

Decision of the FIFA Disciplinary Committee

passed on 10 May 2024

DECISION BY:

Anin YEBOAH (Ghana), Deputy Chairperson

Mark Anthony WADE (Bermuda and Great Britain), Member

Paola LÓPEZ BARRAZA (Mexico), Member

ON THE CASE OF:

Mr. Emilio Nsue Lopez, born on 30 September 1989

(Decision FDD-17441)

REGARDING:

Art. 5 of the Regulations Governing the Applications of the Statutes – *Eligibility to play for a representative team*

Art. 19 of the FIFA Disciplinary Code – *Fielding ineligible player*

I. FACTS OF THE CASE

1. The following summary of the facts does not purport to include every single contention put forth by the actors at these proceedings. However, the FIFA Disciplinary Committee (**the Committee**) has thoroughly considered any and all evidence and arguments submitted, even if no specific or detailed reference has been made to those arguments in the following outline of its position and in the ensuing discussion on the merits.

A. Overview

2. The present case relates to the potential fielding of an ineligible player by the Equatorial Guinea Football Association (**FEGUIFOOT**).
3. More specifically, and as will be described in more details, it was reported that following matches played for the youth representative teams of Spain, the player Emilio Nsue Lopez (**the Respondent** or **the Player**) participated in several matches for the FEGUIFOOT without a change of association having ever been granted by FIFA.

A. Factual background

1. The Player

4. The Player was born on 30 September 1989, and:
 - holds both the Equatoguinean and the Spanish nationalities;
 - is the holder of both an Equatoguinean and a Spanish passport;
 - acquired the Equatoguinean nationality on 4 March 2013.

2. The Player's participation in matches for representative teams

5. On the basis of the investigations carried out (cf. section B. *infra*), the Player played at international level:
 - **For Spain** between 2005 and 2011, as follows:
 - at U16 level: 3 friendly matches in 2005;
 - at U17 level: 3 friendly matches and 6 official matches between 2005 and 2006;
 - at U19 level: 5 friendly matches and 14 official matches between 2005 and 2008;
 - at U20 level: 3 friendly matches and 3 official matches in 2009;
 - at U21 level: 5 friendly matches and 3 official matches between 2009 and 2011;

- **For Equatorial Guinea** as from 2013, as follows:

Date	Match	Type of match
24.03.2013	Equat. Guinea v. Cape Verde	FIFA World Cup 2014™, Preliminary Competition
08.06.2013	Cape Verde v. Equat. Guinea	FIFA World Cup 2014™, Preliminary Competition
16.11.2013	Equat. Guinea v. Spain	Friendly
07.01.2015	Cape Verde v. Equat. Guinea	Friendly
17.01.2015	Equat. Guinea v. Congo	Africa Cup of Nations
21.01.2015	Equat. Guinea v. Burkina Faso	Africa Cup of Nations
25.01.2015	Gabon v. Equat. Guinea	Africa Cup of Nations
31.01.2015	Tunisia v. Equat. Guinea	Africa Cup of Nations
05.02.2015	Ghana v. Equat. Guinea	Africa Cup of Nations
07.02.2015	DR Congo v. Equat. Guinea	Africa Cup of Nations
14.06.2015	Equat. Guinea v. Benin	Africa Cup of Nations, Preliminary Competition
05.09.2015	South Sudan v. Equat. Guinea	Africa Cup of Nations, Preliminary Competition
12.11.2015	Morocco v. Equat. Guinea	FIFA World Cup 2018™, Preliminary Competition
04.09.2016	Equat. Guinea v. South Sudan	Africa Cup of Nations, Preliminary Competition
17.10.2017	Senegal v. Equat. Guinea	Africa Cup of Nations, Preliminary Competition
08.09.2018	Equat. Guinea v. Sudan	Africa Cup of Nations, Preliminary Competition
22.03.2019	Sudan v. Equat. Guinea	Africa Cup of Nations, Preliminary Competition
25.03.2019	Saudi Arabia v. Equat. Guinea	Friendly
04.09.2019	South Sudan v. Equat. Guinea	FIFA World Cup 2022™, Preliminary Competition
08.09.2019	Equat. Guinea v. South Sudan	FIFA World Cup 2022™, Preliminary Competition
15.11.2019	Tanzania v. Equat. Guinea	Africa Cup of Nations, Preliminary Competition
19.11.2019	Equat. Guinea v. Tunisia	Africa Cup of Nations, Preliminary Competition
21.03.2021	Equat. Guinea v. Tanzania	Africa Cup of Nations, Preliminary Competition
07.10.2021	Equat. Guinea v. Zambia	Africa Cup of Nations, Preliminary Competition
10.10.2021	Zambia v. Equat. Guinea	Africa Cup of Nations, Preliminary Competition
13.11.2021	Equat. Guinea v. Tunisia	Africa Cup of Nations, Preliminary Competition
16.11.2021	Mauritania v. Equat. Guinea	Africa Cup of Nations, Preliminary Competition
12.01.2022	Equat. Guinea v. Ivory Coast	Africa Cup of Nations
20.01.2022	Sierra Leone v. Equat. Guinea	Africa Cup of Nations
26.01.2022	Mali v. Equat. Guinea	Africa Cup of Nations
30.01.2022	Senegal v. Equat. Guinea	Africa Cup of Nations
02.06.2022	Tunisia v. Equat. Guinea	Africa Cup of Nations, Preliminary Competition
06.06.2022	Equat. Guinea v. Libya	Africa Cup of Nations, Preliminary Competition
24.03.2023	Equat. Guinea v. Botswana	Africa Cup of Nations, Preliminary Competition
28.03.2023	Botswana v. Equat. Guinea	Africa Cup of Nations, Preliminary Competition
17.06.2023	Equat. Guinea v. Tunisia	Africa Cup of Nations, Preliminary Competition
15.11.2023	Equat. Guinea v. Namibia	FIFA World Cup 26™, Preliminary Competition
20.11.2023	Liberia v. Equat. Guinea	FIFA World Cup 26™, Preliminary Competition
14.01.2024	Nigeria v. Equat. Guinea	Africa Cup of Nations
18.01.2024	Equat. Guinea v. Guinea-Bissau	Africa Cup of Nations
22.01.2024	Equat. Guinea v. Ivory Coast	Africa Cup of Nations

