



TAS / CAS

TRIBUNAL ARBITRAL DU SPORT
COURT OF ARBITRATION FOR SPORT
TRIBUNAL ARBITRAL DEL DEPORTE

CAS 2024/A/10910 Wassim Ben Tara v. Fédération Internationale de Volleyball (FIVB)

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

Sole Arbitrator: Ms. Marianne Saroli, Attorney-at-Law, Montreal, Canada

in the arbitration between

Wassim Ben Tara

Represented by Mr. Sébastien Ledure and Mr. Xavier Mansat, Attorneys-at-Law with Cresta Law Firm in Brussels, Belgium

Appellant

and

Fédération Internationale de Volleyball (FIVB), Lausanne, Suisse

Represented by Mr. Christian Keidel and Mr. Marvin Thormann, Attorneys-at-Law with Lentze Stopper Rechtsanwälte PartGmbH in Munich, Germany

Respondent

I. PARTIES

1. Mr. Wassim Ben Tara (the “Appellant”) is a professional volleyball player born on 3 August 1996.
2. The Fédération Internationale de Volleyball (the “FIVB” or the “Respondent”) is the international federation governing the sport of volleyball worldwide. It has its registered seat in Lausanne, Switzerland.

II. FACTUAL BACKGROUND

3. Below is a summary of the relevant facts and allegations based on the Parties’ written submissions, pleadings and evidence adduced at the hearing. Additional facts and allegations found in the Parties’ written submissions, pleadings and evidence may be set out, where relevant, in connection with the legal discussion that follows. While the Sole Arbitrator has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, she refers in her Award only to the submissions and evidence she considers necessary to explain the reasoning.

A. Introduction

4. This Appeal is filed by the Appellant against the decision issued by the FIVB Appeals Panel dated 5 September 2024 (the “Appealed Decision”). In the Appealed Decision, the Appeals Panel dismissed the Appellant’s request for a change of his Federation of Origin (“FoO”) from Tunisia to Poland and found that the Tunisian Volleyball Federation (the “TVF”) shall remain the Appellant’s FoO.

B. Facts

5. The Appellant is a professional volleyball player born in Tunisia to a Polish mother and a Tunisian father. He has held both Polish and Tunisian nationalities since birth.
6. The Appellant began playing volleyball in Tunisia at approximately 10 years of age, where he obtained his first volleyball license. Pursuant to the FIVB Sports Regulations, his FoO was automatically established as the TVF, thereby conferring upon him Tunisian sporting nationality.
7. Between 2013 and 2021, the Appellant represented the Tunisian national team in eight international competitions.
8. The Appellant remained an active member of the Tunisian national volleyball team until September 2021, after which he ceased participating in any national team activities.
9. Following a period of professional activity in France, the Appellant transferred to Stal Nysa, a Polish volleyball club, at the start of the 2020-2021 season. He played for the

club until the conclusion of the 2022-2023 season. During this period, the Appellant and his wife resided in Poland.

10. At the end of the 2022-2023 season, the Appellant joined Qatar Sports Club, a Qatari volleyball team, for a brief playing stint.
11. Since the beginning of the 2023-2024 season, the Appellant has been playing for Sir Safety Perugia, an Italian professional volleyball club.

C. The Appellant's application for change of FoO

12. On 12 March 2023, at the age of 26 years, the Appellant submitted to the Respondent an application to change his FoO from the TVF to the Polski Związek Pilki Siatkowej ("PVF"), the Polish Volleyball Federation.
13. On 14 March 2023, the TVF submitted its refusal to the Appellant's application for change of FoO stating that the Appellant is the best volleyball player in Tunisia and has immense value for the Tunisian volleyball national team and the TVF.
14. On 31 August 2023, the PVF submitted its approval of the Appellant's request to change FoO considering the Appellant's Polish roots and his motivation to change his FoO:

"Polish Volleyball Federation decided to approve the change of Federation of Origin of Mr. Wassim Ben Tara based on the Player's request, after analysing motivation of the Player.

Wassim has Polish roots and is Polish born, part of his family leave in Poland. As he has not played for Tunisian national team since 2021 and for last three seasons Wassim represented Polish club STAL Nysa, Polish Volleyball Federation acceded to his request.

Taking into account the motivation of the Player, his mature age and plans for the future related to Poland we believe that Player's request to change of Federation of Origin is justified."

15. On 30 November 2023, the FIVB Executive Committee deliberated on the Appellant's request to change his FoO from the TVF to the PVF and did not approve it (the "FIVB Decision"). The FIVB Decision reads as follows:

"Dear President,

Following the meeting of the FIVB Executive Committee on 29 November 2023, the FIVB has not approved the change of Federation of Origin of Mr. Wassim Ben Tara from Tunisia to Poland.

The Federation of Origin of Mr. Wassim Ben Tara shall remain the Fédération Tunisienne de Volley-Ball.

An appeal may be filed against this decision exclusively before the FIVB Appeals Panel within fourteen (14) days of the receipt of this letter in accordance with the FIVB Disciplinary Regulations.

Should you have any queries, please do not hesitate to contact us.

Yours Sincerely,”

16. The FIVB Decision was notified to the Appellant on 1 December 2023.
17. On 4 December 2023, the Appellant requested from the Respondent the grounds of the FIVB Decision.
18. On 7 December 2023, the Respondent submitted the FIVB Decision with grounds to the Appellant, which provides as follows:

“[...] Whereas, during that meeting, the following general information was provided to the Executive Committee:

- *You were born on 3 August 1996 in Tunis, Tunisia;*
- *You are Tunisian and Polish at birth;*
- *You moved to Poland in 2021;*
- *You represented the Tunisian national team in 8 international competitions from 2013 to 2021;*
- *The Tunisian National Federation is demonstrating its strong interest in continuing to field you as a national team player by registering you in 0-2 forms for international competitions.*

Whereas, during that meeting, a summary of your written submission, which was presented to the FIVB, was presented to the Executive Committee:

- *Poland is your mother's native country;*
- *Since September 2021, you have not benefited from any support, advantages, training, and/or education from the Current Federation. You stopped taking part in any national team activities of the Current Federation;*
- *Your Current Federation received the federation of origin solidarity fee for his international transfers. The Current Federation had enjoyed a good re-turn on investment;*
- *You consider Poland as the center of your sports and family activities. You consider as having a true, serious, and solid bond with this country, going way further than sports or financial reasons and*

- *You do not consider yourself as a sports mercenary involved in 'nation shopping' given your biological, professional, cultural, and sentimental ties with Poland.*

Whereas, during that meeting, a summary of the Tunisian Volleyball Federation's written submission, which was presented to the FIVB, was presented to the Executive Committee:

- *You are the best volleyball player in Tunisia;*
- *You have been trained in Tunisia from an early age and took part, in all age categories, in training camps and international competitions (continental and international);*
- *You are the central core of the Tunisian National Team;*
- *There is a substantial gap between the level of the Tunisian Volleyball Federation and the Polish Volleyball Federation and*
- *The Tunisian Volleyball Federation will struggle to produce another player of such a high level. [...]*

Whereas, both you and the Tunisian Volleyball Federation were presented with the opportunity to make written submission and a summary of those submissions were presented to the FIVB Executive Committee. Consequently, the Tunisian Volleyball Federation and you had the opportunity to provide your reasons related to the request; Whereas, by exercising its sole discretion and in line with its unequivocal right to determine whether or not to approve your request, the FIVB Executive Committee by majority decision decided to reject your request to change Federation of Origin due to the below reasons:

- 1. You developed as a player in Tunisia having represented the Tunisian national team at all age categories, including senior national team, until 2021;*
- 2. Unlike other cases in which players relocated to their new federation at an early developmental age (e.g. before the age of 18), you stopped your activities with the Tunisian Volleyball Federation in 2021 at the age of 26, and are, thus, much further developed as a player due to the investments made by the Tunisian Volleyball Federation and its members;*
- 3. The FIVB is investing substantially in its member federations through its Empowerment Programs, and, thus, the purpose of such investment would be defeated if top players develop within one smaller member federation and then change Federation of Origin to a larger member federation;*
- 4. While not yet applicable to this case, the fact remains that the rationale of the rule change to prevent senior national team players from changing Federation of Origin proposed by the FIVB Legal Commission, which took*

place in December 2022, still is very relevant to this case, which is to avoid top senior national team players from smaller federations from being poached by larger federations that have more resources;

5. The value of you as a player to the Tunisian national team, which is responsible for your development through the age of 26 and is currently ranked 25th in the world ranking, is much higher than the value to the Polish national team, the top ranked team in the world with several available players developed in Poland at your position;

6. The principle of the right to work is still respected as you can still obtain International Transfer Certificates and play for clubs in Poland;

7. Any limit related to rostering a limited number of foreign players in club teams has been addressed through the new rule that national leagues cannot have foreign player quotas but can create registration rules requiring a certain number of “homegrown players”;

Based on the above, the FIVB Executive Committee has decided that your change request is not reasonable and justifiable under the abovementioned circumstances:

DECISION

The change of Federation of Origin request of Mr. Wassim Ben Tara from Tunisia to Poland has been rejected as the FIVB Executive Committee has decided not to exercise its unequivocal right to approve the change request resulting in all of the conditions required under Article 5. Not being satisfied.”

