

CAS 2023/A/9413 FC Zenit JSC v. Russian Football Union

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

Sole Arbitrator: Mr Ivaylo Dermendjiev, Attorney-at-Law in Sofia, Bulgaria

in the arbitration between

FC Zenit JSC, Saint Petersburg, Russia

Represented by Mr Oleg Zadubrovskiy, Director of Legal Department, and Mr Evgenii Zatula, Legal Counsel

Appellant

and

Russian Football Union (RFU), Moscow, Russia

Represented by Mr Denis Rogachev, Deputy Secretary General

Respondent

I. PARTIES

1. FC Zenit JSC (the “Appellant”, “FC Zenit” or the “Club”) is a professional football club affiliated with the Russian Football Union (the “RFU”). It plays in the Russian Premier League which is the top professional league in Russia.
2. The RFU (the “Respondent”) is the governing body for Russian football and is a member of the *Union des Associations Européennes de Football* (“UEFA”).
3. The Appellant and the Respondent will be 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. Additional facts and allegations found in the Parties’ written submissions, pleadings and evidence may be set out, where relevant, in connection with the legal discussion that follows. While the Sole Arbitrator has considered all the facts, allegations, legal arguments, and evidence submitted by the Parties in the present proceedings, it refers in its award (the “Award”) only to the submissions and evidence he considers necessary to explain its reasoning.
5. On 27 November 2022, after the end of the match of the group stage for the Russian Cup 2022-2023 played between FC Zenit and FC Spartak Moscow (the “Match”) a confrontation between players of both teams broke out.
6. According to the Match protocol, the referee sent-off the players of FC Zenit Rodrigo, Barrios and Malcom and the players of FC Spartak Moscow Selikhov, Sobolev and Nicholson for aggressive behavior. The electronic protocol of the match uploaded in the “RFU.Digital Platform” contains a comment added by the referee that the players were involved in a mass fight after the end of the match.
7. The Match commissioner reported that after the end of the Match but before the start of kicks from the penalty mark to determine the outcome of the Match there was a massive confrontation between both teams including their substitutes and team officials on the football field. After the end of the confrontation, the referee of the Match has sent-off for “aggressive behavior” three players from each team. A video of the mass confrontation was attached to the report of the Match commissioner.
8. On 28 November 2022, FC Zenit sent a request to the the Control and Disciplinary Committee of the RFU (the “RFU CDC”) to cancel as erroneous the sending-off in the Match to the Club's players Malcom and Barrios.
9. The proceedings that followed before the judicial bodies of the RFU resulted in the suspension of the players for six games.

III. PROCEEDINGS BEFORE THE RFU BODIES

10. On 1 December 2022, based on the reports issued by the Match referee and the Match commissioner, the RFU CDC commenced disciplinary proceedings and rendered its Decision No. 21/2022 (the “RFU CDC Decision”).

11. The RFU CDC Decision, in its pertinent parts, ruled as follows:

“In accordance with Article 97 (2) of the RFU Disciplinary Regulations for participation in a mass fight to disqualify the football players of FC Zenit Malcom Filipe Silva de Oliveira, Rodrigo de Souza Prado, Wilmar Enrique Barrios Teran for 6 (Six) matches of the Russian Cup each.

In accordance with Article 97 (2) of the RFU Disciplinary Regulations for participation in a mass fight to disqualify the football players of FC Spartak Moscow Alexander Selikhov, Shamar Amaro Nicholson, Alexander Sobolev for 6 (Six) matches of the Russian Cup each.

In accordance with Article 16 of the RFU Disciplinary Regulations – not to apply an additional disqualification to the coach of FC Spartak Moscow Vladimir Slishkovich.

In accordance with Article 98 of the RFU Disciplinary Regulations and paragraph 18 of Annexe No. 1 of the RFU Disciplinary Regulations for inappropriate behavior of the team (three sending-offs in a match from one team) – to fine FC Zenit for 100,000 (one hundred thousand) rubles.

In accordance with Article 98 of the RFU Disciplinary Regulations and paragraph 18 of Annexe No. 1 of the RFU Disciplinary Regulations, for inappropriate behavior of the team (four sending-offs in a match from one team), – to fine FC Spartak-Moscow for 100,000 (one hundred thousand) rubles.

[...]

According to Article 72 (1) of the RFU Disciplinary Regulations, this decision comes into force from the date of publication – 01 December 2022.

This decision may be appealed in the relevant part in accordance with Chapter 12 of the RFU Disciplinary Regulations.”

12. On 21 December 2022, the Appellant filed an appeal with the RFU Appeals Committee (the “RFU AC”) against the RFU CDC Decision.

13. On 26 December 2022, the RFU AC upheld the RFU CDC Decision and dismissed the appeal of the Club by way of its Decision No. 25/2022 (the “Appealed Decision”).

14. The operative part of the Appealed Decision reads as follows:

“1. The appeal filed by FC Zenit against the decision rendered by the RFU CDC on 1 December 2022 no. 21 (the Russian Cup) is dismissed.

2. The Decision rendered by the RFU CDC on 1 December 2022 no. 21 (the Russian Cup) is confirmed.

3. The appeal fee is not refundable to the appellant.

This decision of the RFU Appeals Committee may be appealed to the Court of Arbitration for Sport (“CAS”) within 21 (twenty-one) days from the date of entry into force of the appealed decision in accordance with Article 72 of the RFU Disciplinary Regulations”.

