



Arbitration CAS 2017/A/5244 Oscar Bobb & Associação Juvenil Escola de Futebol Hernâni Gonçalves v. Fédération Internationale de Football Association (FIFA), award of 21 December 2017 (operative part of 20 November 2017)

Panel: Mr Sofoklis Pilavios (Greece), Sole Arbitrator

Football

Prohibition of international transfer of minor players under Article 19 RSTP

Restricted application of exceptions from prohibition of international transfer of minor players

Standard of proof for exceptions from prohibition of international transfer of minor players

1. **CAS case law has established a strict line according to which the protection of minors, as envisaged by Article 19 para. 1 of the FIFA Regulations on the Status and Transfer of Players (RSTP), is safeguarded only by a cautious and restricted application of the exception provided for in Article 19 para. 2 a) RSTP. Accordingly, it has been ruled that if parents move to a new country for reasons that are not entirely independent from the football activity of the minor, the exception is not applicable. In the same vein, if one out of the spectrum of valid reasons for the parents' move is somehow related to football, the CAS panel shall assess the weight of the football-related reason, namely the "football factor" and its impact on the final decision to move.**
2. **The standard of proof to be employed regarding the exception provided for in Article 19 para. 2 a) shall be a high one and the respective exception may be granted only if its conditions are established "beyond reasonable doubt".**

I. PARTIES

1. Oscar Bobb (hereinafter also referred to as the "First Appellant" or the "Player") is a minor football player, born on 12 July 2003. He is a Norwegian citizen, currently residing with his mother in Porto, Portugal.
2. Associação Juvenil Escola de Futebol Hernâni Gonçalves (hereinafter also referred to as the "Second Appellant") is an amateur football club seated in Porto, Portugal, affiliated to the Portuguese Football Federation (hereinafter also referred to as the "FPF").
3. The Fédération Internationale de Football Association (hereinafter also referred to as the "Respondent" or "FIFA") is the international federation governing the sport of football worldwide based in Zurich, Switzerland.

II. FACTUAL BACKGROUND

A. Background Facts

4. Below is a summary of the main relevant facts and allegations based on the parties' written submissions, pleadings and evidence adduced. Additional facts and allegations found in the parties' written submissions and pleadings may be set out, where relevant, in connection with the legal discussion that follows. While the Sole Arbitrator has considered all facts, allegations, legal arguments and evidence submitted by the parties in the present proceedings he refers in the Award only to the submissions and evidence he considers necessary to explain his reasoning.
5. The Player is the son of Mr Abdou Bobb and Ms Gunnes Turid, both Norwegian citizens. The Player's parents separated in 2010 and since then Ms Gunnes Turid (hereinafter also referred to as the "Player's mother") is holding sole parental responsibility for the Player. The Player had been living in Oslo until the end of August 2015. When residing in Oslo the Player played for the Norwegian Clubs "Lyn Toppfotball" and "Fotballprogresjon Norge".
6. In March 2013, the Player's mother established a contact with representatives of the Portuguese football club FC Porto and enquired whether it would be possible for the Player to train and play with the club, whenever she visited Porto for work purposes, together with her son.
7. Following this contact, the Player played with FC Porto's team in football tournaments in June 2013 and in June 2014. He also had the opportunity to train in their premises on several occasions in 2013 and 2014 and also participated with their team in a tournament from 28 March to 5 April 2015.
8. The Player's mother is a professional theatre and film actress and she is also involved in organizing theatre projects with immigrants in European countries. In the beginning of 2013, the Player's mother was introduced to the Production Manager of "PELE", a theatre company based in Porto that operates as a non-profit association organizing cultural projects and theatre productions with underprivileged groups of society. The Player's mother visited Porto on several occasions in 2013 and 2014 meeting with people from "PELE" and preparing a possible collaboration on a theatre project with the Nordic Black Theatre, for which she had been working at that time.
9. In the beginning of September 2015, the Player and his mother moved to Porto. The Player enrolled at the International School of Porto "CLIP" (Colégio Luso Intertacional do Porto) for the school year 2015-2016.
10. In October 2015, the Player's mother signed an employment contract with "Kale – Companhia de Dança CRL", a dance and theatre company in Porto, in order to work in the production of theatre projects. The employment contract commenced on 9 October 2015 and was agreed for an indefinite period.

