

CAS 2026/A/12255 Dragan Ilie-Stefan v. Romanian Football Federation

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

Sole Arbitrator: Mr Kepa Larumbe, Attorney-at-law in Madrid, Spain

in the arbitration between

Dragan Ilie-Stefan, Bucharest, Romania

Represented by Mr Placinta Ticu Stefan Mares, Bucharest, Romania

Appellant

and

Romanian Football Federation, Bucharest, Romania

Represented by Mr Adrian Stangaciu and Mr Paul F. Ciucur, attorneys-at-law in Bucharest, Romania

Respondent

I. PARTIES

1. Mr Dragan Ilie-Stefan (the “Appellant”) is a Romanian national domiciled in Bucharest, Romania. He stood as a candidate for the position of President of the Romanian Football Federation (“FRF” or the “Respondent”) in the 2018 and 2026 elections.
2. The FRF is the governing body of football in Romania, with its seat in Bucharest, Romania, and is affiliated with *Union des Associations Européennes de Football* (UEFA) and *Fédération Internationale de Football Association* (FIFA).
3. The Appellant and the Respondent are jointly referred to as the “Parties”.

II. FACTUAL BACKGROUND

A. Background Facts

4. Below is a summary of the relevant facts and allegations based on the Parties’ written submissions and evidence. Additional facts and allegations found in the Parties’ written submissions and evidence may be set out, where relevant, in connection with the legal discussion that follows. While the Sole Arbitrator has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, this Award refers only to the submissions and evidence he considered necessary to explain his reasoning.
5. On 5 March 2014, Mr Razvan Burleanu was elected as FRF President for the 2014-2018 period.
6. On 28 June 2014, the new FRF Statutes were adopted, which introduced a maximum limit of three mandates for the position of President. Article 50(1) of the FRF Statutes read as follows (emphasis added):

“Article 50 | Election and Term of Office of the FRF President

1. The President of the Romanian Football Federation shall be elected by the General Assembly. The mandate of the FRF President begins at the end of the electoral General Assembly and usually ends in the fourth year, at the end of the next electoral General Assembly. No person may hold the position of FRF President for more than three (3) terms of office.”

7. On 18 April 2018, Mr Razvan Burleanu was re-elected as President of the FRF for the 2018-2022 period.
8. On 12 April 2022, Mr Razvan Burleanu was re-elected as President of the FRF for the 2022-2026 period.

III. THE 2026 ELECTORAL PROCESS OF THE FRF

9. On 4 March 2026, the Commission for the Verification of the Candidacy Files (the “Verification Commission”) admitted Mr Burleanu’s candidacy for a new presidential mandate:

“Decisions of the [Verification Commission]

The [Verification Commission] announced the decisions adopted following the examination of the applications submitted.

Candidature for leadership positions within the [FRF]

President of the FRF

Razvan Burleanu – APPROVED

Drăgan Ilie Ștefan – APPROVED

Răducanu Sorin-Victor – REJECTED

[...]”.

10. On 5 March 2026, the Appellant filed an appeal against the Verification Commission’s decision with the FRF Appeals Resolution Committee (the “Appeals Committee”) challenging the approval of Mr Burleanu’s candidacy.
11. On 6 March 2026, the Appeals Committee rejected the appeal and confirmed the Verification Commission’s decision (the “Appealed Decision”). The Appeals Committee considered *inter alia* that Mr Burleanu’s first mandate, which began prior to the entry into force of Article 50(1) *in fine* of the FRF Statutes, should not be taken into account by reason of the principle of non-retroactivity enshrined in Article 6(1) of the Romanian Civil Code:

“[...], the Committee concludes that the mandate obtained by Mr. Razvan Burleanu following the General Assembly decision of March 2014 cannot produce effects with respect to the limitation introduced by Article 50 paragraph 1 of the amended FRF Statutes, since at the time of the election and the obtaining of that mandate the FRF Statutes in force did not provide for such limitation.

Consequently, the mandate obtained prior to the amendment of the FRF Statutes cannot be taken into account for the purpose of applying the limitation provided in Article 50 paragraph 1 of the amended Statutes.” (emphasis omitted).

12. On 18 March 2026, the FRF presidential election was held, and Mr Burleanu was elected with 258 votes, as against 5 votes obtained by the Appellant.