15. On 13 January 2023, the RFU sent the grounds of the Appealed Decision to FC Zenit.

IV. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

16. On 1 February 2023 by email and on 3 February 2023 via the CAS E-Filing platform, in accordance with Articles R47 and R48 of the CAS Code of Arbitration for Sport (the “Code”), the Appellant filed its Statement of Appeal challenging the Appealed Decision.
17. In its Statement of Appeal, the Appellant requested that this matter be expedited and proposed a procedural calendar to be observed by the Parties and the Panel to be further composed. In view of the request for an expedited procedure, the Appellant suggested the appointment of a sole arbitrator. The Appellant further requested that the proceedings be conducted in Russian considering that both of the Parties are from the Russian Federation, the materials of the case are drafted in Russian and the need for rendering a decision by the end of February 2023. Finally, the Appellant waived its right to a hearing in the present matter.
18. On 9 February 2023, the Respondent informed the CAS Court Office that it agreed that the matter be referred to a sole arbitrator in an expedited procedure and that these arbitral proceedings be conducted in Russian .
19. On 9 February 2023, the CAS Court Office invited the Parties, by 14 February 2023, to liaise to each other and to submit a joint procedural calendar, failing which such calendar would be set forth by the Division President or her Deputy. By the same deadline the Respondent was invited to state whether it also renounced its right to a hearing.
20. On 13 February 2023, the Appellant submitted a procedural calendar agreed with the Respondent according to which the operative part of the award should be communicated to the Parties by 3 March 2023.
21. On 13 February 2023, the CAS Court Office, subject to any objections by the Respondent, confirmed the procedural calendar. As regards the language of the

proceedings, the CAS Court Office allowed the Parties to submit their submissions and exhibits in Russian, however, for the good comprehension, the Parties were invited to submit in English short executive summaries of their Answer/Appeal Brief in the aim of summarizing the factual background, legal arguments, evidentiary measures (if any) and prayers for relief.

22. On 13 February 2023, in accordance with Article R51 of the Code and the agreed procedural calendar, the Appellant filed its Appeal Brief via the E-Filing platform.
23. On 14 February 2023, the Respondent confirmed the joint procedural calendar and waived its right to a hearing.
24. On 17 February 2023, the Appellant filed an executive summary of its Appeal Brief in English.
25. On 22 February 2023, in accordance with Article R55 of the Code and the agreed procedural calendar, the Respondent filed its Answer on the E-Filing platform, as well as an executive summary of its Answer in English.
26. On 22 February 2023, the CAS Court Office, on behalf of the Deputy President of the CAS Appeals Arbitration Division, pursuant to Article R54 of the CAS Code, informed the Parties that the Arbitral Tribunal appointed to decide the present case was constituted as follows:
 - Sole Arbitrator: Mr Ivaylo Dermendjiev, Attorney-at-law in Sofia, Bulgaria.
27. On 27 February 2023, the Appellant stated that it did not object to the Respondent's suggestion that the matter be returned back for a new review by the RFU CDC, should the Sole Arbitrator so decide.
28. On 3 March 2023, the CAS Court Office communicated the operative part of the Award to the Parties.

V. SUBMISSIONS OF THE PARTIES

A. The Appellant

29. As to the facts, the Appellant's submissions may, in essence, be summarized as follows:
 - On 27 November 2022, after the end of the match of the group stage for the Russian Cup 2022-2023 between FC Zenit and FC Spartak-Moscow a confrontation between the players of both teams broke out.
 - As a result, the Match referee sent off six players, three from each team. The Appellant's players who received red cards were Malcom, Barrios and Rodrigo. In accordance with the express wording of the Match protocol signed between the

referee and the team representatives, the reason for sending off all six players was specified as “aggressive behaviour”. The same reason was also indicated in the Match delegate’s report.

- On 1 December 2022, the RFU Expert and Referee Committee published on its site its decision confirming that the decision of the Match referee to send off the Appellant’s players for aggressive behaviour was correct.
- On 1 December 2022, the RFU CDC rendered its Decision № 21 whereby it disqualified the three players of FC Zenit for six matches of the Russian Cup each for participation in a mass fight.
- On 21 December 2022, the Appellant filed an appeal to the RFU AC against the RFU CDC Decision.
- On 26 December 2022, by a Decision №25/2022 the RFU AC dismissed the appeal. The grounds of the Decision №25/2022 were sent to the Appellant on 13 January 2023.

30. With regard to the merits, the Appellant identified the following main issues:

- The RFU AC wrongfully agreed with the RFU CDC in its decision to change the grounds for sending off the Zenit players from “*aggressive behaviour*” to “*participation in mass fight*”;
- The referee is the only person authorized to qualify disciplinary infringements sanctioned by sending off. Re-qualification of his decision by the RFU CDC or the RFU AC is not allowed;
- According to the International Football Association Board Laws of the Game 2022/23 (“Laws of the Game”), each match is controlled by a referee who has full authority to enforce the Laws of the Game in connection with the match. The decisions of the referee regarding facts connected with play are final and the decisions of the referee, and of all other match officials, must always be respected.
- Pursuant to Article 16 of RFU Disciplinary Regulations (the “RFU DR”) a sending off is a sporting sanction applied by the referee in accordance with the Laws of the Game which results in automatic disqualification for the next match;
- According to Article 52 RFU DR, the RFU CDC applies additional sporting sanctions besides those imposed by the referee within the limits of the offence qualification determined by the referee on field;
- The referee referred to the offence in the match protocol as “*aggressive behaviour*”. A re-qualification of the decision of the referee to “*mass fight*” violates the principle of the field of play doctrine;

- The match protocol is a final document establishing the circumstances of the match and any subsequent changes in it are unacceptable. After being signed by the referee and the team representatives it constitutes an official document;
- The Appellant reasonably believed that the players were sent off for aggressive behaviour. The Chairman of the RFU CDC for the first time informed the parties at the CDC hearing that the match protocol contains a comment by the referee about sending off the players for participation in a mass fight and FC Zenit was deprived of the right to know the basis on which its players were prosecuted, this being a violation of the principles of *venire contra factum proprium* and *nulla poenna sine lege*;
- The three FC Zenit players should face different (lower) sanctions taking into account the extent of their involvement in the incident and the mitigating circumstances;
- The confrontation *de facto* developed in separate episodes rather than in a mass fight involving more players.
- Even if the RFU CDC and the RFU AC had the right to requalify the actions of Appellant's players, they should have assessed the degree of (non)participation of FC Zenit players in the conflict and, depending on the assessment, should have classified their offences as either aggressive behavior or just a fight (not a mass fight).

31. In its the Appeal Brief, the Appellant requested the following relief:

“1. To set aside the decision no. 25/2022 passed by the RFU Appeals Committee on 26 December 2022 and to pass a new decision in the part concerning the disqualification of FC Zenit players.

If the request under item 1 above is upheld

2. To reduce the disqualification of FC Zenit players in the Russian Cup within the limits of the sanction under article 94 (3) of the RFU Disciplinary Regulations, i.e.:

2.1. not to apply additional disqualification to the player Malcom Filipe Silva de Oliveira in excess of the automatic one;

2.2. to disqualify Wilmar Enrique Barrios Teran for no more than 2 matches of the Russian Cup;

2.3. to disqualify Rodrigo de Souza Prado for no more than 3 matches of the Russian Cup.

