

**CAS 2025/A/11556 Clube Desportivo Nacional Futebol SAD v. FIFA, Club Africain and
Fédération Tunisienne de Football (FTF)**

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

Sole Arbitrator: Mr Manfred Nan, Attorney-at-Law, Amsterdam, The Netherlands

in the arbitration between

Clube Desportivo Nacional Futebol SAD, Portugal

Represented by Mr João Paolo Marques, In-house Counsel, Funchal, Portugal

Appellant

and

Fédération Internationale de Football Association (FIFA), Switzerland

Represented by Mr Miguel Liétard Fernández-Palacios, Director of Litigation, and Mr
Roberto Nájera Reyes, Senior Legal Counsel, FIFA Legal Department, Coral Cables, United
States of America

First Respondent

Club Africain, Tunisia

Represented by Mr Loizos Hadjidemetriou, Attorney-at-Law, Dubai, United Arab Emirates

Second Respondent

Fédération Tunisienne de Football (FTF), Tunisia

Not represented

Third Respondent

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I. PARTIES

1. *Clube Desportivo Nacional Futebol SAD* (the “Appellant” or “Nacional”) is a professional football club with its registered office in Funchal, Portugal. It is registered with the Portuguese Football Federation (*Federação Portuguesa de Futebol* – the “FPF”), which in turn is affiliated to the *Fédération Internationale de Football Association*.
2. The *Fédération Internationale de Football Association* (the “First Respondent” or “FIFA”) is an association incorporated under Swiss law with its registered office in Zurich, Switzerland. FIFA is the governing body of international football. It exercises regulatory, supervisory and disciplinary functions over continental confederations, national associations, clubs, officials and players worldwide.
3. *Club Africain* (the “Second Respondent” or “Club Africain”) is a professional football club with its registered office in Tunis, Tunisia. It is registered with the Tunisian Football Federation (*Fédération Tunisienne de Football*).
4. The *Fédération Tunisienne de Football* (the “Third Respondent” or the “FTF”) is the football governing body in Tunisia, which is also affiliated to FIFA.
5. FIFA, Club Africain and the FTF are hereinafter jointly referred to as the “Respondents” and, together with Nacional, as the “Parties”.

II. FACTUAL BACKGROUND

6. Below is a summary of the main relevant facts, as established on the basis of the written and oral submissions of the Parties and the evidence examined in the course of the proceedings. This background information is given for the sole purpose of providing a synopsis of the matter in dispute. Additional facts may be set out, where relevant, in connection with the legal discussion. While 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 only to the submissions and evidence he considers necessary to explain his reasoning.

A. Introduction

7. These proceedings revolve around training compensation allegedly payable with respect to the transfer of Mr Labidi Chiheb, a football player of Tunisian nationality (the “Player”) to Nacional, following expiration of his employment contract with Club Africain.
8. On 30 April 2025, following an Electronic Players’ Passport (“EPP”) review process, the FIFA General Secretariat issued the Player’s EPP (the “EPP Decision”) and an Allocation Statement (the “Allocation Statement”). The ultimate consequence of the EPP Decision and the Allocation Statement (hereinafter jointly referred to as the “Appealed Decisions”) is that Nacional was required to pay training compensation to Club Africain in the amount of EUR 335,576.21.

9. In the present appeal arbitration proceedings before the Court of Arbitration for Sport (“CAS”), Nacional is challenging the Appealed Decisions, requesting, *inter alia*, that they be annulled. FIFA and Club Africain request that the appeal be declared inadmissible as it was filed late, or alternatively, that the Appealed Decisions be confirmed. The FTF did not actively participate in these arbitration proceedings.

B. Background Facts

10. On 10 September 2024, following expiration of his employment contract with Club Africain, the Player was registered as a professional football player with Nacional via the Transfer Matching System (“TMS”), following which TMS generated a provisional EPP of the Player and an inspection and assessment period commenced.
11. On 23 September 2024, the provisional EPP was released for review by the clubs and national football federations involved, which were the following:
 - a) Club Africain;
 - b) Nacional;
 - c) The FPF;
 - d) The FTF.
12. On 29 September 2024, the FTF intervened in the EPP process and provided certain information and evidence to FIFA.
13. On 9 October 2024, the EPP entered the “validation process”.
14. On 5 February 2025, TMS was accessed by someone via an email address of Nacional (luismiguel.gomes@cdnacional.pt) to review the EPP.
15. On 14 April 2025, FIFA approved the changes made by the FTF to the Player’s registration information, along with the supporting documentation, and invited Nacional to provide any documentation relevant to the entitlement of any club in the EPP to training rewards.
16. On 15 April 2025, TMS was accessed again by someone via an email address of Nacional (luismiguel.gomes@cdnacional.pt) to review the EPP.
17. On 24 April 2025, as Nacional did not file any comments or documents within the granted deadline, the final EPP was approved, and the corresponding Allocation Statement was generated.
18. There is a factual dispute between the Parties as to the notification of the Appealed Decisions to Nacional. According to FIFA and Club Africain, the Appealed Decisions were notified to Nacional via TMS on 30 April 2025. Nacional disputes that it was validly notified of the Appealed Decisions on such date. This issue will be addressed in the context of the admissibility of Nacional’s appeal below.
19. Irrespective of the factual dispute between the Parties as to the date of notification, the grounds of the EPP Decision provide, *inter alia*, as follows:

“The FIFA general secretariat hereby determines the registration history of the player from the start of the calendar year of the player’s 12th birthday until the aforementioned training rewards trigger. This registration history is considered true and accurate for the period in question, in accordance with the information provided by the member associations that participated in the generation and review of the EPP, in accordance with article 10 of the FCHR. The registration history as determined by the FIFA general secretariat is as follows:

Club and member association	Start of registration	End of registration	Status	Nature of registration
CD Nacional FPF, Portugal FIFA ID: 109Z88A Status: Affiliated Training category: 2	10/09/2024	Currently registered	Professional	Permanent
Club Africain FTF, Tunisia FIFA ID: 143EX7D Status: Affiliated Training category: 2	18/07/2023	30/06/2024	Professional	Permanent
Club Africain FTF, Tunisia FIFA ID: 143EX7D Status: Affiliated Training category: 2	04/08/2022	30/06/2023	Professional	Permanent
Club Africain FTF, Tunisia FIFA ID: 143EX7D Status: Affiliated Training category: 2	02/09/2021	30/06/2022	Professional	Permanent
Club Africain FTF, Tunisia FIFA ID: 143EX7D Status: Affiliated Training category: 2	22/10/2020	30/06/2021	Professional	Permanent
Club Africain FTF, Tunisia FIFA ID: 143EX7D Status: Affiliated Training category: 2	16/08/2019	30/09/2020	Professional	Permanent
Club Africain FTF, Tunisia FIFA ID: 143EX7D Status: Affiliated Training category: 2	14/01/2019	30/06/2019	Professional	Permanent
Club Africain FTF, Tunisia FIFA ID: 143EX7D Status: Affiliated Training category: 2	16/08/2018	13/01/2019	Amateur	Permanent

Club and member association	Start of registration	End of registration	Status	Nature of registration
Club Africain FTF, Tunisia FIFA ID: 143EX7D Status: Affiliated Training category: 2	01/11/2017	30/06/2018	Amateur	Permanent
Club Africain FTF, Tunisia FIFA ID: 143EX7D Status: Affiliated Training category: 2	08/09/2016	30/06/2017	Amateur	Permanent
Club Africain FTF, Tunisia FIFA ID: 143EX7D Status: Affiliated Training category: 2	17/09/2015	30/06/2016	Amateur	Permanent
Club Africain FTF, Tunisia FIFA ID: 143EX7D Status: Affiliated Training category: 2	24/09/2014	30/06/2015	Amateur	Permanent
Club Africain FTF, Tunisia FIFA ID: 143EX7D Status: Affiliated Training category: 2	31/10/2013	30/06/2014	Amateur	Permanent
Club Africain FTF, Tunisia FIFA ID: 143EX7D Status: Affiliated Training category: 2	30/10/2012	30/06/2013	Amateur	Permanent

Considerations for entitlement to training rewards (cf. article 10 FCHR)

For the purpose of distribution of training rewards, the FIFA general secretariat makes the following determinations in consideration of the documents and information provided by the parties within the EPP review process.

Registration with Club Africain (FTF) between 1 January 2013 and 30 June 2013, 31 October 2013 and 30 June 2014, 24 September 2014 and 30 June 2015, 17 September 2015 and 30 June 2016, 8 September 2016 and 30 June 2017, 1 November 2017 and 30 June 2018, 16 August 2018 and 13 January 2019, 14 January 2019 and 30 June 2019, 16 August 2019 and 30 September 2020, 22 October 2020 and 30 June 2021,

2 September 2021 and 30 June 2022, 4 August 2022 and 30 June 2023, 18 June 2023 and 30 June 2024:

In case of an international transfer of a professional between clubs of two different associations (whether during or at the end of his contract) before the end of the calendar year of his 23rd birthday, training compensation is owed to his former club for the time he was effectively trained by the club (cf. article 2 paragraph 1 b) of Annexe 4 and article 3 paragraph 1 of Annexe 4 to the RSTP) from the calendar year of his 12th birthday up until the end of the calendar year of his 21st birthday (cf. article 1 paragraph 1 of Annexe 4 and article 5 paragraph 2 of Annexe 4 to the RSTP).

The player was registered with Club Africain as a professional before the end of the calendar year of his 21st birthday before being registered as a professional with CD Nacional before the end of the calendar year of his 23rd birthday.

Club Africain is therefore entitled to training compensation for the registration of the player at the club during the aforementioned period(s).

Conclusion

In consideration of the above and in accordance with the FCHR and annexes 4 and 5 to the RSTP, the FIFA general secretariat has determined the entitlement of clubs to training rewards for the above trigger as follows.

Club Africain is entitled to training compensation for having registered the player at some point in time between the start of the calendar year of player's 12th birthday and the end of the calendar year of player's 21st birthday.

All of the above determinations and decisions are reflected in the EPP in question and/or will be considered in the generation of any Allocation Statement from this EPP for the calculation and distribution of training rewards in accordance with article 13 of the FCHR.

Pursuant to article 57 paragraph 1 of the FIFA Statutes and in accordance with article 10 of the FCHR, this decision and the corresponding allocation statements(s) TC-21092 may be jointly appealed before the Court of Arbitration for Sport within 21 days of notification. The final EPP will remain available in TMS."

20. Irrespective of the factual dispute between the Parties as to the date of notification, the grounds of the Allocation Statement provide, *inter alia*, as follows:

“Conclusion

The new club [Nacional] (FPF) shall pay training compensation to the training club(s) of the player in the total amount of EUR 335,576.21.

The following training club(s) shall receive the following payment(s).

The training club Club Africain (FTF) shall receive training compensation payments from the new club of the player in the amount of EUR 335,576.21.

The payments defined in this Allocation Statement shall be made through the FIFA Clearing House entity (FCH), in accordance with articles 12, 13 and 14 of the FCHR. The FCH will contact the new club, the relevant training clubs and the relevant member associations to process these payments.

According to the relevant provisions of RSTP and FCHR, it is the new club that will be required to pay training rewards due to the training clubs concerned, and the new club may not assign responsibility to pay the amount requested to any other party.

Pursuant to article 57 paragraph 1 of the FIFA Statutes and in accordance with article 10 of the FCHR, this decision and its corresponding EPP may be jointly appealed before the Court of Arbitration for Sport within 21 days of notification. The final EPP will remain available in TMS.”

