



TAS / CAS

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

CAS 2024/A/10982 A. v. FIFA & RFEF

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

Sole Arbitrator: José Luis Andrade, Attorney-at-Law, Porto, Portugal

in the arbitration between

A., [...]

Represented by M. Federica Gramatica, Attorney-at-law in Milan, Italy

Appellant

and

1/ Fédération Internationale de Football Association (FIFA), Switzerland

Represented by Mr Miguel Liétard Fernández-Palacios, Director of Litigation, and Ms Cristina Pérez González, Senior Legal Counsel

First Respondent

2/ Real Federación Española de Fútbol, Spain

Represented by Ms Verónica Guerra Beltrán, Legal Counsel, and Mr Alfonso Álvarez-Cascos Ruiz, Legal Counsel

Second Respondent

I. THE PARTIES

1. A. (the “Player” or the “Appellant”) is a minor of [...] nationality, born on [...] in [...], United Kingdom.
2. The Fédération Internationale de Football Association (“FIFA”) is the world governing of football. It exercises regulatory, supervisory and disciplinary functions over continental confederations, national associations, clubs, officials and players worldwide.
3. The Real Federación Española de Fútbol (“RFEF” and, together with FIFA, the “Respondents”) is the governing body of football in Spain and is a member of FIFA.

II. KEY FACTS

A. Relevant Background

4. The Player is the son of [...] and [...] and has a younger brother, [...]. The parents run a property business in [...], United Kingdom (UK).
5. The Appellant played football at a grassroots level until he was 10 years old. He was later scouted by [...] Academy, with which he played, and was accordingly registered, until the 2023/2024 season.
6. In February 2023, the Player’s mother was diagnosed with [...] for which she underwent surgery.
7. At some point thereafter, the Player’s parents started considering moving the family abroad. Initially they considered [...] but eventually decided to move to [...].
8. In January 2024, the parents engaged in various communications with private international schools in [...], requesting for appointments to visit the schools.
9. At the end of January 2024, the parents had contact with a real estate agency, Engel & Volkers in [...].
10. At the beginning of February 2024, the parents spent a few days in [...], where they visited a private international school.
11. On 7 February 2024, the parents attended the premises of the club [...] (the “Club”) as they were looking for a club that the Player could join and play for.
12. On 29 February 2024, the parents made a bank transfer in the amount of EUR 1,200 to the [...] College (“[...]”) as a registration holding fee.
13. At the beginning of March 2024, the Player’s mother travelled to [...] and visited [...] College.

14. On 5 March 2024, the parents contacted a relocation company, [...], in the context of their relocation to [...].
15. By means of an agreement dated 13 March 2024, the parents rented an apartment in [...] from 1 April 2024 to 28 February 2025.
16. On 15 March 2024, in a meeting of the Board of Directors of a company of the parents, the latter stated their intention to relocate to [...] in order to “*expand their real estate business on the Spanish [...]*”.
17. On 4 April 2024, the entire family flew from [...] to [...].
18. In the earlier part of April 2024, the Player participated in training sessions at the Club.
19. On 16 April 2024, the Club confirmed to the parents that it had accepted to incorporate the Player in the team.
20. On 23 May 2024, the registration of the Player with [...] FC was cancelled by mutual agreement. The cancellation agreement expressly mentioned that “Compensation is not Payable for this Club”.
21. On 23 July 2024, the Player was granted an official registration certificate as Spanish resident.
22. The Player was eventually admitted to [...] College for the 2024/2025 academic year.

B. Proceedings before the Players’ Status Chamber of the Football Tribunal

23. On 2 September 2024, the RFEF submitted an application in the Transfer Matching System (“TMS”) for the approval by the Players’ Status Chamber of the Football Tribunal (“PSC”) prior to a first registration of the Player with the Club, on the basis of the exception outlined in Article 19(2)(a) RSTP (“*The player’s parents move to the country in which the new club is located for reasons not linked to football.*”). The RFEF’s request for approval was on the basis of Article 19.3 of the FIFA Regulations on the Status and Transfer of Players (“FIFA RSTP”) related to the first registration of a foreigner; request which was, in turn, based on a request filed by the [...] Football Federation.
24. The application contained the following documentation:
 - A copy of the Player’s request to the RFEF for his first registration as a foreign player in Spain (see Article 19.3 FIFA RSTP).
 - A copy of the Club’s statement of 2 August 2024, stating its intention to incorporate the Player into the team as an amateur player.
 - A copy of the parents’ statement dated 2 August 2024 (i) stating their wish for the Player to be registered with the Club; and (ii) confirming that their motives

for relocating to Spain were “*entirely unrelated to the hypothetical professional career of [the Player]*”.