If the request under 2 above is rejected

3. To reduce the disqualification of Malcom Filipe Silva de Oliveira, Wilmar Enrique Barrios Teran and Rodrigo de Souza Prado within the limits of the sanction set by article 94 (3) of the RFU Disciplinary Regulations as the CAS deems appropriate.

If the request under 3 above is rejected

4. To reduce the disqualification of Malcom Filipe Silva de Oliveira, Wilmar Enrique Barrios Teran and Rodrigo de Souza Prado within the limits of the sanction set by article 97 (1) of the RFU Disciplinary Regulations.

5. To order the Respondent to pay all administrative costs and fees in connection with the review of the case at the CAS.“

B. The Respondent

32. As to the facts, the Respondent’s submissions, in essence, may be summarized as follows:

- On 27 November 2022, after the end of the match for the Russian Cup 2022-2023 between FC Zenit and FC Spartak-Moscow a confrontation between the players of both teams broke out.
- Due to this fight the Match referee, in accordance with the Laws of the Game, sent off three players from each team. The incident was registered in the Match protocol with all the details regarding the situation. The Match referee put as a reason, the aggressive behaviour of the players.
- On 1 December 2022, the RFU CDC took the following decision:

“- In accordance with part 2 of Article 97 of the RFU Disciplinary Regulations- to suspend FC Zenit St. Petersburg players Silva De Oliveira Malcom Filipe, De Souza Prado Rodrigo, Barrios Teran Vilmar Henrique for 6 (Six) matches of the Russian Cup each for participation in a mass fight.

- In accordance with part 2 of Article 97 of the RFU Disciplinary Regulations to suspend Alexander Selikhov, Alexander Shamar Nicholson, Alexander Sobolev for 6 (Six) matches of the Russian Cup each for participation in a mass fight.”

- Upon appeal by the Appellant, the RFU AC upheld the RFU CDC Decision and dismissed the Club’s appeal.

33. With regard to the merits, the Respondent identified the following main issues:

- The presumption of the authenticity of the match protocol (Article 69 of the RFU DR) is not violated since the RFU CDC in qualifying the violation as mass fight remains within the limits of aggressive violation declared by the referee in the match protocol;
- “Mass fight” is not specifically referred to in the Laws of the Game. They contain the *aggressive behaviour* as a ground for sending off. In all cases of mass fight the referee applies Law 12 of the Laws of the Game. Therefore, the referee sent off the players for “*aggressive behavior*” only which was chosen in the electronic protocol of the match. Mass fight is not represented in the Laws of the Game and is a type of “aggressive behavior” according to the RFU DR;
- The participation in a mass fight was entered into the electronic protocol of the match in the RFU.Digital Platform on the day of the match - 27 November 2022 - with a comment of the referee on the reason for sending off the players being a participation in a mass fight. Therefore, the reason of the referee to sent off the FC Zenit players was aggressive behavior expressed in participation of a mass fight;
- There is no violation of the principle of *venire contra factum proprium*. The testimony of the referee at the CDC hearing does not contradict his actions during the match. The electronic version of the protocol from the RFU.Digital Platform with the comment of the referee about participation in a mass fight was presented at the CDC hearing and FC Zenit did not file a motion to postpone the meeting in order to familiarize with the document and therefore may not subsequently invoke the lack of opportunity to study the said evidence;
- Therefore, the RFU CDC and the RFU AC did not change the decision of the referee and his qualification and did not violate the play of field doctrine;
- The RFU CDC is the competent body to initiate disciplinary proceedings if a disciplinary violation event is found to exist. The RFU CDC applies sanctions to all football players and Match Officials in accordance with the RFU DR. In considering the matter, the RFU CDC and then the RFU AC resolved the issue of the composition of the disciplinary offense corresponding to “aggressive behaviour”, according to the “special part” of the RFU DR;
- The RFU has the right to apply additional suspension of players assessing the players’ violation taking into account all the circumstances in accordance with Articles 94 and 97 of the RFU DR;
- In accordance with Article 97 (2) of the RFU DR a mass fight involving more than two persons who are players of the club is punishable by suspension of the players for six matches;
- The episodes with the aggressive behaviour of the players of the Appellant are not separate violations of the RFU DR, but are a chain of interrelated actions of the football players involved in the common conflict of the teams of the two clubs.

34. In its Answer, the Respondent requested the following relief:

“Based on the above, the RFU requests the CAS:

1. To uphold the decisions of the RFU CDC No. 21 (Cup of Russia) of 1 December 2022, the RFU Appeals Committee No. 25/2022 of 26 December 2022 in force and reject FC Zenit’s complaint in full.

2. If for any reason, the CAS determines that the violation of the players Malcom, Rodrigo and Barrios should be assessed in accordance with Part 3 of Article 94 of the RFU Disciplinary Regulations, cancel the decision of the RFU CDC No. 1 of 1 December 2022, the RFU Appeal Committee No. 25/2022 of 26 December 2022 in full in terms of punishments for participating in a mass fight (including against FC Spartak Moscow football players) and send the case in full for a new review to the RFU CDC in order to apply an equal approach to both clubs participating in the Match (in otherwise, three players of Spartak Moscow will be left with six matches of suspension for participating in a mass fight).

3. To order the Appellant to pay all administrative costs and fees in connection with the review of the case at the CAS.”

VI. JURISDICTION

35. Article R47 of the Code provides as follows:

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

36. Article 39 of the RFU DR provides as follows:

“1. Decisions of the RFU Appeals Committee, as well as decisions of IFO [Interregional football organizations] Jurisdictional bodies and decisions of Control and Disciplinary Committee of the RFU in the cases provided for in the present Regulations, may be appealed to the Court of Arbitration for Sport (“CAS”).

2. Dispute resolution process in the Court of Arbitration for Sport is carried out in accordance with the Code of Sports-related Arbitration. RFU Charter, these Regulations, Competition regulations and other RFU regulatory documents, as well as FIFA regulatory documents, are applied during appeals procedure in the Court of Arbitration for Sport.

3. The RFU, Federations, Leagues, Clubs, Players, Officials, Match Officials and other football entities are obliged to recognize the Court of Arbitration for Sport as an independent judicial body and comply with its decisions.”

