



TAS / CAS

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

CAS 2023/A/10510 Dayron Alexander Mosquera Mendoza v. Speranis Nisporeni & FIFA

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

Sole Arbitrator: Mr. Juan Pablo Arriagada Aljaro, Attorney-at-law in Santiago, Chile

in the arbitration between

Mr. Dayron Alexander Mosquera Mendoza, Colombia

Represented by Mr. Santiago Cadavid Alzate, Attorney-at-law, Castrillon & Cardenas Abogados Consultores in Medellin, Colombia

- Appellant -

and

Club Speranis Nisporeni (CF Speranis), Nisporeni, Moldova

Represented by Ms. Natalia Chiriac, Attorney-at-law, Football Association of Moldova, Chisinau, Moldova

- First Respondent -

Fédération Internationale de Football Association, Zurich, Switzerland

Represented by Messrs. Miguel Liétard Fernández-Palacios, and Mr. Roberto Nájera Reyes, Attorneys-at-Law, Fédération Internationale de Football Association, Miami, Florida.

- Second Respondent -

I. INTRODUCTION

1. This appeal is brought by Mr. Dayron Alexander Mosquera (the “Appellant” or the “Player”) against the decision rendered by the FIFA Disciplinary Committee (the “DC”) on 7 June 2024 (the “Appealed Decision”), which held that Club Speranis Nisporeni (the “First Respondent”) did not breach Art. 21 of the FIFA Disciplinary Code for alleged failure to respect the Appealed Decision, and, in particular, that the First Respondent was not the sporting successor of CSF Speranta Nisporeni (the “Original Club”).

II. THE PARTIES

2. The Appellant, Mr. Dayron Alexander Mosquera Mendoza, is a football player of Colombian nationality.
3. The First Respondent, Club Speranis Nisporeni, is a football club established in the city of Nisporeni in Moldova since 2019. It is a member of the *Football Association of Moldova*, with its headquarters in the city of Chisinaú, which, in turn, is affiliated to FIFA.
4. The *Fédération Internationale de Football Association* (“FIFA” or the “Second Respondent”), is the international governing body of football at worldwide level, headquartered in Zurich, Switzerland.

The Appellant and Respondents are collectively referred to as the “Parties” when applicable.

III. FACTUAL BACKGROUND

5. Below is a summary of the main relevant facts, as established based on the Parties' written submissions on file, the hearing, and relevant documentation produced in this appeal. Additional facts and allegations found in the Parties' submissions may be set out, where relevant, in connection with the further 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, the Award only refers to the submissions and evidence it considers necessary and to explain his reasoning.
6. On 18 February 2019, the Appellant signed an employment contract with the Original Club, valid until 30 November 2021 (the “Employment Contract”).
7. On 21 February 2020, the Appellant filed a claim before the FIFA Dispute Resolution Chamber (the “DRC”) against the Original Club for breach of contract without just cause and requested compensation of USD 39,000 plus 5% interest *p.a.*. The Appellant further requested FIFA to impose sporting sanctions on the Original Club.
8. The DRC ruled in favour of the Appellant and ordered the following: “1) the claim of the Appellant was accepted, 2) the Original Club had to pay to the Appellant the amount

of USD 39,000 plus a 5% interest p.a. as from 21 February 2020 until the date of effective payment”.

9. On 5 January 2024, the Appellant requested the DC to open a disciplinary proceeding against the First Respondent, claiming that the latter was the sporting successor of the Original Club and, as such, it should be held liable for the debt incurred by the Original Club.
10. On 22 February 2024, disciplinary proceedings were opened against the First Respondent regarding a potential breach of Art. 21 of the FIFA Disciplinary Code (FDC).
11. On 7 March 2024, the DC concluded that the First Respondent “*could not be regarded as the sporting successor of the Original Club, and that the proceeding must be declared closed in so far as they concerned the potential breach of Art. 21 of the FDC*”. The DC reasoned as follows:
 - the First Respondent only shared four similarities with the Original Club, namely its name, legal form, players, and officials/staff.
 - the fact that both clubs have three similar players, and one official in common is not a significant element towards establishing sporting succession. As a matter of fact, these players were previously registered with different clubs before joining the First Respondent and the official in question joined the First Respondent one year after his contract with the Original Club had been terminated.
 - the fact that both clubs have the same legal form is not a significant element for establishing sporting succession, as all football clubs in Moldova are “non-profit organizations”.
 - the similarity of their names alone does not constitute clear evidence of sporting succession.