D. The Proceedings before the FIVB Appeals Panel

19. On 15 December 2023, the Appellant filed his appeal against the FIVB Decision before the Appeals Panel.
20. On 5 January 2024, the Appellant filed his reasons for appeal.
21. On 13 February 2024, the Respondent filed its answer.
22. On 26 February 2024, the secretariat informed the parties that the Appeals Panel decided to move forward with the present proceedings without conducting a hearing.
23. On 10 September 2024, the Appeals Panel issued its decision upholding the FIVB Decision, confirming the TVF as the Appellant’s FoO and deciding that the Appellant’s request to change his FoO was correctly rejected as unjustifiable and unreasonable. The operative part of the Appealed Decision reads as follows:

“For the reasons set forth above, the FIVB Appeals Panel decides as follows:

1. *The appeal filed by Mr. Wassim Ben Tara is dismissed.*
 2. *The FIVB decision dated 30 November 2023 Is confirmed.*
 3. *No reimbursement of the administrative fee shall be granted.*
 4. *Each party shall bear their own legal costs.*
 5. *Any other requests for relief are dismissed.”*
24. Against this background, the dispute concerns whether the FIVB’s refusal to approve the requested change of FoO was lawful and justified under the applicable regulations.

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

25. On 1 October 2024, the Appellant filed his Statement of Appeal against the Appealed Decision , pursuant to Article 47 of the Code of Sports-related Arbitration (the “Code”). In his Statement of Appeal, the Appellant chose English to be the language of these proceedings and requested that the matter be submitted to a sole arbitrator. He also filed a request for the production of document, namely *“to order the FIVB to provide, during the present proceedings, the minutes of the FIVB Executive Committee meeting under which the refusal of the Appellant’s request for a change of federation of origin is recorded”*. Additionally, the Appellant filed a request for the proceedings to be conducted on an expedited basis pursuant to Article R52 of the Code.
26. On 7 October 2024, the CAS Court Office acknowledged receipt of the Appellant’s Statement of Appeal, noting his request for production and inviting the Respondent to submit such document, or to file the reasons for its objection within five days. The Respondent was also invited to inform the CAS Court Office whether it agreed with the Appellant’s request for an expedited procedure within three days. The Parties were further informed that, in the event of an objection or a lack of response, the expedited procedure would not be implemented.
27. On 14 October 2024, the Respondent informed the CAS Court Office of its disagreement with the Appellant’s request that this matter to be expedited. In view of this, the Parties were advised, pursuant to Article R52 of the Code, that no expedited procedure would be implemented.
28. On 15 October 2024, the Respondent agreed to submit the procedure to a sole arbitrator. However, the Respondent disagreed with the Appellant’s request for document production, claiming: *“The Respondent claims that the Appellant failed to argue, let alone, to demonstrate that the requested document is of any relevance to the present proceeding. The details reasons for the challenged decision of the FIBV Executive Committee have been submitted to the Appellant on 7 December 2023 (see FIVB Appeals Panel Decision subject to appeal, para. 10 et seq.)”*. The Parties were advised that it would be for the sole arbitrator, once constituted, to decide the issue, pursuant to Article R44.3 of the Code.

29. On 21 October 2024, the Appellant filed his Appeal Brief following an agreed-upon extension.
30. On 31 October 2024, the CAS Court Office, pursuant to Article R29(1) of the Code, invited the Appellant to file by 5 November 2024 an English translation of the relevant extracts of Exhibit 20 upon which he relied in his Appeal Brief. In the meantime, the Respondent's time limit to file its Answer was suspended.
31. On 2 November 2024, the Appellant filed the requested English translation. As such, the Parties were informed by the CAS Court Office that the suspension of the Respondent's time limit to file its Answer was lifted with immediate effect.
32. On 25 November 2024, the Respondent filed its Answer further to an agreed time extension, pursuant to Article R55 of the Code.
33. On 26 November 2024, the CAS Court Office acknowledged that both Parties had requested the holding of a hearing and noted that it would be for the sole arbitrator to determine whether a hearing would be convened. The Parties were further invited to indicate whether they wished to request a case management conference with the Sole Arbitrator.
34. On 3 December 2025, the Parties requested a case management conference ("CMC") with the sole arbitrator.
35. On 2 December 2024, the CAS Court Office confirmed the appointment of Mrs. Marianne Saroli as Sole Arbitrator to decide this matter.
36. On 10 December 2025, a CMC was scheduled to take place on 16 January 2025.
37. On 13 January 2025, the CAS Court Office informed the Parties that the Sole Arbitrator had taken note of the Appellant's request to address, during the CMC, the possible submission of additional evidence, namely the minutes of the FIVB Executive Committee meeting at which the Appellant's request for a change of FoO was refused, as well as a list of facts to be further evidenced and the deadlines for such submissions. The Sole Arbitrator also noted the Respondent's position that these matters had already been addressed in the written submissions and therefore did not require discussion at the CMC. To ensure these issues were considered efficiently and in accordance with Article R56 of the Code, the Appellant was invited to confirm by 14 January 2025 whether exceptional circumstances existed to justify the admissibility of the proposed evidence, including the list of facts.
38. On 14 January 2025, the CAS Court Office noted that the Appellant no longer considered the CMC necessary and preferred to address the new evidence issue by way of written submissions. It was also noted that the Respondent had not indicated whether it maintained its request to proceed with the CMC. In light of the foregoing, and on behalf of the Sole Arbitrator, the CAS Court Office informed the Parties that:
 - The CMC scheduled for 16 January 2025 was cancelled.

- The Parties were granted an opportunity to address the issue of the new evidence in writing. In particular, the Appellant was invited to file a written submission by 21 January 2025, explaining whether exceptional circumstances existed to justify the admissibility of the proposed evidence, in line with Article R56 of the Code.
 - The Respondent would then be granted an equivalent period to file its comments.
 - The Parties were also reminded that any request for confidentiality measures relating to the FIVB Executive Committee meeting minutes, or any other evidence should be included in their submissions, with specific reasons provided.
 - Finally, the Sole Arbitrator indicated availability to convene a CMC at a later stage, if necessary, once the submissions on the new evidence had been received.
39. On 21 January 2025, the Appellant informed the CAS Court Office that, further to the Sole Arbitrator's proposals, written submissions regarding preparation of the hearing and identification of issues appeared sufficient. The Appellant also stated that, since the Respondent disagreed, it did not intend to pursue further submissions concerning alleged unsubstantiated facts.
40. On 23 January 2025, the CAS Court Office invited the Respondent to provide, by 30 January 2025, any additional comments on the new evidence beyond those already included in its email of 23 December 2024.
41. On 30 January 2025, the Respondent filed its additional comments, opposing the admission of any further evidence.
42. On 27 February 2025, following confirmation of the Parties' availabilities, the CAS Court Office confirmed that a hearing would be held on 2 April 2025.
43. On 19 March 2025, the Respondent signed and returned the Order of Procedure in this appeal. On the same date, the Appellant returned the Order of Procedure signed on 14 March 2025.
44. On 2 April 2025, a hearing was held via videoconference. The Sole Arbitrator was assisted by Mrs. Delphine Deschenaux-Rochat and Mrs. Carolin Fischer, CAS Counsels, and joined by the following:

For Mr. Ben Tara:

- Mr. Xavier Mansat, Counsel
- Mr. Wassim Ben Tara, Appellant

For the Respondent:

- Mr. Stephen Bock, FIVB Head of Legal and General Counsel
- Mr. Mehdi Mhidi, FIVB International Transfer Coordinator and Legal Counsel

- Ms. Alexa Dabao, FIVB intern
 - Mr. Christian Keidel, Respondent's external counsel
 - Mr. Marvin Thormann, Respondent's external counsel
 - Mr. Mahammad Safarli, Respondent's external counsel
 - Ms. Aida Hlila, Respondent's witness, Secretary General of Federation Tunisienne de Volley-Ball
 - Dr. Yann Hafner, Respondent's expert witness
45. At the outset of the hearing, the Parties confirmed that they had no objection to the constitution of the Sole Arbitrator and the way the proceedings had been conducted thus far.
46. During the hearing, the Parties addressed the Appellant's request for the FIVB Executive Committee's minutes. Mr. Stephen Bock, FIVB Head of Legal and General Counsel, on behalf of the Respondent, confirmed that no such minutes existed. Accordingly, the Appellant's request was rendered moot, as the Sole Arbitrator could not order the production of documents that do not exist. That said, Mr. Bock indicated he could provide a summary of the internal notes from the FIVB Executive Committee's meeting, should the Sole Arbitrator consider it necessary. In light of this, the Appellant was invited to clarify his position regarding the internal notes, given the absence of formal minutes. The Appellant requested additional time to reflect on this point and was granted 48 hours to confirm whether he wished to pursue the production of the internal notes from the FIVB Executive Committee's meeting.
47. For the sake of completeness, it is noted that during the hearing, Dr. Hafner disclosed that he had previously been employed by the FIVB from August 2015 to April 2019. The Appellant raised no objection to Dr. Hafner's independence or impartiality at that time. Moreover, the Sole Arbitrator observes that the Appellant expressly relied on Dr. Hafner's academic thesis in support of his arguments in the Appeal Brief. In these circumstances, the Sole Arbitrator considers that the disclosure does not cast doubt on Dr. Hafner's credibility.
48. At the conclusion of the hearing, the Parties confirmed that their right to be heard had been fully respected.
49. On 3 April 2025, as discussed at the conclusion of the hearing held on 2 April 2025, the CAS Court Office invited the Appellant to confirm, by no later than 4 April 2025 at 19:00 (CET), whether he wished to maintain his request for the production of the internal notes of the FIVB Executive Committee meeting. It was further indicated that, should the Appellant maintain his request, the Respondent would be granted an equivalent time limit to submit its comments.
50. On 7 April 2025, the CAS Court Office acknowledged receipt of the Appellant's email dated 4 April 2025 and noted that the Appellant had decided not to maintain his

request for the production of the internal notes. The Parties were accordingly informed that, pursuant to Article R59 of the Code, the evidentiary proceedings were considered closed.