37. Article 40 of the RFU DR further provides the following:

“1. The Court of Arbitration for Sport makes the final decision as the last instance on appeals against the decisions of the RFU Appeals Committee, as well as on the decisions of the IFO jurisdictional bodies and the RFU Control and Disciplinary Committee in the cases provided for by these Regulations.

2. The Court of Arbitration for Sport does not have jurisdiction to decide on appeals in the following cases:

1) an appeal is related to a violation of the Laws of the game;

2) the term of the sports sanction applied to a person is less than 5 (five) matches or less than 3 (three) months.”

38. In addition, the Appealed Decision states – in its pertinent parts – as follows:

“This decision of the RFU Appeals Committee may be appealed to the Court of Arbitration for Sport (“CAS”) within 21 (twenty-one) days from the date of entry into force of the appealed decision in accordance with Article 72 of the RFU Disciplinary Regulations.”

39. The jurisdiction of the CAS is not contested by the Respondent.

40. It follows that the CAS has jurisdiction to decide the present appeal.

VII. ADMISSIBILITY

41. Article 81 of the RFU DR provides the following:

“3. A decision of the Control and Disciplinary Committee of the RFU taken as a decision of the first instance, may be appealed to the RFU Appeals Committee within 7 (seven) calendar days from the day a decision comes into force under article 72 of the present Regulation.

4. Decisions of the RFU Appeals Committee, as well as decisions of IFO [Interregional football organizations] Jurisdictional bodies or the RFU Control and Disciplinary Committee in the cases provided for by the present Regulations, may be appealed to the Court of Arbitration for Sport (“CAS”) within 21 (twenty-one) days from the day a decision comes into force under article 72 of the Regulations.

5. If the person in respect of whom the decision has been taken requests the grounds of the decision, the time limit set by this article shall be suspended until the next day following the day of receipt of the grounds of the decision.”

42. Pursuant to Article 72 (1) of the RFU DR, a decision of the RFU juridical body, including the RFU AC, comes into force on the day a party thereto receives an extract from such decision, or on the day RFU publishes such decision extract on its official website, whichever comes first.
43. The RFU published an extract from the Appealed Decision on its website on 26 December 2022 and on 27 December 2022 the Appellant sent a request for the grounds of the Appealed Decision.
44. Based on the evidence provided by the Appellant, the latter received the grounds for the Appealed Decision via e-mail on 13 January 2023 and filed its Statement of Appeal on 1 February 2023 which was later uploaded on the CAS E-Filing Platform on 3 February 2023.
45. It follows that the appeal was filed after the available internal remedies had been exhausted within the time limit provided in the relevant RFU regulations and, thus, in accordance with Article R49 of the CAS Code.
46. Furthermore, no objections with regard to the admissibility of the appeal have been raised by the Respondent.
47. That said and despite the lack of any objections by the Respondent, the Sole Arbitrator deems it appropriate to elaborate on the issue of the admissibility of the appeal considering that the Appealed Decision in the appealed parts dealt with a disqualification of players of the Appellant and not with a sanction to the Club itself.
48. It is well established that the standing to sue or to appeal belongs to any person putting forward a right of his own in support of his request. The Swiss Federal Tribunal has held that the prerequisite of the standing to be sued is to be treated as an issue of merits and not as a question for the admissibility of the appeal (cf. ATF 128 II 50, 55; ATF 126 III 59 c. 1a; ATF 123 III 60c 3a.). Thus, the standing to sue (together with the standing to be sued) belongs to the material conditions of the claim. As a result, the lack of quality to sue leads to the dismissal of the claim as unfounded (ATF 114 II consid. 3a; 126 III 59 consid. 1a). The same has been also developed in doctrine (for an exhaustive analysis see DE LA ROCHEFOUCAULD E., “Standing to sue, a procedural issue before the CAS”, in CAS Bulletin 1/2011, p. 13 *et seq.*, ZÜRCHER, in: Kommentar zur Schweizerischen Zivilprozessordnung (ZPO) (Teil 1), 2010, N 67 zu Art. 59 ZPO; S. 382; GRAF, in: GesKR 2012 S. 380).
49. According to the CAS jurisprudence, the requirement of legitimate interest is satisfied if it can be stated that the appellant (i) is sufficiently affected by the appealed decision and (ii) has a tangible interest, of financial or sporting nature, at stake. Furthermore, it is evident that the person having standing to sue can be the person entitled to the right

but also, in certain circumstances, a third party who can act along the same lines as the owner of the right pursuant to an express provision of the law or pursuant to the applicable jurisprudence (in these words, see TAS 2009/A/1869 par. 85).

50. In another case, the panel has decided that in any event, third parties (other than those to whom the decision was addressed) may have the standing to appeal exclusively if they are directly affected by the measure taken by the association. In this respect, the right of the appeal of a party must be denied if it has no tangible or legitimate interest, of financial or sporting nature, at stake and is not affected by the appealed decision (in this term, CAS 2008/A/1726 par. 66; see also for the completeness of the example of the questions arisen CAS 2014/A/3665, 3666 & 3667).
51. The burden of proof related to the existence of a legal interest worthy of protection lies on the party that has introduced the appeal. Indeed, the active legitimation is a question of material law; and it's the party's duty to objectively demonstrate the existence of its subjective rights and that it possesses a legal interest for its protection (ATF 126 III 59 consid. 1; 125 III 82 consid. 1a; 123 III 60 consid. 3a). Bearing in mind these clear principles, the Sole Arbitrator considers that in the case at hand it is the *prima facie* legitimate interest of the Appellant is confirmed. This would not be the case for instance, and the Appellant Club would not be really directly affected by a disciplinary decision, if the latter was imposed on players of the opposite team and not of his own.
52. When a third party, which itself is not the addressee of the measure taken by the association, is directly affected and therefore has a right to appeal, is a question of the facts of the individual case. If the association disposes in its measure/decision not only of the rights of the addressee but also of those of a third party, the latter is directly affected with the consequence that the third party then also has a right of appeal.
53. In analysing the Appellant's standing to appeal, the Sole Arbitrator must determine whether the Appellant has shown that its interests are "directly affected" in the matter being appealed. If this test is applied to the present case, the Appellant is directly affected. The Sole Arbitrator considers that the Appellant is directly affected by the Appealed Decision as a result of which the Appellant is deprived of its players' services throughout their suspension, which in turn has a direct impact on the Appellant's team.
54. Therefore, in the opinion of the Sole Arbitrator, the Appellant has a standing to appeal or to sue both in the internal legal process within the RFU as well as before the CAS.
55. Based on all of the above, it follows that the appeal is admissible.

