

CAS 2024/A/11014 Football Federation of Kosovo v. FC Prishtina SH. P. K.

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Mr Mark Andrew Hovell, Solicitor in Manchester, United Kingdom
Arbitrators: Mr Omar Ongaro, Legal Counsel in Dübendorf, Switzerland
Mr Maciej Bałaziński, Attorney-at-law in Kraków, Poland

in the arbitration between

Football Federation of Kosovo, Prishtina, Kosovo

Represented by Mr Fis Murati, Attorney-at-law in Kosovo

Appellant

and

FC Prishtina SH. P. K., Prishtina, Kosovo

Represented by Mr Sanel Masic, Attorney-at-Law in Mönchengladbach, Germany

Respondent

I. PARTIES

1. **Football Federation of Kosovo** (the “FFK” or the “**Appellant**”) is the national governing body for football in Kosovo, which is in turn a member association of Union of European Football Association (“UEFA”) and Fédération Internationale de Football Association (“FIFA”).
2. **FC Prishtina SH. P. K.** (“**Prishtina**” or the “**Respondent**”) is a professional football club based in Prishtina, Kosovo and is affiliated to the FFK.
3. FFK and Prishtina shall each be referred to as a “Party” and collectively, as the “Parties”.

II. FACTUAL BACKGROUND

4. The following outline is a non-exhaustive summary of the factual background based on the Parties’ submissions, pleadings at the hearing, testimony of the witness and documents on the file. 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 Panel has considered all the facts, allegations, legal arguments, and evidence submitted by the Parties in the present proceedings, it refers in the present Award only to the submissions and evidence it considers necessary to explain their reasoning.
5. By this appeal, the FFK challenges a decision rendered by the Court of Arbitration for Sport of Kosovo (“CAS Ks”), a body established by the Kosovo Olympic Committee and the Kosovo Sports Arbitration Council, which granted Prishtina a license to participate in UEFA club competitions for the 2023/24 season. Prishtina qualified for the UEFA Europe Conference League as a result of winning the Kosovar Cup (Kosovo’s cup competition) in the 2022/23 season, despite this the FFK contends that Prishtina should not have been granted a license to compete in UEFA club competitions.

A. Prishtina’s application and internal appeals

6. On 24 February 2023, Prishtina applied to the FFK for a license to participate in UEFA club competitions the following season. As part of its application form, it accepted the statement “*legal principles, Statute, regulations, directives and decisions of FIFA, UEFA, FFK and legality (CAS) as foreseen by respective UEFA Statute*”, that was set out on that form.
7. On 19 May 2023, the first instance commission for licensing of clubs at the FFK (the “**First Instance Commission**”) decided not to issue Prishtina a license to compete in UEFA club competitions for the 2023/24 season (the “**First Instance Decision**”).
8. On 24 May 2023, Prishtina appealed this decision to the second instance commission for licensing of clubs at the FFK (the “**Second Instance Commission**”).

9. On 26 May 2023, the Second Instance Commission rejected Prishtina’s appeal (the “**Second Instance Decision**”). The Second Instance Decision provided that Prishtina had “*the right to appeal in the third instance, [...] in CAS*”.

B. Prishtina’s appeal to CAS Ks

10. On 8 June 2023, Prishtina appealed the Second Instance Decision to CAS Ks, requesting the annulment of the Second Instance Decision. Prishtina claimed that the Second Instance Decision was issued in violation of general administrative domestic law and the UEFA Club Licensing and Financial Sustainability Regulations (the “**UEFA Regulations**”) for UEFA club competitions.
11. In its written submissions dated 27 June 2023 and 6 July 2023, the FFK explicitly contested CAS Ks’ jurisdiction, arguing that any appeal should have been filed at the Court of Arbitration for Sport in Lausanne (the “**CAS**”) rather than the CAS Ks.
12. On 8 July 2023, the CAS Ks panel rejected the FFK’s jurisdictional challenge and maintained jurisdiction over the appeal, by way of a written interim decision signed and provided to the Parties on the same day, which stated:

“3. *The [CAS Ks] is competent to handle the case according to the lawsuit 136/2023, filed by FC Prishtina against the Football Federation of Kosovo.*

4. *The decision comes into force on the date of signing.”*

13. The CAS Ks held a hearing on the merits on 29 October 2024 and in a decision issued the same day, upheld Prishtina’s appeal and annulled the Second Instance Decision as follows:

“1. *The lawsuit of Prishtina Football Club Prishtina sh.p.k. from Prishtina with nr.136/2023, dated 08.06.2023 of FC Prishtina sh.p.k against the Football Federation of Kosovo-FFK is GROUNDED.*

2. *ANNUL DECISION no. 539-2, dated 26.05.2023 of the Commission of the second instance of the Football Federation of Kosovo for the licensing of clubs for participation in UEFA competitions and Decision 534-2, dated 19.05.2023 of the Commission of the Football Federation of Kosovo for the licensing of clubs for participation in UEFA competitions;*

3. *The costs of the procedure are paid by each party for itself.”*

(the “**Appealed Decision**”)

III. SUMMARY OF THE PROCEEDINGS BEFORE THE CAS

A. PARTY SUBMISSIONS AND CORRESPONDENCE

14. On 18 November 2024, the FFK filed its Statement of Appeal with the CAS Court Office in accordance with Article R48 of the CAS Code of Sports-related Arbitration (the “CAS Code”). In its Statement of Appeal, the FFK requested the nomination of a Sole Arbitrator and nominated Mr Omar Ongaro, Legal Counsel in Dübendorf, Switzerland.
15. On 25 November 2024, Prishtina requested that the matter be submitted for determination to a panel of three arbitrators and nominated Mr Maciej Bałaziński, Attorney-at-law in Krakow, Poland. It agreed to the FFK’s nomination of Mr Ongaro if a panel was constituted but disagreed if the matter was to be submitted to a Sole Arbitrator.
16. On 29 November 2024, the FFK filed its Appeal Brief with the CAS Court Office in accordance with Article R51 of the CAS Code. In its Appeal Brief, the FFK named the Kosovo Olympic Committee and the Kosovo Sports Arbitration Council as the Second Respondent in the proceedings, despite not having done so in its Statement of Appeal.
17. On 4 December 2024, Prishtina objected to the inclusion of the Kosovo Olympic Committee and the Kosovo Sports Arbitration Council as the Second Respondent.
18. On 5 December 2024, the CAS Court Office informed the Parties that in view of Prishtina’s objection, the Kosovo Olympic Committee and the Kosovo Sports Arbitration Council would not be joined as the Second Respondent in the proceedings. The CAS Court Office also informed the Parties that the President of the CAS Appeals Arbitration Division had decided to submit the matter to a three-member panel.
19. On 30 January 2025, the CAS Court Office notified the Parties that the Panel was constituted as follows:

President: Mr Mark Andrew Hovell, Solicitor in Manchester, United Kingdom

Arbitrators: Mr Omar Ongaro, Legal Counsel in Dübendorf, Switzerland

Mr Maciej Bałaziński, Attorney-at-law in Kraków, Poland
20. On 8 March 2025, Prishtina submitted its Answer to the CAS Court Office in accordance with Article R55 of the CAS Code and extensions granted by the CAS Court Office.
21. On 26 March 2025, the CAS Court Office, on behalf of the Panel, invited the FFK to comment what it considered to be its legal interest and standing to appeal given that (a) the Appealed Decision relates to the grant of a license for UEFA club competitions in the already completed 2023/24 season; and (b) the Appealed Decision no longer applies to Prishtina, who is required to comply with the UEFA Regulations on an ongoing basis.

