



Arbitration CAS 2012/A/2742 Qatar Football Association (QFA) v. Fédération Internationale de Football Association (FIFA), Oman Football Association (OFA) & Asian Football Confederation (AFC), award of 22 August 2012 (operative part of 13 July 2012)

Panel: Mr Rui Botica Santos (Portugal), President; Mr José Juan Pintó (Spain); Prof. Ulrich Haas (Germany)

Football

Fielding of an ineligible player

CAS power of review and prejudice suffered at the first-instance level

Interpretation of regulations

Eligibility of players addressed in the OFT Regulations via reference to the relevant FIFA Regulations

Sanction for teams found guilty of fielding ineligible players according to the FDC and the OFT Regulations

- 1. Pursuant to Article R57 of the CAS Code, the CAS panel shall have full power to review the facts and the law. It may also decide to conduct a hearing after consulting the parties. Any prejudice allegedly suffered at the first-instance level is cured through the appeal to the CAS, and the CAS panel does not have to examine whether the alleged incorrect facts, incorrect juridical considerations and violation of the right to be heard took place at the first-instance level.**
- 2. Pursuant to the general principles of construction and interpretation of laws, in order to ascertain the intention of the law maker, the deciding body should look at the ordinary and plain meaning of the law in question. The cardinal rule of construction is that a law should be read as a harmonious whole, with its various parts being interpreted within their broader statutory context in a manner that furthers statutory purposes.**
- 3. Whereas Article 8.1 of the London 2012 Olympic Football Tournament (OFT) Regulations does not expressly state that players who have received two yellow cards in the same competition are ineligible to play in the next match, as a whole, it does extend the issue of eligibility beyond, by ensuring that reference is made to other FIFA regulations. Reference must therefore be made to Article 17.3 of the FIFA Disciplinary Code (FDC), which states that “[i]f a player receives a caution in two separate matches of the same FIFA competition, he is automatically suspended from the next match in that competition”.**
- 4. Although Article 10 FDC provides for warnings among other sanctions, the said provision is general and open in nature. It does not specify which offences may be punishable by a warning. To the contrary, Article 55.1 FDC and Article 8.2 of the OFT Regulations, which were enacted for the purpose of ensuring fair play, specifically govern the issues related to the eligibility of players and the sanctions imposed on teams found guilty of fielding ineligible players.**

I. THE PARTIES

1. The Qatar Football Association (hereinafter referred to as the “Appellant” or “Qatar” or the “QFA”) is the body in charge of running football within the State of Qatar and is a member of the Fédération Internationale de Football Association.
2. The Fédération Internationale de Football Association (hereinafter referred to as the “First Respondent” or “FIFA”) is the international federation governing the sport of football at worldwide level. It is based in Zurich, Switzerland.
3. The Oman Football Association (hereinafter referred to as the “Second Respondent” or the “OFA”) is the body in charge of running football in the Sultanate of Oman and is a member of FIFA.
4. The Asian Football Confederation (hereinafter referred to as the “Third Respondent” or the “AFC”), is the governing body of the sport of football in the confederation of Asia and is one of FIFA’s six member confederations.

II. THE FACTS

5. This appeal was filed by the QFA against the decision rendered by the FIFA Appeal Committee (hereinafter referred to as the “Appeal Committee”) on 15 February 2012 (hereinafter referred to as the “Appeal Decision”).
6. A summary of the most relevant facts and the background giving rise to the present dispute will be developed on the basis of the Parties’ submissions and the evidence adduced during the hearing. Additional factual background may also be mentioned in the legal considerations of the present award. In this award, the Panel only refers to the submissions and evidence it considers necessary to explain its reasoning.

II.1 Qatar’s London 2012 Preliminary Competition matches

7. On 15 February 2010, FIFA sent a form (hereinafter referred to as the “Entry Form”) for the men’s preliminary competition for the London 2012 Olympic Football Tournaments (hereinafter referred to as the “Competition”) to all member associations, including the QFA. The member associations were requested to fill in the Entry Form wherein they undertook to take part in the Competition and return the same to FIFA before 12 March 2010.
8. On 28 May 2010, FIFA informed the AFC of the member associations which had officially enrolled for the Competition. The QFA was among the members which had enrolled. FIFA also informed the AFC that “(...) *the format of the preliminary competitions shall be proposed by the confederations and approved by FIFA*”. FIFA requested the AFC to send information concerning

the qualification system it would use for the Competition and the dates when the matches would be played.

9. On 12 August 2010, the AFC informed its member associations that the AFC Committee had “(...) *decided on the (...) format and match dates for the Olympic Football Tournament London 2012 Preliminary Competition*”.
10. On 22 September 2010, the AFC informed FIFA that it had proposed 20 October 2010 as the date for the official draw for the Competition. It requested FIFA to “(...) *approve the draw date and mechanism at [its] earliest convenience (...)*”.
11. On 24 September 2010, FIFA informed the AFC of its approval of the official draw to be held on 20 October 2010. FIFA also informed the AFC that it had “(...) *taken due note of the format for this competition and [had] no objections to raise*”.
12. On 27 September 2010, the AFC informed its member associations that “(...) *based on the total number of (...) entries for the above competition, please note the following competition format and match dates of the Asian Qualifiers for Men’s Olympic Football Tournament London 2012 approved by the AFC Competitions Committee*”. The letter further informed the member associations that the official draw for round 1 of the Competition would be held on 20 October 2010 at the AFC House.
13. On 18 October 2010, the AFC informed its member associations of the teams which had been seeded for the Competition. The member associations were further informed that the “(...) *teams ranked 1st to 13th will enter the competition from Round 2 and are exempt from the Official Draw for Round 1 to be held on 20 October 2010 at AFC House*”.
14. On 20 October 2010, the official draw for the Competition was held.
15. On 19 June 2011, Qatar played against India’s football team in the first leg match of the second round of the Competition. During the said match, Qatar fielded the player Hatim Abdelaziz (hereinafter referred to as the “Player”). The Player received a yellow card during the match.
16. On 22 June 2011, the secretariat of the FIFA Disciplinary Committee sent a letter (hereinafter referred to as the “Confirmation Letter A”) to the QFA confirming that the Player had received a yellow card in the second round match played on 19 June 2011. The letter, sent using FIFA’s letterhead, read as follows:

“(...) Confirmation Letter A for disciplinary measures (art. 35 and 72 par. 1 FDC)*

(...)

Qatar Football association

(...)

Match: QAT v. IND

Date: 19 June 2011

(...)

We would like to confirm the disciplinary measure(s) taken against the player(s) of your representative team in the above-mentioned match.

The referee of the above-mentioned match has reported to FIFA that the following player(s) was (were) cautioned.

(...)

ABDELAZIZ Hatim

(...)

Please take note that the sanction(s) has (have) been registered by the FIFA

Disciplinary Committee (art.35 FDC)".

17. On 23 June 2011, Qatar played against India in the second leg match of the Competition's second round stage. Qatar fielded the Player in this match. The Player did not receive any yellow card, and Qatar advanced to the third round of the Competition.
18. On 23 November 2011, Qatar played against the Republic of South Korea in the second match of the third round of the Competition. Qatar fielded the Player, who received another yellow card.
19. On 27 November 2011, Qatar played Oman in its next preliminary Competition match of the third round of the Competition. The match ended in a 1-1 draw and according to the match summary, the list of players and the officials' reports, Qatar fielded the Player in the said match. This fact is not disputed by the Parties.
20. On 1 December 2011, the secretariat of the FIFA Disciplinary Committee sent a letter (hereinafter referred to as the "Confirmation Letter B") to the QFA confirming that the Player had received his second yellow card of the Competition, and that pursuant to Article 17.3 of the FIFA Disciplinary Code 2011 (hereinafter referred to as the "FIFA Disciplinary Code"), the Player was to serve a one-match suspension in the next Competition match between Qatar and Oman to be played on 27 November 2011. The letter read as follows:

"(...) Confirmation Letter B

for disciplinary measures (art. 35 and 72 par. 1 FDC)

(...)

Qatar Football association

(...)

Match: QAT v. KOR

Date: 23 November 2011

(...)

We would like to confirm the disciplinary measure(s) taken against the player(s) of your representative team in the above-mentioned match.

(...)

For receiving 2 cautions in two different matches of this competition the following player(s) is (are) suspended from the next match (art. 17 par.3 FDC):

ABDELAZIZ Hatim

(...)

Please take note that the sanction(s) has (have) been registered by the FIFA Disciplinary Committee (art.35 FCD)”.

II.2 The FIFA Disciplinary Committee Proceedings

21. On 8 December 2011, FIFA opened disciplinary proceedings against the QFA for having allegedly fielded an ineligible Player, contrary to Article 55.1 of the FIFA Disciplinary Code.
22. On 11 and 12 January 2012, the QFA filed its position and denied having breached Article 55.1 of the FIFA Disciplinary Code. The QFA averred that:
 - a) FIFA had delegated important aspects of the Competition matches to the AFC;
 - b) The AFC regulations do not stipulate that single yellow cards received in one round of a competition are carried forward to the next round;
 - c) It had no statutory obligation to field only eligible players in the Competition;
 - d) FIFA had not notified the QFA of the Player’s ineligibility;
 - e) The Player was not a key player in the match between Qatar and Oman on 27 November 2011; and

f) If found guilty, it asked FIFA to only impose a sanction of a symbolic nature, such as a warning, reprimand or fine.

23. On 25 January 2012, the FIFA Disciplinary Committee held as follows:

- a) The QFA was liable for having breached Article 55.1 of the FIFA Disciplinary Code;
- b) The QFA was hence ordered to pay a fine of CHF 6,000 within 30 days;
- c) The match between Oman and Qatar played on 27 November 2011 was declared lost by forfeit by Qatar (0-3); and
- d) The QFA was condemned to bear the costs of the proceedings CHF 1,000.

II.3 The FIFA Appeal Committee Proceedings

24. On 9 February 2012, the QFA filed its grounds of appeal before the Appeal Committee. It requested the Appeal Committee to annul the FIFA Disciplinary Committee decision and to refer the case back to the FIFA Disciplinary Committee for a new decision, and in the alternative, to set aside the said decision and/or partially set aside the FIFA Disciplinary Committee decision by imposing a sanction of a symbolic nature.

25. The QFA also filed the following procedural requests before the Appeal Committee:

- a) A request for the relevant files of similar cases concerning the Competition pending before FIFA's judicial bodies related to the eligibility of players who have received two single yellow cards in different rounds/stages of such Competition;
- b) Notice of the date and place when and where the Appeal Committee would meet to deliberate the matter as well as the composition of the panel; and
- c) The QFA reserved its right to request an oral statement before FIFA upon receiving information in relation to the first two requests.

