

Decision of the FIFA Disciplinary Committee

passed on 07 May 2024

DECISION BY:

Jorge Iván PALACIO (Colombia), Chairperson

ON THE CASE OF:

Nadejda Colesnicenco (Moldova)

(Decision FDD-18334)

Regarding the decision passed by the *UEFA Control, Ethics and Disciplinary Body (CEDB)* on 24 April 2024

Art. 70 of the FIFA Disciplinary Code (ed. 2023) - *Extending sanctions to have worldwide effect*

I. FACTS OF THE CASE

1. The following summary of the facts does not purport to include every single contention put forth by the actors at these proceedings. However, the Chairperson of the FIFA Disciplinary Committee (**the Committee**) has thoroughly considered any and all evidence submitted, even if no specific or detailed reference is made to particular elements of the former.
2. On 24 April 2024, the *UEFA Control, Ethics and Disciplinary Body (CEDB)* sanctioned the player Ms. Nadeja Colesnicenco (**the Player** or **the Respondent**) and decided to impose a ban “*from exercising any football-related activity for one (1) year, from the date of the present decision*” (**the Decision**) on the latter based on art. 12 (2) (d) of the UEFA Disciplinary Regulations (**UEFA DR**), *i.e., Integrity of matches and competitions and match-fixing*.
3. Moreover, in the operative part of the Decision, the *UEFA Control, Ethics and Disciplinary Body (CEDB)* decided to “*request FIFA to extend worldwide the above-mentioned ban*”.
4. Accordingly, UEFA requested the FIFA Disciplinary Committee to extend the Decision as to have worldwide effect on 03 May 2024.
5. In particular, the abovementioned request contained the following information/documents:
 - (i). a letter directed to the Chairperson of the FIFA Disciplinary Committee requesting the extension of the Decision as per art. 70 of the FIFA Disciplinary Code (**FDC**);
 - (ii). a copy of an email by means of which the Player was notified of the opening of the proceedings opened against her and was informed about the possibility to submit any statement as well as any evidence to the UEFA Disciplinary Unit;
 - (iii). a copy of an email by means of which the Decision was notified to the Respondent.

II. CONSIDERATIONS OF THE DISCIPLINARY COMMITTEE

6. In view of the circumstances of the case at hand, the Committee decided to first address the procedural aspects of the present proceedings, namely, its jurisdiction and the applicable law, before entering into the substance of the matter and assessing whether the request submitted by UEFA for the worldwide extension of the sanction(s) imposed on the Player could be granted.

A. Jurisdiction and applicable law

7. First of all, the Committee recalled that, in accordance with art. 51 (2) of the FIFA Statutes, it may pronounce the sanctions described in these Statutes and the FIFA Disciplinary Code (**FDC**) on members associations, clubs, players, officials, intermediaries and licensed match agents.

8. In this context, the Committee subsequently recounted that in accordance with art. 57 (1) (e) FDC, the Chairperson of the FIFA Disciplinary Committee can rule alone, acting as a single judge, and may take a decision on extending a sanction so as to have worldwide effect, as *in casu*.
9. In view of the above, the Committee stressed that the specific procedure related to the extension of sanctions to have worldwide effect (so-called *worldwide extension*) is foreseen under art. 70 FDC.
10. Furthermore, for serious infringements (in particular, but not limited to, discrimination, manipulation of football matches and competitions, misconduct against match players or forgery and falsification, as well as sexual abuse or harassment), the associations, confederations, and other organising sports bodies shall request the FIFA Disciplinary Committee to extend the sanction(s) which they have imposed so as to have worldwide effect (cf. art. 70 (1) FDC). Put differently, (a) worldwide extension is applicable to any serious infringement – this, whilst keeping in mind that the list of infringements referred to as “serious” pursuant to the aforementioned provision is not an exhaustive list, as demonstrated by the clear and unequivocal wording used therein (“*in particular but not limited to*”).
11. In continuation, the Committee observed that the request (for worldwide extension) shall be submitted in writing and shall enclose a true copy of the decision.
12. With the foregoing in mind, the Committee next proceeded to point out that, in principle, it takes decisions on worldwide extensions without deliberations or orally hearing any of the parties, and using only the file (cf. art. 70 (6) FDC) – this whilst keeping in mind that it would either grant or refuse to grant the relevant request to have the sanction extended (cf. art. 70 (9) FDC).
13. Against such background, the Committee subsequently underlined that, upon deciding on a worldwide extension, it may not review the substance of the decision (to be extended) – *in casu* the Decision of the *UEFA Control, Ethics and Disciplinary Body (CEDB)* – but was restricted to ascertaining whether the conditions of art. 70 FDC had been fulfilled (art. 70 (8) FDC).
14. Against such background and in consideration of the above, the Committee was mindful that, pursuant to art. 70 (5) FDC, the worldwide extension would be approved in the event that the following conditions had been cumulatively met:
 - i. the person sanctioned was cited properly (lit. a);
 - ii. the person had the opportunity to state their case (with the exception of provisional measures) – (lit. b);
 - iii. the decision was communicated properly (lit. c);
 - iv. the decision complies with the regulations of FIFA (lit. d);
 - v. extending the sanction would not be in conflict with public order or with accepted standards of behaviour (lit. e).