21. On 30 April 2025, the FIFA General Secretariat sent to three TMS managers of Nacional an e-mail, using the email addresses talhinhos@hotmail.com, joao.marques@cdnacional.pt and luismiguel.gomes@cdnacional.pt, with the following content:

“[Subject:] New message from the FIFA general secretariat - EPP 49219 - Player LABIDI CHIEB

Dear TMS user,

Please note that the FIFA general secretariat has messaged you regarding an electronic player passport (EPP) with ID 49219 for the player LABIDI CHIEB, which you can access through TMS.

We would like to remind you that this EPP will be the basis for the distribution of training rewards through the FIFA Clearing House, in accordance with FIFA's Clearing House Regulations, and we therefore invite you to respond to the message in TMS at your earliest convenience.

For further information, please check <https://prod.fifatms.com>.

Please do not reply to this email. If you have any questions, please contact us at TMShelpdesk@fifa.org.

Best regards,

FIFA Transfer Matching System.”

22. On 11 June 2025, the FPF forwarded the Appealed Decisions to Nacional.
23. On 9 July 2025, TMS was accessed again by someone via an email address of Nacional (luismiguel.gomes@cdnacional.pt) to review the EPP.

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

24. On 30 June 2025, Nacional filed a Statement of Appeal with the CAS Court Office, challenging the Appealed Decisions, in accordance with Articles R47 and R48 of the 2023 edition of the Code of Sports-related Arbitration (the “CAS Code”). In this submission, Nacional requested that the case be submitted to a Sole Arbitrator and filed a document production request.
25. On 9 July 2025, the CAS Court Office addressed the following letter to the Appellant:

I hereby acknowledge receipt of your Statement of Appeal, dated 30 June 2025, filed with the Court of Arbitration for Sport (the “CAS”) on behalf of the Clube Desportivo Nacional Futebol SAD (“CD Nacional”), the originals of which were delivered to the CAS Court Office on 7 July 2025.

I kindly draw your attention to Article R48 para. 1 of the Code of Sports-related Arbitration (the “Code”) which provides that the Statement of Appeal shall, inter alia, include: (i) the name and full address of the Respondent(s), and (ii) a copy of the decision(s) appealed against.

I note that, in paragraph 4 of the Statement of Appeal, it is specified that the appeal is filed against all of the Player’s previous clubs, FIFA and the Fédération Tunisienne de Football (FTF) (emphasis added); whereas under Section C, only Club Africain is listed as a respondent.

For the sake of good order and procedural clarity, CD Nacional is invited to confirm the identity of the respondents against whom the present appeal is brought, within three (3) days of receipt of this letter by courier.

I further note that in paragraph 1 of the Statement of Appeal, , it is stated that the appeal is lodged against the decisions rendered by the FIFA General Secretariat in Electronic Player Passport (EPP) no. 49219 and the related Allocation Statement TC-21092, both dated 30 April 2025 and notified to the Appellant on 10 June 2025 (emphasis added); whereas only one decision was enclosed to the Statement of Appeal, namely the Determination of the FIFA general secretariat on Allocation Statement TC-21092 corresponding to EPP 49219, dated 30 April 2025.

In this context, CD Nacional is invited to provide the CAS Court Office with the decisions mentioned in paragraph 1 of the Statement of Appeal and, should those decisions not be self-explanatory, proof that they were notified on 10 June 2025, within three (3) days of receipt of this letter by courier.

Please be advised that, in accordance with Article R48 para. 3 of the Code, if the above-mentioned requirements are not fulfilled within the time limit granted, the CAS Court Office shall not proceed.

Lastly, in view of the above and for the sake of procedural order, please note that the time limit for CD Nacional to submit its Appeal Brief is hereby suspended as of today and until further notice.”

26. On 9 July 2025, Nacional filed its Appeal Brief in accordance with Article R51 CAS Code and provided “*the email received from the Portuguese Football Federation dated 11 June 2025 (and not 10 June 2025 as erroneously stated in the Statement of Appeal).*”
27. On 10 July 2025, the CAS Court Office initiated appeal arbitration proceedings under the reference *CAS 2025A/11556 Clube Desportivo Nacional Futebol SAD v. Fédération Internationale de Football Association, Club Africain and Fédération Tunisienne de Football.*
28. On 11 July 2025, FIFA informed the CAS Court Office that it agreed with the appointment of a Sole Arbitrator to be selected from the CAS Football List, and that it intended to request a bifurcation of the proceedings.
29. On 15 July 2025, Club Africain informed the CAS Court Office that it did not disagree with the appointment of a Sole Arbitrator, provided that the Sole Arbitrator be selected from the CAS Football List. The FTF did not file any position in relation to these matters.
30. On 31 July 2025, the CAS Court Office informed the Parties that the Deputy President of the CAS Appeals Arbitration Division had decided to refer the present case to a Sole Arbitrator.
31. On 8 August 2025, the CAS Court Office informed the Parties that the FTF had not submitted an Answer to the Appeal Brief nor any related communication until that date, and that pursuant to Article R55 CAS Code, the Sole Arbitrator, once appointed, could nevertheless proceed with the arbitration and render an award.
32. On 6 October 2025, FIFA filed a request for a bifurcation of the proceedings, requesting the Sole Arbitrator to issue a preliminary award in which the appeal be declared inadmissible due to the alleged late filing of the Statement of Appeal.
33. On 9 October 2025, the CAS Court Office informed the Parties that, pursuant to Article R54 CAS Code, and on behalf of the Deputy President of the CAS Appeals Arbitration Division, the Arbitral Tribunal appointed to hear the appeal was constituted as follows:

Sole Arbitrator: Mr Manfred Nan, Attorney-at-Law, Amsterdam, The Netherlands.
34. On 18 and 20 October 2025 respectively, Nacional and Club Africain filed their positions on FIFA’s request for a bifurcation of the proceedings. The FTF did not file any position.