26. On 13 February 2012, the Appeal Committee informed the QFA of the composition of the panel. It also informed the QFA that:

- a) The request for similar cases concerning the Competition pending before FIFA's judicial bodies related to the eligibility of players who had received two single yellow cards in different rounds/stages of the Competition was irrelevant because:
 - i. Article 39.4 of the FIFA Disciplinary Code required cases to be assessed individually;
 - ii. It related to pending procedures whose final and binding decisions were yet to be rendered; and

- iii. The FIFA Disciplinary Committee decision was based on the FIFA Disciplinary Code and the London 2012 Olympic Football Tournament Regulations (hereinafter referred to as the “OFT Regulations”). The request was hence disproportionate to any benefit the QFA might have had.
 - b) The request for an oral statement was pre-emptively dismissed because:
 - i. The QFA’s right to be heard had been respected by virtue of the reasons for appeal filed on 9 February 2012; and
 - ii. Since Qatar was scheduled to play its last match of round 3 of the Competition against the Republic of South Korea on 14 March 2012, there were time constraints which required the urgent delivery of a final and binding decision.
27. During the Appeal Committee proceedings, it was the QFA’s position that the FIFA Disciplinary Committee had violated its right to be heard, arguing that (i) through its letter dated 8 December 2011 informing the QFA that disciplinary proceedings had been opened, FIFA had already prejudged the case; (ii) it only received the entire FIFA file after the first deadline to present its position had elapsed; and (iii) its request to present an oral statement had been dismissed.
28. In relation to the substance, it was the QFA’s position that:
 - a) FIFA failed to notify the QFA of the Player’s ineligibility for the match against Oman;
 - b) The QFA had no obligation to ensure that only eligible players were fielded in the Competition; and
 - c) The sanction imposed by the FIFA Disciplinary Committee was disproportionate.
29. On 15 February 2012, the Appeal Committee issued the Appeal Decision, upholding the decision of the FIFA Disciplinary Committee on the following grounds:
 - i. The QFA’s right to be heard had not been violated. The objectives of FIFA’s letter dated 8 December 2011 were to (i) present the facts to the QFA, (ii) determine the legal basis of the possible violation and (iii) grant the QFA its right to be heard. The QFA’s request for an oral statement had rightfully been dismissed on the grounds contained in FIFA’s letter dated 13 February 2012;
 - ii. At no time did the AFC request FIFA, pursuant to Article 2.2 of the OFT Regulations, to make use of any of its already existing tournaments to serve as the preliminary competition for the Olympic football tournaments London 2012;
 - iii. The Competition fell under the auspices of FIFA in collaboration with the AFC. This is clear from the following:

- a) Article 6.1 of the OFT Regulations, which states that “[t]he associations shall confirm their participation by sending the official entry form (...) to the FIFA general secretariat (...)”. The QFA complied with this;
 - b) Article 6.3 (b) of the OFT Regulations, under which the participating associations undertook to “(...) accept that all administrative, disciplinary and refereeing matters relating to the preliminary competitions shall be dealt with by FIFA (...)”;
 - c) Article 36 of the OFT Regulations, which states that “[t]he participating associations undertake to comply with the FIFA Disciplinary Code in force and the relevant circular(s)”;
 - d) FIFA Circular No. 1218, which invites “(...) the member associations of FIFA to enter the men’s and women’s competitions by (...) returning the attached entry form to FIFA”;
 - e) The Confirmation Letters A and B received by the QFA from FIFA clearly referring to the FIFA Disciplinary Committee as the responsible judicial body, and also referring to Articles 35 and 72.1 of the FIFA Disciplinary Code; and
 - f) The QFA has been a FIFA member since 1972. This was not the first time it had taken part in a preliminary FIFA competition. It therefore ought to have been aware that the FIFA Statutes and regulations applied to the preliminary competition matches for the London 2012 Olympic Football Tournaments.
- iv. Pursuant to Article 36 of the FIFA Disciplinary Code, cautions received during one competition are “(...) carried over from one round to the next in the same competition”, and Article 17.3 adds that a player who “(...) receives a caution in two separate matches of the same FIFA competition (...) is automatically suspended from the next match in that competition”;
 - v. It is not in dispute that the Player received two yellow cards during the Competition, against India on 19 June 2011, and against the Republic of South Korea on 23 November 2011. He was therefore automatically suspended for the next match between Oman and Qatar;
 - vi. Pursuant to Article 35.1 and 35.2 of the FIFA Disciplinary Code, “(...) sanctions (cautions, expulsions ...) have an immediate effect on subsequent matches even if the letter of confirmation reaches the association (...) concerned later”. It is the sole responsibility of the association to verify whether or not a player is suspended for a match;
 - vii. Article 8.1 (b) of the OFT Regulations requires “[e]ach association taking part in the Tournaments to ensure (...) [that] all players shall be eligible for selection in accordance with the FIFA Statutes and relevant FIFA regulations, in particular articles 15 to 18 of the Regulations Governing the Application of the FIFA Statutes”;
 - viii. The QFA’s obligation to only field eligible players was an international principle which uniformly applied in all FIFA competitions;

- ix. Corroborating the fact that the QFA was aware of its duty to field eligible players is seen in its act of observing the sanction imposed on the Qatari player Naser Nabeel, who had received two single yellow cards in the same competition. The QFA had received a confirmation letter to this effect from FIFA on 1 December 2011;
 - x. The fact that other FIFA competition regulations were not drafted in similar fashion did not mean that the member associations were not obliged to field only eligible players in the preliminary competition matches for the London 2012 Olympic Football Tournaments;
 - xi. Pursuant to Article 55.1 of the FIFA Disciplinary Code, a team which fields an ineligible player in an official match is sanctioned by forfeiting the match and paying a minimum fine of CHF 6,000. This is corroborated by Article 8.2 of the OFT Regulations, which states that “(...) *any team found guilty of fielding an ineligible player (...) shall forfeit the match in question (...)*”;
 - xii. The mere fact of fielding an ineligible player amounts to a breach of the regulations punishable by forfeiture. It does not matter whether it was committed negligently or intentionally; and
 - xiii. In relation to the alleged disproportionality of the sanction, Article 55.1 of the FIFA Disciplinary Code is strict and the Appeal Committee was devoid of discretionary powers. Pursuant to Article 125.3 of the FIFA Disciplinary Code, decisions may not be amended to the detriment of the party contesting them.
30. As a result of the Appeal Decision, the Appellant did not qualify for the playoff phase of the Competition as it finished at the third place of its group in round 3 of the Competition and only the two first teams of each group of round 3 were qualified.

III. THE ARBITRAL PROCEEDINGS BEFORE THE CAS

31. On 8 March 2012, the Appellant filed its Statement of Appeal at the Court of Arbitration for Sport (hereinafter referred to as the “CAS”) and nominated José Juan Pintó as arbitrator. As a provisional measure pursuant to Articles 37 and 48 of the Code of Sports-related Arbitration (hereinafter referred to as the “CAS Code”), it requested the President of the CAS Appeals Arbitration Division and/or the Panel, if already constituted, to direct FIFA to stay the execution of the Appeal Decision and to order the AFC to “(...) *postpone the staging of the (...) play off phase of the Competition scheduled to take place from 25 March 2012 until 29 March 2012 until a decision on the Appellant’s present appeal has become final and legally binding (...)*”.
32. In its application for provisional measures, the Appellant stated that the Qatar national Olympic team risked being deprived of the chance of taking part in the relevant playoff phase following round three of the Competition, and consequently of the possibility of taking part in the final competition of the London 2012 Olympic games. In supporting its

arguments, the Appellant averred that (i) it stood to suffer irreparable harm, (ii) it had a prima facie case and (iii) the balance of interests were more in favour of the provisional measures being granted.

33. In its Statement of Appeal, the Appellant also requested the CAS to:

“1. (...) order FIFA to provide to the CAS for the attention of the Appellant at the earliest convenience, with copy of the complete file at disposal of FIFA concerning the Disciplinary Proceedings leading to the decision of the FIFA Appeal Committee dated 17 February 2012 (Appeal 110634 APC IRQ ZH) against FIFA related to the fielding of the player Jasim Faisal in the Preliminary Competition match of the Olympic Football Tournaments London 2012 between the United Arab Emirates and Iraq played on 27 November 2011 [hereinafter referred to as the “Iraq Case”] as well as all other files related to similar cases concerning the competition, and

2. As a consequence of the above, to suspend the time-limit for the Appellant to file its “Appeal Brief” concerning the present matter and to fix the relevant time-limit of ten days to file to the CAS its “Appeal Brief” pursuant to Article R51 of the Code upon providence to QFA with copy of the requested file(s) (...).”

34. On 15 March 2012, the CAS Court Office, on behalf of the Deputy President of the CAS Appeals Arbitration Division, granted the First Respondent 10 days to provide a full copy of the FIFA file related to the Appeal Decision. The Appellant was granted 10 days following receipt of the FIFA File to file its Appeal Brief. The Respondents were granted 10 days to jointly nominate an arbitrator. Finally, the Respondents were granted 10 days to file their answers to the request for provisional measures.

35. On 20 March 2012, the First Respondent informed the CAS Court Office that:

- a) As a general rule, disciplinary proceedings remain confidential and cannot be communicated to third parties; and
- b) Both the Appellant and the Iraqi Football Association were in possession of the complete file in relation to their respective cases and can therefore exchange copies of these amongst themselves.

36. On 20 March 2012, the CAS Court Office informed the Parties that since the Iraqi Football Association had withdrawn its appeal before the CAS, the Deputy President of the CAS Appeals Arbitration Division deemed the Appellant’s request for the Iraq Case moot. The Appellant was granted 10 days to file its Appeal Brief.

37. On 21 March 2012, the Appellant stated that the CAS Court Office had not properly quoted its request as specified in paragraph 1 of the Statement of Appeal in its letter dated 15 March 2012, which only requested the First Respondent to adduce *“(...) the full case file related to the appealed decision”*. It stated that this improper quotation by the CAS Court Office in its letter dated 15 March 2012 led the Deputy President of the CAS Appeals Arbitration Division to consider the request 1 of its Statement of Appeal moot. The Appellant also contested the

First Respondent's arguments and reiterated its request to receive a full copy of the documents mentioned in prayer 1 of its Statement of Appeal.

38. On 21 March 2012, the Respondents filed their respective answers to the Appellant's request for provisional measures.
39. On 22 March 2012, the CAS Court Office informed the Parties it had misunderstood the Appellant's request in its Statement of Appeal. The Parties were informed that the Deputy President of the CAS Appeals Arbitration Division had considered the Appellant's request in paragraph 1 of the Statement of Appeal, together with the First Respondent's submission dated 20 March 2012, and decided to dismiss the Appellant's request for the Iraq Case. The deadline for the Appellant's Appeal Brief set in the CAS Court Office letter of 20 March 2012 was confirmed.
40. On 23 March 2012, the Deputy President of the CAS Appeals Arbitration Division issued an Order on provisional measures, rejecting the Appellant's request on the basis that FIFA and AFC both proposed to reinstate the Appellant should its appeal be upheld as to the substance by the Panel before the beginning of the Olympic tournament scheduled from 26 July 2012.
41. On 29 March 2012, the CAS Court Office confirmed that the Respondents had jointly nominated Prof. Dr. Ulrich Haas as their arbitrator.
42. On 29 March 2012, the Appellant filed its Appeal Brief together with exhibits and witness statements it intended to rely on. The Appellant expressed its wish for a hearing and made the following preliminary procedural request:

"1. To ensure the continuation of the present arbitral proceedings in a timely manner which will guarantee that an Award from the honourable Panel may be rendered well in advance of the scheduled starting date of the Final Competition of the Olympic Games London 2012 (i.e. 26 July 2012) which will leave to the Qatar National Olympic Team sufficient time for proper preparation concerning Final Competition".
43. On 2 April 2012, the Respondents were granted 20 days to file their Answers.
44. On 12 April 2012, the First Respondent requested the CAS Court Office to extend its deadline for filing its Answer to 27 April 2012 due to its heavy workload and the sizeable extent of the Appellant's submissions.
45. On 12 April 2012, the CAS Court Office, pursuant to Article R32 of the CAS Code and on behalf of the Secretary General, extended the Respondents' deadline for filing their Answers until 27 April 2012.
46. On 12 April 2012, the Parties were informed that the Panel appointed to decide the above-referenced case was constituted as follows:
 - Mr. Rui Botica-Santos, Attorney-at-law in Lisbon, Portugal, as President.