IV. SUBMISSIONS OF THE PARTIES

A. The Appellant

51. The Appellant's submissions, in essence, may be summarized as follows:

a. On the Player's connection to Poland

- The Player submits that, since reaching adulthood, he has lived and worked predominantly outside Tunisia, pursuing an international professional volleyball career. While he did represent the Tunisian national team until September 2021, this participation was sporadic, limited to a handful of international competitions and national team training camps lasting approximately two months each.
- The support provided by his former FoO was minimal and largely symbolic, consisting of two T-shirts per camp and basic sports apparel, without any substantial financial contribution, structured development programme or comprehensive support such as medical insurance.
- The Player points out that, even prior to his professional career, the FoO did not integrate him into any systematic national development system, nor did it support his academic education. From 2017 to 2021, the FoO's total financial assistance amounted to approximately 900 EUR. In contrast, the Player's bond with Poland, his mother's native country, whose nationality he has held since birth, is deep and longstanding. He is fluent in Polish, maintains close family ties there, has regularly attended cultural and community events organised by the Polish embassy in Tunisia, and has travelled annually to Poland.
- From 2020, this personal and cultural link was strengthened by professional and social integration in Poland. The Player moved there with his wife, established his domicile, and played for the Polish club STAL Nysa for three consecutive seasons between 2020 and 2023. During this time, his connection to Tunisia weakened significantly, as he ceased participating in national team activities after September 2021 and rarely returned to Tunisia.
- Because it is impossible for an athlete to hold dual sporting nationalities, unlike civil nationality, the Appellant felt that remaining registered under the Tunisian federation no longer reflected his true sporting and personal reality.
- After careful consideration, he formally requested in March 2023 to change his FoO from Tunisia to Poland.

- Despite fulfilling the formal requirements under the FIVB Sports Regulations, including acquiring the new nationality, paying the prescribed fee and having the consent of the FoO, the FIVB rejected the request. Initially, no reasons were provided.
- Only subsequently did the FIVB cite broad justifications such as the Appellant's past representation of Tunisia at senior level, the objective of protecting smaller federations from losing developed players to larger federations, and the Appellant's perceived sporting value to Tunisia. The Appellant argues these criteria were neither published nor clearly defined and have been applied inconsistently in comparable cases. He highlights, for instance, that in a recent matter, the 2022-01 case the Appeals Panel approved a similar request based mainly on the player's consistent desire to represent another federation.
- The Appellant further criticises the procedure. Indeed, the FIVB made its decision without a hearing, refused to provide minutes of the FIVB Executive Committee meeting where the decision was taken, and only disclosed its reasoning long after the decision itself. In the Appellant's view, this lack of transparency, together with vague and unpublished criteria, breaches fundamental legal principles recognised under Swiss association law and consistent CAS jurisprudence.

b. Lack of transparency in the FIVB's process

- The Appellant submits that the process under Article 5.2 of the FIVB Sports Regulations is characterised by a total absence of transparency. There are no publicly available guidelines, objective criteria or precedents explaining how the FIVB interprets and applies the requirement that a request to change FoO must be of "*reasonable and justifiable character*".
- The FIVB keeps the minutes of its Executive Committee meetings confidential and refuses to publish any prior decisions that might illustrate its approach.
- This opaque process makes it impossible for players to anticipate which facts or arguments are decisive, and leaves decision-making power concentrated within a small circle of officials who alone know the unwritten criteria.
- The Appellant argues this creates a structural inequality and unpredictability that is incompatible with the principle of legality under Swiss association law, which requires associations to adopt clear rules and to apply them transparently and consistently.
- In the Appellant's view, his request to obtain the FIVB Executive Committee minutes was a legitimate effort to clarify the actual grounds of the refusal. The Appeals Panel, by rejecting this request and criticising the Appellant for relying on submissions made by the FIVB in other cases, failed to appreciate that the Appellant had no other means to understand the FIVB's reasoning.

c. Reliance on unsupported factual allegations

- The Appellant further argues that the Appeals Panel based its decision on factual assertions advanced by the FIVB without presenting any evidence, contrary to the principle that the burden of proof rests with the party making an assertion from which it seeks to derive a right.
- The Appeals Panel accepted, for example, the claim that the period from ages 15 to 18 is pivotal to a volleyball player's development, without reference to scientific studies, statistics or expert reports.
- Similarly, the Panel accepted that the Appellant benefited significantly from the FoO's sporting structure, and that the Appellant's value to Tunisia as a lower-ranked federation justified denying the change, yet no evidence was produced to quantify or substantiate these claims.
- There was also no proof that the Player's departure would have a concrete or measurable impact on the FIVB Empowerment Programme, which the FIVB cited as an additional justification.
- The Appellant points out that he has not played for the Tunisian national team for over three years, financed the change request himself, and neither expressed nor received any promise of selection from the Polish federation.

d. Arbitrary and unpredictable exercise of discretion

- The Appellant recognises that Article 5.2 grants the FIVB Executive Committee discretionary power to assess whether a requested change is "*reasonable and justifiable*". However, established CAS jurisprudence and principles of Swiss association law require that such discretion be exercised within the limits of legality, predictability and non-arbitrariness. Discretion must be guided by published criteria, precedents or at least transparent reasoning.
- In this case, the Appellant argues the FIVB Decision reflects an arbitrary exercise of power. The absence of published criteria or official explanations made the outcome unforeseeable. The refusal to share the factual basis and reasoning of the decision compounded this unpredictability.
- Furthermore, the Appellant notes that in a recent similar case, the 2022-01, the FIVB Appeals Panel approved a nationality change largely based on the player's sincere and sustained desire to represent another federation, despite similarly limited objective ties. The inconsistent handling of these cases illustrates an unpredictable and unequal application of discretion.
- The Appellant also relies on legal scholarship, notably Dr. Hafner, who underlines that predictability is a fundamental part of the legality principle in Swiss association law. Associations exercising regulatory power over members must provide clear and

foreseeable rules so that those affected can understand in advance the criteria that will guide decisions.

- The Appellant submits that the FIVB failed in this duty as it offered no publicly available explanation of what it considers “*reasonable and justifiable*”, disclosed no prior decisions or guidelines, and refused to provide its Executive Committee minutes.
- The Appellant argues predictability is not an abstract ideal but essential to legal certainty and fairness. The Appeals Panel compounded the issue by confirming the FIVB Decision without verifying the actual factors considered or demanding evidence of those factors.
- By failing to establish and communicate objective criteria, and then refusing to explain its reasoning, the FIVB violated the principle of predictability.
- The Appellant further submits that the FIVB’s change of position also breached the principle of good faith.

e. Conclusion

- Taken together, the Appellant’s arguments are that the FIVB process lacked transparency. The Appealed Decision relied on unproven assertions while discretion was exercised arbitrarily and inconsistently, contrary to established legal standards.
- The Appellant contends this violates the principles of legality, predictability, equal treatment and good faith recognised under Swiss association law and supported by CAS jurisprudence.
- Accordingly, the Appellant respectfully requests that the Appealed Decision be set aside, and that his request to change his sporting nationality from Tunisia to Poland be approved in a manner consistent with transparent, predictable and fair procedures.

f. The Appellant’s prayers for relief

- In his Appeal Brief, the Appellant sought the following relief:

“ IV. Request for relief

124. The Player requests the CAS to:

- *agree to use the French original version of the Thesis (**Exhibit 20**) and, in case no agreement would be received, to provide an English translation of the relevant extracts within a reasonable timeframe to be decided by the Sole Arbitrator; and*
- *order the FIVB to provide, during the present proceedings, the minutes of the FIVB Executive Committee meeting under which the refusal of the Change is recorded.*

125. The Player requests an award to be rendered by the CAS, per which:

- *the present appeal is upheld;*

- *the FIVB Appeals Panel Decision is overturned;*
- *the Change is found reasonable and justifiable;*
- *the Change is accepted;*
- *the Change is effective as from November 30, 2023;*
- *the FIVB is ordered to:*
 - *notify the Former FoO about the approved Change;*
 - *change in the FIVB database the Player's federation of origin from Tunisia to Poland; and*
 - *reimburse the Player the administrative fee paid with respect to proceedings before the FIVB Appeals Panel, i.e. two thousand Swiss franc (CHF 2.000); and*
 - *indemnify the Player for all incurred legal expenses (including attorney's fees) and costs up to an amount to be determined during the CAS proceedings."*

B. The Respondent

52. The Respondent's submissions, in essence, may be summarized as follows:

a. The Appellant's connection to Poland

- The Respondent disputes the factual account provided by the Appellant concerning his formative years and the nature of his links to Tunisia and Poland, arguing that the Appellant's version is both incomplete and unsupported by credible evidence.
- The Appellant claims that prior to turning 18 years old, he played volleyball only in a privately run club in Tunisia and was never part of any excellence programme operated by the TVF. However, the Appellant has failed to provide any reliable details about this alleged club, such as its name, its location, the level of competition it played in, or even the precise number of years he spent there.
- Moreover, no documentary evidence or witness statements have been submitted by the Appellant to substantiate the claim that he played solely in an informal setting and outside the TVF's organised structure. For this reason, the Respondent submits that this assertion cannot be accepted as credible.
- By contrast, the Respondent has produced clear and documented evidence showing the Appellant's deep and longstanding integration into the official volleyball structure in Tunisia, which is overseen and sanctioned by the TVF.
- From 2008 onward, the Appellant participated in the Tunisian volleyball league system, playing initially at junior level and then at senior level. By at least the 2013/2014 season, the Appellant was a registered player with Esperance Sportive de Tunis, a highly respected and decorated professional club that competes in Tunisia's top division, the Division nationale A. This fact is supported by official match reports and the witness statement of Ms. Aida Hlila, Secretary General of the TVF.

