

CAS 2025/A/11493 Daniel Pîrvu v. Romanian Football Federation

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

Sole Arbitrator: Dr. Jan Räker, Attorney-at-Law, Stuttgart, Germany

in the arbitration between

Mr. Daniel Pîrvu, Romania

Represented by Mr. Marius Constantin Lazar, Attorney-at-Law, Bucharest, Romania

– Appellant –

v.

Fedaratia Romana de Fotbal, Romania

Represented by Mr. Adrina Stangaciu, Head of Legal Department and Mr. Paul F. Ciucur,
Attorney-at-Law, Bucharest, Romania

– Respondent –

I. THE PARTIES

1. Mr. Daniel Pîrvu (hereafter the “Appellant”, or the “Coach”) is a Romanian former football player who is now a football coach and professor at the Liceul cu Program Sportiv Viitorul Pitești in Pitești, Romania.
2. The Romanian Football Federation (hereafter the “Respondent”, or “RFF”) is the governing body of football in Romania. It is a member of the Fédération Internationale de Football Association (“FIFA”) and is responsible for the licensing of Clubs at national level and their financial monitoring. It has its registered offices in Bucharest, Romania.
3. In this appeal proceedings (the “Appeal”), the Appellant and the Respondent are collectively referred to as the “Parties”.

II. FACTUAL BACKGROUND

4. Below is a summary of the main relevant facts and allegations based on the Parties’ written submissions, pleadings and evidence adduced in the course of the present proceedings. Additional facts and allegations may be set out, where relevant, in connection with the legal discussion that follows. This factual background information is given for the sole purpose of providing a synopsis of the matter in dispute. Although the Sole Arbitrator has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, he refers in this award (the “Award”) only to the submissions and evidence it considers necessary to explain his reasoning.

A. INTRODUCTION

5. This Appeal before the Court of Arbitration for Sport (the “CAS”) is directed against the decision no. 7 rendered by the Appeals Committee of the RFF (the “RFF AC”) in the case no. 7/CR/2025, dated 8 May 2025 and notified to the Parties on 26 May 2025 (the “Appealed Decision”). In the Appealed Decision, the RFF AC rejected the Appellant’s appeal against the decision no. 854.1/CDE/2024 of the RFF Disciplinary and Ethics Committee (the “RFF DEC”) dated 13 January 2025, the grounds of which were communicated to the Parties on 20 February 2025 (the “First Decision”). In both decisions, the respective bodies sanctioned the Appellant with a ban from carrying out any football-related activities for two years.

B. BASIC CONTEXT AND CIRCUMSTANCES

6. On 11 August 2024, an official championship match was scheduled to be held between the U13 teams of LPS Viitorul Pitești and CSM Slatina at the grounds of LPS Viitorul Pitești.
7. On said date, a match (the “Match”) between the U13 team of LPS Viitorul Pitești and a team from Slatina, for which the Appellant served as the head coach for the LPS Viitorul Pitești team, was held. It remains however contested between the Parties whether the Match was held as scheduled or whether it was instead held as a friendly match against the U13 team of Athletic Slatina, a different club, which does not compete in the same championship as the scheduled teams.
8. During the Match, two players of the home team, including the Appellant’s son, David Pîrvu, were sent off by the referee.
9. In the match report, one of these players, sent off for insulting the referees and opponents, was identified correctly with his shirt number and name, while the other, sent off for violent conduct and insulting the referee, the Appellant’s son David Pîrvu, was identified only as wearing shirt number 10.
10. The Appellant added and signed a hand-written note into the official match report, reading as follows:

“The undersigned, Pîrvu Daniel, states that the information recorded in the report regarding player number 10, Sandu Tiberiu, is not accurate. He struck with his elbow but did not add any further remarks.” [emphasis by Sole Arbitrator]
11. This resulted in the imposition of a three-match suspension and a RON 500 sports penalty on the player indicated by the Appellant, Tiberiu Sandu, by the RFF in the decision no. 246/CD/2024.
12. After the father of Tiberiu Sandu complained towards the school/club LPS Viitorul Pitești, that his son had not worn shirt number 10 and was not sent off during the Match, on 3 October 2024, the school/club requested the Appellant to identify the players who were sent off.
13. On 7 October 2024, the Appellant replied to the principal of the school/club LPS Viitorul Pitești as follows:

“The match report dated August 11, 2024, is not related to the competition in which the 2012-born U13 Elite League team officially participates. This can be verified by consulting the official website of the Romanian Football Federation (RFF), where it shows that LPS Viitorul Pitești U13 was scheduled to face CSM Slatina U13, and not Athletic Slatina, as indicated in the match report in question. [...]

I also mention that the report for which a response is being requested does not refer to the U13 Elite League competition of August 11, 2024; therefore, the official match did not take place. It is requested that the RFF, through the relevant departments, resolve the case in accordance with the applicable legislation, and that the sporting penalties for the players Nasta Alexandru and Sandu Tiberiu be annulled.”

14. On 8 October 2024, the principal of the school/club LPS Viitorul Pitești sent a letter to the RFF, with which, on the request of Tiberiu Sandu’s father, it was requested to review the decision no. 246/CD/2024. Attached to this request was a written statement of the father, who argued that his son wore only the numbers 7 or 79 (sic), but not number 10 and was not sent off during the Match and requested that the case should be reanalyzed in order to find the actual player who was sent off.
15. On 25 November 2024, the principal of the school/club LPS Viitorul Pitești sent a further letter to the RFF, reading inter alia as follows:

“With regard to Case No. 246/CD/2024, we hereby inform you that the school has undertaken the following actions: [...]

- a) *[...] teacher Pîrvu Daniel was the person who coordinated the team in which the two fined athletes played;*
- b) *On 30.09.2024, the teacher named above filed a copy of the match report, ref. 7420/30.09.2024, with the registry office of the school; [...]*
- c) *On 1.10.2024 Mr. Sandu Petre Dănuț, the father of athlete Sandu Tiberiu Ștefan, came to our school and filed a declaration according to which his son had not worn number 10 and had not been penalized;*
- d) *Following the filing of that declaration, the school sent to Mr. Pîrvu Daniel Letter No. 7732/03.10.2024, requesting him to file with the registry office of the school the roll of the group for the 2024/2025 school year, the kit distribution record, as well as a briefing note specifying the identity of the two penalized athletes. [...]*
- e) *By Letter No. 7864/07.10.2024, Mr. Pîrvu Daniel answers to our request Ref. 7732/03.10.2024, but fails to name the two penalized athletes. [...]*
- f) *During the parent-teacher meeting, parents were asked to identify the athlete wearing*

number 10, but they declined to do so. Some even refused to fill out and sign the minutes of the meeting.”

16. On 26 November 2024, the Appellant was summoned in writing by the RFF to attend a hearing of the RFF DEC on 2 December 2024. The summon letter read as follows:

*“Mr./Ms./Club/Football Section **Pîrvu Daniel** is summoned to the session of the Disciplinary Committee of the Romanian Football Federation, on **December 2, 2024, at 14:00**, at the headquarters of the Romanian Football Federation on Vasile Șerbănică Street no. 12, Sector 2, regarding the case – report complaint concerning the match played on **August 12, 2024**, between **LPS Viitorul Pitești – Athletic Slatina**.*

The parties may be assisted or represented by lawyers or other authorized persons based on a power of attorney.

The absence of the legally cited party does not constitute grounds for postponing the trial of the case.” [emphasis in original]

17. On 2 December 2024, a hearing took place in front of the RFF DEC.
18. During this hearing, the Appellant signed a sworn testimony, which *inter alia* read as follows:

“At the match between Viitorul Pitești and Athletic Slatina, I held the roles of both coach and team delegate. I considered this match to be a friendly and informed the referees as such, since we were actually expecting to play against CSM Slatina.[...]

I did not include my son, Pîrvu David, on the match sheet, as I regarded the match as a friendly.

It is true that my son, Pîrvu David, who was wearing jersey number 10 at that moment, was sent off.[...]

I did not record in the match report that one of the two players was my son, because I considered the match to be a friendly.[...]

I knew that Sandu Tiberiu was not the player who had been sent off, but when asked by referee Țirlea Ionuț after the match, I still told him that it was Sandu Tiberiu. I did this because I believed the match was a friendly.[...]”

19. On 13 January 2025, the RFF DEC took the First Decision, whose grounds were communicated to the Appellant on 20 February 2025.

20. The grounds of the First Decision *inter alia* read as follows:

6. During the hearing, Coach Pîrvu Daniel stated that he “believed the match was a friendly” because he expected the game to be played against CSM Slatina, not Athletic Slatina. He further stated that he did not include his son, Pîrvu David, on the match sheet because he considered the match to be a friendly. He also acknowledged that the player wearing jersey number 10 was his son, Pîrvu David.

7. In the same statement, Coach Pîrvu Daniel declared: “I knew that Sandu Tiberiu was not the player sent off, but when asked by referee Țârlea Ionuț after the match, I told him that Sandu Tiberiu was the one sent off. I did this because I considered it a friendly match.” (...) “I did not ask the referees whether the match against Slatina was official or friendly; I just assumed it was a friendly.”

8. Throughout the hearing, Coach Pîrvu Daniel attempted to mislead the Committee by making contradictory statements, some of which were recorded in his signed statement, with the intent to avoid disciplinary sanctions for both himself and his son. [...]

9. At the conclusion of the hearing on December 2, 2024, the statements made by the referee Țârlea Ionuț Robert stated that “[...] as far as I know, player Pîrvu David was suspended at the AJF level; (...) I was not asked by Coach Pîrvu Daniel whether the match was official or friendly, nor did he ask about the opposing team’s name.” [...]

11. The Committee, analyzing the notification in light of the case documents and proceedings, finds that the notification regarding the statements in the referees’ report and the resulting separation of the case warrants the application of regulatory provisions for the disciplinary infraction related to the match, for which player Sandu Tiberiu Ștefan was initially sanctioned based on the referee’s report and Coach Pîrvu Daniel’s statements, as well as the applicable regulations to hold Coach Pîrvu Daniel accountable for breaches of regulatory conduct, consisting of recording false or inaccurate information in official documents. [...]

18. Following the disciplinary investigation in the separated case, namely after examining the documents, video footage, Coach Pîrvu Daniel’s statement, and the questioning of referee Țârlea Ionuț Robert, the Committee found that Coach Pîrvu Daniel engaged in highly serious irregular practices, consisting of the following:

a. Deliberately providing the referees with incorrect player identification information, with the intent of protecting his own son, who participated in the match without being listed on the match sheet and, according to the referee’s statements, without eligibility to play;

b. Deliberately recording incorrect player identification information in the referee's report regarding the player wearing jersey number 10 during the match in question;

c. Attempting to mislead both the management of the school club whose team he coached and the Discipline and Ethics Committee by claiming he considered the match to be a friendly, with the purpose of avoiding disciplinary liability and minimizing the consequences of his actions. [...]

