



Sent to

Romanian Football Federation
House of Football
022186 Bucharest
Romania

Decision
of the
Control, Ethics and Disciplinary Body
on
10 November 2023

Chairman: Partl Thomas (AUT)

Members: Řepka Rudolf (CZE)
Yasar Duygu (TUR)

Disciplinary Cases: 37585-37593 - FFWC - 2023/24

Incidents: Article 38.01 Regulations of the UEFA European Qualifying Competition for the 2024 FIFA Futsal World Cup
Forfeit, Articles 27(3) and 27(4) DR

Competition: FIFA Futsal World Cup 2024

Matches: Romania vs. Netherlands, 06.10.2023
Netherlands vs. Romania, 10.10.2023

I. Facts of the case

1. The elements set out below are a summary of the main relevant facts as established by the Control, Ethics and Disciplinary Body ("CEDB") on the basis of the protest lodged by the Royal Netherlands Football Association ("Netherlands" or "KNVB"), the UEFA Ethics & Disciplinary Inspectors ("EDIs") report, the written submissions, the exhibits filed and the statements produced by the Romanian Football Federation ("Romania" or "FRF").
2. While the CEDB has considered all the facts, allegations, legal arguments and evidence submitted in these proceedings, it refers in the present decision only to the submissions and evidence it considers necessary to explain its reasoning.
3. On 6 October 2023 in Pitesti, Romania, the futsal national teams of Romania and Netherlands played the Elite Round match of the UEFA European Qualifying Competition for the 2024 FIFA Futsal World Cup (the "Match 1"). According to the Referee's report, the players ██████████ participated in the Match 1 for the FRF futsal national team.
4. On 10 October 2023 in Almere, Netherlands, the futsal national teams of Netherlands and Romania played the Elite Round match of the UEFA European Qualifying Competition for the 2024 FIFA Futsal World Cup (the "Match 2"). According to the Referee's report, the players ██████████ (collectively, "the Players") participated in the Match for the FRF futsal national team.

A. The protests

5. On 7 and 11 October 2023, the KNVB filed protests (the "Protests"), arguing that, during Match 1, and during Match 2, Romania fielded players who were not eligible to compete under the Regulations Governing the Application of the FIFA Statutes ("RGAS"). In sum, the Protests can be summarised as follows:
 - The Players were ineligible to represent Romania according to the RGAS, particularly Netherlands is concerned that the Players did not comply with Article 7 RGAS, and in particular to the extent to which these players have "*lived at least five years on the territory of*" Romania in order to comply with the RGAS.
 - Netherlands recalled that the Players played during Match 1 and Match 2.
 - Netherlands recalled the content of Article 38.01 of the UEFA European Qualifying Competition for the 2024 FIFA Futsal World Cup Regulations ("UEQC Regulations"), which states that "*[e]ach association must select players for its national representative team who hold the nationality of its country and who comply with the provisions of Articles 5 to 9 of the Regulations Governing the Application of the FIFA Statutes.*"
 - Netherlands requested the CEDB to order the Match be forfeited according to Article 27(3) of the UEFA Disciplinary Regulations ("DR").
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B. The report of the EDIs

6. On 11 October 2023, two EDIs were appointed to evaluate the Protests in accordance with Article 31(4) DR.
7. On 20 October 2023, the EDIs provided their report, essentially stating the following:

Match 1

- The EDIs recalled that the KNVB expressed "*serious doubts*" and raised "*questions*" concerning the "eligibility" of the players listed in para. [3] above, and particularly concerning the extent to which these players have "*lived at least five years on the territory of*" Romania in order to comply with the RGAS.
- The EDIs also summarised the statements of Romania (who had the possibility to provide its position during the evaluation of the Protests by the EDIs) who asserted that the players in question hold Romanian citizenship and Romanian documents, and that the information provided by the KNVB regarding their time of residence and life in the territory of Romania is "*inaccurate*" and "*unfounded*." The FRF also provided documentation arguing that the player ██████████ arrived in Romania in 2015 and then left Romania in August 2020. With respect to player ██████████, the FRF argues that he first registered himself as a football player with the FRF in March 2014, at "County" level, and started playing futsal in Romania on 5 February 2018, such that he has lived for more than five years in Romania.