VIII. APPLICABLE LAW

56. Article R58 of the CAS Code provides as follows:

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

57. The Appellant did not take a specific stance on the applicable law but in its submissions refers to various provisions of the RFU regulations.
58. In its Answer, the Respondent with reference to Article R58 of the Code stated in this case the RFU regulations should be applied, on the basis of which the decisions of the RFU CDC and the RFU AC were made, as well as other rules in the field of football that the Parties recognize and undertake to comply with (for example, the Laws of the Game).
59. Consequently, the Sole Arbitrator will apply primarily the various regulations of RFU, in particular the RFU DR, and subsidiarily other rules in the field of football such as the Laws of the Game and Russian law.

IX. MERITS

60. The core principle that CAS applies when rendering an award in an Appeal Arbitration Procedure is the *de novo* principle resulting from Article R57 (1) of the CAS Code. According thereto, the Sole Arbitrator has full power to review the facts and the law of the case. Furthermore, the Sole Arbitrator may issue a new decision which replaces the challenged decision or may alternatively annul the decision and refer the case back to the previous instance.
 61. Based on the Parties’ submissions and oral arguments, the issues for determination are the following:
 - (a) Did the RFU CDC and the RFU AC violate the principles of *nulla poenna sine lege* and *venire contra factum proprium*?
 - (b) Did the RFU CDC and the RFU AC violate the principle of the field of play doctrine by re-qualifying the grounds of the the decision of the Match referee for sending off the FC Zenit players from “aggressive behaviour” to “mass fight”?
 - (c) Did the misconduct of the FC Zenit players amount to participation in a mass fight and if in the affirmative, were the sanctions imposed on the players proportionate to the severity of the offence?
- (a) Did the RFU CDC and the RFU AC violate the principles of *nulla poenna sine lege* and *venire contra factum proprium*?**

62. The Appellant complained that it was deprived of the right to know the basis on which the FC Zenit players were prosecuted in violation of the principles *venire contra factum proprium* and *nulla poenna sine lege*. In this regard the Appellant avers that Zenit argues that the three players were sent off for “aggressive behavior” which, according to the applicable regulations, was less punishable than the participation in a mass fight, and that, subsequently during the hearing before the RFU CDC, the facts were re-qualified as a “mass fight”. The Appellant further states that it was not until the hearing held at the RFU CDC that it was faced with the re-qualification of the offence from aggressive behaviour to a mass fight.
63. In accordance with the *de novo* principle, the Sole Arbitrator considers necessary to establish at the outset whether the RFU bodies imposed the appealed sanctions on a valid and predictable legal basis.
64. The Sole Arbitrator notes that CAS Panels have consistently held that sports organizations cannot impose sanctions without a proper legal or regulatory basis for doing so and that such sanctions must also be predictable by complying with the so-called “predictability test” (CAS 2014/A/3765; see also CAS 2011/A/2670, CAS 2008/A/1545).
65. In essence, the “predictability test” applied by CAS Panels serves to verify the compliance of the applicable provisions and procedures with the legal principles of predictability and legality. To that end, the Sole Arbitrator notes that every sanction requires an express and valid rule according to which one can be sanctioned for a specific offence. For a sanction to be imposed, sports disciplinary rules must be sufficiently clear and precise in proscribing the misconduct with which one is charged in light of the principle *nulla poena sine lege clara* (cf. CAS 2020/A/7008 & 7009).
66. In this regard, the panel in CAS 2014/A/3665, 3666 & 3667 has established that “[t]he principles of predictability and legality are satisfied whenever the disciplinary rules have been properly adopted, describe the infringement and provide, directly or by reference, for the relevant sanction.”
67. In the same context, pursuant to the vast and consistent CAS jurisprudence (cf. CAS 2006/A/1164; CAS 2007/A/1377; CAS 2007/A/1437), “the different elements of the rules of a federation must be clear and precise, in the event they are legally binding for the athletes, whereas any inconsistencies or ambiguities must be construed against the legislator as per the *contra proferentem* principle” (CAS 2013/A/3324 & 3369; CAS 94/129; CAS 2009/A/1752; CAS 2009/A/1753; CAS 2012/A/2747; CAS 2007/A/1437; CAS 2011/A/2612).
68. It follows that the offences and sanctions of a sports organization must be predictable to the extent that those subject to them must be able to understand their meaning and the circumstances in which they apply (CAS 2008/A/1545, at para. 30 et seq.; CAS 2004/A/725, at para. 20 et seq.).

69. In order to have a behavior sanctioned by a disqualification, an applicable legal norm must exist which declares this behavior a disciplinary offence and allows for ensuing a sanction upon the player responsible for said behavior. It is not sufficient to identify a duty; it is necessary to stipulate that a breach of such a duty will attract disciplinary sanctions. Where the sport governing body cannot demonstrate the existence of any statutory norm, rule or regulation, there is no provision for a disciplinary offence.
70. The “principle of legality” (“*principe de la légalité*”) requires that the offences and sanctions must be clearly and previously defined by law and must preclude the “adjustment” of existing rules to enable an application of them to situations or conduct that the legislator did not clearly intend to penalize. Sports organizations cannot impose sanctions without a proper legal or regulatory basis for them and that such sanctions must also be predictable (“predictability test”). The principle of legality and predictability of sanctions requires a clear connection between the incriminated behavior and the sanction and calls for a narrow interpretation of the respective provision (CAS 2008/A/1545, CAS 2007/A/1363).
71. In view of the above principles, the Sole Arbitrator notes that Article 97 (2) of the RFU DR, which is indicated as the legal basis for imposing sanctions on the players of FC Zenit in the RFU CDC Decision (upheld by the Appealed Decision), sets the clear and unambiguous rule that “*A mass fight, i.e. a fight involving more than two persons who are Players and/or Club Officials, shall be punished by a disqualification of a Player or/and a Club Official for 6 (six) matches.*” The sanction for this specific offence is unequivocal and the Sole Arbitrator is of the view that it provides for in a clear and concise manner a general rule of conduct, which as such constitutes an imperative norm from which no deviation or a degree of discretion is possible.
72. Applying such a narrow interpretation to Article 97 (2) of the RFU DR (on which the sanction against the FC Zenit players is based), as required by CAS case law, said provision is capable of providing a valid basis for justifying the sanction imposed on the players. In light of the foregoing, the Sole Arbitrator considers that Article 97 (2) of the RFU DR is sufficiently clear and precise so as to constitute valid and predictable grounds for the disciplinary sanction disqualification for six matches to be imposed for participation in a mass fight as was established in the present case.
73. According to the hard copy of the Match protocol, the Match referee sent-off the players of FC Zenit Rodrigo, Barrios and Malcom and the three players of FC Spartak Moscow for *aggressive behavior*. However, according to the information from the electronic protocol of the match uploaded directly in the “RFU.Digital Platform” on the day of the Match, a comment by the referee was added with regard to the grounds for the sending-off of each of these players which was in the following lines: “*After the end of the match. Participation in a mass fight.*” The comment was included in the electronic version on the day of the Match - 27 November 2022 (as evident from the tab “last redaction”) and was so available to FC Zenit. It is not disputed by FC Zenit that the electronic protocol of the match created on the date of the Match contains the referee’s comment for a mass fight. The match referee confirmed at the hearing of the RFU CDC that he chose from the available reasons for sending-off only “*aggressive*