20. It is difficult to believe, for any impartial observer acting in good faith, that a coach would not know whether the match they are participating in is an official one within an established competition or would arbitrarily assume that a match is friendly. This excludes any credibility in the coach's claims in this regard.

21. Coach Pîrvu Daniel's behavior, consisting of providing false information to the referee regarding the identification of the player wearing jersey number 10 during the match in question and recording another player's name in the referee's report instead of the actual one, with the purpose of gaining an advantage for himself, namely protecting his son, who was the actual perpetrator of the disciplinary infraction recorded in the report and who was fielded without being listed on the match sheet, meets the objective conditions of the disciplinary infraction sanctioned by Article 59(1) of the Disciplinary Regulations.

22. Nevertheless, Coach Pîrvu Daniel had the opportunity to mitigate the consequences of his behavior but chose to invoke increasingly implausible arguments to downplay his actions under review in this case, demonstrating that he did not, at any point, acknowledge the gravity of his actions or consider such behavior to be within acceptable limits.

23. The Committee cannot accept Coach Pîrvu Daniel's defenses for the reasons outlined above. However, it will take into account that such behavior from a coach who trains young children and should serve as a role model for them violates social ethics and fundamentally disregards the regulatory provisions of Article 59(1) of the FRF/LPF Disciplinary Regulations, with the applicable sanction being that established by Article 59(2) of the same regulations.

24. It should not be overlooked that, as previously noted, the purpose of providing false information regarding the identity of the sanctioned player for the infractions during the match was to create an advantage for his son, on the one hand to avoid sanctions and, on the other, to mitigate his own infraction of fielding a player in an official match who was not listed on the match sheet, despite his direct responsibility for completing the match sheet.

25. Regarding the subjective aspect, it is indisputable that he acted with direct intent, a conclusion drawn from his own statement corroborated with the other evidence presented

in the case, which fulfills the condition of disciplinary liability requiring the application of the sanction provided by Article 59(2) of the FRF/LPF Disciplinary Regulations, namely “a ban from carrying out any football-related activities for 2 years.

C. PROCEEDINGS LEADING TO APPEALED DECISION

21. On 22 February 2025, the Appellant appealed against the First Decision to the RFF AC.
22. On 17 April 2025, the RFF AC held a hearing regarding the appeal against the First Decision.
23. On 8 May 2025, the RFF AC rendered the Appealed Decision, which was notified to the Appellant on 25 May 2025, and which was in essence motivated as follows:

“I. Regarding the ground of appeal concerning the inadmissibility of the disciplinary notification against the Appellant

In this regard, the Appellant submits that, in reality, there is no lawful and regulatory notification of the RFF Discipline and Ethics Committee (CDE) regarding the case, as Article 107(1) of the Disciplinary Regulations (RD) does not provide for the possibility of the CDE initiating proceedings ex officio. [...]

With regard to the notification of the RFF CDE, Article 107 RD (Initiation of Disciplinary Proceedings) grants the right to notify the CDE to several legal entities: the General Secretary of the RFF/LPF, the Referees Committee (CCA), the Players’ Agents Committee, the Technical Committee, the Competitions Department, any other person demonstrating a personal, direct, current, and legitimate interest involved in an act likely to entail disciplinary liability, and any person involved in an act the commission of which may have disciplinary implications. Moreover, disciplinary irregularities are pursued ex officio (Article 107(1)(a) RD).

The review case No. 854/CD/2024 was initiated at the request of LPS Viitorul Pitești through Request No. 7921/08.10.2024, by which the extraordinary remedy of review was sought, pursuant to Article 121 RD, based on Request No. 7823/07.10.2024 submitted by “the father of the athlete Sandu Tiberiu Ștefan” and his statement No. 7615/01.10.2024.

Through Request No. 7823/07.10.2024, Sandu Petre Dănuț notified, inter alia, a potential disciplinary irregularity by Coach Pîrvu Daniel.

[...] Thus, the said review request, in addition to its procedural effect of vesting the authority with the resolution of the extraordinary remedy of review, also contains, in its consolidated content, a notification regarding a potential disciplinary irregularity by Coach Pîrvu Daniel.

In this factual context, the Appeals Committee finds that the RFF CDE was duly notified in this case [...]. Pursuant to Article 107(d) RD, notification of the jurisdictional body regarding the commission of a disciplinary irregularity may be made by complaint by any other person demonstrating a personal, direct, current, and legitimate interest involved in an act likely to entail disciplinary liability. Thus, the player affected by an erroneous disciplinary sanction has the capacity to notify the RFF CDE, as evidenced by Request No. 7823/07.10.2024. Likewise, LPS Viitorul Pitești also has active procedural capacity to notify the RFF CDE (even if the notification was included in the review request) pursuant to Article 107(4) RD, which provides that any person involved in an act the commission of which may have disciplinary implications may submit a written complaint to the Discipline Committee regarding the commission of a disciplinary irregularity [...].

II. Regarding the ground of appeal concerning the friendly nature of the match and the error of the original committee regarding the competitive status

The Appellant submits that the RFF CDE erroneously found that the match on August 11, 2024, between LPS Viitorul Pitești and Athletic Slatina was an official match in the Elite League U13. In this regard, it is stated that, as per the referee's report, the match was played between LPS Viitorul Pitești and Athletic Slatina, not CSM Slatina (as indicated in the competition schedule).

In this context, the Appellant specifies that he considered the match to be a friendly, preparatory match and not an official one, for which the RFF Disciplinary Regulations would not apply, pursuant to Article 2(1) of said regulations. Therefore, the act attributed to the Appellant does not constitute a disciplinary irregularity as defined by the RFF Disciplinary Regulations but represents an incidental action in an unofficial context, lacking competitive relevance (being outside the regulated scope).

The Appeals Committee takes into account that, according to information provided by the RFF Competitions Department, the following was established: (1) the Athletic Slatina club is not registered in the Elite League U13 for the 2024-2025 competitive season; (2) the match on August 11, 2024, was played between LPS Viitorul Pitești and CSM Slatina, both teams participating in the 2024-2025 competitive season. In this context, the Appeals Committee finds that the match on August 11, 2024, was an official match played between the scheduled teams, as evidenced by the official information received from the RFF Competitions Department, which the Appellant did not seek to contradict through any legally permissible procedure to challenge or deny this document.

Additionally, the Appeals Committee will consider the evidential argument raised by the Appellant that the match on August 11, 2024, was a friendly match and not an official one (based on the statements in the match report regarding the visiting team). In this scenario,

it must be determined whether the RFF Disciplinary Regulations would apply if disciplinary irregularity were committed during such a friendly match.

Pursuant to Article 2(1) RD, these regulations apply to any match or competition organized or authorized by the RFF/LPF/AJF/AMFB. The regulations also apply when the statutes, regulations, or decisions of the RFF/LPF/AJF/AMFB are violated, and such violations are not sanctioned by another RFF/LPF/AJF/AMFB body other than those responsible for decision-making. This regulatory provision makes no distinction regarding the type of match, as it applies to “any match.” [...]

III. Regarding the ground of appeal concerning the re-individualization of the sanction or, alternatively, the reduction of the suspension period

In this ground of appeal, the Appellant submits that several mitigating circumstances could be applied in this case, specifically those provided by Article 43(4)(b, c, d, e) RD of the RFF.

The Appeals Committee takes into account that, pursuant to Article 43(3) RD, the individualization of the sanction considers the circumstances under which the irregularity was committed and the factors that mitigate or aggravate disciplinary liability. Furthermore, pursuant to Article 43(6)(a) RD, where mitigating circumstances exist in the commission of the irregularity, the sanction applied may be at the minimum level provided for that irregularity. Considering that, based on the factual situation established by the evidence, the RFF CDE made a lawful and regulatory classification of the disciplinary irregularity under Article 59(1) and (2) RD, and given that the applicable sanction is unique, without a minimum or maximum (“a ban from carrying out any football-related activities for 2 years”), the potential consideration of mitigating circumstances would have no impact on the individualization of the applicable sanction, as the “minimum” thereof is 2 years.” [emphasis in original]

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

24. On 16 June 2025, the Appellant filed his Statement of Appeal (the “Statement of Appeal”) in accordance with Article R47 and Article R48 of the Code of Sports-related Arbitration (the “CAS Code”), challenging the Appealed Decision. In his Statement of Appeal, the Appellant requested the case to be submitted to a sole arbitrator. He further requested the stay of the Appealed Decision.
25. On 20 June 2025, the Respondent agreed to the appointment of a sole arbitrator and further stated it did not object to a stay of the Appealed Decision.

26. On 27 June 2025, the Appellant submitted an application for legal aid.
27. On 22 June 2025, the Appellant filed his Appeal Brief pursuant to Article R51 of the Code.
28. On 21 July 2025, within the extended time limits, the Respondent filed its Answer pursuant to Article R55 of the Code.
29. On 4 August 2025, the Appellant confirmed that he requested a hearing to be held in this case and further procedural requests, naming the witnesses Flavius Motoi, Robert Ionut Tirlea, Raluca Serban, Constantin Diamandi, Nicolae Ionut Stan and Adrian Nasta, supplementing further evidence, namely the player passports of some of the players who took part in the opposition team in the Match, further photographic evidence and requesting the RFF to provide evidence, namely the production of all documents and records regarding the alleged transfer of many players from Athletic Slatina to CSM Slatina and further documents regarding the registration of the players of the opposite team.
30. On 5 August 2025, the RFF stated that it did not consider a hearing necessary to be held in this case.
31. On 14 October 2025, the President of the CAS Appeals Arbitration Division granted the Appellant request for a stay of the Appealed Decision.
32. On 20 October 2025, the ICAS Athletes' Commission partially granted legal aid to the Appellant.
33. On 27 October 2025, pursuant to Article R54 of the Code, the Deputy President of the CAS Appeals Arbitration Division appointed the following Panel:
Sole Arbitrator: Dr. Jan Räker, Attorney-at-Law, Stuttgart, Germany
34. On 15 December 2025, the Sole Arbitrator decided to hold a case management conference in this matter.
35. On 22 December 2025, the Sole Arbitrator and the Parties held a Case Management Conference via videoconference. During the Case Management Conference, it was agreed to schedule the hearing on 2 March 2026 by videoconference. The Parties further discussed the possibility to settle this matter, which ultimately could not be reached, and the requests for evidence made by the Appellant on 4 August 2025. In this regard, the Respondent

agreed to the hearing of all witnesses and the inclusion of the player passports and photographic evidence to the file, while it objected to the further requests for the production of further evidence by itself.

