



Tribunal Arbitral du Sport
Court of Arbitration for Sport

CAS 2020/A/7353 Eldar Elxan Oglu Taghizada v FIFA & RFEF
CAS 2020/A/7354 Clermont Foot 63 SASP v FIFA & RFEF

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Mr João Nogueira da Rocha, Attorney-at-Law in Lisbon, Portugal

Arbitrators: Mr Benoît Pasquier, Attorney-at-Law in Zurich, Switzerland

Mr Alexis Schoeb, Attorney-at-Law in Geneva, Switzerland

in the arbitration between

1/ Eldar Elxan Oglu Taghizada, Azerbaijan

2/ Clermont Foot 63 SASP, France

Represented by Mr Luca Tettamanti and Mr Alberto Roige Godia, Attorneys-at-Law, ELITE
LAW SA, Lugano, Switzerland

Appellants

and

Fédération Internationale de Football Association (FIFA), Zurich, Switzerland

Represented by Mr Jaime Cambreleng Contreras, FIFA's Head of Litigation

First Respondent

Real Federación Española de Fútbol (RFEF), Madrid, Spain

Represented by Ms Leticia de Bergia Sada, RFEF's Legal Counsel

Second Respondent

I. PARTIES

1. Eldar Elxan Oglu Taghizada (the “Player” or the “First Appellant”) is an Azerbaijani professional minor football player currently employed by the club Clermont Foot 63 SASP.
2. Clermont Foot 63 SASP (the “Club” or the “Second Appellant”) is a French football club based in Clermont-Ferrand, France and a member of the French Football Federation (the “FFF”).
3. The Fédération Internationale de Football Association (“FIFA”) is the international governing body of football. FIFA has its seat in Zurich (Switzerland) and enjoys legal personality under Swiss law.
4. The Real Federación Española de Fútbol (RFEF) is the governing body of football in Spain and is a member association of FIFA.

II. FACTUAL BACKGROUND

5. Below is a summary of the main relevant facts and allegations based on the Parties’ oral and written submissions on the file and relevant documentation produced in these appeals. Additional facts and allegations may be set out, where relevant, in connection with the further legal discussion. While the Panel has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, it refers in this award only to the submissions and evidence it considers necessary to explain its reasoning.
6. The Player, born on 30 May 2003, was registered at the Association of Football Federations of Azerbaijan (the “AFFA”) for the club Neftci PFK from 1 August 2012 until 30 June 2016.
7. During the year of 2016 the Player moved to Barcelona, Spain, where he obtained a Student Visa on 11.12.2016.
8. On 6 October 2017, the Catalan Football Federation (the “FCF”) issued, in respect of the Player, the federative licence type “C” for the category “Cadet – 2nd Division”.
9. On 23 September 2018, the FCF issued, in respect of the Player, the federative license type “C” for the category “Cadet – 1st Division”.
10. On 4 October 2019, the FCF issued, in respect of the Player, the federative license type “J” for the category “Juvenil – 1st Division”.
11. The above referred licenses allowed the First Appellant to play several matches for the club Neurofútbol in the competitions organized by the FCF during three sporting seasons.

12. Since July 2017, the First Appellant has played for the Azerbaijani U-17 representative team in friendly and official matches such as the UEFA U-17 European Championship.
13. On 1 January 2020, the Player signed a “*Contract de Joueur Aspirant*”, an “*Avenant au Contrat Aspirant*” and a “*Convention de Formation*” with the Second Appellant.
14. On 9 January 2020, the FFF submitted through the FIFA Transfer Matching System (the “TMS”), a request for the approval of the FIFA’s Players Status Sub-Committee prior to the international transfer of the Player from a club affiliated to the RFEF in order to register him as a professional for its affiliated Club.
15. The FFF based the request on the exception outlined in Article 19, para. 2 (b) of the Regulations on the Status and Transfer of Players (the “RSTP”): “*The transfer takes place within the territory of the European Union (EU) or the European Economic Area (EEA) and the player is aged between 16 and 18*”.
16. On 13 January 2020, the RFEF disputed the application and indicated that the Player did not appear in its database.
17. On 20 January 2020, FIFA requested additional information from the RFEF.
18. On 4 February 2020, the RFEF uploaded a letter in TMS informing that, after investigating the matter, it found out that the Player had been registered at regional level by the FCF.
19. On 12 February 2020, FIFA requested the FFF to file its comments concerning the information received from the RFEF.
20. On 23 February 2020, in view of the absence of reply from the FFF, the application was cancelled by FIFA.
21. On 23 March 2020, the FFF submitted a new minor application through TMS on behalf of the Club once again based on the above referred exception.
22. On 25 March 2020, the RFEF once again disputed such application.
23. On 3 April 2020, FIFA informed the FFF about the outcome of the disciplinary proceedings that in view of the existing dispute between the FFF and the RFEF concerning the registration of the Player, the issue would be submitted to the TMS’s Integrity and Compliance Department and to the FIFA Disciplinary Committee.
24. On 2 July 2020, FIFA informed the FFF about the outcome of the disciplinary proceedings that has been carried out against the RFEF and provided a 6-day time limit to the former to submit any comments. The FFF did not provide any comments within the deadline.
25. On 10 July 2020, the FIFA’s Players Status Sub-Committee passed the Appealed Decision.

III. GROUNDS OF THE APPEALED DECISION

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

“La demande faite par la Fédération Française de Football (Référence TMS G-0001987), au nom de son club affilié, Clermont Foot, pour l’approbation préalable à la demande de Certificat International de Transfert du joueur mineur Eldar Elxan Oglu TAGHIZADA (Azerbaïdjan), est NON RECEVABLE.” (sic)

In English (free translation):

The request made by the French Football Federation (Reference TMS G-0001987), on behalf of its affiliated club, Clermont Foot, for prior approval of the application for the International Transfer Certificate for the minor player Eldar Elxan Oglu TAGHIZADA (Azerbaijan), is INADMISSIBLE.