11. The Player currently resides with his mother in Porto and attends the Portuguese School “Colegio Julio Dinis”.

B. The First Application before FIFA and the 2016 FIFA Decision

12. On 14 January 2016, the FPF submitted in the Transfer Matching System (TMS) an application for the approval of the international transfer of the Player as a minor on behalf of its affiliated club FC Porto, a professional football club competing in the first division of Portugal, based on the exception contained in Article 19 para. 2 a) of the FIFA Regulations on the Status and Transfer of Players (hereinafter also referred to as the “Regulations”) *“Move of the player’s parents for reasons not related to football”*.
13. A statement of the Player’s mother was also uploaded in the TMS, in which she explained that she had immigrated to Portugal since October 2015, for reasons related to her professional activity.
14. On 27 April 2016, the FPF also filed a statement by FC Porto in which the club explained that in February 2013, during an international tournament in Portugal, the Player’s mother approached their personnel and asked if it would be possible for her son to play with FC Porto if she was required to move to Porto for some time to work. According to this statement, the club answered that they could observe the Player in a try-out if he moved to Porto with his mother and, meanwhile, they could observe the Player in international tournaments when the opportunity arose.
15. On 8 June 2016, the Single Judge of the FIFA Players’ Status Sub-Committee rendered a decision which rejected the application made by the FPF on behalf of FC Porto for the approval prior to the request for the International Transfer Certificate of the Player (hereinafter also referred to as the “2016 FIFA Decision”).
16. In reaching this decision, the Single Judge of the FIFA PSC Sub-Committee considered essentially the following:
 - *The Player had established contact with FC Porto in February 2013;*
 - *The Player took part in tournaments with FC Porto since 2013 and in particular during summer 2014 and June 2015, i.e. several months before the official move of the Player’s mother to Portugal;*
 - *FC Porto was necessarily fully aware of the Player and his outstanding football activities and skills at least more than a year before the Player’s move to Portugal;*
 - *The contact between the Player and FC Porto which was followed by tournaments in which the Player represented said club prior to the move of the Player’s mother strongly suggests that the move was motivated, to some extent, by the Player’s football career;*

- *Strict application of the exception contained in art. 19 par. 2 a) of the Regulations requires that it must be clearly proven that the move of the Player's parents is in no way related to football;*
- *The only documentary evidence related to the Player's mother possible collaboration with a Portuguese company is dated from January 2014, i.e. more than a year after the Player and the Club established contact, which creates doubts as to the alleged motives of their move.*

17. Neither the Player nor FC Porto appealed against the 2016 FIFA Decision.

C. The Second Application before FIFA and the 2017 FIFA Decision

18. On 2 February 2017, the FPF submitted in the Transfer Matching System (TMS) an application for the approval of the international transfer of the Player as a minor on behalf of its affiliated club, Associação Juvenil Escola de Futebol Hernâni Gonçalves, the Second Appellant, based on the exception contained in Article 19 para. 2 a) of the Regulations "*Move of the player's parents for reasons not related to football*".
19. In support of this application, the FPF submitted a copy of an employment contract between the Player's mother and the theatre company "Kale – Companhia de Dança, CRL" seated in Porto, according to which she was employed by said company for an indefinite period since 9 October 2015.
20. In addition, the Second Appellant submitted a statement certifying that there is no link between their club and FC Porto, neither financial, nor professional, nor de facto. The Second Appellant also stated that they became aware of the Player for the first time on 6 January 2017, when his mother came to their facilities in order to request her son's enrolment at their training programme.
21. On 21 March 2017, the Single Judge of the FIFA Players' Status Sub-Committee issued a decision which rejected the application made by the FPF on behalf of the Second Appellant for the approval prior to the request for the International Transfer Certificate of the Player (hereinafter also referred to as the "2017 FIFA Decision" or the "Appealed Decision").
22. On 20 June 2017, the grounds of the Appealed Decision were communicated to the parties, determining, essentially, the following:
- *The Single Judge stressed that a strict application of the exception contained in Article 19 par. 2 a) of the Regulations is necessary in order to avoid possible attempts of illicit circumvention of the Regulations.*
 - *The previous decision of 8 June 2016 relating to the transfer of the Player to FC Porto rejected said application on the grounds that the move of the Player's mother appeared to be predominantly motivated by the football career of the Player.*