36. On 24 February, the Sole Arbitrator ordered the Respondent to provide to the file the player identification documents and the official player registration booklets as requested by the Appellant.
37. On 27 February 2026, the CAS Court Office sent out the Order of Procedure to the Parties. The Appellant and the Respondent returned their signed copies of the Order of Procedure on 27 February 2026 and 2 March 2026 respectively.
38. On 2 March 2026, the hearing was held by videoconference. In addition to the Sole Arbitrator and Mr. Fabien Cagneux (CAS Managing Counsel), the following individuals attended the hearing:
 - (i) For the Appellant:
 - Mr. Daniel Pîrvu – the Appellant,
 - Mr. Paul Alexander Mincu – Counsel,
 - Mr. Constantin Lazar – Counsel,
 - Ms. Anca Victoria Dogaru – Interpreter.
 - (ii) For the Respondent:
 - Mr. Adrian Stangaciu, Head of the Legal Department of RFF,
 - Mr. Paul Ciukur, RFF Counsel.
39. At the outset of the hearing, the Parties confirmed that they had no objections to the appointment of the Sole Arbitrator or to the procedural conduct of the arbitration proceedings up to that moment.
40. The Sole Arbitrator heard the opening submissions from the legal representatives of the Parties and then started the evidentiary session. The Sole Arbitrator instructed the interpreter and the witnesses to tell the truth subject to the sanctions of perjury under Swiss law. The Sole Arbitrator heard oral evidence from the following witnesses called by the Appellant, who were subjected to examination and cross-examination as well as questions from the Sole Arbitrator:
 - *Mr Flavius Motoi* explained that at the Match he was one of the two referees, but probably not the main one. He believes that the Match was likely played between the

- scheduled teams, i.e. against CSM Slatina. Furthermore, upon being shown the match report, he assumed that he had not written that report.
- *Mr Constantin Diamandi* explained that he is the father of one of the players in the team coached by the Appellant and that he was present at the Match. At the Match he saw that the opposite team was Athletic Slatina, as he could read on the writing on their red jerseys.
 - *Mr Ionut Robert Tirlea* explained that he was the main referee of the Match. In that capacity, he drafted the official match report. He also checked the player passports before the match and they all were for the team CSM Slatina. In the match report it reads Athletic Slatina by mistake, because the head coach of Slatina had indicated that himself, after having been at Athletic Slatina with his team until very recently before the Match. The club and player names were filled in by the respective coaches. He considered the Match to be the officially scheduled one between Pitești and CSM Slatina and this topic was never raised by the Appellant or anyone from the home team on that day. Otherwise, no match report would have been mandatory and neither would there have had to be an ambulance present. For the red cards, he noted the numbers and the reasons for the sending off. The Appellant added the name of the number 10 player, which later turned out to be incorrect. In his note dated 29 November 2024, he did not mean to indicate that Athletic Slatina had participated in the Match, but rather mirrored the heading in RFF's prior communication to him in this regard.
 - *Ms Raluca Serban* stated that she works in the competitions department of the RFF and that she is entrusted with the organisation of competitions as well as transfers and annual permits. In the 2024/2025 season, the club Athletic Slatina was affiliated with RFF, but did not register for any official competitions. She was later asked to verify, which teams played in the Match and she saw that the Match was scheduled to be played by CSM Slatina. She did not know why the match report read otherwise. Upon a check of the player passports, she noted that all the players were properly registered for CSM Slatina on the required online platform of RFF, validated on 9 August 2024, i.e. the Friday before the Match. That platform is the relevant source for the determination of registration. Possibly the late registration is why some stamps may have been missing, but those are not strictly required as long as the registration is made via an upload of the passports for the club to the platform. The Match was played on the first matchday of the 2024/2025 season.
 - *Mr Ionut Nicolae Stan* explained that he was present at the Match as the father of one of the Pitești players. At the Match, the opposition team was Athletic Slatina, which

- could be seen via their jerseys, which wore the Athletic crest and were playing in the Athletic colour, which is red, while CSM plays in white and blue.
- *Mr Adrian Nasta* explained that he was present at the Match as the father of one of the Pitești players. They were told that the Match would be played against CSM Slatina, but the opposition team wore the jerseys of Athletic Slatina.
41. The Parties were given the full opportunity to submit their arguments during their opening and closing submissions, as well as to respond to questions posed by the Sole Arbitrator. Before the conclusion of the hearing, both Parties confirmed that they had been granted the opportunity to present their case and arguments in a fair and equal manner, and that their right to be heard had been fully respected.
 42. The hearing was thereafter declared closed, and the Sole Arbitrator reserved his reasoned decision for the present written Award.

IV. THE PARTIES' SUBMISSIONS

43. The following summary of the Parties' positions is illustrative and does not necessarily comprise each contention put forward by the Parties. The Sole Arbitrator, however, has carefully considered all the submissions made by the Parties, even if no explicit reference is made in what immediately follows.

A. THE APPELLANT'S SUBMISSIONS

44. In its Appeal Brief, the Appellant submitted the following prayers and requests for relief:

- *Primarily:*

*I. That the Decision No. 7 dated 8 May 2025 issued by the Appeal Committee of the Romanian Football Federation in case no. 7/CR/2025 **be set aside**, and the appeal lodged before that body be upheld, with the following consequences:*

*A) That the disciplinary proceedings initiated against the Appellant **be declared inadmissible**, and, as a result, the sanction imposed on the Appellant be annulled in its entirety.*

*B) Should the Panel find that the disciplinary proceedings initiated against the Appellant are admissible, the Appellant respectfully requests, on the merits, that the appeal be upheld in full and that the sanction imposed be **entirely set aside**.*

- *Alternatively, in the event the Panel considers the Appellant liable:*

*II. That the sanction imposed on the Appellant be **reassessed and reduced** as follows:*

*C) **By replacing** the 2-year ban on all football-related activities with a more appropriate disciplinary measure, such as a warning, a reprimand, or a sporting fine;*

*D) Alternatively, **by reducing** the duration of the suspension to the minimum period provided by the applicable regulations, considering the specific circumstances of the case and the principle of proportionality.*

*III. That the Respondent be ordered to **bear all costs** of this arbitration, including the reimbursement of any advances paid by the Appellant, as well as to compensate the Appellant for legal fees and other expenses incurred in connection with these proceedings, in an amount to be determined at the discretion of the Panel.”[emphasis in original]*

45. The Appellant put forth the following arguments in support of its position:

(a) Violation of the Appellant’s right to be heard

46. The Appellant claims that its right to be heard was not only violated but grossly neglected in a way that compromised the fairness and legality of the process.
47. The Appellant was summoned to the hearing of 2 December 2024, without even having been informed about the nature or the grounds of the procedure against him.
48. Also, Article 107 (7) of the RFF Disciplinary Regulations (the “RFF DC”) requires the complaint to be communicated to the defendant of a disciplinary procedure. However, in the present case, this mandatory procedural requirement was not fulfilled. The complaint that allegedly triggered the disciplinary proceedings was never communicated to the Appellant, neither within the prescribed timeframe nor at any point during the proceedings.
49. The erroneous insistence of all RFF bodies that the Match was played against CSM Slatina shows a lack of impartiality and suggests bad faith. The RFF AC relied exclusively on an internal note of questionable value. On the other hand, the RFF AC did not offer him the

opportunity to be present in the hearing and to present his arguments orally and did not secure the hearing of essential witnesses.

(b) Inapplicability of the RFF Disciplinary Framework

50. The Appellant further asserts that the entire disciplinary procedure against him at national level was illegal to begin with, because the Match was an unofficial training match, to which the entire disciplinary framework of RFF is inapplicable as the RFF DC does not apply to friendly matches.
51. In light of Article 2 (1) RFF DC, which states that the RFF DC applies exclusively to any games or competitions organized or authorized by the RFF or other competent bodies, the RFF DC is inapplicable as the Match was neither organized nor authorized by such bodies, given it was an unofficial training match only.
52. The Appellant asserts that the Match was not played between LPS Viitorul Pitești and CSM Slatina as scheduled, but between LPS Viitorul and Athletic Slatina, another team from Slatina, which was present at the time of scheduled match, to which the club of CSM Slatina did not show up. Given the presence of the other club's team, it was decided that an unofficial training match should be played instead between the teams present.
53. The striking evidence for this circumstance is that the official match report, correctly, mentioned Athletic Slatina as the visiting team.
54. In accordance with Article 103 (2) of the RFF DC, the referee's report is presumed accurate, and any rebuttal must be substantiated exclusively through video or photographic evidence. No such evidence was ever presented by RFF and therefore already legally the unambiguous match report must prevail in this respect.
55. The identity of the opposing team as Athletic Slatina is further confirmed by the further evidence provided by the Appellant, namely the pictures and posts on various social media, taken and posted on dates after the Match, in which the players and coach of the opposing team continued to associate themselves with Athletic Slatina, not CSM Slatina. The pictures show that they are a stable group that played together for years.
56. Further confirmation can be derived from the various witness statements provided by the Appellant, namely the joint statement of the entire LPS Viitorul Pitești U13 team, that participated in the Match and of the fathers, who were present at the Match.

57. Not least the referee himself, after already indicating the opposition team correctly in the match report, repeated this in his written statement to RFF on 29 November 2024, where again he referred to the Match as having been played against Athletic Slatina.
58. On the other side, the evidence presented for the opposite is either weak or possibly even forged.
59. The RFF AC relied entirely on an internal note that did nothing more than to reiterate that the Match was scheduled to be played against CSM Slatina, which is undenied, but unable to serve as evidence that this was indeed the case.
60. Furthermore, the alleged player passports of the opposition team players which indicate them as being registered with CSM Slatina, appear to be forged or at the very least, invalid. First of all, the indicated registration date for all players is 9 August 2024, i.e. just two days before the Match, which is a very implausible case of an entire team conveniently switching clubs just in time for the Match. Secondly, and even more importantly, the required stamps and signatures are missing from the player passports.
61. Neither the presence of an ambulance, nor the payment of the referee by the home team can be argued to constitute evidence to the contrary, given that the Match was scheduled as an official match and therefore the presence of an ambulance had to be secured before it became apparent that the scheduled opposition did not arrive and the payment of the referee, who would neither have been required for the friendly match, was made after a referee had factually been present and also officiated the other, actually official match which was played immediately before the Match.

(c) No Admissibility and Jurisdiction of RFF for Disciplinary Procedure

62. The Appellant further asserts that the entire disciplinary procedure against the Appellant at national level was inadmissible *ab initio* and that the RFF bodies accordingly had no jurisdiction to hear the case.
63. The RFF DC lacked the authority to initiate proceedings *ex officio*, in the absence of valid notification from one of the entitled bodies or individuals listed under Article 107 of the RFF DC. According to the RFF DC, *ex officio* prosecution of disciplinary offences is to be carried out strictly on the basis of either a formal notification by the RFF Secretary General, the Competitions Department or other specific RFF commissions (such as the Technical Commission, Competition Department, etc.) or a written complaint by a person with a direct, current, and legitimate interest who also participated in the relevant act.

