

Sporting succession in FIFA and CAS jurisprudence

New club, old debts

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Introduction

The doctrine of sporting succession has become a recurring issue in international football law.

Sporting succession may be defined as the situation in which a new legal entity, the sporting successor, is held liable for obligations of a separate previous legal entity, the original debtor, because it is to be regarded, in sporting terms, as a continuation of that previous club.

In recent years, FIFA decision-making bodies and the Court of Arbitration for Sport ("CAS") have been confronted with a growing number of disputes in which players, coaches, clubs or other creditors sought to hold a newly established or restructured club liable for debts incurred by an old club. These disputes arise against the background of a football economy in which clubs may be dissolved, lose their licence, enter insolvency proceedings or return under a new legal structure, whilst their sporting identity, fan base and commercial value remain largely intact.

Between 2020 and 2025, both FIFA and CAS have further refined the criteria for identifying a sporting successor. At the same time, recent jurisprudence has also exposed the limits of the concept, particularly in relation to creditor diligence, limitation periods and arbitral jurisdiction. Most notably, the Swiss Federal Tribunal ("SFT") has recently clarified that, although sporting succession is not incompatible with international public policy, it does not, as a concept of *lex sportiva*, automatically form part of Swiss law for jurisdictional purposes. It cannot, by itself, extend an arbitration agreement to a non-signatory successor club beyond the framework of art. 178 of the Federal Act on Private International Law ("PILA").²

These developments provide the reason for revisiting the doctrine. This article examines the state of sporting succession in football on the basis of case law from

the FIFA Disciplinary Committee ("FIFA DC"), the FIFA Dispute Resolution Chamber ("FIFA DRC")³ and the CAS.⁴ After a brief explanation of the background and legal framework of sporting succession, the article discusses the application of sporting succession in FIFA DC, FIFA DRC and CAS jurisprudence. In particular, attention is paid to the factors relevant to identifying a sporting successor and to the required diligence of the creditor. The article ends with several concluding remarks.

The regulatory framework on sporting succession

Sporting succession was codified in the FIFA Regulations in 2019.⁵ It reflects earlier jurisprudence of the FIFA decision-making bodies and the CAS. The most important provisions are art. 21 (4) of the FIFA Disciplinary Code ("FIFA FDC") and art. 25 (1) of the FIFA Regulations on the Status and Transfer of Players ("FIFA RSTP").

Art. 21 (4) FIFA FDC provides that:

"The sporting successor of a non-compliant party shall also be considered a non-compliant party and thus subject to the obligations under this provision. Criteria to assess whether an entity is to be considered as the sporting successor of another entity are, among others, its headquarters, name, legal form, team colours, players, public perception, shareholders or stakeholders or ownership and the category of competition concerned".

³ The FIFA jurisprudence discussed in this article concerns both the FIFA DRC and the FIFA DC. The FIFA DRC primarily assesses whether a new club is substantively liable as the sporting successor of the old club, often in the context of a first claim by a player, coach or club. The FIFA DC mainly deals with disciplinary enforcement of an existing FIFA decision against the old club and determines whether that decision can be enforced against the new club as sporting successor. Where no distinction is required, this article refers to these FIFA decision-making bodies collectively as "FIFA".

⁴ For this article, the case law of the FIFA DRC and the CAS has been studied for the years 2020-2025. The case law that is publicly available on the website of the FIFA DRC and the CAS has been examined. The national application of sporting succession in specific countries has not been included. In some countries, such as Greece, for example, sporting succession is even regulated by law. This article will not go into that further.

⁵ FIFA Circular 1681 of 11 July 2019, CAS 2020/A/7092 and CAS 2020/A/7183.

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² SFT; 4A_180/2025.

Art. 25 (1) FIFA RSTP stipulates that the sporting successor of a debtor is considered a debtor and is subject to decisions or confirmation letters issued by FIFA. This provision also sets out the same or similar criteria. These criteria are not exhaustive. The decisive question remains whether the overall set of factors establishes sporting succession. The regulatory framework, therefore, provides guidance, but not a closed definition. This is important because the actual manifestations of sporting succession may take different forms. It may involve a transfer of licence, rights or assets; a “new” club adopting the public identity of a disappeared club; and or an existing club associating itself with the reputation of a former club.