IV. SUMMARY OF PROCEEDINGS BEFORE THE CAS

12. On 15 April 2024, the Appellant filed his Statement of Appeal before CAS against the Respondents pursuant to Articles R47 and R48 of the Code of Sports-related Arbitration (the “CAS Code”).
13. On 6 May 2024, the Appellant filed his Appeal Brief.
14. On 6 May 2024, pursuant to Article R54 of the CAS Code, the Appellant requested the appointment of a sole arbitrator for this procedure.
15. On 8 May 2024, in accordance with Article R54 of the CAS Code, the Second Respondent agreed to submit the case to a sole arbitrator appointed by the President of the CAS Appeals Division as long as he/she was selected from the football list. The First Respondent remained silent on the issue of the number of arbitrators.

16. On 24 May 2024, pursuant Article R50 of the CAS Code, the CAS Court Office notified the Parties that the President of the CAS Appeals Arbitration Division had decided to submit this matter to a sole arbitrator.
17. On 5 July 2024, the First Respondent filed its Answer.
18. On 25 July 2024, the CAS Court Office notified the Parties that the Panel appointed to decide the matter would be constituted by a Sole Arbitrator, Mr. Juan Pablo Arriagada Aljaro.
19. On 5 September 2024, the Second Respondent filed its Answer.
20. On 7 October 2024, the CAS Court Office notified the Order of Procedure to the Parties, which was duly signed by the Parties.
21. On 7 October 2024, the CAS Court Office informed the Parties that, after consultation therewith, a hearing was scheduled for 19 November 2024 at 14h00 (Swiss time) by videoconference.
22. On 19 November 2024, a hearing was held by video conference. In attendance at the hearing were:
 - the Sole Arbitrator, Mr. Juan Pablo Arriagada Aljaro, assisted by Mr. Andrés Redondo (CAS Counsel);
 - For the Appellant: Mr. Santiago Cadavid Alzate (Counsel) and the Appellant himself
 - For the First Respondent: Ms. Natalia Chiriac (Counsel), Mr. Vadim Gonta (President), Mr. Ion Samson (President), and Ms. Irina Cotruta (Interpreter).
 - For the Second Respondent: Mr. Roberto Nájera Reyes (Counsel)
23. At the outset of the hearing, the Parties confirmed that they had no objections to the constitution and composition of the Panel. The Parties were then given the opportunity to fully present their case.
24. At the conclusion of the hearing, the Parties expressed their satisfaction with the way the Sole Arbitrator conducted the proceeding and confirmed they had no objections thereto and that their right to be heard had been respected.