- *The Single Judge observed that the circumstances surrounding the move of the Player's mother have remained unchanged in the current application. The only essential new factual element is the fact that the club wishing to register the Player has changed.*
- *Despite the fact that the Player is wishing to register with the different club the circumstances around the original move of the Player's mother have not changed. Thus the factors to be taken into consideration remain the same. So, in line with the previous Decision the Single Judge deemed that the move of the Player's mother appears to be linked to football.*

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

23. On 11 July 2017, the Appellants filed a Statement of Appeal pursuant to Article R48 of the Code of Sports-related Arbitration (the "Code") with the Court of Arbitration for Sport (the "CAS") against FIFA with respect to the Appealed Decision.
24. On 31 July 2017, the Appellants filed an Appeal Brief pursuant to Article R51 of the Code. The brief contained the following requests for relief:
 - *The Appeal of Oscar Bobb and Associação Juvenil Escola de Futebol Hernâni Gonçalves is admissible.*
 - *The decision dated 21 March 2017 rendered by the Single Judge of the Players' Status Sub-Committee of FIFA in the matter of Oscar Bobb is set aside.*
 - *A new decision is issued, approving the transfer of the minor player Oscar Bobb to Associação Juvenil Escola de Futebol Hernâni Gonçalves and allowing his registration with the Portuguese Football Federation.*
 - *The Appellants are granted an award for arbitration costs, including the Court Office fee.*
 - *The Appellants are granted an award for legal costs and other related expenses at the amount the Panel deems appropriate.*
25. On 8 August 2017, FIFA requested the time limit to file an answer to be fixed after payment by the Appellants of their shares of the advance of costs, pursuant to Article R55 para. 3 of the Code.
26. On 12 September 2017, the Appellants modified their initial request concerning the composition of the Panel and requested that the matter be decided by a Sole Arbitrator.
27. On 13 September 2017, FIFA expressed its preference for the matter to be decided by a Panel of three Arbitrators.
28. On 15 September 2017, the CAS Court Office notified the parties that the President of the CAS Appeals Arbitration Division decided to submit the matter to a Sole Arbitrator and that the Panel appointed to decide the case is constituted as follows:

Sole Arbitrator: Mr Sofoklis P. Pilavios, attorney-at-law in Athens, Greece

29. On 27 September 2017, FIFA filed an answer in accordance with Article R55 of the Code and requested that the Appealed Decision to be upheld in its entirety.
30. On 29 September 2017, the CAS Court Office invited the parties to state whether they prefer for a hearing to be held in the matter or for the Sole Arbitrator to issue an award based solely on the parties' written submissions.
31. On 10 October 2017, the Appellants expressed their preference for a hearing to be held, whereas FIFA had already, on 6 October 2017, expressed the opinion that a hearing was not necessary.
32. On 16 October 2017, the parties were informed that the Sole Arbitrator, in accordance with Article R57 of the Code, had decided to hold a hearing.
33. On 27 October 2017, the CAS Court Office sent a copy of the Order of Procedure to the parties. On 30 October 2017 and on 3 November 2017 respectively, FIFA and the Appellants returned duly signed copies.
34. On 10 November 2017, a hearing was held in Lausanne, Switzerland.
35. The Sole Arbitrator was assisted by Mr William Sternheimer, Deputy Secretary General of the CAS and the hearing was attended by the following persons on behalf of the parties:
 - a) For the Appellants: Mr Bernardo Palmero and Mr Luis Cassiano Neves, counsel.
 - b) For the Respondent: Mr Gaudenz Koprio, Group Leader at the FIFA Players' Status Department.
36. The following witnesses testified: i) Ms Turid Gunnes, ii) Mr João Costa Magalhães, the Player's mother's fiancé, iii) Ms Ana Carvalho, a professional contact of the Player's mother, Director of Kale (by telephone conference), iv) Ms Maria João Mota, a professional contact of the Player's mother, Co-founder of PELE (by telephone conference), v) Mr Pedro Santos, External Relations of FC Porto (by telephone conference), vi) Mr Rui Manuel Pacheco, President of the Second Appellant (by telephone conference), all for the Appellants.
37. Before the hearing was concluded, all parties expressly stated that they did not have any objection with respect to the procedure and that their right to be heard had been respected.