The rationale behind the codification of sporting succession is the promotion of contractual stability and the protection of competitions. It is also justified by the maxim cuius commoda, eius et incommoda: the party that seeks and obtains a benefit must also accept the possible burdens flowing from that benefit.⁶ Put differently, a new club should not be able to select only the positive commercial attributes of an old club, such as its name, history or fan base, whilst rejecting responsibility for outstanding liabilities associated with that identity.⁷

At the same time, there are also exceptions to this liability of the new club. One important limitation concerns the creditor’s diligence. A creditor, such as a player, may be required to take reasonable steps to recover the outstanding amount from the original debtor.⁸ This principle originates in CAS 2011/A/2646 (*Club Rangers de Talca v. FIFA*), in which CAS held that a creditor who fails to lodge his claim in bankruptcy proceedings cannot automatically request disciplinary sanctions against the successor club, as there may have been a theoretical possibility that creditor could have recovered its credit. The due diligence requirement, therefore, prevents sporting succession from becoming a remedy for passive creditors.⁹

FIFA jurisprudence

In the 49 relevant FIFA DC decisions reviewed for this article,

sporting succession was accepted in 40 cases¹⁰, rejected in eight cases¹¹, and not substantively assessed in one case. This means that, where the FIFA DC assessed the issue on the merits, sporting succession was accepted in 40 out of 48 cases, approximately 83%. However, in 10 of the 40 FIFA DC cases in which sporting succession was accepted, no disciplinary sanction was ultimately imposed, due to a lack of creditor diligence.¹² In the 20 FIFA DRC decisions studied for this article, sporting succession was accepted in 15 decisions¹³, rejected in 3¹⁴ and not substantively assessed in 2¹⁵. This means that, in the cases assessed on the merits, sporting succession was accepted in approximately 83% of the cases and rejected in approximately 17%.

The FIFA jurisprudence starts from the premise that a football club is more than the legal entity that operates it. A club is a sporting entity identifiable by itself, which, in principle, transcends the legal entities that manage it.¹⁶ Its identity is formed by elements such as name, colours, fans, history, sporting achievements, shield, trophies, stadium,

10 FDD-10433 (*1928 Bucaspor*); FDD-16506 (*AO Xanthi*); FDD-22257 (*ASD Ostuni Calcio 2024*); FDD-22258 (*ASD Ostuni 2024*); FDD-17850 (*AVS Futebol SAD*); FDD-16120 (*Deportivo Rayo Zuliano*); FDD-9365 (*Ergotelis 88 FC*); FDD-12364 (*FC Kosice*); FDD-12425 (*FC Metalist Kharkiv*); FDD-16301 (*FC Metalist Kharkiv*); FDD-24401 (*Irtysh-Pavlodar*); FDD-11332 (*Liaoning Shenyang Urban FC*); FDD-18089 (*NK Inker Zapresic*); FDD-18111 (*NK Inker NK Inker Zapresic*); FDD-18698 (*Panserraikos 1946 FC*); FDD-12647 (*Poalei Tel Aviv*); FDD-12648 (*Poalei Tel Aviv*); FDD-12649 (*Poalei Tel Aviv*); FDD-1265 (*Poalei Tel Aviv Poalei Tel Aviv*); FDD-12653 (*Poalei Tel Aviv*); FDD-12654 (*Poalei Tel Aviv*); FDD-13657 (*Poalei Tel Aviv*); FDD-7774 (*Poalei Tel Aviv*); FDD-24236 (*Shaanxi Union Football Club*); FDD-14550 (*TzOV FC Karpaty Lviv*); FDD-14109 (*Yeni Mersin Idmanyurdu Futbol AS*); FDD-15539 (*Yeni Mersin Idmanyurdu Futbol AS*); FDD-16636 (*Yeni Mersin Idmanyurdu Futbol AS*).

11 FDD-17155 (*CF Speranis*); FDD-5729 (*CS Sporting Juniorul Vaslui*); FDD-11414 (*Cynosure FC*); FDD-19279 (*Dalian Yingbo Football Club*); FDD-21541 (*Dalian Yingbo Football Club*); FDD-24801 (*Dalian Yingbo Football Club*); FDD-17093 (*Fudbalski klub Budva*); FDD-11477 (*SC Dnipro-1*).

