



TAS / CAS

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

CAS 2024/A/11090 Emilio Nsue López v. FIFA

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Mr Patrick Grandjean, Attorney-at-law, Belmont-sur-Lausanne, Switzerland

Arbitrators: Mr João Nogueira da Rocha, Attorney-at-law, Lisbon, Portugal

Mr Kepa Larumbe, Attorney-at-law, Madrid, Spain

in the arbitration between

Mr Emilio Nsue López, Spain and Equatorial Guinea

Represented by Mr Paolo Torchetti, Legal Counsel, Toronto, Ontario, Canada

- Appellant -

and

Fédération Internationale de Football Association, Zurich, Switzerland

Represented by Mr Miguel Liétard Fernández-Palacios, FIFA Director of Litigation and Mr Carlos Schneider, FIFA Director of Judicial Bodies

- Respondent –

* * * * *

I. PARTIES

1. Mr Emilio Nsue López, born on 30 September 1989, is a professional football player of Spanish and Equatoguinean nationality (the “Player” or the “Appellant”).
2. The Fédération Internationale de Football Association is an association under Swiss law and has its registered office in Zurich, Switzerland (“FIFA”). FIFA is the governing body of international football at worldwide level. It exercises regulatory, supervisory and disciplinary functions over continental confederations, national associations, clubs, officials and players worldwide.
3. The Player and FIFA are jointly referred to as the “Parties”.

II. FACTUAL BACKGROUND

4. Below is a summary of the relevant facts and allegations based on the Parties’ written submissions, pleadings, and evidence adduced in these proceedings. References to additional facts and allegations found in the Parties’ written submissions, pleadings, and evidence will be made, where relevant, in connection with the legal analysis that follows. While the Panel has considered all the facts, allegations, legal arguments, and evidence submitted by the Parties in the present proceedings, it refers in its Award only to the submissions and evidence it deems necessary to explain its reasoning.

A. *The matches played by the Player at International level*

5. Between 2005 and 2011, the Player played at international level for Spain as follows:
 - at U16 level: 3 friendly matches in 2005;
 - at U17 level: 3 friendly and 4 official matches in 2006;
 - at U19 level: 7 friendly and 13 official matches between 2006 and 2008;
 - at U20 level: 2 friendly and 7 official matches in 2009;
 - at U21 level: 5 friendly and 3 official matches between 2009 and 2011.
6. By means of letters dated 23 February and 4 March 2013, the Equatorial Guinea Football Association (the “FEGUIFUT”) informed FIFA that it requested from the Real Federación Española de Fútbol (“RFEF”) “*the release of the player*”, in order for him to play for its representative teams.
7. On 7 March 2013, FIFA informed the FEGUIFUT that a formal decision by the Players’ Status Committee was required for the Player’s change of association, in accordance with the Regulations Governing the Application of the Statutes (“RGAS”). FIFA also made it clear that the Player could not represent any national team until his application had been processed.

8. On 24 March 2013, the Player made his first official appearance for the FEGUIFUT in a FIFA World Cup 2014 preliminary competition match between Equatorial Guinea and Cape Verde.
9. On 3 April 2013, FIFA initiated disciplinary proceedings against the FEGUIFUT in relation to the match played on 24 March 2013.
10. On 13 May 2013, the FEGUIFUT was notified of the decision passed by the FIFA Disciplinary Committee in relation to the match played on 24 March 2013. A sanction was imposed on the FEGUIFUT, consisting of a CHF 12,000 fine and the loss of the match by forfeit.
11. On 8 June 2013, the Player made his second official appearance for the FEGUIFUT in a FIFA World Cup 2014 preliminary competition match between Equatorial Guinea and Cape Verde.
12. On 12 June 2013, Disciplinary proceedings were opened against the FEGUIFUT in relation to the match played on 8 June 2013.
13. On 11 July 2013, the FIFA Appeal Committee confirmed the decision passed by the FIFA Disciplinary Committee with regard to the match played on 24 March 2013.
14. On 19 July 2013, the FEGUIFUT was notified of the decision passed by the FIFA Disciplinary Committee in relation to the match played on 8 June 2013. A sanction was imposed on the FEGUIFUT, consisting of a CHF 30,000 fine and the loss of the match by forfeit. It is not disputed that this decision came into force.
15. On 22 August 2013, the FEGUIFUT submitted to FIFA a request for a change of association of the Player, supported by various documents. In particular, the FEGUIFUT provided an official decree issued on 1 August 2013 by the Ministry of Justice, Worship and Penitentiary Institutions of Equatorial Guinea confirming that the Player “recovered” his Equatoguinean nationality (free translation of “recuperación de la nacionalidad”) with effect as from 4 March 2013, *i.e.* from the date he filed his application in this regard, together with all the favorable rulings (free translation of “*con efectos desde la fecha de incoación del expediente con todos los pronunciamientos favorables.*”).
16. On 16 November 2013, the Player played a friendly match for the FEGUIFUT against Spain.
17. On 18 December 2013 and after various exchanges, FIFA informed the FEGUIFUT of the following (the “18 December 2013 Decision”) (as translated from Spanish into English by FIFA):

“Therefore, based on the documents currently in our possession, the player Emilio Nsue López does not appear to be entitled to request a change of association since, apparently, he only acquired Equatorial Guinean nationality after having played his first international match in the context of an official competition with the Royal Spanish Football Federation.

Notwithstanding the above and in the event that any element of the present matter has been overlooked, we kindly ask that you complete your request with all the necessary information and/or documentation you deem necessary, translated, if applicable, into one of the official FIFA languages (English, French, Spanish, and German”.

18. Between 24 March 2013 until 28 January 2024, the Player played for the representative teams of the FEGUIFUT in 42 matches. In particular, he participated in the FIFA World Cup 2026™ preliminary matches between Equatorial Guinea and Namibia on 15 November 2023, and between Liberia and Equatorial Guinea on 20 November 2023.