V. SUBMISSION OF THE PARTIES

A. The Appellant: Mr. Dayron Alexander Mosquera Mendoza

25. In his request for relief, the Appellant requests that the CAS orders the following:

- “1. To set aside the decision rendered by the FIFA Disciplinary Committee in process FDD-17155.*
 - 2. Instead, declare that Speranis Nisporeni, identified with FIFA ID 108LKTJ is the sporting successor of the club CSF Speranta Nisporeni, formerly identified with FIFA ID 107UXGF and disaffiliated from the Football Federation of Moldova on August 11, 2021.*
 - 3. To order Speranis Nisporeni to pay Dayron Alexander Mosquera Mendoza the sum of THIRTY-NINE THOUSAND DOLLARS (USD 39,000).*
 - 4. To order Speranis Nisporeni to pay Dayron Alexander Mosquera Mendoza the interest caused from February 21, 2020 until the effective date of payment.*
 - 5. To order Speranis Nisporeni to pay the arbitration costs and expenses of this procedure in favor of Dayron Alexander Mosquera Mendoza.*
 - 6. And subsidiarily, to instruct the disciplinary committee to start the corresponding disciplinary procedure (Art. 21 FDC) against the club SS Nisporeni (Speranis Nisporeni), with FIFA ID: 108LKYY.”*
26. The Appellant’s submissions, in essence, may be summarized as follows:
- (a) There is sporting succession because the First Respondent and the Original Club share the following elements:
 - **The Headquarters:** Both the Original Club’s headquarters and that of the First Respondent are in the city of Nisporeni, Moldova.
 - **Name:** The names of the clubs are very almost identical, with the Original’s Club named Speranta Nisporeni, while the First Respondent is named CF Speranis Nisporeni.
 - **Legal form:** Both clubs have been incorporated/registered as non-profit organizations.
 - **Players:** Andrei Cojocari, Andrian Apostol, and Daniel Gustiuc played for both clubs.
 - **Officials:** Mr. Vitalie Galat, former goalkeeper trainer of the Original Club is now the Head Coach of the First Respondent’s Second Division team.
 - **Emblem:** Blue is the predominant colour both teams. Moreover, both clubs depict an eagle as the main element of their shield.
 - (b) Sporting succession is also demonstrated by the “manoeuvre” orchestrated by the clubs. The Original Club disaffiliated from the Moldovan FA, acquired FC Sporting Tresiteni (a club that already existed and was member of the Moldovan FA),

returned said club to the Nisporeni, and renamed it “CF Speranis Nisporeni”, i.e. the First Respondent.

- (c) The Appellant duly exhausted its legal remedies before claiming sporting succession. In accordance with CAS jurisprudence (CAS 2020/A/7290), the Appellant was vigilant and took prompt and appropriate legal action to assert his claims. The Appellant was not aware that the Original Club had initiated a bankruptcy proceeding in Moldova, and did not receive any official communication from the club regarding said bankruptcy proceeding. In fact, it was only until the end of the proceedings before the FIFA DRC that the Appellant learned about the Original Club’s disaffiliation from the Football Association of Moldova and the bankruptcy proceeding.

B. The First Respondent: Club Speranis Nisporeni

27. In their prayers for relief, the First Respondent requests that the CAS orders the following:

“ - *Reject the request for relief sought by the Appellant;*
- *Confirm the appealed decision;*
- *Order the Appellant to bear the full costs of these arbitration proceedings*”.

28. The First Respondent’s submissions, in essence, may be summarized as follows:

(a) The elements do not support the existence of sporting succession. In particular:

- **Name, headquarters, shareholders, ownership, management:** Although the name “Speranis” shares similarities with “Speranta”, they are nonetheless distinct entities. Moreover, the inclusion of the term “hope” in various forms is commonly used across football clubs. The club’s name does not include the name of the city Nisporeni. The only connection with the city of Nisporeni is the fact that since 2023 its club started to play on the Nisporeni city stadium. The headquarters and registered address of the clubs, as well as its owners and management, are different.
- **Legal form:** It is true that both clubs are registered as non-profit associations, however, Moldovan law on the establishment of non-profit associations requires that an affiliated member of a non-for-profit association, such as a football club, must be a non-profit organization.
- **Teams colours/crest:** Both clubs do feature an eagle. However, the First Respondent's intention was to align with the symbols of the Republic of Moldova and the Football Association of Moldova, both which also incorporate the image of an eagle. Moreover, the two logos present distinct elements as to the form, colours and style. As for the team’s uniform colours, the First Respondent’s home kit colours

are red and blue, while their visitor kit are green and white square. On the other hand, the Original Club's uniform colours, are different – they are blue and black/white combo with the visitor uniform coming in an orange and white combo.