27. The grounds of the Appealed Decision can be summarized as follows:

- Firstly, the Single Judge confirmed that the Player was born on 30 May 2003 and that he is therefore minor. In this regard, the Single Judge pointed out that under Art. 19. par. 1 of the RSTP, the international transfer of a player is only allowed if the player is at least 18 years old.
- In addition, the Single Judge considered it useful to recall that there are certain exceptions, such as provided for in art. 19. par. 2 of the RSTP and the so-called 5-year rule (cf. art. 19. paragraphs 3 and 4 of the RSTP), which are considered to be exhaustive.
- In this regard and taking into account the request formulated by the FFF, the Single Judge underlined that the case in question concerned the exemption provided for in art. 19. par. 2 lit. b) of the RSTP, according to which a minor player can be transferred internationally, if such transfer takes place within the European Union (EU) or the European Economic Area (EEA), subject to that the club meets the conditions set out in art. 19. par. 2, lit. b) i., ii. and iii. of the RSTP.
- In this context, the Single Judge recalled that the protection of minors is one of the fundamentals principles of the RSTJ and that only a strict and compliant application of its provisions can guarantee the safeguard of this principle.
- The Single Judge then recalled that the Player was born on 30 May 2003 and that the FFF submitted its request in the TMS on 23 March 2020, concluding that the player was 16 years old at the time of the submission therefore satisfying the criteria of the Player's age.
- The Single Judge took due note of the fact that the FFF submitted its request in relation to an international transfer of the Player between clubs affiliated to the RFEF (Spain) and the FFF (France).

- Nevertheless, the Single Judge noticed that the RFEF contested the request for approval submitted by the FFF on the grounds that the Player is not registered in Spain.
- In addition, the Single Judge noticed that the FFF and its affiliated club have stated, *inter alia*, that the Player “*a été régulièrement licencié pendant trois saisons auprès d’un club espagnol directement enregistré auprès de la FCF et donc indirectement auprès de la RFEF*” et que, de ce fait, il s’agirait “*bien d’un transfert international et non d’un premier enregistrement*”.

In English (free translation):

The Player “has been regularly licensed for three seasons with a Spanish club directly registered with the FCF and therefore indirectly with the RFEF” and that, as a result, this would be “an international transfer and not a first registration”.

- In the light of these elements, the Single Judge however observed that, on 15 June 2020, the FIFA Disciplinary Committee has issued a decision confirming that the Player has not been registered in Spain in accordance with the relevant provisions of the RSTP and that any registration of the Player in a country other than Azerbaijan (the Player's home country where it was registered in the past) had to be carried out in strict compliance with the RSTP resulting either in a first registration of the Player, or in an international transfer from the Azerbaijani federation.
- The Single Judge also took note of the fact that, according to the decision in question, in the event the Player wished to remain in Spain, his situation should be regularized.
- Therefore, the Single Judge considered that it had no choice but to conclude that the Player is not registered with the RFEF and therefore cannot be the subject of a request for approval prior to his international transfer from Spain (RFEF) to France (FFF).
- Taking into consideration that the request for approval presents erroneous information about the former Player's association, the Single Judge considered that this request could not, as it stood, be admissible.

IV. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

28. On 21 August 2020, the Appellants filed their respective statement of appeals with the Court of Arbitration for Sport (the “CAS”) against FIFA and RFEF with respect to the Appealed Decision, in accordance with Articles R47 and R48 of the Code of Sports-related Arbitration (the “CAS Code”), requesting that the present case be submitted to a panel of three members and appointing Mr Benoît Pasquier, attorney-at-law in Zurich, Switzerland as arbitrator.
29. The Appellants chose English as the language of the present arbitration proceedings, requesting to be authorized to produce evidences in any of the CAS’ working languages.

30. On 3 September 2020, the Respondents informed the CAS Court Office that they have agreed to nominate Mr Alexis Schoeb, attorney-at-law in Geneva, Switzerland as arbitrator in these proceedings.
31. On 22 September 2020, the Appellants filed their Appeal Brief in accordance with Article R51 of the CAS Code.
32. On 13 October 2020, the CAS Court Office informed the parties of the appointment of Mr João Nogueira da Rocha as President of the Panel. Therefore, the Panel appointed to decide this case was constituted as follows:

President: Mr João Nogueira da Rocha, Attorney-at-law in Lisbon, Portugal

Arbitrators: Mr Benoît Pasquier, Attorney-at-law in Zurich, Switzerland

Mr Alexis Schoeb, Attorney-at-law in Geneva, Switzerland
33. On 14 October 2020, after having consulted the Parties, the CAS Court Office informed them that a hearing would take place in the present procedure on 10 November 2020, by video-conference.
34. On 4 November 2020, the Respondents filed their respective Answers, pursuant to Article R55 of the Code.
35. On 5 November 2020, the CAS Court Office forwarded to the Parties a copy of the Order of Procedure which was returned in duly signed copies by the Parties on the same day.
36. On 10 November 2020, a hearing took place by video-conference.
37. At the hearing, besides the Panel and Mr Antonio de Quesada, Head of Arbitration to the CAS, the following persons were present:

For the Appellants: Mr Luca Tettamanti, Counsel, Mr Alberto Roige Godia, Counsel, Mr Elkan Abdulla Oglu Taghizada, witness, Mr Jérôme Champagne, witness and Mr Florian Serre, witness.

For the First Respondent: Mr Jaime Cambreleng Contreras, FIFA's Head of Litigation.

For the Second Respondent: Ms Leticia de Bergia Sada, RFEF's Legal Counsel.
38. At the outset of the hearing, the Parties confirmed that they had no objections in respect to the formation of the Panel and that the Panel has jurisdiction over the present dispute. In their opening statements, the Parties reiterated the arguments already put forward in their respective written submissions.
39. Before the hearing was concluded, the Parties expressly stated that they did not have any objection with the procedure adopted by the Panel and that their rights to be heard and to be treated equally had been duly respected.

V. SUBMISSIONS OF THE PARTIES

40. The following outline is a summary of the Parties' arguments and submissions which the Panel considers relevant to decide the present dispute and does not necessarily comprise each and every contention put forward by the Parties. The Panel has nonetheless carefully considered all the submissions made by the Parties, even if no explicit reference has been made in the following summary. The Parties' written and oral submissions, documentary evidence and the content of the Appealed Decision were all taken into consideration.

A. The Appellants' Submission and Request for Relief

41. The Appellants' submission in their statement of appeals and appeal brief may be summarized as follows:

I. The RFEF's standing to be sued

42. According to the CAS jurisprudence and Swiss law, a party has standing to be sued (*légitimation passive*) and may thus be summoned before the CAS if it has some stake in the dispute because something is sought against it.

43. Under article 5 par. 1 of RSTP's Annexe 2 it is the association of the registering club (FFF in case) to act within the TMS for the application of a minor player's international transfer. In turn, according to the following article 6 par. 2, the "*former association*" (RFEF in that case) takes part to the procedure and "*may also submit documents it deems relevant through TMS*".

44. The Appellants consider that this is what happened in this matter with the RFEF submitting its position twice, first on 13 January 2020 and then on 3 February 2020 forwarding as well the position of the FCF as part of its answer.