B. The proceedings before the FIFA Disciplinary Committee

19. On 14 March 2023, FIFA initiated disciplinary proceedings against the Player as well as against the FEGUIFUT for potential breaches of Articles 5 RGAS and 19 of the FIFA Disciplinary Code (“FDC”). The Player did not take part in the proceedings, although he had been duly invited to do so.
20. In a decision passed on 10 May 2024, in light of Article 5.3 RGAS and considering that the Player acquired the Equatoguinean nationality on 4 March 2013, the FIFA Disciplinary Committee ruled as follows: “[...]”
 36. *[The] Player, given his participation in matches in official competitions for the youth representative teams of Spain, was not entitled to play international matches for the representative team of another association until and unless he would have received a (favourable) change of association decision pursuant to art. 9 RGAS.*
 37. *However, such event never occurred. To the contrary, back in 2013, FIFA denied a request submitted by the [FEGUIFUT] for the change of association of the [Player] (in order for the latter to play for its representative teams).*
 38. *In other words, after having played his first match in an official competition for the (youth) representative teams of Spain, the [Player] was tied to said sporting nationality and could not play for the representative teams of another association – including those of the [FEGUIFUT] – in an official or non-official competition.*
 39. *Consistently with the above, the Committee was left with no other alternative but to conclude that the Player was still tied to his Spanish “sporting nationality” and consequently was, at all times, ineligible to play for the representative teams of Equatorial Guinea.*
 40. *In sum, the Committee was satisfied that the [Player] participated in numerous matches for the representative teams of Equatorial Guinea despite being ineligible, and, as such, had to be held liable for a breach of art. 5.3 RGAS as read in conjunction with art. 19 FDC.*

41. *By way of consequence, the Committee considered that the [Player] had to be sanctioned accordingly.”*
21. With respect to the sanction to be imposed, the FIFA Disciplinary Committee recalled that a) players must respect the FIFA Statutes at all time, b) it is imperative for the fairness of the competition that the rules governing eligibility for representative teams are respected, c) the Player took part in numerous matches for the representative teams of Equatorial Guinea despite being ineligible, thus in breach of Article 5.3 RGAS, d) the Player could not ignore that he was in breach with the applicable regulation as he had already been at the centre of two distinct disciplinary proceedings pertaining to his ineligibility to play for the representative teams of the FEGUIFUT. In such a context, the FIFA Disciplinary Committee *“was thus firmly convinced that the behaviour at stake was particularly serious and, as such, the sanction(s) to be imposed on the [Player] shall reflect all above circumstances. As such, upon evaluating the various sanctions listed under arts. 6.1 and 6.2 FDC, the Committee determined that a suspension/ban was the most appropriate sanction to be imposed on the [Player].”*
22. As a result, on 10 May 2024, the FIFA Disciplinary Committee issued the following decision:
- “1. *The [Player], Mr. Emilio Nsue López, is found responsible for having breached art. 5 of the Regulations Governing the Applications of the Statutes (Eligibility to play for a representative team) as well as art. 19 of the FIFA Disciplinary Code (Fielding ineligible player) for having participated in matches for the representative teams of Equatorial Guinea despite being ineligible.*
2. *The [Player] is hereby banned from playing for any representative team of any association for a duration of six (6) months, as from notification of the present decision.”*
23. On 29 May 2024, the Player was notified of the grounds of the decision issued by the FIFA Disciplinary Committee (the “Decision of the FIFA Disciplinary Committee”).

C. The proceedings before the FIFA Appeal Committee

24. In a timely manner, the Player lodged an appeal against the Decision of the FIFA Disciplinary Committee before the FIFA Appeal Committee.
25. Before that instance, the Player contended that he had been eligible to represent the FEGUIFUT in international football since 2013, as he had acquired Equatoguinean nationality at birth through his father, a national of Equatorial Guinea. According to the Player, national legislation provides that children of Equatoguinean parents are granted automatic citizenship. Additionally, the Player maintained that he was not responsible for any regulatory violations, emphasizing that he was unaware of his ineligibility and that compliance with the RGAS was the sole responsibility of the FEGUIFUT. Lastly, the Player contended that the FIFA Disciplinary Committee relied on the wrong set of regulations, arguing that its Decision of 29 May 2024 was based on the 2019 and later versions of the RGAS and the FDC, rather than the 2013 provisions, which were

applicable at the time of the alleged violation; *i.e.* the Player's first appearance in a representative team of the FEGUIFUT. According to the Player, the provisions governing players' eligibility remained substantially unchanged across various editions until the 2020 RGAS, which introduced key distinctions - particularly between "holding" and "acquiring" nationality - which were absent in earlier versions. The Player contended that, under the 2013 RGAS, and specifically their Article 8(1)(a), he met the eligibility criteria by holding the nationality of the representative teams at the time of his first appearance.

26. In its decision and with respect to the applicable law, the FIFA Appeal Committee emphasized that the case before it concerned the Player's eligibility to play for the representative teams of the FEGUIFUT in international matches since 2013, with particular focus on the FIFA World Cup 2026 qualifiers against Namibia and Liberia in November 2023. Since these matches occurred after 1 February 2023, the FIFA Appeal Committee confirmed that the 2023 edition of the FDC was applicable. For completeness, it also noted that, under Articles 4.1 and 4.2 FDC, the 2023 edition applied to offences committed after its entry into force, and may also apply retroactively to earlier offences if it provided for a more lenient sanction. Concerning the applicable edition of the RGAS, the FIFA Appeal Committee underlined that the Player was trying to re-litigate in these disciplinary proceedings his ability to play for the representative teams of the FEGUIFUT. The FIFA Appeal Committee recalled however that it was not the correct body to make such an assessment, nor was the FIFA Disciplinary Committee for that matter.
27. As to the merits, the FIFA Appeal Committee held as follows:
 - “[...] *the rule as outlined in the RGAS (across all its editions) is simple: a player – like the Player – who wishes to compete for another member association after they have already played for one representative team cannot do so, unless (a) certain criteria is met and (b) such criteria is approved by FIFA and a change of association is granted.*
 57. *In the context of these proceedings, the question whether the Player successfully passed the aforementioned requirements is answered with a simple ‘no’. [...].*
 58. *Considering that FIFA had denied the Player's change of association (which the Committee underlines is a mandatory requirement for a player to play for a representative team after they have done so for another representative team), the Player was simple ineligible to compete for the FEGUIFUT as correctly decided in the Appealed Decision – yet he played at least in 42 occasions amongst which two matches of the FIFA World Cup 2026™ preliminary competition. The consequence is that the Appealed Decision must be upheld to confirm that the Appellant breached art. 5.3 RGAS and art. 19 FDC.”*
28. With regard to the sanction imposed upon the Player, the FIFA Appeal Committee rejected the Player's explanation that he was unaware of the eligibility rules and, as such, could not be held responsible, given the importance he placed on representing Equatorial Guinea. The FIFA Appeal Committee considered that the FIFA Disciplinary Committee

had a certain discretion and applied it in an adequate manner “*especially with consideration to the aggravating factors that (a) the Player’s request for a change of association was denied by FIFA expressly, yet the Player was fielded 42 times since then, (b) there were disciplinary sanctions rendered against the Appellant concerning the Player himself being fielded while ineligible*”.

29. As a result, on 17 October 2024, the FIFA Appeal Committee issued the following decision:

“1. *The appeal lodged by the [Player], Mr Emilio Nsue López, against the Decision of the FIFA Disciplinary Committee passed on 10 May 2024 is dismissed. Consequently, said decision is confirmed in its entirety.*

2. *The costs and expenses of these proceedings in the amount of CHF 1,000 are to be borne by the [Player]. The amount is set off against the appeal fee of CHF 1,000 already paid”.*

30. On 2 December 2024, the Player was notified of the grounds of the decision issued by the FIFA Appeal Committee (the “Appealed Decision”).