- **Social media and website:** The First Respondent's Facebook page is <http://m.facebook.com/people/Sporting-Iurenci/100071281072962>, while, in contrast, the Original Club used a different Facebook page which was: <http://www.facebook.com/fcsperanta/?locale=roRO>. The Original Club also used a website that is no longer active: www.cfsperanta.com.
- **Players and technical staff:** It is true that four players played for both clubs. However, this is not evidence of sporting succession because (i) there was a significant time lapse between the time the players left the Original Club and registered with the First Respondent, and (ii) the players were part of several other teams before joining the First Respondent.
- **Sporting assets, history and public perception:** There was no connection ever made between the evolution of the Original Club in the top division (Divizia Nationala/Super Liga), and that the First Respondent never pretended to identify itself with the results or history of the Original Club. Neither club bore any similarity in relation to titles and sporting achievements, and the public has never considered the First Respondent and the Original Club as the same club.
- **Stadium: The First Respondent had played matches of the Divizia B** on two stadiums located in the city of Chisinau, which are the Zimbru stadium (artificial pitch), and the Real Success stadium (artificial pitch). Only in the year 2023, did they relocate their team to the city of Nisporeni, because a renovated stadium was available there, and still the Original Club and the First Respondent played in different stadiums.
- **Category of competition concerned:** FC Speranis started the 2019 season in the lowest division of the country, which is Divizia B, currently named Liga 2. Throughout the year, the First Respondent's team advanced positions in the league and ascended to Divizia A or Liga 1, the second-tier division, solely based on its sporting achievements. To date, the First Respondent's team maintains its position in the Divizia A/Liga 1 of Moldova. On the other hand, the Original Club was founded in 1991 and competed in the Moldovan top-tier division between 1992 and 1998, and later got relegated to third-tier division, to finally regain points and ascend to second-tier division in the 2014/15 season and making it back to the Premier League of Moldova for the 2015/16 season until its disaffiliation in 2021. Both clubs concurrently participated in various categories at the national level.

(b) There is no evidence that the First Respondent orchestrated a manoeuvre to circumvent the rules and be exempt for the obligation to pay the amount due.

(c) The lack of sporting succession is evident not only from the lack of similar elements between the two clubs but also by:

- the lack of connection, contractual agreement or common interest of the clubs.
- the fact that the First Respondent has neither obtained any rights from the Original Club nor replaced the Original Club in the championship in Moldova.
- The fact that the federative rights of the Original Club have not been transferred to the First Respondent.

the fact that the Football Association of Moldova has never officially recognized the First Respondent as the successor of the Original Club.

C. The Second Respondent: FIFA

29. In its prayers for relief, the Second Respondent requests that the CAS to:

“(a) Reject the requests for relief sought by the Appellant;

(b) Confirm the Appealed Decision;

(c) Order the Appellant to bear the full costs of these arbitration proceedings”.

30. The Second Respondent’s submissions, in essence, may be summarized as follows:

(a) The guiding principle behind sporting succession is the new club’s intention to be seen by the public as the same original club that ceased its activities. It is this willingness to take advantage of the original club’s goodwill that generates the obligation to simultaneously be liable for the debts that remained unpaid by the original club.

(b) While FIFA acknowledges that the Original Club and First Respondent share a few elements, the number of similarities between the clubs are insufficient to conclude the existence of sporting succession. In fact, as correctly concluded by the DC in the Appealed Decision, none of the four elements cited by the Appellant as allegedly establishing sporting succession, are enough to conclude sporting succession between the clubs. In particular:

- The fact that the First Respondent had three players from the Original Club is not truly significant since these players had previously been registered with different clubs before joining the First Respondent. Moreover, the fact that only a few players of the Original Club are playing for the First Respondent is an element against considering sporting succession (cf. CAS 2020/A/7290, para. 91).
- The official that played for both clubs did not sign with the First Respondent until one year after his contract with the Original Club had ended. Moreover, the

fact that only one official of the Original Club is playing for the First Respondent is an element against considering sporting succession (Idem).

- The fact that the clubs have similar names is not relevant evidence of sporting succession in light of the lack of other elements. Moreover, the name change did not come immediately after the Original Club's disaffiliation, but rather one year afterwards.
- The fact that both clubs have the same legal form is not relevant evidence of sporting succession since all clubs are formed as "nonprofit organizations" in Moldova.