35. On 29 October 2025, the CAS Court Office informed the Parties that the Sole Arbitrator had duly considered the Parties' respective submissions and decided to bifurcate the proceedings for the following reasons, to which no objections were raised by any of the Parties:

“The Sole Arbitrator observes that the issue of the admissibility of the appeal is distinct from the merits of the dispute, and that the Respondents have not yet addressed the latter. In these circumstances, the Sole Arbitrator considers it both appropriate and efficient to determine admissibility as a preliminary matter. The merits shall be examined, if necessary, only should the Sole Arbitrator find the appeal admissible.”

36. On 5 November 2025, the CAS Court Office invited Nacional to file its observations and position exclusively on the issue of admissibility within 14 days.
37. On 26 November 2025, the CAS Court Office informed the Parties that Nacional did not file any comments on the admissibility of the appeal within the set deadline.
38. On 1 and 2 December 2025 respectively, further to a letter from the CAS Court Office inviting the Parties to express their position in this respect, FIFA indicated that it did not consider it necessary for a hearing exclusively dedicated to the issue of admissibility to be held, whereas Nacional informed the CAS Court Office that it requested for a hearing to be held. Club Africain and the TFT did not file any position.
39. On 4 December 2025, the CAS Court Office informed the Parties that, considering the Parties' positions with respect to a hearing exclusively dedicated to the issue of admissibility and pursuant to Article R57 CAS Code, the Sole Arbitrator had decided to convene a hearing, which would be held by videoconference.
40. On 14, 15 and 22 January 2026 respectively, Club Africain, FIFA and Nacional returned duly signed copies of the Order of Procedure provided to them by the CAS Court Office on 13 January 2026. The TFT did not return a signed copy of the Order of Procedure even after being granted an additional opportunity to do so until 28 January 2026.
41. On 10 February 2026, a hearing was held by videoconference. At the outset of the hearing, the Parties confirmed that they had no objection to the constitution and composition of the Panel. The TFT did not attend the hearing.
42. In addition to the Sole Arbitrator, and Ms Shanaize Yahiaoui, CAS Counsel, the following persons attended the hearing:
- a) For Nacional:
 - 1) Mr João Paolo Marques, In-house Counsel.
 - b) For FIFA:
 - 1) Mr Miguel Liétard Fernández-Palacios, FIFA Director of Litigation.

c) For Club Africain:

- 1) Mr Loizos Hadjidemetriou, Counsel.
- 2) Mr Emili Tsagkaridi, Counsel.

d) For TFT: no attendance.

43. No witnesses or experts were heard.
44. The Parties were given full opportunity to present their cases, submit their arguments and answer the questions posed by the Sole Arbitrator.
45. Before the hearing was concluded, the Parties expressly stated that they had no objection to the procedure adopted by the Sole Arbitrator and that their right to be heard had been respected.

IV. THE PARTIES' SUBMISSIONS ON THE BIFURCATED ISSUE AND REQUESTS FOR RELIEF

46. The Sole Arbitrator confirms that he carefully read and considered in his decision all the submissions, evidence, and arguments presented by the Parties, even if they have not been specifically summarised or referred to in the present arbitral award.
47. Since the Sole Arbitrator only adjudicates and decides in the present award on the bifurcated issue, more specifically the admissibility of the appeal, Nacional's submissions on the substance of the dispute are not relevant for present purposes.
48. Since the Respondents object to the admissibility of the appeal and Nacional defends itself against such objection, the Sole Arbitrator will not summarise the Parties' positions on the merits of the case but will limit the summaries to the issue of admissibility.

A. The Appellant

49. Nacional submits that its appeal is admissible and its written submissions regarding the admissibility of the appeal, in essence, may be summarised as follows:
 - On 11 June 2025, Nacional received the relevant correspondence with the Appealed Decisions from the FPF, which is the date on which the email entered Nacional's sphere of control.
 - It is well established in arbitral and judicial practice that a decision is deemed to have been received – or notified – when it enters the sphere of control of the recipient.
 - The recipient's mailbox belongs to its sphere of control, provided it has indicated that it may be reached through that email address. Accordingly, the relevant date of receipt is 11 June 2025.

- This clarification confirms that all procedural steps undertaken by Nacional were timely and within the applicable deadlines.

50. Nacional submits the following prayers for relief in its Appeal Brief:

- “A. Declare that the decisions of the FIFA General Secretariat dated 30 April 2025, rendered in Electronic Player Passport no. 49219 and Allocation Statement TC-21092, are factually and legally erroneous, and consequently to:*
- B. Annul the said decisions in their entirety, or alternatively, partially set them aside in respect of the calculation and attribution of training compensation;*
- C. Declare that the Player, Chiheb Labidi, was already a professional player as of 14 January 2019, and that accordingly no training compensation is due to Club Africain;*
- D. Alternatively, declare that training compensation is not due in relation to the 2019/2020 and 2020/2021 seasons due to the suspension of effective training and competition, or apply a proportional reduction in the amount attributed for those seasons;*
- E. In the further alternative, declare that the Player’s training was completed before the end of the 2020/2021 season, and therefore no compensation is due for any subsequent period;*
- F. Order the Respondents to bear the costs of the arbitration in full, and to reimburse the Appellant the amount paid as the CAS Court Office Fee;*
- G. Order the Respondents to contribute to the Appellant’s legal costs and expenses incurred in connection with the present proceedings;*
- H. Grant any other or further relief that the Panel may deem appropriate in light of the facts and law.”*

B. The First Respondent

51. FIFA submits that the appeal is inadmissible. Its written submissions on this issue, in essence, may be summarised as follows:

- FIFA’s objection to the admissibility of the appeal is based on its belated filing.
- Pursuant to Article 50(1) FIFA Statutes, the appeal should have been lodged with CAS within 21 days of receipt of the Appealed Decisions. The Appealed Decisions were notified to Nacional through TMS on 30 April 2025, and in addition to this, on the same day all three official TMS managers of Nacional were sent an informative e-mail advising them that a message concerning the EPP was available to them in TMS. As such, the *dies a quo* for the calculation

of the time limit to appeal to CAS is 30 April 2025, which is the date the Appealed Decisions entered the sphere of control of Nacional, and the time limit for the appeal therefore expired on 21 May 2025. Because the appeal was filed on 30 June 2025, it is manifestly late and therefore inadmissible.