- A copy of the minutes of a Board meeting of a company of the parents dated 15 March 2024, declaring their intention to relocate to [...] in order to “*expand their real estate business on the Spanish [...]*”.
 - A certification of residence issued on 14 August 2024, confirming that both the Player and his parents had been registered as residents in [...].
 - A copy of the lease agreement for an apartment in [...] dated 13 March 2024.
 - A document issued by the [...] Football Federation on 12 August 2024, stating that the Player and his mother had provided an affidavit attesting that the Player had never been registered with any football club affiliated to FIFA.
 - A letter issued by [...] College on 22 August 2024, confirming that the Player had been admitted to the school for the upcoming 2024/2025 academic year.
 - A copy of the Player’s birth certificate.
 - A copy of the Player’s and his parents’ identity documents.
25. On 3 September 2024, FIFA requested the RFEF to submit “a statement from the Club that it wishes to register the Player, with express mention of the exact date and circumstances under which the Player and the Club first came into contact”.
26. On 4 September 2024, the RFEF provided a copy of the Club’s statement, dated 3 September 2024, declaring its wish to register the Player and indicating that, on 7 February 2024, the parents had visited the Club’s premises and requested that the Player be accepted to play with the team.
27. On 4 September 2024, FIFA requested the RFEF to submit “*a statement from the Parents, indicating the date on which the decision to relocate was made, together with any documentary evidence (available) that corroborates such statement*”.
28. On the same day, the RFEF re-submitted the following documents: (i) the letter issued by [...] College on 22 August 2024; (ii) the minutes of the board meeting dated 15 March 2024; and (iii) the lease agreement for the apartment in [...].
29. On 5 September 2024, the RFEF submitted a statement of the parents, dated the same day, stating the following:

Free translation from Spanish:

“As parents of [A.] [...] we kindly request that our son be enrolled in the preferred youth team of [...], with the sole objective of his athletic and personal development at the amateur level.

The reasons that led us to change our residence are as follows:

The Player's father and mother manage three real estate businesses, and we have decided to move to [...] to expand our business on the Spanish [...] because:

- *The real estate market is very strong.*
- *With our knowledge of the real estate business and foreign languages, we firmly believe that we will be able to successfully establish a Spanish real estate business in [...].*

We have rented a property in [...] on a long-term basis, and our children have been accepted at the local school, so we can confirm that we will be living full-time in [...].

As proof of our change of residence to [...], we have attached the lease agreement for the property we will be living in and the enrolment certificate for our son, [A.], for the 2024-25 school year, as well as other documentation for each of us. We remain at your disposal should you require any additional documents to allow our son to obtain his federation license and be able to train and play matches with the [...] under-13 team (born in 2011).

On 7 February, the father and mother of the player visited the youth football offices of [...] to request that our son be allowed to join their club for the 2024-25 season. The proposal was accepted, and now we just need to finalize his federation license."

30. On 6 September 2024, the PSC rendered its decision (the "Appealed Decision"), ruling as follows:

Free translation from Spanish:

"The application of the Real Federación Española de Fútbol (TMS reference B-0021429) on behalf of its affiliated club, [...], for the approval prior to the first registration of the minor player, [A.] ([...]), is REJECTED."

31. On 16 October 2024, the grounds for the Appealed Decision were communicated to the Parties. The PSC rejected the application essentially on the basis that it did not consider itself satisfied that the move of the Player's parents to [...] was for reasons not linked to football for the purposes of Article 19.2 a) FIFA RSTP.

III. PROCEEDINGS BEFORE THE CAS

32. On 6 November 2024, the Player filed its statement of appeal against the Respondents, with respect to the Appealed Decision in accordance with Article R47 *et seq.* of the Code of Sports-related Arbitration (the "Code"). The Appellant (i) requested that the matter be expedited pursuant to Article R52 of the Code ; (ii) requested that the case be submitted to a Sole Arbitrator; (iii) requested that the proceedings be conducted in English; and (iv) indicated that he "reserved and requested the right to apply for

- provisional measures” in order to be allowed to train and play pending a final decision in these proceedings.
33. On 11 November 2024, FIFA (i) agreed to refer the matter to a Sole Arbitrator; (ii) objected to an expedited procedure being implemented; and (iii) agreed that the proceedings be conducted in English.
 34. On 12 November 2024, the RFEF (i) agreed to refer the matter to a Sole Arbitrator; (ii) objected to an expedited procedure being implemented; and (iii) requested that the proceedings be held in Spanish.
 35. Also on 12 November 2024, the CAS Court Office informed the Parties that, in light of the Respondents’ objections, no expedited procedure would be implemented.
 36. On 26 November 2024, the Deputy President of the Appeals Arbitration Division issued an Order on Language by means of which it decided that (i) English shall be the language of the proceedings; and (ii) the written submissions should be filed in English, but that documents written in Spanish could be submitted without translations.
 37. On 3 December 2024, the Appellant requested that the Respondents be ordered to produce the entire case file which was submitted via FIFA TMS in connection with the request for approval of his application. On the same day, the CAS Court Office informed the Parties that the Appellant’s request was premature and that he was invited to re-submit the request once the Panel had been constituted.
 38. On 6 December 2024, the Appellant filed his Appeal Brief pursuant to Article R51 of the Code.
 39. On 17 and 20 January 2025, FIFA and the RFEF, respectively, filed their Answers pursuant to Article R55 of the Code.
 40. By letter dated 21 January 2025, FIFA indicated that it did not consider a hearing to be necessary but deferred in that regard to the other Parties. FIFA requested that the Appellant be invited to file witness statements for the witnesses he called and suggested that a case management conference be held to determine, *inter alia*, the pertinence of certain witness testimony.
 41. On 23 January 2025, the Parties were informed by the CAS Court Office of the appointment of this Sole Arbitrator to hear this dispute. The Parties were also informed that the Sole Arbitrator wanted, however, to disclose certain information regarding his background for the Parties’ consideration regarding his independence and impartiality.
 42. On 24 January 2025, the RFEF indicated that it did not consider a hearing to be necessary, but that it would not object to one either. The RFEF also requested that the Appellant be invited to file witness statements and that it considered a case management conference to be necessary.
 43. On 27 January 2025, the Appellant indicated that it considered a hearing in person to be