12 FDD-14279 (*ACR Siena 1904 SPA*); FDD-14280 (*ACR Siena 1904 SPA*); FDD-14281 (*ACR Siena 1904 SPA*); FDD-12604 (*ASC Otelul Galati*); FDD-14399 (*Bytomski Sport Polonia Bytom*); FDD-13721 (*FC Metalist Kharkiv*); FDD-11083 (*Fotbal Club Rapid 1923 SA*); FDD-11084 (*Fotbal Club Rapid 1923 SA*); FDD-11123 (*Fotbal Club Rapid 1923 SA*); FDD-9260 (*Racing White Daring Molenbeek Future NV*).

13 *Farrán v. Aris FC*; REF 20-00452 (*Kurzenev v. FC Dnepr Mahilyow*); REF 20-01793 (*Herrera Lopez v. United City FC*); REF 20-01814 (*Christiaens v. United City FC*); REF 20-01863 (*Colado v. Sporting Club East Bengal*); REF 20-01616 (*Navarro Aliaga v. KSC Lokeren Temse*); REF 21-00204 (*Beglaryan v. FC Dnepr Mogilev*); REF 21-00205 (*Marusic v. FC Dnepr Mogilev*); FPSD-3183 (*Cuckovic v. Swallows FC*); FPSD-4648 (*Odili v. Kelantan FA/ TRW Kelantan*); FPSD-3193 (*Caiado Dias v. LLC FC Metalist*); FPSD-112257 (*De-identified Case*); FPSD-7271 (*Shandong Taishan v. Roger Guedes*); FPSD-12679 (*Ogbu v. Shaanxi Chang'an Union Football Club*); and FPSD-18572 (*Futács v. Yeni Mersin*).

14 FPSD-4807 (*Chebel Klein Nunes v. Guangzhou City FC*); FPSD-4806 (*Lum v. Guangzhou City FC*); and FPSD-4993 (*Lam v. Guangzhou City FC*).

15 In FPSD-11343 (*Futács v. İçel Idmanyurdu / Yeni Mersin*), the DRC did not address the substance of the question because the claim was considered inadmissible due to the statute of limitations; in the case of *Franco v. Al Hilal*, sporting succession played no substantive role.

16 FPSD-3193 (*Caiado Dias v. LLC FC Metalist*).

6 CAS 2020/A/7424 (*PFC CSKA-Sofia v. David Bernardo Tengarrinha & FIFA*).

7 CAS 2020/A/7481 (*Aris Football Club v. FIFA*), para. 105; CAS 2024/A/10783 (*Shaanxi Union Football Club v. Moses Orwohicho Ogbu*).

8 CAS 2011/A/2646 (*Club Rangers de Talca v. FIFA*), para. 27.

9 CAS 2011/A/2646 (*Club Rangers de Talca v. FIFA*); CAS 2019/A/6461 (*Tartu Jalgpallikool Tammeka v. FIFA*); CAS 2020/A/6745 (*Predrag Vujovic v. Andijon Futbol Sport PFK & FIFA*); CAS 2020/A/6884 (*Soukeyna Ba Bengelloun v. FIFA & PFC CSKA-Sofia*); CAS 2020/A/7290 (*ARIS FC v. Oriol Lozano Farrán & FIFA*).

players and historical figures. This approach also explains why continuity of the sporting institution may prevail over changes in corporate or management structure.¹⁷

One of the most important factors in the FIFA jurisprudence is public perception.¹⁸ FIFA examines whether the new club is seen by supporters, the football market and the wider public as a continuation of the old club. That perception is assessed by reference to the above-mentioned elements.¹⁹ In *Futács v. Yeni Mersin*, for example, the similarity of the name was particularly relevant, since “Yeni” means “new” and suggested that the club presented itself as the “new” version of the old club. At the same time, similarity in name, logo or colours is not sufficient on its own. The Guangzhou City cases illustrate this limitation. In *Chebel Klein Nunes, Lum and Lam*, sporting succession was rejected. FIFA considered it decisive that the two clubs had coexisted, were members of different associations and that the market did not consider Guangzhou City to be a continuation of R&F HK. These matters, therefore, form an important limitation of the doctrine.