22. On 4 April 2025, the FFK filed its submission on its legal interest with the CAS Court Office.
23. On 3 May 2025, Prishtina responded to the FFK’s position on legal interest.
24. On 4 June 2025, the CAS Court Office informed the Parties that the Panel had decided to convene a hearing strictly limited to the issue of the FFK’s legal interest and standing to appeal on 24 June 2025.
25. On 17 and 18 June 2025 respectively, the FFK and Prishtina returned a signed copy of the Order of Procedure to the CAS Court Office.

B. PRELIMINARY HEARING

26. A preliminary hearing on the limited issue of legal interest and standing to appeal took place on 24 June 2025 via videoconference (the “**Preliminary Hearing**”). The Panel was assisted by Ms Andrea Sherpa-Zimmermann, Counsel at the CAS.
27. The Panel was joined at the Preliminary Hearing by:
 - i. For the FFK : Mr Fis Murati (counsel)
Mr Besarta Muhadri (Legal Officer at FFK)
Mr Bajram Shala (witness)
 - ii. For Prishtina : Mr Sanel Masic (counsel)
Mr Hugo Paris (counsel)
28. During the Preliminary Hearing, the Parties had full opportunity to present their case, submit their arguments and answer the questions posed by the Panel. Furthermore, the Parties and the Panel heard and had the opportunity to question Mr Bajram Shala as a witness, after being reminded of his duty to tell the truth under Swiss law by the President of the Panel. Mr Shala was additionally informed that the hearing was not to discuss the merits of the case, rather to consider whether the FFK had a legal interest, so his testimony should be limited to that issue alone.
29. At the conclusion of the Preliminary Hearing, all Parties confirmed to the Panel that they had no objections as to the constitution of the Panel, the Parties’ right to be heard or to be treated equally in the hearing and throughout the proceedings.

C. FURTHER EVIDENCE FROM THE FFK

30. On 30 September 2025, the FFK notified the CAS Court Office that it had only recently become aware that on 14 February 2025, Prishtina had filed a lawsuit against the FFK before the Commercial Court of Kosovo – First Instance Chambers, Department for Economic Matters (and subsequently referred to the Basic Court of Prishtina – General Department) (the “**Prishtina Lawsuit**”).

31. By the Prishtina Lawsuit, Prishtina was seeking compensation by way of damages from the FFK for losses suffered as a result of the Appealed Decision ultimately finding in favour of granting Prishtina a license to compete in UEFA club competitions.
32. The FFK alleged that by failing to disclose the existence of the Prishtina Lawsuit to the CAS, at the latest during the Preliminary Hearing, Prishtina had acted in bad faith.
33. In any event, the FFK submitted that its legal interest in these CAS proceedings was substantiated by the fact that Prishtina could – and evidently did – bring a claim for damages against the FFK on the basis of the Appealed Decision.
34. On 1 October 2025, the CAS Court Office granted Prishtina two (2) days to comment on this development.
35. On 3 October 2025, Prishtina observed that they had notified the FFK of their intention to commence proceedings in December 2024, before ultimately filing the Prishtina Lawsuit in February 2025.
36. On 3 October 2025, the FFK, by way of a further submission reiterated that its legal interest in seeking annulment of the Appealed Decision was *“derived from the risk that a compensation claim might be filed on the basis of that decision. At [the time of the Preliminary Hearing, the FFK] were not aware that any such claim had been lodged”* with the FFK *“formally notified of it only in September 2025”*. It further alleged that Prishtina had acted in bad faith as at the time of the Preliminary Hearing it was already aware that the Prishtina Lawsuit had been filed.
37. On 13 October 2025, the CAS Court Office informed the Parties that the FFK’s submissions regarding the Prishtina Lawsuit were admitted to the file, that the Panel was satisfied that the FFK had demonstrated its legal interest in the matter at hand and that as a result, the proceedings would resume, with the grounds for the decision on legal interest being communicated in the final Arbitral Award.
38. On 20 and 21 October 2025, the FFK indicated its preference for a hearing to be held on the merits of the appeal, whereas Prishtina’s preference was for the Panel to issue an Award based on the Parties’ written submissions.
39. On 11 November 2025, the CAS Court Office notified the Parties that the Panel had determined to convene a hearing via video-conference on 20 January 2026.
40. On 18 November 2025, Prishtina requested for the disclosure of the minutes of the meetings that led to the First Instance Decision and Second Instance Decision and on 21 November 2025, the FFK objected to this disclosure request on the basis that the evidentiary stage of the proceedings was already closed. This was followed by a further unsolicited rebuttal from Prishtina on 25 November 2025.
41. On 28 November 2025, Prishtina submitted a summary of the expected testimony of its witness, Mr Artan Osmani, Prishtina’s General Manager.

IV. SUBMISSIONS OF THE PARTIES AND REQUESTS FOR RELIEF

50. This section of the Award is a non-exhaustive list of the Parties' contentions, its aim being to provide a summary of the substance of the Parties' main arguments. In considering and deciding upon the Parties' claims in this Award, the Panel has accounted for and carefully considered all the submissions made and evidence adduced by the Parties, including allegations and arguments not mentioned in this section of the Award or in the discussion of the claims below.

A. The FFK's position

51. In its Appeal Brief, the FFK requested the Panel:

- “(a) *To declare that the CAS has jurisdiction to hear this matter;*
- (b) *To annul the CAS Ks Decision of the [CAS Ks] that approved [Prishtina]'s lawsuit for the annulment of the License Decisions No. 534/2 and No. 539/2 on the ground that:*
 - (i) *CAS Ks did not have jurisdiction to hear the appeal of the License Decisions and should have found [Prishtina]'s Lawsuit as unfounded in the first place, because any appeal against the License Decisions should have been directed to the CAS in Lausanne, Switzerland, which holds exclusive jurisdiction for resolving such disputes, and to affirm that CAS Ks does not have jurisdiction to adjudicate disputes relating to UEFA licensing decisions, which fall exclusively within the competence of CAS in Lausanne, Switzerland, as expressly stated in Article 58 of the Appellant's Statute;*
 - (ii) *the CAS Ks committed procedural irregularities and substantive errors of laws and regulations applicable in the Republic of Kosovo; and*
 - (iii) *the CAS Ks incorrectly applied the UEFA Regulation on Licensing and Financial Stability of Clubs;*
- (c) *To reinstate that License Decisions No. 534/2 and No. 539/2 of the Appellant, which properly evaluated [Prishtina]'s licensing application, found it noncompliant with UEFA licensing criteria, and reaffirm that these decisions were based on a fair and accurate assessment of [Prishtina]'s financial and procedural shortcomings according to the UEFA Regulation on Licensing and Financial Stability of Clubs; and*
- (d) *To order [Prishtina] to bear all procedural costs incurred in this arbitration including any attorney costs and related fees”.*

52. A summary of the FFK's arguments follows.

i. Prishtina’s right to appeal to CAS Ks

53. CAS Ks wrongly accepted jurisdiction over Prishtina’s appeal against the Second Instance Decision. The appeal should have been filed with the CAS in Lausanne, not CAS Ks.
54. The FFK statute, 2023 edition, (the “FFK Statute”) clearly defines “CAS” as referring to the CAS in Lausanne. Prishtina has acted in bad faith and contrary to applicable regulations by appealing against the Second Instance Decision at CAS Ks. This is because:
- Prishtina signed a declaration recognising UEFA and CAS’ jurisdiction – it knew that any appeals from the Second Instance Committee were to be filed at the CAS;
 - Kosovo law requires both parties to a dispute to agree to CAS Ks jurisdiction, which in this case was absent; and
 - The Second Instance Decision clearly states that any third instance proceeding would take place at CAS (which is defined in the FFK Statute to mean the CAS in Lausanne).

ii. Procedural irregularities and substantive errors of law

55. The FFK is a nongovernmental organisation, meaning that Kosovo’s administrative law (05/1-031) (the “LPPA”), which applies only to public bodies, does not apply to it. CAS Ks was wrong to apply the LPPA in the Appealed Decision.
56. CAS Ks has mischaracterised the FFK’s decisions as being “administrative” acts and misinterpreted the role of Mr Bajram Shala, who was only overseeing the process and had no decision-making authority.

iii. The UEFA Regulations have been properly applied to the First and Second Instance Decisions

57. CAS Ks erred in its finding that the same person drafted both the First and Second Instance Decisions.
58. The First Instance Decision and the Second Instance Decision did not violate Article 7 of the applicable UEFA Regulations which required decision making bodies to operate independently of each other. This was fully observed as Mr Shala had nothing to do with the decision-making process.
59. On the other hand, Prishtina failed to meet key UEFA licensing criteria because:
- Initially, its auditor’s report was qualified (rather than unqualified); its net equity was negative and it had failed to prove that there were no outstanding liabilities to its employees.