31. It is undisputed that the Player served his six-month ban in accordance with the Decision of the FIFA Disciplinary Committee.

D. The Proceedings before the Players’ Status Chamber of the FIFA Football Tribunal

32. On 11 February 2025, the FEGUIFUT submitted an application to the Players’ Status Chamber of the FIFA Football Tribunal (“PSC”), seeking to change the Player’s association from the RFEF to the FEGUIFUT.

33. The PSC took the following into account:

- The Player was born in Mallorca, Spain, on 30 September 1989 and is of Spanish nationality by birth.
- The Player is also of Equatoguinean nationality by birth. This has been evidenced by a statement issued on 24 December 2024 by the Ministry of Justice, Worship and Penitentiary Institutions of Equatorial Guinea, affirming that the Player was a national by birth.
- The Player had played at international level for the representative teams of Spain in 20 friendly matches and in 27 official matches. However, he had never been selected for any match classified as an “A” international level, which refers to the highest level of representative team football, *i.e.* the “senior national team”.
- In accordance with Article 6.3 RGAS and considering that he was fielded in 47 international matches for the representative teams of the RFEF, the Player may not play an international match for a representative team of another association, unless

he first obtains a favourable decision regarding the change of association in accordance with the exceptions specified in Article 10 RGAS.

- In accordance with the applicable regulations, the PSC is the competent body to deliver the decision required under Article 10 RGAS.
- Such a decision can be granted only provided that the clear and well-defined list of objective and mandatory preconditions of Article 10.2 RGAS are cumulatively met.
- In the present case, the PSC concluded that the cumulative requirements of Article 10.2 lit. a) RGAS were met.

34. As a result, on 5 March 2025, the PSC issued the following decision (as translated from Spanish into English by FIFA)(the “PSC Decision of 5 March 2025”):

- “1. The request submitted by the Equatorial Guinean Football Federation for a change of association of the player Emilio Nsue López is accepted.*
- 2. The player Emilio Nsue López is authorized to represent the national team of the Equatorial Guinean Football Federation with effect as from the date of this decision.”*

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

35. On 22 December 2024, the Player lodged his Statement of Appeal with the CAS against the Appealed Decision in accordance with Article R47 *et seq.* of the Code of Sports-related Arbitration (the “Code”).
36. On 27 December 2024, the CAS Court Office acknowledged receipt of the Player’s Statement of Appeal and of his payment of the CAS Court Office fee. It took note that the Player had nominated Mr João Nogueira da Rocha as arbitrator and had opted for English as the language of arbitration. In this respect, it informed FIFA that, unless it objected within three days, the procedure would be conducted in English. The CAS Court Office gave FIFA ten days to nominate an arbitrator.
37. On 30 December 2024, FIFA confirmed that it accepted English as the arbitration language “*but [asked] that the Parties be allowed to submit documents (where necessary) in Spanish without translation*”. It applied for a ten-day extension of the deadline to nominate an arbitrator, which was granted.
38. On 30 December 2024, the Player applied for a fifteen-day extension of his deadline to file his Appeal Brief, which was granted following the tacit consent of FIFA.
39. On 31 December 2024, the CAS Court Office invited the Player to indicate, by 6 January 2025, whether he agreed to FIFA’s request to submit documents in Spanish without translation. The Player did not communicate his position on the matter directly to the CAS Court Office, notwithstanding the reminder sent by the latter on 10 January 2025.

40. On 13 January 2025, FIFA informed the CAS Court Office that it nominated Mr Kepa Larumbe as arbitrator.
41. On 20 January 2025, the CAS Court Office acknowledged receipt of the Player's Appeal Brief filed on 17 January 2025 and invited FIFA to submit its Answer within 20 days.
42. On 21 January 2025, FIFA applied for a twenty-day extension of its deadline to file its Answer, which was granted following the Player's tacit consent.
43. On 24 February 2025, FIFA applied for a ten-day extension of its deadline to file its Answer.
44. On 28 February 2025 and in light of the Player's objection to the time extension requested by FIFA, the CAS Court Office informed the Parties that FIFA's deadline to file its Answer was extended by a further five-day in accordance with Article R32 of the Code.
45. On 7 March 2025, FIFA filed its Answer in accordance with Article R55 of the Code.
46. On 10 March 2025, the CAS Court Office invited the Parties to state by 17 March 2025 whether their preference was for a hearing to be held in the present matter and whether they requested a case management conference.
47. On 10 March 2025, FIFA confirmed to the CAS Court Office that it preferred for the matter to be decided solely on the basis of the Parties' written submissions, whereas, on 13 March 2025, the Player requested a) a hearing to be held but not a case management conference, b) to be authorized to submit further comments on the issue of his standing to sue, c) to "*refer and rely on the [PSC Decision of 5 March 2025], and make limited submissions on this document*", d) to be granted ten days to provide these further submissions.
48. On 1 April 2025, the CAS Court Office informed the Parties that the Panel to hear the case had been constituted as follows: Mr Patrick Grandjean, President of the Panel, Mr João Nogueira da Rocha and Mr Kepa Larumbe, Arbitrators.
49. On 10 April 2025, the CAS Court Office requested that FIFA confirm, by 14 April 2025, whether it agreed to the addition of the PSC Decision dated 5 March 2025 in the case file. "*If so, the [Player] will be granted a period of 5 days to submit his comments in this regard. FIFA will then have the same period to respond to those comments*". The CAS Court Office also invited the Player "*to comment on his standing to sue and the admissibility of his appeal, by 21 April 2025 (see para. 52 et seq. of the Answer)*."
50. On 14 April 2025, FIFA confirmed that it did not object to the Player being granted a short deadline to address the PSC Decision of 5 March 2025. It further noted that the Player had been invited to comment on "*his standing to sue and the admissibility of his appeal*" and pointed out that FIFA had never argued that the appeal was inadmissible.
51. On 17 April 2025, the CAS Court Office acknowledged receipt of FIFA's letter of 14 April 2025 and, in light of its content, confirmed to the Player that his comments on the

admissibility of the appeal were no longer requested. It invited the Player to provide his comments on the PSC Decision of 5 March 2025 by 25 April 2025.