necessary and that a case management conference would not be needed. The Appellant also indicated its availability to provide witness statements if so requested by the Sole Arbitrator.

44. On 4 February 2025, the CAS Court Office informed the Parties that, since no challenge had been filed to the appointment of this Sole Arbitrator to adjudicate this dispute, the appointment was confirmed.
45. On 5 February 2025, the Parties were therefore informed that the Panel was constituted as follows:
 - Sole Arbitrator: Mr. José Luis Andrade, Attorney-at-Law, Porto, Portugal
46. On 21 February 2025, the Parties were informed that (i) the Sole Arbitrator had decided that the hearing would be conducted in English and the Award would be issued in English; (ii) the Sole Arbitrator was inviting FIFA to produce the FIFA case file; (iii) the Sole Arbitrator had decided to hold an in-person hearing; and (iv) the Sole Arbitrator was inviting the Appellant to submit witness statements for each witness he intended to call.
47. On 26 February 2025, FIFA provided a copy with the complete FIFA case file.
48. On 7 March 2025, the Appellant submitted witness statements for the witnesses he intended to call.
49. On 17 March 2025, the Parties were informed that the hearing would take place on 27 May 2025. Moreover, consider the agreement among the Parties in that regard, it was confirmed that the hearing would take place by videoconference. The Parties were invited to provide a jointly agreed hearing schedule.
50. On 26 March 2025, the Appellant was invited to file comments on the FIFA case file.
51. On 3 April 2025, FIFA returned a duly signed copy of the Order of Procedure.
52. On 4 April 2025, the Appellant filed his comments on the FIFA case file.
53. On 7 April 2025, the RFEF returned a duly signed copy of the Order of Procedure.
54. On 8 April 2025, the Respondents were invited to file their comments on the FIFA case file.
55. On 11 April 2025, FIFA sent a letter requesting that the Appellant's submissions regarding the FIFA case file be declared inadmissible on the basis that the Appellant's observations did not relate to the FIFA case file and were a "disguised replica".
56. On 24 April 2025, the Appellant informed that the Parties had jointly agreed to a hearing schedule, with the exception of the order of appearance of the witnesses. In particular, the RFEF wanted that the witnesses be heard in the same order as presented in the

Appellant's Appeal Brief. The Appellant, on his part, argued that the witnesses were not indicated in any specific order in the Appeal Brief (rather only listed) and that there were availability constraints due to the hearing taking place on a working day.

57. On the same day, the RFEF stated that it no longer objected to the order of appearance of the witnesses as proposed by the Appellant, but requested that said order would not be altered again.
58. On 24 April 2025, the Parties were informed that the Sole Arbitrator had decided that the Appellant's observations on the FIFA case file were deemed admissible and that the reasons for the decision would be provided in the final arbitral award.
59. On 30 April 2025, FIFA submitted its comments on the FIFA case file.
60. On 5 May 2025, the RFEF submitted its comments on the FIFA case file.
61. On 27 May 2025, a hearing was held online, through the Webex platform. In addition to the Sole Arbitrator, Mr. Fabien Cagneux, Managing Counsel to the CAS, attended the hearing, together with the legal counsels for the parties. The following witnesses, called by the Appellant, testified during the hearing:
 - [...]
 - [...]
 - [...]
 - [...]
 - [...]
62. At the outset of the hearing, the Parties confirmed that they had no objection with regard to appointment of the Sole Arbitrator to adjudicate this dispute, and the manner in which the procedure had been handled until then. At the conclusion of the hearing, the Parties confirmed that their right to be heard had been fully respected throughout the proceedings.

IV. SUMMARY OF PARTIES' POSITIONS

63. The following section summarises the Parties' main arguments in support of their respective requests for relief. While the Sole Arbitrator has examined the full record submitted by the Parties to the dispute, he refers in what follows only to the arguments, which, in the Sole Arbitrator's view, were relevant in deciding the issues in the appeal.