- Mr. José Juan Pintó, Attorney-at-law in Barcelona, Spain.
- Mr. Ulrich Haas, Professor in Zurich, Switzerland.

The Panel also appointed Mr. Felix Majani, Attorney-at-law in Nairobi, Kenya, to act as the ad hoc clerk.

47. On 23, 24 and 27 April 2012, the OFA, the AFC and FIFA respectively filed their Answers together with documents and evidence in support of their defence.
48. On 16 May 2012, the CAS Court Office informed the Parties that the matter would be heard on 11 July 2012 at the CAS headquarters. They were invited to specify the names of their representatives as well as the names of all the witnesses and experts who would attend the hearing or who would give oral evidence by conference call.
49. On 21 May 2012, an Order of Procedure was sent to the Parties, who all signed the same.
50. On 11 July 2012, the hearing was held at the CAS headquarters in Lausanne, Switzerland. The Panel was assisted at the hearing by Mr. William Sternheimer, Counsel to the CAS. During the hearing, the Appellant was represented by Mr. Etorre Mazzilli, Mr. Martin Cockburn and H. E. Sheikh Hamad Bin Khalifa Bin Ahmed Al-Thani. The First Respondent was represented by Mr. Marc Cavaliero and Mr. Damian Deucher; the Second Respondent was represented by Mr. Awad Al-Zaim and Ms. Stephanie Selier; and the Third Respondent was represented by Mr. Lazarus Jansen.
51. Also present at the hearing were:
 - a) Ms. Delar Karara – Interpreter
 - b) Mr. Mansoor Al Ansari – witness and Managing Director of the QFA
 - c) Mr. Saoud Al Mohannadi – witness and Secretary General of the QFA
 - d) Mr. Najeh Harib – witness and President of the Iraqi Football Association
52. During the hearing, the Appellant stated that its right to be heard had been violated because the Deputy President of the CAS Appeals Arbitration Division had dismissed its request for FIFA to produce a full copy of the Iraq Case in paragraph 1 of the Statement of Appeal. The Appellant stated that Iraq had withdrawn its appeal to the CAS because it would not have played in the play-off phase of the Competition, even if it succeeded in the appeal. The Appellant averred its challenge of the Appeal Decision was also based on the same arguments as those invoked by Iraq in its appeal to the CAS, in particular the perception of the Iraqi Football Association that the Competition was regulated by the AFC Regulations.
53. Ruling on this issue, the Panel concurred with the grounds of the Deputy President of the CAS Appeals Arbitration Division that the Appellant's request for a copy of the Iraq Case

was moot because the Iraqi Football Association had withdrawn its appeal before the CAS. The Panel also stated that:

- a) There was no need to access the entire Iraq Case because the Iraq matter was similar in fact and substance to the present appeal. FIFA's position was also similar in both cases;
- b) From the documents and submissions filed by FIFA, the Appellant had failed to establish and/or identify any specific aspect or document which was different from the facts and substance of the Iraqi proceedings and warranted the production of the Iraq Case;
- c) The Appellant had adduced a copy of the CAS statement of appeal filed by the Iraqi Football Association as Annex 17 of its Appeal Brief. From the said statement, it is apparent that the arguments raised by the Iraqi Football Federation are similar to those raised in the present appeal. There exists no different position from FIFA which could aid the Appellant's request for the production of the Iraq Case;
- d) The Appellant summoned Mr. Najeh Harib, the President of the Iraqi Football Association as its witness. It had the opportunity to examine the said witness and the Panel also had the chance of cross examining him. His testimony revealed no evidence or document in relation to the Iraq Case which could be deemed relevant; and
- e) Pursuant to Article R57 of the CAS Code, any prejudice suffered by the Appellant prior to the formation of the Panel had been cured through the hearing held in this matter (cf paragraph 167 hereunder).

54. At the conclusion of the hearing, the Parties confirmed that they had no objections in respect to the manner in which the hearing had been conducted, in particular the principles of the right to be heard and to be treated equally in the arbitration proceedings.

IV. THE PARTIES' POSITIONS

IV.1. The Appellant's position

a. *The Appeal Decision was based on incorrect facts and incomplete legal considerations*

55. The Appeal Decision was issued on the basis of incorrect and/or misrepresented facts together with incomplete legal considerations. The sanctions imposed are based on customary practice rather than clear regulations. The Appeal Committee applied the wrong law in sanctioning the QFA. Article 55.1 of the FIFA Disciplinary Code would only have been applied in the FIFA proceedings in case no specific provisions in relation to the

Competition existed. However, Article 8.2 of the OFT Regulations is and was existent, and ought to have been applied. It ought to have prevailed over Article 55.1 of the FIFA Disciplinary Code. FIFA failed to consider the relevant factual requirements under Article 8.2 of the OFT Regulations.

56. Unlike Article 55.1 of the FIFA Disciplinary Code, Article 8.2 of the OFT Regulations demands that a team must be found guilty of fielding an ineligible player.
57. The Appeal Committee failed to admit that the Player was fielded as a result of the ambiguous FIFA regulations in relation to eligibility and the confusion created by FIFA.
58. The Appeal Committee wrongfully concluded that it was the exclusive responsibility of the respective association to verify whether a player had been suspended.
59. The Appeal Decision should not have considered the QFA's omission of the player Naser Nabeel from the match played on 27 November 2011 because the said player was rightfully omitted for having received two yellow cards in the same round (the third round) of the Competition.

b. The FIFA judicial bodies violated the QFA's right to be heard

60. The proceedings before the FIFA judicial bodies were conducted unfairly and with bias. The Appeal Committee violated the QFA's right to be heard by (i) dismissing its right to receive a copy of the Iraq Case and relevant files of similar cases concerning the Competition pending before FIFA's judicial bodies and (ii) dismissing its request for an oral statement.
61. It was vital for the Appeal Decision to consider the file related to the Iraq Case because its facts were similar to the present appeal.

c. FIFA delegated the organisation of the Competition to the AFC

62. The FIFA judicial bodies made mistakes in relation to the manner in which the Competition was conducted as there existed confusion on the exact regulations applicable, and on the principle of carrying forward two single yellow cards received in the Competition.
63. FIFA delegated competence and/or gave the impression that the Competition was in fact an AFC competition, managed and organised by the AFC Competitions Committee, especially because the OFT Regulations are silent on the issue of carrying forward single yellow cards received in one stage of the Competition to the next stage. The QFA trusted FIFA in this regard and acted in good faith. The arrangements between FIFA and the AFC are internal activities of which the member associations are not aware.
64. Pursuant to Article 2.1 of the OFT Regulations, the Competition was to be organised "*in collaboration with the confederations*".

65. On the basis of the above collaboration, the AFC informed the General Secretaries of the participating AFC member associations on 12 August 2010 that the AFC Competitions Committee had already decided on the format for the Competition.
66. Moreover, on 27 September 2010, the AFC General Secretary informed the General Secretaries of the participating AFC member associations that the Competition format had been approved by the AFC Competitions Committee.
67. The AFC General Secretary further informed the General Secretaries of the participating AFC member associations on 18 October 2010 that 13 teams, including the Qatari team, were to enter the Competition from the second round.
68. Corroborating the above is Article 42 of the AFC Statutes, which states that “[c]ompetitions committee shall organize and manage AFC competitions and matches including making decisions on any matters related to these competitions and matches in accordance with these Statutes and relevant Regulations”.

d. *The Player was eligible to play*

69. Although the Player had received two single yellow cards, he received them in two different rounds of the Competition; the second and third round. The Player was hence eligible to play in Qatar’s match against Oman because:
- a) He received a single yellow card in Qatar’s second round match against India on 19 June 2011 but did not receive any yellow card in the second round return match between Qatar and India on 23 June 2011;
 - b) He received his next yellow card in Qatar’s second match of the third round of the Competition against the Republic of Korea on 23 November 2011; and
 - c) Neither FIFA nor the AFC notified the QFA of the Player’s ineligibility prior to the match against Oman. FIFA only did this in the Confirmation Letter B, which was sent on 1 December 2011, after the match against Oman had taken place.
70. The AFC competition regulations state that the AFC Competition Committee shall have the right to “recommend [...] amendments or alterations to the rules and regulations and instructions for competition and matches”.
71. In view of the above, the respective AFC competition regulations, regardless of whether they relate to club or national team competitions, regularly provide that single yellow cards received in one stage of a competition shall not be carried forward to the next stage. Some of the AFC competition regulations which prove this are:
- a. Article 68 of the AFC Champions League Regulations 2012 which states that “[a] player who receives two (2) cautions (yellow cards) during a stage of the Competition shall automatically be suspended from the match following the match in which he received the second caution (...). Single (1)

yellow cards received in the AFC Champions League Playoff stage in accordance with Art. 21 a) will not be carried forward to the Preliminary Stage of AFC Champions League and AFC Cup”;

- b. Article 61 of the AFC Regulations Challenge Cup 2012, which states that single yellow cards received in the first stage of the competition shall not be carried forward to the group stage; and
- c. Article 36 b of the Asian Cup 2011, which states that “*single yellow cards received in a single (1) stage of the Competition will not be carried forward to the next stage of the Competition*”.

e. *No obligation to only field eligible players*

- 72. Neither the OFT Regulations nor the FIFA Disciplinary Code contain provisions obliging a participating association to ensure that only eligible players are fielded in the Competition. The OFT Regulations are silent on the issue of carrying over single yellow cards received in one stage of the Competition to the next stage.
- 73. The QFA did not therefore have any obligation to only field eligible players. This also means that the duty to ensure that only eligible players are fielded lies squarely with the associations. This duty was however not applicable to this particular situation because FIFA did not provide such obligation in the OFT Regulations.
- 74. Article 8.1 of the OFT Regulations only requires a participating association to ensure it fields players who meet the requirements of nationality or naturalization.
- 75. The relevant FIFA competition regulations regularly contain provisions similar or identical to Article 8.1 of the OFT Regulations, and unlike the latter regulation, they contain express provisions obliging the member associations to only field eligible players. Such regulations include:
 - a) Articles 8.1 and 8.3 of the FIFA Regulations 2014 World Cup;
 - b) Article 22.1 and 22.4 of the Regulations Youth Olympic Football Tournaments Singapore 2010; and
 - c) Article 22.1 of the FIFA Regulations U-20 World Cup in Columbia.
- 76. The Appeal Decision was therefore erroneously based on Article 55.1 of the FIFA Disciplinary Code. Article 17.3 of the FIFA Disciplinary Code would only be applicable in case FIFA notified the QFA of the player’s caution in the match against the Republic of Korea on 23 November 2011.