52. On 25 April 2025, the Player filed his comments on the PSC Decision of 5 March 2025.
53. On 6 May 2025, the CAS Court Office invited FIFA to provide its observations regarding the Player's submissions filed on 25 April 2025 by 15 May 2025. It also noted that the Player had served the six-month suspension imposed by the FIFA Disciplinary Committee and had failed to provide a response to the inquiry made on 10 April 2025 concerning his direct interest in challenging the Appealed Decision. He was invited to address this specific issue by 12 May 2025.
54. On 12 May 2025, the Player provided the CAS Court Office with his written submission addressing the issue of his standing to sue.
55. On 14 May 2025, FIFA replied to the Player's submissions of 25 April 2025.
56. On 28 May 2025, the CAS Court Office informed the Parties that the Panel had decided to hold a hearing in the present matter, by video-conference.
57. On 2 June 2025, the CAS Court Office informed the Parties that the Panel would be available for a hearing on 23 June 2025. It also invited the Player to provide his comments on FIFA's letter of 14 May 2025 by 5 June 2025, but no submission was received, notwithstanding his own request of 30 May 2025 to be granted the opportunity to respond.
58. On 4 June 2025, following confirmation from the Parties regarding their availability, the CAS Court Office notified them that the hearing in the present matter had been scheduled for 23 June 2025.
59. On 6 June 2025, the CAS Court Office forwarded the Order of Procedure to the Parties which was to be returned to the CAS Court Office in duly signed copy by 11 June 2025.
60. On 6 June 2025, the Player "*note[d] that [he had] requested to submit further representations with respect to the issues raised in the answer to the appeal brief and the Respondent's further submissions. This has not yet been addressed. The Appellant's will be in a position to consider the order of procedure once this has been determined*".
61. On 9 June 2025, FIFA returned the Order of Procedure, duly signed, pointing out that, "*on 30 December 2025, it agreed for the language of the proceedings to be English, as long as the Parties were authorized to file documents in Spanish without translation. The Appellant was invited on several occasions by the CAS Court Office to confirm its agreement on this point, which it finally did when filing its Appeal Brief on 17 January 2025 and stating "[w]e note that the Spanish language documents have not been translated, consistent with FIFA's request to dispense of the translation of documents requirement.*"
62. On 10 June 2025, the CAS Court Office acknowledged receipt of the Player's letter of 6 June 2025 and reminded him that he had been given the opportunity to reply to FIFA's

letter of 14 May 2025, and that a second round of submissions had never been granted. It confirmed that the Player's request of 6 June 2025 had been dismissed.

63. On 10 June 2025, the Player requested to be given the opportunity “*to provide written comments regarding the issues of standing/admissibility*”.
64. On 12 June 2025, the CAS Court Office confirmed to the Player that he would be able to address the issue of his standing to sue at the hearing and invited him to return a copy of the Order of Procedure duly signed, which he did on 16 June 2025.
65. On 23 June 2025, a hearing was held by videoconference. In addition to the Panel and Mr Andrés Redondo Oshur, CAS Counsel, the following persons attended the hearing:
- for the Appellant: the Player in person, assisted by his counsel, Mr Paolo Torchetti;
- for the FIFA: Mr Miguel Liétard Fernández-Palacios, its Director of Litigation and Mr Carlos Schneider, its Director of Judicial Bodies.
66. At the beginning of the hearing, the Parties confirmed that they had no objection to the composition of the Panel. They also agreed that, during the hearing, the Panel could hear the individuals present in relation to both the present dispute and the case CAS 2024/A/11091, given that the facts were similar in both matters and the Respondent was the same. Mr Venancio Tomás Ndong Michá, President of the FEGUIFUT, was permitted to attend and make a statement, without objection from the Parties. Mr Juan Antonio Mene, the General Secretary of the FEGUIFUT was also present with the agreement of all the Parties.
67. After opening statements by the counsels, the Panel heard the Player's testimony. In that context, and inter alia:
- The Player explained that ever since he was a child, his dream was to wear the jersey of his national team — an honour that meant everything to him. In 2013, that dream seemed to come true when the FEGUIFUT approached him. The federation asked him to sign some papers, and although he did not fully understand what they were about, he complied. In his very first match, played on 24 March 2013 against Cape Verde, he made a stunning debut, scoring a hat trick — only for all three goals to be invalidated when the match was forfeited as a result of the disciplinary proceedings initiated on 3 April 2013 by FIFA against the FEGUIFUT. He was furious, confused and was told that the reasons were that the proper paperwork had not been filled out. A similar situation occurred in the next match, which was also forfeited under the same circumstances.
 - Following these events and for almost a decade, he continued to play for the representative teams of the FEGUIFUT without any disciplinary action being taken, which reinforced his belief that his eligibility issue had been properly sorted out.

- The disciplinary proceedings initiated against him by FIFA on 14 March 2023 came as a surprise and felt deeply unjust, given that he had played for nearly ten years without any objection to his eligibility.
- The purpose of these arbitration proceedings is to expose the injustice done to him and to the FEGUIFUT.

68. At the hearing, the Player also confirmed the following:

- paragraphs 26 (Player's nationality under Equatorial Guinean law), 30 to 97 (eligibility of the Player) and 98 to 152 (correct regulations to be applied) of his Appeal Brief were not relevant anymore and could be excluded from further consideration;
- the FIFA Disciplinary Committee and the FIFA Appeal Committee relied on the correct version of the applicable regulations when they issued their respective decision;
- the letter sent by FIFA to the FEGUIFUT on 18 December 2013 must be considered as a decision (the "18 December 2013 Decision").

IV. SUBMISSIONS OF THE PARTIES

A. *The Appellant*

69. In his Appeal Brief, the Player submitted the following requests for relief:

"The Player requests that the CAS Panel issue an award as follows:

- 1. Allowing the Player's appeal.*
- 2. Issuing an award as follows:*
 - a. find that the Player was eligible to compete for FEGUIFUT as of 2013 as he had the requisite Equatorial Guinean nationality prior to 2005 when he first competed for Spain; or*
 - b. in any event, and in the further alternative, if a violation according to the rules for eligibility is found, that the Player is exonerated and that the sanction against him is vacated as he is not culpable.*
- 3. Independently of the type of the decision to be issued, the Player requests that the CAS Panel:*
 - a. to fix a sum of 5,000 CHF to be paid by the FIFA to the [Player], to contribute to the payment of his legal fees and costs; and*
 - b. to order FIFA to pay the whole administration costs and fees".*