- It later clarified some of these aspects in the proceedings before the Second Instance Commission, but it never provided unqualified auditor reports nor proved that it had no outstanding liabilities to its employees.

60. The FFK had evidence of Prishtina’s failure to comply with these criteria and therefore the First Instance Decision and Second Instance Decision were legally and factually sound.

iv. Position on legal interest

61. In its subsequent submission on legal interest at the request of the Panel, the FFK contended that its interest *“lies in the fact that [the Appealed Decision] was issued by CAS Ks in violation of both substantive and procedural rules”* and that CAS Ks *“lacked jurisdiction”* to issue an *“unlawful decision”*. It has also underlined that the interest of FFK lies *“in the interest of justice”*.

62. This was because the findings of the Appealed Decision were *“inaccurate”* and according to the FFK Statute, the FFK should have addressed the CAS in Lausanne rather than the CAS Ks, *“as the FFK Statute does not recognise CAS Ks as a competent body for dispute resolution”*.

63. At the Preliminary Hearing, the FFK maintained that CAS Ks lacked jurisdiction to review the First Instance Decision and Second Instance Decision, this was a bad precedent and challenged the FFK’s autonomy. Further, the Appealed Decision was now akin to a court decision. The FFK feared that Prishtina may now look to rely upon the Appealed Decision to sue the FFK for perhaps lost earnings from the UEFA club competitions in the 2023/24 season that CAS Ks said it should have been able to compete in, even though the Appealed Decision took 17 months to be issued and was provided many months after the relevant competition had concluded. It also underlined that the interest of the FFK lies *“in the interest of justice”*. Finally, Prishtina had allegedly damaged the reputation of the FFK with negative publicity following the Appealed Decision.

64. In its correspondence with the CAS Court Office in September and October 2025, the FFK was then able to provide a copy of the Prishtina Lawsuit, i.e. evidence of the very legal action it feared.

v. At the Hearing

65. The FFK stressed that there was no agreement between the Parties to go to CAS Ks and it was clear from the Second Instance Decision, the FFK Statute, UEFA’s Regulations, the application to compete in UEFA club competitions that Prishtina signed on 24 February 2023 and from the training that FFK had provided to all clubs (including Prishtina) that the appropriate body to hear any appeal from that decision was CAS in Lausanne.

66. As regards the absence of the Kosovo Olympic Committee and the Kosovo Sports Arbitration Council as a party before the CAS, this does not affect the standing of the FFK. The FFK drew a parallel with a case heard by the CAS being appealed to the Swiss

Federal Tribunal (the “SFT”). The CAS itself is not and does not need to be called as a party. The parties that appeared before the CAS are the parties before the SFT. The FFK cited 4A_450.2013 as an example. According to the SFT in that case: “*en vertu du principe de la relativité des contrats, la clause d’arbitrage ne lie que les cocontractants*”; free translation: “by virtue of the principle of privity of contract, the arbitration clause binds only the contracting parties”.

B. Prishtina’s position

67. In its Answer, Prishtina requested the following relief:

- a) That the CAS dismisses the Appeal;*
- b) That the Appealed Decision be confirmed in its entirety;*
- c) That the [FFK] be ordered to bear the entire cost and fees of the present arbitration;*
- d) That the [FFK] be ordered to pay [Prishtina] a contribution towards its legal fees and other expenses incurred in connection with the proceedings in the amount of CHF 10,000, or in the amount deemed fair by the Panel”*

68. A summary of Prishtina’s submissions is as follows.

i. The FFK failed to join the correct respondent

69. The FFK should have named the Kosovo Olympic Committee and the Kosovo Sports Arbitration Council, that established CAS Ks, in its Statement of Appeal, as a respondent as required by Articles R48 and R51 of the CAS Code.

70. Despite the fact that naming them at a later stage in the Appeal Brief is inadmissible, the appeal directly affects CAS Ks’ legal interests and as such it should have been a party. The appeal should therefore be dismissed for failure to name CAS Ks as a party.

ii. CAS Ks’ competence to render the Appealed Decision

71. CAS Ks had jurisdiction to hear the appeal against the Second Instance Decision. The principle of *Kompetenz-Kompetenz*, recognised in Kosovo and Swiss law, enables arbitral tribunals to decide on their own jurisdiction.

72. CAS Ks is legally established under Kosovo law and the FFK Statute. The FFK Statute allows disputes to be referred to the CAS or a duly constituted independent arbitration tribunal.

73. The Regulations of the Sports Arbitration Council of the Olympic Committee of Kosovo (the “**SAC Regulations**”) confirm CAS Ks’ authority and its procedural framework. The FFK’s jurisdictional objection was properly addressed and rejected by CAS Ks in the proceedings related to the Appealed Decision.

iii. Limited scope of review of the CAS

74. In the event that the CAS does not dismiss the FFK's appeal due to its failure to appropriately name the Kosovo Olympic Committee and the Kosovo Sports Arbitration Council as a second respondent, the CAS shall nevertheless be able to set aside the Appealed Decision only on specific grounds.
75. Article 53 of the SAC Regulations provides that decisions by CAS Ks may only be appealed to the Regular Courts in limited circumstances, similar to the limited grounds of appeal from CAS to the SFT under Article 190(2) of the Swiss Private International Law Act.
76. Therefore, CAS does not have a full *de novo* scope of review as foreseen in Article R57 of the CAS Code, but shall instead act as a "Supreme Court", only addressing potential violations of substantive or procedural public order.
77. In this case, none of the grounds of annulment are met, and the Appealed Decision should therefore be upheld.

iv. Position on legal interest

78. The FFK did not address the issues the Panel asked them to address. Rather, it made "*general, subjective remarks*".
79. Under Article 59 of the Swiss Civil Code of Procedure, an appellant is required to have a "*legitimate interest*", "*legitimation active*" or "*Aktivlegitimation*".
80. This principle states that the interest to act shall be cumulatively personal, direct, current and legally protected, as also confirmed in CAS jurisprudence (CAS 2015/A/4151).
81. The lack of legal interest leads to the inadmissibility of the appeal without addressing the merits.
82. The FFK does not provide any concrete explanation as to why a current legal interest exists, given the already completed 2023/24 season. The FFK's asserted "*interest of justice*" is not sufficient to establish a legal interest and standing to appeal under Swiss law and CAS jurisprudence.
83. At the Preliminary Hearing, Prishtina repeated their written submissions and criticised the witness, noting that Mr Shala himself admitted that he was not the best person to address the question of legal interest. Prishtina further underlined that the burden of proof regarding legal interest lies with the FFK.

v. At the Hearing

84. Prishtina submitted that the case at hand had been determined on limited grounds and would not act as a precedent going forwards.