64. In the present case, none of these conditions were met. The entire basis for the case against the Appellant was a written complaint of a father who in no way alleged any wrongdoing by the Appellant or even asked for disciplinary measures to be taken against the Appellant. Also, the club LPS Viitorul Pitești did nothing more than to forward the father's request, asking for a reassessment of the respective player's suspension, without adding any further complaint or request directed against the Appellant.
65. Even if one would consider these notifications as sufficient complaints, both the father and the club also lacked the required legal standing to issue any complaint leading to a disciplinary procedure. According to Article 107 (1) (d) RFF DC, the right to lodge a disciplinary complaint belongs exclusively to the party directly affected by the alleged disciplinary offence, that is, the player concerned or their legal representative.
66. In this context, LPS Viitorul Pitești, as an educational institution and the employer of the Appellant involved, does not qualify as a directly injured party. LPS Viitorul Pitești had no adverse interest in the imposition of a disciplinary sanction upon the Appellant. Rather, its involvement was aimed at defending the interests of the player by opposing what it perceived as an unjust and disproportionate sanction issued in the context of a non-competitive, friendly match.
67. Finally, even if the notification would have to be considered as sufficient, any subsequent sanction imposed on the Appellant must be considered *ultra petita*, given that neither the club, nor the father requested any sanction against the Appellant. The revision request was explicitly and exclusively directed at challenging the disciplinary sanction imposed on the player Tiberiu Ștefan Sandu.

(d) No Violation of Article 59 RFF DC

68. The Appellant argues that his conduct did not breach Article 59 RFF DC. Article 59 RFF DC must be understood parallel to the criminal offense of forgery, which under Romanian law requires the entire forgery or subsequent alteration of a document.
69. In opposition to that, the so call 'written lie' is not punishable under this offense and therefore also in the present case, where the Appellant issued a written incorrect statement, the prerequisites of Article 59 RFF DC are not fulfilled. Accordingly, the conduct of the Appellant could only be sanctionable under another article of the RFF DC.

(e) Disproportionality of the Sanction

70. The Appellant argues that finally, even if a sanction on the Appellant was warranted, such sanction would have to be very significantly reduced at the least, as the two-year ban imposed is grossly disproportionate to any alleged offense of the Appellant.
71. The Appellant argues that the RFF AC erred in applying the standard two-year sanction, seeing no room for any deviation from that penalty.
72. The Appellant argues, that Article 14a RFF DC stipulates the fundamental principle of fairness and proportionality by explicitly authorizing disciplinary bodies to consider alternative or combined sanctions, particularly in certain scenarios.
73. The Appellant further argues that Article 43 (3) of the RFF Disciplinary Regulations mandates that any disciplinary sanction must be individually tailored to the specific circumstances of the offense. This provision expressly requires disciplinary authorities to consider mitigating circumstances as enumerated under Article 43 (4) could and should have been considered by the RFF AC but were not even acknowledged or evaluated.
74. In support of his claim, the Appellant cites two cases, in which the RFF applied Article 14a RFF DC to determine sanctions which lie outside the scope of the margin foreseen by breached rule on the basis of the assessment of the individual case: The first case is the case 291/CD/2024, in which the RFF DEC imposed a sanction of RON 5,000 on the Romanian football club CS Mioveni for a breach of Article 82.2.d RFF DC, although this article foresees a minimum penalty of RON 10,000. The other case is case 28/CD/2023, in which the RFF DEC sanctioned a coach with a warning for a violation of Article 52 (1) a. RFF DC, which foresees a minimum ban of two matches.
75. The Appellant further argues that the disproportionality of the sanction imposed on him is also in breach of Article 123 (3) RFF DC, which imposes a binding duty on all decision-making bodies within the RFF to guide their rulings by considering established principles of sports law, sports doctrine, and, crucially, established international jurisprudence from FIFA and the CAS. The explicit wording of this provision underscores the necessity of integrating international disciplinary standards and jurisprudential precedents into every disciplinary decision.
76. International sports jurisprudence, particularly decisions issued by FIFA disciplinary bodies and the CAS, consistently upholds the principle of proportionality, especially when dealing with minor administrative infractions or mistakes devoid of malicious intent.

77. This was also explicitly acknowledged by CAS, where in the case CAS 2024/A/10269, paras. 77 and 82, the Sole Arbitrator, referring to Article 123 RFF DC, held that the RFF decision-making bodies shall apply the principles affirmed by the sports doctrine and case-law, included the CAS jurisprudence.
78. It follows from that, the Appellant argues that the Sole Arbitrator possesses clear and explicit legal authority to reassess, individualize, or significantly reduce the sanction imposed, in accordance with Article 14 a/bis of the RFF DC.
79. In particular, the Sole Arbitrator should take into account the following mitigating factors in the present case:
 - a) The Appellant has an impeccable record, with no disciplinary history of any kind in his football-related activities and has the full support of the youth players on his team;
 - b) The Appellant made significant efforts to establish the proper facts when being asked to do so;
 - c) The consequences of the Appellant's error were very minor in nature, concerned an unofficial friendly match only which posed no danger to the integrity of any official competition and the erroneous sanction on the wrongly named player was annulled; and
 - d) The Appellant fully cooperated with both the RFF DEC and the RFF AC, signing two elaborate written statements in which he fully and without reservation clarified the incident comprehensively.
80. In light of the aforementioned, a suspension which prevents the Appellant from exercising his job for two full years and consequently has the potential to endanger his professional position at the school of LPS Viitorul Pitești, is grossly disproportionate to the minor alleged offense and all further aspects of the individual case.
81. These findings are further in line with Article 47 of the Romanian Sports Law (Law No. 69/2000), which considers proportionality to be a key principle in the exercise of disciplinary authority and with Articles 73 and 74 of the RFF Statutes.

B. THE RESPONDENT'S SUBMISSIONS

82. In its Answer, the Respondent submitted the following prayers and requests for relief:

“We respectfully request that the COURT OF ARBITRATION FOR SPORT deem this ANSWER submitted on behalf of the Romanian Football Federation, and thus:

A. to dismiss the Appeal and, consequently, to maintain and leave the challenged decision undisturbed;

B. to order the Appellant to pay all costs, expenses and a contribution to the legal fees relating to the arbitration proceedings before CAS encumbered by the Respondent.” [emphasis in original]

83. The Respondent argues that the disciplinary framework of the RFF DC is applicable in the current case, irrespective of whether the Match was an official match or not.
84. However, the Match was clearly played between the two scheduled teams as an official match.
85. On the day of the Match, two official matches were scheduled between the same clubs and both matches, including the Match as the second match of the day, were played as scheduled.
86. This is confirmed by the entire setup of the Match. It was scheduled by the RFF, a referee was present, as was an ambulance, both of which would not be required for friendly matches. Such services were also paid for by LPS Viitorul Pitești, which also proves that these fees needed to be paid for an official match, as otherwise LPS as a state institution would have paid unnecessary services, which it is not allowed to do.
87. The RFF does not, under any circumstances, organize friendly matches between clubs, particularly not at the level of children and junior categories, nor does it assume any form of involvement in such activities. Furthermore, in the context of a friendly match, the presentation of player registration cards, birth certificates, and/or school attestations is not mandatory. Such matches are conducted pursuant to the mutual understanding and agreement between the coaches or team officials, permitting the participation of any players, whether duly registered or undergoing trial periods with the respective clubs.
88. Furthermore, the Appellant never mentioned the character of the Match on the matchday, nor did he ever ask about or challenge the official character of the Match. Had the scheduled opposition not showed up for a scheduled official match, as the Appellant claims, it would only be logical, had he insisted that the referee should explicitly note the opposition's failure to participate in the official match.

89. Also, the player passports of the players involved for CSM Slatina clearly show that these players were registered for that club before the Match and accordingly played the Match as CSM Slatina players, registered on the official online platform of RFF.
90. Unlike Athletic Slatina, which was not registered in any official competition for the respective season, CSM Slatina, following a takeover of the youth competitions by RFF, was obliged to field a team in official competitions at all age groups.
91. Even though the official match report indicates Athletic Slatina as the opposing team, this is clearly a formal error, but not a substantial one. The referee admitted his mistake towards the RFF and was accordingly sanctioned for his lenience by the RFF with a ban of two months from officiating matches. At the same time, the very presence of an official match report also serves to prove the official nature of the Match, as for a friendly match, no such report would have been mandatory or been drafted.
92. Furthermore, the Appellant's arguments are contradictory. Why would he see the need to add clarifications to the match report, if in line with his argument, no sanction could be imposed anyway from sending offs in a friendly match?
93. Even if the Match had been an unofficial match, the RFF DC would still apply. Article 2.1 2nd sentence RFF DC completes the first sentence on that rule, ensuring that the framework applies in case of a violation to which no other sanction would apply. The presence of a match report in such cases is decisive for a possible prosecution and in light of the presence of an official report in the case at hand, that prerequisite was therefore met in the current case, making any offense committed in the Match punishable, which refers both to the players sent off and to the Appellant's conduct.
94. Regarding the admissibility and jurisdiction for the disciplinary procedure, the Appealed Decision's reasoning is correct. The notification was made on behalf of a directly affected person and it does not need to contain a request for a sanctioning of an offender.
95. Article 59 RFF DC was violated in the current case. It does not even require a written act, but can also be fulfilled by providing false information orally, if this induced the competent body or person to draft an incorrect document. Article 59 RFF DC must be interpreted broadly, in line with its purpose to prevent incorrect document from creating unjust treatment and endangering the integrity of competitions.
96. The sanction itself is entirely justified and proportionate.

97. Article 59 RFF DC also leaves no room for any kind of adjustment of the sentence. It contains a uniform sanction which applies to every violation, leaving no leeway for any reduction or increase.
98. This differentiates this rule also from the one which were applied in the national cases cited by the Appellant, where rules were violated which foresee a margin of discretion in favour of the RFF's disciplinary bodies. This opened the room for the application of Article 14a RFF DC, and no such room is created by Article 59 RFF DC, which is applicable here.
99. The duration of the sanction is also entirely justified. The violation of Article 59 RFF DC is one of the most serious, actually mind-blowing offenses possible, directly affecting the integrity of competitions.
100. The Appellant has repeatedly contended that his act was intentional and all the excuses he brought forward for it, are made to mislead the Panel and contradictory in itself.
101. There can also be no room for a milder sanction on the basis of the Match being 'just' a youth match. To the contrary, the protection of the integrity of the competition and the prosecution of severe offenses is probably even more important in this context, where all officials are role models for the children and their behavior has a great impact on the education of the children playing youth football, both on and off the pitch. The Appellant as an education teacher should be even more familiar with his role and the effects of his conduct than other coaches. Also the LPS as an institution operating under the authority of the ministry of education can by no means allow for any such behaviour to be accepted.
102. In light of the aforementioned, any deviation from the standard sanction is therefore neither legally possible nor justified on the merits.