IV. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

13. On 9 March 2026, in accordance with Article R47 and Article R48 of the Code of Sports-related Arbitration (“CAS Code”), the Appellant filed his Statement of Appeal with the CAS against the Respondent, challenging the Appealed Decision. In the Statement of Appeal, the Appellant made the following procedural requests:
 - Expedited procedure, pursuant to Article R44.4 of the CAS Code, in view of the urgency allegedly arising from the fact that the FRF presidential elections were scheduled for 18 March 2026 and that a decision after that date would, according to the Appellant, deprive the appeal of practical effect;
 - Appointment of a Sole Arbitrator;
 - Decision without a hearing, on the basis of the written submissions and documentary evidence, or alternatively a hearing by videoconference;
 - Provisional measures, pursuant to Article R37 of the CAS Code, seeking the suspension of the effects of the minutes concerning the verification and validation of candidacies, as well as the suspension of the notice convening and of the holding of the FRF General Assembly scheduled for 18 March 2026, until the final resolution of the appeal;
 - Production of documents, pursuant to Article R44.3 of the CAS Code, requesting that the FRF be ordered to produce the minutes of the General Assembly of 5 March 2014, the minutes regarding the verification and validation of Mr Burleanu’s candidacy, and the complete list of members and composition of the FRF permanent committees, including the National Chamber for the Resolution of Disputes, the Disciplinary Committee, the Candidates’ File Verification Committee and the Appeals Resolution Committee.
14. On 12 March 2026, the Appellant filed his Appeal Brief, in accordance with Article R51 of the CAS Code.
15. On 15 March 2026, the Respondent filed its position with regard to the request for provisional measures, requesting that it be rejected.
16. On 16 March 2026, the Appellant filed unsolicited observations on the Respondent’s position regarding the request for provisional measures.
17. On 16 March 2026, the Respondent filed its comments with regard to the unsolicited observations filed by the Appellant.
18. On 16 March 2026, the Respondent requested that the present proceedings be submitted to a three-member arbitration panel.
19. On 17 March 2026, the President of the CAS Appeals Arbitration Division issued an Order dismissing the application for provisional measures filed by the Appellant on 9 March 2026. The CAS Court Office transmitted to the Parties the Operative Part on 17

March 2026 and the reasoned Order for provisional measures was communicated on 8 April 2026.

20. On 23 March 2026, the CAS Court Office informed the Parties that pursuant to Article R50 of the Code, and in light of the circumstances of this proceeding, the President of the CAS Arbitration Division had decided to submit the present case to a Sole Arbitrator.
21. On 8 April 2026, pursuant to Article R43 of the Code, the club “Fotbal Club FCBS S.A.” filed a request for intervention in the present proceedings.
22. On 16 April 2026, the Appellant filed his position with regard to the request for intervention, requesting the admission of the application of Fotbal Club FCBS S.A. in the present proceedings.
23. On 17 April 2026, the Respondent filed its position with regard to the request for intervention, requesting that it be rejected.
24. On 27 April 2026, the CAS Court Office informed the Parties that pursuant to Article R41.4(2) of the Code, the President of the CAS Arbitration Division had decided to deny the request for intervention filed by Fotbal Club FCBS S.A.
25. On 6 May 2026, the CAS Court Office, on behalf of the President of the CAS Appeals Arbitration Division and further to Articles R33, R52, R53 and R54 of the CAS Code, informed the Parties that the Panel appointed to decide the present dispute was constituted as follows:

Sole Arbitrator: Mr. Frans de Weger, Attorney-at-law in Haarlem, the Netherlands.

26. On 13 May 2026, the Appellant filed a petition for challenge against the appointment of Mr Frans de Weger to serve as Sole Arbitrator in the present proceedings.
27. On 18 May 2026, the Appellant filed a “*supplementary evidentiary submission*” (sic) concerning the public statements made by the President of the FRF in relation to the presidential elections of the FRF in 2014, 2018, 2022 and 2026. The CAS Court Office invited the Respondent to comment, in its Answer, on the Appellant’s supplementary submission.
28. On 19 May 2026, the CAS Court Office informed the Parties that Mr Frans de Weger had decided to resign from serving as Sole Arbitrator in the present proceedings.
29. Also on 19 May 2026, the Respondent filed its position on the petition for challenge against the nomination of Mr Frans de Weger filed by the Appellant.
30. On 20 May 2026, the CAS Court Office, on behalf of the President of the CAS Appeals Arbitration Division and further to Articles R33, R52, R53 and R54 of the CAS Code, informed the Parties that the Panel appointed to decide the present dispute was constituted as follows:

Sole Arbitrator: Mr. Kepa Larumbe, Attorney-at-law in Madrid, Spain.