85. Additionally, Prishtina repeated that the appeal should be dismissed, due to the failure to call the Kosovo Olympic Committee and the Kosovo Sports Arbitration Council as a party. Prishtina further stressed that the FFK knew this as it attempted to add the Kosovo Olympic Committee and the Kosovo Sports Arbitration Council after it had filed its Statement of Appeal, but this was done too late.
86. The dispute at hand is a vertical dispute, so the Kosovo Olympic Committee and the Kosovo Sports Arbitration Council need to be a party.
87. Prishtina went into some detail (in particular when examining the FFK witness, Mr Shala) with regard to other clubs that had apparently breached the FFK Statute and/or both the UEFA Regulations and the FFK's regulations, but those clubs had allegedly been able to enter into settlement agreements with the FFK and then participate in the UEFA club competitions. Prishtina submitted that this was unequal treatment by the FFK.

V. THE HEARINGS: SUMMARY OF THE WITNESS TESTIMONY

88. During the Preliminary Hearing, the Panel heard testimony from Mr Shala, the National Team Manager, Away Match Manager and Club Licensing Manager at the FFK.
89. He explained that the FFK is authorised by UEFA to carry out the licensing of clubs that had qualified for the UEFA club competitions in each season. It follows the FFK's regulations, which are based on the UEFA Regulations. There are minimum criteria that clubs need to meet and the FFK reports to UEFA and undertakes a yearly audit with UEFA.
90. The third level of decision making is carried out by the CAS in Lausanne, not by the CAS Ks in Kosovo. CAS Ks should not have taken jurisdiction of Prishtina's appeal from the Second Instance Decision.
91. Its decision was not timely either. It came in October 2024, 18 months after the start of the 2023/24 season and 6 months after that season finished. The Appealed Decision did not allow Prishtina to play in Europe.
92. During the Hearing, Mr Shala testified that he was the main contact at the FFK between clubs and also with UEFA, when considering licensing and financial regulations. He would liaise with experts that would consider each club's positions and also organise any First or Second Instance Commissions as necessary, where clubs had appeared to have breached the licensing criteria, but he had no decision-making authority, he simply signed the Commission's decisions off, as then required by UEFA.
93. He stated that Prishtina were aware of the FFK regulations, as its representatives had attended a workshop organised by the FFK on these. He had also corresponded with Prishtina regarding potential breaches of the regulations, in particular overdue sums owed to various players.

94. Prishtina's accounts were qualified by its auditors, it had overdue sums to players and negative equity (however, he acknowledged that this third issue was not sufficient to be refused a license).
95. Prishtina's counsel examined him at length and put a number of cases involving other clubs to him where those clubs allegedly received settlement agreements with the FFK, as opposed to being refused licenses.

VI. JURISDICTION OF THE CAS

96. The jurisdiction of CAS is derived from Article R47 of the CAS Code, which provides that:

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

97. Additionally, Article 47 of the SAC Regulations specifies that: *“Against the decision of CAS Ks, a complaint can be filed at the CAS of Lausanne within 30 days after the decision of the CAS of KOC”* and the Appealed Decision provides that, *“Parties dissatisfied with this decision may address the CAS in Lausanne within 21 days from the day of receipt of the decision”.*
98. The Panel notes that the Parties have not contested the jurisdiction of the CAS.
99. Further, the jurisdiction of the CAS is confirmed by the Order of Procedure duly signed by the Parties.
100. It follows that the CAS has jurisdiction to adjudicate and decide on the present dispute.

VI. ADMISSIBILITY

101. Under Article R49 of the CAS Code, the time limit for appeal shall be *“twenty-one days from the receipt of the decision appealed against”*, unless otherwise provided for in the statutes or regulations of the federation or sports-related body concerned (in this case, an arbitral tribunal for sports founded by the Kosovo Olympic Committee and the Kosovo Sports Arbitration Council).
102. The Panel notes the inconsistency between Article 47 of the SAC Regulations and the Appealed Decision in that the former provides for an appeal deadline of 30 days whereas the latter states 21 days.
103. In any event, the Panel notes that the Appealed Decision was issued on 29 October 2024 and the FFK filed its Statement of Appeal on 18 November 2024, less than 21 days after the Appealed Decision.

104. The question of the applicable deadline is therefore rendered moot and it follows that the appeal is, in principle, admissible.
105. The Panel notes that Prishtina additionally claim that the appeal is inadmissible due to lack of legal interest and standing to appeal of the FFK. These issues are dealt with below.

VII. APPLICABLE LAW

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

“The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law that the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.”

107. The Panel notes that the FFK considers that, *“in addition to the applicable sporting regulations”*, the provisions of Kosovo law should apply to the substantive elements of this dispute, as both Parties are domiciled in the Republic of Kosovo. Prishtina submitted that the law applicable to the proceedings shall be the regulations of the FFK and of the Kosovo Olympic Committee primarily, and the law of the Republic of Kosovo subsidiarily.
108. Both Parties have additionally explicitly cited CAS jurisprudence, with Prishtina citing provisions of the Swiss Civil Code.
109. Given that these proceedings are seated in Lausanne, Switzerland, the Panel considers that provisions of Swiss law will apply to the limited issue of legal interest and standing of the FFK.
110. When considering the merits, the Panel agrees that the FFK Statute and regulations of the FFK are applicable, along with the UEFA Regulations (2023 Edition), with the law of the Republic of Kosovo applying subsidiarily. In addition, it is necessary for the Panel to consider the SAC Regulations (2023 edition) and Law No. 04/L-075 amending and supplementing the Law No. 2003/24 on Sport when considering CAS Ks’ jurisdiction.

VIII. THE ISSUES

111. The Panel has considered all issues before it in this section of the Award, i.e., the preliminary issues and the merits of the appeal.

A. The Preliminary Issues

112. The Panel notes that during the course of dealing with the case at hand, a number of procedural issues arose that the Panel had to consider, as follows:

- i. Prishtina’s indication to bring unannounced witness(es) to the Hearing, made on 18 November 2025, followed by a summary of its proposed witness provided on 28 November 2025;
 - ii. Prishtina’s disclosure request of 18 November 2025;
 - iii. Prishtina’s challenge to hearing FFK’s witness at the Hearing made on 25 November 2025;
 - iv. Whether the FFK has a legal interest to bring this appeal; and
 - v. Whether the FFK could have appealed the CAS Ks interim decision on its jurisdiction.
113. Save for the last of these issues, which was discussed at the Hearing, the Panel has already provided the Parties with its decision on each of these issues, however, the reasoning has been reserved until this Award and is as follows:
- i. The Respondent’s witness
114. On 28 November 2025, Prishtina submitted a summary of the expected testimony of its witness, Mr Artan Osmani, Prishtina’s General Manager. The FFK objected to the summoning of this witness, stating that Prishtina had missed the deadline in which to call any witnesses.
115. The Panel notes that according to Article R44.2(3) of the CAS Code, which is applicable to appeals proceedings by virtue of Article R57(3) of the CAS Code, the Parties may only call at the hearing such witnesses which they have specified in their written submissions.
116. According to Article R55(1) of the CAS Code, the Answer to an appeal must, *inter alia*, contain the name(s) of any witnesses, including a brief summary of their expected testimony.
117. After checking Prishtina’s Answer to the appeal, the Panel could not see it naming any witness to be heard at a possible hearing.
118. The fact that Prishtina did not consider a hearing necessary does not change anything to this determination. Indeed, Prishtina should have named their potential witnesses in their Answer, in case a hearing would nevertheless take place. A party cannot simply rely on the fact that no hearing will be held, in particular, because the CAS Code is based on a hearing being the rule, not the exception, and in any event ultimately the decision to hold a hearing is at the discretion of the Panel (Article R57(2) of the CAS Code).
119. In conclusion, the Panel determined that Prishtina was precluded from calling any witnesses at the Hearing, specifically Mr Osmani.
- ii. The Respondent’s disclosure request
120. On 18 November 2025, Prishtina requested the minutes of the meetings of the First Instance Commission and the Second Instance Commission of the FFK respectively that led to the First Instance Decision dated 19 May 2023 and to the Second Instance Decision dated 26 May 2023.