V. JURISDICTION

103. In accordance with Article 186 of the Swiss Private International Law Act (the "PILA"), the CAS has the power to decide upon its own jurisdiction.
104. Pursuant to Article R47 (1) of the CAS Code:

"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."

105. The jurisdiction of CAS, which is not disputed, derives from Article 57 (7) RFF Statutes, as it determines that *“Decisions rendered by the RFF Appeals Commission may be challenged only before the Court of Arbitration for Sport in Lausanne, in accordance with the law”*, and Article R47 CAS Code. The jurisdiction of CAS is not contested and is further confirmed by the Order of Procedure duly signed by the Parties.

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

VI. ADMISSIBILITY

107. Pursuant to Article R49 of the CAS Code:

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

108. Pursuant to Article 120 (4) RFF DC:

“The sanctioned person and the Secretary General of the FRF/LPF may appeal to the Court of Arbitration for Sport in Lausanne against the decision of the FRF/LPF Appeals Commission, within 21 days from the communication of the decision.”

109. The reasons of the Appealed Decision were communicated to the Appellant on 25 May 2025, and the Appellant subsequently filed its Appeal to the CAS on 16 June 2025, i.e. within the timeframe foreseen by Article 120 (4) RFF DC. The Sole Arbitrator also observes that the Respondent did not raise any issue as to the admissibility of the Appeal.

110. In light of the foregoing, the Appeal is admissible.

VII. APPLICABLE LAW

111. Pursuant to Article R58 of the CAS Code, in an appeal arbitration procedure before the CAS the issue of applicable law is regulated as follows:

“The Sole Arbitrator shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in absence of such 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 Sole Arbitrator deems appropriate. In the latter case, the Sole Arbitrator shall give reasons for its decision.”

112. In the present case, the conflict emanates from the Respondent's application of the RFF DC, which shall therefore be the predominantly applicable regulation.
113. As the RFF has its seat in Romania, the laws of Romania shall apply subsidiarily.

VIII. MERITS OF THE APPEAL

A. THE EVIDENTIARY REQUESTS OF THE APPELLANT

114. Before dealing with the merits of the case, the Sole Arbitrator, as envisaged in his order dated 24 February 2026, shall provide the reasons for his order on the evidentiary requests of the Appellant dated 4 August 2025.
115. On 4 August 2025, the Appellant requested to order the Respondent to produce:
- a) Evidence of the lawful authorization of Mr. Neoata as an official of CSM Slatina,
 - b) Identification documents for four players whose identification cards were missing from the evidence available to the Appellant,
 - c) The official registration booklets for all 20 CSM Slatina players and
 - d) The identity of the person at RFF who entered the transfer date on the player passports and of the person who certified the copies of these player passports.
116. Article 44.3 (1) and (2) of the CAS Code reads:

“A party may request the Panel to order the other party to produce documents in its custody or under its control. The party seeking such production shall demonstrate that such documents are likely to exist and to be relevant.

If it deems it appropriate to supplement the presentations of the parties, the Panel may at any time order the production of additional documents or the examination of witnesses, appoint and hear experts, and proceed with any other procedural step.”

117. The Sole Arbitrator therefore considered that, unlike in the framework of Article 44.1 (2) of the CAS Code, no exceptional circumstances must be proven for the admission of such request. Rather, the Sole Arbitrator considered, that he should base his decision on the

request on the criteria mentioned in Article 44.3 of the CAS Code, i.e. the likeliness of existence and the relevance of the requested information.

118. Applying these criteria, the Sole Arbitrator considered that the requests made under lit. b) and c) directly refer to the eligibility and registration of the players who participated in the opponents' team for CSM Slatina, i.e. the determination of who was the opponent in the Match, which could have a decisive influence on the applicability of the RFF's disciplinary framework. Therefore, the Sole Arbitrator decided to grant these requests on 24 February 2026.
119. To the contrary, the Appellant failed to sufficiently demonstrate to the Sole Arbitrator's satisfaction, what kind of document should exist in relation to his request made under lit. a) and what additional value the possible nomination of additional witnesses, whose identities the Appellant sought to obtain via his request made under lit. d), may provide, given that the competent witness, Ms. Serban from the RFF administration, would already be present. Therefore, the Sole Arbitrator decided not to grant these requests of the Appellant.

B. THE SCOPE OF THE APPEAL

120. The Sole Arbitrator deems it useful to clarify the scope of the Appeal, as the Appellant argues the violation of his right to be heard in the national procedure.
121. The *de novo* power of CAS Panels to review a case does, in line with established CAS case law, have curing effect in view of procedural defects which may have occurred during the procedure in front of the appellate body rendering the decision under appeal. As was stated in the award CAS 2009/A/1545 at para. 78:

“the CAS appeal arbitration procedure cures any infringement of the right to be heard or to be fairly treated committed by a sanctioning sports organization during its internal disciplinary proceedings. Indeed, a CAS appeal arbitration procedure allows a full de novo hearing of a case with all due process guarantees, granting the parties every opportunity not only to submit written briefs and any kind of evidence, but also to be extensively heard and to examine and cross-examine witnesses or experts during a hearing” (see also CAS 94/129, para. 59; CAS 2013/A/3155).

122. Accordingly, the Sole Arbitrator holds that any violation of the Appellant's right to be heard by the RFF DEC and/or the RFF AC would have been cured by the present CAS arbitration

procedure where all procedural rights of both Parties were respected, as explicitly acknowledged by the Appellant at the end of the hearing (see *supra*, para. 39).

123. The Sole Arbitrator is well aware, that the summoning of the Appellant to the hearing on 2 December 2024 before the RFF DEC did indeed not contain any information on what this hearing would be about. In particular it contained no single hint at that the hearing might be of disciplinary nature and directed against the Appellant and what kind of violation or sanction would be discussed. The Sole Arbitrator further notes that, within this procedure, the RFF did not provide any evidence or information, which may serve to shake that impression. Therefore, while the Sole Arbitrator, in light of the aforementioned, must indeed consider a severe violation of the Appellant's rights within in the national procedure as possible, such possible violation would also have been cured within the present procedure.
124. As a consequence, the Sole Arbitrator does not need to investigate or adjudge whether the Appellant's allegations in this regard are well-founded.
125. That said, the curing effect of the current procedure does not extend to *any* procedural violation which may have been committed during the first instance(s). While a violation of the right to be heard can be cured in front of CAS, a lack of competence of the first instance to administer and adjudicate a case, as argued by the Appellant in the present case, cannot be cured as the scope of competence of CAS as an appellate body cannot be wider than the competence of the first instance (see also CAS 2024/A/1093, para. 69 and many others). Therefore, the Sole Arbitrator will deal with this argument separately below.

C. THE APPLICABILITY OF THE RFF DISCIPLINARY CODE

126. The Appellant firmly denies the applicability of the RFF DC, based on the arguments that the Match was not an official match and that for unofficial matches the RFF DC does not apply.
127. The Respondent, in turn, argues that the Match took place as an official match and that, even in case it had not, the RFF DC would still be applicable in line with Article 2 RFF DC.
128. The Sole Arbitrator concludes that the legal solution to this question will mainly centre around the factual matter, which team was the opposition of LPS Viitorul Pitești during the

Match, CSM Slatina, the scheduled opponent, or Athletic Slatina, the alternative team from the city of Slatina.

129. In doing so, the Sole Arbitrator analyses the evidence presented by the Parties as well as the further evidence provided by the witnesses during the hearing.
130. The main piece of evidence presented by the Appellant in favour of his claim that the opponent team was in fact Athletic Slatina, is the official match report, issued by the referee to the RFF. This official report refers to the opponent team as ‘Athletic Slatina’.
131. The Appellant argues, that in accordance with Article 103 (1) and (2) RFF DC, this piece of evidence enjoys an assumption of correctness which can only be rebutted by video or photographic evidence, which, uncontestably, was never provided by any of the Parties.
132. According to Article 103 RFF DC:

*“1. The facts described in the match officials' reports are presumed to be accurate.

2. Proof of the inaccuracy of the content of the match officials' reports is allowed, and can only be made through video recordings or photographs.”*
133. The Sole Arbitrator therefore needs to consider whether he is bound to this restriction. According to Article R57 (1) of the CAS Code:

“The Panel has full power to review the facts and the law.”
134. The Sole Arbitrator considers this a strong argument not to apply any procedural rules regarding evidence on the first instance level. That would further be in line with the aim of the arbitral proceeding, which is to reach a legal conclusion which is justified and equitable. Being restricted to an assumption of fact which within the CAS procedure could be proven incorrect would contravene this and potentially force a CAS panel to reach a legal conclusion based on facts, which are blatantly incorrect, while the actual facts would command for a different legal solution.
135. Also *Mavromati/Reeb*, The Code of the Court of Arbitration for Sport, Commentary, Cases and Materials, 2nd ed., Article R57, para. 33, reach the following conclusion, which has also been adapted by various CAS panels:

“Accordingly, federations that include an arbitration clause in favour of the CAS in their statutes (and have freely decided to accept CAS’ jurisdiction) are bound by the CAS Procedural Regulations, including the de novo review of the case.”

136. The Sole Arbitrator is aware of the circumstance, that some scholars and CAS panels disagree with this to the extent that they consider explicit deviations from the CAS Code by the Parties as potentially admissible (see *Mavromati/Reeb*, The Code of the Court of Arbitration for Sport, Commentary, Cases and Materials, 2nd ed., Article R57, para. 32, fn. 65), but in the present case, no such agreement between the Parties was made and nothing in the RFF DC hints at the notion, that evidentiary stipulations in the RFF DC should supersede the CAS Code.
137. Therefore, the Sole Arbitrator concludes that the absence of photographic or video evidence does not preclude him from examining the factual correctness of the match report’s content.
138. The fact that the official match report states that the Match was played against Athletic Slatina, therefore remains an important piece of evidence with a high probational force, but one which can be rebutted by other evidence.
139. Before assessing the evidence at hand in the present case, the Sole Arbitrator recalls that, in the context of disciplinary proceedings, it is established CAS jurisprudence that all facts relevant to lead to a disciplinary sanction must be proven to the comfortable satisfaction of the respective Panel (see CAS 2010/A/2172, *Oriekhov v. UEFA*, para. 53; CAS 2009/A/1920, *Probeda et al. v. UEFA*, para. 85).
140. During the hearing, the testimony of the witnesses lead to various insights in this regard.
141. Firstly, the main referee informed the Parties that his letter dated 29 November 2024, in which again he referred to the Match as having been played against Athletic Slatina, was not intended to confirm the participation of that club in the Match, but rather contained a simple repetition of the match pairing as indicated by the RFF in its invitation to the RFF DEC hearing on 2 December 2024.
142. Secondly, the main referee testified that he himself considers the Match to have been played by CSM Slatina and that the match report is wrong in this regard, which constitutes a very regrettable oversight.
143. Finally, and most importantly, it was established via the main referee’s testimony and a joint examination of the handwritings on the match report by the Parties and the Sole

Arbitrator during the hearing, that the wrong team name was most likely not inserted by the referee, but by the coach of the opposing team. Therefore, it has become clear that the indication of Athletic Slatina as the opponent team was not made by the referee. This leads to a decrease in the probative value of the match report, as the referee did not consciously add this information to the report, but only – negligently and mistakenly – failed to change this entry, should it have to be presumed incorrect.