Match 2

- The EDIs put forward that the KNVB argued that, although the Players may have acquired a Romanian passport and assumed the Romanian nationality, there were reasons to believe that they did not meet the conditions stipulated in Articles 5 to 9 of the RGAS.
 - The EDIs also summarised the position of Romania concerning the player ██████████, who explained that he first registered himself as an amateur player at the "County" level with the club Progresul Ezeris during the 2017/2018 season, and subsequently played futsal in Romania during the seasons 2018/19, 2019/20, 2020/21, 2021/22.
 - In the EDIs' opinion, it was undisputed that:
 - (i) During the Match 1 and Match 2, Romania fielded the Players;
 - (ii) At the time of the Matches 1 and 2, the players respectively listed above held a double nationality: Romanian and ██████████;
 - (iii) The Players acquired the Romanian nationality subsequent to their birth, and subsequent to their acquisition of the ██████████ nationality; and
 - (iv) The Players had not previously participated in an official competition for ██████████
 - The EDIs submitted that the Players appear to "hold" the Romanian nationality in accordance with Articles 38.01 of the UEQC Regulations and 5(1) of the RGAS;
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however, their double nationality calls for the application of Article 7(1) of the RGAS to determine whether they are eligible to compete for Romania.

- In this regard, the EDIs highlighted that:
 - (i) the Players were born in ██████, not in Romania; as such, they do not meet the requirement of Article 7(1)(a) of the RGAS (namely, being "*born on the territory of the relevant association*");
 - (ii) It is not argued, nor does it otherwise stem from the record, that the players' biological parents or grandparents were born in Romania; as such, the players do not meet the requirements of Article 7(1), paragraphs (b) and (c) of the RGAS (namely, having biological parents or grandparents who were "*born on the territory of the relevant association*");
- The EDIs raised therefore the question to know whether the Players had actually lived in Romania for five years before being fielded in Match 1 and/or Match 2. In view of all the documentation furnished, the EDI's were comfortably satisfied that this was not the case and therefore none of the Player met the eligibility requirements of Article 7(1)(d) of the RGAS when fielded in Match 1 and/or Match 2.
- As such, the EDIs considered that by fielding the Players during these matches nonetheless, the FRF has violated Article 38(1) of the UEQC Regulations.
- To conclude, the EDIs requested:
 - (i) The opening of disciplinary proceedings before the CEDB pursuant to Article 31(3)(b) DR;
 - (ii) A declaration by the CEDB that the FRF has breached Article 38.01 of the UEQC Regulations;
 - (iii) An order by the CEDB that Match 1 be deemed forfeited, with a score of 0-5 in favour of The Netherlands;
 - (iv) An order by the CEDB that Match 2 be deemed forfeited, with a score of 5-0 in favour of The Netherlands; and
 - (iv) An adjustment by UEFA of the FRF's ranking in the Elite Round of the UEFA European Qualifying Competition for the 2024 FFWC, to reflect the results of 0-5 in favour of The Netherlands in Match 1 and 5-0 in favour of The Netherlands in Match 2.

C. The opening of proceedings

8. On 23 October 2023, following the report of the EDIs, proceedings were opened against the FRF for a potential violation of Article 38.01 UEQC Regulations.