behavior” because a “*mass fight*” option was not provided for by the “RFU.Digital Platform” and in the comments to this option he indicated the correct factual reason for sending-off, in particular “*mass fight*”. The explanation of the referee seems plausible and was not refuted by the Appellant. In this regard, the CDC RFU correctly concluded that the Match referee sent-off the players precisely for participation in a mass fight.

74. Further, the report of the RFU delegate (commissioner) of the Match explicitly notes that after the end of the second half but before the penalty kicks a “*mass confrontation*” of players from the two teams occurred following which the referee sent off six players, three from each team. The Match delegate characterizes the events as a mass fight: “*After the end of the Match, but before the start of kicks from the penalty mark to determine the outcome of the Match, there was a massive confrontation between both teams including their substitutes and team officials on the football field... A video of the mass confrontation is attached to the letter with my report.*” This protocol is dated 27 November 2022 (day of the Match) and is signed by representatives of both teams including of FC Zenit.
75. The match protocol and in the reports of Match officials shall be considered to be reliable, until otherwise proved. Hence, Article 68 (1) of the RFU DR establishes a rebuttable presumption in favour of the correctness of match protocols and reports of match officials. In view of the allocation of the burden of proof the Respondent has to produce the relevant protocols while the burden to rebut the content and the authenticity of those protocols lies with the Appellant.
76. In this context, the Sole Arbitrator refers to the general legal principle of the burden of proof in line with Article 8 of the Swiss civil code and to the principle established by CAS jurisprudence that “*in CAS arbitration, any party wishing to prevail on a disputed issue must discharge its burden of proof, i.e. it must meet the onus to substantiate its allegations and to affirmatively prove the facts on which it relies with respect to that issue. In other words, the party which asserts facts to support its rights has the burden of establishing them... The code sets forth an adversarial system of arbitral justice, rather than an inquisitorial one. Hence, if a party wishes to establish some facts and persuade the deciding body, it must actively substantiate its allegations with convincing evidence*” (see CAS 2003/A/506; CAS 2009/A/1810 & 1811; CAS 2009/A/1975).
77. Even assuming that FC Zenit familiarized itself with the referee’s additional comment placed on the Match protocol only at the CDC hearing, the Appellant’s right to be heard was not infringed. Any irregularities, if at all, are deemed to have been cured by virtue of the opportunity of new review of the case upon appeal. FC Zenit did not raise any objections against the veracity of the content of the electronic protocol containing the comment for participation in mass fight.
78. The *de novo* review contemplated by Article R57 of the CAS Code, and the similarly expansive review practiced at the level of the RFU AC, must be understood to cure

any violation of Appellant’s right to be heard occasioned by its not being invited to present its position to RFU CDC to the handing down of the RFU CDC Decision.

79. The Sole Arbitrator notes that the Appellant was eventually granted a full right to be heard in the RFU CDC and the RFU AC proceedings and concludes that, in any case, Article R57 of the CAS Code and consolidated CAS jurisprudence requires that the possible denial of Appellant’s right to be heard at the level of the initial RFU proceedings be understood to have been cured by the present CAS proceedings.
80. The jurisprudence in this regard is abundant. The discussion in MAVROMATI/REEB, The Code of the Court of Arbitration for Sports, pp. 508 *et seq.*, and the supporting jurisprudence cited, including the observation of a CAS panel to the effect that the *de novo* hearing is: “*a completely fresh hearing of the dispute between the parties [and thus], any allegation of denial of natural justice or any defect or procedural error even in violation of the principle of due process which may have occurred at first instance... will be cured by the arbitration proceedings before the appeal panel and the appeal panel is therefore not required to consider any such allegations*” (CAS 2008/A/1574).
81. To similar effect, the same authors observe (on p. 514, *op. cit.*) that CAS panels regularly reject arguments as to procedural deficiencies in the previous instance on the basis of this curative effect, noting the well-established CAS jurisprudence according to which “... (...) *the virtue of an appeal system is that issues relating to fairness of the proceedings before the authority of first instance fade to the periphery*” (CAS 2010/A/2124).
82. On this basis, the Sole Arbitrator cannot but conclude that the seeming violation of Appellant’s right to be heard at the level of the RFU CDC Decision has been cured by the Appealed Decision and by these CAS proceedings themselves. The same applies to the Appellant’s right to know the particular offence its players were accused of and the legal basis pertaining thereto.
83. The Sole Arbitrator is not persuaded by the arguments related to the principle *venire contra factum proprium*. This principle has, or should have, in the Sole Arbitrator’s view a much more limited scope of application in a disciplinary proceeding or a dispute involving regulatory interpretation than in matters of contractual interpretation. In the latter situation, clear manifestations of intent and understanding can and should in appropriate circumstances give rise to legitimate expectations which should not be readily defeated when reasonably relied on by the other party. In the present circumstances, especially in a regime of *de novo* review, the scope for the application of this principle is reduced. This principle has little to no application in disciplinary matters.
84. The Sole Arbitrator concludes that Appellant’s challenge to the Appealed Decision based on alleged violations of its right to be heard must be rejected.