A. The Appellant

64. The Appellant's main arguments can be summarised as follows:

- CAS jurisprudence confirms that, in order to assess whether the requirements for the application of the exception provided for in Article 19.2 FIFA RSTP are fulfilled, the timeline and the facts surrounding the parents' move to a new country are important.
- CAS jurisprudence also indicates that, where the move of a family to a new country was motivated by several reasons, it is necessary to consider the overall circumstances and the weight of the "football factor".
- The decision of the Appellant's family to move to Spain was primarily based on the following reasons and in the following order of priority: to change their lifestyle and environment after the Appellant's mother and aunt had battled [...]; to explore and expand their family business in real estate; to move to a mediterranean environment and live a stress-free life; and finally for the holistic development of their children which included education as their top priority and sports activity as a secondary objective. The Appellant's sporting activities were not a consideration during their decision to move.
- Initially it was the Appellant's family intention to move to [...]. However, after proper consideration and taking into account the importance placed on the children's education, the parents decided that [...] was a better alternative, notably due to the higher quality of the schools when compared with [...].
- The parents' decision to move to Spain was also motivated by their intention to expand their real estate businesses, notably given the potential tax benefits in Spain.
- The parents approached the Club simply with the intention to ensure that the Appellant could continue to play football as a mere sporting activity, a sport that he had already been playing in the UK before the family moved. Requesting for the registration of the Appellant was merely part of their intention to provide a holistic development to a young boy who loves to play football.
- The chronology of the events establishes that the Appellant's parents moved to Spain for reasons unrelated to football. The Appealed Decision is based on the wrong premises that (i) the Club accepted the Player on 7 February 2024 and (ii) the family only finally decided to move to Spain on 15 March 2024.
- Indeed, there is evidence of the parents contacting private schools and real estate agencies in [...] from December 2023 to early February 2024; i.e. prior to the parents having had any contact with the Club.
- Moreover, the parents and the Appellant did visit the Club on 7 February 2024, however this was only to enquire whether there was a possibility for the Appellant to play football in [...]. Unlike what is stated in the letter signed by the parents dated 5 September 2024, the Club did not "accept" the Appellant at that point in time. Rather, the Club only indicated that there would be trials during April and only after a decision would be made as to whether the Appellant would play football at the

Club. This letter dated 5 September 2024 was signed by the parents but was in fact prepared by the Club. The parents simply trusted the instructions that they were given to sign the letter.

- It was only on 16 April 2024 (after a week of training) that the Club confirmed to the parents that it would accept to incorporate the Player in their team. At that point, the family had already settled in [...], had already made significant investments in the relocation and had secured school admission for the children.
- [...] FC is ranked in a much higher league than the Club, so there is no reason why the Player would move to a lower division league if he was in fact motivated by football reasons.
- The fact that the application which was submitted to FIFA was for an “international transfer”, rather than a “first registration” is not of the parents making, as they were only following the Club’s instructions. The parents had little to no knowledge of FIFA’s approval procedure, or FIFA regulations and the Club never explained its working or its importance. Their genuine intention was for their son to continue his sporting hobby in their new country of residence

B. FIFA

65. FIFA’s main arguments can be summarised as follows:

- As a matter of principle, the exceptions contained in Article 19.2 and 19.3 FIFA RSTP are considered to be exhaustive and the framework must be applied restrictively in light of its objectives.
- In order to benefit from the exception provided for in Article 19.2 a) FIFA RSTP, the move of a minor to a new association has to be genuinely unrelated to any football motives, even the slightest ones. CAS jurisprudence confirms that football does not necessarily have to be the main reason for the application to be rejected, but it is sufficient that it exists amongst other circumstances in order to exclude the application of the exception. The chronological sequence of the events preceding the move and other ancillary circumstances must all be evaluated.
- The set of circumstances surrounding the case suggests that the so-called “football factor” was at least part (if not the predominant element of) the family’s decision to relocate to Spain.
- The evidence on record indicates that the Player was accepted into the Club on 7 February 2024, while the parents’ move to [...] was only formalized upon signing the lease agreement on 13 March 2024. In addition, the Player’s admission to [...] College occurred only when the school issued a letter on 22 August 2024.
- It is also not credible that the parents simply decided to travel from [...] to [...] to casually visit the Club’s offices on 7 February 2024 without previous notice or

discussions and no evidence was provided as to when the first contact with the Club took place. Similarly, the Appellant's claim that the decision to move to [...] was made well before 7 February 2024 is contradicted by the fact that on 8 January 2024, the parents were still inquiring about schools in [...].

- The parents claim that their statement of 5 September 2024 (by means of which they indicate that the Club accepted the Player on 7 February 2024) was simply signed by them on the Club's instructions is not relevant as CAS jurisprudence confirms that parties must be held accountable for the documents that they sign.
- The parents' version of events as to the reasons for the move to [...] contains inconsistencies. On 30 December 2023, the Player's father contacted a sports center located in [...] stating that the family was planning to move to [...] and a few days later the Player's mother was contacting schools, indicating that the family would be relocating to [...].
- The parents' version of events has also been evolving. In the application submitted before FIFA, the reason given for the relocation was the parents wish to expand their real estate business, whereas in these proceedings they have added the wish to move to a mediterranean environment and live a less stressful life. There is no credible link between the decision to move to [...] and the purported intent to expand their real estate business and no evidence that they did effectively seek to expand their real estate business.