II. **The Association's statements**

9. On 30 October 2023, the FRF submitted its statements that can be summarised as follows:

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- The FRF first made an analysis of the website used by the KNVB to lodge its protests. It came to the conclusion that the information on this website is not official and cannot be considered as reliable and accurate. Therefore, the FRF challenged the evidence on which the EDIs report is drafted.
 - The FRF also submitted that EDIs have not produced sufficient evidence in this case to discharge their burden to the standard of proof of comfortable satisfaction and quoted the World Anti-Doping Code to explain how to establish the comfortable satisfaction. The FRF stated that until a reliable source is produced to prove the accusations, the EDIs' requests are dismissed in full.
 - The FRF further explained the situation in Romania with respect to non-EU persons and formalities to register such persons as football players. In particular, indeed, according to the FRF, numerous non-EU citizens are coming in Romania and some of them are also playing football and they are usually registered at first at clubs playing in the regional competitions which is difficult for the FRF to even be aware of such situations.
 - The FRF also put forward the fact that it requested information from the ██████████ Football Federation and the ██████████ club about players M ██████████ ██████████. The FRF attached the response of the ██████████ Football Federation according to which the two players are registered to the ██████████ Football Federation under an amateur identity which has expired respectively on 8 April 2011 and 25 April 2012.
 - The FRF then pointed out that the Players were never contested before with regard to eligibility, even if the national teams of Romania and Netherlands played also in the past against each other.
 - The FRF also explained that clubs' officials paid for the players accommodation and meals when the Players were registered at the eleven-a-side football teams.
 - Moreover, the FRF focused on each of the Players:
 - 1) ██████████
 - The FRF explained that he stayed in Romania from 30 June 2015 until 13 August 2020. He was successively registered and played futsal with several clubs in Romania, as follows:
 - Seasons 2015/2016, 2016/2017, 2017/2018 played for the club CS Informatica Timișoara;
 - Seasons 2018/2019, 2019/2020 played for the club ACS Imperial WET;The FRF then explained that he left Romania on 13 August 2020 in order to play in Kazakhstan.

Also, on 16 August 2023, the player signed a new contract with the Romanian club CSM DEVA, this allegedly being a proof that the player is linked to Romania and he wanted to return to Romania.
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2) ██████████

- The FRF explained that the player arrived in Romania on 1 March 2014. Furthermore, the FRF does not contest the fact that the player was registered in September 2018 with an Italian futsal club. The FRF underlined that this does not mean that the player did not spend more than 183 days in Romania that year. The FRF stated that the player was still living in Romania and that this is confirmed by a recent decision of the Romanian court (dated February 2023) obliging the player to carry out activities for the community instead of paying a fine (this being a proof that the player still lives in Romania).

3) ██████████

- The FRF explained that the player arrived in Romania on 31 June 2017 (*sic*) and left on 21 September 2022. The player played futsal in Romania in the 2018/19 (from 5 February 2018), 2019/20, 2020/21, 2021/22 seasons, but before that, ██████████ played at the County level (2017/2018) establishing that the player lived in Romania for more than 5 years.
- To conclude, the FRF indicated that the decision will impact the future of the Players and their participation in futsal games not only for Romania but for any other club's team. The FRF asked that the Protests to be dismissed and the EDIs' report and proposed sanctions disregarded.