In the same way, geographical and infrastructural continuity may reinforce the impression that the new club is carrying on the sporting identity of the old club. Use of the same stadium and activity in the city are, therefore, often considered relevant.²⁰ A stadium is not just a physical location, but often an important part of a club's identity. However, stadium use is not always decisive. In *Caiado Dias v. LLC FC Metalist*, it was argued, on behalf of the new club, that the stadium was a municipal stadium that was also used by other clubs. The FIFA DRC took that argument into account, but ultimately assessed the broader overall picture, including name, history, public perception, competitive position, and other indications of continuity.

The assessment also includes the people and organisational structure behind the sporting entity. Continuity of players, technical staff and management is, therefore, another recurring factor. In *Futács v. Yeni Mersin*, for example, it was taken into account that, according to the Turkish federation, 23 players who were registered for the old club were registered as amateurs for the new club in the 2019-2020 season. In *Ogbu v. Shaanxi Chang'an Union Football Club*, the evidence was even stronger. Alongside public communication and social media transfer, players, employees, staff and management continued and supported the conclusion that the new club was not merely operating in the same

region but was considered the sporting successor.²¹

Because many of these elements are well known to national associations and are reflected in official football administration, information from national associations and TMS data also plays an important evidentiary role. In *Colado v. Sporting Club East Bengal*, the Indian federation confirmed that Sporting Club East Bengal was the successor. In *Odili v. Kelantan FA/TRW Kelantan* was confirmed to the Malaysian federation that TRW Kelantan had taken over the Kafa football team to play in the national league.

Finally, due diligence of the creditor is an important limitation. In *Caiado Dias v. LLC FC Metalist*, the player had already filed a claim against PJSC FC Metalist in 2015, but that procedure was closed by FIFA after the club was no longer affiliated with the Ukrainian federation. Later, the player filed a new claim against LLC FC Metalist as an alleged sporting successor. The FIFA DRC, therefore, had to assess whether LLC FC Metalist was a sporting successor and what the consequences were, whilst the new club argued, amongst other things, that the player had not been sufficiently diligent in the Ukrainian insolvency proceedings. The FIFA DRC eventually adopted sporting succession in Metalist and did not consider the lack of diligence defence fatal. This shows that the FIFA DRC takes into account the concrete circumstances: previous FIFA proceedings, disaffiliation, national insolvency context, working knowledge of the creditor and the moment when the alleged successor actually came into the picture.

CAS jurisprudence

FIFA decisions can subsequently be appealed before the CAS within 21 days of receipt of notification of the decision.²²

The CAS jurisprudence reviewed for this article, broadly confirms the FIFA line, but develops the doctrine in a more detailed manner. At award level, sporting succession was accepted in ten cases²³, rejected in five²⁴ and not substantively assessed in twelve due to procedural or

¹⁷ FPSD-12679 (*Ogbu v. Shaanxi Chang'an Union Football Club*).

¹⁸ CAS 2020/A/7290 (*ARIS FC v. Oriol Lozano Farrán & FIFA*).

¹⁹ *Farrán v. Aris FC*; FPSD-3183 (*Cuckovic v. Swallows FC*); FPSD-20-01616 (*Navarro Aliaga v. KSC Lokeren Temse*); FPSD-20-01863 (*Colado v. Sporting Club East Bengal*); FPSD-20-01793 (*Herrera Lopez v. United City FC*); FPSD-20-01814 (*Christiaens v. United City FC*).

²⁰ See also *Navarro Aliaga v. KSC Lokeren Temse* and FPSD-3183 (*Cuckovic v. Swallows FC*).

²¹ See also: REF 20-00452 (*Kurzenev v. FC Dnepr Mahilyow*); REF 21-00204 (*Beglaryan v. FC Dnepr Mogilev*); REF 21-00205 (*Marusic v. FC Dnepr Mogilev*); REF 20-01793 (*Herrera Lopez v. United City FC*); REF 20-01814 (*Christiaens v. United City FC*).

²² According to art. 50 (1) of the FIFA Statutes reads together with arts. 52 and 61 of the FIFA FDC.