IV. SUBMISSIONS OF THE PARTIES

38. The Appellants' submissions, in essence, may be summarized as follows:
 - The Appellants propose a less strict application of Article 19 para. 2 a) of the Regulations. They argue that diligent parents may take into consideration their children's football

activity before moving to a new country. In this context, parents may try to establish a contact with clubs or football academies even prior to their move. Such preliminary steps should not be considered as elements creating a link between the move to a new country and the minor's football activity. With this approach, the exception of Article 19 para. 2 a) of the Regulations is not applicable only in cases where the parents' move is directly and manifestly linked to the football activity of the minor.

- The Appellants also submit that this exception should be granted by employing a more flexible standard of proof like the "balance of probabilities". A strict approach requiring proof "beyond reasonable doubt" makes it extremely difficult for parents to prove that their move is exclusively independent from the football activity of the minor. This effectively goes against the logic of Article 19 and hence against the interest of minors.
- The Player's mother has moved permanently to Portugal since September 2015 exclusively for professional reasons. She is an actress with an international background and her employment in Portugal secured her a stable income and the ideal opportunity to forward her career and to develop her work in theater projects. Besides, she has the means and resources to secure a good standard of living and education for her son in their new place of residence.
- The fact the Player's mother approached FC Porto in March 2013 is of little relevance for the Appellants, as, according to their submissions, FC Porto had not shown a particular interest in the Player. If FC Porto was really interested to register the Player, it could have done so already in 2013 without requirement for approval for an ITC as the Player was still ten years old. They also argue that the Player's mother contacted FC Porto as a preliminary step, in case she would be required to move there, given that at that time she had been in discussions for a possible collaboration with PELE, a theatre company in Porto. The fact that the Player trained occasionally with FC Porto before their move to Portugal simply helped him to get admitted to the club's youth academy in October 2015, only after they have moved to Portugal.
- The Player's talent and skills should not be taken into account as an aggravating factor when deciding on the application of the exception of Article 19 para. 2 a) of the Regulations in the present case.
- The Sole Arbitrator should not be prejudiced by the pervious application that was submitted in January 2016 on behalf of FC Porto and the findings of the 2016 FIFA Decision. The present case should be considered separately, as the application at issue was made by a new club, namely the Second Appellant, which is only an amateur club, with no connections with FC Porto.
- Subsidiarily, the Appellants argue that the list of exceptions under Article 19 para. 2 and 3 of the Regulations is not exhaustive. The spirit of Article 19, which is the protection of minors, allows for further exceptions in order to safeguard the particular interests of a minor on a case by case basis. The Appellants plea that the rejection of the registration

application is harmful for the Player; his option is either to stay with his mother in Porto without being able to play football with any club, or to move back to Oslo in order to be able to play football with his local club, in separation from his mother. This would either prejudice his personality rights (including the right to engage in sporting activities), or disrupt his family life, in a way contrary to the ratio of Article 19.

39. FIFA's submissions, in essence, may be summarized as follows:

- In principle, FIFA recalled the background and the underlying purpose of Article 19 of the Regulations, which is the protection of minor players from situations of abuse and exploitation. The competent FIFA bodies have uniformly followed a strict line in applying the prohibition of international transfers of minors and grant exceptions only on the basis of an exhaustive list provided for in said Article, in order to avoid elaborate schemes of circumvention.
- FIFA also made extensive reference to the jurisprudence of CAS, which confirms the need to apply the prohibition of international transfer of minors in a rigorous manner. In this line, the exception provided for in Article 19 para. 2 a) of the Regulations may be granted only by satisfying a high standard of proof. Therefore, the applicable standard to be applied by CAS is proof "beyond reasonable doubt".
- On the substance, the Appealed Decision is totally justified as the established facts of the case do not warrant an exception on the basis of Article 19 para. 2 a) of the Regulations. In particular, FIFA insists that there is no tangible documentary evidence to corroborate the allegation that the Player's mother had a concrete plan to move to Porto already by March 2013, when she first contacted FC Porto. In this respect, FIFA acknowledges that diligent parents may indeed make research for football clubs prior to their move. However, this is reasonable, only once the prospect of moving to a new country becomes concrete. In the case at hand, the Player's mother established contact with FC Porto long before her moving project had become concrete.
- FIFA argues that FC Porto had the chance to observe the Player and to assess his talent and skills, as early as in March 2013. Since then the Player had been given the opportunity to represent FC Porto on several occasions during tournaments. On this premise, and given that FC Porto has a youth academy well known for attracting young talents, FIFA concludes that FC Porto had a particular interest in the Player, which led his mother to believe that, if she ever decided to move to Portugal, her son would be able to join this club. In view of these facts, it cannot be excluded that the Player's football activity played a role in her subsequent decision to relocate to Portugal.
- The circumstances and the motives behind the move of the Player's mother to Porto remain the same, even after the second application by the Second Appellant. The fact that the second application was submitted by a different club is irrelevant.