(b) Did the RFU CDC and the RFU AC violate the principle of the field of play doctrine by re-qualifying the grounds of the decision of the Match referee for sending off the FC Zenit players from “aggressive behaviour” to “mass fight”?

85. According to Law 5 of the Laws of the Game, “*the referee has the authority to take disciplinary action from entering the field of play for the pre-match inspection until leaving the field of play after the match ends (including kicks from the penalty mark).*” Therefore, in the present case the Match referee had the authority to show red cards for sending-off offences perpetrated after the final whistle but before the penalty shoot-out and leaving the field of play.
86. The Laws of the Game (Law 12) provide that sending-off offences include (among others and not limited to) physical or aggressive behaviour (including spitting or biting) towards an opposing player, substitute, team official, match official, spectator or any other person (e.g. ball boy/girl, security or competition official etc.). That being said, the Sole Arbitrator notes that aggressive behavior is a broader notion that encompasses and covers mass fight.
87. Unlike the Laws of the Game, which do not distinguish the mass fight as specific, qualified of aggravated type of aggressive behavior, the RFU DR provide for a specific sanction (disqualification) in case of an aggressive behavior in the form of participation in a mass fight.
88. As explained above, the incident was not re-qualified only at the hearing held at the RFU CDC. The mass fight was already reflected in the documents prepared by the Match officials. Therefore, the RFU CDC and the RFU AC did not re-qualify the offence.
89. Even if the RFU re-qualified the case, they were not precluded to do so for the following reasons.
90. Article 9 (1) of the UEFA Disciplinary Regulations 2022 provides that decisions taken by a referee on the field are final and cannot be reviewed by disciplinary bodies (“*Decisions taken by the referee on the field of play are final and may not be reviewed by the UEFA disciplinary bodies*”). This means that the disciplinary body may not review the decision for sending off a player unless the decision by the referee involves an obvious error (such as mistaking the identity of the person penalised).
91. In previous CAS decisions, it has been established that the CAS does not review “field of play” decisions made on the playing field by judges, referees, umpires and other officials, who are responsible for applying the rules of a particular game. An exception is nevertheless possible if such rules have been applied in bad faith.
92. In the Sole Arbitrator’ view, the principle of stability of the decision taken by the referee on the field concerns the decision for the sending-off itself. Thus, the disciplinary body may not revoke the expulsion of the players but for an obvious error. That however shall not be taken to mean that the disciplinary body taking into account

all evidence may not reassess the conduct of the sent-off players and the consequences entailing from it in accordance with its internal rules. The decision for sending-off a player belongs to the referee on field but the decision for disqualification is within the discretion of the disciplinary body (RFU CDC). The decision for disqualification was not taken by the referee and is therefore not a field of play decision in the strict sense. The RFU CDC did not exceed the limits of the discretionary powers granted to the referee inasmuch the RFU did not reverse the referee's decision. It is the prerogative of the disciplinary body of the RFU alone to take a decision on whether and to what extent a disqualification must be applied other than the automatic disqualification of one match. This is not a field of play decision. Such a decision does not affect the referee's decision in applying his functions or duties during the match. The RFU did not substitute the decision of the referee so that the "field of play" principle is not directly engaged.

93. Therefore, the "field of play" decision of the referee is limited to showing a red card (be it for an individual aggressive behavior or participation in a mass fight) with the consequence of sending off the player. The referee's task on the field is to determine whether the foul or the offence deserves a red or a yellow card (or none at all). If the decision is that a red card should be shown, then it is for the competent disciplinary bodies to determine, following the respective disciplinary regulations, and being able in due course to take into account the damage caused to the other players or the principles of the game, the sanction against the player that committed the offence (see in this sense CAS 2015/A/3880, at § 84).
94. It is in any event axiomatic that reasonable people (including sporting bodies) may reasonably have different views as to the gravity of different breaches of the rules of the sports and the sanctions appropriate to them. While CAS enjoys the power to form its own view on the proportionality of any sanction, it ought not to ignore the expertise of the bodies involved in the particular sport in determining what sanctions are appropriate to what offence (CAS 2010/A/2090, para. 48)
95. The above considerations are further corroborated by the wording of the relevant RFU regulations.
96. According to Article 10 RFU DR, among the sports sanctions applied exclusively to individuals are the expulsion and disqualification. Article 16 "Sending-off" of RFU DR further provides as follows:

"1. Sending-off is a sports sanction, which is applied by the referee to the participants of the match during the match in accordance with the Laws of the Game and is expressed in the referee's requirement to leave the football field and the playing area, including the bench. A sent-off person may be admitted to the stands.

2. When a Player/Club Official is sent off, the referee shows him a red card.

3. Removal entails an automatic disqualification for the next match. In the cases provided for in these Regulations, the Jurisdictional Authority may extend the period of ineligibility.

[...]”

97. Article 17 “Sports disqualification” of RFU DR provides as follows:

“1. Sports disqualification (disqualification) is a sports sanction, which is applied by the Jurisdictional Authority, with the exception of cases of automatic disqualification, and is expressed in suspension from participation in the Competition.

2. Disqualification applies to Players as well as Club Officials.”

98. It follows that regardless of the description included in the Match protocol (be it “aggressive behaviour” or “mass fight”) that would not affect the decision of the RFU disciplinary body itself.

(c) Did the misconduct of the FC Zenit players amount to participation in a mass fight and if in the affirmative, were the sanctions imposed on the players proportionate to the severity of the offence?

99. To determine whether the Appellant’s players shall be sanctioned in accordance with the applicable regulations, the Sole Arbitrator must examine whether the evidence provided by the Parties establishes the alleged facts. To do so, the Sole Arbitrator must consider the applicable standard of proof.

100. It is well established that sporting disputes of disciplinary nature are settled by the CAS, which uses the standard of “comfortable satisfaction”. This falls somewhere between the standard “balance of probabilities” and the stringent standard of “beyond reasonable doubt”. CAS jurisprudence with regard to disciplinary proceedings has been developed through a wide number of CAS cases (in particular: CAS 2009/A/1920, CAS 2010/A/2172, CAS OG 96/003-004 and CAS 2011/A/2625) and it has been decided that the standard of proof to be applied in this kind of cases is the “comfortable satisfaction” of the Panel.