(c) The remaining elements support that there is no sporting succession. This includes:

- **History:** The Original Club was founded in 1991 in the city of Nisporeni, which enjoyed six seasons in the Moldovan Divizia Nationala (top-tier division) from 1992 to 1998. However, after facing relegation to the Moldovan "A" Division (second-tier division), the 1998/99 season proved challenging as the team finished in the last position, leading to further demotion to Divizia B, now known as Liga 2 (third-tier division) of Moldovan Football. The club managed to secure promotion back to Moldovan Divizia A in the 2014/15 season and subsequently reached the Divizia Nationala in the 2015/16 season. The Original Club continued its participation in Divizia Nationala until its disaffiliation in June 2021. On the other hand, the First Respondent was established on 20 March 2019 under the original name FC Sporting Trestieni and entered the football scene by participating in Divizia B, the third tier of Moldovan football. After a successful campaign, the club secured a promotion to Divizia A, the second-tier division in 2021, and has since been actively competing in Liga 1, former Divizia A. In the summer of 2022, the club underwent a name change to FC Speranis.
- **Title and Sporting Achievements:** There is no similar titles and/or sporting achievements between the two clubs.
- **Team Colours:** The Original Club's uniform consisted of blue, white and purple t-shirts and black shorts, whereas the First Respondent's uniform consists of red, blue and green t-shirts and blue and white shorts.
- **Team Logos:** While the Original Club used a phoenix in blue, white and orange colours, the First Respondent's logo is an eagle in green, black and red.
- **Registered Address:** The registered addresses are different.
- **Stadium:** The clubs play in different stadiums. The Original Club played in

Hincesti City Stadium from 2017-2018 and in CSR Orbei from 2018-2021, whereas the First Respondent played in Real Success Stadium Chisinau from 2020-2023 and in the City Stadium Nisporeni in 2023-2024.

- **Website and social media:** The clubs have different websites and social media accounts.
- **Ownership:** The clubs are owned by different individuals. The Original Club owner is Mr. Alexandry Glinca, whereas the First Respondent's owner is Mr. Ion Smason and Mr. Vadim Gonta
- **Management:** The managers of the clubs are different. The Original Club's managers are Mr. Petru Efros, Ms. Sabina Efros and Mr. Sandu Dumitru, whereas those of the First Respondent are Mr. Victor Golovca, Mr. Alexandru Jechiu, Mr. Evghenii Ciorcici, and Mr. Jacob Prangachi.
- **Public Perception:** The First Respondent does not appear to be seen as the Original Club nor its supporters perceive the latter as the Original Club.
- **Football Division:** The last participation of the Original Club in the league was in the 2020-2021 season in the Divizia Nationala (Super Liga). Meanwhile, the First Respondent started competing in the 2019 season of the Divizia B (Liga 2) and currently plays in the 2023-2024 season in the Liga 1.

(d) Lack of sporting succession is also evidenced by the fact that both clubs coexisted and operated in two different categories at national level during the seasons from 2019 to 2021, as well as the fact that there is no indication that the Original Club's federative rights were transferred to the First Respondent, seeking some sort of club succession/substitution.

VI. JURISDICTION

31. Article R47 of the CAS Code provides:

“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”.

32. Pursuant to Article 57(1) of the FIFA Statutes and Arts. 52 and 61 FDC, respectively:

- *“Appeals against final decisions passed by FIFA and its bodies shall be lodged with CAS within 21 days of receipt of the decision in question”.*

- *“Decisions passed by the Disciplinary and Appeal Committees may be appealed against before CAS, subject to the provisions of this Code and articles 56 and 57 of the FIFA Statutes”.*
 - *“An appeal may be lodged with the Appeal Committee against any decision passed by the Disciplinary Committee, unless the disciplinary measure issued is: ... e) decisions passed in compliance with article 21 of this Code”.*
33. The Parties did not raise any objection to the jurisdiction of CAS and they confirmed it when they signed the Order of Procedure.
34. In light of the foregoing, CAS has jurisdiction to decide the present dispute.