C. RFEF

66. RFEF's main arguments can be summarised as follows:

- Contrary to what was stated by the Appellant, upon request from the [...] Football Federation, the RFEF requested FIFA the authorization to register the foreign player as a "First Registration", as opposed to an "International Transfer" with the corresponding issuance of an ITC. As the Player was previously registered with [...] FC, this means that the Player did not provide the correct information regarding his registration.
- The RFEF was diligent in handling the case of the Player. It uploaded all documents provided by the Club and the Player and it communicated always in due time the requests for additional documents.
- Article 19 FIFA RSTP must be interpreted restrictively considering the protective objectives of the regulatory framework.
- The Player's indication that FIFA rejected the "the approval of the ITC" is incorrect as the Appealed Decision clearly stated that it was the Player's "First Registration" that was rejected.

- The fact that both the Player’s mother and his aunt suffered from [...] is not disputed, but there is no evidence that these medical reasons would require a move to Spain.
- There are inconsistencies in the parents’ version of events, notably when they indicate that, between December 2023 and February 2024, they were planning the move to [...], but there is evidence of contacts with a sports club in [...] at the end of December 2023.
- There is evidence of the Player’s father mentioning in contacts with a sports club in [...] that he was looking for the “best teams/academies in [...], ideally linked to the European circuits”, which indicates that the “football factor” was a relevant element for the move.
- The evidence on record indicates that the Player was accepted into the Club on 7 February 2024. The parents confirmed this fact in writing in their written statement of 5 September 2024, and they must be responsible for the content of the documents that they sign.
- Even though the Appellant has provided new evidence to establish that the move to [...] was decided prior to 7 February 2024, no evidence has been provided as to when the first communication between the Club and the Player’s family took place.
- The parents’ explanation that the move to [...] was grounded on their wish to expand their real estate business is not supported by proper evidence, in particular an no agreement by the competent bodies of the company, no formal settlement of the company in [...], no business forecast or business plans and no market studies.

V. PARTIES’ REQUESTS FOR RELIEF

67. In its Appeal Brief, the Appellant made the following Requests for Relief:

“(a) To admit this Appeal along with all its annexes;

(b) To adopt an award to set aside the Appealed Decision passed on 6 September 2024 by the Single Judge of La Cámara del Estatuto del Jugador del Tribunal del Fútbol;

(c) To order FIFA to issue the International Transfer Certificate (ITC) and thereby order the Real Federación Española de Fútbol (RFEF) on behalf of its affiliated club, [...], to register the Appellant;

(d) To order the Respondents to bear any and all procedural and legal costs related to this arbitration;

(e) To grant any additional or alternative relief that may be appropriate given the circumstances of the present matter;

- (f) To hear the testimonies of all witnesses mentioned in the Appeal Brief;*
- (g) To order the Respondents to produce the entire case file before the first instance.”*

68. In its Answer, FIFA made the following Requests for Relief:

- “(a) Reject the Appellant’s appeal in its entirety;*
- (b) Confirm the Appealed Decision of 6 September 2024; and*
- (c) Order the Appellant to bear all costs incurred with the present procedure.”*

69. In its Answer, the RFEF made the following Requests for Relief:

- “I. The Appeal to the FIFA Player’s Status Committee’s Decision of September 6th, 2024, is rejected, and;*
- II. Confirms the FIFA Player’s Status Committee’s Decision of September 6th, 2024, and;*
- III. The Appellant shall bear all costs related to the proceedings.”*

VI. JURISDICTION OF THE CAS

70. The jurisdiction of the CAS, which is not disputed, derives from Article 50.1 of the FIFA Statutes which stipulates that *“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.”* and Article R47 of the Code which provides that:

“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.[...]”

71. The jurisdiction of the CAS is further confirmed by the Order of Procedure which has been duly signed by the Parties.

72. It follows that CAS has jurisdiction to adjudicate on, and decide, the present dispute.

VII. ADMISSIBILITY OF THE APPEAL

73. Article R49 of the Code determines as follows:

“In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against.”

74. In accordance with Article 50.1 of the FIFA Statutes,
- “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.”*
75. There is no dispute that the Statement of Appeal was filed within the statutorily permissible 21 days after notification of the Appealed Decision. The appeal complies with all other requirements of Article R48 of the Code. The appeal is, therefore, admissible.

VIII. APPLICABLE LAW

76. Article R58 of the Code provides the following:
- “The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.”*
77. Article 49.2 of the FIFA Statutes reads as follows:
- “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”.*
78. All Parties are in agreement that the FIFA Regulations must apply to this dispute, with Swiss law being applicable should the need arise to fill in any gaps.
79. In light of the above, the Sole Arbitrator considers that the present dispute shall be resolved on the basis of the applicable FIFA regulations and, subsidiarily, based on Swiss Law.

