

UEFA CLUB FINANCIAL CONTROL BODY
Adjudicatory Chamber

ORDER

in case

AC-09/2015

Fotbal Club ASA 2013 Targu Mures

Composition of the chamber:

- **J. N. Cunha Rodrigues, Chairman**
- **L. Peila, Vice-chairman**
- **C. W. A. Timmermans, Vice-chairman**
- **C. Flint QC, Member**
- **A. Giersz, Member**

Nyon, 31 March 2016

1. On 10 December 2015, the Adjudicatory Chamber of the UEFA Club Financial Control Body made its decision in case AC-09/2015, *Fotbal Club ASA 2013 Targu Mures* (the “**Decision**”) in accordance with the *Procedural rules governing the UEFA Club Financial Control Body – Edition 2015* (the “**Procedural Rules**”).
2. The CFCB Adjudicatory Chamber found that Fotbal Club ASA 2013 Targu Mures (“**Targu Mures**” or the “**Club**”) had breached:
 - (a) Article 65(1) of the *UEFA Club Licensing and Financial Fair Play Regulations – Edition 2015* (the “**CL&FFP Regulations**”) because it had overdue payables towards other football clubs of one hundred and sixty-two thousand Euros (€162,000) as at 30 September 2015;
 - (b) Article 66(1) of the CL&FFP Regulations because it had overdue payables in respect of employees of five hundred and seventy two thousand Euros (€572,000) as at 30 September 2015; and
 - (c) Article 66(bis1) of the CL&FFP Regulations because it had overdue payables towards social/tax authorities of three hundred eighty and eight thousand Euros (€388,000) as at 30 September 2015.
3. Against this background, the CFCB Adjudicatory Chamber decided to exclude Targu Mures from participating in the next UEFA club competition for which it would otherwise qualify in the next three (3) seasons (i.e. the 2016/17, 2017/18 and 2018/19 seasons) unless the Club was able to prove by 31 January 2016 that it had paid the amounts that were identified as overdue payables as at 30 September 2015 (the “**Condition**”).
4. An examination was conducted by the CFCB Investigatory Chamber on 12 February 2016 in order to verify whether the Club had satisfied the Condition. Such examination took into account the information and supporting documentation submitted by the Club.
5. The CFCB Investigatory Chamber’s examination concluded that the Club had not satisfied the Condition because only five hundred and eighty-two thousand Euros (€582,000) of the relevant overdue payables had been paid by 31 January 2016.
6. According to the analysis of the CFCB Investigatory Chamber, Targu Mure’s obligation to pay the remaining balance of five hundred and forty thousand Euros (€540,000) had been deferred pursuant to various deferral agreements which the Club had entered into after 30 September 2015.
7. The Club was notified of the outcome of the CFCB Investigatory Chamber’s examination on 2 March 2016 and was given the opportunity to respond.
8. The CFCB Adjudicatory Chamber acknowledges receipt of the letter dated 11th March 2016 from Mr. Ioan Nucu Man (President of Targu Mures) in which the Club seeks to explain why it has complied with the Condition. However, the CFCB Adjudicatory Chamber notes that the evidence provided by Targu Mures does not confirm that all of the relevant overdue payables were actually paid by 31 January 2016. In fact, the Club appears to have only deferred certain overdue payables towards social/tax authorities and entered into various contracts to transfer certain debts/rights instead of actually paying them.
9. The CFCB Adjudicatory Chamber accepts the findings of the CFCB Investigatory Chamber with regard to the Club’s failure to satisfy the Condition.

10. Based on the foregoing, Targu Mures failed to satisfy the Condition set by the CFCB Adjudicatory Chamber in the Decision because it was only able to prove that it had paid part of the relevant overdue payables by the 31 January 2016 deadline. The evidence submitted by the Club shows that the other part of the relevant overdue payables were simply deferred, transferred and/or paid after the 31 January 2016 deadline. As confirmed by the Court of Arbitration for Sport in *CAS 2014/A/3533 Football Club Metallurg v UEFA*, this is not enough to satisfy the Condition which required proof that the relevant overdue payables had actually been paid as at 31 January 2016.
11. Accordingly, the CFCB Adjudicatory Chamber hereby orders as follows:
1. **The exclusion provided for in the Decision shall take effect immediately and, consequently, Fotbal Club ASA 2013 Targu Mures is excluded from participating in the next UEFA club competition for which it would otherwise qualify in the next three (3) seasons (i.e. the 2016/17, 2017/18 and 2018/19 seasons).**
 2. **This Order is final.**
 3. **This Order is notified to:**
 - a) **Fotbal Club ASA 2013 Targu Mures;**
 - b) **The Romanian Football Federation;**
 - c) **the CFCB Investigatory Chamber; and**
 - d) **the UEFA Administration.**
12. In accordance with Article 34(2) of the Procedural Rules and Articles 62 and 63 of the *UEFA Statutes*, this Order may be appealed in writing before the Court of Arbitration for Sport. In accordance with Article 62(3) of the *UEFA Statutes*, any such appeal must be made within ten (10) days of receiving this Order.



J.N. Cunha Rodrigues
CFCB Chairman