VII. ADMISSIBILITY

35. Article R49 of the CAS Code states the following:
- “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”.*
36. According to Article 57.1 of the FIFA Statutes, *“[a]ppeals ... shall be lodged with CAS within 21 days of receipt of the decision in question”.*
37. FIFA notified the grounds of the Appealed Decision on 25 March 2024. The Appellant lodged his appeal with the CAS on 15 April 2024, i.e. within the 21 days foreseen in Article 57.1 of the FIFA Statutes.
38. It follows that the appeal is admissible.

VIII. APPLICABLE LAW

39. Article R58 of the CAS Code provides:
- “[t]he Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in 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”.*
40. According to Article 57.2 of the FIFA Statutes, *“[t]he 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”.* The Parties do not contest that

the applicable law is FIFA Regulations and, subsidiarily, Swiss law.

41. In accordance with these provisions, the Sole Arbitrator must decide the present dispute in accordance with FIFA Regulations and, subsidiarily, Swiss law.

IX. MERITS

42. Based on the Parties' positions, the Sole Arbitrator must determine whether the First Respondent is the sporting successor of the Original Club and, if so, whether the First Respondent is liable for the debts of the Original Club towards the Appellant.

A. Burden and standard of proof

43. The Appellant carries the burden of proof in establishing that the First Respondent is the sporting successor of the Original Club. This is confirmed in art. 41(2) FDC which stipulates that “[a]ny part claiming a right on the basis of an alleged fact shall carry the burden of proof of this fact” (see also art. 8 of the Swiss Civil Code: “[u]nless the law provides otherwise, the burden of proving the existence of an alleged fact shall rest on the person who derives rights from that fact”).
44. As for the standard of proof, the Sole Arbitrator finds that pursuant to art. 39(3) FDC the applicable one is comfortable satisfaction, which is generally defined as a standard of proof that is higher than the civil standard of “balance of probability” but lower than the criminal law standard of proof “beyond a reasonable doubt”.

B. Overview of the elements required to establish sporting succession

45. Before commencing a detailed analysis of whether there are sufficient elements to establish sporting succession, the Sole Arbitrator will make a summary of the factors referred to in article 21(4) FDC, which should be taken into consideration in this decision.
46. Article 21 FDC includes the following list of factors that should be taken into account in the criteria when making the assessment of “sporting succession”: (i) headquarters, (ii) name, (iii) legal form, (iv) team colours, (v) players, (vi) shareholders, stakeholders, ownership, management, and (vii) category of competition concerned.
47. However, the aforementioned list is non-exhaustive – as explicitly stated in article 21(4) FDC) - and, therefore, past sporting succession cases have also taken into consideration the following elements, among others: (i) the founding years of the clubs, (ii) history and objectives of the clubs, (iii) intention of the new club to identify itself with the history of the old club, (iv) team nickname, (v) team crest/logo, (vi) the stadium, and (vii) contact offices.
48. According to well-established CAS jurisprudence, the aforementioned elements may vary in importance. Furthermore, the existence of several elements listed or otherwise considered relevant, may lead, without not all of them being met, to the conclusion that a club shall be considered as a sporting successor. It is the overall package of elements

and their respective weight that is decisive (see e.g. CAS 2020/A/6884 and CAS 2020/A/7092).