IX. MANDATE OF THE SOLE ARBITRATOR

80. Pursuant to Article R57 of the Code, CAS Panels have full power to review the facts and the law. The mandate of a Panel is, however, confined to the matter which was assessed, or was in dispute, before the previous instance. Moreover, it is CAS’ well-established jurisprudence that the mandate of a Panel according to Article R57 of the CAS Code cannot exceed the authority of the previous instance (CAS 2021/A/8321).
81. This principle was clearly set out by the Panel in CAS 2014/A/3523 which stated as follows: *“[w]hile the de novo nature of the CAS Appeal Procedure allows a CAS Panel to take new facts into account, it does not free the Panel from the inherent constraint of any appeal procedure, which must remain within the scope of the first instance decision*

(cf., e.g., CAS 2007/A/1433, para. 36; CAS 2006/A/1206, para. 25). By deciding upon a decision which was not the subject matter of the first instance, the CAS Panel itself might be deemed to effectively decide as a first instance, thus exceeding its mandate”

82. These limitations to CAS’ scope of review in appeal proceedings were also addressed in CAS 2007/A/1426 as follows: “*Although, pursuant to art. R57 of the CAS Code, a CAS panel has full power to review the facts and the law and to issue a decision de novo, when acting following an appeal against a decision of a federation, association or sports-related body, the power of review of such panel is also determined by the relevant statutory legal basis and, therefore, is limited with regard to the appeal against and the review of the appealed decision, both from an objective and a subjective point of view. Therefore, if a motion was neither object of the proceedings before the previous authorities, nor in any way dealt with in the appealed decision, the panel does not have the power to decide on it and the motion must be rejected*”.
83. In CAS 2012/A/2874, the Panel emphasized that, in CAS appeal proceedings, claims not formulated before the previous instance should, in principle, be deemed inadmissible: “*the scope of the appeal is limited to issues arising from the Appealed Decision, i.e. amended claims may not go beyond the scope and the amount of the previous litigation. Hence, any new claim, which was not submitted to the DRC and for which there is no legitimate reason not to have been advanced in the previous litigation, should be rejected by the Panel as inadmissible*”.
84. The object of the Appealed Decision was a request filed by the RFEF for the approval by the PSC of a first registration of the Player as a foreign player, on the basis of the exception outlined in Article 19.2 a) FIFA RSTP. The request filed by the RFEF was therefore based on Article 19.3 and 19.4 b) FIFA RSTP. This is clear from the document which was submitted by, or on behalf of, the Player to the [...] Football Federation and it is also confirmed in the Appealed Decision (see, for example, Section I paragraph 2). Moreover, the fact that the request submitted to FIFA was for the approval of a first registration has not been disputed in these proceedings.
85. However, as indicated in Sections IV and V above, in these proceedings the Appellant has rather made the request that the CAS would order, *inter alia*, (i) FIFA to issue the ITC for the Player’s international transfer; and (ii) the RFEF to register the Player. By requesting that the CAS would order FIFA to issue an ITC and the RFEF to register the Player, the Appellant appears to have intended to essentially request that the Player’s international transfer be authorised. This necessarily entails that the Appellant’s appeal is based on Article 19.4 a) FIFA RSTP.
86. Article 19 FIFA RSTP establishes the framework for the protection of minors and foresees essentially two separate procedures: (i) an international transfer (Article 19.4 a) FIFA RSTP; or (ii) a first registration (Article 19.4 b) FIFA RSTP). This distinction is made clear in the FIFA Guide to Submitting a Minor Application where it is stated as follows:

“If a minor player has never been registered at an association for the purpose of playing

organised football in his/her life and wants to be registered (for the first time) with a club affiliated to a member association, his/her registration constitutes a first registration.

If a minor player is registered at an association and now wants to be registered with a new club affiliated to another association, his/her registration with his/her new club constitutes an international transfer, i.e. said move would be subject to an International Transfer Certificate (ITC) as per art. 9 of the RSTP.” (emphasis added)

87. In light of the above, whereas the request filed before FIFA was for the approval of a first registration under Articles 19.3 and 19.4 b) FIFA RSTP, the Appellant now seeks not only the annulment of the Appealed Decision, but also to obtain an approval for an international transfer pursuant to Articles 19.2 and 19.4 a) FIFA RSTP.
88. It has been established in these proceedings that the Player had already been registered with [...] Academy, which is a club affiliated to The Football Association. It is therefore clear that the correct application to submit to FIFA would have been for the approval of an international transfer, rather than a first registration. The issue, however, was that this request was never filed with FIFA and therefore was never assessed.
89. Whilst it is correct that the exceptions (and respective requirements) which exist to the prohibition of the international transfer of underaged players as set forth in Article 19.2 FIFA RSTP apply both to the request for the approval of an international transfer and to the request for approval of a first registration, the two procedures are not one and the same and do not necessarily have the same implications.
90. For example, an approval of a first registration presupposes a form of (at least *prima facie*) recognition that a player was never registered with any other club and, therefore, could, at the very least, create a perception that no previous clubs (i.e. prior to his “first registration”) would in principle have any entitlements to any training rewards under applicable regulations.
91. In addition, there are also procedural differences. Pursuant to Article 30.4 of the Procedural Rules Governing the Football Tribunal, in the context of an international transfer the former association at which the minor was registered will be provided with all the applicable documentation and will be invited to file submissions in connection with the request for the approval of said international transfer, something that evidently does not take place in the context of a first registration.
92. It is also relevant to note that, even though, as stated above, it appears relatively clear that the Appellant is effectively seeking the approval of an international transfer pursuant to Article 19.4 a) FIFA RSTP, the formulation of the Player’s prayers for relief would in any case present challenges. Indeed, the manner in which FIFA’s regulatory framework for the protection of minors is structured is around the creation of an application process to be decided by the PSC. Relevant parties submit an application for an international transfer or first registration of a minor and FIFA either accepts or rejects said application. FIFA’s competence in that regard is, therefore, to assess applications