- At any rate, the Second Appellant has a particular interest of its own in the Player, given that he is exceptionally talented and that the Second Appellant operates as a sports school with training programs oriented in the development of young talented players. Going even further, FIFA presents the hypothesis that the application for registration with the Second Appellant is an attempt to circumvent the Regulations, as this would enable the Player to register nationally to FC Porto at a later stage.
- Finally, FIFA avers that the human factor relating to the psychological situation of the Player following the non-approval of the application is not a condition that can be taken into account in applying the exceptions of Article 19 para. 2 of the Regulations.

V. JURISDICTION

40. The jurisdiction of CAS in this matter, which is not contested by the parties, derives from Article 58 para. 1 of the FIFA Statutes and Article R47 of the Code.

41. Article 58 para. 1 of the FIFA Statutes provides as follows:

Appeals against final decisions passed by FIFA's legal bodies and against decisions passed by confederations, member associations or leagues shall be lodged with CAS within 21 days of notification of the decision in question.

42. Article R47 of the Code provides as follows:

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

43. The jurisdiction of the CAS is further confirmed by the Order of Procedure duly signed by all parties. It follows that CAS has jurisdiction to decide on the present matter.

VI. ADMISSIBILITY

44. Article R49 of the Code provides as follows:

In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or of a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. [...].

45. The motivated part of the Appealed Decision was notified to the parties on 20 June 2017. The Appellants filed a Statement of Appeal on 11 July 2017. Therefore, the 21-day deadline to file the appeal was met.

46. The Sole Arbitrator, therefore, finds that the appeal is admissible.

VII. APPLICABLE LAW

47. Article R58 of the Code provides as follows:

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

48. Article 57 para. 2 of the FIFA Statutes provides as follows:

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

49. Accordingly, the Sole Arbitrator shall decide the present matter pursuant to the respective FIFA Regulations and, in particular, pursuant to the relevant provisions of the Regulations, and Swiss law shall be applied subsidiarily. As to the applicable edition of the Regulations, the Sole Arbitrator confirms that the 2016 edition is applicable in the present matter.

VIII. MERITS

50. Article 19 para. 1 of the Regulations provides that international transfers of players are only permitted if the player is over the age of 18. This rule has three exceptions listed in Article 19 para. 2. The first one contained in Article 19 para. 2 a) allows for the international transfer of a player under the age of 18 if “*the player’s parents move to the country in which the new club is located for reasons not linked to football*”.
51. The heart of the present case is whether the Player, a Norwegian citizen, who had been residing with his mother in Oslo until the end of August 2015, may be exceptionally registered as a minor with the Second Appellant, an amateur club located in Porto, under the conditions of Article 19 para. 2 a) of the Regulations, following his mother’s move to Portugal in September 2015, and more specifically whether the move was linked to the football activity of the Player, or not.
52. The Sole Arbitrator was presented with evidence that the Player’s mother holds sole parental responsibility. Therefore, he shall only examine the circumstances surrounding the mother’s relocation to Portugal, while the place of residence of the Player’s father, who continues to reside in Oslo, shall not be taken into account.
53. The Player’s mother is a professional actress and she is also involved in the organization of theatre projects with underprivileged social groups. The Appellants submit that the Player’s mother moved to Portugal exclusively for reasons related to her work. For this purpose, they

rely on an employment contract of an indefinite duration that was concluded on 9 October 2015 between the Player's mother and "Kale – Companhia de Dança CRL" (hereinafter "Kale"), a theatre company located in Porto, by means of which she was hired to provide her services on cultural and theatre projects. The central argument is that this was an irresistible employment opportunity for the Player's mother and the sole reason for her decision to move to Portugal, as it offered her a stable work with good income, which appealed to her interests as an artist.