49. CAS jurisprudence has also established that *“a club is a sporting entity identifiable by itself that, as a general rule, transcends the legal entities which operate it”* and that *“the prevalence of continuity and performance in time of a club in front of the entity that manages it has been recognized, even when dealing with the change of management completely different from themselves”* (see e.g. CAS 2018/A/5618 and CAS 2013/A/3425).
50. In that context, when a case of sporting succession is confirmed, the new club - considered to be the sporting successor - can be held liable to assume the financial obligations of the former club. This is the case even if the new club (i.e., the sporting successor) was not a party to the agreement with the creditor and not named in the decision the creditor seeks to enforce (e.g., for unpaid salaries), like the case at stake. Moreover, according to article 21 FDC, not only is the original debtor subject to disciplinary sanctions, but also its sporting successor. Indeed, said provision does not leave any discretion to the adjudicatory body in that respect, requiring that if a club is the sporting successor of a non-compliant club, such sporting successor shall be considered a non-compliant party.
51. The Sole Arbitrator understands that the motivations behind the creation of the concept of “sporting succession” were the need to protect players’ entitlements, to ensure contractual stability and fair competition and to discourage fraudulent behaviour on the part of successor clubs, by preventing them from benefiting from their predecessor’s results, fan base and media revenues, without assuming the associated liabilities. It is, therefore, not surprising, as FIFA points out, that some CAS panels have put particular emphasis on the transfer of federative and sporting rights to the new club and the coexistence of the two entities. However, the Sole Arbitrator recalls that these elements alone are not decisive and do not absolve the arbitrators from conducting an overall examination (see e.g. TAS 2011/A/2614, CAS 2011/A/2646, CAS 2018/A/5618, CAS 2019/A/6461, CAS 2020/A/6831, CAS 2020/A/7092, CAS 2020/A/7183 and CAS 2020/A/7543)
52. The Sole Arbitrator turns to assessing the different factors to determine whether sporting succession exists.

C. Analysis and consideration of the factors identified as relevant in terms of existence, or non-existence, of sporting succession

1) Founding year and path to first division

53. The Original Club was founded in 1991 in the city of Nisporeni, Moldova, and it was active from 1992 to 1998 (six seasons) competing in the Moldovan Divizia Nationala, which is the first division of their professional league. During their last season 1998/99 the Original Club was relegated to the third level of Moldovan football and returned to the first division in the season 2015/2016. The Original Club competed in the first division until it was dissolved in June 2021.

54. On the other hand, the First Respondent was founded on 20 March 2019. It was originally named FC Sporting Trestieni and played in the second division. Later, in 2021, it was promoted to first division of Moldovan football, and in 2022, it changed its name to FC Speranis.
55. Based on the above, the Sole Arbitrator considers that the clubs have different founding years and paths to the first division. Consequently, this goes against finding that the First Respondent is the sporting successor of the Original Club.

2) Logos and colours

56. The Sole Arbitrator notes that the Original Club's official team logo was originally a blue circle with white stripes and a red cross with the name of the club Speranta Nisporeni around the circle in blue bold letters and the year of foundation, 1991, in red bold letters.
57. The Original Club's logo changed in 2019 to the one that it kept until the club stopped existing in 2021. This most recent logo was a blue hexagon with a futuristic shaped eagle in the middle with its head and tail in degraded red colour and the eagles and sides of its tail in navy blue. The logo also has written in blue bold letters the name of the club Speranta on top of the hexagon and Nisporeni below the hexagon.
58. On the other hand, the First Respondent's team logo is badge-shaped with a red border and green background and with the delineated figure of an eagle, and a football on the right bottom corner close to the eagle's neck.
59. As for the uniforms, the Original Club's uniform was blue/white striped shirts with black shorts. On the other hand, the First Respondent's uniforms are blue/red striped shirts with blue shorts for their home kit and squared green/white shirts with white shorts for their away kit.
60. Considering that the logos, colours and team uniforms of the Original Club and First Respondent are different, the Sole Arbitrator finds this to be another factor against finding that the First Respondent is the sporting successor of the Original Club.

3) Social Media and Website

61. The Original's Club official website, Facebook and Instagram pages are:
- www.csfsperanta.com
 - https://www.facebook.com/fcsperanta/?locale=ro_RO
 - <https://www.instagram.com/sperantafc>
62. On the other hand, the First Respondent only has the following official Facebook page:
- <https://m.facebook.com/people/Sporting-Iurceni/100071281072962>

63. The Sole Arbitrator considers that the social media and websites of both clubs are different and, as such, this goes against finding that the First Respondent is the sporting successor of the Original Club.