28.01.2024	Equat. Guinea v. Guinea	Africa Cup of Nations
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3. The request for a change of association of the Player submitted by the FEGUIFOOT in 2013

6. By means of letters dated 23 February and 4 March 2013, the FEGUIFOOT informed FIFA that it requested from the Real Federación Española de Fútbol (**RFEF**) "*the release of the player*" (free translation from Spanish), in order to play for the representative teams of the FEGUIFOOT.
7. On 7 March 2013, FIFA informed the FEGUIFOOT that taking into account the information at its disposal, a decision from the Players' Status Committee on the Player's change of association would be necessary in accordance with the Regulations Governing the Application of the Statutes (**RGAS**). In its letter, FIFA also emphasised that "*once the application has been submitted, the player concerned may not play for any representative team until his application has been processed*" (free translation from Spanish).
8. On 22 August 2013, the FEGUIFOOT submitted various documents to request the Player's change of association.
9. On 27 August 2013, FIFA requested additional documentation.
10. On 28 November 2013, the FEGUIFOOT provided additional documents.
11. On 18 December 2013, FIFA informed the FEGUIFOOT that the Player did not appear to be entitled to apply for a change of association given that he apparently only acquired the Equatoguinean nationality after having played in his first international match in an official competition with the RFEF.

4. The previous disciplinary decisions

12. In 2013, FEGUIFOOT was sanctioned on two occasions by the FIFA Disciplinary Committee for having fielded the Player despite being ineligible¹:
 - Decision under ref. 130261 in relation to the match *Equatorial Guinea v. Cape Verde* played on 24 March 2013 (FEGUIFOOT being sanctioned with a fine of CHF 12,000 and a forfeit of the match);
 - Decision under ref. 130440 in relation to the match to the match *Cape Verde v. Equatorial Guinea* played on 8 June 2013 (FEGUIFOOT being sanctioned with a fine of CHF 30,000 and a forfeit of the match).

B. Investigations conducted by FIFA

13. In view of the above, the Secretariat to the FIFA Disciplinary Committee (**the Secretariat**) conducted investigations with respect to the present matter.