(essentially to verify if the requirements for the exceptions are fulfilled) and decide upon them. And in the case of an application for the approval of an international transfer of a minor, it is only after the application is approved by FIFA that an ITC can be requested by the new club's national association (Cf. Article 19.5 FIFA RSTP).

93. Rather than a request for the approval of an application, the Appellant's request for relief was for the CAS to order FIFA to issue an ITC. The competence to issue an ITC, however, belongs to the national association where a player is registered (see Article 8.1 i) of Annex 3 FIFA RSTP), not to FIFA and therefore the CAS would not appear in any event to be in a position to order FIFA to do something which FIFA is not competent to do.
94. In conclusion, the Appellant's request for the approval of an application for the international transfer was never presented to FIFA, nor was it addressed in the Appealed Decision. Accordingly, the Sole Arbitrator holds that such a request in these proceedings is outside the scope of its mandate and it must therefore be deemed inadmissible.
95. The Sole Arbitrator took good note of the Appellant's indication that the parents are not law experts and that they duly informed the Club that the Player had previously been registered with [...] Academy and that, therefore, it should have been up to the Club to file the right application before FIFA.
96. The Sole Arbitrator has no reason to doubt the Appellant's allegations in this regard and is of the view that, based on the evidence on file, it indeed appears that the procedure was not handled by the Club in a diligent manner. The Sole Arbitrator also sympathises with the circumstance that minors and their parents do not have complete control over the procedure for the approval of an application for the international transfer or first registration of a minor (which mostly involves clubs, regional federations and national associations) and that parents may not have the required experience to understand the intricacies of the procedure.
97. The Sole Arbitrator also expresses his surprise with the fact that it was possible for an incorrect application to go through the Club, the [...] Football Federation, the RFEF and FIFA, without any of those entities having seemingly realised (or at least inquired, considering that the Appellant was moving to a new jurisdiction) that the Player had already been registered and that, consequently, it would not be possible to process a first registration.
98. Ultimately, however, whilst sympathising with the position in which the Appellant and his parents may have been put in when it comes to the (non)compliance with procedural requirements, CAS Panels must work with the rules which are determined to be applicable and the jurisprudence of the court. For the reasons already set out above and given the appellate nature of these proceedings, the Sole Arbitrator is not in a position to review requests which were never put forward before the first instance.

X. PRELIMINARY PROCEDURAL MATTER

99. As indicated in Section III above, on 24 April 2025, following the objections raised by FIFA, the Parties were informed that the Sole Arbitrator had decided that the Appellant's observations on the FIFA case file were deemed admissible and that the reasons for the decision would be provided in the final arbitral award. Said reasons are therefore provided hereunder.
100. Pursuant to Article R44.3 of the Code *"If it deems it appropriate to supplement the presentations of the parties, the Panel may at any time order the production of additional documents or the examination of witnesses, appoint and hear experts, and proceed with any other procedural step. The Panel may order the parties to contribute to any additional costs related to the hearing of witnesses and experts"* (emphasis added).
101. Moreover, pursuant to Article R56 of the CAS Code: *"Unless the parties agree otherwise or the President of the Panel orders otherwise on the basis of exceptional circumstances, the parties shall not be authorized to supplement or amend their requests or their argument, to produce new exhibits, or to specify further evidence on which they intend to rely after the submission of the appeal brief and of the answer."* (emphasis added).
102. In the exercise of his discretion pursuant to Article R44.3 of the Code, on 26 March 2025, the Sole Arbitrator decided to grant the Appellant a 10-day deadline *"to provide his comments on the FIFA case file."*
103. Both FIFA and the RFEF objected to the admissibility of the Player's comments on the FIFA file, essentially arguing that the Player went beyond simply commenting on the FIFA file and used that submission to respond to the Respondents' Answers.
104. The Sole Arbitrator first wishes to note that, when inviting the Appellant to submit *"comments on the FIFA case file"*, he did not issue any further specific instructions and did not further delimit or restrict the scope of the observations.
105. First, it is worth recalling that the main reason why the Appellant requested to have access to the FIFA case file, was because he was not a party to the FIFA proceedings and therefore could not be certain of what documentation had been submitted to FIFA in the context of the application for the approval of the Player's first registration.
106. In light of the above, whilst it is true that the Appellant also used those observations to further elaborate on arguments and remarks already made in his Appeal Brief and to respond to issues raised by the Respondents in their respective Answers, the Sole Arbitrator does not consider that those observations and submissions are necessarily unrelated to the "FIFA case file". Indeed, after having had access to the FIFA case file and understanding the set of information and documentation which was made available to the FIFA Football Tribunal, the Appellant, when filing his further observations, expanded on the arguments and positions already set out in his Appeal Brief.