III. Merits of the case

A. UEFA's competence and relevant provisions applicable to the case

10. Pursuant to Articles 33(3), 52 and 57 of the UEFA Statutes, as well as Article 29(1) and (3) of the UEFA Disciplinary Regulations ("DR"), the CEDB is competent to deal with this case.
 11. Pursuant to Article 5(a) DR, the UEFA Statutes, rules and regulations, in particular the DR, are applicable to these proceedings.
 12. The following relevant provisions apply to the case at hand.
 13. According to Article 38(1) of the UEQC Regulations, "[e]ach association must select players for its national representative team who hold the nationality of its country and who comply with the provisions of Articles 5 to 9 of the Regulations Governing the Application of the FIFA Statutes."
 14. According to Article 5 FIFA RGAS, "1 Any person holding a permanent nationality that is not dependent on residence in a certain country is eligible to play for the representative teams of the association of that country".
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15. According to Article 7 FIFA RGAS, “[a]ny player who refers to art. 5 par.1 to assume a new nationality and who has not played international football in accordance with art. 5 par. 3 shall be eligible to play for the representative teams of the new association only if he fulfils one of the following conditions:
 - a) He was born on the territory of the relevant association;
 - b) His biological mother or biological father was born on the territory of the relevant association;
 - c) His grandmother or grandfather was born on the territory of the relevant association;
 - d) He has lived on the territory of the relevant association:
 - i) for players that began living on the territory before the age of 10: at least three years;
 - ii) for players that began living on the territory between the age of 10 and 18: at least five years;
 - iii) for players that began living on the territory from the age of 18: at least five years”
 16. According to Article 27(3) DR, “[a] match may be declared as forfeit if a player who is ineligible under the regulations of the competition concerned participates in the match, as long as the opposing team files a protest.”
 17. According to Article 27(4) DR, “[t]he consequences of a match being declared forfeit are as follows:
 - a. the team forfeiting the match is deemed to have lost 3-0 (5-0 in futsal competitions), unless the actual result is less favourable to the member association or club at fault, in which case that result stands;
 - b. if necessary, the UEFA administration amends the member association or club’s ranking in the relevant competition accordingly.”
 18. According to Article 44 DR, “[a]ny type of evidence may be used during disciplinary investigations and proceedings, provided that human dignity is not violated...”
 19. Pursuant to Article 45.01 of the UEQC Regulations, “[p]rotests [...] must be lodged in accordance with the relevant provisions of the UEFA Disciplinary Regulations [...]”.
 20. According to Article 55(1) DR, “[p]roceedings are opened by the UEFA administration [...] b. where a protest has been lodged.”
 21. Article 56 DR states that “¹ [m]embers associations [...] are entitled to lodge protests. Protests must reach the Control, Ethics and Disciplinary Body in writing, indicating the relevant grounds, within 24 hours of the end of the match in question. ² The 24-hour time limit may not be extended. For the sake of the smooth running of a competition, the corresponding competition regulations may shorten the protest deadline accordingly. ³ The protest fee is €1,000. It must be paid when the protest is lodged and is reimbursed only if the protest is admitted”.
 22. According to Article 57(1) DR, “[a] protest is admissible only if it is based on: a. an ineligible player’s participation in a match as a consequence of that player not fulfilling the conditions defined in the relevant competition regulations. [...]”.
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B. The Protests

23. In order for a protest to be admissible, there are clear conditions enshrined in Article 56 DR, which need to be respected. To be admitted, a protest must be filed within *"24 hours of the end of the match in question"* (Article 56(1) DR); (ii) be filed with proof of payment of a protest fee of CHF 1,000 (Article 56(3) DR); and (iii) be based on one of the grounds listed in Article 57(1) DR; among these grounds, is the following: *"a. an ineligible player's participation in a match as a consequence of that player not fulfilling the conditions defined in the relevant competition regulations"*.
24. The CEDB takes note that the Protests lodged by the KNVB concerns the allegedly participation of ineligible players by the FRF in the Match 1 and Match 2, in the sense of Article 57(1)(a) DR, and was filed within 24 hours of the end the 2 Matches. Finally, it is also to be noted that the protest fees were paid.
25. In view of all the above, the CEDB declares the Protests admissible.

C. Legal analysis of the Protests

26. The CEDB stresses that the only relevant question in the present proceedings is whether or not the Players were eligible to play the Match.
27. The CEDB recalls that it is undisputed that according to the Referee's report, the Players participated in the Match 1 and Match 2. It is also undisputed that the Players held both Romanian and ████████ nationality at the time of the Match.
28. The CEDB wishes to recall the content of Article 7 FIFA RGAS, *"[a]ny player who refers to art. 5 par.1 to assume a new nationality and who has not played international football in accordance with art. 5 par. 3 shall be eligible to play for the representative teams of the new association only if he fulfils one of the following conditions:*
- a) He was born on the territory of the relevant association;*
 - b) His biological mother or biological father was born on the territory of the relevant association;*
 - c) His grandmother or grandfather was born on the territory of the relevant association;*
 - d) He has lived on the territory of the relevant association:*
 - i) for players that began living on the territory before the age of 10: at least three years;*
 - ii) for players that began living on the territory between the age of 10 and 18: at least five years;*
 - iii) for players that began living on the territory from the age of 18: at least five years"*
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29. The CEDB will therefore proceed to the analysis of said article and will assess whether or not the Players comply with the requirements imposed by Article 7 FIFA RGAS.
30. The CEDB takes note that according to the Protests none of the Players were born in Romania but were all born in [REDACTED]. It is also to be noted that Romania has not challenged such information neither during the EDIs evaluation of the protests nor in the present CEDB proceedings.
31. In the same vein, the CEDB takes note that the Protests also establish that the Players' biological parents and grandparents were not born in Romania. Again, this information was never challenged by FRF in the course of the present proceedings.
32. However, the last requirement established by Article 7 FIFA RGAS, i.e. having lived in Romania for at least 5 years, is the one that have been challenged by the FRF, as it has sought to demonstrate that the Players have effectively lived in Romania for 5 years.
33. First and foremost, the CEDB notes that the FRF challenged the relevance of the website used by the KNVB to support the Protests. Nevertheless, the CEDB would like to put forward that it has analysed all the evidence present in the case file and in particular, the statements and documentation provided by the FRF in the course of the present proceedings.
34. The CEDB, in that context, has individually analysed each of the Player's situation regarding their alleged compliance with the Article 7(d) FIFA RGAS requirements.
35. First of all, the CEDB brings to mind the FIFA's Commentary on the Rules Governing Eligibility to Play for Representative Teams that states "*[n]otwithstanding the permitted absences, the "physical presence" of a player is required in the country or territory of an MA for at least 183 days during a 12 month period for the player to have "lived on the territory" of the MA for that year of the "defined period"*".