¹ See for instance: <https://www.bbc.com/sport/football/23377257>

14. The case file constituted by the Secretariat as well as the related findings contained in its report (**the Investigatory Report**) can be summarised as follows:

- Assessment:

"(...) on the basis of the documentation at its disposal, as confirmed by publicly available information, the Player participated in several matches for the youth representative teams of Spain between 2005 and 2011. Many of those matches were played "in an official competition" in accordance with the RGAS.

(...) following those matches, the Player was not granted a change of association to the FEGUIFOOT nor to any other association.

Notwithstanding the above, and on the basis of the documentation and information at disposal, the Player participated in numerous matches for the representative team of Equatorial Guinea as from March 2013.

*In light of the above, reference shall be made to art. 5.3 RGAS in accordance with which "(...) any player who has **already participated** in a match (either in full or in part) in an **official competition** of any category or any type of football for one association **may not play an international match for a representative team of another association**" (emphasis added).*

*In these circumstances, the FIFA Commentary on the Rules Governing Eligibility to Play for Representative Teams (January 2021 ed), clarified that a "player who has represented an MA [Member Association] in an official competition is **ineligible** to represent another MA **until they receive a (favourable) change of association** decision pursuant to article 9. This is regardless of whether their first match for their new MA is in an official or non-official competition, or in a different kind of football" (emphasis added)."*

- Conclusion:

"Based on the above, it appears that the FEGUIFOOT and the Player infringed both art. 5.3 RGAS and art. 19 [of the FIFA Disciplinary Code (FDC)] by fielding the Player (with respect to the FEGUIFOOT) and by taking part in matches for the FEGUIFOOT (with respect to the Player) without a request for a change of association being submitted and subsequently granted."

- Recommendation:

"Based on the foregoing, the Secretariat to the FIFA Disciplinary Department deems that disciplinary proceedings should be opened against both the FEGUIFOOT and the Player for potential violation of art. 5.3 RGAS and art. 19 FDC."

C. Disciplinary proceedings

15. On 14 March 2023, disciplinary proceedings were opened against the Respondent for potential breaches of art. 5 RGAS and art. 19 FDC. In particular, the Respondent was provided with the Investigatory Report and was granted a six-day deadline to provide the Secretariat with its position.
16. No position was received from the Respondent.

II. CONSIDERATIONS OF THE COMMITTEE

17. In view of the circumstances of the present matter, the Committee decided to first address the procedural aspects, namely, its jurisdiction and the applicable law, before entering into the substance of the matter and assessing the possible breaches committed, as well as the potential sanctions, if applicable, resulting therefrom.

A. Jurisdiction of the FIFA Disciplinary Committee

18. First of all, the Committee noted that at no point during the present proceedings did the Respondent challenge its jurisdiction or the applicability of the FDC.
19. Notwithstanding the above and for the sake of good order, the Committee found it worthwhile to emphasise that, on the basis of art. 2.1 FDC read together with arts. 19.3 and 56 FDC, it was competent to evaluate the present case and to impose sanctions in case of corresponding violations.

B. Applicable law

20. To begin with, the Committee recalled that the present matter is related to the Respondent's eligibility to play for representative teams and pertains to his participation in international matches for the FEGUIFOOT since 2013.
21. Keeping in mind that the 2023 FDC shall "*apply to all disciplinary offences committed following the date on which it comes into force*" (i.e. after 1 February 2023)², but also to "*all disciplinary offences committed prior to the date on which it comes into force, subject to any milder sanction that would apply under previous rules*"³, the Committee was satisfied that both the merits and the procedural aspects of the

² Cf. art. 4.1 FDC as read in conjunction with art. 76 FDC.

³ Cf. art. 4.2 FDC.

To that end, the Committee pointed out that the fielding of ineligible players has, under all editions of the FDC applicable at the time of the matches subject to these proceedings, been sanctioned as follows:

- Art. 55 of the 2011 FDC as well as art. 55 of the 2017 FDC:
 1. *If a player takes part in an official match despite being ineligible, his team will be sanctioned by forfeiting the match (cf. art. 31) and paying a minimum fine of CHF 6,000.*
 2. *If a player takes part in a friendly match despite being ineligible, his team will be sanctioned by forfeiting the match and paying a minimum fine of CHF 4,000.*
- Art. 22 of the 2019 FDC:
 1. *If a player is fielded in a match despite being ineligible, the team to which the player belongs will be sanctioned by forfeiting the match and paying a minimum fine of CHF 6,000. The player may also be sanctioned.*
 2. *A team sanctioned with a forfeit is considered to have lost the match 3-0 in 11-a-side football (...).*

present case should be covered by the said edition of the FDC. Nonetheless, the Committee observed from the wording of the various editions of the Code that the possibility to sanction players who were fielded during a match despite being ineligible only arose under the 2019 ed. of the FDC. By way of consequence, the Committee emphasised that, *in casu*, only the matches played after the entry into force of the 2019 ed. of the FDC (*i.e.* after 15 July 2019) shall be under scrutiny.