45. The Appellants believe that such submissions by the RFEF are at the core of this dispute as they created the reasons used by FIFA to declare the Second Application as *inadmissible*.

46. In the view of the Appellants, it must be concluded that national associations are not neutral entities. They are representatives of their affiliated clubs/players and also autonomous parties under RSTP's article 19 and Annexes 2 & 3, as they undertake specific obligations towards FIFA and are also subject to sanctions in case of non-compliance with their obligations.

47. The Appellants thus conclude that it is clear that the RFEF was and still is a *party* and has some *stake in the dispute*, mainly because the appeal would affect the RFEF insofar the Player has been playing federatively under the auspices of the FCF, one of its autonomous associations, and therefore authorized by the RFEF.

II. The Challenged Decision is wrong and must be annulled and replaced

II.A. There was no need for the Player to be registered with the RFEF for his transfer to take place

48. In the present matter, FIFA considered that the Second Application filed by the Appellants via the FFF for the approval of the Player's international transfer was inadmissible.
49. According to FIFA, the Player had not been nor was registered with the RFEF and therefore did not supposedly complied with a "precondition" for his transfer to occur.
50. At the outset, the Appellants contend that the provision of article 19. Par. 2, lit. b) does not refer to any previous registration for a national association as a "precondition" for the minor's transfer to take place. The literal interpretation of such provision would thus be in the Appellants' favour.
51. Indeed, the Appellants consider that such provision merely requires that the "transfer" takes place within the EU territory, which is what is happening between Spain and France in this case.
52. FCF is a regional association authorized by the RFEF and part of the Spanish organised football.
53. From the context of the RSTP, and particularly by the lack of any specification therein, the Appellants argue that it can be derived that an association holding the Player's registration can be the one member of FIFA (RFEF) or one within its own pyramid (FCF), being this a consequence of the internal structure and delegations within the Spanish football.
54. Consequently, the Appellants contends that "*it can be deemed – as it was in this case - the regional association the "former association" passing the Player's registration to the new club CF63 at the new association FFF*".
55. Faced with a case where it is undisputed that the Player was federatively registered at Neurofutból, a club affiliated to the FCF, and now seeks to be registered at CF63 affiliated with the FFF, the Appellants conclude that the transfer is undisputedly taking place between associations within the EU, even if the former association is just the FCF and not the RFEF.

II.B. The Player was de facto and indirectly registered with the RFEF

56. According to the Appellants, the legal relationship between the RFEF and the FCF supports this argument.
57. According to the RFEF Statutes, "*The Regional Federations, which are members of the RFEF, shall represent the latter in their respective autonomous communities.*" and

“They shall also report to the RFEF on the registrations and deregistration of their member clubs, players, referees and coaches.”

58. The Panel in CAS 2014/A/3793 FC Barcelona v FIFA stated that the “[FCF] is the regional football association of Cataluña (one of the 17 autonomous communities composing the sovereign state of Spain), it is affiliated to the RFEF and thus performs its activities and carries out its competences under the powers conveyed to such regional federation by the relevant Spanish legislation and the statutes and regulations of the RFEF”.
59. It is established and proven that FCF issued in favour of Neurofutbol three subsequent federative licenses for the seasons 2017/2018, 2018/2019 and 2019/2020 to authorize the Player playing organised football.
60. The Appellants thus consider that the Player always complied with the FIFA requirements to be considered a *registered player* under FIFA regulations.
61. The Appellants add that the FCF complied with its duties by accepting the Player’s registration for Neurofútbol, without RFEF raising any anomaly for three football seasons.
62. Whether just a formal paper apparently lacked in the *internal* relationship between the FCF and the RFEF to *formally* certify the reality, the Appellant considers that this is for the Player something external to his sphere of control and thus a *res inter alios acta* which cannot influence now his entire career.
63. The Appellants consider that the sanction issued by the FIFA Disciplinary Committee against the RFEF for the Player’s lack of *formal* registration also confirms the above, because it is evident that the Player, contrary to the RFEF, was not sanctioned and this is a sign of his full consistent compliance with the FIFA regulations.
64. Provided that the Player was enrolled in *organised football* in Spain with Neurofutbol, AFFA has been able to contact and call him to play with its U17 and U19 national team to play in several occasions, between 4 October 2018 and 23 September 2019.
65. According to the Appellants, this is a further proof that even FIFA, at least implicitly, accepted that the Player was legitimately competing in organised football being an affiliated member of the national association of his current club (Neurofutbol – RFEF).
66. In accordance with the FIFA Disciplinary Committee Decision, upon which the Single Judge based the Challenged Decision considered the RFEF having indeed registered the Player with its association, (FIFA Disciplinary Committee Decision, §II.B. lit a.26 and lit c.41, pages 6 and 7 – emphasis added):

“26. Alcanzados este punto, la Comisión estima oportuno resaltar que, aunque la RFEF ha declarado no haber registrado al Jugador, la misma ha confirmado que fue la FCF quien efectuó dicho registro. En este sentido, dado que la FCF es una federación regional subordinada a la RFEF, aunque la RFEF no hubiera

registrado al Jugador directamente, la Comisión considera que la RFEF habría ratificado efectivamente su registro en la FCF y, en consecuencia, en la RFEF (CAS 2014/A/3813 Real Federación Española de Fútbol (RFEF) v. FIFA, párr. 276). (...)

41. En primer lugar, la Comisión desea aclarar que, aunque no fuese la RFEF quien directamente inscribió al Jugador, este último fue inscrito en el Club por la FCF, una federación territorial afiliada a la RFEF, y participó en competiciones oficiales organizadas por la FCF y, por tanto, autorizadas por la RFEF. Por consiguiente, la Comisión considera que, bajo estas circunstancias, el registro del Jugador en la RFEF se produjo de facto”

In English (free translation):

"26. Having reached this point, the Committee considers it appropriate to highlight that, although the RFEF has declared that it had not registered the Player, it has confirmed that it was the FCF that carried out said registration. In this sense, given that the FCF is a regional federation subordinate to the RFEF, although the RFEF had not registered the Player directly, the Committee considers that the RFEF would have effectively ratified his registration with the FCF and, consequently, with the RFEF (CAS 2014 / A / 3813 Royal Spanish Soccer Federation (RFEF) v. FIFA, para. 276). (...)