107. Moreover, it is also worth noting that the Appellant had already requested the production of the FIFA case file prior to filing his Appeal Brief, such request having been denied by the CAS Court Office on the basis that only a Panel could order the production of the FIFA case file, and the request was therefore premature. This, in turn, evidently placed the Appellant at a procedural disadvantage when filing his Appeal Brief.
108. It is the Sole Arbitrator's view that the observations filed by the Appellant contributed to a better understanding by the Sole Arbitrator of the circumstances of the case and the position of the Appellant also considers that the fact that the Appellant was not a party to the first instance proceedings and did not have access to the FIFA case file prior to filing his Appeal Brief constitutes "exceptional circumstances" for the purposes of Article R56 of the Code, justifying the admissibility of the Appellants observations as well as the related exhibits.
109. Finally, the Sole Arbitrator also deems important to underline that no procedural disadvantage arose to the Respondents from the Appellant's observations being deemed admissible, as the Respondents were granted an opportunity to provide their comments and observations in response to the Appellant's submissions.

XI. MERITS

110. The Appellant has also formulated a request that the Appealed Decision be set aside.
111. The fact that this Sole Arbitrator is unable to approve an international transfer of the Appellant in this appeal (or, as more precisely requested by the Appellant, to order FIFA to issue an ITC and the RFEF to register him) means that the goal of the Appellant of ultimately being registered with the Club by means of these proceedings cannot be attained. Indeed, even if the Sole Arbitrator would set aside the Appealed Decision, this evidently would not, in and of itself, enable the registration of the Player with the Club. Any such registration prior to the Player turning 18 years of age (or 16 years of age in case Article 19.2 b) would apply) would, in that case, only be possible by means of a new decision made by FIFA approving any such request.
112. Nonetheless, unlike what was the case with the prayers for relief assessed in the previous section, it does fall within the mandate of this Sole Arbitrator to review the merits of the Appealed Decision and assess whether it was correctly taken.
113. The Appealed Decision rejected the application for a first registration of the Player. The task of the Sole Arbitrator is therefore to assess whether or not the rejection of the application for a first registration of the Appellant is correct.
114. Given the findings set out in Section IX above that the Player was previously registered with [...] Academy and that therefore an application for an international transfer would have had to be submitted rather than a request for a first registration, the Sole Arbitrator does not find a regulatory basis which would permit the approval of such a request.

115. Evidently, the Sole Arbitrator does not ignore the circumstance that the PSC rejected the minor application essentially on the basis that it had not been properly established that the move of the parents to Spain was not linked to football and not because the incorrect application had been submitted.
116. However, first the Sole Arbitrator assumes that this was due to initially the FIFA General Secretariat and later the PSC not being aware, or not having realized, that the Appellant had already been previously registered with a national association.
117. In fact, even if one were to assume that the PSC was or could have been aware that the Player had already been previously registered with a national association (and it is not entirely clear to the Sole Arbitrator whether this was or could have been the case), this still does not mean that the PSC would have necessarily relied on that in correction to reject the application for a first registration. In other words, the fact that the PSC relied upon the absence of evidence establishing no football motivation in the family's decision to move to [...] does not necessarily mean that, had that evidence been provided, the application would not have been rejected anyway on the basis that it was an incorrect application.
118. Second, and more importantly, the fact remains that this Sole Arbitrator is assessing the merits of the Appealed Decision with full power to review the facts and the law. And the uncontested evidence before the Sole Arbitrator is that the Player had already been previously registered with a club playing association football. The fact that the Appealed Decision may have rejected the application on the basis of different grounds does not change this.

XII. CONCLUSION

119. In conclusion, pursuant to the analysis above, the Sole Arbitrator finds that the application for a first registration of the Player was correctly rejected by the PSC and that, therefore, the Appealed Decision must be confirmed.

XIII. OBITER DICTUM

120. Finally, the Sole Arbitrator wishes to make clear that, in confirming the Appealed Decision, he is not making any finding with regards to the analysis made by the PSC in relation to the motivations of the move of the Appellant's family to Spain and is therefore not endorsing the conclusions that were reached by FIFA in that regard. The PSC would have to carry out such assessment if and when the Appellant would decide to file a new application for his international transfer.

XIV. COSTS

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed on 6 November 2024 by A. against the decision of the Players' Status Chamber of the Football Tribunal issued on 6 September 2024 is dismissed.
2. The decision issued by the Players' Status Chamber of the Football Tribunal on 6 September 2024 is confirmed.
3. The prayers for relief made by A. for the CAS "*To order FIFA to issue the International Transfer Certificate (ITC) and thereby order the Real Federación Española de Fútbol (RFEF) on behalf of its affiliated club, Atletico Baleares SAD, to register the Appellant*" are inadmissible.
4. (...).
5. (...).
6. All other requests for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland
Date: 17 September 2025

THE COURT OF ARBITRATION FOR SPORT

José Luis Andrade
Sole Arbitrator