22. In continuation, the Committee referred to the RGAS, *i.e.* the relevant regulations governing players' eligibility to play for representative teams. To that end, the Committee specified that the matches under scrutiny (*i.e.* those listed under par. 5 *supra* and played after the entry into force of the 2019 ed. of the FDC) were played under different editions of the RGAS, namely:
- the 2019 RGAS (in force between 5 June 2019 and 17 September 2020);
 - the 2020 RGAS (in force between 18 September 2020 and 20 May 2021);
 - the 2021 RGAS (in force between 21 May 2021 and 29 May 2022);
 - the 2022 RGAS (current edition in force since 30 May 2022).
23. Nonetheless, the Committee stressed that the pertinent provisions applicable to the matter at stake remained identical under the various edition of the RGAS.
24. In this context, the Committee pointed out that, in accordance with art. 5.1 RGAS, any person holding a permanent nationality that is not dependent on residence in a certain country is eligible to play for the representative teams of the association of that country⁴.
25. Said principle is however counterbalanced by art. 5.3 RGAS (current edition⁵) which provides that, with the exception of the conditions specified in art. 9 RGAS (current edition⁶), any player who has already participated in a match (either in full or in part) in an official competition of any category or any type of football for one association may not play an international match for a representative team of another association.
26. With respect to this provision, the Committee underlined that, in its Commentary on the Rules Governing Eligibility to Play for Representative Teams (**the Commentary**) published in [January 2021](#), FIFA *inter alia* clarified the following:
- i. A player is tied to a "sporting nationality" where they have participated in a match (in full or part) and that match was in an official competition, regardless of age category or type of football (para. 18 of the Commentary);

3. *If ineligible players are fielded in a competition, the FIFA judicial bodies, taking into consideration the integrity of the competition concerned, may impose any disciplinary measures, including a forfeit, or declare the club or association ineligible to participate in a different competition.*

4. *The Disciplinary Committee has also the capacity to act ex officio.*

• Art. 19 of the 2023 FDC:

1. *If a player fielded in a match and/or competition is declared ineligible, the FIFA judicial bodies, taking into consideration the integrity of the competition concerned, may impose any appropriate disciplinary measures.*

2. *If a player fielded in a match is declared ineligible following a protest, the team to which the player belongs will be sanctioned by forfeiting the match and paying a minimum fine of CHF 6,000. The player may also be sanctioned.*

3. *The Disciplinary Committee may act ex officio.*

⁴ Said article remained identical under all applicable editions of the RGAS.

⁵ Previously art. 5.2 RGAS under the 2013-2020 RGAS.

⁶ Previously art. 8 RGAS under the 2013-2020 RGAS.

- ii. "Participation" in a match requires a player to be fielded for any period of time (para. 19 of the Commentary);
- iii. The phrase "official competition" is defined in the FIFA Statutes as "*a competition for representative teams organised by FIFA or any confederation*" (para. 20 of the Commentary);
- iv. A player may only change "sporting nationality" and the member association (**MA**) for whose representative teams they participate if they satisfy one of the exceptions provided in art. 9 RGAS⁷ (para. 22 of the Commentary);
- v. An MA which intends to field a player in an international match on the basis of art. 5 RGAS (where applicable, read together with art. 6 or 7) has a responsibility to verify the eligibility of that player in advance. An MA is thus responsible for only fielding eligible players in an international match⁸ (para. 22.1 of the Commentary);
- vi. The FDC provides that an MA which fields an ineligible player (including on the basis of non-compliance with the eligibility rules in the RGAS) may be sanctioned by the FIFA Disciplinary Committee. This has been upheld in several awards issued by the Court of Arbitration for Sport (**CAS**)⁹ (para. 22.2 of the Commentary);
- vii. A player who has represented an MA in an official competition is ineligible to represent another MA until they receive a (favourable) change of association decision pursuant to art. 9 RGAS¹⁰. This is regardless of whether their first match for their new MA is in an official or non-official competition, or in a different kind of football¹¹ (para. 22.3 of the Commentary).