41. First of all, the Committee wishes to clarify that, although it was not the RFEF who directly registered the Player, the latter was registered with the Club by the FCF, a territorial federation affiliated to the RFEF, and participated in official competitions organized by the FCF and, therefore, authorized by the RFEF. Therefore, the Committee considers that, under these circumstances, the Player's registration with the RFEF took place de facto "

67. In view of the above and provided that (i) the FCF is subordinated and affiliated to the RFEF and (ii) the Player participated in *official* competitions organised by the FCF and authorized by the RFEF, i.e. in *organised football*, the FIFA Disciplinary Committee considered that the RFEF effectively ratified the Player's registration. The FIFA Disciplinary Committee concluded that the Player's registration with the FCF is indeed a *de facto* registration with the RFEF.

II.C. The non-formal registration of the Player with the RFEF derives from the latter's negligence and cannot prejudice the Player vis-à-vis FIFA

68. The Appellants note that "*RFEF is recidivist in violating the FIFA regulations in relation to the registration of minors*" and that it even had to amend its regulatory framework since October 2016, before the Player was registered with the FCF in the 2017/2018 season, but failed to do so.
69. The Appellants argue that this situation cannot be taken lightly when it directly affects the Player's *personality rights* and the very essence of the "protection of minors"

principle, which is the right for a minor Player to pursue his football career in a club, like CF63, which fully complies with the FIFA directives in terms of football and academic best education.

70. It has been clarified that the FCF passed the Player's registration when the Player first came to Spain for studying and academic reasons in 2017 and, already at that time, such registration had to be reported to RFEF in accordance with the RFEF Statutes.
71. The Appellants consider that whether the deliberate or negligent lack of further *formal* registration from the FCF to the RFEF is a consequence of the FCF or the RFEF's misconduct or negligent approach, it is irrelevant for the Player who is now seeking FIFA, the international governing body, not to be weak and be blocked by the established wrongdoings of its affiliated association.
72. The Appellants thus conclude that the situation of the Player must be immediately regularized by the RFEF – if the Panel deems it necessary – and, in case, by the mere *formal* registration to be passed from FCF to RFEF for all the reasons set forth in this chapter.
73. According to the Appellants, the consequence of such regularization would be that the Second Application shall be *admissible* for FIFA and CAS, contrary to what argued by the annulled and replaced Challenged Decision, and lately accepted as fully compliant with article 19(2) bis of the FIFA RSTP.
74. The Appellants submitted the following requests for relief:
 - I. *The appeals filed by Mr Eldar Elxan Oglu Taghizada and Clermont Foot 63 SASP are upheld;*
 - II. *The decision issued by the FIFA Single Judge of the Players' Status Sub-Committee dated 10 July 2020 is annulled and set aside;*
 - III. *Should the Panel deem it necessary, the Real Federación Española de Fútbol is ordered to immediately regularize the registration of the Player in its system – archive and, therefore, to directly register him from the system – archive of the Catalan Football Federation or act in any way to pursue and achieve the immediate registration of the Player as his member – registered player.*
 - IV. *The Second Application of the Fédération Française de Football (TMS reference case no. TMS G-0001987) on behalf of Mr Eldar Elxan Oglu Taghizada and Clermont Foot 63 SASP to be authorized to proceed with the Player's international transfer, registration and relevant steps, or any further similar application that might need to be filed, is admissible and is also accepted;*
 - V. *Consequently, the Fédération Française de Football can immediately proceed further with the request for the International Transfer Certificate of the minor player Mr Eldar Elxan Oglu Taghizada or any other registration step necessary*

for Mr Eldar Elxan Oglu Taghizada to be eventually registered with Clermont Foot 63 SASP;

- VI. *Is granted any other relief or order the CAS deems reasonable and fit to the case at stake to reach the ultimate scope for which the present appeal has been filed by Mr Eldar Elxan Oglu Taghizada and Clermont Foot 63 SASP;*
- VII. *FIFA and/or RFEF shall bear all the costs of these arbitration procedures;*
- VIII. *FIFA and/or RFEF shall compensate Mr Eldar Elxan Oglu Taghizada and Clermont Foot 63 SASP for the legal and other costs incurred in connection with this arbitration procedure in an amount to be determined at the discretion of the Panel, but no less than CHF 25,000.*

B. The First Respondent's Submissions and Request for Relief

- 75. The position of the First Respondent is set forth in its answer and can be summarized as follows:
- 76. The First Respondent notes that the present case is essentially about a club and a player that pretend to benefit from a prior circumvention of the RSTP which occurred when the Player relocated by himself from Azerbaijan to Spain at the age of 13 in order to play football. In doing so, the Player's international transfer was never approved by the FIFA's Players Status Sub-Committee despite this being a mandatory step in accordance with the RSTP.
- 77. It is argued that by having by-passed the general prohibition contained in Article 19(1) RSTP, the Player unlawfully (from a football perspective) entered into the EU. Regardless of the entity that registered him in Spain (RFEF or FCF), the key issue is that no minor application was ever submitted to FIFA and the RSTP was never complied with. After analysing the evidence on file, it is no surprise that the minor application was never filed, as the Player's situation did not fall into any of the exceptions contained in Article 19(2) or (3) RSTP.
- 78. Since the Player has never been validly registered in Spain and since he does not hold the nationality of an EU/EEA country, the First Respondent considers that the Appellants are precluded from invoking the exception contained in Article 19(2) (b) RSTP. Particularly, in the cases of non-EU/EEA minor players seeking to be transferred internationally within the EU/EEA between the ages of 16 and 18, their reliance on such exception depends exclusively on their prior valid registration in accordance with the RSTP.
- 79. In the view of the First Respondent, it is for this reason – the absence of a valid and lawful registration within the EU/EEA – that the Appellants' appeal shall be dismissed and that none of their arguments (which focus on other aspects) serve to support their requests.

80. The First Respondent considers that upholding the Appellants' position would open dangerous avenues within the overall private legal order created by FIFA given that a circumvention of the RSTP would be ultimately rewarded. Moreover, when it comes to the rules on protection of minors, the required strict application of the exception contained in Article 19(2)(b) RSTP would be widened in a manner contrary to its purpose, which would not only contravene the intention behind Article 19 RSTP but also the case law of the FIFA's Players Status Sub-Committee and of CAS on this topic.