4) Stadium

64. The Sole Arbitrator notes that the Original Club's stadium was the Hincesti City Stadium between 2017 and 2018 and the Stadium CSR Orhei between 2018 and 2021, while the First Respondent's stadium was initially the Real Success Stadium from 2020 to 2023 and, since 2023, its stadium is the City Stadium Nisporeni. Therefore, as the stadiums used by the clubs are different, this goes against finding that the First Respondent is the sporting successor of the Original Club

5) Address

65. The clubs are based in the same city. However, their domiciles are different. On one hand, the Original club had its address at Suveranitatii 15 31 in district Nisporeni, City Nisporeni in Moldova. On the other hand, the First Respondent's first address was originally Mun Chisinau, sec. Buiucani Str. Alba-Iulia 40 and, currently, it is Mun. Chisinau Sec. Buiucani Str, Alba-Iulia 87/2 40.
66. The Sole Arbitrator considers that since the addresses of the clubs are, and have always been, different, this goes against finding that the First Respondent is the sporting successor of the Original Club.

6) Name

67. While the Sole Arbitrator considers that the similarity of names may, in principle, be a relevant factor that favours the recognition of sporting succession, the Sole Arbitrator finds that in the present case, it is just a coincidence that the Original Club and the First Respondent have similar names. There is no indication, in the view of the Sole Arbitrator, that the similarity in names is intentional and meant to create a continuity between the clubs. In fact, it is undisputed that in Moldova there is yet another club with similar name as the Original Club, FC Speranta.
68. Considering that the name change was unintentional and not intended to establish a continuity between the clubs, the Sole Arbitrator finds that it does not support a finding that the First Respondent is a sporting successor of the Original Club.

7) Players and staff

69. The Sole Arbitrator recognizes that both clubs had on their rosters three of the same players: Messrs. Daniel Gustiuc, Adrian Apostol, and Andrei Cojocari. All were previously registered with the Original Club and now play for the First Respondent.
70. However, according to CAS jurisprudence, "a great number of players" is generally necessary to suggest the existence of sporting succession (see CAS 2020/A/7290). In the

present case, only 3 players played for both clubs and, more importantly, the players were not transferred directly or immediately from the Original Club to the First Respondent. In fact, the record shows that the players were registered with a different club before joining the First Respondent.

71. The same is true of the one official that joined the First Respondent from the Original Club. The Panel finds that, consistent with past CAS jurisprudence, the fact that only one staff member went on to play for the First Respondent from the Original Club is insufficient to establish sporting succession (*Idem*). Moreover, it should not be overlooked that the official did not join the First Respondent until one year after his contract with the Original Club had ended.
72. Given the low relatively low number of players and officials shared between the clubs and the fact that the players and sole official did not join the First Respondent immediately or directly from the Original Club, the Sole Arbitrator finds that this is not a factor that supports a finding of sporting succession.

9) Legal form

73. The Sole Arbitrator recognizes that the legal form of the Original Club and the First Respondent is the same – a non-profit organization. However, the Sole Arbitrator does not consider this to be a relevant factor in favour of finding sporting succession because it appears that by law all Moldovan clubs operate using this legal form.

- Conclusion

74. To conclude, the Sole Arbitrator finds that the Original Club and the First Respondent only share a few similarities (i.e., the name, legal form, and 3 players and one official). Moreover, these similarities – put into perspective, in view of CAS jurisprudence and the circumstances of the case – do not support a finding of sporting succession. Considering that all the other factors identified are against a finding of sporting succession, the Sole Arbitrator holds that the First Respondent is not the sporting successor of the Original Club. Accordingly, the Sole Arbitrator rejects the appeal.

X. COSTS

(...).

ON THESE GROUNDS

The Court of Arbitration for Sport rules:

1. The appeal filed by Mr. Dayron Alexander Mosquera against the decision rendered by the Disciplinary Committee of FIFA on 7 March 2024 is rejected.
2. The decision rendered by the Disciplinary Committee of FIFA on 7 March 2024 is confirmed.
3. (...).
4. (...).
5. All other or further request or motions submitted by the Parties are dismissed.

Seat of arbitration: Lausanne, Switzerland

Date: 28 February 2025

THE COURT OF ARBITRATION FOR SPORT

Juan Pablo Arriagada Aljaro
Sole Arbitrator