121. Prishtina stated that this request was made in order to assess the participation of each member of the commissions during these meetings. The FFK again objected to the lateness of this request.
122. The Panel notes the request for the minutes, which is to be qualified as a request for production of documents and again refers to the CAS Code.
123. While Article R44.3(1) of the CAS Code, which is again applicable to appeals proceedings by virtue of Article R57(3) of the CAS Code, does not provide for any time limit for a party to request the Panel to order the other party to produce documents in its custody or under its control, the Panel considers the following points:
- From the Statement of Appeal and Appeal Brief it was very clear what the appeal is about. In particular, the central importance of the decisions of the previous instances was inherent. In view of this fact, within the scope of presenting its Answer, Prishtina had the ample and obvious possibility to request the production of the minutes at that stage. But it did not do so.
 - According to Article R56(1) of the CAS Code, the Parties are only authorized to supplement or amend their requests or their arguments after the submission of the Appeal Brief and of the Answer, if they agree to do so or in case the President of the Panel orders otherwise on the basis of exceptional circumstances.
 - The Panel notes that neither of the conditions was met. There is obviously no agreement from the FFK, and the Panel cannot see any exceptional circumstances. As mentioned above, nothing prevented Prishtina from requesting the production of the relevant minutes within its Answer or at any earlier stage of these proceedings.
 - Furthermore, Prishtina has omitted to explain why the relevant minutes should be of relevance. The Panel could perhaps guess that it has something to do with Mr Shala signing both decisions, but Prishtina did not elaborate on that aspect at all, as they should have in accordance with Article R44.3(1) of the CAS Code. Further, Prishtina would have the opportunity to examine Mr Shala at the Hearing.
124. As a result, the Panel determined not to grant the request for production of documents, especially as it was submitted at a very late stage of the proceedings.

iii. The Appellant's witness

125. By its correspondence dated 25 November 2025, Prishtina argued that the Panel should not hear the FFK's witness, Mr Shala, claiming that he had not been announced by the FFK in its Appeal Brief.
126. The Panel, however, found this allegation, that the FFK did not name any witness, as simply wrong. Indeed, the FFK had called Mr Shala as a witness in its Appeal Brief (cf. Section 6.4, paragraph 4), in full compliance with Article R51(2) of the CAS Code.

127. The Panel did wonder if Prishtina were objecting to hearing this witness again, as he was heard at the Preliminary Hearing, then at the Hearing on the merits too. However, the Panel were extremely careful at the Preliminary Hearing to restrict the testimony of Mr Shala to the FFK's legal interest and he was told not to stray into the merits of the case. He followed the Panel's instructions and did not give testimony on the merits at that stage. The Panel finds it justified that the witness Mr. Shala shall be heard twice, during two separate hearings on different subjects.
128. In conclusion, the Panel determined to allow Mr Shala to testify at the Hearing.
- iv. Has FFK a legal interest to bring this appeal?
129. The Panel notes that the Appealed Decision, in essence, stated that the decision to exclude Prishtina from the 2023/24 season UEFA club competitions was wrong and that it should have been admitted to compete. However, that decision was issued after the competition had already finished, so was of no sporting effect and did not directly affect the FFK. If it was not directly aggrieved by the effect of the Appealed Decision, what is the legal interest of the FFK to look to reverse that decision now?
130. The FFK finally articulated their interest as follows:
- That this would set a bad precedent and the correct body to deal with third level disputes needed to be confirmed as the CAS in Lausanne;
 - Prishtina had run a negative publicity campaign after it was successful before the CAS Ks, which had harmed the FFK's reputation;
 - The legal interest of the FFK lies "*in the interest of justice*"; and
 - If allowed to stand, the Appealed Decision was akin to a court decision and there was a risk that Prishtina could look to pursue the FFK for damages and/or losses.
131. Considering these in turn, the Panel was initially inclined to reject these arguments, however, in the light of new information provided by the FFK after the Preliminary Hearing, the Panel found that the FFK did have a legal interest.
132. The Panel notes that for the FFK to establish its legal interest in the matter, its interest must not pertain to abstract, theoretical legal issues but to concrete rights and duties (CAS 2011/O/2574). The Panel notes also that the parties who claim to have legal interest are responsible for presenting arguments and proving them. It shall refer not to an abstract, possible or imaginable legal issues but to a concrete and tangible one.
133. Additionally, the interest must exist not only at the time the appeal is filed but also at the time when the decision is issued (ATF 137 I 296 at 4.2 p. 299; 137 II 40 at 2.1 p. 41). As the panel in CAS 2018/A/5888 noted:

“Notwithstanding this, in general terms standing to sue correspond to any party that in a certain case has a legitimate interest which is worthy of protection. In particular, even though this legitimate interests is a broad, flexible and undetermined legal concept, that must be determined and concretized on a case-by-case basis, CAS jurisprudence has clarified that this legitimate interest exists if the party intending to appeal (i) is sufficiently affected by the decision at stake and (ii) has a specific and tangible interest ad casum, either of financial or sporting nature.”

134. This is consistent with *“the general definition of standing that parties, who are sufficiently affected by a decision, and who have a tangible interest of a financial or sporting nature at stake may bring a claim, even if they are not addressees of the measure being challenged”* (CAS 2016/A/4924 & CAS 2017/A/4943).
135. The Panel was not persuaded by the submission that a bad precedent would be set. There was no evidence that the next club in Prishtina’s position (i.e. one that was being excluded from UEFA’s club competitions) would appeal to CAS Ks, as opposed to CAS in Lausanne. The FFK itself submitted that “CAS” is internationally known for the English abbreviation for “Court of Arbitration for Sport”.
136. The Panel notes that Article 67(1) of the FFK Statute states:
- “Disputes within the FFK or disputes affecting members, leagues, league members, clubs, club members, players and officials may only be reference as a final instance... to CAS or an independent and duly constituted arbitration tribunal which shall solve the dispute definitively to the exclusion of any ordinary court.”*
137. Further, Article 58.3 of the FFK Statute states:
- “Decisions taken by the Club Licensing Appeal Body may only be appealed to the CAS in accordance with the provisions of this Statute.”*
138. Within the same Statute, in the “Definitions” section, the term “CAS” is defined as the *“Court of Arbitration for Sport” based in Lausanne (Switzerland).*
139. In order to avoid this issue arising again, it may help the FFK if it amends its regulations to refer expressly to the CAS in Lausanne in Article 67(1) and to expressly exclude CAS Ks.
140. Further, Prishtina chose to go to CAS Ks, as opposed to the CAS in Lausanne. Instead of having its dispute heard in a timely, even expedited manner, it chose a body that ultimately took 17 months to render its decision. The decision it received was too late to enable it to compete in the UEFA club competition it qualified on the pitch for. Would the next club in Prishtina’s position chose to risk perhaps winning in the courts, but losing in sporting terms by missing out on playing in Europe?
141. As regards any damage to the FFK’s reputation, the Panel notes that there was simply no evidence before it to demonstrate how or what damage had allegedly been done, nor what loss the FFK had suffered as a result. The FFK not only failed to prove such damage but

failed to present any evidence of such a fact in their submissions letters as well as during the Preliminary Hearing.