I. Background and rationale of Article 19 RSTP

81. The First Respondent underlines that before the coming into force of the 2001 edition RSTP, the trafficking of young players to clubs, mainly in Europe, by agents and other persons without scruples led to many children, whose talent could not meet the expectations of the respective (European) professional clubs, being virtually abandoned on the streets in countries, the language and culture of which was entirely unknown to them. Moreover, many of these children were left without means to return to their homes.
82. In view of the above-described situation that had led to the abuse and mistreatment of many youngsters, in 2001, FIFA adopted strict rules on international transfers of young players. In particular, Article 12 RSTP 2001 was the outcome of intensive discussions held by FIFA and UEFA with various bodies of the European Union, chiefly the European Commission, with the football confederations and associations, with the leagues and the clubs, and with the international players' union (FIFPro). The protection of minors, in fact, constitutes one of the principles included in the agreement that was concluded between FIFA, UEFA and the European Commission in March 2001 and is one of the essential pillars of the RSTP 2001 as well as of the currently valid edition. All of the named authorities and members of the football community agreed that the measures to fight the above-described situation needed to be strong and would have to be implemented in a very consistent and strict manner.
83. Article 19(1) RSTP prohibits, as a general rule, the international transfer of players below the age of 18. However, in order to provide for some flexibility to both clubs and players, but always within the scope of protection of minor players, there are certain exceptions to this rule, as outlined in Article 19(2) & (3) RSTP, which, in case the relevant strict conditions are fulfilled, allow the international transfer of a player before the age of 18.

II. The requirements for the exception contained in article 19(2)(b) RSTP to apply

i. An international transfer requires a lawful registration with the releasing club

84. Firstly, and most importantly, in order for Article 19(2)(b) RSTP to apply in the context of an international transfer, there has to be an initial registration that can be transferred from one club to another.

85. In the view of the First Respondent, the concept of international transfer that the Appellants wrongly put in question necessarily requires that any player (regardless of him/her being amateur or professional, minor or adult) has been duly registered for a club at an association and thereafter wishes to join a new club affiliated to another association.
86. The definition of international transfer in the RSTP reads as follows: “*the movement of the registration of a player from one association to another association.*”
87. This – according to the First Respondent – implies that any minor wishing to transfer internationally has to be duly registered with a club at an association in order for his registration to be internationally transferred to another club.

ii. EU/EEA nationality or previous registration at an EU/EEA member association in accordance with the RSTP

88. The First Respondent having exposed its interpretation of the concept of international transfer, it considers that the Panel shall focus on the primary (and alternative) conditions that are necessary for Article 19(2)(b) RSTP to apply: (i) the relevant minor player holds the nationality of a EU/EEA country or (ii) that the non-EU/EEA minor has previously been duly registered at an association of an EU/EEA country.
89. The First Respondent argues that in the absence of any of these two elements, the exception of Article 19(2)(b) RSTP cannot be applied.
90. In the opinion of the First Respondent, the above-mentioned provision is extremely clear as to its limited scope of application, and there is no legal or any other basis to justify an analogous application when a non-EU/EEA player has not been lawfully registered in accordance with the RSTP with a member association of an EU/EEA country, as that would depart from legal framework and rationale which prompted the creation of the relevant exception in the first place.

III. The Player cannot benefit from the exception contained in Article 19(2)(b) RSTP

i. The Player does not hold the nationality of an EU/EEA country

91. It remains undisputed that the Player is not a national of an EU/EEA country.

ii. The Player was never duly registered in Spain in accordance with the RSTP

92. While the Appellants’ efforts have focused on pinpointing the internal administrative structure of Spanish football and analysing how the RFEF coexists with the regional federations such as the FCF, the First Respondent notes that this is not the reason why the Player’s minor application was rejected.

93. In the view of the First Respondent, the reality is that, regardless of the existence of the FCF, the Player's initial transfer from Azerbaijan to Spain never followed the necessary steps required by the RSTP.
94. In particular, the First Respondent notes that the Player's international transfer (that took place when he was 13 years old) was never submitted to the FIFA's Players Status Sub-Committee for its approval and that there are serious doubts that it might have been approved even if it would have been filed.
95. In other words, even though this is the second time that the Player intends to relocate internationally to play football, it is only now, in 2020, that the FIFA's Players Status Sub-Committee's approval has been sought.
96. By having failed to request – and obtain – the approval of the FIFA's Players Status Sub-Committee when relocating to Spain, the First Respondent considers that the Player could never be properly registered there, as the FIFA's Players Status Sub-Committee's authorisation constitutes a *condition sine qua non* for any ensuing registration.
97. Even if the FCF did issue a license in favour of the Player or if the FIFA Disciplinary Committee ascertained the existence of a *de facto* registration, the First Respondent considers that this would not change the undisputed omission to apply to the FIFA's Players Status Sub-Committee, and it certainly would not heal the blatant disregard of the RSTP. In fact, the decision of the FIFA Disciplinary Committee clearly confirms that the Player was "*internationally transferred in contravention of Article 19(1) RSTP*", that the Player was registered "*in a manner contrary to the Regulations*" and that he "*has not been duly registered in Spain*".
98. According to the First Respondent, the central point of the dispute is that "*registration can only occur if the transfer is lawful*" and since the transfer from the AFFA to the RFEF was not done in compliance with the RSTP, the registration in Spain (regardless of it being done by the FCF or the RFEF) was not valid because it did not obtain the prior approval of the FIFA's Players Status Sub-Committee (when it should have).
99. The First Respondent thus concludes that in the absence of a valid registration with the RFEF in accordance with the RSTP, the Player never entered lawfully into the EU/EEA from a sporting perspective and the Appellants cannot benefit now from the previous circumvention of the RSTP.
100. The First Respondent submitted the following requests for relief:
- Based on the foregoing, FIFA respectfully requests CAS to issue an award on the merits:*
- (a) rejecting the reliefs sought by the Appellant;*
- (b) confirming the Appealed Decision;*

(c) ordering the Appellants to bear the full costs of these arbitration proceedings; and

(d) ordering the Appellants to make a contribution to FIFA's legal costs.

C. The Second Respondent's Submissions and Request for Relief

I. Preliminary issue: Standing to be sued

101. On a preliminary note pertaining to the merits of this case, the RFEF submits it does not have standing to be sued in the present proceedings.
102. In support of its challenge related to its alleged lack of standing to be sued, the Second Respondent argues that:
 - a. According to the CAS jurisprudence and Swiss law which is applicable pursuant to the FIFA Statutes and to article R58 of the CAS Code, a party has standing to be sued, and may thus be summoned before the CAS, only if it has some stake in the dispute because something is sought against it. In other words, the defending party has standing to be sued if it is personally obliged by the “disputed right” at stake.
 - b. In CAS 2006/A/1206 Milan Zivadinovic v. Iraqi Football Association (IFA), the Panel considered that although disciplinary proceedings may be initiated by FIFA to sanction a person for failure to comply with the decisions of its bodies, with CAS finally settling a dispute between this person and a national federation, the latter is not a party to the disciplinary proceedings. Therefore, the national federation cannot be considered as the “passive subject” of the claim brought before the CAS by way of appeal against the Disciplinary Committee (DC) decision, as its rights are not affected by the DC decision and as it has no power whatsoever to sanction the person's failure to comply with FIFA bodies' and CAS decisions. It is hence clear that the national federation does not have any standing to be sued and cannot, as such, be identified as a respondent in the arbitration.
 - c. The relief requested in the present proceedings by the Appellants, is to annul the decision according to which FIFA declares inadmissible the application for approval of the international transfer of the Player. This decision has been rendered solely by FIFA and by means of an administrative proceeding that according to the applicable FIFA regulations involves the player, the new club and the new national federation where the player intends to be transferred to. Even if the RFEF would have to intervene at a later stage to provide the Player's ITC – which is very unlikely because the ITC of the Player, currently, does not rest within the RFEF – that would be exclusively a consequence of FIFA's decision, not an autonomous determination of the RFEF.