- In addition to his club career within the Tunisian league, the Appellant's close association with the TVF is further demonstrated by his selection for the national teams.
- Since 2012, the Appellant played for the under-19 and under-21 Tunisian national teams, including participation in significant international tournaments such as the U21 African Championships and the U19 World Championships.
- At the age of 17, he progressed to the senior men's national team, where he played from 2013 until 2021. During these years, the Appellant participated in eight international competitions and took part in annual national team camps organised by the TVF, which typically lasted around two months each year. Throughout this period, the Appellant benefited materially from the TVF, receiving financial support covering travel and accommodation expenses, as well as a salary paid to all national team players.
- Notably, during the Appellant's time with the senior national team, Tunisia achieved considerable sporting success, including winning the African Continental Championships in 2017, 2019, and 2021. Following these victories, the TVF paid bonuses to all players, including the Appellant. This further underlines the Appellant's central role in the national team and the sustained benefits he derived from the TVF over many years.
- Beyond the Appellant's individual involvement, his entire family has strong ties to Tunisian volleyball and to the TVF. Such family background demonstrates the Appellant's deep and enduring connection to Tunisian volleyball.
- Regarding his club career abroad, it is undisputed that the Appellant left Tunisia to pursue professional opportunities, playing in France for six consecutive seasons. He subsequently moved to Poland, where he played for Stal Nysa for three seasons between 2020 and 2023. Afterward, he played briefly in Qatar before joining Sir Safety Perugia in Italy, where he has been playing since 2023. This career history is supported by official transfer documentation.
- The Appellant claims to have built a strong connection with Poland during his three seasons there, arguing that he and his wife were fully integrated into Polish life. Yet the evidence provided by the Appellant to support this assertion is both minimal and inadequate.
- Further, several factual claims made by the Appellant about his Polish connections lack specificity and supporting evidence. For example, he claims to have attended annual events organised by the Polish embassy in Tunisia but provides no details about these events: no dates, no programme information, no photographs, nor testimony from other attendees.
- Likewise, the claim that he travelled to Poland on holiday every year is vague and entirely unsubstantiated, with no indication of when these trips occurred, their

duration, who accompanied him, or what activities he undertook that would show meaningful connection to Poland.

- Finally, the Appellant argues that he currently plays in Italy only because he did not receive a satisfactory offer from a Polish club. Again, this assertion is made without any supporting evidence, such as correspondence from clubs, offers, or other documentary proof showing that he sought to remain in Poland but was unable to do so.
- In summary, the Respondent submits that the Appellant's claim to be only superficially linked to the TVF and deeply integrated into Poland is contradicted by clear, documented evidence of his formative sporting years in Tunisia, his significant role and long-standing benefits received as a player for the Tunisian national team, and his family's enduring ties to the TVF and Tunisian volleyball. The Respondent therefore maintains that the Appellant's request to change his FoO lacks factual foundation and is not justified under the applicable sporting regulations.

b. Lawful exercise of discretion under Article 5.2

- The Respondent submits that the Appellant's requests for relief must be dismissed in their entirety, as the FIVB Decision to reject the Appellant's request to change his FoO from Tunisia to Poland was a lawful, proportionate, and reasonable exercise of the discretion expressly conferred by Article 5.2 of the FIVB Sports Regulations.
- The Respondent emphasizes that this discretion is deliberately broad, allowing the FIVB Executive Committee to weigh the interests of the player, the FoO, and the wider sporting community.
- Under established CAS jurisprudence applying Swiss association law, such discretionary powers enjoy a wide margin of appreciation and can only be overturned in cases of manifest arbitrariness, misuse of power, discrimination, or violation of the federation's own rules. The Respondent submits that none of these circumstances is present in the case at hand.
- The Respondent further contends that the Appellant's request to change his FoO was not "*reasonable and justifiable*" within the meaning of Article 5.2. The Appellant played for the Tunisian senior national team until 2021 and benefited from years of investment, training, and support by the TVF, which established a strong and continuing sporting bond. The Appellant's personal wish to align his sporting nationality with family ties to Poland and club participation in the Polish league does not constitute a sufficiently compelling reason to override the interests of the FoO.
- The Respondent argues that granting the request would have directly undermined the FIVB's objective of protecting the competitiveness of lower-ranked federations, which risk losing their best-developed players to higher-ranked or wealthier federations, ultimately threatening the balance and global development of the sport.

- In response to the Appellant's allegations of arbitrariness, discrimination, and procedural unfairness, the Respondent submits that the decision-making process fully complied with the applicable rules and fundamental principles of fairness.
- The Appellant was informed of the governing rules and had the opportunity to submit his arguments in writing before the Appeals Panel. The decision was communicated to him, with reasons explaining why the request was not considered reasonable and justifiable.
- The Respondent emphasizes that the nature of the discretion under Article 5.2 necessarily requires a case-by-case assessment, and that the absence of detailed guidelines or exhaustive criteria does not render the rule arbitrary. Differences in outcomes compared to prior cases reflect factual and sporting differences, not inconsistent treatment.
- Moreover, the Respondent rejects the claim that the principle of predictability was violated. It points out that the high standard of predictability identified in CAS jurisprudence applies mainly to disciplinary or doping regulations, where consequences for athletes are severe and potentially career-ending, thereby requiring detailed and precise rules.
- In contrast, the rules governing changes of sporting nationality are administrative in nature and do not prevent the Appellant from playing for his club, participating in major competitions, or representing the Tunisian national team. The Respondent argues that the framework provided by Article 5.2, which requires changes to be "*reasonable and justifiable*", is sufficiently clear and foreseeable for the purpose it serves, and that the Appellant has failed to show that its application was unforeseeable, irrational, or abusive in his particular case.
- The Respondent also denies that it breached the principle of good faith. The FIVB Executive Committee considered and expressly acknowledged the Appellant's desire to change his FoO, but determined, after balancing all relevant interests, that this personal wish did not justify overriding the legitimate opposition of the TVF. The Respondent underlines that each case must be assessed on its individual facts and that the existence of other decisions approving a change of FoO does not compel the same result here, where the factual context and sporting interests differ.
- Finally, the Respondent argues that the Appealed Decision was consistent with the FIVB's statutory duty to protect the integrity of national team competitions, promote competitive balance among federations, and safeguard the investments made by federations in developing their players. Granting the Appellant's request would have set an undesirable precedent, encouraging the transfer of fully developed players from smaller to stronger federations for personal or commercial reasons, thereby undermining the sustainability of national programmes and the sport's global development. The Respondent adds that the Appellant remains free to continue his professional club career, including in Poland, and to compete internationally for Tunisia, which remains a successful national team within its continental context.

- In conclusion, the Respondent respectfully requests that this Appeal be dismissed in its entirety, the decision of the FIVB Appeals Panel be upheld, and the Appellant's request to change his FoO be definitively rejected as unjustifiable and unreasonable.

c. The Respondent's prayers for relief

53. In its Answer, the Respondent sought the following relief:

"For the reasons stated above, the Respondent herewith respectfully requests the CAS to:

- 1. dismiss all prayers for relief submitted by the Appellant;*
- 2. order the Appellant to pay the costs of the proceedings before the CAS;*
- 3. order the Appellant to contribute to the FIVB's legal and other costs incurred in connection with these proceedings, in an amount to be determined at the discretion of the Panel."*

V. JURISDICTION

54. Article R47 of the Code provides as follows:

"An appeal against the decision of a federation, association or sports-related body may be filed with CAS if the statutes or regulations of the said body so provide or if the parties have concluded a specific arbitration agreement and if the Appellant has exhausted the legal remedies available to it prior to the appeal, in accordance with the statutes or regulations of that body."

55. The Appellant relies on Article 20 of the FIVB Disciplinary Regulations as conferring jurisdiction to the CAS, which provides as follows:

"A further appeal against the decision by the Appeals Panel can only be lodged with the Court of Arbitration for Sport in Lausanne, Switzerland, within twenty-one (21) days following receipt of the decision."

56. The jurisdiction of the CAS is not contested by the Respondent.
57. Moreover, all Parties expressly confirmed the jurisdiction of the CAS by signing the Order of Procedure, and they fully participated in these proceedings without objection.
58. Therefore, the Sole Arbitrator confirms that CAS has jurisdiction to decide this dispute.

VI. ADMISSIBILITY

59. Article R49 of the Code provides as follows:

“In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. The Division President shall not initiate a procedure if the statement of appeal is, on its face, late and shall so notify the person who filed the document. When a procedure is initiated, a party may request the Division President or the President of the Panel, if a Panel has been already constituted, to terminate it if the statement of appeal is late. The Division President or the President of the Panel renders her/his decision after considering any submission made by the other parties.”

60. Article 20 of the FIVB Disciplinary Regulations provides the following:

“A further appeal against the decision by the Appeals Panel can only be lodged with the Court of Arbitration for Sport in Lausanne, Switzerland, within twenty-one (21) days following receipt of the decision.”

61. The Appealed Decision dated 5 September 2024 was notified to Appellant on 10 September 2024.

62. On 1 October 2024, the Appellant filed his Statement of Appeal.

63. Pursuant to Article 20 of the FIVB Disciplinary Regulations, the Appellant's Statement of Appeal was filed within the prescribed 21-day deadline from the date of receipt of the Appealed Decision and is therefore deemed timely.

64. The Respondent did not otherwise object to the timeliness of this Appeal.

65. The Statement of Appeal further complies with the requirements of Article R48 of the Code. Accordingly, the Sole Arbitrator confirms that this Appeal is admissible.

VII. APPLICABLE LAW

66. Article R58 of the Code provides as follows:

“The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to 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 Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.”

67. The Sole Arbitrator observes that the present Appeal is directed against a decision issued by the Appeals Panel of the FIVB.