[REDACTED]

36. Concerning [REDACTED], the CEDB takes note that the FRF explains that he arrived in Romania on 1 March 2014 and that he was registered in September 2018 with an Italian futsal club. The FRF also suggested that [REDACTED] having been [REDACTED], is the proof that he still lives in Romania.
 37. The CEDB notes that [REDACTED] has provided a signed declaration indicating that he arrived in March 2014 and that he lives in the same address since then. The CEDB also takes note that the player's first club in Romania (FCS Bistra) apparently provided him accommodation (no proof of such statement is provided). The CEDB finds strange that the player has remained in such accommodation even after having left FCS Bistra and played in Italy.
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38. Moreover, neither the FRF nor ██████████ could explain why the International Transfer Certificate provided by the FRF in the scope of the EDIs' investigation indicated a transfer from ██████████ to Romania on 23 February 2016 (when according to the FRF, the player was registered with this club until 2013). The CEDB is surprised that no mention of a transfer after 1 March 2014 to ██████████ is ever made by the FRF. Therefore, according to that piece of information, the CEDB finds impossible that ██████████ had lived continuously in Romania between 1 March 2014 and 23 February 2016.
39. In the same vein, it is not disputed that ██████████ was subsequently transferred in September 2018 to an Italian club and no information at the CEDB's disposal shows that he has ever been back to a Romanian Club to continue his career after that, making difficult (not to say impossible) to demonstrate a physical presence in Romania for five years.
40. In the CEDB's view, the fact that ██████████ has an address in Romania in 2023 does not mean that he has been continuously living in Romania since 1 March 2014 (which is not disputed by the FRF, as the player left Romania in September 2018).
41. In light of the above, the CEDB is comfortably satisfied that ██████████ did not meet the eligibility requirements of Article 7(1)(d) of the RGAS when was fielded in Matches 1 and 2. Therefore, the FRF, by fielding him anyway has violated Article 38(01) of the UEQC Regulations.
- ██████████
42. Concerning ██████████, the CEDB takes note that he apparently registered for the first time in Romania on 30 June 2015. He apparently was registered as an amateur football player at FCS Bistra which provided accommodation and meals to the player. As for ██████████, this information is not substantiated.
43. Here, the CEDB is struggling to understand why the FRF failed to clearly demonstrate with precise factual elements that ██████████ effectively and continuously stayed in the country during five years as from 30 June 2015, before leaving to Kazakhstan in August 2020.
44. Indeed, the CEDB is not satisfied with the information provided by the FRF in the course of the present investigation. None of the documentation provided establish that ██████████ spent 183 days or more in Romania each year as of 30 June 2015.
45. In the CEDB's view, the FRF could have provided evidence proving that the registered player actually and effectively played and lived in the country during relevant seasons. Yet, the FRF failed to do so.
46. In this context, once again, the CEDB is comfortably satisfied that ██████████ did not meet the eligibility requirements of Article 7(1)(d) of the RGAS when was fielded in
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Matches 1 and 2. Therefore, the FRF, by fielding him violated Article 38(01) of the UEQC Regulations.