70. The Player's submissions, in essence, may be summarized as follows:

- *“The [Player’s] primary argument is that the decision to find him ineligible in 2013 is incorrect and it is requested that the CAS Panel find that he is eligible to compete for FEGUIFUT.”* In accordance with Article R57 of the Code, the CAS has the power to conduct a *de novo* review, thereby allowing for a reassessment of the whole situation.
- When they issued their respective decision, the FIFA Disciplinary Committee and the FIFA Appeal Committee relied on the wrong version of the FIFA Statutes, of the FDC and of the RGAS. The applicable regulation in the present case is the one in force in 2013, when the FEGUIFUT applied for the first time for the Player’s change of association. Between 2013 and the issuance of the Appealed Decision, FIFA’s regulatory framework underwent significant changes. For instance, *“[the] distinction between [...] those holding and obtaining nationality did not exist in the 2013 version of the FIFA RGAS. [...] The only rule applicable as an exception to compete for a new member association is that the player already had the new nationality before competing for the old federation.”*
- By relying on regulations that came into force after 2013, *“[the Player] submits that the Decision under appeal violates the principle of nulla (sic) poena sine legge (sic) praevia and that the [Player] ought to have been granted eligibility in 2013”*. The FIFA Disciplinary Committee and the FIFA Appeal Committee failed to follow FIFA’s own rules, breaching the principles of legality and predictability recognized in many CAS precedents.
- *“In addition, it is a contravention of general legal principles [such as the lex mitior principle] to apply a statute retroactively that carries heavier consequences than those that apply with the regulation that was in force at the time.”*
- *“The Appellant submits that the reference to the limitation to matches only played after 2019 does not cure this defect.”*
- In 2013, the Player complied with all the requirements set in Article 8 of the 2013 version of the RGAS to be deemed eligible to play for the representative teams of the FEGUIFUT. *“A plain reading of that regulation stipulates that a player can be eligible for a new national association if “at the time of his first full or partial appearance in an international match in an Official Competition for his current Association, he already had the nationality of the representative team for which he wishes to play”.*”
- In particular, the Player had acquired Equatoguinean nationality at birth through his father, a national of Equatorial Guinea. *“In addition, he retains a valid passport as early as 2004”*. In other words, the Player was an Equatorial Guinea national before 2005, when he first played at international level for Spain.
- In 2013, FIFA wrongly rejected the application of the FEGUIFUT for the Player’s change of association, from the RFEF to the FEGUIFUT. FIFA’s erroneous assessment was based on the false premise *“that the Player did not have the right to Equatorial Guinean nationality by the time he played his first match with Spain.”*

As a matter of fact, the decisions of the FIFA Disciplinary Committee and the FIFA Appeal Committee show that FIFA took the view that the Player acquired Equatoguinean nationality on 4 March 2013, notwithstanding he had always maintained he was born a citizen of Equatorial Guinea.

- The Player has standing to sue in these arbitration proceedings, even if he has already served the sanction imposed upon him by the Disciplinary Committee and confirmed on appeal. If the sanction is overturned, this would serve as a further mitigating element to be considered under Article 25 FDC when determining the appropriate sanction for the FEGUIFUT. The practical relevance of annulling the sanction lies in the possibility of reclaiming the six points deducted following the forfeiture of the matches played against Namibia on 15 November 2023 and Liberia on 20 November 2023.
- No sanction should have been imposed upon the Player as he *“was not involved or notified of the issues of eligibility and the variety of proceedings in 2013. [...] The Player has only received the notifications and decisions and become aware in 2024. [...] The Player did not suspect that this was the case as he was merely called up to play for FEGUIFUT.”* The Player was not involved in the proceedings concerning the FEGUIFUT’s initial 2013 application for his change of association and received no notification in that respect. *“Here, considering the objective and subjective elements of the offense, the Player should not be sanctioned because of his lack of knowledge and involvement.”* As a consequence, the Player requests that *“he is not sanctioned and that the 6-month prohibition is vacated due to his lack of persona culpability.”*
- By decision dated 24 December 2024, the Minister of Justice, Worship and Human Rights of Equatorial Guinea declared that the Player was Equatoguinean by birth and annulled the resolution issued on 1 August 2013 by the Ministry’s State Secretariat, which had declared that the Player recovered his nationality as of the date of application, on 4 March 2013. That document had been filed by the FEGUIFUT in support of its 2013 application for the Player’s change of association. In other words, the Resolution of 24 December 2024 rectifies the one of 1 August 2013, which was at the basis of FIFA’s refusal to grant the Player’s change of Association. Had the FEGUIFUT obtained the correct resolution in 2013, FIFA would have accepted the Player’s change of association and the whole situation would have been different. It is established that the Player is Equatoguinean by birth, as he has continuously asserted, and the change of association ought to have been approved in 2013. The Player does not seek to relitigate the 18 December 2013 Decision, but rather asks the Panel to weigh these developments when deciding on the sanction pursuant to Article 25 FDC.

B. The Respondent

FIFA

71. In its Answer, FIFA submitted the following requests for relief:

“Based on the foregoing, FIFA respectfully requests the Panel to:

- a. Reject the relief sought by the [Player].*
- b. Confirm the Appealed Decision in full.*
- c. Order the [Player] to pay a contribution to FIFA’s legal costs and expenses”.*

72. FIFA’s submissions, in essence, may be summarized as follows:

- The Player has already served his six-month ban in accordance with the Decision of the FIFA Disciplinary Committee, confirmed on appeal. The Appeal before the CAS is therefore moot, as the Player has no direct and tangible interest of a sporting or financial nature at stake in the current dispute. *“[Once] the sanction has been served, any interest in annulling (i) the underlying disciplinary violation and (ii) the sanction in itself is no longer present.”*
- There exists no causal relationship between the sanction against the Player and that against the FEGUIFUT. The vacating of the Player’s sanction would not impact the disciplinary action taken against the FEGUIFUT, which was penalized for fielding the Player in the absence of a valid change of association granted by the PSC.
- In the requests for relief of his Appeal Brief, the Player asks the CAS to *“find that the Player was eligible to compete for FEGUIFUT as of 2013 as he had the requisite Equatorial Guinean nationality prior to 2005 when he first competed for Spain.”* By submitting such a request, the Player indicates that he is not contesting the Appealed Decision, but rather seeks to challenge the 18 December 2013 Decision, which denied the FEGUIFUT’s application for the Player’s change of association. As no appeal was lodged against the 18 December 2013 Decision within the regulatory deadline, it has become final and binding.
- The Player *“somehow based on Article R57 CAS Code and the de novo powers of review conferred to the Panel, attempts to have the FIFA decision of [18 December] 2013 revised from a factual and legal point of view. However, the [Player] conveniently forgets that CAS Code also establishes a clear path to appeal decisions from a sport organization: First, in order to be able to appeal a FIFA decision, all internal legal remedies should be exhausted in accordance with Article R47 CAS Code [...]. Second, and only if the first condition has been met, a deadline of 21 days is granted from the notification of the last possible internal decision to submit a statement of appeal in accordance with R49 CAS Code”.* The Player failed to comply with these requirements and the 18 December 2013 Decision cannot be reconsidered in these arbitration proceedings.
- The Appealed Decision was rendered by the FIFA Appeal Committee, which upheld the Decision of the FIFA Disciplinary Committee. Hence, the Player’s appeal against these decisions cannot result in him being recognized as eligible to play for the representative teams of the FEGUIFUT as from 2013 as such a determination falls exclusively within the competence of the PSC, which is the body responsible for making the final ruling on a change of association request.