f. *The sanction is disproportionate*

77. The sanction of match forfeiture is disproportionate. The legal principles of proportionality of sanctions state that sanctions may only be proportionate if they fit the offence or violation in consideration of all the circumstances. FIFA applied the wrong law, Article 55 of the FIFA Disciplinary Code, because unlike ordinary State law, this law does not contain exceptions or general principles which guarantee the reduction of sanctions based on specific circumstance of a case.
78. Article 39.4 of the FIFA Disciplinary Code requires a deciding body to “(...) *take account of all relevant factors in the case and the degree of the offender’s guilt when imposing the sanction*”.
79. Unlike ordinary State law, neither the FIFA Disciplinary Code nor the OFT Regulations contain a provision under which a sanction may be reduced on the basis of specific circumstances of the case. Article 39.4 of the FIFA Disciplinary Code must therefore be applied with caution. Based on the doctrine of proportionality, only a sanction of a symbolic nature as provided in Article 10 of the FIFA Disciplinary Code should be imposed.
80. The QFA acted in good faith when fielding the Player because the OFT Regulations did not contain provisions obliging it to only field eligible players. FIFA gave the impression that the Competition was under the auspices of the AFC.
81. Through the Confirmation Letter A, FIFA created the impression that the QFA would count on them to receive notices in relation to yellow cards and suspensions before the next match. FIFA however failed to notify the QFA of the Player’s suspension from the match against Oman, and the QFA proceeded to field the Player unaware that he was ineligible. FIFA must hence be blamed and the sanctions imposed must be deemed disproportionate. In view of this, the Appeal Decision should not have applied an automatic suspension under Article 17.3 of the FIFA Disciplinary Code.
82. Unlike the other Qatari player Naser Nabeel who received two single yellow cards in the Competition’s third round in the matches against the Kingdom of Saudi Arabia and the Republic of South Korea on 21 September and 23 November 2011 respectively, the Player only received a single yellow card in two different rounds.
83. The Player played no key role in Qatar’s match against Oman. He did not score or directly stop Oman from scoring. He neither injured an opponent nor received a yellow and/or red card.
84. The QFA concludes its submissions by requesting the CAS:

“1. To fully accept the present appeal.

2. As a consequence, to fully set aside the appealed Decision of the FIFA Appeal Committee (Decision 110644 APC QAT ZH) passed on 15 February 2012 in appeal of the first instance Decision of the FIFA Disciplinary Committee dated 25 January 2012 (Decision 110644 QAT ZH).

3. *To state that the player Hatim Abdelaziz cannot be considered ineligible to be fielded in the Preliminary Competition Match of the Olympic Football Tournament London 2012 against Oman played on 27 November 2011.*
4. *To rule that the Qatar Football Association is not found liable for having breached insofar the relevant regulation(s) concerning a player's ineligibility to be fielded in the aforesaid Preliminary Competition Match.*
5. *As consequence of the above to rule that the relevant Match Oman – Qatar played on 27 November 2011 shall be taken into account with the result of 1-1 and shall not be declared lost by forfeit by Qatar (3-0).*
6. *To confirm that the Qatar Football Association shall not pay a fine equal to CHF 6,000.00/-.*
7. *To immediately reinstate the Qatar National Olympic Team in the qualification for the Final Competition Olympic Games London 2012 whereas concerning the exact mode of reinstatement the Qatar Football Association hereby expressly reserves its right to provide an official statement prior to deciding on such aspect.*
8. *As consequence of the above to state that the Appellant shall not pay any costs at all related to the proceedings in front of the FIFA Disciplinary Bodies leading to the Decision under appeal in the present proceedings and all advance payments paid shall be returned from FIFA to Qatar Football Association.*
9. *For the effect of the above, to state that the Respondent shall be condemned to pay any and all costs of the present arbitral proceedings including, without limitation, attorney's fee as well as any eventual further costs and expenses for witnesses and experts.*

In this respect, the Appellant reserves the right to provide the Panel with all relevant documentation attesting the incurred amounts.

ALTERNATIVELY

10. *Should the honourable Panel come to the conclusion to apply a sanction on the Qatar National Olympic Team respectively QFA, the Appellant respectfully requests in the light of the basis legal doctrine of proportionate sanctions only that the sanction to be imposed may be of symbolic nature exclusively based on the list of sanctions contained in Article 10 of the Disciplinary Code.*
11. *As consequence of the above to rule that the relevant Match Oman – Qatar played 27 November 2011 shall be taken into account with the result of 1-1 and shall not be declared lost by forfeit by Qatar (3-0).*
12. *To confirm that the Qatar Football Association shall not pay a fine equal to CHF 6,000.00/-.*
13. *To immediately reinstate the Qatar National Olympic Team in the qualification for the Final Competition Olympic Games London 2012 whereas concerning the exact mode of reinstatement the Qatar Football association hereby expressly reserves its right to provide an official statement prior to deciding on such aspect.*

14. *As consequence of the above to state that the Appellant shall not pay any costs at all related to the proceedings in front of the FIFA Disciplinary Bodies leading to the Decision under appeal in the present proceedings and all advance payments paid shall be returned from FIFA to Qatar Football Association.*

15. *For the effect of the above, to state that the Respondent shall be condemned to pay any and all costs of the present arbitral proceedings as well as the procedures related to the Order on provisional and conservatory measures as mentioned above, including, without limitation, attorney's fee as well as any eventual further costs and expenses for witnesses and experts.*

In this respect, the Appellant reserves the right to provide the Panel with all relevant documentation attesting the incurred amounts”.

IV.2. The First Respondent's position

a. The Appellant's right to be heard was respected

85. The QFA's right to be heard was respected. It filed a detailed submission dated 11 January 2012 before the FIFA Disciplinary Committee, and another submission dated 9 February 2012 before the Appeal Committee. FIFA has no corresponding statutory obligation to grant the request for an oral statement, since the matter had to be resolved urgently. In any case, Article R57 of the CAS Code grants the Panel power to review the facts and the law *de novo*, pursuant to which the QFA may request a hearing, summon witnesses or adduce oral arguments.

b. The QFA clearly violated Article 55.1 of the FIFA Disciplinary Code

86. Pursuant to Article 58.3 of the FIFA Statutes, FIFA is empowered to act on members, club, officials and players and match agents and sanction them pursuant to the sanctions imposed in the FIFA Statutes and the FIFA Disciplinary Code. Associations are also subject to the FIFA Disciplinary Code as stipulated in Article 3 of the said Code.

87. The Player received a caution in two separate matches of the same Competition. Pursuant to Articles 17.3, 31.1 and 55.1 of the FIFA Disciplinary Code, the Player was therefore automatically suspended from the next match between Qatar and Oman on 27 November 2011 and Qatar has to be sanctioned accordingly for having fielded an ineligible player.

c. FIFA did not delegate the Competition's organisation to the AFC

88. FIFA did not delegate disciplinary matters concerning the Competition to the AFC. Article 2 of the OFT Regulations is clear that “[t]he preliminary competitions shall be organized by FIFA in collaboration with the confederations (...). The confederations may propose to FIFA that existing tournaments serve as the preliminary competitions for the Tournaments. In case FIFA accepts such a proposal, the respective confederations shall be solely responsible for the organization of such preliminary tournaments”.

89. There was no request from the AFC to FIFA seeking permission to use an already existing tournament to serve as the preliminary competition for the Competition
90. The OFT Regulations, FIFA circulars as well as several correspondence confirm FIFA's collaboration with the AFC. These are:
- a) Article 6.1 and 36 of the OFT Regulations;
 - b) FIFA circular number 1218, which the QFA complied with by sending its official entry form to the FIFA General Secretariat;
 - c) FIFA's letter dated 28 May 2010 to the AFC informing the latter that "[t]he format of the preliminary competitions shall be proposed by the confederations and approved by FIFA"; and
 - d) The AFC's letter dated 22 September 2010 to FIFA, asking the latter to "(...) approve the draw date and mechanism (...)".
91. The QFA knew that the Competition would be governed by the FIFA Statutes and regulations. The QFA merely mentions several AFC regulations which otherwise govern competitions such as the AFC Champions' League 2012 or the AFC Challenge Cup, but not the present Competition. Article 6.3 (b) of the OFT Regulations requires participating associations to "(...) accept that all the administrative, disciplinary and refereeing matters relating to the preliminary competitions shall be dealt with by FIFA (...)".
92. Moreover, during the FIFA Disciplinary Committee proceedings, the QFA did not dispute FIFA's competence in relation to disciplinary matters concerning the Competition.
- d. *Single yellow cards received in one round of the Competition are carried forward to the next round***
93. The AFC Champions' League 2012 and/or the AFC Challenge Cup referred to by the QFA are inapplicable. The Competition is governed by the FIFA regulations, *inter alia*, the OFT Regulations.
94. Article 17.3 of the FIFA Disciplinary Code is clear that a player who "(...) receives a caution in two separate matches of the same FIFA competition (...) is automatically suspended from the next match in that competition".
95. Article 36 of the OFT Regulations requires "[t]he participating associations (...) to comply with the FIFA Disciplinary Code in force and the relevant circular(s)". This law also stipulates that cautions received during one competition are "(...) carried over from one round to the next in the same competition".
96. Rounds two and three of the Competition are indisputably considered as one competition. The single yellow card the Player received in the second round of the Competition against

India on 19 June 2011 was not cancelled at the end of the second round. It was carried over to the third round, where the Player again received a second yellow card against the Republic of Korea on 23 November 2011.

e. Member associations have the exclusive responsibility of fielding only eligible players

97. Article 8.1 (b) of the OFT Regulations requires each association taking part in the Competition to ensure that all players shall be eligible for selection in accordance with the FIFA Statutes and relevant FIFA regulations, in particular Articles 15 to 18 of the Regulations Governing the Application of the FIFA Statutes.

98. In relation to eligibility for selection and the relevant FIFA regulations mentioned in Article 8.1 of the OFT Regulations, FIFA states that Article 17.3 of the FIFA Disciplinary Code must be considered, because it provides that a player who “(...) receives a caution in two separate matches of the same FIFA competition (...) is automatically suspended from the next match in that competition”.

99. Despite claiming not to be bound to field eligible players, the QFA has not identified the person or entity bound by such duty.

100. In addition to this, it is unquestionably in the nature of football matches that the responsibility of fielding only eligible players solely lies with the respective team. FIFA is by no means bound by such responsibility.