142. The argument of the FFK having legal interest described as “*interest of justice*” did not persuade the Panel either. Firstly, it shall be observed that this submission is simply not precise enough. It is a general concept which would require a more detailed explanation. In order for an argument to be part of the scrutiny of a CAS panel, such argument must be precise and indicate what value or interest of justice has been infringed, how was it offended and in what way an award of CAS would rectify it. Secondly, the FFK did not undertake the effort to justify and prove this “*interest of justice*”. This was simply a line thrown to the Panel, with no explanation or evidence. It is rejected.
143. Finally, as regards the risk that Prishtina might sue the FFK for the monies it would have made had it been allowed to compete in the UEFA club competition in the 2023/24 season, there was simply no evidence of this risk being a reality provided to the Panel at or before the Preliminary Hearing. The FFK did not provide any correspondence from Prishtina where it threatened such an action.
144. However, as can be seen from the September/October 2025 correspondence between the Parties and the CAS Court Office, the Prishtina Lawsuit had been filed with the court prior to the Preliminary Hearing, yet was only served on the FFK after that Preliminary Hearing.
145. The Panel was somewhat surprised that Prishtina did not refer to the Prishtina Lawsuit when the FFK was making submissions that its interest lay in the risk that such a lawsuit may be issued against it. It clearly knew that the lawsuit had already been filed.
146. The Panel understands that perhaps Prishtina used another counsel to prepare and file the Prishtina Lawsuit, but it should have properly instructed its counsel in the matter at hand and furnished it with this information.
147. Ultimately, the Panel is satisfied that the Prishtina Lawsuit provides the FFK with a legal interest in making this appeal. If it is successful with this appeal, then it will be able to attempt to defend itself against the Prishtina Lawsuit, which is a product of the Appealed Decision. Therefore, in line with existing CAS case law, the FFK is sufficiently affected and has a specific and tangible interest *ad casum* of a financial nature.

v. Could the FFK have appealed the CAS Ks interim decision on jurisdiction

148. The Panel notes that the decision that CAS Ks took regarding its jurisdiction was a separate decision, dated 8 July 2023.
149. Further, Article 47(5) of the SAC Regulations (2023 edition) states that:

“The decisions of CAS Ks are binding on all parties to the dispute and are executed immediately.”

150. This is followed by Article 47(6), which states:

“Against the decision of CAS Ks, a complaint can be filed at the CAS of Lausanne within 30 days, after the decision of the CAS of KOC.”

151. The Panel notes that the FFK waited until the final decision on the merits, i.e. the Appealed Decision (which came over a year later) before bringing the present case to CAS (Lausanne) and asking the Panel to annul the Appealed Decision, as CAS Ks lacked jurisdiction.

152. At the Hearing, the FFK was asked whether it could/should have brought an appeal to CAS earlier, i.e. within 30 days of the interim decision on jurisdiction from CAS Ks. The FFK pointed out that the interim decision did not contain a direction for it to appeal that decision to CAS within 30 days. The FFK then drew the Panel’s attention to the Appealed Decision that did contain such a clear direction (see para. 180 below). It was the FFK’s position that parties before CAS Ks would wait until the final decision before utilising any right of appeal to the CAS in Lausanne. Prishtina provided no evidence contrary to that submission. On balance, the Panel were persuaded that the FFK followed the correct procedure.

153. In summary, the Panel were satisfied that it could address the merits of the appeal.

B. The Merits

154. The Panel considers that the following issues are to be determined on the merits:

- i. The issue of standing in the absence of the Kosovo Olympic Committee and the Kosovo Sports Arbitration Council;
- ii. Did CAS Ks have jurisdiction to hear Prishtina’s appeal of the Second Instance Decision?
- iii. If not, what are the consequences?
 - i. The issue of the FFK’s standing

155. Prishtina has criticised the FFK for failing to summon the Kosovo Olympic Committee and the Kosovo Sports Arbitration Council as a respondent in the matter at hand. Prishtina requested that the appeal shall be dismissed on that basis. It is undisputed that the FFK attempted to do this by simply adding it as a party to the Appeal Brief, having not named it as a respondent in its Statement of Appeal. Prishtina saw this attempt as an admission by the FFK that it needed the Committee and the Council before the CAS as a respondent, as the dispute is (according to Prishtina) a “vertical” dispute, not “horizontal”. The Panel additionally notes that in places within its submissions, Prishtina also asserts that CAS Ks should have been summoned as a respondent. The Panel’s determination below, has considered the position of both bodies and the failure to summon either, without repeating the determination for CAS Ks.

156. Article R48 of the CAS Code is perfectly clear, any party bringing an appeal to the CAS needs to “...submit to CAS a statement of appeal containing: ... the name and full address of the Respondent(s)...”. Failure to do so shall mean that, in absence of agreement from the called respondent(s), *in casu*, Prishtina, any other party the appellant wanted to be a respondent to their appeal can then only join the proceedings by joinder or intervention. Both methods are included in the CAS Code, but neither are applicable in the case at hand. Article R41.2 of the CAS Code deals with joinder. This is a right of the respondent, not the appellant. In the case at hand, Prishtina did not look to join the Kosovo Olympic Committee and the Kosovo Sports Arbitration Council as a respondent.
157. Article R41.3 of the CAS Code deals with intervention. This is a right of a third party seeking to join the matter at hand. The Kosovo Olympic Committee and the Kosovo Sports Arbitration Council did not seek to intervene as a respondent.
158. Previous CAS panels have confirmed that improper naming of respondents cannot be cured by simply adding new respondents in the Appeal Brief (cf. CAS 2007/A/1329 & 1330 as well as CAS 2012/A/2981) and that standing to be sued is dependent on the circumstance whether, in view of an appellant’s prayers for relief, the appellant has named the right respondent (cf. CAS 2017/A/5359).
159. As such, the only respondent is Prishtina. So is the absence of the Kosovo Olympic Committee and the Kosovo Sports Arbitration Council as a respondent fatal to the FFK’s appeal?
160. The Panel considers the nature of the dispute at hand. Whilst the question before this Panel is, *inter alia*, whether CAS Ks had jurisdiction to deal with Prishtina’s appeal against the Second Instance Decision, the underlying question at the heart of the dispute is whether Prishtina complied with the criteria established by UEFA for clubs to participate in its club competitions. The Panel notes that UEFA delegates to each of its member federations or associations the task of determining whether the criteria have been met or not, i.e. they become the licensor.
161. In the case at hand, it is the FFK that determined whether Prishtina met the criteria that UEFA established and that the FFK then formed its own regulations and Statute on. The Second Instance Commission determined that the criteria had not been met and that Prishtina was ineligible. The Panel notes that the dispute is between the FFK and Prishtina, between a potential licensee and the licensor.
162. The dispute is then taken by Prishtina to CAS Ks. Does the fact that CAS Ks renders a decision on Prishtina’s appeal mean that the appeal of the FFK against CAS Ks decision is a vertical dispute, that would then require the organisers of CAS Ks (i.e. the Kosovo Olympic Committee and the Kosovo Sports Arbitration Council) or even CAS Ks to be a party before the CAS?
163. The Panel notes the submission made by the FFK, that it should draw a parallel with a case brought before CAS by two parties. If one of them was unhappy with the decision given by CAS and appealed that decision (perhaps on grounds that the CAS lacked the jurisdiction to entertain the appeal) to the SFT, would CAS need to be a party before the

SFT? The FFK provided the Panel with the actual example, where the CAS was the decision maker, but not present at the appeal before the SFT.