31. On 22 May 2026, the Respondent filed its Answer in accordance with Article R55 of the CAS Code.
32. On 27 May 2026, the Appellant filed a petition for challenge against the appointment of Mr Kepa Larumbe to serve as Sole Arbitrator in the present proceedings.
33. On 1 June 2026, the Sole Arbitrator submitted his comments on the petition of challenge filed by the Appellant, requesting its dismissal.
34. On 6 July 2026, the Challenge Commission of the Board of the International Council of Arbitration for Sport ruled as follows:
 - “1. The petition for challenge to the appointment of Mr Kepa Larumbe filed on 27 May 2026 by Mr Dragan Ilie-Stefan is dismissed.*
 - 2. The costs of this Order shall be determined in the final award or in any other final disposition of this arbitration”.*
35. On 7 July 2026, the CAS Court Office, on behalf of the Sole Arbitrator, invited the Respondent to either produce the documents requested by the Appellant in his Statement of Appeal or set out the reasons for its objection thereto.
36. On 14 July 2026, the Respondent submitted a copy of the documents requested by the Appellant in his Statement of Appeal.
37. Following the invitation of the CAS Court Office on behalf of the Sole Arbitrator, the Appellant, on 31 July 2026 and the Respondent, on 7 August 2026 filed their comments on the documents submitted by the Respondent on 14 July 2026.
38. On 23 July 2026, following consultation with the Parties, the CAS Court Office informed them that the Sole Arbitrator, pursuant to Article R57 of the CAS Code, considered himself sufficiently well-informed to render a decision based solely on the Parties’ written submissions, without the need for a hearing.
39. This decision was grounded on the purely legal nature of the present dispute, in which the underlying facts are uncontested, and the controversy concerns the interpretation of Article 50(1) of the Statutes of the FRF. Furthermore, neither Party requested the submission of witness or expert evidence.
40. On 26 August 2026, the CAS Court Office transmitted to the Parties the Order of Procedure, which was duly signed by the Appellant and by the Respondent on the same day. In doing so, the Parties confirmed CAS jurisdiction, that their right to be heard had been respected and consented to the Sole Arbitrator issuing the award based solely on their written submissions.

V. SUBMISSIONS OF THE PARTIES

41. The following outline of the Parties' positions is illustrative only and does not necessarily comprise each and every 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 has been made in what immediately follows. The Parties' written submissions admitted on file, and the contents of the Appealed Decision were all taken into consideration.

A. The Appellant

42. The Appellant made the following requests for relief in his Statement of Appeal:

- “1. To suspend the effects of the minutes of the Candidates' File Verification Committee concerning Mr. Razvan Burleanu dated 04.03.2026, as well as of the Decision dated 06.03.2026 rendered by the Appeals Resolution Committee by which the appeal against the minutes of the Candidates' File Verification Committee concerning Mr. Razvan Burleanu dated 04.03.2026 was dismissed, until the resolution of the appeal by CAS;*
- 2. To set aside the decision of the Appeals Resolution Committee rendered on 06.03.2026;*
- 3. To annul the Minutes dated 4 March 2026 issued by the Candidate Verification Committee of the Romanian Football Federation, by which the candidacy of Mr. Razvan Burleanu for the position of President of the Romanian Football Federation was validated;*
- 3. To declare that Mr. Razvan Burleanu has already served three (3) mandates in the office of President of the Romanian Football Federation;*
- 4. To order the annulment/invalidation of Mr. Razvan Burleanu's candidacy on the following grounds:*
 - The submission of Mr. Razvan Burleanu's candidacy breaches Article 50 para. (1) of the Statutes of the Romanian Football Federation;*
 - On the date of submission of his candidacy, Mr. Razvan Burleanu had already served three (3) mandates as President of the Romanian Football Federation;*
 - The eligibility conditions for the office of President of the Romanian Football Federation must be assessed in accordance with Article 50 para. (3) read together with Article 50 para. (1), concerning the prohibition on holding the office of President of the FRF for more than three (3) mandates.*
- 5. To grant any further relief the Panel deems appropriate in order to restore the legality and integrity of the electoral process within the Romanian Football Federation;”*

43. The Appellant's submissions, in essence, may be summarized as follows:

- The Appellant submits that Article 50(1) of the FRF Statutes lays down a clear, mandatory and unconditional eligibility requirement pursuant to which no person may hold office as President of the FRF for more than three terms. Mr Răzvan Burleanu served three consecutive terms, namely from 2014 to 2018, from 2018 to 2022 and from 2022 to 2026. Accordingly, his candidacy in the 2026 election was directed at securing a fourth term and was therefore incompatible with the express wording of Article 50(1). Mr Burleanu himself expressly acknowledged the content and legal force of the Statutes, and thus cannot “*rely on administrative interpretations designed to circumvent the clear wording of the Statutes*”.
- In the Appellant's view, taking the 2014–2018 term into account does not entail any retroactive application of Article 50(1). The term-limit rule neither invalidates nor otherwise alters the legal effects of the first term; rather, it operates prospectively by determining, at the time a new candidacy is filed, whether the candidate remains eligible to hold office in the future. The terms already served constitute objective facts relevant to the candidate's present legal status. Moreover, the first term was not a completed legal situation when the amended Statutes were adopted, since it continued until 2018 and was therefore performed predominantly under the new statutory framework.
- The Appellant further contends that the FRF Statutes contain no transitional provision or grandfathering clause excluding terms commenced before the adoption or entry into force of Article 50(1). Under the ordinary meaning of that provision, all terms served by the same person must therefore be counted. By excluding the 2014–2018 term, the Verification Commission and the Appeals Resolution Committee introduced an exception that the General Assembly had not enacted and thereby exceeded their interpretative authority, effectively amending the Statutes under the guise of interpretation.
- The Appellant maintains that the FRF Statutes, read in accordance with their wording, object and purpose, must be afforded practical effect. Term limits are structural safeguards intended to promote good governance, democratic alternation and the prevention of an excessive concentration of power. An interpretation permitting the same person to serve four consecutive terms would deprive Article 50(1) of its effectiveness and undermine the institutional purpose pursued by the rule, which is consistent with the term-limit standards adopted within FIFA and UEFA. The Appellant also relies on jurisprudence from the Constitutional Court of Romania and the Romanian High Court of Cassation and Justice.
- The Appellant also submits that the Appeals Resolution Committee erred in treating Article 6(1) of the Romanian Civil Code as the governing norm. In his submission, the FRF Statutes and the principles of *lex sportiva* constitute the primary normative framework, whereas domestic civil law applies only subsidiarily and cannot displace a clear rule governing eligibility within an autonomous sports association.