101. Notwithstanding the above, the QFA was aware of its duty to only field eligible players. This is evident from the fact that it observed the automatic sanction imposed against the player Naser Nabeel in the Competition and equally confirmed by the Confirmation Letter B.

f. FIFA’s notice in relation to match suspensions only serves as confirmation

102. Pursuant to Articles 35.1 and 35.2 of the FIFA Disciplinary Code “(...) sanctions (cautions, expulsions, automatic match suspensions) have an immediate effect on subsequent matches even if the letter of confirmation reaches the association (...) concerned later”. Confirmations of suspensions sent by FIFA to the associations only serve as confirmation. The QFA cannot therefore claim that FIFA omitted to notify it of the Player’s ineligibility.

g. The Player’s mere participation fulfils the legal prerequisite

103. In relation to the QFA’s allegation that the Player did not play a key role in the match between Qatar and Oman, FIFA states that Article 55.1 of the FIFA Disciplinary Code and Article 8.2 of the OFT Regulations do not distinguish between players who score and those who do not. It neither distinguishes any of the issues raised by the QFA in relation to the Player’s role in the match against Oman.

h. FIFA's judicial bodies have no discretionary powers in relation to forfeiture

104. Articles 55.1 of the FIFA Disciplinary Code and 8.2 of the OFT Regulations expressly provide for forfeiture of matches against a team which fields an ineligible player. Both provisions are within the doctrine of certainty and predictability of sanctions. FIFA is devoid of any discretionary powers in relation to these provisions. Even if it had such powers, the same sanctions would have been imposed because the Qatari team gained an unjustified advantage at the expense of the Omani team by fielding an ineligible player.
105. FIFA's right to sanction does not constitute an exercise of criminal powers. FIFA's relationship with its members is not governed by criminal law, but by civil law.
106. Neither Article 55.1 of the FIFA Disciplinary Code nor Article 8.2 of the OFT Regulations provides for the imposition of the sanctions contained in Article 10 of the FIFA Disciplinary Code, such as warnings.

i. The fine

107. Article 55.1 of the FIFA Disciplinary Code is clear that in addition to forfeiture, a minimum fine of CHF 6,000 must be imposed as a second sanction. FIFA's judicial bodies deemed this fine as appropriate.

j. The Application of Article 55.1 of the FIFA Disciplinary Code

108. Although Article 55.1 of the FIFA Disciplinary Code and Article 8.2 of the OFT Regulations might not share the exact same words, "(...) *the literal sense or denotation of the provisions (...) is completely the same*".
109. When including a provision sanctioning the participation of an ineligible player, other FIFA regulations as well as the regulations of other confederations randomly duplicate either Article 55.1 of the FIFA Disciplinary Code or Article 8.2 of the OFT Regulations.
110. Article 7.1 of the FIFA Disciplinary Code states that "[u]nless otherwise specified, infringements are punishable regardless of whether they have been committed deliberately or negligently". This means that in the unlikely event that the Panel finds that only Article 8.2 of the OFT Regulations is applicable and that the phrase "found guilty" as stated in the aforementioned provision relates to the QFA's culpability rather than to the establishment of facts by a deciding body, the result would still be the same, because Article 8.2 of the OFT Regulations does not exclude negligence.
111. The sole application of Article 8.2 of the OFT Regulations instead of Article 55.1 of the FIFA Disciplinary Code would have no effect other than rendering the fine imposed on the QFA obsolete.

112. Therefore, FIFA states that only in the alternative, the Panel should reject the QFA's prayers and requests for relief in their entirety, "(...) *with the exception of the Appellant's request to cancel the fine of CHF 6,000 (...)*".

k. Prayers and requests

113. FIFA concludes by requesting the CAS:

"1. To reject the Appellant's prayers for relief in their entirety.

2. To confirm the decision hereby appealed against.

3. To order the Appellant to bear all costs incurred with the present procedure and to cover all legal expenses of the Respondent related to the present procedure".

IV.3. The Second Respondent's position

a. Lack of CAS jurisdiction

114. The appeal relates to a violation of the laws of the game. The CAS therefore lacks jurisdiction to hear the matter because Article 63 (a) of the FIFA Statutes 2011 (hereinafter referred to as the "FIFA Statutes") states that the "*CAS does not deal with appeals arising from violations of Laws of the Game*". This objection was withdrawn by the Second Respondent at the hearing.

115. Proving the fact that the appeal is related to the laws of the game are:

- a. The fact that the QFA failed to comply with Article 17.3 of the FIFA Disciplinary Code; and
- b. The fact that the FIFA Disciplinary Committee sanctioned the QFA on the basis of Article 55.1 of the FIFA Disciplinary Code.

116. Pursuant to the OFT Regulations, the Player ought to have missed the match between Qatar and Oman.

b. The competition was organised by FIFA

117. Article 1.1 of the OFT Regulations is clear that "*[t]he Organising Committee for the Olympic Football Tournaments ("FIFA Organising Committee") (...) shall organize the Tournaments in accordance with the FIFA Statutes and the provisions contained in the Regulations of the Olympic Football Tournaments London 2012 (...)*".

118. The AFC's letter dated 12 August 2010 to the General Secretaries of the participating member associations informing them of the Competition format cannot be used by the QFA to mean that the applicable rules of the Competition were similar to those of the AFC.

119. Reference to Article 43 of the AFC Statutes is irrelevant because the role of the AFC Competitions Committee in the Competition is confined to executive requirements and not to applying the AFC regulations. The involvement of the AFC Competitions Committee in coordinating the dates for the matches therefore does not mean that the AFC regulations applied to the Competition.
120. There was no agreement between the QFA and the AFC in relation to the organisation of the Competition, and FIFA only agreed to the application of the OFT Regulations and adopted that in the FIFA Statutes.
121. Article 39 of the FIFA Statutes is clear that “[t]he Organising Committee for the Olympic Football Tournaments shall organize the Olympic Football Tournaments in compliance with the provisions of the regulations applicable to these tournaments and the Olympic Charter”.

c. *The QFA breached the relevant regulations*

122. Article 17.3 of the FIFA Disciplinary Code is clear that a player who receives a caution in two separate matches of the same FIFA competition is automatically suspended from the next match in that competition. Article 19 of the FIFA Disciplinary Code states likewise.
123. Article 55.1 of the FIFA Disciplinary Code is clear on the sanctions; forfeiture of the match and a minimum fine of CHF 6,000.

d. *Carrying forward of cautions*

124. Article 36.2 of the FIFA Disciplinary Code states that “[c]autions received during one competition are (...) carried over from one round to the next in the same competition (...)”.

e. *Duty to notify*

125. Pursuant to Article 35 of the FIFA Disciplinary Code, the FIFA Disciplinary Committee’s confirmation letters only served as confirmation. FIFA’s sanction on the QFA took immediate effect regardless of whether the QFA had received the communication from the FIFA Disciplinary Committee’s secretary.

f. *Duty to field only eligible players*

126. Article 8.2 of the OFT Regulations is clear on the QFA’s duty to field only eligible players. It contains general provisions to be followed by all teams, and this provision also refers to Articles 15 to 18 of the FIFA Regulations Governing the Application of the FIFA Statutes. Breach of this provision is punished with forfeiture of the relevant match.

127. The QFA has since 1972 been a FIFA member and was not taking part in FIFA organised competitions for the first time. Its ignorance of the law cannot relieve it from its responsibility.

g. The proportionality of the sanction

128. Article 55 of the FIFA Disciplinary Code contains no mitigating circumstances.

129. Football is a team sport. The fact that the Player did not score a goal, hinder the opponents from scoring or that he played an insignificant role in the match against Oman is irrelevant. The fact that the QFA did not field the Player on 5 February 2012 is also irrelevant because the latter had already been suspended from that match.

h. The QFA's intention to summon witnesses

130. The dispute does not require summoning witnesses to state their opinion on the relevant laws or to clarify the QFA's good faith.

131. Oman hence asks the CAS to:

"1. Reject the call for the witnesses since such request does not serve the current case and does not relate to the dispute in question and the scope of the specific facts;

2. Rejection of the request for the appeal file of the Iraq Olympic Team match against UAE regarding fielding the player Jasim Faisal (...) since the Appellant and the IFA have appointed the same legal representative, and this legal representative would depend on arguments that constitute mere initiative to achieve a common interest and may end up unnecessarily engaging the time of the honourable court".

i. The appeal has no reasonable grounds

132. Oman was scheduled to play Senegal on 23 April 2012 in a playoff match to decide which team qualifies for the finals of the Competition. The Appeal Decision cannot be set aside as this may affect Oman's legal status. The appeal therefore lacks legal and factual background.

j. Prayers and requests

133. Oman concludes its submissions by requesting the CAS to:

"1. Decide on lack of jurisdiction of the appeal concerning the Laws of the Game; and

2. Reject the appeal, uphold the appealed decision, and oblige the Appellant to pay the expenses and attorney fees of (US\$ 300,000.000). Three Hundred Thousand US\$ (CHF 274,193.90 equivalent)".

IV.4. The Third Respondent's position

a. *There was no impression that the Competition was an AFC competition*

134. Although the AFC organises and coordinates the Olympic qualification games for Asia pursuant to Article 69.2 (a) (ii) of the AFC Statutes, it is nevertheless still subject to Article 69.1 of the AFC Statutes, which states that “*AFC shall have the sole jurisdiction to organise or sanction international competitions in Asia in which Member Associations and/or their clubs participate. FIFA competitions shall not be affected by this Article*”.
135. The Competition was organised by FIFA in collaboration with the confederations. This is stipulated in Article 2.1 of the OFT Regulations.
136. The arrangements between the AFC and FIFA solely related to the format of the Competition. The QFA was aware of this fact, as evidenced in the following correspondence:
- a) The AFC's letter dated 27 September 2010 to the General Secretaries of the participating member associations informing them of the match and competition format for the Competition;
 - b) The AFC's letter dated 18 October 2010 to the General Secretaries of the participating member associations informing them of the seeding for the Competition;
 - c) The AFC's letter dated 30 March 2011 to the General Secretaries of the participating member associations informing them of the official draw and match schedule for the Competition;
 - d) The AFC's letter dated 6 April 2011 to the General Secretaries of the participating member associations informing them that all requests related to the dates for the Competition matches were to be communicated to FIFA and the AFC in writing at least 2 months in advance, and that such request required FIFA's approval;
 - e) The AFC's letters dated 27 June and 4 July 2011 to the General Secretaries of the participating member associations respectively informing and inviting them to the draw and match schedule for the third round of the Competition;
 - f) The AFC's letter dated 7 July 2011 to the General Secretaries of the participating member associations informing them of the results of the draw for the third round matches of the Competition; and
 - g) The AFC's letter dated 12 July 2011 to the General Secretaries of the participating member associations enclosing FIFA circular dated 1 December 2010 and informing them of the registration requirements for the third round of the Competition. Page 1 paragraph 4 of this letter referred the associations “*(...) to the Regulations of the Olympic Football Tournaments London 2012 available at www.fifa.com (...)*”.