²³ CAS 2020/A/6884 (*Soukeyna Ba Bengelloun v. FIFA & PFC CSKA-Sofia*); CAS 2020/A/7290 (*ARIS FC v. Oriol Lozano Farrán & FIFA*); CAS 2021/A/8060 (*SC Bastia v. FIFA & 1. FSV Mainz 05*); CAS 2021/A/8061 (*SC Bastia v. FIFA & RCD Espanyol de Barcelona*); CAS 2022/A/8701 (*Bucaspur 1928 v. Dady Aristide Gomes & FIFA*); CAS 2023/A/10091 (*Karpaty FC v. FIFA & HNK Cibalia*); CAS 2023/A/10114 et al. (*Poalei Tel Aviv Holdings v. FIFA*); CAS 2024/A/10269 (*Bogdan Stancu v. FC Rapid 1923 & Romanian Football Federation*); CAS 2024/A/10783 (*Shaanxi Union Football Club v. Moses Orwohicho Ogbu*); CAS 2025/A/11319 (*X. Football Club v. FIFA & Y.*).

²⁴ CAS 2022/A/9044 (*Christian Pouga v. CS Sporting Juniorul Vaslui & FIFA*); CAS 2023/A/9386 (*Liaoning Shenyang Urban FC v. FIFA*); CAS 2023/A/10510 (*Cristian Mendoza v. FC Speranis Nisporeni & FIFA*); CAS 2024/A/10308 (*AO Xanthi v. FIFA & Radoslav Vasilev*); CAS 2024/A/10325 (*Sony Norde v. FIFA & Melaka FC*).

jurisdictional issues.²⁵ Of the FIFA DC decisions that reached CAS, the majority were confirmed. Counted by CAS awards, five FIFA DC outcomes were confirmed²⁶ and two were overturned on the merits of sporting succession.²⁷ Counted by individual CAS case numbers, because the Poalei Tel Aviv award concerned six separate FIFA DC decisions²⁸, ten FIFA DC outcomes were confirmed and two were overturned. Regarding the FIFA DRC cases, CAS generally confirmed the substantive succession assessment where it reached the merits.²⁹

CAS emphasises that sporting succession must be applied restrictively, because its consequences may be significant. A new club found to be a sporting successor may have to take over the liabilities and commitments of the original debtor. Just the outstanding salaries of the staff and players could amount to considerable sums. In addition, the sporting successor may have to defend disciplinary charges based on the transactions (for example, employment contracts) in which it was never involved. Under these circumstances, it is striking that the concept of sporting succession is implemented in disciplinary regulations as its implications encompass important civil consequences, similar to the ones observed in mergers, consolidations or asset acquisitions.³⁰

As a general rule, CAS, as well as FIFA, accepts that a club is a sporting entity identifiable by itself that transcends the legal entity that operates it.³¹ CAS jurisprudence finds that sporting succession may occur when a club transfers all the

elements that constitute its sporting entity to a new entity whilst continuing somehow to exist (but with a different identity).³² What matters is not merely the chronology of events, but whether core elements that define a club's sporting identity have transferred.³³ The public perception is relevant and may carry more weight than the details of the legal entity which is used to run the new club.³⁴

Nevertheless, public perception is not sufficient by itself.³⁵ CAS often requires objective factors, such as the transfer of the federative rights of the old club to allow the new club to continue in the same league, the acquisition of assets of the old club and some continuity of players.³⁶ The CAS confirmed that the criteria are only exemplary and that no factor is a general *conditio sine qua non*. At the same time, the criteria are a useful and measurable instrument for carefully assessing the follow-up question.³⁷

The assessment of sporting succession involves weighing various elements according to their significance – classified as being of minor importance, relevant, or important. This method, established in CAS jurisprudence recognises that certain factors carry greater weight in reaching an overall conclusion.³⁸ It is well established that certain core similarities with the old club are not decisive in isolation and do not remove the need for an overall examination.³⁹ Elements that may tip the balance in one direction in