In any event, Article 6(6) of the Romanian Civil Code permits a new rule to govern the future effects of an ongoing legal situation and thus supports the application of Article 50(1) when determining eligibility for a future term.

- Finally, the Appellant challenges the legality, independence and impartiality of the internal verification and appellate process. He relies, *inter alia*, on the institutional links between members of the relevant commissions and the FRF, including the participation of FRF employees and members of other FRF bodies, and alleges that Mr Paul Ciucur was subject to a statutory incompatibility by reason of his position within the Romanian anti-doping system. According to the Appellant, those circumstances affected the validity of the commissions' constitution and decisions and reinforced the need for a full and effective review by CAS.

B. The Respondent

44. The Respondent made the following requests for relief in its Answer (emphasis in original):

- “A. to dismiss the Appeal in its entirety and, consequently, to maintain and leave the challenged decision undisturbed;*
- B. Reject any remaining claims as inadmissible for lack of legal interest and/or unfounded on the merits;*
- C. Declare inadmissible or moot all prayers for relief relating to the suspension or repetition of the electoral process;*
- D. Confirm the validity of the challenged decision and of the validation of Mr. Burleanu's candidacy;*
- E. to order the Appellant to pay all costs, expenses and a contribution to the legal fees relating to the arbitration proceedings before the CAS encumbered by the Respondent”.*

45. The Respondent's submissions, in essence, may be summarized as follows:

- The Respondent does not dispute the mandatory character of the three-term limit contained in Article 50(1) of the FRF Statutes. It submits, however, that the legal force of the provision must be distinguished from its temporal scope. Mr Burleanu's first term originated in March 2014 under the former FRF Statutes, which contained no term limitation, whereas the amendment introducing the limitation became effective only after the relevant registration proceedings had become final on 5 October 2016. Consequently, the 2014–2018 term cannot be treated as a countable term for the purposes of a restriction that did not exist when that term was conferred.
- The Respondent characterises the 2014 mandate as a legal situation governed by the former statutory regime. Counting that mandate under Article 50(1) would attach to it a new adverse legal consequence — namely, its classification as a term

consumed for the purposes of the subsequently introduced limit — and would therefore amount to impermissible indirect retroactivity. Such an interpretation would, in the Respondent's submission, infringe the principles of *tempus regit actum*, legal certainty, foreseeability and the protection of legitimate expectations. On the Respondent's construction, the 2018–2022 and 2022–2026 terms were respectively the first and second countable terms, so that the 2026–2030 term is the third term permitted by Article 50(1).

- The Respondent rejects the Appellant's reliance on the absence of a transitional provision. Under Article 6(1) of the Romanian Civil Code, non-retroactivity is the default rule and applies precisely where the new instrument contains no express transitional regime. A transitional provision would have been necessary to authorise the retrospective inclusion of earlier terms, not to preserve their exclusion. Likewise, the interpretative maxim *ubi lex non distinguit, nec nos distinguere debemus* cannot displace binding rules of intertemporal law.
- The Respondent submits that the FRF Statutes are a civil-law act adopted by a Romanian private-law legal person and are therefore subject to the intertemporal rules of the Romanian Civil Code, supplemented, where appropriate, by general principles of Swiss law. The autonomy of sport does not remove the Statutes from the operation of mandatory domestic law. The Respondent relies in this regard on the legal opinion of Professor Radu Rizoïu, according to which the survival of the former law governs the legal effects of the 2014 mandate and precludes it from being counted when assessing the 2026 candidacy.
- According to the Respondent, the CAS authorities invoked by the Appellant merely affirm that federation statutes and eligibility rules must be applied strictly and objectively; they do not address the intertemporal question arising in the present dispute. Conversely, the CAS jurisprudence relied upon by the Respondent recognises non-retroactivity and *tempus regit actum* as general principles applicable to rules adopted by sports governing bodies. The Appealed Decision was therefore based on a reasonable and legally coherent interpretation of Article 50(1), to which the Respondent submits that appropriate deference should be afforded in the absence of arbitrariness, discrimination or manifest unlawfulness.
- The Respondent further denies that the internal commissions lacked independence or were unlawfully constituted. It submits that the FRF deliberately entrusted the verification and appeal process to six legal professionals, rather than to the Secretary General alone as contemplated by the Statutes, in order to enhance independence, impartiality and transparency. It further contends that the Appellant knew the composition of the commissions, had previously accepted materially the same arrangements and failed to raise any timely objection. As regards Mr Ciucur, the Respondent denies any incompatibility and maintains that, even if an issue existed in relation to his anti-doping function, it would not affect the validity of his professional services to the FRF or the decisions adopted by the commission.
- The Respondent submits that the Appeal cannot properly proceed against the FRF alone because the relief sought directly challenges the validity of Mr. Răzvan