- The fact that the FPF sent the Appealed Decisions in a separate e-mail to Nacional on 10 or 11 June 2025, as submitted by Nacional (i) does not constitute the formal notification of the Appealed Decisions to Nacional; and (ii) is not proof that those documents had not been available to Nacional before.
- Nacional's official TMS users failed to log into TMS between 15 April 2025 and 9 July 2025 and as such did not access the Appealed Decisions, which is only due to its own fault, as it obviously failed to comply with its regulatory duty to log into TMS every day as per Article 21.1 FIFA Clearing House Regulations (the "FCHR") read in conjunction with Article 10(3) Procedural Rules governing the Football Tribunal (the "FIFA Procedural Rules"). Therefore, Nacional is responsible for the procedural disadvantages that have clearly arisen in this matter.
- In sum, because the Appealed Decisions were notified to Nacional on 30 April 2025 via TMS, which was acknowledged by Nacional in its Appeal Brief, the appeal filed on 30 June 2025 is manifestly late and shall be declared inadmissible.

52. On this basis, FIFA submits the following prayers for relief in its submission on the bifurcated issue:

"a) Declaring the Appeal inadmissible; and

b) Ordering the Appellant to bear the full costs of these arbitration proceedings."

B. The Second Respondent

53. Club Africain submits that the appeal is inadmissible and its submissions on this issue, in essence, may be summarised as follows:

- Nacional argued in its Statement of Appeal that the Appealed Decisions were notified to it on 10 June 2025 via TMS and in its Appeal Brief Nacional contradicted this assertion by explicitly and unequivocally admitting that the Appealed Decisions were notified to it on the same day they were generated, i.e., on 30 April 2025. However, in its subsequent correspondence, Nacional changed the narrative by asserting that it was notified of the Appealed Decisions on 11 June 2025, through an email received by the FPF. These inconsistencies raise serious doubts as to the credibility of Nacional's claims regarding the date of notification of the Appealed Decisions.
- It is evident that Nacional was notified of the Appealed Decisions on 30 April 2025 via TMS, at which point they entered Nacional's sphere of control.

- Furthermore, on 1 May 2025, FIFA sent all three of Nacional's designated TMS managers an e-mail notification to their official e-mail addresses registered in TMS, informing them of the availability of the Appealed Decisions within the TMS portal. Therefore, also this date can be calculated as an additional date on which it can be guaranteed that the Appealed Decisions had entered Nacional's sphere of control.
- Nacional's assertions that it was only notified of the Appealed Decisions on 10 June 2025, or on 11 June 2025 are immaterial, unsubstantiated and contrary to the evidence on record. This is primarily because the e-mail addresses to which Nacional claims to have received the Appealed Decisions on those dates are the very same addresses that were officially registered in TMS and used by FIFA for the earlier notification of 1 May 2025. It follows that, had Nacional been able to have been notified on 10 June 2025 or 11 June 2025, it is without a doubt that these e-mails were in use and the e-mails in TMS were up to date.
- Hence, it must be deemed that FIFA's notification of 1 May 2025 had entered Nacional's sphere of control and, hence, it is deemed to have been notified of the Appealed Decisions.
- In light of the above, there can be no doubt that Nacional's appeal was filed outside the 21-day deadline provided for in the Appealed Decisions. Consequently, the appeal is clearly inadmissible and must be rejected in its entirety.

54. On this basis, Club Africain submits the following prayers for relief in its submission on the bifurcated issue:

- "A. Accept the admissibility of Respondent 1's application for the bifurcation of the proceedings.*
- B. Reject the present appeal in its entirety as inadmissible.*
- C. Uphold the appealed decisions in their entirety.*
- D. Suspend Respondent 2's R55 Answer deadline until the present application is decided.*
- E. Order the Appellant to pay all the procedural costs and any other expenses arising out of the present proceedings*
- F. Order the Appellant to pay contribution towards Respondent 2's legal fees.*
- G. In the alternative, should CAS reject bifurcation, set a new deadline for the filing of the Second Respondent's Answer."*

C. The Third Respondent

55. The FTF did not file any submission on the inadmissibility of the appeal or any related communications.

D. The Appellant

56. During the hearing, Nacional, *inter alia*, submitted the following additional arguments:

- Nacional does not dispute that the appeal deadlines are strict, non-extendable and preclusive, Nacional does not object to the bifurcation of the proceedings and Nacional accepts that the FIFA Clearing House communicates via TMS.
- The only issue is the following: on which date did a clearly recognisable formal appealable decision enter Nacional's sphere of control, to trigger the 21-day time limit.
- The first element to discuss is the difference between a decision and a notification. The vital point is that what entered the recipient's sphere of control was the decision itself in a form that could be identified as such. So, CAS does not reduce notification to a purely mechanical file available somewhere in a digital system. Nacional refers to CAS 2004/A/574 and CAS 2019/A/6253. On 30 April 2025, Nacional was not clearly notified in a recognisable manner that a final and appealable decision had been effectively rendered. FIFA failed to present a single clear communication to Nacional before June 2025 stating that a final decision has been rendered in this case and that a CAS deadline was effectively running.
- The second element is the distinction between the FIFA Clearing House context and some objective ambiguity. FIFA Clearing House matters are essentially administrative and multistage, involving several steps, and all these different steps generate documents and events in the same TMS environment. Many of these elements are provisional, technical and proprietary. They do not present themselves as final and appealable decisions. Nacional refers to the email of the FPF dated 11 June 2025, which clearly illustrates this complexity. Furthermore, this email acknowledges that Nacional had encountered serious difficulties with its FIFA Clearing House onboarding and had not been able to validate several allocation statements including this one, despite contacting the FIFA Help Desk without any apparent success. This email exchange shows that i) even the FPF had to explain Nacional how and where these documents were supposedly notified; and ii) these were clearly items which belong to an ongoing administrative workflow clearly not presented as a final decision with an appeal clock already running. This objective ambiguity is important and cannot automatically trigger strict procedural consequences such as the one we discuss today (see CAS 2019/A/6253). In a system such as TMS which is by its nature designed and structured as a multistep administrative database, additional clarity is not only required but mandatory for appeal deadlines and objectively ambiguity.
- The third element is the issue of the difference between the availability of these documents in TMS and the notification itself. Although Nacional does not dispute that actual reading of a document is required, the concept of sphere of control must be applied to the decision itself not to a digital system as the