68. The Appealed Decision was rendered in accordance with the FIVB regulations, and in particular under the FIVB Sports Regulations, 2022 edition, which was the edition in force at the time of the relevant facts giving rise to the dispute.

69. Both Parties explicitly refer to the FIVB regulations and relevant CAS jurisprudence, and neither contests their applicability in this matter.
70. Accordingly, the Sole Arbitrator concludes that, pursuant to Article R58 of the Code, the “*applicable regulations*” are the FIVB regulations, notably the FIVB Sports Regulations 2022 edition.
71. Moreover, as the FIVB has its registered seat in Switzerland, Swiss law shall apply subsidiarily to interpret or supplement these regulations where necessary.

VIII. SCOPE OF THE PANEL’S REVIEW

72. According to Article R57 of the Code:

“The Panel has 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. [...]”

IX. MERITS

A. Preliminary remarks

73. The Appellant raises concerns regarding the lack of reasoning in both the FIVB Decision and the Appealed Decision, asserting that the absence of transparency, such as the refusal to disclose the FIVB Executive Committee’s minutes, the lack of publicly available guidelines or precedents, violates fundamental principles of procedural fairness, equal treatment, and predictability. As a result, the Appellant contends that he was unable to fully understand the basis on which the Respondent rejected his request to change his FoO. He further notes that no hearing was held before the Appeals Panel.
74. As regards to the alleged procedural issues raised by the Appellant, it is well-established in CAS jurisprudence that the CAS *de novo* review generally enables any procedural flaws in the lower instances to be cured (see CAS 2015/A/4162, CAS 2014/A/3848, CAS 2013/A/3256).
75. Pursuant to Article R57 of the Code, the Sole Arbitrator has the authority to review both the facts and the law *de novo* on appeal. This The *de novo* review power means that any alleged procedural irregularities or violations of the Appellant’s procedural rights that may have occurred in the underlying proceedings are cured through the present arbitration before the CAS (*see* F v. FINA CAS 96/156 p.61, M v. Swiss Cycling CAS 2001/A/345).
76. For this reason, the Appellant’s claim concerning the procedural flaws before the Appeals Panel is dismissed as moot.

77. As mentioned above (see para. 46), the Appellant's request for production was considered moot as the requested documents did not exist. The Appellant declined to submit any further requests for production of documents.

B. The applicable regulatory framework and standard of review

78. The issue in dispute in the present case concerns the lawfulness of the FIVB Decision, as upheld in the Appealed Decision, whereby the Appellant's request for a change of FoO from the TVF to the PVF was refused. The Appellant argues that the refusal was arbitrary and unforeseeable, given his Polish nationality, long-standing residence in Poland, and the PVF's agreement to the change. He further claims that the decision breached the principle of predictability, as it lacked sufficient reasoning and deprived him of the ability to foresee the legal consequences of his request. The core legal question before the Sole Arbitrator is whether the Appealed Decision is contrary to the applicable regulations or violates fundamental legal principles in a manner that would justify its annulment.
79. In addressing this matter, the Sole Arbitrator begins by considering the applicable regulatory framework.
80. As explained by Dr. Yann Hafner, the concept of sporting nationality was developed by International Federations ("IFs") to define eligibility rules for participation in competitions between national teams. It is linked to the notion of sporting geography and national representation. IFs can regulate who may represent a national federation in the competitions they organize.
81. He further clarified that each IF establishes its own rules governing the election of sporting nationality. That is, the process by which an athlete becomes tied to a specific national federation for the purpose of participating in international competitions. As a corollary, IFs also regulate the conditions under which a change of sporting nationality may occur. These rules typically set out the legal and sporting link that must exist between the athlete and the national federation concerned.
82. In volleyball, the relevant concept is the FoO, codified in Article 5.2 of the 2022 FIVB Sports Regulations. This provision stipulates that a change of FoO may only be approved if five cumulative conditions are met, including the establishment of residence in the country of the new federation, the acquisition of its nationality, and the agreement of both the original and new federations. Where the FoO refuses to grant its consent, the provision confers upon the FIVB Executive Committee a discretionary power to determine, in its sole judgment, whether the requested change is "*reasonable and justifiable*" provided the FoO is given an opportunity to explain its reasons for opposing the change:

"5.2 CONDITIONS

A change of Federation of Origin (hereinafter "the Change") may be approved only if the following conditions are cumulatively met:

5.2.1 *The player has established residence in the country of his new Federation of Origin (hereinafter “the new Federation”) for a minimum of two (2) continuous years immediately prior to the time of filing the application for the Change.*

5.2.2 *The player has obtained the nationality of the country of the new Federation.*

5.2.3 *The player’s Federation of Origin agrees to the Change.*

5.2.4 *The new Federation agrees to the Change.*

5.2.5 *The applicable administration fee for the Change has been paid to the FIVB (see Article 5.3 below).*

*In the event that the player’s Federation of Origin does not agree to the Change under Article 5.2.3 and the wording of Article 5.2.3 notwithstanding, the FIVB Executive Committee shall **have the unequivocal right to determine, in its sole discretion, whether the Change is reasonable and justifiable** and to approve the Change, provided that the FIVB Executive Committee gives an opportunity to the player’s Federation of Origin to explain the reasons for its disagreement.”*

(Emphasis added)

83. At the hearing, Mr. Bock indicated that this discretionary power was intentionally introduced in 2020 as a safeguard to prevent potential abuse or arbitrary obstruction by a FoO.
84. Dr. Hafner confirmed that the key criteria under Article 5.2, namely residency, nationality and the agreement of the relevant federations, are objective in nature. In cases where the FoO does not agree, Article 5.2 provides for a discretionary review by the FIVB Executive Committee, which may still approve the change if it is deemed “reasonable and justifiable” despite the refusal. This structure was described by Dr. Hafner as a “safety net”, ensuring that the process cannot be frustrated by an arbitrary refusal from the FoO.
85. The Sole Arbitrator notes that this structure, which combines objective criteria with an ultimate discretionary power to prevent arbitrariness, aligns with similar mechanisms adopted by other IFs, such as FIBA and World Athletics, which similarly vest discretionary authority in their governing bodies to override a national federation’s refusal under certain conditions.
- FIBA Internal Regulations, Players and Officials, Book 3, Chapter 1, Article 21:
- “A player who has played (see article 3-17) for a national team in a main official competition of FIBA (see article 2-3) only before reaching his or her seventeenth (17th) birthday may play for a national team of another country if both National Member Federations agree; in the absence of an agreement the Secretary General decides.”*

- World Athletics Eligibility to Represent a Member Rules, Article 1.8:

“World Athletics will have discretion (which it may delegate to a committee or panel) to waive or vary any of the requirements of this Rule in circumstances that are deemed exceptional.”

86. As explained by Dr. Hafner during the hearing, such discretion is standard in international sport and is both necessary and legitimate, provided it is exercised in accordance with the objectives of the relevant rule and with respect for the athlete’s rights and the association’s autonomy.
87. In light of Swiss law and established CAS jurisprudence, including CAS 2018/A/5888 and CAS OG 22/11, the Sole Arbitrator recalls that the discretionary powers of decision-making bodies of Swiss associations are broad and that such discretion must only be interfered with where the decision is clearly unlawful, arbitrary, discriminatory, abusive, or in breach of mandatory legal principles or the association’s own rules. The Sole Arbitrator must therefore act with restraint, intervening only where the Appealed Decision is manifestly unjust or evidently unreasonable. In this regard, the notion of arbitrariness or abuse must be understood as requiring a high threshold of proof and must be assessed within the context of the association’s freedom of self-regulation under Swiss law (CAS 2018/A/5888, para. 200; CAS 2020/A/7090, paras. 150-151).

C. Principle of predictability

88. Against this backdrop, the Appellant contends that Article 5.2 of the FIVB Sports Regulations does not meet the standard of legal certainty required by the principle of predictability. In particular, the Appellant challenges the final paragraph of this provision, which permits the FIVB Executive Committee to authorise a change of FoO without the consent of the original federation where the circumstances are considered *“reasonable and justifiable”*. According to the Appellant, this language is overly vague, rendering the application of the rule unforeseeable. The Appellant submits that the terms *“reasonable”* and *“justifiable”* are not defined in the regulations, that no internal guidelines or interpretive criteria have been made available to stakeholders, and that this lack of clarity prevents athletes from assessing, with any reasonable degree of certainty, how the FIVB Executive Committee is likely to assess such requests. In his view, this lack of clarity introduces excessive subjectivity into the process, undermines procedural transparency, and ultimately breaches the principle of predictability.
89. The Respondent disputes this, maintaining that the applicable standard of predictability is lower in the context of eligibility or sporting nationality rules than in the context of disciplinary or anti-doping provisions. According to the Respondent, the Appellant has not demonstrated that the provision itself is unforeseeable, nor that it was applied in an inconsistent or abusive manner in the present case. The Respondent further argues that the Appellant directed his criticism primarily against the abstract

wording of the rule, without showing how the FIVB Decision and the Appealed Decision violated predictability in its concrete application.

90. The Sole Arbitrator recalls that the principle of predictability is a well-established tenet of sports law, and its purpose is to ensure that persons subject to regulations can reasonably foresee the legal consequences of their actions. This principle is grounded in the broader concepts of legal certainty and due process and has been affirmed in multiple CAS decisions, including CAS 2019/A/6330 and CAS 2014/A/3621. However, the required standard of clarity varies depending on the nature and function of the rule. In disciplinary or doping matters, where sanctions may significantly impact an athlete's professional career or livelihood, CAS panels apply a particularly strict standard of clarity.
91. This higher threshold, however, is not automatically transposed to administrative or eligibility rules unless it is demonstrated that their application has similarly severe consequences. The Sole Arbitrator notes that in CAS 2019/A/6330, a stricter predictability standard was applied because the rule in question concerned an athlete's eligibility to participate in a world-level competition, which could decisively affect his or her career:

"85. As a starting point, the Sole Arbitrator considers and fully adheres to the following consideration retained by a previous important CAS panel (CAS 94/129, para. 34):

"Regulations that may affect the careers of dedicated athletes must be predictable. They must emanate from duly authorised bodies. They must be adopted in constitutionally proper ways. They should not be the product of an obscure process of accretion. Athletes and officials should not be confronted with a thicket of mutually qualifying or even contradictory rules that can be understood only on the basis of the de facto practice over the course of many years of a small group of insiders".