Burleanu's candidacy and seeks, in substance, the invalidation of his election. Since Mr. Burleanu's legal position would therefore be directly affected, the Respondent contends that he was an indispensable party and should have been joined to the proceedings, consistently with the principles identified in CAS 2021/A/8225. The Respondent further argues that his non-joinder, resulting from the Appellant's chosen procedural framework, deprived him of an opportunity to advance his own defence.

- On that basis, the Respondent maintains that granting relief against Mr. Burleanu's candidacy or election in his absence would raise serious due-process concerns, including in respect of his right to be heard and procedural equality. It accordingly submits, at a minimum, that the prayers for relief directed against his election are inadmissible; alternatively, that the matter cannot be fully adjudicated without his participation.

VI. JURISDICTION

46. Article R47 of the CAS Code provides as follows:

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

47. Article 75(3) of the FRF Statutes states:

“(3) The Court of Arbitration for Sport in Lausanne shall have jurisdiction to resolve any dispute between FIFA, UEFA, regional confederations, national federations, leagues, clubs, players, officials, licensed players' agents or match agents, unless the statutes of FIFA, UEFA or the Romanian Football Federation provide otherwise”.

48. In addition, Article 6 of the Regulations on the Verification of Candidate Files of the FRF states:

“a) An appeal against the decision of the Appeals Resolution Committee may be lodged with the Court of Arbitration for Sport in Lausanne, in accordance with the provisions of Article 75 of the Statutes of the Romanian Football Federation.”

49. The jurisdiction of CAS, which is not disputed by the Parties, is based on the above-mentioned provisions. In addition, the Appellant and the Respondent confirmed the jurisdiction of CAS by signing the Order of Procedure.

50. The Sole Arbitrator is, therefore, satisfied that CAS has jurisdiction over this dispute.

VII. ADMISSIBILITY

51. Article R49 of the CAS Code provides as follows:

“In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or of a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. The Division President shall not initiate a procedure if the statement of appeal is, on its face, late and shall so notify the person who filed the document. [...]”

52. Article 75(4) of the FRF Statutes provides that:

“The appeal must be filed with the Court of Arbitration for Sport in Lausanne within 21 days of the decision being communicated.”

53. It is undisputed that the appeal was filed within the 21 days set by Article 75(4) of the FRF Statutes. The appeal also complied with all other requirements of Article R48 et seq. of the CAS Code, including the payment of the CAS Court Office fee.

54. It follows that the appeal is admissible.

VIII. APPLICABLE LAW

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

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

56. The Appellant submits that the merits of the dispute must be determined primarily by reference to the FRF Statutes and Regulations, in particular Article 50(1) of the FRF Statutes, together with the principles of *lex sportiva* and the autonomy of sport. In the Appellant’s view, Romanian civil law is applicable only on a subsidiary basis and may not be relied upon to displace, qualify or introduce an unwritten exception to a clear and mandatory statutory eligibility rule. The Appellant nevertheless contends that, insofar as Article 6 of the Romanian Civil Code is relevant, Article 6(6) thereof supports the immediate application of Article 50(1) to the future effects of an ongoing legal situation and, accordingly, to the assessment of Mr Burleanu’s eligibility for a new term of office.

57. The Respondent submits that the merits are governed by the FRF Statutes and Regulations in force, Law No. 69/2000 on Physical Education and Sport and the Romanian Civil Code, while the general principles of Swiss law apply subsidiarily, including *tempus regit actum*, legal certainty, non-retroactivity and proportionality. According to the Respondent, the FRF Statutes constitute a civil-law act adopted by a Romanian private-law legal entity and must therefore be interpreted and applied in

accordance with the intertemporal rules of Romanian civil law, particularly Article 6(1) of the Romanian Civil Code. On that basis, the Respondent maintains that the principle of non-retroactivity governs the temporal scope of Article 50(1) of the FRF Statutes and precludes the attribution of new legal effects to a presidential term obtained before the term-limit provision entered into force.