27. As such, the Committee was convinced that the wording of the relevant provisions of the RGAS is clear and unequivocal. In particular, and as emphasised in the Commentary, they *inter alia* aim at providing an equal treatment of all MAs, while preventing any type of abuse and protecting the sporting integrity of international competitions.

28. Such protection is therefore reinforced by specific disciplinary measures foreseen under art. 19 FDC for the fielding of an ineligible player. Indeed, said article reads as follows:

1. If a player fielded in a match and/or competition is declared ineligible, the FIFA judicial bodies, taking into consideration the integrity of the competition concerned, may impose any appropriate disciplinary measures.

2. If a player fielded in a match is declared ineligible following a protest, the team to which the player belongs will be sanctioned by forfeiting the match and paying a minimum fine of CHF 6,000. The player may also be sanctioned.

⁷ Previously art. 8 RGAS (ed. 2013-2020).

⁸ CAS 2012/A/2742 Qatar FA v. FIFA, Oman FA & AFC.

⁹ CAS 2012/A/3013 Sudan Football Association v. FIFA; CAS 2013/A/3360 Federação Cabo-verdiana de Futebol v. FIFA; CAS 2017/A/5001 Federación Boliviana de Fútbol v. FIFA; CAS 2017/A/5002 Federación Boliviana de Fútbol v. FIFA.

¹⁰ Previously art. 8 RGAS (ed. 2013-2020).

¹¹ See: <https://www.fifa.com/who-we-are/news/greece-sanctioned-for-fielding-ineligible-player-in-friendly-2792710>.

3. *The Disciplinary Committee may act ex officio.*

C. Standard of proof

29. The above having been established, the Committee recalled that, as a general rule, the burden of proof regarding disciplinary infringements rests on the FIFA judicial bodies (cf. art. 41 FDC). In other words, the Committee is required to prove the relevant infringement(s).
30. In continuation, the Committee pointed out that, in accordance with art. 39.3 FDC, the standard of proof to be applied in disciplinary proceedings is that of "*comfortable satisfaction*". According to this standard, the onus is on the competent judicial body to establish the disciplinary violation to its comfortable satisfaction, taking into account the seriousness of the allegation(s).
31. In this respect, the Committee recalled that CAS, which also applies this standard in disciplinary proceedings, has defined it as a higher standard than the civil one of "*balance of probability*" but lower than the criminal "*proof beyond a reasonable doubt*"¹².
32. Having clarified the foregoing, the Committee proceeded to consider the merits of the case.

D. Merits of the case

1. The issue in review

33. The relevant provisions having been recalled, and the above having been established, the Committee went on to analyse the evidence at its disposal, in particular the documentation and information provided in the scope of the present disciplinary proceedings, to determine the potential violations of FIFA's regulations.
34. In those circumstances, the Committee first acknowledged the following timeline as contained in the Investigatory Report:
 - From 2005 to 2011: the Player participated in matches for the representative teams of Spain;
 - 23 February 2013: FEGUIFOOT contacted FIFA regarding the release of the Player;
 - 7 March 2013: FIFA informed FEGUIFOOT that a change of association was necessary prior to the Player being eligible;
 - 24 March 2013: the Player played his first official match for FEGUIFOOT;
 - 3 April 2013: Disciplinary proceedings were opened against FEGUIFOOT in relation to the match *Equatorial Guinea v. Cape Verde* played on 24 March 2013 (ref. 130261);

¹² See amongst others CAS 2009/A/1920; CAS 2010/A/2172; CAS 2013/A/3323; CAS 2017/A/5006.