- The PSC Decision of 5 March 2025 has no retroactive effect as it explicitly states that the Player is authorized to play for the FEGUIFUT's representative teams as from the date it was issued. Nowhere has FIFA ever stated that the Player would be eligible to compete for the FEGUIFUT as of the date of his birth, in 1989.
- The points made by the Player regarding the correct version of the regulations to be applied are difficult to follow. By any means, they are irrelevant as the pertinent provisions applicable to the matter at stake remained identical under the various edition of the RGAS. *“What is more it is generally accepted that with the edition of RGAS in 2020 the requirements for change of association have been relaxed, notably providing more clarity for those cases in which nationality is gained by birth according to domestic law.”* In such a context, *“it is difficult to understand how the RGAS 2013 should be applicable while the applicable RGAS 2022 are more favorable or at least contemplate in the same manner the matter that the [Player] is submitting its Appeal Brief.”*
- *“In a nutshell, CAS has clearly confirmed FIFA's view that the RGAS is applicable from the moment a request of association is submitted.”*
- *“[Eligibility] rules in football are not just about ensuring that players meet certain qualifications to compete; they are integral to maintaining the fairness, integrity, and credibility of the sport. While they can result in harsh consequences for those who fail to comply, the consistent and fair application of these rules is essential for the proper conduct of the sport. These rules uphold the principles of fairness, transparency, and integrity, ensuring that football remains a level playing field for all participants.”*
- *“It is strongly submitted that the entire process of the request of association for a player with multi-nationalities is designed to ensure that the eligibility of players to represent a national team is consistent with FIFA's regulations. The regulatory framework governing what we will hereinafter refer to as the “Change of Association” procedure upholds the integrity of international football competitions by offering a clear pathway for players to change their national affiliations while ensuring that all requests are carefully considered and adjudicated. This process balances fairness for the players with the need for accountability and transparency within the global football community. [...] This process is not just a formality [...]. By enforcing these regulations, FIFA ensures that requests are not only processed based on the paperwork submitted but are adjudicated based on principles of fairness and the specific circumstances of the individual player. [...] Additionally, the appeals process available through CAS offers an added layer of protection for those who may feel that their case has not been fairly considered.”*
- *“A key condition for any player requesting to change associations is that they cannot participate for the new representative team until the request has been fully processed and decided upon by FIFA. The request for a Change of Association must be submitted by the new association, not by the players themselves, clubs, agents, or other third parties. This procedure ensures that the new association formally supports the request and verifies the player's eligibility. [...] For the sake*

of clarity, the number of requests for Change of Association is not limited, and players (through their associations) may file such requests at any time if, somehow, new circumstances or elements arise that may justify the requested change. However, a change of association can only be granted once (Article 9 RGAS 2022). This is also clear from the letter of 18 December 2013, by means of which FIFA encouraged FEGUIFUT to submit a new request if there may be elements missing or new circumstances.”

- In any event, the 18 December 2013 Decision was correct as a key reason for rejecting the change of association request was that, according to the official documents provided by the FEGUIFUT, the Player had acquired Equatorial Guinean nationality on 4 March 2013, that is after having played for Spain.
- In its 18 December 2013 Decision, FIFA invited the FEGUIFUT to provide additional documentation regarding the Player’s change of association request, “*in the event any element of the present matter has been overlooked*” (as translated from Spanish into English by FIFA). Neither the FEGUIFUT nor the Player followed up or appealed the 18 December 2013 Decision denying the request. Instead, the FEGUIFUT unilaterally fielded the Player in 42 matches without proper authorization, and the Player participated despite lacking eligibility. This occurred even after FIFA a) had initiated two disciplinary proceedings against the FEGUIFUT for irregularly fielding the same player twice, b) sanctioned it with fines as well as games lost by forfeit and c) rejected the request for the change of association. The FEGUIFUT has since acknowledged this and submitted a new request during the present proceedings.
- The Player played in 42 matches with the representative teams of the FEGUIFUT since 2013, including the recent matches against Namibia and Liberia in the ongoing FIFA World Cup 2026™ preliminary competition. In order for the Player to take part in these matches, the following three requirements needed to be met: 1) a request for a change of association must be submitted to FIFA, 2) the nationality criteria must be met and 3) FIFA must approve the change of association through an official resolution. In the present case, these preconditions were not fulfilled.
- Eligibility is a critical aspect of team sports, and all parties, including players, are expected to ensure compliance. According to Article 19 FDC fielding an ineligible player is a serious violation that can lead to disciplinary sanctions against both the team and the player. Notably, Article 19 (2) FDC explicitly allows for the player to be sanctioned.
- The Player cannot reasonably contend that he bears no responsibility for playing in 42 matches with the representative teams of the FEGUIFUT without proper authorization. In particular, his recent claim of being unaware of his eligibility status is contradicted by his actions and involvement, in particular:
 - he explicitly requested not to be called up by Spain in order to play for the FEGUIFUT’s representative teams;

- he personally contacted the Equatoguinean authorities to “recover” his nationality, reinforcing his desire to play for the FEGUIFUT;
 - he formally signed the request for the change of association.
- *“To summarize, [the Player], as the individual directly involved in submitting the Change of Association request, had a clear obligation to follow up and ensure that the request was granted before playing for FEGUIFUT as from 2013. His decision to participate seemingly without verifying the outcome of the process shows a lack of diligence and, at the very least, a negligent attitude toward an important matter that had direct consequences for his eligibility.”*
- Although the Panel has the authority to review a case *de novo* under Article R57 of the Code, it should only amend a disciplinary decision if the FIFA judicial body clearly acted arbitrarily or exceeded its discretionary powers. Mere disagreement with a sanction is insufficient unless the sanction is manifestly and grossly disproportionate. In the present case, the sanction imposed on the Player is proportionate given the seriousness of the offense, and it was based on a well-reasoned decision within the Disciplinary Committee’s discretion.
- *“Considering the extensive number of matches the [Player] has been illegitimately able to play for FEGUIFUT’s team throughout his career – totalling 42 international matches over several years – the imposed six-month suspension, which specifically impacts only seven matches, could be considered relatively lenient. The length of time the [Player] has been active and the number of matches he has participated in, despite the prior disciplinary proceedings, suggests that the sanction is in fact more than fair and adequately proportionate to the breach.”*

V. JURISDICTION

73. The jurisdiction of the CAS, which is not disputed, derives from Article R47 of the Code and from Articles 49 *et seq.* of the applicable FIFA Statutes.
74. Article R47 (1) 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.”*
75. According to Article 50 (1) of the applicable FIFA Statutes, “[a]ppeals against final decisions passed by FIFA’s legal bodies and against decisions passed by confederations, member associations or leagues shall be lodged with CAS within 21 days of receipt of the decision in question”.