58. Article R58 of the CAS Code defines the law applicable to the merits of a dispute in appeal proceedings before CAS. As stated in Mavromati, D. and Reeb, M., *“The Code of the Court of Arbitration for Sport, Commentary, Cases and Materials”*, 2nd edition, Wolters Kluwer, 2025, *“the difference between Article R58 and the analogous provision of Article R45 of the CAS Code lies in the appeal character of the former: the challenged decision is a decisive factor and a connecting link in order to determine the applicable law ‘according to the applicable regulations’, and subsidiarily, ‘according to the rules of the law chosen by the parties’”* (p. 588).
59. CAS panels have interpreted Article R58 of the CAS Code as follows (CAS 2017/A/5465, 2017/A/5374, CAS 2018/A/5624, *inter alia*):

“Pursuant to Article R58 of the Code, in an appeal arbitration procedure before the CAS, the “Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision”. It follows from this provision that the “applicable regulations”, i.e. the statutes and regulations of the sports organisation that issued the decision (here FIFA) are applicable to the dispute irrespective of what law the Parties have agreed upon. In the Sole Arbitrator’s view, the Parties cannot derogate from this provision if CAS retains jurisdiction which is the case here. To conclude, therefore, the Sole Arbitrator finds that Article R58 of the Code takes precedent [sic] over the direct choice-of-law clause contained in the Parties’ agreements and that, thus, the FIFA rules and regulations apply primarily.” (CAS 2018/A/5624, para. 57; CAS 2017/A/5374, paras. 63-64).
60. In the present case, the applicable regulations are the Statutes of the FRF, which apply primarily, and Romanian law applies subsidiarily, since Romania is the country in which the federation which has issued the challenged decision is domiciled.

IX. MERITS

A. Summary of the dispute

61. Before addressing the legal issues at stake, the Sole Arbitrator deems it useful to clarify the scope of the appeal and review.
62. The present appeal arises from the Appealed Decision, which dismissed the Appellant’s challenge against the decision of the Candidates’ File Verification Committee validating

Mr Răzvan Burleanu's candidacy for the office of President of the FRF. Although the Parties have made extensive submissions on the interpretation and temporal application of Article 50(1) of the FRF Statutes, the Respondent raises a matter that is to be considered first: whether the appeal has been directed against the proper respondent or respondents, in light of the relief sought and its effects.

63. The Appellant did not merely seek to set aside the Appealed Decision in abstract terms. He requested, *inter alia*, that CAS annul the validation decision, declare that Mr Burleanu had already served three terms, invalidate Mr Burleanu's candidacy and, following the election held on 18 March 2026, annul the election and order the FRF to resume the electoral process. The requested relief is therefore specifically directed at the validity of Mr Burleanu's candidacy and at the legal effects of his subsequent election.
64. Notwithstanding the direct and individual effects that the appeal seeks to produce upon him, Mr Burleanu was not named as a respondent or co-respondent in these proceedings. The appeal was directed exclusively against the FRF. The Respondent objects that it lacks standing to be sued alone and that Mr Burleanu is an indispensable party, since the relief sought cannot be granted without directly affecting his candidacy, his election and his entitlement to exercise the office to which he was elected.
65. The first question is therefore whether, in proceedings brought only against the FRF, the Sole Arbitrator may grant relief that would necessarily determine and adversely affect Mr Burleanu's individual legal position.

B. The Standing to be Sued and the Protection of Absent Third Parties in CAS Jurisprudence

66. Standing to be sued concerns whether the respondent is the person or entity that must answer the right or legal interest put in issue by the relief sought. It is separate from CAS jurisdiction and from the formal admissibility of the appeal. An appeal may be timely submitted and fall within CAS jurisdiction, yet still fail if it is not directed against the party whose legal position would be affected by the relief requested. The analysis therefore depends on the relief sought and requires identifying whose legal sphere would be altered if that relief were granted.
67. In CAS 2016/A/4602, Football Association of Serbia v. UEFA, Award of 24 January 2017, paragraph 61 of the published version, the Panel summarised the CAS jurisprudence confirming that the standing to be sued is a matter of substantive law:

“61. The question of standing to sue (or to be sued) is a matter of substantive law (CAS 2013/A/3047, CAS 2008/A/1639, CAS 2008/A/1583 & CAS 2008/A/1584):

“According to the jurisprudence of the Swiss Federal Tribunal, the prerequisite of the standing to be sued is to be treated as an issue of merits and not as a question for the admissibility of an appeal. In an appeal that is directed against a “wrong” Respondent because the latter has no right to dispose of the matter in dispute, the claim filed by the Appellant is admissible but without merit” (CAS 2008/A/1639).”

68. This distinction is reflected in consistent CAS jurisprudence. In CAS 2021/A/8225, *Emilian Hulubei v. FRF*, Award of 11 April 2022, the Panel explained that standing to be sued depends on whether the respondent is personally obliged by the disputed right. Where the relief sought would directly affect identified members or office-holders, the appeal must be directed against those persons as co-respondents alongside the federation. The federation's institutional connection with the challenged decision does not, by itself, render it an adequate substitute for the individual whose rights constitute the immediate object of the requested relief:

“75. In accordance with the CAS jurisprudence, a party has standing to be sued if it is personally obliged by the “disputed right” at stake, i.e. if said party has some stake in the dispute because something is sought against it (CAS 2008/A/1620, para. 4.1; CAS 2007/A/1367, para. 37; and, CAS 2012/A/3032 para. 42).