144. At the same time, it remains a powerful argument, that the coach of the opposing team indicated Athletic Slatina as the name of his own team.
145. This argument is further supported by the fact that the opposing team likely played in the shirts of Athletic Slatina, whose colour is red and on which, according to multiple witnesses, the crest of Athletic Slatina could be seen, while the colours of CSM Slatina are white and blue and even their nickname is '*Alb-albaștrii*', which means 'the whites and blues'.
146. Furthermore, it is uncontested that both the players and the coach, at least until two days before the Match, played for Athletic Slatina as a consistent group.
147. Subsequent postings on social media, which seem to confirm the continued allegiance of the players and coach with Athletic Slatina, do however have lesser probative value, given that the posting of such pictures does not prove the currency of what the pictures show.
148. On the other hand, however, there is the credible statement of the witness Ms. Serban, who testified that all of the players participating in the Match for the opponent team were duly registered for CSM Slatina on 9 August 2024, two days before the Match.
149. This was further supported by the player passports, which were provided to the file and confirm this circumstance.
150. The Appellant correctly pointed out that on those player passports, various signatures and stamps were missing and argued that this should create the suspicion that those player passports may be forged or inaccurate at least. However, in light of the entries on the RFF's official registration platform, the Sole Arbitrator is convinced that the entries in these player passports are correct. This conviction is further supported by the chronological circumstances, in which the change of registration of an entire team took place, i.e. on a Friday, immediately prior to the weekend on which the Match took place, which creates comprehensibility for the fact that not all required signatures or stamps could be applied on the player passport documents on the same day.

151. The witness Ms. Serban further informed the Sole Arbitrator and the Parties that the club Athletic Slatina was not registered to take part in any official competitions for the 2024/2025 season, whereas for a club like CSM Slatina, it was mandatory to field teams in all age groups.
152. Therefore, if the players had remained registered for Athletic Slatina, they would not have been able to take part in any official matches during that season, while at the same time it appears possible, that CSM Slatina urgently needed a team in that age group to fulfil licensing requirements for senior competitions. Accordingly, such move of an entire team at short notice may have made sense for everybody.
153. In light of the aforementioned, the Sole Arbitrator considers the proper registration of the players for CSM Slatina established. The formal registration of the players who participated in the Match must be considered a particularly strong argument.
154. At the same time, the chronological circumstances and the change of registration also create a comprehensible explanation for the established facts which pointed to Athletic Slatina as being the opponent team. In case of a move of an entire team from one club to another as a coherent group, which in accordance with the established facts took place only two days prior to the first matchday of the season, with not even enough time to complete all player passports in the ordinary way, it is conceivable that there might also have been no time or opportunity for that team to obtain kits from its new club, which left the players with the only option to play in the gear of their previous club.
155. Also, if a coach and his entire team move clubs just two days before a match and all players wear the previous club's shirts, while one must still expect a coach to be diligent when filling in an official match report form, this makes it more likely that a coach in doing so may by mistake indicate the old team name on that form, out of a yearlong habit.
156. Two further circumstances strengthen the Sole Arbitrator's conviction, that the opponent team indeed was CSM Slatina.
157. Firstly, throughout the entire procedure it remained entirely unexplained, for which reason the team of Athletic Slatina should show up to a match, in which it was not scheduled to play. On the matchday, two matches between the same clubs were scheduled to be played and whereas one team of CSM Slatina showed up for the first match on that day, for the second match of the day it was the team that previously played for Athletic Slatina. The Sole Arbitrator considers it to be extremely unlikely that an entire team travels to another

city, on time for a scheduled match between other teams, for no apparent reason, ready to play and with all its gear with it. No explanation was ever offered by either party for this. The presence of this team for the scheduled match, along with its recent registration for CSM Slatina who were scheduled to participate in the Match, serves to convince the Sole Arbitrator, that this team attended the Match as the scheduled team of CSM Slatina.

158. Secondly, the referees credibly testified that the nature of the Match and the teams were never discussed on the day of the Match. Also, the Appellant never argued that this was the case. If one of the two scheduled teams fails to appear for a scheduled match and in light of the coincidental presence of another team it is spontaneously agreed that instead of the scheduled match a friendly shall be played against this other team, which would not be an official match and which would accordingly not require a referee from the federation to officiate it, the Sole Arbitrator considers it normal and evident, that this fact would at some point be in any kind of way discussed or at least mentioned between the team officials and the referees. Instead, everything went on as normal and the alleged exchange of one of the scheduled teams was neither dealt with.
159. The Sole Arbitrator therefore concludes, that, to his comfortable satisfaction, the Match was played between LPS Viitorul Pitești and CSM Slatina as scheduled as the scheduled official match.
160. From this it derives that the RFF DC is applicable to the events during and after the Match in accordance with Article 2 RFF DC. Thus, the Sole Arbitrator does not need to address the question, if the RFF DC might still apply, if the Match had not been official.

D. ADMISSIBILITY OF THE NATIONAL PROCEDURE AND JURISDICTION OF RFF

161. The Appellant argues that, in the absence of a valid notification from one of the entitled bodies or individuals listed under Article 107 of the RFF DC, the judicial bodies lacked jurisdiction over the issue and that it was inadmissible to subject the Appellant to such disciplinary procedure in the first place and that, as no sanction against the Appellant was ever requested by any entitled body or person, any sanction against the Appellant was clearly *ultra petita* as no sanction against the Appellant was ever requested by anyone.
162. The Respondent in turn refers to the elaborations of the Appealed Decision, which it considers correct. According to the Respondent, the opening of a disciplinary procedure does not require a specific request of an entitled person, but only the submission of facts which can give rise to the reasonable suspicion that a disciplinary offense was committed.

Furthermore, the Respondent considers both the player Tiberiu Sandu, duly represented by his father, and the club LPS Viitorul Pitești, who had one of its players incorrectly sanctioned, as directly affected by the Appellant's conduct and its consequences.

163. Article 107 RFF DC, in the translation provided by the Appellant, reads as follows:

“Article 107 | Initiation of disciplinary proceedings

1.

a. Disciplinary offences shall be prosecuted ex officio. The notification will be made by the Secretary General of the FRF/LPF who, together with the secretary of the disciplinary court, will take all steps to attach to the case file the following reports, articles in the media, audio-video recordings, photographs or any means of evidence found in the case. possession of the FRF/LPF and necessary for the resolution of the case. [sic]

b. The notification can also be made by the following FRF Commissions: BCC, the Commission for Player Agents, the Technical Commission, as well as by the Competitions Department. [...]

d. The notification of the judicial body regarding the commission of a disciplinary offence may be made by complaint and by any other person who justifies a personal, direct, current and legitimate interest, participating in the act likely to attract disciplinary liability. [...]

f. Notifications made contrary to these provisions will be rejected as inadmissible”

164. Within the Appealed Decision, the RFF AC in relation to this argument of the Appellant, argued as follows:

“With regard to the notification of the RFF CDE, Article 107 RD [...] grants the right to notify the CDE to several legal entities: the General Secretary of the RFF/LPF, the Referees Committee (CCA), the Players' Agents Committee, the Technical Committee, the Competitions Department, any other person demonstrating a personal, direct, current, and legitimate interest involved in an act likely to entail disciplinary liability, and any person involved in an act the commission of which may have disciplinary implications. Moreover, disciplinary irregularities are pursued ex officio (Article 107(1)(a) RD).

The review case No. 854/CD/2024 was initiated at the request of LPS Viitorul Pitești through Request No. 7921/08.10.2024, by which the extraordinary remedy of review was sought, pursuant to Article 121 RD, based on Request No. 7823/07.10.2024 submitted by “the father of the athlete Sandu Tiberiu Ștefan” and his statement No. 7615/01.10.2024.

Through Request No. 7823/07.10.2024, Sandu Petre Dănuț notified, inter alia, a potential disciplinary irregularity by Coach Pîrvu Daniel.

[...] Thus, the said review request, in addition to its procedural effect of vesting the authority with the resolution of the extraordinary remedy of review, also contains, in its consolidated content, a notification regarding a potential disciplinary irregularity by Coach Pîrvu Daniel.

In this factual context, the Appeals Committee finds that the RFF CDE was duly notified in this case, with both the review request and Notification No. 7823/07.10.2024 (which forms part of the request) being procedural acts capable of vesting this committee with both the procedural capacity of those who made the notification and the subject matter of the notification (the potential disciplinary irregularity). Pursuant to Article 107(d) RD, notification of the jurisdictional body regarding the commission of a disciplinary irregularity may be made by complaint by any other person demonstrating a personal, direct, current, and legitimate interest involved in an act likely to entail disciplinary liability. Thus, the player affected by an erroneous disciplinary sanction has the capacity to notify the RFF CDE, as evidenced by Request No. 7823/07.10.2024. Likewise, LPS Viitorul Pitești also has active procedural capacity to notify the RFF CDE (even if the notification was included in the review request) pursuant to Article 107(4) RD, which provides that any person involved in an act the commission of which may have disciplinary implications may submit a written complaint to the Discipline Committee regarding the commission of a disciplinary irregularity provided for and sanctioned by the Disciplinary Regulations.”

165. The Sole Arbitrator concurs with the views expressed by the Respondent and set out in the Appealed Decision in this regard.
166. This view is firstly based on the first sentence Article 107 (1) lit. a) RFF DC. Thereby it is stipulated as the general rule that disciplinary proceedings are initiated *ex officio*, which means that there is no need for a specific request that any sanction should be imposed on any other person or entity.
167. The Sole Arbitrator therefore holds that, also in the absence of such request, the disciplinary bodies of RFF are entitled to initiate disciplinary proceedings if they receive knowledge of facts which may give rise to a disciplinary offense having been committed. Any sanction imposed under this regime will therefore not be *ultra petita*.
168. Secondly, when pointing his attention to the stipulated restrictions on the possible sources of such knowledge, the Sole Arbitrator agrees with the Appellant that only a notification under Article 107 (1) lit. d) RFF DC can be on hand presently. However, unlike the Appellant, the Sole Arbitrator considers both the club LPS Viitorul Pitești and the player Tiberiu Sandu, duly represented by his father, as personally, directly, currently and legitimately affected in the understanding of Article 107 (1) lit. d) RFF DC to file a

notification to the RFF which may then give rise to a disciplinary proceeding initiated *ex officio* by the competent bodies of RFF.