101. After carefully studying and examining the evidence brought on file by the Parties (the Match protocol, the report of the Match delegate, the witness statements given within the RFU CDC proceedings, videos and photos, etc.), the Sole Arbitrator holds that a mass fight occurred and not a mere aggressive behaviour involving players of both teams. The evidence on record (including video materials) shows that there were scenes of mass fight involving a bunch of players of both teams rather than separate episodes of conflicts of players pair by pair.

102. The Appellant does not dispute that its players participated in the incident and should have been sanctioned. The Appellant rather disputes the gravity of the sanction in that the perpetrated offence should have been qualified as a fight (and not a mass fight) and thus penalized less severely.
103. According to well established legal doctrine and consistent CAS jurisprudence, a sanction imposed by a sport federation must comply with the principle of proportionality. In particular, *“the severity of a sanction must be proportionate to the offence committed. To be proportionate, the sanction must not exceed that which is reasonably required in the search of the justifiable aim”* (CAS 2013/A/3297).
104. While it is true that associations are given considerable freedom and wide margin of discretion in the determination of disciplinary measures and the CAS panels are advised to show restraint when reviewing the sanctions imposed by a disciplinary body, it must be noted that such discretion is not absolute. To that aim, the Sole Arbitrator recalls that its *de novo* power of review allows it to find that the sanctions are disproportionate and to determine and issue more appropriate sanctions (see to that regard CAS 2018/A/5977, CAS 2017/A/5003 and CAS 2015/A/4338). The Sole Arbitrator also notes that a mere disagreement of CAS panels with the level of sanction imposed does not suffice, in and of itself, to undo a decision of disciplinary nature and revision of the sanctions imposed is only possible in extreme cases when the sanction is evidently and grossly disproportionate to the offence (CAS 2013/A/3139; CAS 2012/A/2762; CAS 2011/A/2645; CAS 2019/A/6345, CAS 2019/A/6305, CAS 2019/A/6276, CAS 2019/A/6233, CAS 2019/A/6356).
105. There is well recognized CAS jurisprudence to the effect that whenever an association uses its discretion to impose a sanction, CAS shows reservation or restraint when “re-assessing” the measure of the sanction (CAS 2012/A/2824, at para. 127; CAS 2012/A/2702, at para. 160; CAS 2012/A/2762, at para. 122; CAS 2009/A/1817 & 1844, at para. 174; CAS 2007/A/1217, at para. 12.4). Based on the same CAS jurisprudence, the CAS shall only interfere in the exercise of this discretion of the sanctioning sporting body where the sanction imposed is “evidently and grossly disproportionate to the offence” or where CAS comes to a different conclusion on the substantive merits of the case than did the first instance tribunal (CAS 2009/A/1817 & 1844, at para. 174, with references to further CAS case law; CAS 2012/A/2762, at para. 122; CAS 2013/A/3256 at paras. 572-572; CAS 2016/A/4643 at para. 100).
106. According to CAS case law, when determining the level of the sanction, *“a decision-making body should take into account (a) the nature of the offence, (b) the seriousness of the loss or damage caused, (c) the level of culpability, (d) the offender’s previous and subsequent conduct as to rectifying and/or preventing similar situations, (f) the applicable law and (g) other relevant circumstances”* (CAS 2020/A/7008 & 7009).
107. The principle of proportionality further requires that (i) the measure taken by the disciplinary body is capable of achieving the envisaged goal, (ii) the measure taken by the disciplinary body is necessary to reach the envisaged goal, and (iii) the constraints

which the affected person will suffer as a consequence of the measure are justified by the overall interest to achieve the envisaged goal (to that regard CAS 2017/A/5127).

108. The Sole Arbitrator will therefore proceed to assess whether the Appealed Decision has complied with the principles set forth in the CAS jurisprudence cited above and whether the sanctions imposed on FC Zenit are proportionate and in compliance with the applicable regulations in light of all the circumstances surrounding the committed offence.
109. The Sole Arbitrator considers that the sanction imposed on the Appellant by the RFU CDC and confirmed in the Appealed Decision is compliant with Article 97 (2) RFU DR, the latter providing for a fixed sanction (disqualification for six matches with no option for exercising a discretion allowed by the relevant rules). Furthermore, the Appellant has not made any subsidiary argument(s) with regard to the sanctions to be applied. The Sole Arbitrator therefore does not see any reason to depart from the RFU CDC's position and the sanctions set forth in the Appealed Decision shall be confirmed.
110. As to the degree of involvement of certain players in the mass fight, to the extent they have taken part in it, regardless of the intensity of their conduct and notwithstanding if they were initiators of the fight or were provoked, and despite of the *de novo* review of the matter the Sole Arbitrator would not be in position to disregard Article 97 (2) of the RFU DR and reduce the sanction.
111. Article 97 (2) of the RFU DR leaves no discretion to players involved in a "mass fight" as regards the sanction, i.e. disqualification for six games and that neither a probation period is permitted, nor a reduction is possible even if some of the players would be less involved in the mass fight. Article 97 (2) of RFU DR does not provide the option for the disciplinary body to reduce or increase the sanction in extraordinary circumstances, error or else.
112. Based on all of the above, the Sole Arbitrator finds the sanctions imposed with the RFU CDC Decision (which was further upheld by the Appealed Decision) adequate and proportionate with regard to the gravity of the offence committed by the FC Zenit. Therefore, the Appellant's requests in points 2-4 of both his Statement of Appeal and the Appeal Brief concerning reduction of the sanctions are dismissed.
113. Therefore, the appeal filed by the Appellant against the Decision No. 25/2022 issued by the RFU AC on 26 December 2022 is dismissed in its entirety. Accordingly, the Appealed Decision is confirmed as factually and legally correct.

X. COSTS

(...).

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by FC Zenit JSC on 1 February 2023 against the decision No. 25/2022 issued by the RFU Appeals Committee on 26 December 2022 is dismissed.
2. The decision No. 25/2022 issued by the RFU Appeals Committee on 26 December 2022 is confirmed.
3. (...).
4. (...).
5. All other and further motions or prayers for relief are dismissed.

Lausanne, 6 November 2023
(Operative part of the award notified on 3 March 2023)

THE COURT OF ARBITRATION FOR SPORT

Ivaylo Dermendjiev
Sole Arbitrator