76. CAS Panels repeatedly held that, when assessing whether a party may have standing to be sued, it has to be analysed if it “stands to be sufficiently affected by the matter at hand in order to qualify as a proper respondent within the meaning of the law” (CAS 2017/A/5227, para. 35). CAS Panels also accepted the principle that “no order for relief can be granted which affects the rights and legitimate interests of absent third parties” (see CAS 2020/A/7061, para. 125; CAS 2019/A/6334, par. 57; CAS 2016/A/4642 §120; CAS 2004/A/594 §51).

77. In particular, CAS panels decided on several occasions that “the question of standing to be sued [...] must be resolved on the basis of a weighting of the interests of the persons affected by said decision. The question, thus, is who [...] is best suited to represent and defend the will expressed by the organ of the association” (CAS 2016/A/4787 para. 109; CAS 2015/A/3910, para. 138, endorsed by CAS 2016/A/4602, paras. 81 ff.).

78. It follows that when deciding who is the proper party to defend an appealed decision, CAS panels proceed by an analysis of the interests involved and by taking into account the role assumed by the association in the specific case (CAS 2020/A/7356, para. 64).

79. The Sole Arbitrator agrees that, on a general point of view, a sports federation such as the Respondent is deemed to be best suited to represent and defend the interests of its members in cases where a request for relief would have an indirect bearing on all its members (a similar reasoning was adopted in the case CAS 2016/A/4787).

80. However, this is not necessarily the case where a request for relief directly affects one or several specific members (CAS 2020/A/7061, para. 126). In this scenario, the appeal might also have to be directed against the potentially affected member(s) as co-respondent(s) alongside the sports federation from which the appealed decision emanates. This is essential for an arbitral tribunal to ensure that the right to be heard of the member(s) concerned is respected (CAS 2019/A/6351)”.

69. This is not a matter of procedural formalism. It reflects the basic principle that an arbitral tribunal should not adversely determine a person's rights without giving that person a genuine opportunity to participate, file evidence and legal argument, and defend the

position at stake. Thus, in CAS 2020/A/7549, SKF v. WKF, Award of 9 November 2021, paras. 77–79, the Panel held that CAS should not render an award affecting the rights of a third party who had not been afforded a full and fair opportunity to be heard and to protect those rights.

70. The decisive criterion is whether the absent person's rights or legitimate interests would be directly and necessarily affected, rather than whether the relief is formally phrased as an order against the federation. The relevant question is not whether the absent person has a general interest in the outcome, but whether the operative part of the award would necessarily alter that person's legal status or deprive that person of an existing entitlement.
71. The same principle limits the tribunal's ability to cure the defect. The composition of the parties to CAS appeal proceedings is determined by the appellant's procedural choices, subject to the applicable provisions of the CAS Code. A Panel is not entitled to make a person a party *ex officio* merely because that person ought to have been sued. Nor may it circumvent the absence of the necessary respondent by framing as declaratory a ruling that, in substance, determines that person's rights. The consequence of the appellant's failure to direct the appeal against all persons whose legal positions would necessarily be affected is that CAS cannot grant the requested relief.

C. Application to the present case

72. In substance, the Sole Arbitrator notes that the Appellant's case is directed against Mr Burleanu's individual entitlement to stand for election and to exercise the office of FRF President. The principal allegation is that Mr Burleanu had already served the maximum number of terms permitted by Article 50(1) of the FRF Statutes and was therefore ineligible to submit a further candidacy. The requested declaration as to the number of terms served is not an abstract interpretation of the FRF Statutes. It is the necessary premise for the requested invalidation of one identified person's candidacy and election.
73. Granting the appeal would therefore require the Sole Arbitrator to determine, with binding effect, that Mr Burleanu was not eligible to stand in the 2026 election; that the validation of his candidacy was unlawful; that his participation in the electoral process lacked a valid legal basis; and, according to the supplemental prayers for relief, that the election in which he prevailed must be annulled. Each of those determinations would immediately and adversely affect Mr Burleanu's personal legal sphere. He would lose the benefit of the validation decision, the electoral result and his entitlement to continue exercising the office obtained through that election.
74. The directness of that effect is confirmed by the formulation of the Appellant's own prayers for relief. The Appellant expressly asks CAS to "*declare the candidacy of Mr Răzvan Burleanu invalid*" and to "*annul the election*" if it took place with his participation. These are not measures with only indirect, incidental or factual effects on Mr Burleanu. Their very object is to remove the legal basis of his candidacy and election.