137. The AFC never asked FIFA that existing AFC tournaments serve as the preliminary competition for the London Olympic Games.
138. The AFC Competitions Committee did not have a direct influence in the Competition. Article 69.1 of the AFC Statutes only grants the AFC jurisdiction in relation to international competitions in Asia, and FIFA competitions are not affected by the aforesaid Article. The Competition was within the jurisdiction of the FIFA Organizing Committee as provided in Article 1.3 (a) – (i) Article 1.4 (a) – (d), Article 1.5 (a) – (f) and Article 6 of the OFT Regulations.
139. The Competition has not been listed as one of the official competitions organised by the AFC Competitions Committee under Article 69.2 of the AFC Statutes or in the AFC Competitions Committee’s decision-making powers as enshrined in the AFC Champions League Regulations 2011.

b. *Carrying forward of two single yellow cards*

140. Article 33 of the OFT Regulations states that the FIFA Disciplinary Code, the FIFA Anti-Doping Regulations, other FIFA Directives, and the IOC anti-doping regulations were applicable to the Competition.
141. Although the AFC competition regulations provide that a single caution received in one stage shall not be carried over to the next stage, the said regulations are “(...) *specific to AFC official competition under the auspices and control of AFC and does not apply to the said Competition (...)*”.

c. *Duty to field only eligible players*

142. Pursuant to CAS 2011/A/2628 and AFC jurisprudence, the duty of a member association to ensure that it only fields eligible players is well established. Exemplifying this is the AFC Disciplinary Committee Decision VTC: 260911DC01, which held that “(...) *it remains the duty of Foolad to ensure the eligibility of any player to play in any match in the AFC Champions League Competition 2011*”.

d. *Duty to notify*

143. Pursuant to Article 35 para. 1 and 2 of the AFC Disciplinary Code, which is similar to Article 35 of the FIFA Disciplinary Code *verbatim*, communication of cautions, sanctions, expulsions and match suspensions, only serve as confirmation. The sanctions have immediate effect even if the letter of confirmation reaches the member association concerned later.

e. *The proportionality of the sanctions*

144. The sanctions stipulated in the FIFA Disciplinary Code are verbatim Article 55 of the AFC Disciplinary Code. The sanctions imposed are consistent with the provisions governing the fielding of ineligible players under the AFC competitions.
145. For example, Article 30 (g) of the AFC Challenge Cup Nepal 2012 states that teams found guilty of fielding an ineligible player shall forfeit the said match and that a 3-0 victory shall be awarded to the opposing team. Article 31 (c) of the AFC Champions League Regulations 2012 contains a similar provision.
146. The AFC rules and regulations do not therefore provide for alternative sanctions.

f. *Prayers and requests*

147. The AFC concludes by requesting the CAS to:

“a) dismiss the present Appeal and all other request therein by the Appellant

b) Order the Appellant to cover all arbitration cost

c) Order the Appellant to pay to the Respondent parties a contribution towards the legal and other costs incurred by the Respondent parties in an amount to be determined at the discretion of the Panel”.

V. LEGAL ANALYSIS

V.1 Jurisdiction of the CAS

148. The OFA argued that under Article 63 (a) of the FIFA Statutes, the CAS does not deal with appeals arising from violations of Laws of the Game. According to the OFA, the appeal relates to a violation of the Laws of the Game and the CAS therefore lacks jurisdiction to hear the matter.
149. The OFA stated the fact that the QFA failed to comply with Article 17.3 of the FIFA Disciplinary Code and the fact that the FIFA Disciplinary Committee sanctioned the QFA on the basis of Article 55.1 of the FIFA Disciplinary Code prove that the matter relates to the Laws of the Game.
150. FIFA and the AFC have not challenged the CAS jurisdiction. The QFA states that the CAS jurisdiction is derived from Articles 60, 62 and 63 of the FIFA Statutes together with Article R47.1 of the CAS Code.
151. During the hearing, the Panel invited the OFA to state whether it still objected to the CAS jurisdiction. The OFA responded by informing the Panel that it no longer contested the CAS

jurisdiction, and that it had withdrawn its challenge in relation to jurisdiction. The OFA also affirmed the CAS jurisdiction by signing the Order of Procedure.

152. It therefore follows that the CAS has jurisdiction to hear the appeal. This jurisdiction is further derived from Article R47 of the CAS Code and confirmed by the rest of the Parties in their respective signed Order of Procedure.

V.2 Admissibility

153. Pursuant to Article 63.1 of the FIFA Statutes 2011, the Appeal Decision was notified on 15 February 2012 and the Statement of Appeal filed on 8 March 2012. This was within the required 21 days.
154. It follows that the appeal is admissible. Furthermore, no objection has been raised by the Respondents in this respect.

V.3 Scope of the Panel's review

155. According to Article R57 of the CAS Code, the Panel has full power to review the facts and the law of the case. Furthermore, the Panel may issue a new decision which replaces the decision challenged, or may annul the decision and refer the case back to the previous instance.

V.4 Law applicable to the merits

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

“The Panel shall decide the dispute according to the applicable regulations and 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 application of which the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision”.

157. This being an appeal against a FIFA decision, reference must be made to Article 62.2 of the FIFA Statutes which states that:

“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”.

158. In light of the above, the Panel is of the view that the law applicable to the present appeal shall be the FIFA regulations and Swiss law in subsidiary.
159. In relation to the specific relevant FIFA regulations, the Panel notes that the appeal concerns a disciplinary matter related to the eligibility of a player for the qualification matches of the London 2012 Olympic Games. It therefore follows that the relevant FIFA regulations for

reference are the OFT Regulations, the FIFA Disciplinary Code and the Regulations Governing the Application of the FIFA Statutes. If necessary and relevant, the Panel may refer to other FIFA regulations.

V.5 The Merits of the Appeal

160. Based on the Parties' submissions, the issues for determination are the following:

- a) Whether the Appeal Decision was based on incorrect facts, incomplete juridical considerations and whether the FIFA judicial bodies violated the QFA's right to be heard
- b) Which regulations are applicable to the Competition? And did the QFA violate the applicable regulations?
- c) Whether the sanctions imposed in the Appeal Decision are proportionate

a. Whether the Appeal Decision was based on incorrect facts, incomplete juridical considerations and whether the FIFA judicial bodies violated the QFA's right to be heard

161. The QFA states that the Appeal Decision was based on the following incorrect and/or misrepresented facts:

- a) the Appeal Committee applied the wrong law: Article 55.1 of the FIFA Disciplinary Code, which would only have been applied in case there did not exist any specific provisions in relation to the Competition. Article 8.2 of the OFT Regulations is and was existent, and ought to have been applied;
- b) it was not the exclusive responsibility of the respective association to verify whether a player had been suspended; and
- c) the wrongful consideration of the QFA's omission of the player Naser Nabeel from the match played on 27 November 2011. The QFA states that said player was rightfully omitted for having received two yellow cards in the same round of the Competition (round 3).

162. The QFA further avers that the FIFA judicial bodies violated its right to be heard by:

- a) dismissing its right to receive a copy of the Iraq case and relevant files of similar cases concerning the Competition pending before FIFA's judicial bodies; and
- b) dismissing its request for an oral statement.

163. FIFA maintains that the QFA's right to be heard was respected. The QFA filed a detailed submission dated 11 January 2012 before the FIFA Disciplinary Committee, and another

submission dated 9 February 2012 before the Appeal Committee. FIFA has no corresponding statutory obligation to grant the request for an oral statement, since the matter had to be resolved urgently. In any case, Article R57 of the CAS Code grants the Panel power to review the facts and the law *de novo*.

164. Pursuant to Article R57 of the CAS Code “[t]he Panel shall have full power to review the facts and the law”. The Panel may also decide to conduct a hearing after consulting the parties.
165. Note is taken of the fact that the Appellant has had the opportunity of presenting its case in a manner which cures all the irregularities and alleged incomplete juridical considerations effected by the FIFA judicial bodies. Not only has the Appellant done this in the form of a hearing held by the CAS, but also in the form of submissions and witnesses summoned in support of its appeal before the CAS, whose Panel has reviewed the facts and the law in full.
166. Therefore, any prejudice allegedly suffered by the QFA at FIFA judicial level has been cured through this appeal, and the Panel does not have to examine whether the alleged incorrect facts, incorrect juridical considerations and violation of the right to be heard took place at FIFA level. This understanding is supported by the constant and consistent CAS jurisprudence (CAS 2008/A/1574, CAS 2009/A/1840 & CAS 2009/A/1851, CAS 2008/A/1545 and CAS 2012/A/2702).
167. The Panel also refers to its findings as highlighted in paragraph 53 (e) above in relation to the alleged violation of the right to be heard because FIFA and the CAS did not produce a copy of the Iraq Case.

b. Which regulations are applicable to the Competition? And did the QFA violate the applicable regulations?

168. In order to determine this issue, the Panel will have to decide the following sub-issues:
1. Who is the organizer of the Competition and whether FIFA delegated important aspects of the Competition to the AFC;
 2. Whether the QFA had a statutory obligation to field only eligible players in the Competition; and
 3. Whether the Player was eligible to play against Oman.

b.1 Who is the organizer of the Competition and did FIFA delegate important aspects of the Competition to the AFC?

169. Having analyzed the Parties’ submissions and testimonies during the hearing, the Panel has established that in order to determine the case as a whole, the Panel will have to determine who was in charge of organizing and running the Competition. The rest of the issues will consequently follow the Panel’s finding as to which entity was in control of the Competition

and the applicable regulations. The Panel shall hence not reproduce the Parties' entire arguments, but have in mind the relevance of this matter. However, the Panel shall highlight what it considers to be the Parties' key arguments discussed during the hearing and which was the object of the examination and cross examination.

170. The QFA does not object that the Competition was to be organized by FIFA. It however claims that FIFA delegated competence and/or gave the impression that the Competition was in fact an AFC competition, managed and organised by the AFC Competitions Committee, especially because the OFT Regulations are silent on the issue of carrying forward single yellow cards received in one stage of the Competition to the next stage. The QFA also states that the lack of correspondence from FIFA clarifying the organiser of the Competition led to confusion and gave the impression that the Competition had been delegated to the AFC.
171. It is the QFA's position that pursuant to Article 2.1 of the OFT Regulations, the Competition was to be organised in collaboration with the confederations, and that on this basis, the AFC informed the General Secretaries of the participating AFC member associations on 12 August, 27 September, and 18 October 2010 of the format for the Competition organised the AFC Competitions Committee.
172. The Respondents reiterate that FIFA did not delegate the Competition's organisation to the AFC.
173. According to the Respondents, Article 2 of the OFT Regulations is clear that "*[t]he preliminary competitions shall be organized by FIFA in collaboration with the confederations (...)*".
174. FIFA asserts that its collaboration with the AFC is evidenced in:
- a) Articles 6.1 and 36 of the OFT Regulations;
 - b) FIFA circular number 1218;
 - c) FIFA's letter dated 28 May 2010 to the AFC informing the latter that "*[t]he format of the preliminary competitions shall be proposed by the confederations and approved by FIFA*"; and
 - d) The AFC's letter dated 22 September 2010 to FIFA, asking the latter to "*(...) approve the draw date and mechanism (...)*".
175. FIFA claims not to have received any request from the AFC seeking permission to use an already existing tournament to serve as the preliminary competition for the Competition. This sentiment is supported by the OFA and the AFC.
176. The OFA avers that pursuant to Article 1.1 of the OFT Regulations, the Competition was to be organised by FIFA in accordance with the FIFA Statutes. According to the OFA, the AFC's letter dated 12 August 2010 does not mean that the applicable rules of the Competition were similar to those of the AFC.