86. The Sole Arbitrator finds that this longstanding jurisprudence is also applicable to regulations that govern procedures that may have very important consequences on a party (as it was retained in CAS 2014/A/3621, para. 115), such as the refusal to accept the participation of an athlete to a world competition based on a double nationality issue.

87. Consequently, the Sole Arbitrator finds it important to refer to the "principle of legality" ("principe de légalité") which must be respected when interpreting Article 2(5) of the Applicable Statutes, being reminded that such principle requires that offences and sanctions must be clearly and previously defined by law and precluding the "adjustment" of existing rules to apply them to situations or behaviours that the legislator did not clearly intend to penalize (CAS 2011/A/2670, para. 8.13). In this respect, the Sole Arbitrator observes that CAS awards have consistently held that sports organizations cannot impose sanctions without a proper legal or regulatory basis for them and that such sanctions must also be predictable ("predictability test"). CAS case law (for example CAS 2011/A/2670, para. 8.13; CAS 2007/A/1437 para.

8.1.8) has also held that inconsistencies in the rules of a federation will be construed against the federation (*contra proferentem* principle).

88. The Sole Arbitrator is of course aware of the fact that the eligibility rules of a sport organization, including the ones at stake in these proceedings, are usually administrative rules, are usually not disciplinary in nature nor have any sanctioning purpose (although in some cases it may also be related to disciplinary issues). Yet, considering the overall framework and organization of the sport activity in national and international levels, and the affiliation of the athletes to a sport organization, being subject to its statutes and rules, and especially considering the importance of the participation of an athlete in the sport events organized by the sport organizations, the rules that define the eligibility to participate in the sport events, and for sure the major sport events such as the national, continental or world competitions, should be drafted in a very clear and predictable way. This important goal should also be imposed and achieved by applying the “principle of legality” either directly or by analogy.

89. When interpreting Article 2(5) of the Applicable Statutes according to the above principles, the Sole Arbitrator agrees with the Appellant that its reference to the fundamental principles of the Olympic Charter is not sufficient to predict an automatic direct application of the Olympic Charter as a whole, including its Rule 41, to the Applicable Statutes. One can indeed hardly deduct from such reference that all rules of the Olympic Charter – which govern mainly the IOC, the National Olympic Committees and the Olympic Games – will be applicable to an international competition organized outside the scope of the IOC’s powers. It is clear that any sanction or rule in the Olympic Charter that may affect the rights of athletes is not predictable when reading Article 2(5) of the Applicable Statutes.

90. The Sole Arbitrator further notes that Rule 25 of the Olympic Charter provides as follows:

“The statutes, practice and activities of the IFs within the Olympic Movement must be in conformity with the Olympic Charter, including the adoption and implementation of the World Anti-Doping Code as well as the Olympic Movement Code on the Prevention of Manipulation of Competitions. Subject to the foregoing, each IF maintains its independence and autonomy in the governance of its sport” (emphasis added).

91. In the Sole Arbitrator’s opinion, the fact that the Olympic Charter itself allows the International Federations to maintain their independence and autonomy to govern their sport is evidence that Rule 41 of the Olympic Charter, which pertains to a very specific rule regarding the eligibility of athletes to represent specific countries in the Olympic Games in cases of double nationality, is not part of the fundamental principles of the Olympic Charter in the meaning of this term within the Applicable Statutes. In this respect, and in support of his finding, the Sole Arbitrator notes that other International Federations which are part of the Olympic Movement have provided for different rules regarding the double nationality issue (see notably

regulations of FIFA, IAAF, FIBA) which evidences that they have autonomy to provide for different rules even if they are part of the Olympic Movement.

92. Finally, the Sole Arbitrator observes that, in any event, the wording of Rule 41 of the Olympic Charter suggests that such rule applies only to the participation in the Olympic Games organized by the IOC and that there is no rule in the Olympic Charter which provides for a general application of Rule 41 in competitions organized by International Federations. This is even more so in a sport that at present is not part of the Olympic Program.

93. In view of the above findings, the Sole Arbitrator concludes that the Applicable Statutes did not include in any direct way the application of Rule 41 of the Olympic Charter and therefore the Applicable Statutes could not prevent the participation of the Appellant to the World Roller Games 2019 representing Brazil.”

92. In the present case, the Appellant has not demonstrated that the consequences of the Appealed Decision are of such gravity as to fundamentally impair his professional career. At the hearing, he expressly stated that he does not intend to represent another national team following the requested change of FoO. He remains therefore eligible to compete for Tunisia, a national team with a strong international presence and continues to play at the highest level of international club volleyball, currently with Sir Safety Perugia. His participation in global competitions, including FIVB-sanctioned events, remains unaffected.
93. In light of these circumstances, the Sole Arbitrator finds that the Appealed Decision does not amount to an exclusion from professional sport or a denial of the Appellant's right to compete or right to work. Accordingly, the applicable threshold for legal predictability is lower. This is consistent with CAS jurisprudence, which recognises a distinction between rules that impose disciplinary sanctions and those governing eligibility or administrative status.
94. In this respect, although the wording of Article 5.2 is broad, it is not ambiguous. The provision sets out the formal requirements for a change of FoO and makes clear that the FIVB Executive Committee may, at its discretion, approve such a change if the request is deemed reasonable and justifiable, even without the consent of the former FoO. This clearly signals to athletes that the fulfilment of procedural criteria does not guarantee approval, and that a discretionary evaluation will follow.
95. The mere fact that a rule confers discretion on a decision-making body does not, in itself, breach the principle of predictability, particularly where the discretion is confined to specific circumstances, exercised for a legitimate objective, and accompanied by procedural safeguards. The purpose of the final paragraph of Article 5.2 is to balance the interests of athletes seeking to change their sporting nationality with the legitimate expectations of national federations concerning the return on their investment in player development and the integrity of national team representation. The provision also ensures procedural fairness by requiring that the FoO be given an opportunity to be heard before any such decision is taken.

96. Moreover, the Appellant complains that the process before the FIVB Executive Committee lacked sufficient transparency, particularly because its decision did not cite any objective criteria or detailed reasons, and because minutes of the relevant meeting were not disclosed. The Sole Arbitrator acknowledges the Appellant's concern that the absence of published guidelines, case summaries, or precedent diminishes the transparency of the process and makes it more difficult for athletes to anticipate the outcome of their request. While this observation is not without merit and may warrant further attention by the FIVB in the interest of good governance, it does not by itself establish a violation of the principle of predictability. The relevant question is not whether every athlete can predict the outcome of their request with precision, but whether the rules governing the process are drafted with sufficient clarity to allow an informed understanding of the applicable procedure and the factors that may be considered.
97. The Sole Arbitrator acknowledges that in principle, the grounds of a decision by an IF are a fundamental element of ensuring fair and transparent treatment. The existence of written guidelines or a publicly available jurisprudence can enhance predictability and help athletes and federations better understand how discretionary criteria are interpreted and applied. However, the absence of such documents does not automatically mean that a decision is arbitrary or lacks transparency. What matters, ultimately, is whether the athlete received a meaningful explanation of the reasons underlying the decision and whether there is evidence that the decision was taken after a fair procedure.
98. In this respect, the Sole Arbitrator notes that the Appellant was notified of the grounds of FIVB Decision on 7 December 2023, even though there appears to be no regulatory obligation for the Respondent to do so. The grounds provided were sufficiently detailed to explain why the FIVB Executive Committee concluded that the Appellant's request did not satisfy the "*reasonable and justifiable*" criterion under Article 5.2 of the FIVB Sports Regulations. At the hearing, Mr. Bock, who was present during the relevant FIVB Executive Committee meeting, was cross-examined by the Appellant's counsel. Mr. Bock confirmed that no formal minutes of the discussion existed, and offered to prepare a summary of the discussions, though ultimately the Appellant declined this offer, considering that a post hoc summary was unnecessary if the original minutes did not exist.
99. While it is true that detailed minutes of the meeting could have provided further insight into the internal deliberations of the FIVB Executive Committee, such as the weight given to different arguments, possible dissenting views, or the specific factors considered, the Sole Arbitrator finds that the procedure nevertheless met the threshold of fairness and transparency required in this context. The Appellant had the opportunity to challenge the reasoning given, to question the decision-maker directly, and to test the consistency and credibility of the explanations provided by Mr. Bock. The grounds notified on 7 December 2023 were neither vague nor purely systematic. Rather, they gave the Appellant a concrete understanding of why his request had been refused. The Sole Arbitrator further notes that transparency, in this regulatory setting, does not necessarily require the publication of every internal document, provided the

athlete is meaningfully informed of the reasons for the decision and given an opportunity to contest them. Thus, although formal minutes were not provided, the Appellant was offered the option of receiving a written summary of the internal discussions and declined. In the view of the Sole Arbitrator, the Appellant was not denied a fair process, nor was he placed in a position of genuine legal uncertainty.