75. The fact that the Appealed Decision was rendered by an FRF body does not lead to a different conclusion. The FRF is properly concerned with the defence of the legality of its internal decision-making process and may possess standing to answer claims directed at the institutional validity of its own acts. However, the FRF's presence cannot replace the participation of the person whose individual rights are to be extinguished. The federation and Mr Burleanu do not occupy identical legal positions. The FRF defends the validity of the decisions adopted by its organs and the regularity of its electoral process; Mr Burleanu would defend his own eligibility, candidacy, electoral mandate and right to hold office. Those interests may overlap, but they remain legally distinct.
76. Nor can it be assumed that the FRF adequately represented Mr Burleanu's personal interests. Mr Burleanu was not a party to the arbitration, did not control the conduct of the defence in his personal capacity, did not file his own submissions or evidence, and did not have the procedural rights enjoyed by a respondent under the CAS Code. The right to be heard belongs to the person whose rights are being adjudicated. It is not satisfied by the participation of another legal person merely because their interests may, in practice, be aligned.
77. This conclusion is particularly compelling in an electoral dispute. A decision declaring a candidate ineligible and annulling an election affects not only the organising federation's internal process but also the candidate's acquired legal position and the mandate resulting from the votes cast. The relief sought would place Mr Burleanu in a materially worse position than that which he held under the Appealed Decision and after the election. Accordingly, where the requested relief necessarily and adversely affects the rights of an identified person, that person must be joined as a co-respondent.
78. The Sole Arbitrator has considered whether the appeal could be determined only as between the Appellant and the FRF, while preserving Mr Burleanu's rights. It cannot. A declaration that the FRF bodies misinterpreted Article 50(1) would necessarily entail a conclusion that Mr Burleanu's candidacy was wrongly validated. Conversely, setting aside the Appealed Decision without addressing the validity of the candidacy would neither correspond to the substance of the appeal nor provide effective relief. The claims against the FRF and the legal effects upon Mr Burleanu are therefore inseparable.

D. The Consequence of the Appellant's Failure to Name Mr Burleanu as Co-Respondent

79. For these reasons, the Sole Arbitrator finds that the FRF does not have standing to be sued alone in relation to claims whose necessary object and effect are the invalidation of Mr Burleanu's candidacy and election. Mr Burleanu was an indispensable co-respondent because he possessed a direct, personal and legally protected interest in the subject matter of the appeal and because the relief sought would necessarily alter his legal position to his detriment.
80. The Sole Arbitrator emphasises that this conclusion is not based on a mere procedural preference for broader participation. It is required by the adversarial nature of CAS proceedings, the personal character of the right to be heard and the prohibition against issuing an award that adversely determines the rights of an absent third party. An award

rendered in Mr Burleanu's absence could neither bind him consistently with due process nor validly deprive him of the candidacy and mandate that the Appellant seeks to invalidate.

81. The Appellant chose the parties against whom the appeal was brought and proceeded only against the FRF, even though his prayers for relief expressly identified Mr Burleanu and sought measures directed at his individual status. The Sole Arbitrator cannot correct that choice by joining Mr Burleanu *ex officio*, by treating the FRF as his procedural representative, or by issuing declaratory relief whose necessary effect would be to determine his eligibility. The resulting defect is therefore not capable of being cured within the present proceedings.
82. Accordingly, the appeal must be dismissed for lack of standing to be sued, arising from the Appellant's failure to name Mr Burleanu as a co-respondent. This conclusion is consistent with the determination reached at the provisional-measures stage, but is independently adopted on the basis of the complete record and the final relief sought. The fact that the election has since taken place reinforces the conclusion, because the requested award would now affect not only Mr Burleanu's right to stand as a candidate but also the validity of his election and his entitlement to exercise the presidential mandate.
83. Since this issue is dispositive of the appeal, the Sole Arbitrator considers it unnecessary, and indeed inappropriate in the absence of the person directly affected, to determine the Parties' remaining submissions concerning the interpretation and temporal application of Article 50(1) of the FRF Statutes, the alleged retroactive effect of counting the 2014–2018 term, or the lawfulness of the composition of the internal commissions. Any pronouncement on those matters would not alter the outcome of the present proceedings and could prejudice the legal position of a person who was not afforded party status and a full opportunity to be heard.
84. For the avoidance of doubt, dismissing the appeal on this ground does not endorse or reject either Party's substantive interpretation of Article 50(1) of the FRF Statutes. It reflects solely the conclusion that CAS cannot grant the relief requested in proceedings that were not brought against all persons whose rights would necessarily and directly be affected by that relief.
85. The appeal is therefore dismissed.

X. COSTS

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by Mr Dragan Ilie-Stefan on 9 March 2026 against the decision of the Appeals Committee of the Romanian Football Federation of 6 March 2026 is dismissed.
2. (...).
3. (...).
4. All other motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

Date: 19 October 2026

THE COURT OF ARBITRATION FOR SPORT

Kepa Larumbe
Sole Arbitrator