multistep platform TMS. The decision itself must be a document that can objectively be identified as a legal act adopted by FIFA, and not a random file that may exist in a digital platform such as TMS. If every technical upload, every status change that occurs inside TMS triggers a deadline to appeal, clubs would be forced to file protective appeals continuously. This would violate the requirement of a reasonable notification in accordance with CAS jurisprudence and Swiss law.

- The fourth element is the applicability of the FIFA Procedural Rules and the monitoring duty that is imposed on clubs. The FIFA Procedural Rules impose a duty on clubs to monitor TMS. That duty governs clubs' behaviour within FIFA's own administrative proceedings. What it does not do is redefine what constitutes proper notification. The panel in CAS 2022/A/8598 re-affirmed that CAS appeal deadlines are strictly applied and that this strictness presupposes proper notification of a decision in a way that allows the addressee (Nacional) to effectively exercise its right to appeal. Internal monitoring duties cannot replace that requirement or surreptitiously transform hidden or even ambiguous database availability into formal notification of an appealable decision. In other words, the duty to monitor TMS ensures that a club does not ignore a clearly labelled decision, it does not oblige and it does not impose the duty on clubs to guess which of many technical outputs is the appealable decision and obviously it does not relieve FIFA of its burden to operate a notification system that clearly distinguishes final decisions from provisional or even purely administrative items.
- Therefore, the appeal deadline started on 11 June 2025, which means that the appeal filed on 30 June 2025 is timely and as such admissible.

E. The First Respondent

57. During the hearing, FIFA submitted, *inter alia*, the following additional arguments:

- Nacional confirmed that the FIFA Clearing House communicates via TMS. In its Appeal Brief, Nacional acknowledged that the Appealed Decisions were notified via TMS on 30 April 2025, which means that it entered its sphere of control and was available to Nacional on 30 April 2025.
- Furthermore, on 30 April 2025, Nacional received informative emails regarding the Appealed Decision, which emails were sent to Nacional's official email addresses as registered in TMS. In fact, the FPF email dated 11 June 2025 was sent to Nacional's same official email addresses as registered in TMS.
- The onboarding on TMS is not an issue. Nacional already had TMS accounts, had already connected and been able to access TMS, notably to consult the relevant Player's Passport in February, April and July 2025. The only process within the FIFA Clearing House proceedings that requires onboarding is in connection to the compliance assessment which is carried out by a completely different entity (Clearing House SAS in Paris) and outside of the TMS; it has no connection to TMS whatsoever and it is done through a separate portal;

once an EPP and the Allocation Statement have become final and binding, which is the case here as it has not been appealed in due course, then it is sent to the Clearing House SAS in Paris, which carries out the compliance assessment through its own portal; that is the portal that requires onboarding, not the TMS, which Nacional already used actively, but not frequently and not in compliance with its obligations.

- The content of the TMS notification on 30 April 2025 is very clear. The subject of the message is “*FIFA determination on this electronic player passport and related allocation statement(s)*”. Those are the Appealed Decisions in accordance with Article 10 FCHR. Furthermore, the EPP and the Allocation Statement are attached to the TMS message and as such available to Nacional in accordance with the FCHR.
- Pursuant to Article 10(3) FCHR, Nacional has the obligation to review TMS at least once per day for any communications from FIFA, which it failed to do as it only reviewed TMS in relation to the EPP in this matter on 5 February, 15 April and 9 July 2025. As such, there is no issue of technicalities, or not being able to access TMS, or onboarding; it was an issue at the very least of very apparent negligence of Nacional. Moreover, Nacional has not provided any evidence that it was having issues in connection with TMS; no copy of any email to the TMS Help Desk asking or commenting on specific technical issues or problems accessing TMS.
- The appeal was not filed within 21 days of notification of the Appealed Decisions and is therefore clearly late.

F. The Second Respondent

58. During the hearing, Club Africain submitted, *inter alia*, the following additional arguments:

- Club Africain supports all the submissions of FIFA and refers to its written submissions.
- The FPF does not have the authority to notify FIFA decisions. Notifications are done by FIFA via TMS.
- Even if Nacional was only notified of the Appealed Decisions by the FPF on 11 June 2025, the appeal is still inadmissible pursuant to Article 11(2) FIFA Procedural Rules which provides that if a decision is received by a national association on behalf of a member, then this notification is considered to have been received by the member 4 days after it has been received by the national association. The evidence on file confirms that the FPF received the Appealed Decisions on 30 April 2025 and therefore the appeal was filed late. Any other decision would set a dangerous precedent.

V. JURISDICTION

59. The jurisdiction of CAS, which is not disputed, derives from Article 50(1) FIFA Statutes (May 2024 edition), as it determines that “[a]ppeals against final decisions passed by FIFA’s legal bodies and against decisions passed by confederations, member associations or leagues shall be lodged with CAS within 21 days of receipt of the decision in question”, and Article R47 CAS Code, which 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.”*
60. The jurisdiction of CAS is not contested and is further confirmed by the Order of Procedure duly signed by Nacional, FIFA and Club Africain.
61. It follows that CAS has jurisdiction to adjudicate and decide on the present dispute.

VI. APPLICABLE LAW

62. Article R58 CAS Code provides as follows:

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

63. Article 49(2) FIFA Statutes provides the following:

“The provisions of the CAS Code of Sports-related Arbitration shall apply to the proceedings. CAS shall primarily apply the various regulations of FIFA and, additionally, Swiss law”.

