player transfers, was the problem of irregular betting. The committee was informed that the working group intended to revise the Code of Ethics, stipulate a general ban on betting and extend the Code's scope with regard to the ban on betting to players and players' agents. To this end the Committee for Ethics and Fair Play was to create a legal committee that, as a new FIFA body, would have the power to impose sanctions. It was pointed out that these proposals would also necessitate a partial revision of the FIFA Statutes and the Disciplinary Code. The working group would submit its proposals to the FIFA Executive Committee. This was noted and approved.
4. Revision of Article 55 of the FIFA Disciplinary Code

The committee proposed to forward the administration’s proposal to tighten Article 55 of the FIFA Disciplinary Club (racism) to the FIFA Executive Committee. It was also proposed to provide for a fine of CHF 100,000 for member associations and, in line with Article 3 of the FIFA Statutes, to consider the option of suspension and expulsion.

5. 2006 FIFA Anti-Discrimination Day

The committee approved the chairman’s proposal to stage the 5th FIFA Anti-Discrimination Day during the FIFA World Cup™ quarter-final matches on 30 June and 1 July 2006.

FEDERATION INTERNATIONALE
DE FOOTBALL ASSOCIATION

[Signature]
Urs Linsi
General Secretary

Zurich, 16 February 2006