103. The RFEF thus concludes that it should not be considered as a respondent in these arbitration proceedings, due to the fact that it is not a party to the proceedings related to the application for approval of the international transfer of the Player to France.

II. The registration of the Player

104. Article 9 RSTP establishes: “*Players registered at one association may only be registered at a new association once the latter has received an International Transfer Certificate (hereinafter: ITC) from the former association*”.
105. In the view of the Second Respondent, based on the above it can be concluded that, in order to allege the exception of article 19.2.b) RSTP in a request for the approval of the registration of a minor player, the precondition of a transfer to take place must be met. Furthermore, to consider that a transfer has taken place, the registration of the player must be moved from one association to another, via the delivery of the relevant ITC.
106. Taking into consideration that the Player was never registered at the RFEF, the Second Respondent considers that it was not possible for the RFEF to deliver his ITC (registration) to the FFF and thus it can be determined that his intended transfer to CF63 could not have ever taken place.
107. In this regard, the Second Respondent submits that CAS should reject the argument of the Appellants and declare that the Player should have been, and should be, duly registered at the RFEF in order to consider any other further transfer to CF63.
108. The Player was registered until 30 June 2016, between the age of 9 and 13, with the Azerbaijani football club Neftçi PFK, affiliated to the AFFA.
109. Taking this into consideration and following the position of the Second Respondent, in order for the RFEF to have registered the Player, his ITC should have been delivered by the AFFA, as the Player had been previously registered with an Azerbaijani club until 30 June 2016.
110. However, the Second Respondent notes that the ITC of the Player was not provided by the AFFA because the RFEF did not request it, due to the fact that neither the club Neurofutbol FC, the FCF nor the Player informed the RFEF that the Player was to be registered in the club Neurofutbol FC as a minor player. Should the RFEF have been duly informed and should the Player have sought – from the RFEF and from FIFA – the approval of his international transfer, the RFEF and FIFA would have proceeded as usual and, ultimately in the event that FIFA approved the relevant minor application, the ITC of the Player would have been provided by the AFFA to the RFEF.
111. Additionally, the Second Respondent considers that “*it is very doubtful, from a legal perspective, the request of the Appellant for the RFEF to regularize, or is ordered by CAS to regularize, the situation of the Player in Spain.*” Indeed, the RFEF would be in a position to regularize the situation of the Player in Spain if he wished to be registered

at a Spanish club and, such club, submitted a request for approval of the registration of the Player to the RFEF. In such case, the latter would subsequently forward the request to the FIFA's Players Status Sub-Committee and, only if the FIFA's Players Status Sub-Committee approved that potential request, would the RFEF be legitimated to register the Player in Spain.

112. The Second Respondent notes that this is not the situation. The Player is in France and wishes to be registered in a club affiliated to the FFF. There is no possible way, in accordance with the FIFA Regulations, that the Player could be registered at the RFEF at the present time.
113. Notwithstanding the foregoing, the Second Respondent notes that the RFEF (or any national federation) does not have the standing to decide whether a minor player is registered or not within a national association. This decision is to be taken by FIFA, which has already rendered the request for approval of the transfer of the Player to France, as inadmissible.
114. The Second Respondent submitted the following requests for relief:

For the foregoing reasons, the RFEF respectfully submits that the Panel issues an award establishing that:

- 1. The RFEF has no standing to be sued, and all the Appellants' prayers for relief against the RFEF are consequently dismissed.*
- 2. In any event, that the Appellants' appeal is rejected in full.*
- 3. That the Appellants shall bear all court costs related to the current arbitral proceedings.*
- 4. That the Appellants shall pay a substantial contribution towards RFEF's legal fees and other expenses in the amount of EUR 10.000 (ten thousand euros).*

VI. JURISDICTION

115. 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.

116. In their Appeal Brief, the Appellants relies on Article 58 para. 1 of the FIFA Statutes as conferring jurisdiction to the CAS. The jurisdiction of the CAS was not contested by the Respondents. Furthermore, the signature of the Order of Procedure confirmed that the jurisdiction of the CAS in the present case was not disputed.

117. Accordingly, the Panel is satisfied that CAS has jurisdiction to hear the present case.

VII. ADMISSIBILITY OF THE APPEAL

118. According to Article 58 para. 1 of the FIFA Statutes: “*Appeals against final decisions passed by FIFA’s legal bodies and against decisions passed by Confederations, Members or Leagues shall be lodged with CAS within 21 days of notification of the decision in question*”.

119. The Panel notes that the Single Judge of the FIFA’s Players Status Sub-Committee rendered the Appealed Decision on 10 July 2020 that was communicated to the FFF on 31 July 2020. Considering that the Appellants filed their statements of appeal on 21 August 2020, *i.e.* within the deadline of 21 days set in the FIFA Statutes, the Panel is satisfied that the present appeal was filed timely and is therefore admissible.

VIII. APPLICABLE LAW

120. Article R58 of the CAS Code provides the following:

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.

121. Article 57 para. 2 of the FIFA Statutes so provides:

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.

122. In consideration of the reference made by the Parties in their submissions, and in view of the abovementioned provisions, the Panel holds that the present dispute shall be decided according to the FIFA Regulations – namely the RSTP – , and Swiss law applying subsidiarily.