76. It must be observed that the Player as well as FIFA relied on the above provisions in conferring jurisdiction to CAS, which is further confirmed by the Order of Procedure duly signed by them.
77. It follows that the CAS has jurisdiction to decide on the present dispute.

VI. ADMISSIBILITY

78. The appeal was filed within the deadline of 21 days set by Article 50 (1) of the applicable FIFA Statutes. It complied with all other requirements of Articles R48 and R49 of the Code, including the payment of the CAS Court Office fee.
79. It follows that the appeal is admissible.

VII. APPLICABLE LAW

80. 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 that the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.”

81. Article 49 (2) FIFA Statutes stated the following:

“The provisions of the CAS Code of Sports-related Arbitration shall apply to the proceedings. CAS shall primarily apply the various regulations of FIFA and, additionally, Swiss law.”

82. It is not in dispute between the Parties that the present dispute shall be resolved primarily according to the various regulations of FIFA and, additionally, Swiss law. At the hearing before the CAS, the Player expressly acknowledged that it was not necessary to consider the laws of Equatorial Guinea, departing from the position outlined in his Appeal Brief.
83. In the course of the CAS hearing and in contrast to the arguments advanced in his written submissions, the Player also confirmed to the Panel that the FIFA Disciplinary Committee and the FIFA Appeal Committee applied the correct versions of the applicable regulations; *i.e.* the 2019 edition and subsequent versions of the FDC as well as of the RGAS. Under these circumstances, the Panel will rely on these editions of the FDC and of the RGAS to adjudicate this case.

VIII. THE MERITS

84. Considering that, at the hearing before the CAS, the Player confirmed that paragraphs 26 (Player's nationality under Equatorial Guinean law), 30 to 97 (eligibility of the Player) and 98 to 152 (correct regulations to be applied) of his Appeal Brief were not relevant anymore and could be excluded from further consideration, the central issues to be determined by the Panel are the following:

A. Does the Player have standing to sue/appeal?

B. Is the sanction imposed on the Player appropriate?

A. *Does the Player have standing to sue/appeal?*

85. On 10 May 2024, the FIFA Disciplinary Committee banned the Player "*from playing for any representative team of any association for a duration of six (6) months, as from notification of the present decision.*" This decision was confirmed on appeal. It is undisputed that the Player served this sanction, which prompted FIFA to contend that the appeal before the CAS is moot, given the absence of any sporting or financial interest in the outcome of the case. The Player claims that the annulment of the sanction remains relevant to him as it could serve as an additional mitigating factor under Article 25 FDC in determining the appropriate sanction to be imposed on the FEGUIFUT, potentially contributing to the recovery of six points lost in the FIFA World Cup 2026™ preliminary competition.

86. In the absence of specific rules within the FIFA regulations addressing standing to sue, the matter must be assessed in accordance with Swiss law, which applies on a subsidiary basis.

87. According to the Swiss federal tribunal (the "SFT"), the appellant must have a legally protected interest in the annulment of the contested decision. A legally protected interest consists of the practical benefit that the annulment of the decision would bring to the appellant, by preventing him from suffering harm of an economic, ideal, material or other nature caused by the contested decision (Decision of the SFT 137 II 40, para. 2.3). The interest must be current, meaning it must exist not only at the time the appeal is filed but also at the time the judgment is rendered (Decisions of the SFT 137 I 296, para. 4.2; 137 II 40, para. 2.1, p. 41). The SFT will declare an appeal inadmissible if the legally protected interest is lacking at the time the appeal is lodged. However, if this interest ceases to exist during the course of proceedings, the appeal becomes moot (Decision of the SFT 137 I 23, para. 1.3.1). An exception to the requirement of a current interest is made when the underlying dispute is likely to arise again at any time under identical or similar circumstances, its nature prevents it from being resolved before becoming moot, and there is a sufficiently important public interest in resolving the legal question at issue (Decision of the SFT 4A_134/2012 of 16 July 2012 para. 2.1).

88. The Panel finds that a professional sportsman may retain a legally protected interest in appealing a disciplinary sanction, even after having served it in full. The mere execution of the sanction does not render the appeal moot where tangible and reputational

consequences persist or may arise in the future. As a matter of fact, the Panel is of the view that the disciplinary record of a professional athlete is a key component of his career. A confirmed sanction may be taken into account in the event of future proceedings, particularly in the context of recidivism, potentially leading to harsher penalties for subsequent offences. Having the sanction annulled can therefore materially affect the athlete's legal position going forward. In addition, in high-profile international sport, a disciplinary sanction can have significant adverse effects on the reputation, image, and public perception of the athlete. In the case of a well-known sportsman, such reputational harm may affect sponsorships, endorsements, and public trust. A successful appeal may thus serve to restore the athlete's good name and reinforce his professional integrity. Finally, if the disciplinary measure is ultimately found to be unjustified, the athlete may seek damages or other forms of redress from the relevant body or federation. In such cases, a prior finding that the sanction was wrongful is a prerequisite to establishing liability and obtaining compensation.

89. It is undisputed that the Player is a highly respected and accomplished athlete, both on the international and national level. During the hearing before the CAS, Mr Venancio Tomás Ndong Michá recalled that the Player was the national team captain and described him as a national hero, who inspired hope across the country and served as a role model for many. In light of this, even though the Player has already served his suspension, the potential annulment of the disciplinary decision clearly gives rise to a legitimate and compelling interest in appealing. Not to mention that, in the event his appeal were to be upheld, the Player might be tempted to seek damages from FIFA, even though this possibility has never been raised during the present arbitration proceedings.
90. Under these circumstances, the Panel concludes that the Player has standing to sue/appeal in the present matter.

B. Is the sanction imposed on the Player appropriate?

91. The following facts are undisputed:
 - In order to be eligible to play for the representative teams of the FEGUIFUT, the Player needed that his change of association be formally approved by FIFA through an official resolution issued by the PSC, which was ultimately granted on 5 March 2025.
 - The PSC Decision of 5 March 2025 has no retroactive effect.
 - Before the PSC Decision of 5 March 2025, the Player took part in 42 matches with the representative teams of the FEGUIFUT.
 - However, as expressed in the Decision of the FIFA Disciplinary Committee, “*the possibility to sanction players who were fielded during a match despite being ineligible only arose under the 2019 ed. of the FDC. By way of consequence, the Committee emphasised that, in casu, only the matches played after the entry into force of the 2019 ed. of the FDC (i.e. after 15 July 2019) shall be under scrutiny.*”