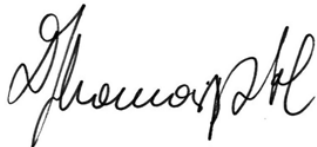
- ██████████
47. Concerning ██████████, who only took part in Match 2, the CEDB takes note that he apparently was registered for the first time in Romania on 30 June 2017. He apparently was registered as an amateur football player at Progresul Ezeris which provided accommodation and meals to the player. As for the two players above, this information is not substantiated. Furthermore, the CEDB takes note that ██████████ apparently left Romania on 21 September 2022.
 48. In this context, according to the FRF, ██████████ has lived in Romania for more than 5 years between 31 June 2017 (sic), "*at the latest*", and 21 September 2022. The CEDB notes here that the FRF does not know with exactitude the date of arrival of ██████████, even if his alleged first club in Romania provided accommodation and meals. In this context, the exact date of arrival of the player should be easily determined. Again, the CEDB underlines this umpteenth inaccuracy.
 49. Redundantly, the CEDB puts forward that none of the documentation provided establish that ██████████ actually spent 183 days or more in Romania each year as of 30 June 2017.
 50. Therefore, the CEDB is comfortably satisfied that ██████████ did not meet the eligibility requirements of Article 7(1)(d) of the RGAS when fielded in Match 2. Therefore, the FRF, by fielding him has violated Article 38(01) of the UEQC Regulations.
 51. For all the foregoing, the CEDB is comfortably satisfied that the Players do not comply with the requirements imposed by Article 7 FIFA RGAS and were consequently not eligible to play the Matches 1 and 2.
 52. The CEDB is therefore equally comfortably satisfied that FRF is in breach of Article 38(1) of the UEQC Regulations for having fielded ineligible players during the Matches 1 and 2.
 53. Having established the above, the CEDB recalls that according to Articles 27(3) and (4) DR, when an ineligible player participates in a match, the consequence in futsal matches is the team forfeiting the match.
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54. Consequently, the CEDB decides:

1. To declare the UEFA European Qualifying Competition match for the 2024 FIFA Futsal World Cup between the Futsal national teams of the Romanian Football Federation and the Royal Netherlands Football Association, that was played on 6 October 2023, as forfeited by the Romanian Football Federation Futsal national team, who is therefore deemed to have lost the match 0-5 in accordance with Articles 27(3) and 27(4) of the UEFA Disciplinary Regulations.

2. To declare the UEFA European Qualifying Competition match for the 2024 FIFA Futsal World Cup between the Futsal national teams of the Royal Netherlands Football Association and the Romanian Football Federation, that was played on 10 October 2023, as forfeited by the Romanian Football Federation Futsal national team, who is therefore deemed to have lost the match 5-0 in accordance with Articles 27(3) and 27(4) of the UEFA Disciplinary Regulations.

Thomas Partl
Chairman



Advice with regard to the right of appeal

This decision is open to appeal (Article 60 DR).

A declaration of the intention to appeal against a decision by the CEDB must be lodged with the UEFA administration, in writing, for the attention of the Appeals Body, within three days of notification of the relevant decision with grounds (Article 60(2) DR).

Within five days of the expiry of the time limit for the declaration of the intention to appeal, the appellant must file, in writing, the grounds for appeal, which must contain a legal request, an account of the facts, evidence, a list of the witnesses proposed (with a brief summary of their expected testimony) and the appellant's conclusions (in particular on whether to conduct the appeal proceedings orally or in writing) (Article 60(3) DR).

The appeal fee is €1,000, payable on submission of the grounds for appeal at the latest (Article 60(4) DR).

Publication notice

Decisions of the UEFA disciplinary bodies are published on the UEFA website in accordance with Article 52(5) DR. A request to publish an anonymised version of the decision shall be submitted to the UEFA administration within seven days of notification of the decision with grounds