IX. MERITS

A. The main issues

123. The main issues to be resolved by the Panel in the present dispute are:

- i. The Second Respondent standing to be sued;
- ii. Does Article 19 (2) (b) of the RSTP apply to this case?

i. The Second Respondent standing to be sued

124. The RFEF submits it does not have standing to be sued in the present proceedings.
125. The FIFA Regulations contain no specific rules on the question of standing to sue/be sued or any definition thereof.
126. The CAS has developed a well-established jurisprudence regarding the question as to which effect a party has standing to be sued (*“légitimation passive”*).
127. In this respect, the Panel in CAS 2007/A/1329 & 1330, para. 27, stated as follows:

“Under Swiss law, applicable pursuant to Articles 60.2 of the FIFA Statutes and R58 of the CAS Code, the defending party has standing to be sued (légitimation passive) if it is personally obliged by the “disputed right” at stake (see CAS 2006/A/1206). In other words, a party has standing to be sued and may thus be summoned before the CAS only if it has some stake in the dispute because something is sought against it (cf. CAS 2006/A/1189; CAS 2006/A/1192)”.

128. Similarly, the Panel in CAS 2012/A/3032 with further references to other CAS precedents explained that:

“42. As a principle, and as it has already been established in CAS jurisprudence, a party has standing to be sued (légitimation passive) in CAS proceedings only if it has some stake in the dispute because something is sought against it in front of CAS (cf. CAS 2008/A/1620, para. 4.1.; CAS 2007/A/1367, para. 37).

129. In the present case, the Panel first notes that no right or obligation has arisen from the Appealed Decision to the RFEF.
130. Moreover, in reference to the registration of a minor player in a national federation, the Panel also notes that the award CAS 2013/A/3140 already analyzed the question of the standing to be sued of the involved associations:

“8.11. The Panel in the present case shares the views expressed in the above mentioned award as regards the standing to be sued in disputes concerning the registration of a player by FIFA. In particular, the Panel considers that the question must be examined in the light of Article 75 CC, quoted supra: the party having the standing to be sued is only the association which issued the decision.

8.12. The decision regarding a first registration of a player within a national federation touches upon the relationship between FIFA and its members. When assuming the competences conferred on it according to the RSTP, at least as regards registration, FIFA is exercising an administrative function and, thus, having an impact on its individual members in the sense of Article 75 CC, or on the rights of indirect members, according to the case law of the Swiss Federal Tribunal (see DFT 119 II 271 and references mentioned previously in connection with the standing to sue). It results from

these principles that the motion to amend an “administrative” decision by an organ of a federation – like FIFA in the present case – is to be directed against FIFA.

8.13. In turn, this request is not to be directed against other parties, such as members of FIFA like the RFEF in the present case. Nor is the request to be directed against a club, like Atlético de Madrid in the present case.

8.14. It is then not required to direct the appeal against the national federation, which transmitted the request to FIFA, and against the club where the Player wanted to register. This conclusion also results from the reading of the main prayer for relief of the Appellant, which is to “be authorised to be registered on the Spanish Football Federation in favour of Club Atlético de Madrid”. According to the FIFA Regulations, such an authorisation cannot be issued by the RFEF, nor by the Club.”

131. The Appealed Decision is related with the registration of a minor player within a national federation. That is, it develops within the relations between FIFA and its members.
132. As regards players’ registration, and according to the RSTP, FIFA is exercising an administrative function.
133. It results from Article 75 CC, that the appeal to amend an “administrative” decision by an organ of a federation – like FIFA in the present case – is to be directed against FIFA. It is then not required to direct the appeal against the national associations.
134. In the light of the above, the Panel considers the Second Respondent will not be affected in any way by the decision that will be taken by this Panel, even though the Appellants requested this Panel to order the Second Respondent, *inter alia*, “to immediately regularize the registration of the Player in its system”, because such request for relief, if granted, should be directed to FIFA.
135. The Panel therefore concludes that the Second Respondent has no standing to be sued in the present proceedings.

ii. Does Article 19 (2) (b) of the RSTP apply do this case?

136. Article 19 of the RSTP is entitled “*Protection of minors*”. It holds that, in principle (Article 19 (1)) international transfers of players are only permitted if the player is over the age of 18. Exceptions are permitted and are exhaustively mentioned in the remaining paragraphs of this provision.
137. As in CAS 2013/A/3140, the Panel would like to stress at the outset, that it shares the views expressed by FIFA, in the sense that Article 19 of the RSTP is a very important provision, which sets out the key principles designed to protect the interests of minor players.
138. In the present case, it is undisputed that Article 19 of the RSTP is applicable in the present case and the dispute among the parties concerns basically the applicability of

one of the exceptions mentioned in said provision, *i.e.* Article 19 (1) and (2) (b) of the RSTP which reads as follows:

1. International transfers of players are only permitted if the player is over the age of 18.

2. The following three exceptions to this rule apply:

[...]

b) The transfer takes place within the territory of the European Union (EU) or European Economic Area (EEA) and the player is aged between 16 and 18. [...]

139. The rationale of Article 19 (2) (b) is straightforward: there is free movement of services and services suppliers within the EU and the EEA (along with other freedoms of production factors). Article 19 (2) (b) aims at acknowledging this reality and exceptionally allowing for international transfers of under-aged players.

140. Article 19 (2) (b) RSTP allows for exceptional transfers of under-aged players only if the transfer takes place within the territory of the EU (European Union) or of the EEA (European Economic Area). Therefore, this provision cannot apply to a case regarding the transfer of a Player from Azerbaijan to France or even to Spain, as the first is neither a member of the EU, nor of the EEA.

141. At this stage the Panel deems useful to quote CAS 2014/A/3793 in order to clarify the meaning of “association”:

*9.2 [...] There should be no doubt that the ban on transferring under-aged players is addressed to both “associations” and clubs. The Panel notes in this respect that it follows the definition of the term “association” in the FIFA Statutes, to which the RSTP make explicit reference, throughout this award: “a football association recognized by FIFA. It is a member of FIFA, unless a different meaning is evident from the context”. In the instant case, it is the RFEF that corresponds to our usage of the term “association”. The FCF being a “regional association” which is a separate entity that was established and operates under the Spanish national Sport structure however it is for sure not a member of the FIFA and, thus, is not an “association” under the terms of the FIFA Statutes. The Panel notes that in this respect the definition of “association” must be imported and applied also in respect of the RSTP in spite of the fact that the RSTP itself do not define “association”, since accepting the theory that a regional association can also be considered as an “association” for the purposes of the RSTP would actually bring about absurd results (for instance that a transfer from on “regional association” to another “regional association” within the same state would have been governed by the RSTP and not the domestic and national transfer regulations). Furthermore, the basis and the rationale of the RSTP is, *inter alia*, to govern the international transfer of players in between national federation and as such it is only obvious and natural that such activities should remain in the hands of the national associations and not conferred to regional associations.*