169. The player Tiberiu Sandu was sanctioned with a ban for three matches, because he was indicated to have been sent off in the official match report. Thereby, he was personally, directly, currently and legitimately affected by the conduct of the Appellant, who inserted the identification of this player in writing into the match report.
170. The Sole Arbitrator further holds that also the club LPS Viitorul Pitești was personally, directly, currently and legitimately affected, because one of its players had been banned from participating in official matches on the basis of a false identification. This verdict remains unaffected by the circumstance, that on the basis of a correct identification another player of the club should have been, and subsequently was, banned, as the correct identity of a banned player, regardless of sporting value of the players involved, prevents the club from fielding a specific player.
171. Therefore, the Sole Arbitrator holds that the disciplinary bodies of the RFF had jurisdiction to initiate a disciplinary procedure against the Appellant, that this procedure was admissible under the rules of the RFF DC and that the sanction imposed on the Appellant was neither *ultra petita*.

E. VIOLATION OF ARTICLE 59 RFF DC

172. The Appellant further argues that his conduct did at least not breach the specific regulation for which the Appellant was sanctioned.
173. Article 59 RFF DC, according to the Appellant, should be interpreted parallel to the criminal offense of forgery, which does not comprise a mere untrue written statement that does not mislead in respect of the statement's originator. As the Appellant clearly identified himself as the originator of his written addition to the match report, Article 59 RFF DC was, in his view, not breached and he should, if at all, be sanctioned under a different, milder offense within the RFF DC.
174. The Respondent, in turn, argues that Article 59 RFF DC contains a very severe offense which was created to safeguard the integrity of competitions and that this regulation must therefore be interpreted extensively to include all wrongdoings, which may have an equivalent effect than the manners of commission of the offense which are explicitly mentioned in the regulation. This, according to the Respondent, even reaches as far as also

comprising oral statements, which induce a mistaken belief in another person who then introduces such mistaken belief in an official document drafted by that person.

175. Article 59 (1) RFF DC stipulates the following:

“The person who, in connection with the football activity, issues a false/incorrect document or falsifies an authentic/original document, issues a double document or uses incorrect/untrue, false or falsified documents, in order to obtain an advantage of any nature for himself or for another, to deceive another or to create a more favorable situation in relations with natural or legal persons shall be suspended for 2 years.”

176. The Sole Arbitrator, in his evaluation of the Parties’ arguments, refers to the established CAS jurisprudence on the interpretation of disciplinary provisions, which provide the framework for such interpretation.

177. According to this jurisprudence, which the Sole Arbitrator fully endorses, the interpretation of disciplinary regulations requires a restrictive approach. In light of the potentially huge professional impact of disciplinary sanctions, which can even be career-ending or of otherwise great impact on a career, any disciplinary sanction must be based on a sufficiently clear legal basis.

178. In CAS 2011/A/2612, para.103, held as follows:

“According to Swiss association law a federation may base a disciplinary measure against a (direct or indirect) member only on provisions that provide a clear and unambiguous authority to do so (cf. BSKZGB/HEINI/SCHERRER, 4th ed. 2010, Art. 70 no. 22; SCHERRER/LUDWIG, Sportrecht, 2. Aufl. 2010, S. 303; see also BK-ZGB/RIEMER, 1990, Art. 70 no. 210; HEINI/PORTMANN/SEEMANN, Grundriss Vereinsrecht, 2009, no. 265). This principle is also part of general considerations of sports law that have been taken into account by CAS Panels in the past irrespective of the (subsidiarily) applicable laws to the merits (cf. CAS 94/129, in Reeb (Ed.) Digest of CAS Awards I 1986 – 1998, p. 187, 194 seq.; 2000/010 in Reeb (Ed.) Digest of CAS Awards II 1998-2000, 2002, p. 658, 663 seq.; 98/218, in Reeb (Ed.) Digest of CAS Awards II 1998-2000, 2002, p. 325, 328 seq.; 2006/A/1041, no. 7.1.1 et seq.; see also FOSTER, in Blackshaw/Siekman/Soek (Ed.) The Court of Arbitration for Sport 1984-2004, 2006, p. 420, 427 ; RIGOZZI, L’arbitrage international en matière de sport, 2005, no. 1272, 1277). In particular in CAS 94/129 (no. 30, 34) the Panel stated as follows: “Any legal regime should seek to enable its subjects to assess the consequences of their actions ...”. Furthermore the Panel stated that while “the

fight against doping is arduous, and ... may require strict rules, ... the rule-makers and the rule-appliers must begin by being strict with themselves”

179. The Sole Arbitrator therefore concludes that all disciplinary regulations, including Article 59 RFF DC must be interpreted narrowly in order to comply with the aforementioned principle.
180. In the present case, the only alternative, which the Appellant can have committed is to issue a false or incorrect document, given that he did not subsequently falsify an existing document, nor issued a double document or actively used a false or falsified document.
181. The Sole Arbitrator notices that, indeed, this regulation bears broad similarities to the crime of forgery. However, the Sole Arbitrator also notices that there is one important difference, which is that not only the issuance of a false document, i.e. a document that was not issued by the person or entity that appears to have issued it, is punishable under this rule, but also the issuance of an incorrect document. Therefore, the Sole Arbitrator holds, that under Article 59 RFF DC, also a ‘written lie’ can be punishable.
182. The Sole Arbitrator further turns to the term ‘issue’. The usual meaning of the term ‘issue’ means that a document is issued by its creator and/or the person or entity that appears as the publishing or emanating person or entity. The official match report was ultimately signed by the match referee who thereby acted as the main responsible creator of the match report.
183. However, one part of the match report was exclusively drafted and signed by the Appellant and not in any way taken over by the referee for other parts of the match report. Therefore, the only part of the match report, that contained the information added by the Appellant, was the part which he hand-drafted and signed himself. In this regard, the Appellant assumed a role of a co-author of the match report, and of the exclusive author of the official document sent to RFF for the part which he created.
184. While this may have contravened RFF regulations or policies and may have played a role in the disciplinary actions taken by the RFF against the referee, for the purpose of determining whether the Appellant has issued the incorrect document, in the Sole Arbitrator’s view, this bears manifest importance. Any person who hand-drafts a part of an official document and can reasonably foresee that this part of the official document will remain in its form as inserted by him- or herself, should be considered responsible for such part.

185. Finally, the Sole Arbitrator holds that all further requirements of Article 59 RFF DC were also fulfilled by the Appellant. Namely, the conduct was made in the context of the Appellant's football activity and related to an official document linked to that activity, the conduct was made in order to obtain an advantage for another person, in this case the Appellant's son, David Pîrvu, and the conduct was intentional, as admitted by the Appellant himself in his written statement dated 2 December 2024, in which he stated: *"I knew that Sandu Tiberiu was not the player who had been sent off, but when asked by referee Tîrlea Ionuț after the match, I still told him that it was Sandu Tiberiu. I did this because I believed the match was a friendly."*
186. The Sole Arbitrator therefore concludes that the Appellant issued an incorrect document in the meaning of Article 59 RFF DC.

F. PROPORTIONALITY

187. Having established the violation of Article 59 RFF DC, the Sole Arbitrator turns to the proportionality of the sanction.
188. Article 59 (1) RFF DC foresees a uniform sanction of a two-year suspension, with Article 59 (2) RFF DC clarifying:
- "If the perpetrator is an official, the court will sanction him with a ban on any football related activities for 2 years."*
189. The Appellant argues that this sanction is manifestly disproportionate to the offense and that it could and should have been reduced to zero or at least drastically in accordance with Article 14a RFF DC.
190. The Appellant further argues that Articles 43 (3) and 123 (3) RFF DC command for a proportionality of all sanctions and that this is also confirmed by established principles of sports law as established within the jurisprudence of FIFA and the CAS.
191. Articles 14 a, 43 (3) and 123 (3) RFF DC read as follows:

"Article 14a

The corresponding sanctions provided for in Articles 12, 13 and 14 may be corroborated and applied independently if the disciplinary act is devoid of any danger or the danger is minimal or, as the case may be, the sanctionable person proves the absence of fault.

Article 43 | General rules

3. In order to individualize the sanction, the circumstances in which the misconduct was committed and the circumstances that mitigate or aggravate the disciplinary liability shall be taken into account.

Article 123 | The purpose of the disciplinary regulation. Omissions

3. In judging cases, decision-making bodies are guided by the solutions already pronounced in sports doctrine and jurisprudence.”

192. The Appellant argues that in the determination of the sanction, all mitigating circumstances must be considered, specifically the Appellant’s previous adherence to regulations and absence of prior disciplinary offenses, demonstrable efforts made by the individual to clarify or rectify the situation, the individual’s full cooperation with the disciplinary body throughout proceedings and the minimal severity or negligible consequences resulting from the alleged misconduct.
193. The Respondent, in turn, argues that Article 59 RFF DC governs a very serious offense which serves to protect the integrity of the competitions and therefore warrants a serious consequence for any respective offense and that a ban of two years is the adequate sanction in such cases.
194. The Respondent further argues that Article 59 RFF DC does not foresee any room for deviation from the foreseen ban of two years either and that Article 14a RFF DC cannot be applied to sanctions under Article 59 RFF DC, as, unlike the other offenses to which Article 14a RFF DC was applied in the case law provided by the Appellant, the other respective provisions contain a margin of discretion for the disciplinary bodies, which was widened by Article 14a RFF DC, whereas Article 59 RFF DC, for good reason, does not provide for any such margin.
195. In consideration of the Parties’ arguments, the Sole Arbitrator therefore first turns towards the CAS jurisprudence, which confirms, as alleged by the Appellant, that the principle of proportionality constitutes an “*overarching principle [...] on which all systems of law, [...], is based*”(see CAS 2006/A/1025, *Puerta v. ITF*, para. 90).
196. The principle of proportionality was extensively elaborated by then panel in CAS 2005/C/976 & 986, *FIFA v. WADA*, in which the panel stated:

“A long series of CAS decisions have developed the principle of proportionality in sport cases. This principle provides that the severity of a sanction must be proportionate to the offense committed. To be proportionate, the sanction must not exceed that which is reasonably required in the search of the justifiable aim.”