- 13 May 2013: FEGUIFOOT was notified of the decision passed by the Disciplinary Committee in relation to the match *Equatorial Guinea v. Cape Verde* played on 24 March 2013 (ref. 130261);
- 12 June 2013: Disciplinary proceedings were opened against FEGUIFOOT in relation to the match *Cape Verde v. Equatorial Guinea* played on 8 June 2013 (ref. 130440);
- 11 July 2013: the FIFA Appeal Committee confirmed the decision passed by the FIFA Disciplinary Committee with regard to the match *Equatorial Guinea v. Cape Verde* played on 24 March 2013 (ref. 130261);
- 19 July 2013: FEGUIFOOT was notified of the decision passed by the Disciplinary Committee in relation to the match *Cape Verde v. Equatorial Guinea* played on 8 June 2013 (ref. 130440);
- 22 August 2013: FEGUIFOOT submitted to FIFA a request for a change of association of the Player;
- 16 November 2013: the Player played a friendly match for FEGUIFOOT;
- 18 December 2013: the FIFA Players' Status Department informed FEGUIFOOT that the Player would not be eligible for change of association;
- As of 7 January 2015: the Player took part in further matches for the FEGUIFOOT (cf. para. 5 *supra*).

35. In view of the above, the Committee pointed out that it is uncontested that:

- Between 2005 and 2011, the Player participated in several matches in official competitions for the youth representative teams of Spain;
- Since 2013, the Player was fielded by the Respondent in numerous international matches.

36. Keeping in mind the provisions of art. 5.3 RGAS, the Committee stressed that the Player, given his participation in matches in official competitions for the youth representative teams of Spain, was not entitled to play international matches for the representative team of another association until and unless he would have received a (favourable) change of association decision pursuant to art. 9 RGAS¹³.

37. However, such event never occurred. To the contrary, back in 2013, FIFA denied a request submitted by the FEGUIFOOT for the change of association of the Respondent (in order for the latter to play for its representative teams).

38. In other words, after having played his first match in an official competition for the (youth) representative teams of Spain, the Respondent was tied to said sporting nationality and could not play for the representative teams of another association – including those of the FEGUIFOOT – in an official or non-official competition¹⁴.

¹³ Previously art. 8 RGAS (ed. 2013-2020).

¹⁴ Cf. para. 26.vii *supra*.

39. Consistently with the above, the Committee was left with no other alternative but to conclude that the Player was still tied to his Spanish “sporting nationality” and consequently was, at all times, ineligible to play for the representative teams of Equatorial Guinea.
40. In sum, the Committee was satisfied that the Respondent participated in numerous matches for the representative teams of Equatorial Guinea despite being ineligible, and, as such, had to be held liable for a breach of art. 5.3 RGAS as read in conjunction with art. 19 FDC.
41. By way of consequence, the Committee considered that the Respondent had to be sanctioned accordingly.

2. Determination of the sanction

42. As a preliminary consideration, the Committee emphasised that, as stipulated in art. 13.1 FDC, players must respect the Statutes (to which the RGAS form an integral part) at any time.
43. In this regard, the Committee was of the firm opinion that the only way to enhance and protect competitive balance and equal treatment between all players taking part in international football is if they all comply with the applicable rules on eligibility to play for representative teams contained in the RGAS.
44. With those elements in mind, the Committee recalled that the Respondent was found liable for having participated in numerous matches for the representative teams of Equatorial Guinea despite being ineligible, thus in breach of art. 5.3 RGAS.
45. In this context, the Committee underlined that the Respondent is a natural person, and as such is subject to the sanctions listed under arts. 6.1 and 6.2 FDC.
46. For the sake of good order, the Committee stressed that it is responsible to determine the type and extent of the disciplinary measures to be imposed in accordance with the objective and subjective elements of the offence, taking into account both aggravating and mitigating circumstances (art. 25.1 FDC).
47. Against such background, the Committee pointed out that art. 19 FDC foresees the specific situation related to the fielding of an ineligible player. As a matter of fact, art. 19.1 FDC clearly establishes that if a player fielded in a match and/or competition is declared ineligible (as *in casu*), “*the FIFA judicial bodies, taking into consideration the integrity of the competition concerned, may impose any appropriate disciplinary measures*”.
48. In other words, in case of an ineligible player being fielded (with the exception of those cases where the declaration on ineligibility derives from a protest¹⁵), the Committee is at liberty to impose any sanction/measure it deems appropriate – *both on the member association but also on the player(s) concerned* –, but needs to take into account (i) the integrity of the competition concerned, but also (ii) all aggravating and mitigating circumstances.

¹⁵ Such cases being governed by art. 19.2 FDC.