100. The Sole Arbitrator now turns to the Appellant's argument that the FIVB's rejection of his request was unpredictable in light of prior practice, in particular the 2022-01 case. The Appellant contends that the FIVB applied Article 5.2 inconsistently and that such inconsistency violated the principle of legal certainty and predictability. He relies specifically on the Appeals Panel's reasoning in 2022-01, where a player's request to change her FoO was granted on the basis of her "*clear, unambiguous wish*" to do so. The Appellant contends that his request was materially similar, as he too expressed a firm and unequivocal desire to change his FoO to a country with which he maintains meaningful personal, cultural, and familial ties. He asserts that the Respondent's rejection of his request, despite this similarity, reveals an arbitrary inconsistency in its interpretation and application of Article 5.2.
101. The Sole Arbitrator accepts that predictability is a cornerstone principle of sports law and, more broadly, of any administrative or quasi-judicial decision-making. Athletes and federations alike must be able to anticipate, with a reasonable degree of certainty, how rules will be applied. However, predictability does not imply mechanical uniformity. Discretionary decisions, under provisions like Article 5.2, inherently depend on the individual circumstances of each case. The principle of predictability thus requires consistency in the criteria and reasoning applied, not necessarily identical outcomes in all superficially similar cases.
102. In assessing whether there has been an inconsistency in the FIVB's practice, the Sole Arbitrator finds it important to distinguish the facts underlying the present Appeal and the 2022-01 case. In that case, the player was 18 years old at the time of the request and had developed her career largely within the receiving federation. According to the FIVB, this age bracket, between 15 and 18, is pivotal in an athlete's technical and physical development.
103. The Sole Arbitrator underscores, for example, that FIFA's Regulations on the Status and Transfer of Players include a training compensation mechanism, which explicitly recognises that a player's training and education takes place between the ages of 12 and 23. The FIFA model thus reinforces the view that investments made in a player's development during youth and early adulthood carry substantial value and deserve regulatory protection.
104. Moreover, this age-sensitive perspective was equally echoed during the hearing by Dr. Hafner, who explained that age plays a significant role in balancing interests under Article 5.2. A younger player is generally still in a developmental phase, requiring ongoing investment from a national federation, while a mature player is more likely to act based on financial considerations and market value. Dr. Hafner observed that national federations naturally seek to retain players during their peak competitive

years in order to recoup their investment in development and training. These interests, he argued, are legitimate and must be weighed in with the athlete's own interests and the interests of the receiving federation.

105. In light of the above, the Sole Arbitrator finds several factors that materially distinguish the Appellant's circumstances from those in the 2022-01 case. Most significantly, the Appellant submitted his request at the age of 26, having already developed into a fully mature and internationally successful athlete. He had represented the Tunisian senior men's national team since the age of 17 and had played a central role in their continental success. The record indicates that he began competing at the highest level of the Tunisian domestic league during the 2013-2014 season and had already reached a professional status before his engagement with Polish clubs. The developmental phase that the FIVB seeks to protect through its regulatory discretion had already been completed.
106. Dr. Hafner clarified that the Respondent must consider not only the athlete's personal wishes, but also broader institutional and systemic interests. These include the FoO's right to a return on its developmental investment, the integrity of international competitions, and the need to avoid a system where wealthier or more successful national federations might "poach" already-developed talent from other countries. Thus, the Respondent's approach reflects a legitimate policy objective, which is to preserve the incentive structure for federations to invest in grassroots and youth development, knowing that they will not lose their most promising athletes at the height of their careers to better-resourced federations.
107. The Sole Arbitrator also accepts the testimony of Ms. Aida Hlila, Secretary General of TVF, who gave credible evidence regarding the longstanding involvement of the Appellant in Tunisian volleyball. She described how the Appellant's integration into the sport dates back to at least 2008 and includes not only sustained sporting participation but also deep familial connections to the national volleyball scene. Both of the Appellant's parents were prominent figures in Tunisian volleyball, and his siblings were also active at a competitive level. Ms. Hlila further detailed the TVF's support for the Appellant's career, including financial contributions covering travel, accommodation, salaries, and performance bonuses, particularly during victorious campaigns in the African Championships. The Sole Arbitrator accepts the evidence that the TVF invested financially and logistically in the Appellant's development. While Ms. Hlila's testimony regarding precise amounts was inconclusive due to ambiguities in currency and figures, the evidence overall supports the conclusion that the Appellant benefited from the TVF's support over many years. This is consistent with the broader regulatory objective, explained by the Respondent and Dr. Hafner, of protecting federations' investments and ensuring that athletes who receive substantial support do not immediately switch allegiance for reasons unrelated to sport.
108. As to whether the FIBV Executive Committee's refusal was based on relevant considerations, the Sole Arbitrator accepts the Respondent's explanation that its decision balanced multiple legitimate interests, such as the TVF's investment in his

development, the receiving federation's interests, and broader considerations about safeguarding the integrity of national team competitions.

109. In this regard, Dr. Hafner, during the hearing, articulated five core interests that must be balanced. First, there is the FoO's interest in retaining a player it has trained and invested in, and in continuing to be able to select the player for its national team. Secondly, there is the athlete's interest in pursuing an international career and competing at the highest level. Thirdly, there is the receiving federation's interest in strengthening its pool of eligible players for national team selection. Fourthly, there is the IF's interest as the "*guardian of the temple*" to ensure that transfers between federations do not undermine the continuity, credibility, and integrity of international competitions. Fifthly, there is the public interest, in maintaining a meaningful connection between players and the national teams they represent, so as to preserve fan engagement and national identification.
110. The Appellant's reliance on the isolated passage in the 2022-01 case, which referred to the player's "*clear, unambiguous wish*" as a justification for the change, must also be viewed in proper context. The phrase does not suggest that the player's personal desire was the sole basis for approval. Rather, it was one factor among others, including the player's young age and the substantial contribution of the receiving federation to her development. The Respondent has clarified that an athlete's wish, while relevant, cannot by itself justify overriding the consent requirement under Article 5.2. The Appealed Decision aligns with this approach and demonstrates a consistent application of the principle that all relevant factors must be weighed.
111. Moreover, the FIVB has an articulated policy rationale underpinning its approach, which the Sole Arbitrator finds to be consistent with legitimate regulatory objectives. Through its Empowerment Programme, the FIVB has directed financial and logistical resources toward the development of players across its member federations. This investment, aimed at globalising the sport and ensuring equitable development, would be undermined if national federations lost their best athletes at the peak of their careers without recourse or justification. The integrity of the international volleyball system therefore demands a high threshold for authorising FoO changes, particularly when the FoO has demonstrably invested in a player's career and when the athlete has not shown compelling sporting grounds for the transfer, such as the intention to represent the new federation in international competitions.
112. In the present case, the Appellant conceded at the hearing that he had no concrete intention of playing for any national team, thereby further weakening the rationale for overriding the TVF's refusal.
113. With this, the Sole Arbitrator notes that the regulatory framework allows for discretion precisely because cases involving a change of sporting nationality are inherently fact-sensitive and cannot be reduced to mechanical criteria. Article 5.2 empowers the FIVB Executive Committee to consider what is "*reasonable and justifiable*" in light of the full range of facts, including sporting history, development pathways, national federation investments, and athlete intention. The use of such language inherently

requires context-specific balancing, and the mere existence of different outcomes in different factual situations does not, without more, establish a violation of the principle of consistency.

114. The Respondent's reasoning in the present case was detailed, transparent, and consistent with the policy rationale underlying Article 5.2. The FIVB Executive Committee considered the Appellant's personal and familial ties to Poland, his years of residence in the country, and his lack of recent participation with the Tunisian national team. It also weighed these against the countervailing interest of the TVF, which continued to call him up for national duty and expressed a clear desire to retain him. In these circumstances, the Respondent's decision not to approve the change cannot be characterised as arbitrary or inconsistent with past practice.
115. Accordingly, the Sole Arbitrator concludes that the Appellant has not demonstrated that the Respondent applied Article 5.2 inconsistently or in a manner that would have created legitimate expectations of approval. The FIVB has provided a reasonable and coherent justification for the distinctions drawn between the present Appeal and the 2022-01 case. Its decision to deny the request was not based on irrelevant or arbitrary factors, but rather on a considered weighing of the relevant sporting, developmental, and institutional interests. There is therefore no breach of the principles of consistency or predictability in this respect.
116. Lastly, with respect to the principle of good faith invoked by the Appellant, it is argued that the Respondent acted inconsistently compared to the 2022-01 case, and that this differential treatment amounts to an act of bad faith. However, for the reasons explained above, the Sole Arbitrator finds this argument unconvincing. Each request for a change of FoO must be assessed individually, taking into account the specific facts and the relevant sporting context. The mere fact that the Respondent reached a different conclusion in another case, based on materially different circumstances, does not establish that it acted in bad faith or contrary to its own regulations. The Respondent demonstrably considered the Appellant's wishes, weighed them against other relevant interests, and provided a reasoned explanation for its decision.

D. Was the Appealed Decision based on unsupported allegations?

117. The Appellant challenges the legality of the Appealed Decision on two interconnected grounds. First, he contends that the FIVB's discretionary authority under Article 5.2 of the Sports Regulations was exercised in an abusive and arbitrary manner. Second, he claims that the underlying decision was based on allegations not supported by evidence, thereby violating the principle of burden of proof enshrined in Article 8 of the Swiss Civil Code and consistently applied in CAS jurisprudence.
118. At the outset, and as mentioned above, the Sole Arbitrator recalls that while IFs enjoy a degree of regulatory discretion, such discretion is not unbounded. It must conform to principles of legality, reasonableness, proportionality, and non-arbitrariness. In particular, any decision must be founded on reliable evidence, and not mere speculations or generalisations. Where a discretionary act rests upon unsubstantiated

facts, or where relevant facts are ignored, the exercise of that discretion may become abusive, and the decision rendered invalid.

