



**TAS / CAS**

TRIBUNAL ARBITRAL DU SPORT  
COURT OF ARBITRATION FOR SPORT  
TRIBUNAL ARBITRAL DEL DEPORTE

## MEDIA RELEASE

### FOOTBALL – FIFA WORLD CUP

#### THE COURT OF ARBITRATION FOR SPORT (CAS) CONFIRMS THE ELIGIBILITY OF THE PLAYER BYRON CASTILLO (ECUADOR) BUT IMPOSES SANCTIONS AGAINST THE ECUADORIAN FOOTBALL FEDERATION FOR A VIOLATION OF THE FIFA REGULATIONS

Lausanne, 8 November 2022 - The Court of Arbitration for Sport (CAS) has issued its decision today in the arbitration procedure between the Peruvian Football Federation (FPF) & Chilean Football Federation (FFC) and the Ecuadorian Football Federation (FEF) & the player Byron Castillo Segura (the Player) & FIFA.

The CAS Panel in charge of the matter has partially upheld the appeals and set aside the decision of the FIFA Appeal Committee of 15 September 2022. In its new decision, the CAS ruled as follows:

*The Federación Ecuatoriana de Fútbol (“FEF”) is held liable for the use of a document containing false information in breach of Article 21 of the FIFA Disciplinary Code and is consequently sanctioned pursuant to Article 6 of the FIFA Disciplinary Code as follows:*

- (i) The FEF is imposed a deduction of 3 points in the next edition of the preliminary competition to the FIFA World Cup;*
- (ii) The FEF is ordered to pay a fine to FIFA in the amount of CHF 100,000 within 30 days after the receipt of this arbitral award.*

The dispute concerned, in particular, the eligibility of the player Byron Castillo Segura to participate in the qualifying matches of the national team of the FEF in the preliminary competition of the FIFA World Cup Qatar 2022 between September 2021 and March 2022.

In May 2022, the FFC lodged a complaint with FIFA alleging the potential forgery of the documents that established Byron Castillo’s Ecuadorian nationality, as well as the alleged ineligibility of the Player’s participation for Ecuador in the FIFA World Cup Qatar 2022 matches played between September 2021 and March 2022. The FIFA Disciplinary Committee initiated proceedings and issued its decision on 10 June 2022 in which it dismissed all charges against the FEF and closed the proceedings. The Peruvian and Chilean football associations appealed such decision to the FIFA Appeal Committee which dismissed their appeal in the Challenged Decision and confirmed the first instance decision. On 28 September 2022, the PFF and the FFC filed appeals against the Challenged Decision at the CAS which were handled together by the same panel of CAS arbitrators.

The appeal filed by the PFF was directed at the FEF and FIFA. It sought the exclusion of Ecuador from the FIFA World Cup Qatar 2022, and for Ecuador to be replaced by Peru, the best runner-up. The appeal



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filed by the FFC was directed at the FEF, the player Byron Castillo, and FIFA. The FFC sought a ruling from CAS that the Player was ineligible for the 8 matches played in the Qualifiers, declaring those matches as forfeited and placing Chile in the 4th position in the South America 2022 World Cup Qualifiers.

The CAS Panel appointed to decide the matter held a hearing on 4 and 5 November 2022. Following the hearing, the Panel deliberated and unanimously determined that:

- The FEF did not violate Article 22 of the FIFA Disciplinary Code because the Player was eligible to participate in the preliminary competition to the FIFA World Cup Qatar 2022. Since the nationality of a player with a national association is determined by national laws (subject to time limits in case of a change of sporting nationality, which was not the case here), Byron Castillo was eligible to play for the FEF in the preliminary round of the FIFA World Cup Qatar 2022 considering that the Ecuadorian authorities acknowledged Byron Castillo as an Ecuadorian national.
- The FEF violated Article 21 of the FIFA Disciplinary Code for the use of a document containing false information. For cases of falsification, FIFA rules do not refer to national law. Therefore, there is no need to defer to any determination made by the Ecuadorian judicial authorities on the falsification of the Player's passport for FIFA to deem the document falsified under Article 21. In the present case, while the Player's Ecuadorian passport was indeed authentic, some information provided therein was false. In particular, the Panel was comfortably satisfied that the Player's date and place of birth were incorrect since the Player was actually born in Tumaco, Colombia, on 25 June 1995. As a result, the Panel deemed it necessary to hold the FEF liable for an act of falsification under Article 21, para. 2 of the FIFA Disciplinary Code, even if the FEF was not the author of the falsified document but only the user.
- The appropriate sanction for the aforementioned breach is a 3-point deduction in the next edition of the preliminary competition to the FIFA World Cup and a fine of CHF 100'000. The Panel considered that no violation of the rules on eligibility has occurred and that there were a series of extenuating circumstances, among them, that the FEF started a disciplinary proceeding against the Player which was halted by a decision of the Ecuadorian judiciary. The Panel determined that the 3-point deduction should not be imposed in the present preliminary competition to the FIFA World Cup, but rather in the next edition, considering that the Player was eligible to play in the preliminary competition to the FIFA World Cup Qatar 2022 and that such competition has not been affected by the aforementioned rule violation by the FEF.

The full award, with the grounds for the Panel's decision will be notified to the parties in due course.