B. Analysis of the request submitted by UEFA in light of art. 70 FDC

15. As a starting point, upon its reading of the Decision, the Committee *inter alia* noted that the Player had been sanctioned for breaching a provision relating to the “*Integrity of matches and competitions and match-fixing*” (cf. art. 12 (2) (d) UEFA DR) and was comfortably satisfied that the infringement at stake was serious and therefore undoubtedly fell within the scope of art. 70 FDC.
16. In continuation and upon its analysis of the documentation submitted by UEFA in light of art. 70 (5) FDC, the Committee wished to emphasise that:
- i. On 25 March 2024, the Respondent was notified via her personal email address that disciplinary proceedings had been initiated against her;
 - ii. By means of the abovementioned correspondence, the Respondent was informed about the possibility to submit any statement and evidence to the UEFA Disciplinary Unit, meaning that she had the opportunity to state her case;
 - iii. On 24 April 2024, the Respondent was notified of the Decision via her personal email address;
 - iv. The Decision was compatible with the regulations of FIFA in so far that it “*can coexist with these regulations [of FIFA] and does not result in regulatory conflicts*”¹.
 - v. The Decision did not conflict with public order or with accepted standards of behaviour, keeping in mind that said assessment shall be limited to the question as to whether said decision is consistent with public order, *i.e.* whether it violates fundamental principles of law², including but not limited to the principles of legality and typicality, the principles of proportionality, liability and culpability, the principles of independence, impartiality and good faith or the basic rules of conduct or morality³. In fact, upon analysing the Decision, the Committee was settled in its opinion that none of those fundamental principles or basic rules had been breached.
17. In view of the foregoing, the Committee was comfortably satisfied that the (cumulative) conditions for a worldwide extension, as stipulated under art. 70 (5) FDC, had been met.

C. Conclusion

18. Summarising its above considerations, the Committee found that all the conditions foreseen under art. 70 FDC for a worldwide extension of the Decision were fulfilled.

¹ CAS 2021/A/7650 Club Atlético de Madrid S.A.D. v. FIFA - free translation from Spanish

² CAS 2015/A/4184 Jobson Leandro Pereira de Oliveira v. FIFA and SFT 4A_18/2008.

³ CAS 2021/A/7650 *op. cit.* – free translation from Spanish.

19. Consequently, the Committee decided to extend the sanction imposed on the Respondent by the *UEFA Control, Ethics and Disciplinary Body (CEDB)* on 24 April 2024 so as to have worldwide effect. This means that the Player is sanctioned worldwide with a suspension from all football-related activities for a period of one (1) year as from 24 April 2024.
20. Finally, for the sake of completeness, the Committee recalled that, pursuant to art. 70 (11) FDC, should the Decision not yet be final in a legal sense, the present decision shall follow the (final) outcome of the Decision.

III. DECISION OF THE DISCIPLINARY COMMITTEE

1. **The request of UEFA to extend the decision passed by the *UEFA Control, Ethics and Disciplinary Body (CEDB)* on 24 April 2024 to have worldwide effect is granted.**
2. **In accordance with the aforementioned decision, the player Najeda Colesnicenco is sanctioned worldwide with a one (1) year suspension from all football-related activities as from 24 April 2024.**

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Jorge Iván PALACIO (Colombia)

Chairperson of the FIFA Disciplinary Committee

NOTE RELATING TO THE LEGAL ACTION:

This decision can be contested before the FIFA Appeal Committee (art. 61 FDC, edition 2023). Any party intending to appeal must announce its intention to do so in writing via the FIFA Legal Portal within three (3) days of notification of the grounds of the decision. The appeal brief must then be given in writing via the FIFA Legal Portal within a further time limit of five (5) days, commencing upon expiry of the first-time limit of three (3) days (art. 60 (4) FDC). The appeal fee of CHF 1,000 is payable on the submission of the appeal brief at the latest (art. 60 (6) FDC).

The appeal fee of CHF 1,000 is payable on the submission of the appeal brief at the latest (art. 60 (6) FDC) either in Swiss francs (CHF) (to account no. 0230-325519.70J, UBS AG, Bahnhofstrasse 45, 8098 Zurich, SWIFT: UBSWCHZH80A, IBAN: CH85 0023 0230 3255 1970 J) or in US dollars (USD) (to account no. 0230-325519.71U, UBS AG, Bahnhofstrasse 45, 8098 Zurich, SWIFT: UBSWCHZH80A, IBAN: CH95 0023 0230 3255 1971 U), with reference to case number above mentioned.

NOTE RELATING TO THE EXTENSION WORLDWIDE OF THE DECISION:

A sanction imposed by an association or a confederation has the same effect in each association of FIFA, in each confederation and in FIFA itself as if the sanction had been imposed by any one of them (art. 70 (10) FDC). If a decision that is not yet final in a legal sense is extended to have worldwide effect, any decision regarding extension shall follow the outcome of the association's or confederation's current decision (art. 70 (11) FDC).

NOTE RELATING TO ANY OUTCOME OF THE EXTENDED DECISION:

A worldwide-extended decision shall follow the outcome of any possible appeal lodged against the decision passed by the association or confederation (Art. 70 (11) FDC).