49. In those circumstances, the Committee first conceded that the main responsibility related to the fielding of players in international matches lies with the relevant member association (*in casu* the FEGUIFOOT)¹⁶.
50. Notwithstanding this, the Committee was satisfied that in the present case the above principle may not exonerate the Respondent from any responsibility.
51. As a matter of fact, upon analysing all elements presented before it, the Committee was convinced that the Respondent was (or at the very least should have been) aware that he had already been at the centre of two distinct disciplinary proceedings pertaining to his ineligibility to play for the representative teams of the FEGUIFOOT (cf. para. 12 *supra*). This, particularly considering that the sanctions imposed upon the FEGUIFOOT directly impacted the results of two matches of his national team in the preliminary competition to the FIFA World Cup 2014™.
52. In fact, summarising the situation at stake, the Committee stressed that, despite (i) the FEGUIFOOT having been sanctioned on two occasions by the FIFA Disciplinary Committee for having fielded the Respondent despite being ineligible (*i.e.* on identical grounds than in the present case), and (ii) a negative answer from FIFA to the request of the FEGUIFOOT for a change of association of the Respondent, the latter still took part in a substantial number of matches for the (A) representative team of the FEGUIFOOT over a significant period of time (while undoubtedly knowing that he was ineligible).
53. Taking into account the foregoing, the Committee emphasised that, out of all matches related to the proceedings at stake in which the Player was fielded despite being ineligible, two of them pertained to an ongoing competition, namely the ongoing FIFA World Cup 2026™ preliminary competition.
54. The Committee was thus firmly convinced that the behaviour at stake was particularly serious and, as such, the sanction(s) to be imposed on the Respondent shall reflect all above circumstances. As such, upon evaluating the various sanctions listed under arts. 6.1 and 6.2 FDC, the Committee determined that a suspension/ban was the most appropriate sanction to be imposed on the Respondent. Nonetheless, the Committee deemed that said suspension/ban shall only impact the Respondent's participation in matches for representative team(s).
55. Taking into account all the circumstances of the case, while keeping in mind the deterrent effect that the sanction must have on the reprehensible behaviour, the Committee considered a ban from playing for any representative team of any association for a duration of six (6) months to be adequate and proportionate to the offence.
56. In fact, the Committee was hopeful that the above sanction would (finally) serve to have the necessary deterrent effect on the Respondent in order to avoid the occurrence of similar incidents in the future.

¹⁶ Cf. also para. 26.v *supra*.

3. Conclusion

57. Summarising its considerations and developments, the Committee held that the Respondent was to be held liable for a breach of art. 5 RGAS as read in conjunction with art. 19 FDC for having participated in matches for the representative teams of Equatorial Guinea despite being ineligible.
58. As a result, the Committee decided to ban the Respondent from playing for any representative team of any association for a duration of six (6) months.

III.DECISION

- 1. The Respondent, Mr. Emilio Nsue Lopez, is found responsible for having breached art. 5 of the Regulations Governing the Applications of the Statutes (*Eligibility to play for a representative team*) as well as art. 19 of the FIFA Disciplinary Code (*Fielding ineligible player*) for having participated in matches for the representative teams of Equatorial Guinea despite being ineligible.**
- 2. The Respondent is hereby banned from playing for any representative team of any association for a duration of six (6) months, as from notification of the present decision.**

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Anin YEBOAH

Deputy Chairperson of the FIFA Disciplinary Committee

NOTE RELATING TO THE LEGAL ACTION:

This decision can be contested before the FIFA Appeal Committee (cf. art. 61 FDC). Any party intending to appeal must announce its intention to do so in writing *via* the FIFA Legal Portal within three (3) days of notification of the grounds of the decision. The appeal brief must then be given in writing *via* the FIFA Legal Portal within a further time limit of five (5) days, commencing upon expiry of the first time limit of three (3) days (cf. art. 60.4 FDC).

The appeal fee of CHF 1,000 is payable upon submission of the appeal brief at the latest (cf. art. 60.6 FDC), either in Swiss francs (CHF) (to account no. 0230-325519.70J, UBS AG, Bahnhofstrasse 45, 8098 Zurich, SWIFT: UBSWCHZH80A, IBAN: CH85 0023 0230 3255 1970 J) or in US dollars (USD) (to account no. 0230-325519.71U, UBS AG, Bahnhofstrasse 45, 8098 Zurich, SWIFT: UBSWCHZH80A, IBAN: CH95 0023 0230 3255 1971 U), with reference to case number above mentioned.