9.3 Saying that, the Panel still notes, and would like to emphasize, that the existence of regional associations being members of the affiliated associations of the FIFA is acknowledged and accepted by the FIFA in principle, either without the specific mentioning of the term “regional association” but only referring to “members” (such as for instance in Art. 13(1) (d) of the FIFA Statutes) as well as clearly referring to the specific term (such as in the preamble of Chapter II “Membership” of the FIFA standard Statutes, 2005 ed. as well as Art. 10 (1)(b) and others in the same document). Indeed, one could have expected from FIFA that once it formally accepted and acknowledged the existence of regional associations affiliated to its members, and even referred to such entities in the standard statutes addressed to its members as an example of good governance, FIFA would clarify in its statutes and regulations which duties and responsibilities may be conferred by the national association to a regional association and which are those that must remain under the full observance and management de facto of the national association (as seems to be the case with international transfer and registration of minors), in order to avoid that such important issue be decided a posteriori in the framework of a specific case. But since this was not done, it is indeed the duty of the judicial bodies to clarify the matter in order to avoid future misunderstandings. And thus based on the above arguments, this Panel agrees with the interpretation of the disciplinary bodies of the FIFA in the sense that the “association” that should maintain not only the responsibility, but also the actual control and the registrations of minors under the RSTP is the national association and not its affiliated regional association.

142. The Panel notes that FCF is not an affiliated member of FIFA. Only the national associations are members of FIFA.
143. Thus, only the RFEF is empowered and has the duty to issue the ITC or to refuse its issuance. However, since the Player was not registered with the RFEF, the latter was not in a position to exercise such duty related to the issuance of an ITC for the Player.
144. Moreover, the Player was registered with the Association of Football Federations of Azerbaijan from 1 August 2012 until 30 June 2016.
145. During the year of 2016, the Player moved to Spain but was never duly registered in Spain under legally defined terms and as requested by the RSTP.
146. In fact, the Player moved to Spain when he was 13 years old and his registration with a Spanish Club was never submitted to the FIFA’s Players Status Sub-Committee for its approval and consequent issuance of the International Transfer Certificate.
147. In that sense, the Panel concurs with the First Respondent’s comment according to which “by having failed to request – and obtain – the approval of the Sub-Committee when relocating to Spain, the Player could never be properly registered there, as the Sub-Committee authorisation constitutes a condition sine qua non for any ensuing registration”.

148. The Panel also concurs with the need to apply the protection of minors strictly. Opening up the door to exceptions beyond those foreseen in the RSTP's article 19 would unavoidably lead to cases of circumvention of the rationale for this provision.
149. The Panel wishes to underline that Article 19 (2) (b) also imposes three obligations of a substantive nature and one of a procedural nature that the new club must fulfil: the club must provide the transferred player with football education, with vocational training and it must also look after the player in the best possible way when it comes to accommodation and nutrition. It must finally notify the federation concerned and provide evidence regarding the manner in which it has gone about its substantive obligations. In the present case, the Panel has no reason to doubt that the Player would indeed benefit from those conditions as the Second Appellant may offer.
150. The question is, however, that these three obligations shall only be assessed if the first main condition is met, that is, the transfer takes place within the territory of the EU (European Union), and/or that of the EEA (European Economic Area) which is not the case.
151. The fact that the Player has not been previously registered with a club within the EU/EEA territory but with an Azerbaijan club, precludes the application of art 19 (2) (b) to this case and results in the rejection of the appeals.
152. As a side note, the decision to reject the present appeals will not deprive the Player of the possibility to continue both his vocational as well as his football training, and will only defer the possibility to obtain an international transfer certificate by a few months in accordance with the applicable FIFA regulations.
153. In view of the foregoing, the appeals filed by Eldar Elxan Oglu Taghizada & Clermont Foot 63 SASP must be dismissed.
154. The decision issued by the Single Judge of the FIFA's Players Status Sub-Committee shall therefore be confirmed.
155. Any other further motion or prayers for relief of the Parties must be dismissed.

X. COSTS

156. Article R64.4 of the CAS Code provides as follows:

“At the end of the proceedings, the CAS Court Office shall determine the final amount of the cost of arbitration, which shall include:

- *the CAS Court Office fee,*
- *the administrative costs of the CAS calculated in accordance with the CAS scale,*
- *the costs and fees of the arbitrators,*

- *the fees of the ad hoc clerk, if any, calculated in accordance with the CAS fee scale,*
- *a contribution towards the expenses of the CAS, and*
- *the costs of witnesses, experts and interpreters. The final account of the arbitration costs may either be included in the award or communicated separately to the parties. The advance of costs already paid by the parties are not reimbursed by the CAS with the exception of the portion which exceeds the total amount of the arbitration costs”.*

157. Article R64.5 of the CAS Code provides as follows:

In the arbitral award, the Panel shall determine which party shall bear the arbitration costs or in which proportion the parties shall share them. As a general rule and without any specific request from the parties, the Panel has discretion to grant the prevailing party a contribution towards its legal fees and other expenses incurred in connection with the proceedings and, in particular, the costs of witnesses and interpreters. When granting such contribution, the Panel shall take into account the complexity and outcome of the proceedings, as well as the conduct and the financial resources of the parties.

158. Given the outcome of these proceedings, the Panel is of the view that the costs of the present proceedings shall be borne entirely and shared in equal parts by the Appellants. Furthermore, taking into the nature of the dispute as well as the Parties' financial resources, the Panel consider that each party shall bear its own legal costs and other expenses in connection with these arbitration proceedings.

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeals filed by Mr Eldar Elxan Oglu Taghizada and Clermont Foot 63 SASP against the decision issued on 10 July 2020 by the Single Judge of the FIFA Players' Status sub-Committee are dismissed.
2. The decision issued on 10 July 2020 by the Single Judge of the FIFA Players' Status Sub-Committee is confirmed.
3. The costs of the arbitration, to be determined and served to the Parties by the CAS Court Office, shall be borne by Eldar Elxan Oglu Taghizada in the case *CAS 2020/A/7353 Eldar Elxan Oglu Taghizada v. FIFA & RFEF* and by Clermont Foot 63 SASP in the case *CAS 2020/A/7354 Clermont Foot 63 SASP v. FIFA & RFEF*.
4. Each party shall bear its own legal costs and other expenses in connection with these arbitration proceedings.
5. All other motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

Operative part issued on 13 November 2020

Award with grounds issued on 8 March 2021

THE COURT OF ARBITRATION FOR SPORT

João Nogueira da Rocha
President of the Panel

Benoît Pasquier
Arbitrator

Alexis Schoeb
Arbitrator