54. The Sole Arbitrator is inclined to follow the strict line already established by the CAS case law in similar cases, according to which the protection of minors, as envisaged by Article 19 para.1 of the Regulations, is safeguarded only by cautious and restricted application of the exception provided for in Article 19 para. 2 a). In this respect, it has been ruled that if parents move to a new country for reasons that are not entirely independent from the football activity of the minor, the exception is not applicable. In the same vein, it has been ruled that if one out of the spectrum of valid reasons for the parents' move is somehow related to football, then the panel shall assess the weight of the football-related reason, namely the "football factor" and its impact on the final decision to move (in this respect CAS 2015/A/4312, CAS 2013/A/3140 A). As to the standard of proof to be employed, the Sole Arbitrator endorses again a strict approach in favour of high standard of proof and the respective exception may be granted only if its conditions are established "beyond reasonable doubt".
55. In this respect, however, the Sole Arbitrator is mindful that it is difficult to determine subjective motives, and to assess professional or personal choices of parents in cases where the application of Article 19 para. 2 a) of the Regulations comes in issue. Therefore, the Sole Arbitrator shall focus his review predominantly on the timeline of events that preceded the final conclusion of the employment contract between the Player's mother and Kale. Given the nature of the present case, the Sole Arbitrator deems that the sequence and the timing of events is an objective criterion in order to establish whether the mother's decision to move to Portugal was driven purely by professional reasons, or whether it was to some extent motivated by the pre-existing football activity of her son in this country.
56. The Sole Arbitrator observes that the Player came in contact for the first time with a Portuguese club in March 2013. This contact was initiated by his mother, who approached the representatives of FC Porto during a football tournament and enquired if it would be possible for her son to train in their premises whenever she visited Porto. The Appellants submit that, since the beginning of 2013, the Player's mother was involved in discussions with a theatre company in Porto, under the name "PELE", with a view to start a possible collaboration on several theatre projects, something which required her frequent travelling to Porto; in this context she contacted FC Porto only as a preliminary step, in case she would have to move there on a permanent basis to work.
57. However, based on the evidence submitted before him, the Sole Arbitrator finds that this explanation is lacking in substance. In March 2013, the Player's mother had no permanent employment in Portugal nor did she have any concrete employment prospects that would allow her to move there in the foreseeable future. Her discussions with "PELE" were only tentative.

Even so, later on, in 2014, her involvement in the preparation of the “PELE” theatre project was only partial, and did not seem to generate an alternative source of income that could qualify as supplementary employment in Portugal. What is more, there is no documentary evidence to suggest that “PELE” had made her an official proposal for a permanent collaboration or a job offer. Finally, it is important that the Player’s mother maintained her permanent place of residence and her job in Oslo until June 2015.

58. In the same vein, the Sole Arbitrator is particularly drawn by a section in the mother’s witness statement where she confirmed: *“I was proposed a job at Kale in April 2015 and moved to Porto in time for my son to begin school in the beginning of September. So I had 4 months of preparation. Mentally, I was prepared and had prepared my son, before this as I began to understand already in October 2014 that it might be possible to move to Porto on a permanent basis”*.
59. In light of these elements, the Sole Arbitrator finds that, when the Player’s mother approached FC Porto in March 2013, she had no imminent plan to move to Portugal. Hence, it can be concluded that she simply aimed to establish a contact with FC Porto with the hope to attract their attention in the Player.
60. The events since March 2013 overwhelmingly point that FC Porto showed an interest in the Player. The Player was given the opportunity not only to train in the premises of FC Porto on several occasions, but also to participate in tournaments with the club’s team, noticeably in June 2013 and in June 2014, namely at a time when he still resided in Norway. To the understanding of the Sole Arbitrator, this exceeds standard interest in a young player. In this connection, the Sole Arbitrator remarks that, as admitted by all parties, the Player is exceptionally talented. In light of these facts, it can be reasonably concluded that FC Porto - a professional club well-known for promoting young talents - had distinguished the Player and showed a continuous interest in his development, by offering him the possibility to train and play with their team, although he resided in Norway.
61. The Sole Arbitrator has no doubt that the Player’s mother has a permanent employment commitment in Porto since October 2015 that enables her to provide a good standard of living for her son. However, simply looking at the chronology of events, it becomes evident that the Player’s mother had first secured a keen interest for the Player by a prominent and prestigious club, none other than FC Porto, and then found an appropriate full-time employment for herself in Portugal, in a way that enabled her to organize her life accordingly and to relocate on a permanent basis.
62. In light of the above, it cannot be excluded that the mother’s move to Portugal was heavily influenced by the fact that her son had already a realistic prospect to join FC Porto and to continue his training and his football activity with an important club. The Sole Arbitrator cannot undermine the importance of the mother’s career move and her commitment with “Kale”. However, it is very likely that the football career of her son played a significant role in her decision to move to Portugal in 2015. This is accentuated by the fact that she had taken the initiative to approach FC Porto in order to establish a contact on behalf of her son, which clearly shows that she cares and encourages his football activity.