177. The Respondents state that the arrangements between the AFC and FIFA solely related to the format of the Competition and that the AFC Competitions Committee did not have a direct influence in the Competition.
178. The AFC maintains that Article 69.1 of the AFC Statutes only grants the AFC jurisdiction in relation to international competitions in Asia.
179. It is however apparent from the Appellant's submissions and the testimonies adduced during the hearing that the QFA was confused and unsure as to which regulations were applicable to the Competition. This understanding is also supported by the testimony of the witnesses Mr. Mansoor Al Ansari and Mr. Saoud Al Mohannadi. Both informed the Panel that the QFA was unsure as to the exact regulations applicable to the Competition, and that they in fact had the impression that the Competition was governed by the AFC regulations. They also confirmed that they never sought confirmation from FIFA or the AFC.
180. In view of the above, the Panel remarks that the Competition was organized, and fell under the auspices of FIFA. The AFC's involvement in arranging the Competition was based on its collaboration with FIFA as enshrined under Article 2.1 of the OFT Regulations which states that "*[t]he preliminary competitions shall be organised by FIFA in collaboration with the confederations. The confederations shall establish a competition format, which shall require approval from FIFA*".
181. Corroborating the Panel's understanding that FIFA had control over the Competition and collaborated with the AFC are the fact that:
- a) The QFA filled in the official Entry Form for the Competition sent to it by FIFA via the AFC on 15 February 2010. This form was sent pursuant to Article 6.1 of the OFT Regulations, which states that "*[t]he associations shall confirm their participation by sending the official entry form, duly completed, and specifying whether the entry concerns their men's and/or women's team, to the FIFA general secretariat by the deadline set by FIFA*";
 - b) On 28 May 2010, FIFA informed the AFC that "*(...) the format of the preliminary competitions [would] be proposed by the confederations and approved by FIFA*". The AFC was requested to send information concerning the system it would use for the Competition and the dates when the matches would be played;
 - c) On 22 September 2010, the AFC informed FIFA that it had proposed 20 October 2010 as the date for the official draw for the Competition. It requested FIFA to "*(...) approve the draw date and mechanism at [its] earliest convenience (...)*";
 - d) On 24 September 2010, FIFA informed the AFC of its approval of the official draw to be held on 20 October 2010, stating that it had "*(...) taken due note of the format for this competition and [had] no objections to raise*";

- e) On 12 July 2011, the AFC sent a letter to the General Secretaries of the participating member associations, including the QFA, enclosing the registration forms related to the third round of the Competition. In the said letter, the AFC referred the QFA to the “(...) *Regulations of the Olympic Football Tournaments London 2012 available at www.fifa.com/aboutfifa/documentlibrary/doclists/lasw.html (...)*”;
 - f) The letters dated 12 August, 27 September, and 18 October 2010 referred by the QFA and sent by the AFC secretariat to the AFC member associations only contain information concerning the dates for the matches and the draws, and the teams exempted from the first round of the Competition. The mere fact that the said letters were sent by the AFC to the member associations does not mean that FIFA had delegated the running of the Competition to the AFC. Rather, these letters were sent pursuant to the teamwork which had already been established between FIFA and the AFC, and address issues related to the organization of the Competition, in line with the collaboration specified in Article 2.1 of the OFT Regulations; and
 - g) Under Article 2.2 of the OFT Regulations “*[t]he confederations may propose to FIFA that existing tournaments serve as the preliminary competitions for the Tournaments. In case FIFA accepts such a proposal, the respective confederations shall be solely responsible for the organisation of such preliminary tournaments*”. Article 12.3 of the FIFA Rules Governing the Procedures of the Players’ Status Committee and the Dispute Resolution Chamber 2010 (hereinafter referred to as the “FIFA Procedural Rules”) requires a party deriving a right from an alleged fact to bear the burden of proof. In relation to this, the Panel notes that:
 - i) The QFA has not adduced any evidence proving that the AFC made a proposal to FIFA, asking that existing AFC tournaments serve as the Competition; and
 - ii) FIFA has denied the existence of any such proposal.
182. The aforementioned facts and correspondence prove that FIFA controlled and organized the Competition. The Panel consequently dismisses the QFA’s claims that there was no correspondence from FIFA clarifying who the organizer of the Competition was because:
- a) The QFA has been an AFC member for a long period of time, and this was not the first time it had taken part in the Competition. The QFA had direct contact and access to FIFA and the AFC and could easily clarify any unclear issues related to the organization of the Competition; and
 - b) The OFA was also an AFC member and had received similar correspondence from FIFA and the AFC in relation to the Competition. Oman has not stated having been confused or unaware of the applicable regulations.
183. The QFA has failed to establish the relevant regulations applicable to the Competition and they have not adduced evidence proving that the Competition was not organized and

governed by the FIFA regulations. Corroborating this understanding are the testimonies adduced by the three witnesses summoned by the QFA.

184. In his testimony, Mr. Mansoor Al Ansari, the QFA General Secretary and an experienced QFA official, referred the Panel to a provision of the AFC regulations which stated that a yellow card received in one stage of the Competition is not carried forward to the next stage. He also made reference to several examples of AFC regulations applicable to Asian competitions but he could not state which of these was applicable. He also informed the Panel that he was "*convinced that the tournament was organized under the AFC regulations*". Mr. Al Ansari further confirmed that the AFC never told him that the AFC regulations were applicable. In relation to his testimony, the Panel remarks that Mr. Al Ansari's evidence was not firm in relation to the specific regulations applicable to the Competition. Despite claiming to have had a good relationship with FIFA and the AFC, he did not seek either's confirmation as to the precise regulations applicable especially after confessing that the AFC never told him that the AFC regulations were applicable to the Competition.
185. In his testimony as the second witness, Mr. Saoud Al Mohannadi, the QFA team manager, informed the Panel that he did not know the regulations applicable to the Competition. This witness could neither clarify which AFC regulation was applicable nor identify the regulation which stated that one yellow card received in a stage of the Competition was not carried forward to the subsequent stage. He also informed the Panel that he had limited experience in this type of Competition.
186. As the third witness and the President of the Iraq Football Association, Mr. Najeh Harib's testimony was not firm and clear on the applicable regulations. His testimony was also focused on the confusion and perception that the Iraqi Football Association had in relation to the applicable regulations. The only reference made by this witness in relation to the clarification of the applicable regulations was an indirect mention of a conversation between the FIFA match commissioner in charge of the match involving Iraq and the United Arab Emirates and a match supervisor. In the said conversation, Mr. Harib informed the Panel that the match commissioner told the match supervisor that the relevant regulations applicable to the Competition were the AFC regulations, and that there was only one caution related to Iraq's players. The Panel however finds this evidence both irrelevant and not credible because:
- a) It is hearsay and has not been corroborated by the direct evidence of the match commissioner;
 - b) The Panel could not establish the circumstances, the context of the discussions and statements between the FIFA match commissioner and the supervisor of the match;
 - c) The witness did not identify in a precise manner the people referred in his testimony;
 - d) The FIFA match commissioner has no authority to bind or provide any clarification on the applicable regulations; and

- e) The Iraq Football Association did not seek confirmation or clarification, either from FIFA or the AFC on the applicable regulations. The correct and competent authority from whom this inquiry ought to have been sought was FIFA.
187. It is hence apparent that none of the three witnesses summoned by the QFA were able to prove that the applicable rules to the Competition were the AFC regulations. The allegation that the AFC regulations were applicable was always based on confusion, the lack of clarity, and their impression on the applicable regulations. It was therefore incumbent upon the QFA to seek FIFA's confirmation on the relevant regulations.
188. In the Panel's view, FIFA cannot be responsible for the confusion or impression alleged by the QFA. The confusion was rather caused by the QFA's negligence in failing to seek FIFA's confirmation especially after receiving the Confirmation Letter A, which was sent after Qatar's match against India in the second round of the Competition. As evidenced, the Confirmation Letter A referred the QFA to "*disciplinary measures (art. 35 and 72 par. 1 FDC)*" and asked the QFA to "*(...) take note that the sanction(s) has (have) been registered by the FIFA Disciplinary Committee (art.35 FCD)*".
189. In view of the foregoing, it follows that FIFA organized the Competition in collaboration with AFC and did not thereby delegate important aspects of the Competition to the AFC. The Competition was governed by the OFT Regulations and the FIFA Disciplinary Code.
- b.2. *Did the QFA have a statutory obligation to field only eligible players in the Competition?*
190. The QFA states that neither the OFT Regulations nor the FIFA Disciplinary Code contains provisions obliging a participating association to ensure that only eligible players are fielded in the Competition because the OFT Regulations are silent on the issue of carrying over single yellow cards.
191. According to the QFA, the duty to ensure that only eligible players are fielded lies squarely with the association, but this duty was not applicable in this particular case because FIFA did not provide such obligation in the OFT Regulations. Article 8.1 of the OFT Regulations only requires a participating association to ensure it fields players who meet the requirements of nationality or naturalization.
192. According to FIFA and the OFA, Article 8 of the OFT Regulations is clear on the QFA's duty to field only eligible players. It contains general provisions to be followed by all teams, and this provision also refers to Articles 15 to 18 of the FIFA Regulations Governing the Application of the FIFA Statutes.
193. FIFA adds that the QFA was aware of its duty to only field eligible players because it observed the automatic sanction imposed against the player Naser Nabeel. By nature, all teams are bound to field only eligible players.

194. The OFA avers that the QFA has since 1972 been a FIFA member and was not taking part in the Competition for the first time. Its ignorance of the law cannot relieve it from its responsibility.
195. The AFC avers that pursuant to CAS 2011/A/2628 and AFC jurisprudence, the duty of a member association to ensure that it only fields eligible players is well established.
196. The Panel refers to Article 8.1 of the OFT Regulations which states as follows:
“Each association taking part in the Tournaments shall ensure the following when selecting its representative team(s):
a) all players shall hold the nationality of its country and be subject to its jurisdiction;
b) all players shall be eligible for selection in accordance with the FIFA Statutes and relevant FIFA regulations, in particular articles 15 to 18 of the Regulations Governing the Application of the FIFA Statutes”.
197. Pursuant to the general principles of construction and interpretation of laws, in order to ascertain the intention of the law maker, the deciding body should look at the ordinary and plain meaning of the law in question. The cardinal rule of construction is that a law should be read as a harmonious whole, with its various parts being interpreted within their broader statutory context in a manner that furthers statutory purposes.
198. Looking at Article 8.1 of the OFT Regulations, it is evident that FIFA’s plain intention was to ensure that associations do not field players who are either non-nationals or who cannot be fielded as a result of further eligibility provisions contained in the OFT Regulations and/or other FIFA regulations.
199. Whereas Article 8.1 of the OFT Regulations does not expressly state that players who have received two yellow cards in the same competition are ineligible to play in the next match, as a whole, it does extend the issue of eligibility beyond, by ensuring that reference is made to other FIFA regulations. This is apparent from the phrase *“all players shall be eligible for selection in accordance with the FIFA Statutes and relevant FIFA regulations”*.
200. Reference must therefore be made to Article 17.3 of the FIFA Disciplinary Code, which states that *“[i]f a player receives a caution in two separate matches of the same FIFA competition, he is automatically suspended from the next match in that competition”*.
201. The QFA cannot therefore argue that the OFT Regulations are silent on the issue of eligibility. The said regulations do address this issue via reference to the relevant FIFA regulations. It also follows from the express wording of Article 8.1 of the OFT Regulations that the QFA, as an association, was duty bound to ensure that it only fielded eligible players in the Competition.