164. The Panel determines that, whilst there can be cases where the decision making body may be required to be a party (such as where there is a contractual (horizontal) dispute between a player and a club over an alleged breach of a playing contract and FIFA hears the dispute; it finds for one party and issues sporting sanctions against the other (i.e. a vertical decision), then dispute is now both horizontal and vertical). However, this is not such a case. At its heart, it is an eligibility case. The parties are the federation (which is acting as a gatekeeper) and a club that is seeking eligibility into the UEFA club competitions.
165. The Panel further points at a particularity, typically characterising horizontal disputes. While assessing and adjudicating on the dispute, the deciding body does not have or pursue any interests of its own. It simply acts as a body resolving the dispute in favour of one of the parties involved. This is precisely the situation here. The CAS Ks was called to decide, as a body of appeal, on a dispute between the licensor (the FFK) and a potential licensee (Prishtina), but it did certainly not have or pursue any personal interests with its decision.
166. The Panel notes that Prishtina chose to take its appeal of the Second Instance Decision to CAS Ks. It is able to explain to the Panel why it did this and the Panel has the FFK Statute and the regulations of the FFK, of UEFA and of the Kosovo Olympic Committee and the Kosovo Sports Arbitration Council. From these it is able to determine whether CAS Ks had jurisdiction or not, as it does below.
167. The Panel determines that the intervention of CAS Ks does not turn the underlying dispute into a vertical one that would require the presence of the Kosovo Olympic Committee and the Kosovo Sports Arbitration Council or even the CAS Ks itself before it.

ii. CAS Ks' jurisdiction

168. The Panel notes that CAS Ks did consider its own competence to hear Prishtina's appeal against the Second Instance Decision. It determined that it did have jurisdiction and its reasoning was as follows:

"... [the Sports Arbitration Council] analyzed the provisions of Article 26 of the Law no. 2003/24 on Sports, Article 10 of the Law No. 04/L-075 on the amendment and supplement of Law no. 2003/24 on Sports, and Article 4 of the Regulation on the Sports Arbitration Council and did not find any norm that makes the exclusion of SAC for the treatment of the subject matter according to the lawsuit no.136/2023, dated 08.06.2023 filed by FC Prishtina."

169. The Panel was provided with a copy of the SAC Regulations and notes that Article 4 states as follows:

"4.1 [CAS Ks] examines disputes in accordance with this Regulation for the following issues:

4.1.1 Disputes between federations, clubs, associations, their governing bodies, as well as other sports organizations;

...

4.1.3 Disputes arising from contracts between parties that recognize the competence of [CAS Ks], for the solutions of disputes...

...”

170. According to the FFK, CAS Ks required the agreement of two such parties to bring their dispute to CAS Ks. Further, the FFK produced a declaration dated 24 February 2023 from Prishtina stating that it *“recognizes the legal principles, Statute, regulations, directives and decisions of FIFA, UEFA, FFK and legality (CAS) as foreseen by respective UEFA Statute.”*
171. The declaration additionally confirmed that Prishtina would *“comply with UEFA regulations on the licensing of clubs for European competitions and for Financial Fair Play.”*
172. It was FFK’s position that Prishtina was fully aware that it was obliged by the UEFA and FFK Regulations, that it had declared it would recognise, to take any appeal from the Second Instance Committee to CAS, being CAS in Lausanne. Further the FFK submitted that there was no agreement between the Parties for any disputes to be heard by CAS Ks, indeed the regulations and the declaration directed any disputes to CAS, in Lausanne.
173. The Panel notes that the primary issue before the Second Instance Committee was whether Prishtina satisfied the club licensing criteria set down by UEFA in the UEFA Regulations, which had been adopted by the FFK in the FFK Statute.
174. The Panel notes that the UEFA Regulations establish minimum requirements for clubs in order for them to be granted a license to participate in the UEFA club competitions (Article 1.03 and Chapter 3 of the UEFA Regulations apply here); and additionally impose minimum requirements of its various member associations or federations and establishes procedures for them to follow, in their role as licensor (Article 1.01 and Chapter 1 of the UEFA Regulations apply here).
175. The UEFA Regulations establish the decision-making bodies for the licensing process. Article 7, states as follows:
- “7.01 The decision-making bodies are the First Instance Body and the Appeals Body and they must be independent of each other.*
- 7.02 The First Instance Body decides on whether a licence should be granted to an applicant on the basis of the documents provided by the submission deadline set by the licensor and on whether a licence should be withdrawn.*
- 7.03 The Appeals Body decides on appeals submitted in writing and makes a final decision on whether a licence should be granted or withdrawn.*

7.04 Appeals may only be lodged by:

- a. a licence applicant who received a refusal from the First Instance Body;
- b. a licensee whose licence has been withdrawn by the First Instance Body; or
- c. the licensing manager on behalf of the licensor.

7.05 The Appeals Body makes its decision based on the decision of the First Instance Body and all the evidence provided by the appellant with its written request for appeal and by the set deadline.

7.06 If a UEFA member association has an arbitration tribunal specified in its statutes, this court decides whether the club licensing system comes under its authority. In this respect, particular attention must be paid to the relevant deadlines for entering the UEFA club competitions.”

176. Both Parties provided the Panel with sections of the FFK Statute. The Panel sought to discover if the FFK had inserted an arbitration tribunal in these Statutes. The FFK directed the Panel to Article 58 of the FFK Statute, which states as follows:

“1. The licensing bodies of the clubs are responsible for the licensing system of Club within the FFK, in accordance with the Licensing Regulations of the FFK Clubs and UEFA.

2. Clubs’ licensing bodies consist of a first-class body and an appeals body.

3. Decisions taken by the Club Licensing Appeal Body may only be appealed to the CAS in accordance with the provisions of this Statute.”

177. The FFK then provided an excerpt of the definition section of the FFK Statute, where the following definition could be found: *“CAS: Court of Arbitration for Sport in Lausanne (Switzerland).”*

178. The Panel further noted that Article 59.01 of the UEFA Regulations states as follows:

“The licence applicant must submit a legally valid declaration confirming the following:

a. It recognises as legally binding the statutes, regulations, directives and decisions of FIFA, UEFA, the UEFA member association and, if any, the national league as well as the jurisdiction of the Court of Arbitration for Sport (CAS) in Lausanne as provided in the relevant articles of the UEFA Statutes.”

179. It appears to the Panel that Prishtina complied with Article 59.01 of the UEFA Regulations, as it signed the declaration referred to above on 24 February 2023.

180. Further, the Panel notes that the Second Instance Decision states as follows:

“Legal Advice:

The party is dissatisfied with the decision of the Commission of the Second Instance of the FFK, for the Licensing of Clubs, based on the Regulation on Licensing and Financial Sustainability of Clubs, has the right to appeal in the third instance, respectively in CAS.”

181. The Panel notes that Prishtina relied upon Law No. 04/L-075 amending and supplementing the Law No. 2003/24 on Sport, which was also cited by CAS Ks when it considered its own jurisdiction. Article 11 of this law states as follows:

“Article 25 of the basic Law shall be amended and reworded as following:

25.1. In the framework of the Kosovo Olympic Committee, as an independent body for arbitration in sport, operates the Council of Sport Arbitration and Sport Arbitration Court for resolving disputes related to sports.

25.2. Council of Sport Arbitration decides for request and extraordinary review of the decisions of sports federations, sports of the sports associations, clubs against which there are empty or do not exist means of legal protection.

25.3. Council of Sport Arbitration performs general supervision of the work of sport arbitration court and offers legal opinions to the requests of the Olympic Committee of Kosovo or with the proposal of the Kosovo sport federations, clubs and sports associations.

25.4. Sport Arbitration Court decides related on the request of the parties which are agreed with competence of this court in disputes arising during sports activities, with the rights which are available freely, if by the Law it is not determined otherwise.

25.5. With the internal acts the Olympic Committee of Kosovo regulates the competence, composition, functioning, organization and procedure for Council of Sport Arbitration and for Sport Arbitration Court.”