64. Accordingly, the Sole Arbitrator concludes that the laws applicable to this appeal are the various FIFA regulations, in particular the FIFA Statutes (May 2024 edition), the FIFA Procedural Rules (January 2025 edition) and the FCHR (January 2025 edition). Additionally, Swiss law is applicable to the extent necessary.

VII. ADMISSIBILITY

65. This admissibility of the appeal centres around the question whether Nacional filed its Statement of Appeal within the applicable time limit.
66. Article R49 CAS Code provides that “[i]n the absence of a time limit set in the statutes or regulations of the federation [...] [t]he time limit for appeal shall be twenty-one days from receipt of the decision appealed against”.

67. Article 50(1) FIFA Statutes provides for a time limit to appeal of 21 days:

“Appeals against final decisions passed by FIFA and its bodies shall be lodged with CAS within 21 days of receipt of the decision in question.”

68. Consequently, the time limit for Nacional to lodge an appeal against the Appealed Decisions is 21 days as from receipt.

69. The 21-day deadline to appeal is not disputed, nor is the fact that Nacional filed its appeal with the CAS Court Office on 30 June 2025. The dispute centres around the question when the Appeal Decisions were first notified to Nacional, i.e., the moment the 21-day deadline commenced (the *dies a quo*).

70. Nacional submits that it was first notified of the Appealed Decisions by email from the FPF on 10 or 11 June 2025, which is according to Nacional the date the Appealed Decisions first entered its sphere of control. Therefore, Nacional argues that the deadline to appeal commenced on the day following receipt of the Appealed Decisions provided by the FPF, with the consequence that the appeal was timely filed on 30 June 2025.

71. FIFA and Club Africain submit that the Appealed Decisions were notified to Nacional through TMS on 30 April 2025, and in addition to this, on the same day (as submitted by FIFA) or in any event on 1 May 2025 (as submitted by Club Africain), all three official TMS managers of Nacional were sent an informative e-mail advising them that a message concerning the Appealed Decisions was available to them in TMS. As such, the *dies a quo* for the calculation of the time limit to appeal to CAS is 30 April 2025 (as submitted by FIFA) or 1 May 2025 (as submitted by Club Africain), which are the dates the Appealed Decisions first entered Nacional’s sphere of control. If this were the case, the time limit to appeal would have expired on 21 or 22 May 2025. Since the appeal was filed on 30 June 2025, it would be manifestly late and therefore inadmissible.

72. With respect to the arguments of FIFA and Club Africain, Nacional submits that i) it was not clearly notified by FIFA in a recognisable manner that final and appealable decisions had been rendered before 10 or 11 June 2025; ii) it was not clear in TMS which of the many documents accessible there comprised the Appealed Decisions; iii) the concept of sphere of control must be applied to the Appealed Decisions themselves and not to a digital system as the multistep platform TMS; and iv) the duty to monitor TMS does not impose a duty on clubs to guess which of many technical outputs is an appealable decision and obviously it does not relieve FIFA of its burden to operate a notification system that clearly distinguishes final decisions from provisional or even purely administrative items.

73. Accordingly, the Parties are in dispute on which date the Appealed Decisions first entered Nacional’s sphere of control. Was this on 30 April or 1 May 2025, as submitted by FIFA and Club Africain, or only on 10 or 11 June 2025, as argued by Nacional.

74. The Sole Arbitrator observes that it is not in dispute that the Appealed Decisions were notified to Nacional on 10 or 11 June 2025 by the FTF. Accordingly, the question to be answered with respect to the admissibility of the appeal is solely whether the Appealed

Decisions were already validly notified to Nacional on 30 April or 1 May 2025. If this were the case, any subsequent notification on 10 or 11 June 2025 would be irrelevant as Nacional's appeal would be filed outside of the 21-day deadline as from the first notification and the appeal would therefore have to be declared inadmissible.

75. The Sole Arbitrator first observes that Article 10 and 11 FIFA Procedural Rules provide as follows:

“Article 10 Communications

- 1. All communications shall be undertaken via the Legal Portal operated by FIFA (Legal Portal) or the Transfer Matching System (TMS).*
- 2. The specific procedural rules shall define which method of communication must be used for the procedure in question. Communications from FIFA to a party by any such method is considered a valid means of communication and sufficient to establish time limits and their observance.*
- 3. Parties must review TMS and the Legal Portal at least once per day for any communications from FIFA. Parties are responsible for any procedural disadvantages that may arise due to a failure to properly undertake such review. The contact details indicated in TMS are binding on the party that provided them.”*

“Article 11: Time limits

- 1. For a party that directly receives a communication, the time limit will commence the day after receipt of the relevant communication.”*

76. Further to this matter, the Sole Arbitrator observes that Articles 9(1), 10(5) and 21(1 and 2) FCHR provide as follows:

“Article 9: EPP REVIEW PROCESS

- 9.1 Upon completion of the inspection period and after assessment by the FIFA general secretariat as per article 8, the FIFA general secretariat will open an EPP review process in TMS [...]*

“Article 10: FIFA DETERMINATION:

[...]

- 10.5 The FIFA general secretariat will notify the final EPP and the Allocation Statement to all parties in the EPP review process.*

- a) This notification will include the decision of the Dispute Resolution Chamber and its grounds for cases covered under article 10 paragraph 3.*

- b) *This notification shall be considered a final decision by the FIFA general secretariat for the purposes of article 57 paragraph 1 of the FIFA Statutes and may be appealed to the Court of Arbitration for Sport (CAS).*
- c) *Failure to appeal by the time limit in the FIFA Statutes shall result in the EPP and the Allocation Statement becoming final and binding.*
- d) *A valid and timely appeal to CAS shall suspend the legal effects of an EPP and of the corresponding Allocation Statement for the duration of the respective proceedings before CAS.”*

“Article 21: References

21.1 Articles 10 and 11 of the Procedural Rules regarding communication and time limits shall apply to articles 9 and 10 of these Regulations.