- The Player was found to have breached Article 5 RGAS as well as Article 19 FDC for having participated in matches for the representative teams of Equatorial Guinea despite being ineligible and, as a result, was *“banned from playing for any representative team of any association for a duration of six (6) months.”*
 - The Player has served his sanction.
92. The Player’s position is that he had no knowledge or involvement in the 2013 eligibility issues or related proceedings. He argues that he was never notified at the time and only became aware of the situation in 2024, when disciplinary proceedings were initiated against him. Until then he was confident that he was eligible to play with the representative teams of the FEGUIFUT given that he had played for this federation for a decade without any problem. He had no indication that his participation was irregular or in breach of any eligibility rules. Furthermore, a recent decision by the Equatorial Guinean authorities, dated 24 December 2024, confirmed that the Player is Equatoguinean by birth and annulled the 2013 resolution which had inaccurately stated that he recovered nationality on 4 March 2013. That erroneous document led to FIFA’s refusal to approve his change of association in 2013. Had the correct documentation been submitted in 2013 and had the FEGUIFUT fulfilled its obligations properly, the Player’s eligibility would not have been called into question. The Player maintains that he bears no personal responsibility in this matter and, consequently, he submits that the six-month suspension should be vacated.
93. The Panel finds that the Player cannot credibly assert that, as a mere football player, he was incapable of understanding the applicable regulations governing the change of association or the content of the documents he allegedly signed when approached by the FEGUIFUT in 2013 to play for its representative teams. Individuals who sign official documents bear the responsibility of understanding their scope and implications. If they choose not to inquire or seek clarification, they must accept the potential consequences of that inaction. The duty to exercise a minimum level of diligence cannot be disregarded, particularly in matters involving regulatory compliance at the international level.
94. In the same vein, the Player’s claim that he was unaware of any eligibility issues is unconvincing. As an experienced footballer who had represented Spanish national teams since 2005, he could not reasonably have been unaware that a formal procedure is required for a change of association under FIFA regulations. His debut match for the FEGUIFUT, in which he scored a hat trick, was forfeited due to disciplinary sanctions imposed on the federation for fielding him without proper authorization. The Player himself admitted that he was extremely upset by this outcome. Remarkably, the same scenario repeated itself in the following match, which was also forfeited. In light of these circumstances, a diligent player would have inquired further into his status. The Player cannot entirely shift responsibility to the FEGUIFUT and assume that the federation had fulfilled all necessary formalities. A degree of personal responsibility remains, and he cannot be fully exonerated.
95. Under these circumstances, the question arises whether the sanction imposed upon the Player was proportionate.

96. In this respect, the Panel recalls that, according to CAS consistent jurisprudence, while reviewing disciplinary sanctions, a CAS panel shall give a certain level of deference to decisions of sport governing bodies. Sanctions imposed by FIFA disciplinary bodies can only be reviewed when they are “*evidently and grossly disproportionate to the offence*” (cf. CAS 2023/A/10223 para. 128; CAS 2019/A/6239, para 133; CAS 2013/A/3139 para. 114; CAS 2012/A/2762 para. 122).

97. Article 19 (1) FDC reads as follows:

“If a player fielded in a match and/or competition is declared ineligible, the FIFA judicial bodies, taking into consideration the integrity of the competition concerned, may impose any appropriate disciplinary measures.”

98. With regard to disciplinary measures applicable to natural persons, Article 6 (1) and (2) FDC provide as follows:

“1. The following disciplinary measures may be imposed on natural and legal persons:

- a) warning;*
- b) reprimand;*
- c) fine or any other pecuniary measure;*
- d) return of awards;*
- e) withdrawal of a title;*
- f) order to fulfil a financial obligation arising or existing in the context of a trial.*

2. The following disciplinary measures may be imposed on natural persons only:

- a) suspension for a specific number of matches or for a specific period;*
- b) ban from dressing rooms and/or team bench;*
- c) ban on taking part in any football-related activity;*
- d) community football service;*
- e) suspension or withdrawal of a football agent licence.*
- f) suspension or withdrawal of a match agent licence.”*

99. FIFA adopted the following guiding principles in its reforms, each affirming the vital importance of eligibility rules in international football (See FIFA Commentary on the rules governing eligibility to play for representative teams, January 2021 Edition; p. 5): “[...]”

- *“no nationality, no eligibility”. Eligibility must be based on an objective measurement (i.e. the nationality held by the player);*
- *equal treatment of all MAs;*

- *the existence of a genuine link between the player and the MA they (intend to) represent;*
- *avoiding cases of excessive severity or hardship;*
- *prevention of abuse (i.e. “nationality shopping”); and*
- *protecting the sporting integrity of international competition.”*

100. In this respect, it appears clearly that ensuring strict eligibility rules is central to FIFA’s mission, as outlined in Article 2 (c) of its Statutes, which mandates “[the drawing] up of regulations and provisions governing the game of football and related matters and to ensure their enforcement.” Moreover, Article 2 (g) of the FIFA Statutes emphasizes FIFA’s commitment “to promote integrity, ethics and fair play”. FIFA upholds these objectives by enforcing stringent requirements for any change of association. These eligibility criteria are vital for safeguarding the integrity and distinctive character of national team competitions. Therefore, a violation of the principles set forth by FIFA in its applicable regulations governing eligibility cannot be considered as a minor infringement.
101. In view of the fact that (a) the Player was ineligible to play for the FEGUIFUT in 2013, (b) he failed to verify this despite the duty of care and diligence that can be expected from someone of his professional background, and (c) he went on to represent the FEGUIFUT 42 times, including in two 2026 FIFA World Cup™ preliminary matches, the Panel considers that the sanction imposed upon him cannot be deemed “*evidently and grossly disproportionate to the offence*”. This point is further reinforced by the fact that, while the exact start of the Player’s suspension is not clearly established, it is nonetheless uncontested by the Parties that the sanction has already been served. It is worth noting that the suspension solely restricted the Player “*from playing for any representative team of any association*”, which he was in any case not eligible to do prior to the Players’ Status Committee’s decision of 5 March 2025. Therefore, it appears that the suspension was either shorter than six months in practical effect or may not have been effectively served at all.

C. Conclusion

102. Based on the foregoing, and after considering all the case’s specific circumstances, the evidence produced, and the arguments submitted by the Parties, the Panel concurs with the FIFA Disciplinary Committee and the FIFA Appeal Committee that the Player is liable for breaching Article 5 RGAS as well as Article 19 FDC and considers the resulting sanction to be appropriate and proportionate.
103. Any other issue and all other motions or prayers for relief are dismissed.

IX. COSTS

(...)

* * * * *

ON THESE GROUNDS

The Court of Arbitration for Sport rules:

1. The appeal filed by Mr Emilio Nsue López against the decision rendered by the FIFA Appeal Committee on 17 October 2024 is dismissed.
2. The decision rendered by the FIFA Appeal Committee on 17 October 2024 is upheld.
3. (...).
4. (...).
5. All other and further motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland
Date: 28 July 2025

THE COURT OF ARBITRATION FOR SPORT

Patrick Grandjean
President

Mr João Nogueira da Rocha
Arbitrator

Kepa Larumbe
Arbitrator