119. The Appellant asserts that the Appeals Panel endorsed several allegations advanced by the FIVB Executive Committee without requiring supporting evidence. He particularly disputes the Appeals Panel's reliance on (i) an assertion that ages 15 to 18 are crucial to volleyball development, (ii) an unproven claim that the FIVB Executive Committee adequately balanced all relevant interests, and (iii) an unsubstantiated conclusion that the Appellant significantly benefitted from the TVF's support. He further challenges the assertion that his move would jeopardise the FIVB's Empowerment Programme and the view that his value to the TVF was greater than it would be to the PVF.
120. As to the developmental significance of the 15 to 18 age window, the Sole Arbitrator accepts that the FIVB and its Appeals Panel did not cite academic studies or technical reports. Nevertheless, the assertion is neither novel nor inherently unreasonable. As explained by Dr. Hafner at the hearing, whom the Sole Arbitrator considers to be a credible and knowledgeable expert, this age range is generally recognised across sports as a period of training and physical development. While the Appeals Panel could have strengthened its reasoning by referencing supporting material, the ruling itself does not strike the Sole Arbitrator as speculative or lacking plausibility. In fact, analogous principles appear in other sports governance frameworks, including FIFA's training compensation model.
121. The Appellant further submits that the Appeals Panel relied on the presumption that the FIVB Executive Committee properly balanced all relevant interests, without producing the minutes or internal documents evidencing such deliberation. The Sole Arbitrator appreciates that the absence of formal records limits external scrutiny of the decision-making process. However, it does not automatically invalidate the conclusion. Mr. Bock provided detailed oral evidence on the structure and substance of the deliberations. His testimony indicated that the FIVB Executive Committee took into account the Appellant's personal circumstances, his sporting history, the TVF's investment, and the wider implications for the FIVB's regulatory system. There is no evidence that key elements were ignored.
122. In this respect, it is also relevant that the Appellant openly stated during the hearing that he does not intend to represent any national team. The Sole Arbitrator considers this point determinative. Article 5.2 is not designed to facilitate administrative disassociation from a FoO for purely personal reasons, but rather to enable a meaningful sporting transition, one anchored in an intent to compete for a new national team. The absence of such an intent calls into question whether the request aligns with the object and purpose of the rule.
123. Regarding the alleged benefits received from the TVF, the Sole Arbitrator acknowledges that the evidence presented was not quantitatively precise. Ms. Hlila could not consistently verify exact sums or dates. However, the Sole Arbitrator is satisfied that her oral testimony, in combination with the Appellant's long-standing participation in national team activities, supports the conclusion that he did indeed

benefit from federation support over a substantial period. Participation in multiple African Championships, travel and accommodation support, and bonuses constitute meaningful contributions, even if not systematically documented.

124. The Appellant disputes the relevance and accuracy of the Appeals Panel's assertion that the TVF, as a lower-ranked federation, would suffer more from his departure than the PVF, a stronger federation, would gain. He contends that this conclusion was not supported by objective indicators such as national team rankings, commercial valuation, or recent competitive performance. The Sole Arbitrator acknowledges that no concrete data or comparative analysis was submitted in support of this statement, and therefore the argument remains unsubstantiated in this specific case.
125. That said, the Sole Arbitrator considers that the underlying rationale is broadly consistent with the regulatory purpose of Article 5.2 of the FIVB Sports Regulations. This provision is aimed at preventing imbalances in international competition by discouraging the systematic transfer of elite athletes from developing to more dominant federations, thereby preserving the integrity of national team representation. Such objectives have been recognised and upheld in CAS jurisprudence, including CAS 2007/A/1377, which affirmed the legitimacy of eligibility rules designed to deter "*nation shopping*" and protect the competitive balance among national teams.
126. Nonetheless, while this regulatory principle is valid in the abstract, the Sole Arbitrator finds that the Appeals Panel's specific reliance on the relative strength of the TVF and PVF is of limited probative value in this instance, given the absence of supporting evidence. Importantly, however, this line of reasoning was not decisive to the outcome of the Appealed Decision, which is independently justified on the basis of the Appellant's lack of sporting ties to the PVF and the significant role played by the TVF in his development. The Sole Arbitrator's assessment thus rests on more substantial and case-specific grounds.
127. On a different note, the Sole Arbitrator accepts that the FIVB's Empowerment Programme was referenced in the Appealed Decision without a detailed causality analysis. However, the Appellant did not establish that this omission was dispositive or that the Programme was misrepresented. The Programme is intended to strengthen the overall capacity of national federations, including through talent retention. It is not unreasonable for the FIVB to view the potential departure of a high-profile athlete from a developing federation as a factor relevant to the Programme's effectiveness, even in the absence of hard metrics.
128. Turning to the Appellant's broader claim that the FIVB's discretion was misused, the Sole Arbitrator finds no evidence of arbitrariness. The evidence shows that the FIVB considered the Appellant's age, his competitive history, his ties to Poland, the development investment of the TVF, and the importance of preventing opportunistic nationality transfers. These are legitimate considerations that fall well within the ambit of regulatory discretion. While it is true that discretion must not be applied *ex aequo et bono*, there is no indication here that the decision lacked legal or factual grounding.

129. In addition, the Sole Arbitrator acknowledges the Appellant's emotional, familial, and national ties to Poland, including his Polish nationality by descent and the presence of close family members residing there. These elements are relevant and deserving of consideration. However, from a sporting and regulatory perspective, the Appellant's ties to Poland as a receiving federation are not sufficiently compelling, particularly with respect to his athletic development. The evidence establishes that the TVF, not the PVF, was responsible for his training and development during his formative years and played a decisive role in shaping his professional trajectory. In contrast, the PVF has made no demonstrable contribution in this regard.
130. Accordingly, and as already stated above, the Sole Arbitrator is not persuaded by the Appellant's argument that the Respondent acted inconsistently or unpredictably by departing from the 2022-01 case. The two matters are factually distinct. In the 2022-01 case, the athlete was 18 years old, still undergoing her development as a player, and had received the majority of her training in the country to which she sought to transfer. By contrast, the Appellant was 26 years old and had already completed his sporting development well before relocating to Poland. In this respect, the Sole Arbitrator emphasizes the necessity of evaluating each case on its own merits, based on the specific circumstances and facts applicable to the athlete concerned.
131. Hence, while the Sole Arbitrator acknowledges that the Appellant has a personal connection to Poland, this interest must be carefully balanced against the legitimate interests of the FIVB, the TVF, the PVF, and the broader public interest in maintaining the integrity and fairness of international sporting regulations. In this respect, the Sole Arbitrator notes the following:
132. The Appellant's transfer history shows that he played in Poland for a total of three consecutive seasons, from 2020/2021 to 2022/2023, beginning at the age of 24. At that point, the Appellant was already a fully developed and internationally established athlete, having represented the Tunisian national team for more than seven years. Prior to his time in Poland, the Appellant spent six years playing in France and also competed in Qatar, further highlighting the international and mobile nature of his professional career. He is currently contracted to a club in Italy.
133. The Appellant claims that he has long-standing ties to Poland, citing as examples that part of his family resides there and that he visited Poland annually for holidays. However, he did not provide any documentary evidence specifying the frequency, duration, or locations of these visits. The Sole Arbitrator cannot, on the basis of unsubstantiated assertions, conclude that these visits support a significant, let alone dominant, personal integration into Polish society.
134. The Appellant also submits that he became fully integrated into the Polish community during his time playing in Poland. In support, he refers to documentation such as lease agreements and internet bills. However, such documents merely reflect the logistical requirements of residing temporarily in a foreign country and fall short of establishing genuine community integration or a deep-rooted connection to the PVF or Polish volleyball infrastructure.

135. Moreover, as emerged during the hearing, the Appellant expressly stated that he does not intend to represent any national team. He made it clear that his objective is not to join another national team, but rather that he “*wants to change so that he can feel more connected to Poland.*” This raises a fundamental concern regarding the purpose of the request. As Dr. Hafner persuasively explained, the rationale behind a change of FoO is primarily to allow an athlete to represent a new national team in international competition. Personal preference or dissatisfaction with a former federation, while relevant, cannot alone suffice.
136. The Sole Arbitrator therefore finds that the mere wish to change FoO absent any intention to represent the receiving federation in sport, cannot be regarded as a legitimate or sufficient basis for approval. Article 5.2 of the FIVB Sports Regulations vests discretion in the FIVB Executive Committee precisely to assess whether a change is both reasonable and justifiable, and not to rubber-stamp requests based solely on individual preference.
137. Accordingly, the Sole Arbitrator concludes that the Appealed Decision was not based on unsupported allegations nor was the discretion of the FIVB Executive Committee exercised in an abusive or arbitrary manner. The Appealed Decision reflects a legitimate application of Article 5.2, underpinned by relevant factual considerations and consistent with the FIVB’s regulatory objectives.
138. In light of the foregoing, the Sole Arbitrator finds that the Appealed Decision was correct in upholding the FIVB’s determination that the Appellant’s request for a change of FoO was neither reasonable nor justifiable under the circumstances.
139. Therefore, the appeal is dismissed in its entirety.

X. COSTS

(...)



TAS / CAS

TRIBUNAL ARBITRAL DU SPORT
COURT OF ARBITRATION FOR SPORT
TRIBUNAL ARBITRAL DEL DEPORTE

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by Mr. Wassim Ben Tara with the Court of Arbitration for Sport on 1 October 2024 against the Fédération Internationale de Volleyball with respect to the decision rendered by the Appeals Panel of the Fédération Internationale de Volleyball on 5 September 2024 is dismissed.
2. The decision rendered by the Appeals Panel of the Fédération Internationale de Volleyball on 5 September 2024 is confirmed.
3. (...).
4. (...).
5. All other motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

Date: 7 August 2025

THE COURT OF ARBITRATION FOR SPORT

Marianne Saroli
Sole Arbitrator