21.2 The terms set out in the FIFA Statutes and the RSTP shall apply to these Regulations.”

- 77. According to Swiss legal doctrine and jurisprudence, a decision is considered to be notified when it enters into the so-called “*sphere of control*” of its addressee or of a representative, agent or other person authorized to receive it on the addressee’s behalf (see CAS 2019/A/6294 para. 77 of the abstract as published on the CAS website; MAVROMATI/REEB, *The Code of the Court of Arbitration for Sport*, 2025, Article R49 CAS Code para. 5; RIGOZZI/HASLER, in M. ARROYO (ed.), *Arbitration in Switzerland: The Practitioner’s Guide*, 2nd edition, Vol. 2, N9 p. 1600 ad Art. R49, citing ATF 118 II 42, as well as other authors).
- 78. The Sole Arbitrator agrees with the conclusions of other CAS panels which held that the relevant point in time for notification is when the person has the possibility to become acquainted with the content of a decision, regardless of whether it has actually done so (see CAS 2004/A/574, para 60; CAS 2019/A/6253; CAS 2020/A/7494, citing CAS 2006/A/1153; 2008/A/1548, para 17; CAS 2019/A/6294 para 77; CAS 2022/A/8598, para 122).
- 79. The Sole Arbitrator observes that Nacional does not object to communication with FIFA through TMS or the applicability and/or validity of the FIFA Procedural Rules or the FCHR. Communication by FIFA via TMS is imposed by Article 21 FCHR in conjunction with Article 10 FIFA Procedural Rules. Nacional does not object to any of the obligations imposed on it by these provisions and/or the consequences set forth therein.
- 80. It is not disputed by Nacional that the Appealed Decisions were accessible to it on TMS on 30 April 2025. In fact, the Sole Arbitrator notes that Nacional would not be able to confirm or deny this, given that it did not access TMS on 30 April 2025 or on 1 May

2025. In fact, FIFA's contention that Nacional did not access TMS between 15 April and 9 July 2025 remained uncontested by Nacional.

81. The Sole Arbitrator finds that this significantly undermines Nacional's case. Indeed, Nacional's argument that the Appealed Decisions were not clearly identified in TMS as appealable decisions becomes irrelevant, given that, regardless of whether they had been clearly labelled or not, Nacional would not have known, as it did not access TMS. In any event, Nacional did not provide any evidence, by means of, for example, print screens or otherwise, of why the listing of the Appealed Decisions in TMS was confusing.
82. Crucially, FIFA evidenced that the Appealed Decisions were made available on TMS on 30 April 2025 at 17:21 (Swiss time). There is no reason to doubt that these documents were accessible to Nacional via TMS, not least because FIFA provided evidence that Nacional accessed TMS on 5 February 2025, on 15 April 2025 and on 9 July 2025. In view of Nacional's duty to review TMS at least once per day as set forth in Article 10(3) FIFA Procedural Rules, the Sole Arbitrator finds that the Appealed Decisions were validly notified to Nacional on 30 April 2025, which is already sufficient to declare the appeal inadmissible.
83. As set forth in Article 10(3) FIFA Procedural Rules, Nacional is responsible for any procedural disadvantage that arises from its failure to review TMS between 15 April and 9 July 2025.
84. What is more, the Sole Arbitrator observes that FIFA went beyond what was strictly required of it under the FIFA Procedural Rules in drawing Nacional's attention to the EPP (one of the two Appealed Decisions), as FIFA sent informative emails to the three email addresses of Nacional registered in TMS. Pursuant to Article 10(3) FIFA Procedural Rules, the contact details indicated in TMS are binding. Neither the FIFA Procedural Rules, nor the FCHR required FIFA to do so, but the Sole Arbitrator considers it relevant in the sense that also this additional service did not incentivise Nacional to comply with its duty to review TMS on 30 April or 1 May 2025.
85. Finally, as argued by FIFA, Nacional's problems during the onboarding process with the FIFA Clearing House are irrelevant for the question of whether Nacional was validly notified of the Appealed Decisions on 30 April 2025. It is undisputed that Nacional had access to TMS so that it could have taken note of the Appealed Decisions as from 30 April 2025, had it complied with its regulatory duty to review TMS at least once per day.
86. As such, the Sole Arbitrator is comfortably satisfied that Nacional was validly notified of the Appealed Decisions via TMS in accordance with the applicable regulations on 30 April 2025, rendering the additional notification of the Appealed Decisions via the FPF on 10 or 11 June 2025 irrelevant.
87. Consequently, the *dies a quo*, according to Article R32 CAS Code and Article 11(1) FIFA Procedural Rules, the day following receipt of the Appealed Decision, is 1 May 2025. Considering the 21-day deadline pursuant to Article 50(1) FIFA Statutes, the *dies ad quem* was Wednesday 21 May 2025.

88. The Sole Arbitrator notes that Nacional filed its Statement of Appeal on 30 June 2025, while the *dies ad quem* was 21 May 2025. Accordingly, the deadline for appeal was missed by 40 days, as a consequence of which the appeal is to be declared inadmissible.
89. For the avoidance of doubt, even though the present appeal arbitration proceedings were bifurcated with respect to the admissibility of the appeal, given that the appeal is declared inadmissible, this is a final award. The merits of the case are not examined and the present appeal arbitration proceedings are hereby terminated.

VIII. COSTS

(...)

* * * *

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed on 30 June 2025 by *Clube Desportivo Nacional Futebol SAD* against the Electronic Players' Passport 49219 and the Allocation Statement TC-21092 issued on 30 April 2025 by the General Secretariat of the *Fédération Internationale de Football Association* is inadmissible.
2. (...).
3. (...).
4. (...).

Seat of arbitration: Lausanne, Switzerland
Date: 5 August 2026

THE COURT OF ARBITRATION FOR SPORT

Manfred Nan
Sole Arbitrator