202. Corroborating the fact that the QFA knew that it was bound to only field eligible players in the Competition is seen in its act of observing the automatic sanction imposed on its player Naser Nabeel in the same Competition.
203. The Panel also notes that out of a total of 35 teams which registered for the Competition (Annex 31 of FIFA's submissions), only the Qatari and Iraqi teams were involved in a dispute related to the eligibility of players. It is therefore probable that along with the rest of the teams, the Qatari and Iraqi teams were aware or ought to have been aware of their duty to only field eligible players in the Competition. It however seems, from the Appellant's own submission, that the QFA was rather negligent by failing to follow up on the consequences of yellow cards received by their players in the course of the Competition.
204. In view of all the foregoing, the Panel finds that the QFA had a statutory obligation to field only eligible players in the Competition.
- b.3 Whether the Player was eligible to play against Oman*
205. Bearing in mind the Parties' submissions in section IV above, the Panel remarks as follows:
- a. Pursuant to the findings in paragraph V4 above, the laws applicable to this matter are the FIFA regulations supplemented by Swiss law. The QFA's assertion that the AFC Champions' League 2012 and/or the AFC Challenge Cup regulations should be referred in determining the Player's eligibility to by the QFA cannot be considered;
 - b. It is not in dispute that the Player received two yellow cards in different stages of the same Competition. He received the first yellow card on 19 June 2011 in the second round match against India, and his second yellow card against the Republic of Korea on 23 November 2011 in the third round of the Competition;
 - c. Article 17.3 of the FIFA Disciplinary Code is clear that a player who "(...) receives a caution in two separate matches of the same FIFA competition (...) is automatically suspended from the next match in that competition";
 - d. Article 36.2 of the FIFA Disciplinary Code adds states that cautions received during one competition are "(...) carried over from one round to the next in the same competition"; and
 - e. It therefore follows that since the Player had received two cautions in the same Competition, he was automatically ineligible for the next match of the Competition. The fact that these cautions were received in different stages of the Competition is irrelevant.
206. In relation to the QFA's allegation that the Player would still be eligible because FIFA was late in sending confirmation letter B, the Panel highlights Article 35 para.1 and 2 of the FIFA Disciplinary Code, which states as follows:

“1. Records of cautions, expulsions and match suspensions are stored in the central computer system of FIFA. The Disciplinary Committee secretary confirms them in writing to the association or club concerned or, in the case of final competitions, to the head of the delegation concerned.

2. This communication serves only as confirmation: sanctions (cautions, expulsions, automatic match suspensions) have an immediate effect on subsequent matches even if the letter of confirmation reaches the association, club or head of delegation concerned later”.

207. It is apparent from the aforementioned provision that once a player has been suspended, the suspension takes immediate effect and the fact that notice of the said communication reaches the party concerned much later does not affect the validity of the suspension.
208. Therefore, even though FIFA sent the Confirmation Letter B to the QFA on 1 December 2011, the suspension which the Player was due to observe against Oman on 23 November 2011 was still applicable.
209. The Panel however wishes to draw FIFA’s attention to the fact that having in mind that not all competitions follow the same rules, and in order to avoid uncertainty in relation to the applicable regulations, it would be preferable if confirmation letters would reach their recipients as soon as possible, which might be achieved by making use of modern communication means like fax and email.
210. In view of the foregoing, the Panel finds that the Player was ineligible to play against Oman.

c. Whether the sanctions imposed in the Appeal Decision are proportionate

211. The Appellant contests the sanctions imposed in the Appeal Decision, which declared that Qatar had lost by forfeiture (0-3) its match against Oman, and also fined Qatar CHF 6,000.
212. The sanctions imposed in the Appeal Decision were grounded on Article 55.1 of the FIFA Disciplinary Code, pursuant to which any team found guilty of fielding an illegible player is bound to forfeit the match in question and is also condemned to pay the minimum fine of CHF 6,000. The Appeal Committee found Article 55.1 of the FIFA Disciplinary Code to be strict and the Appeal Committee was devoid of discretionary powers.
213. As earlier highlighted, the Appellant claims that the said sanctions are disproportionate because:
- a) FIFA applied the wrong law: Article 55 of the FIFA Disciplinary Code which, unlike ordinary State law, does not contain exceptions or general principles which guarantee the reduction of sanctions based on specific circumstance of a case. Article 8.2 of the OFT Regulations ought to have prevailed over Article 55.1 of the FIFA Disciplinary Code;

- b) the Appeal Decision did not take account of all relevant factors in the case and the degree of the offender's guilt when imposing the sanction as required under Article 39.4 of the FIFA Disciplinary Code;
 - c) it acted in good faith when fielding the Player, because the OFT Regulations did not contain provisions obliging it to only field eligible players;
 - d) the Player only received a single yellow card in the third round of the Competition and played no key role in the match against Oman; and
 - e) based on the doctrine of proportionality, only a sanction of a symbolic nature as provided in Article 10 of the FIFA Disciplinary Code should be imposed.
214. In addition to upholding the grounds of the Appeal Decision, the Respondents state, as highlighted in section IV above, that the sanctions are proportionate because:
- a) The Appellant violated Article 8.1 (b) of the OFT Regulations, hence invoking the sanctions provided in Article 55.1 of the FIFA Disciplinary Code;
 - b) Article 55.1 of the FIFA Disciplinary Code is strict in relation to the sanction applicable;
 - c) The Qatari team gained an unjustified advantage at the expense of the Omani team; and
 - d) Although Article 55.1 of the FIFA Disciplinary Code and Article 8.2 of the OFT Regulations might not share the exact words, they literally mean the same.
- c.1 Comments on the law applicable*
215. As earlier highlighted, the laws relevant to this appeal are the FIFA regulations supplemented by Swiss law.
216. The Panel notes that with the exception of the CHF 6,000 minimum fine, Article 55.1 of the FIFA Disciplinary Code and Article 8.2 of the OFT Regulations are similar in wording.
217. Although the OFT Regulations is a *lex specialis*, it does not limit either reference or application of the FIFA Disciplinary Code. Indeed, both the FIFA Disciplinary Code and the OFT Regulations form part of the FIFA regulations. They complement each other and are to be applied and/or referred to cumulatively, with the OFT Regulations prevailing only in case of a conflict. It therefore follows that both the FIFA Disciplinary Code and the OFT Regulations are applicable in relation to the sanctions.
218. In view of the above, the issue related to the proportionality of the sanctions must only be analysed in accordance with the FIFA regulations: the OFT Regulations and the FIFA Disciplinary Code.

c.2 *Is the sanction of match forfeiture proportionate?*

219. The Appeal Decision based the sanctions on the following grounds:

- a) the QFA had breached its duty as enshrined under Article 8.1 (b) of the OFT Regulations to ensure that only eligible players were fielded;
- b) the mere fact of fielding an ineligible player amounts to a breach of the regulations punishable by forfeiture. It does not matter whether it was committed negligently or intentionally;
- c) Article 55.1 of the FIFA Disciplinary Code is strict and the Appeal Committee was devoid of discretionary powers; and
- d) the sanction was proportionate.

220. The relevant provision for assessing the proportionality or otherwise of the forfeiture is Article 8.2 of the OFT Regulations which states that:

“Any team found guilty of fielding an ineligible player for whatever reason (non-compliance with the age restrictions, omission from the list of players as a potential participant in the match, etc.), shall forfeit the match in question. Victory and the resultant three points will be awarded to the opposing team as well as the score of 3-0, or greater, depending on the score of the match”.

221. Article 55.1 of the FIFA Disciplinary Code has a similar wording, stating that “[i]f a player takes part in an official match despite being ineligible, his team will be sanctioned by forfeiting the match”.

222. The above provisions are strict and straightforward on match forfeiture. They provide a deciding body with no room for discretion once a team has been found guilty of fielding an ineligible player.

223. This means that, as a matter of principle, the Panel cannot take into consideration the mitigating facts/circumstances invoked by the Appellant, namely that the Player:

- a) Played no key role in the match against Oman;
- b) Neither scored nor directly stopped Oman from scoring; and
- c) Neither injured an opponent nor received a yellow and/or red card against Oman.

224. Although Article 10 of the FIFA Disciplinary Code provides for warnings among other sanctions, the said provision is general and open in nature. It does not specify which offences may be punishable by a warning. To the contrary, Article 55.1 of the FIFA Disciplinary Code and Article 8.2 of the OFT Regulations, which were enacted for the purpose of ensuring fair play, specifically govern the issues related to the eligibility of players and the sanctions imposed on teams found guilty of fielding ineligible players.

225. In relation to the alleged failure by the Appeal Decision to take into account all relevant circumstances of the case and the degree of the offender's guilt under Article 39.4 of the FIFA Disciplinary Code, the Panel remarks that whether or not the Appellant is actually guilty of having fielded an ineligible player is irrelevant. The mere fact that the Appellant fielded an ineligible player leads to the imposition of sanctions pursuant to Article 7.1 of the FIFA Disciplinary Code, which states that "(...) *infringements are punishable regardless of whether they have been committed deliberately or negligently*". The Appellant has failed to point out any provision of the subsidiarily applicable law that would oblige this Panel to deviate from the wording of Article 7.1 of the FIFA Disciplinary Code.
226. The Appellant's witnesses Mr. Mansoor Al Ansari and Mr. Saoud Al Mohannadi testified in fact that the Player was not fielded in bad faith by the Appellant, and that he was fielded as a result of an "impression" and "confusion" about the applicable regulations. This proves that the Appellant was rather negligent when it fielded the Player. The negligence forms part of the Appellant's level of guilt, and the test to be applied is objective. Once it has been established that the Appellant was negligent, the level of the offender's guilt becomes irrelevant. The expression "guilty" would only be relevant if the Appellant was unlawfully forced for some reason to field the Player, which was not the case.
227. It therefore follows that the Appeal Decision was correct in imposing the sanction of match forfeiture against the Appellant.

c.3 Is the fine of CHF 6,000 legal and proportionate?

228. As stated in paragraph 217 above, Articles 55.1 of the FIFA Disciplinary code and Article 8.2 of the OFT Regulations are compatible, and as a compliment to Article 8.2 of the OFT Regulations, Article 55.1 of the FIFA Disciplinary Code states that in addition to match forfeiture, a team guilty of fielding an ineligible player will be sanctioned by "(...) *paying a minimum fine of CHF 6,000*".
229. The Panel notes that the aforementioned fine is the minimum which can be imposed on teams found guilty of fielding ineligible players. And once a team has been found guilty, the deciding body has no discretionary power to lower or decline to impose the said fine, since the wording of the applicable provision is clear and provides no scope for diversion.
230. It therefore follows that the fine of CHF 6,000 is just and proportionate.

d. Conclusion

231. Considering all the facts, evidence and arguments adduced, the appeal is dismissed.

ON THESE GROUNDS

The Court of Arbitration for Sport rules:

1. The appeal filed by the Qatar Football Association against the decision issued on 15 February 2012 by the FIFA Appeal Committee is dismissed.
 2. The decision of the FIFA Appeal Committee dated 15 February 2012 is confirmed.
- (...)
7. All other or further claims are dismissed.