63. Following the move to Portugal, the Player was admitted to FC Porto in October 2015. Subsequently, the FPF submitted an application on behalf of said Club on 14 January 2016, requesting approval of the international transfer of the Player as a minor on the basis of his mother's move to Portugal, which was yet rejected by the 2016 FIFA Decision. The Second Appellant came into the foreground in early 2017 when the FPF requested approval for the international transfer of the Player as a minor, on an identical basis. According to the contentions of the Appellants, the Player enrolled for the first time at the sports school of the Second Appellant in January 2017 and currently follows their training programmes.
64. However, this new element cannot divert focus from the pre-existing relationship between the Player and FC Porto. All facts prior to the acquaintance of the Player with the Second Appellant remain directly relevant and susceptible to review by the Sole Arbitrator in the context of this appeal. Besides, the application for the exception of Article 19 para. 2 a) of the Regulations is assessed only with reference to the reasons pertaining to the parents to move to a new country and, certainly not with reference to the club to which registration is sought. Consequently, the fact that the application for the international transfer of the Player in 2017 was submitted by the Second Appellant and not by FC Porto as in 2016, does not change the original motives behind the mother's decision to move to Portugal, as analysed above.
65. In view of all the above, the Sole Arbitrator finds that the submission of the Appellants that the Player's mother moved to Portugal exclusively for professional reasons was not established beyond reasonable doubt. Thus, the Appellants have not discharged their burden of proof and they cannot benefit from the exception provided for in Article 19 para. 2 a) of the Regulations.
66. The only remaining question is whether the ratio of the prohibition of Article 19 para. 1 of the Regulations, which is the protection of minor players, could allow for further exceptions, other than those listed in para. 2, particularly in cases where the prohibition *per se* could bring about the opposite result, effectively harming the interests of the minor. The Sole Arbitrator has taken in due consideration the submissions of the Appellants that the Player, who is now a teenager, is trapped in a frustrating and stressful situation, as he cannot play football in his permanent place of residence, in a country where he is already integrated, enjoys a good standard of living and access to education. On this basis, they request for an exception to be granted on the basis of the general spirit of Article 19 of the Regulations, which is no other than the protection of the welfare of minors.
67. Notwithstanding the emotional force of these arguments, the Sole Arbitrator has already formed the view, based on the evidence, that the family's move to Portugal was to a serious extent connected with the football activity of the Player in this country, in a way not tolerated by Article 19. This case falls directly within the prohibition of international transfer of minors for football-related purposes. At any rate, the Sole Arbitrator confirms that there is absolutely no scope within the framework of the present appeal proceedings to narrow the application of Article 19 para. 1 of the Regulations by allowing new exceptions, other than those already legislated and exhaustively listed in para. 2 of said provision.

68. In conclusion, the Sole Arbitrator finds that in the present case the criteria for the exception to the prohibition of international transfer of minors pursuant to Article 19 para. 2 a) of the Regulations have not been met. Consequently, the registration of the Player to the Second Appellant must be rejected on the basis of the general rule of Article 19 para. 1 and the Appealed Decision must be confirmed in its entirety.

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed on 11 July 2017 by Oscar Bobb and Associação Juvenil Escola de Futebol Hernâni Gonçalves against the decision issued on 21 March 2017 by the Single Judge of the Players' Status Sub-Committee of the Fédération Internationale de Football Association is dismissed.
 2. The decision issued 21 March 2017 by the Single Judge of the Players' Status Sub-Committee of the Fédération Internationale de Football Association is confirmed.
- (...)
5. All other motions or prayers for relief are dismissed.