197. Various CAS panels went further, by clarifying that a lack of proportionality can also mandate a reduction of a sanction below a fixed amount (see CAS 2010/A/2268, *I v. FIA*; CAS 2010/A/2235, *UCI v. NOC Slovenia*; CAS 2011/A/2325, *UCI v. Roel Paulissen & RLVB*).
198. However, CAS Panels were also clear in stating that, especially when a fixed sanction is at stake, deviations from such sanction must be handled with reluctance and caution. The Panel in CAS 2024/A/10845, para. 145, put this as follows:

“The CAS jurisprudence has also consistently referred to limited discretion for CAS panels to review sanctions imposed by federations when such panels make similar substantive findings as in the decision appealed against. Such discretion should only be exercised “when the sanction is evidently and grossly disproportionate to the offence” (see e.g. CAS 2019/A/6667; CAS 2016/A/4501; CAS 2009/A/1817 & 1844). “
199. The Sole Arbitrator therefore holds, that indeed a deviation from a fixed sanction is possible under the jurisdiction of CAS in line with the principle of proportionality, but only in cases in which the sanction is evidently and grossly disproportionate.
200. The applicability of the CAS jurisprudence to the laws of the RFF via Article 123 (3) RFF DC was also confirmed by CAS in CAS 2024/A/10269, para. 77, where the Sole Arbitrator held that

“77. The Sole Arbitrator finds that Article 123 of the RFF Disciplinary Code is clear in the sense that: (i) in case of omissions in the RFF Disciplinary Code, the application of FIFA and UEFA regulations takes precedence over the application of Romanian ordinary law; (ii) the RFF decision-making bodies shall apply the principles affirmed by the sports doctrine and case-law, included the CAS jurisprudence.”
201. This is further confirmed by the contents of Article 47 of the Romanian Sports Law (Law No. 69/2000) and Articles 73 and 74 of the RFF Statutes, which all consider proportionality to be a key element of the proper execution of disciplinary authority.
202. The Sole Arbitrator also finds Article 14a RFF DC, which contains various cases in which sanctions may be evidently and grossly disproportionate, to provide a sufficient legal basis for the application of any deviation from a fixed sanction or a restricted range of sanctions.

203. Notably, the legal bodies of the RFF have already proven in the case law submitted by the Appellant that Article 14a RFF DC can be used to deviate from a sanction range to a sanction outside such range, if the individual case so warrants. The Sole Arbitrator does not consider the exceeding of a clearly defined margin of sanctions as fundamentally different from deviating from one single fixed sanction in this regard. Both cases share the same background and motivation, in that a certain margin or fixed sanction would be considered grossly disproportionate in the individual case and can therefore be exceeded on the basis of reasonably sufficient grounds for doing so.
204. Therefore, the Sole Arbitrator concludes that the existence of a fixed sanction for an offense, cannot suffice by itself to reject the application of a regulation that serves to ensure the proportionality to any offenses with fixed sanctions.
205. Therefore, the Sole Arbitrator consequently evaluates the proportionality of the two-year ban from any football activity to the individual, present case.
206. The Respondent argues that any offense against Article 59 RFF DC is very serious, because it can impair the integrity of the competition.
207. While the Sole Arbitrator agrees with the Respondent that any violation of this prohibition may have such consequences and that, therefore, many violations of Article 59 RFF DC will warrant the standard sanction, he holds that in the evaluation of the individual case, this argument is not well-suited to establish the individual guilt, especially in light of the circumstance that Article 59 RFF DC has a very wide scope of application, if covering *any* kind of ‘written lie’. Whether the particular offense was of a severity that the full sanction is warranted therefore remains to be examined in each individual case.
208. The Respondent further argues that the circumstance that the offense was committed in the context of a youth match, is not a mitigating, but an aggravating factor, because youth sports do only support the sporting development of top talent, but also educational development and social behaviour and the kind of conduct shown by the Appellant creates a strong negative example, which defies the actual task of the Appellant as a teacher and coach of being a role model in his behaviour for all his players.
209. The Sole Arbitrator agrees that, in youth sports, the role of coaches as role models for their players creates additional responsibilities regarding the coaches' behaviour. Every unsporting conduct that is noticed by the minor players creates the danger that these minors learn that such behaviour is acceptable or might even be worth aspiring.

210. Furthermore, the Respondent correctly points to the fact that the Appellant admitted that he committed the violation intentionally. Even though the Appellant explained his conduct, his assumption that the Match was just an unofficial friendly match for which his information would not matter, the Sole Arbitrator notes that this explanation does not serve to logically justify the Appellant's conduct. If the identity of the sanctioned player had indeed been immaterial on the basis that the Match was unofficial and that, consequently, no disciplinary consequences could have derived from having been sent off, then the Appellant would have had even less reason to provide a false name, as the player in question would not have faced any adverse consequences from being properly identified.
211. Therefore, even though the Sole Arbitrator acknowledges that there was room for the mistaken assumption that the Match was played against Athletic Slatina as an unofficial match, the explanation offered by the Appellant for his intentionally wrong indication carries various traits of an evasive defense and does not serve to cast a more positive light on his conduct, even less so in light of the fact that the player protected by the Appellant's untrue statement was his own son.
212. On the other side, the Appellant argues various circumstances, which he deems must be weighed in his favour in this regard.
213. Firstly, the Appellant argues that he previously had an entirely clean disciplinary record and was never disciplined for any kind of offense. The Sole Arbitrator considers this argument to have little weight as, depending on the severity of the offense committed, a previously clean record may be of merely minor importance, given that such clean record may also be expected of youth coaches as role models.
214. Secondly, the Appellant argues that he made demonstrable efforts to clarify or rectify the situation.
215. The Sole Arbitrator acknowledges that this was indeed the case from 2 December 2024 onwards, when the Appellant signed a declaration in which he stated that he had indeed submitted a wrong name and replaced this with the correct one, thereby enabling the competent bodies of RFF to lift the unwarranted ban of the player Tiberiu Sandu and instead impose a ban on the player who had been sent off in the Match, David Pîrvu. The Sole Arbitrator however also acknowledges, that before that hearing, when requested and being offered the opportunity to clarify the situation, the Appellant refused to disclose the identity of the sanctioned player.

216. Thirdly, the Appellant argues that he fully cooperated with the disciplinary bodies throughout the proceedings. In that respect, the Sole Arbitrator acknowledges that this is both correct and respectable, while not entirely obliterating the less cooperative conduct of the Appellant prior to the first hearing at the RFF DEC.
217. Fourthly, the Appellant argues that his offense constituted a violation of minimal severity and had only negligible consequences.
218. The Sole Arbitrator predominantly concurs with the Appellant in this respect. The analysis of Article 59 RFF DC yields the finding, that this offense predominantly covers cases of classic forgery, i.e. the creation of documents that feint the reader about the identity of their originator, like a fake passport, a fake license or other important documents, the use of such documents or the subsequent alteration of original documents to make them appear to having been drafted in their falsified state. Such behaviour requires a substantial higher criminal energy than the alternative committed by the Appellant, which as a 'written lie' is in most jurisdictions not considered a criminal offense per se.
219. In the present case, the ultimate responsibility for the issuance of the match report remains with the referee, whose tasks included verifying the identity of the participating players and their shirt numbers. Had the referee, who was also sanctioned by the RFF for his negligence, carried out his duties diligently, there would have been no room or opportunity for the Appellant to fill in incorrect information into the match report. The referee therefore substantially contributed to and ultimately only rendered the Appellant's violation possible. This renders the Appellant's wrongdoing considerably less significant than it would have been, had the Appellant created a document with false information in his sole responsibility.
220. Furthermore, the Sole Arbitrator acknowledges that the possible consequences of the Appellant's wrongdoing were also limited by the circumstance, that the offense was committed in the context of a youth competition, in which no results or tables were tracked, rendering the sporting outcome of matches not only secondary to the sporting progress and enjoyment of the involved minors, but nearly entirely irrelevant. Whereas the Appellant indeed created the danger of one specific minor player to miss three matches for no justifiable reason, that damage would have been limited to that minor player's development and enjoyment and have remained very temporary, with little to no effect on his sporting development, while the integrity of the competition, in which no results were tracked, remained entirely unendangered.

221. The Sole Arbitrator therefore holds, that this is a case of Article 14a RFF DC, in which the ‘danger is minimal’.
222. The Sole Arbitrator further considers another point raised by the Appellant as substantial. The Appellant argues that his right to be heard was severely violated by the RFF in both instances. While this did not need to be evaluated in detail due to the healing effect of the *de novo* procedure at the CAS, the Sole Arbitrator notes that the RFF failed to refute with any substance the Appellant’s allegation that he was summoned to the first instance hearing without being informed of its subject matter, namely a disciplinary procedure against him that could result in a ban from any football-related activity for a substantial period of time. Strictly limited to the purpose of the individualization of the sanction, the Sole Arbitrator therefore, *in dubio pro reo*, assumes that the Appellant’s factual allegation in this regard is indeed correct.
223. The Sole Arbitrator further notes, that the ultimate proof for the intentional commission of the Appellant’s violation stems from a written declaration which the Appellant signed in this very hearing, to which, caused by the Respondent’s omissions, he arrived unprepared and with no legal advice available. The lack of legal preparation and defense deprived the Appellant of his opportunity to prepare a defense strategy together with a legal expert, which could have led to the impossibility to prove any intentional wrongdoing.
224. Taking into account especially the exceptionally minor severity of the offense and the circumstances leading to the conviction of the Appellant at national level, the Sole Arbitrator therefore holds, that the sanction of two years is evidently and grossly disproportionate and must be reduced accordingly.
225. At the same time, the Sole Arbitrator however does not agree with the Appellant’s allegation, that no sanction should be warranted for his conduct. The Appellant intentionally violated Article 59 RFF DC to favour his own son over his son's teammate and engaged in conduct that defies all reasonable expectations of his role as a role model for his players, both on the pitch and in the classroom.
226. Therefore, while the Sole Arbitrator considers a substantial reduction of the sanction to well below the standard sanction of two years to be necessary, he at the same time considers a severe sanction to be required and proportionate, which must noticeably exceed the three-match ban imposed on the player who was sent off during the Match.

227. Therefore, the Sole Arbitrator concludes, that the proportionate sanction according to Articles 59, 14a RFF DC is a ban from all football-related activities of six months, commencing on the day of the First Decision, i.e. on 20 February 2025, from which the suspension of the Appellant (which has already been fully served) came into effect.

G. CONCLUSION

228. As a result, the Appeal must be partially upheld.

IX. COSTS

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by Mr. Daniel Pîrvu against the decision issued on 25 May 2025 by the RFF Appeal Committee is partially upheld.
2. The decision issued on 25 May 2025 by the RFF Appeal Committee is set aside and Mr. Daniel Pîrvu is banned from carrying out any football-related activities for six (6) months starting from 20 February 2025.
3. (...).
4. (...).
5. All other and further motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland
2 July 2026

THE COURT OF ARBITRATION FOR SPORT

Dr. Jan Räker
Sole Arbitrator