182. Prishtina further referred to Article 67.1 of the FFK Statute, which states:

“Disputes within the FFK or disputes affecting FFK members, leagues, league members, clubs, club members, players and officials may only be referred as a final instance (i.e. after all internal channels within the FFK have been exhausted) to CAS or to an independent and duly constituted arbitration tribunal which shall resolve the dispute definitively, to the exclusion of any ordinary court.”

183. It is Prishtina’s position that CAS Ks is the “*independent and duly constituted arbitration tribunal which shall resolve the dispute definitively*” as established in the FFK Statute. Prishtina further relied upon the SAC Regulations, in particular Article 3 that sets out the mission of CAS Ks, as follows:

“4.1. The mission of [CAS Ks] is to resolve disputes in the field of sports through arbitration. [CAS Ks] exercises this function by issuing Arbitration Decisions, which are recognized by the effective legislation of the Republic of Kosovo, and have the same legal and applicability force as if it were a state court.”

184. The Panel could see that CAS Ks could deal with disputes between the FFK and Prishtina, in certain circumstances, which may well require the agreement of both Parties to take their dispute there. Further, the Panel notes Article 25.2 of the basic Law, which seems to provide CAS Ks with jurisdiction where no other legal remedy might be available, however, the Panel notes that here there was a clear route to CAS Lausanne, so this article of the basic Law would not be applicable in the matter at hand. Ultimately, the underlying dispute between the Parties is whether Prishtina had met the licensing criteria to participate in the UEFA club competitions for the 2023/24 season or not. UEFA established a three-tier system of decision making bodies. The first two levels are not in dispute, these are the First Instance Commission and the Second Instance Commission. What is in dispute now before this Panel, is whether the third level (i.e. the body to hear any appeal from the Second Instance Commission) should have been CAS Ks or the CAS, in Lausanne, Switzerland. Article 7.06 of the UEFA Regulations does not mandate that it must be the CAS in Lausanne. It has to be an arbitration tribunal set out in the member association's statutes.
185. Prishtina directs the Panel to Article 67.1 of the FFK Statute, which refers to both the CAS in Switzerland or to an independent and duly constituted arbitration tribunal. It does not specifically refer to CAS Ks, but the Panel is satisfied that it could fulfil the role. On the other hand, the FFK directs the Panel to Article 58 of the FFK Statute, as well as the definitions section. This article specifically deals with licensing disputes and it solely directs such disputes to the CAS in Switzerland.
186. The Panel further notes that UEFA requires all licensees to sign a declaration with their licensor, which confirms the jurisdiction of the CAS in Lausanne, Switzerland. Prishtina signed one. It was additionally uncontested at the Hearing that Prishtina had received training from the FFK licensing manager, Mr Shala, and were informed that the third tier was an appeal to CAS, in Switzerland. Finally, Prishtina should have paid heed to the wording of Article 7.06 of the UEFA Regulations – *“If a UEFA member association has an arbitration tribunal specified in its statutes, this court decides whether the club licensing system comes under its authority. In this respect, particular attention must be paid to the relevant deadlines for entering the UEFA club competitions”*(emphasis added).
187. The FFK Statute did set out which body was to deal with licensing matters, but only at Article 58. The Panel considers that Article 67.1 of the FFK Statute together with Article 58 which constitutes *lex specialis* to Article 67.1 stating in subpar 3 *“Decisions taken by the Club Licensing Appeal Body may only be appealed to the CAS in accordance with the provisions of this Statute”* in relation with definition provided by the Statutes that *“the CAS”* shall be understood as *“Court of Arbitration for Sport based in Lausanne, Switzerland”* are clear indicators of the competent body. That was the CAS in Switzerland, not CAS Ks. Further, as became entirely evident, CAS Ks was less able to deal with the hearing of a licensing appeal (focusing on procedural issues), whereas the CAS in Switzerland has dealt with dozens of such matters, often on an expedited basis.
188. It is clear to the Panel that CAS Ks did not have jurisdiction to deal with the appeal against the Second Instance Decision.

iii. What are the consequences?

189. The Panel notes the Parties' prayers for relief. The FFK appealed against the Appealed Decision asking the Panel to find that CAS Ks lacked the jurisdiction to deal with Prishtina's appeal against the Second Instance Decision. That determination has been made above.
190. The FFK additionally requested that the Panel find that there were procedural irregularities made by CAS Ks and that it incorrectly applied UEFA's Regulations. For the reasons that follow, these requests are moot.
191. Finally, it asked for the Second Instance Decision (and the First Instance Decision) to be reinstated.
192. For its part, Prishtina asked for the Appealed Decision to be confirmed, whilst the Panel dismissed the FFK's appeal. However, at the Hearing, Prishtina raised issues of unequal treatment. This was not part of its Answer and was advanced by way of questioning the FFK's witness and then repeated this in its oral closing submissions.
193. The Panel notes that Prishtina did not appeal the Appealed Decision to CAS and asked for it to be confirmed. It made no submissions regarding the breaches that the Second Instance Commission found were sufficient to deny it a license to compete in the UEFA club competitions. Its position was to simply ask the Panel to confirm the Appealed Decision until it raised issues around unequal treatment. Not only are these submissions in breach of Article R56 of the CAS Code, i.e. inadmissible due to the fact they were made after the filing of the Answer with no exceptional circumstances, but in reality they seek to challenge the actions of the FFK and the Second Instance Commission, neither of which are issues before the Panel.
194. If the series of appeals had run the course that UEFA Regulations and the FFK Statute had intended, then the case before this Panel should have been a consideration of the Second Instance Decision and the Panel would have considered matters such as net equity, overdue payables and qualified accounts. In addition, issues such as unequal treatment by the FFK and/or Second Instance Commission could have been considered too, if pleaded properly. However, the Panel has been seized of this dispute from a different angle. CAS Ks (wrongly, but due to the decision of Prishtina to appeal there instead of to CAS, Lausanne) intervened in the process and the FFK have simply asked this Panel to rule on whether CAS Ks should or should not have taken jurisdiction of the appeal of Second Instance Decision.
195. Having come to the decision that CAS Ks should not have taken jurisdiction, it is not now for this Panel to review the Second Instance Decision. Rather, it has been asked by FFK to "reinstate" that decision (along with the First Instance Decision). The Panel determines that as CAS Ks lacked jurisdiction, the product of its proceedings (i.e. the Appealed Decision) should be annulled.

196. Since, as mentioned, it is not for this Panel to review the Second Instance Decision, the request of the FFK for the Panel to reaffirm that the First and Second Instance Decisions were based on a fair and accurate assessment of the applicable criteria, appears moot. In any case, in view of the scope of the FFK's appeal, this Panel was not provided with the necessary documentation to do so in any event.
197. Having determined to annul the Appealed Decision, the effect is that the Second Instance Decision returns to life and is binding on the Parties.
198. The Panel need do nothing as regards the First Instance Decision. It would appear to have been superseded by the Second Instance Decision, so the request of FFK again appears moot.

C. Conclusion

199. In summary, the Panel determines that CAS Ks lacked the jurisdiction to render the Appealed Decision and as such the Appealed Decision is annulled.
200. Finally, all other prayers for relief are dismissed.

X. COSTS

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed on 18 November 2024 by the Football Federation of Kosovo against the decision issued on 29 October 2024 by the Court of Arbitration for Sport of Kosovo is accepted.
2. The decision issued on 29 October 2024 by the Court of Arbitration for Sport of Kosovo is annulled, reinstating the License Decision No. 539/2 of the Football Federation of Kosovo.
3. (...).
4. (...).
5. All other and further motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

Date: 3 June 2026

THE COURT OF ARBITRATION FOR SPORT

Mark Andrew Hovell
President of the Panel

Omar Ongaro
Arbitrator

Maciej Bałaziński
Arbitrator