25 CAS 2020/A/6713 (*Nilmar Honorato da Silva v. FIFA*); CAS 2020/A/6912 (*Nasuti v. AEK Athens FC & FIFA*); CAS 2020/A/6922 (*Tiago Carpes de Bail v. FIFA*); CAS 2021/A/7915 (*González López v. Hapoel Tel Aviv / FIFA*); CAS 2021/A/8308 (*Christian Pouga v. FIFA*); CAS 2021/A/8331 (*Victor Piturca v. Romanian Football Federation & U Craiova 1948*); CAS 2023/A/10043 (*Yeni Mersin Idmanyurdu Futbol A.S. v. FIFA & Leandro Saraiva*); CAS 2023/A/10098 & CAS 2023/A/10099 (*Pacurar / Balan v. FC Rapid 1923*); CAS 2023/A/10204 (*Marko Futács v. Yeni Mersin Idmanyurdu Futbol A.S. & FIFA*); CAS 2023/A/10255 (*Yeni Mersin Idmanyurdu Futbol A.S. v. FIFA & Gonzalo Bueno*); CAS 2024/A/10347 (*Shaanxi Chang'an Union / Raoul Loë*); CAS 2024/A/10867 (*Milenkovic v. FIFA*). The rulings on procedural defects fall outside the scope of this article.

26 CAS 2020/A/6884 (*Soukeyna Ba Bengelloun v. FIFA & PFC CSKA-Sofia*); CAS 2021/A/8060 (*SC Bastia v. FIFA & 1. FSV Mainz 05*); CAS 2021/A/8061 (*SC Bastia v. FIFA & RCD Espanyol de Barcelona*); CAS 2022/A/9044 (*Christian Pouga v. CS Sporting Juniorul Vaslui & FIFA*); CAS 2023/A/10114, CAS 2023/A/10117, CAS 2023/A/10118, CAS 2023/A/10119, CAS 2023/A/10121 and CAS 2023/A/10122 (*Poalei Tel Aviv Holdings v. FIFA*).

27 CAS 2023/A/9386 (*Liaoning Shenyang Urban FC v. FIFA*); CAS 2024/A/10308 (*AO Xanthi v. FIFA & Radoslav Vasilev*).

28 CAS 2023/A/10114, CAS 2023/A/10117, CAS 2023/A/10118, CAS 2023/A/10119, CAS 2023/A/10121 and CAS 2023/A/10122 (*Poalei Tel Aviv Holdings Ltd v. FIFA*).

29 CAS 2020/A/7290 (*ARIS FC v. Oriol Lozano Farrán & FIFA*); CAS 2022/A/8701 (*Bucaspor 1928 v. Dady Aristide Gomes & FIFA*); CAS 2024/A/10325 (*Sony Norde v. FIFA & Melaka FC*); CAS 2024/A/10783 (*Shaanxi Union Football Club v. Moses Orwohicho Ogbu*).

30 CAS 2020/A/6873 (*Benjamin van den Broek v. FIFA & FC Universitatea Cluj*); CAS 2021/A/8061 (*SC Bastia v. FIFA & RCD Espanyol de Barcelona*).

31 CAS 2023/A/9386 (*Liaoning Shenyang Urban FC v. FIFA*).

32 CAS 2023/A/9808 (*Futebol Clube do Porto v. Club Deportivo Popular Junior FC*); CAS 2022/A/8701 (*Bucaspor 1928 v. Dady Aristide Gomes & FIFA*).

33 CAS 2024/A/10431 (*Yeni Mersin Idmanyurdu Futbol A. . v. Milan Mitrovi & FIFA*); CAS 2023/A/9809 (*Karpaty FC v. FIFA, Cristóbal Márquez Crespo & FC Karpaty Halych*).

34 CAS 2024/A/10783 (*Shaanxi Union Football Club v. Moses Orwohicho Ogbu*); CAS 2020/A/6884 (*Soukeyna Ba Bengelloun v. FIFA & PFC CSKA-Sofia*), para. 142; CAS 2020/A/7290 (*ARIS FC v. Oriol Lozano Farrán & FIFA*), para. 91; CAS 2020/A/7481 (*Aris Football Club v. FIFA*), para. 94; CAS 2020/A/7543 (*Fotbal Club Rapid 1923 SA v. Julio Cesar da Silva e Souza & FIFA*), para. 112.

35 CAS 2024/A/10325 (*Sony Norde v. FIFA & Melaka FC*).

36 CAS 2020/A/7092 (*Panathinaikos FC v. FIFA & Parma Calcio 1913*); CAS 2020/A/7423 (*PFC CSKA-Sofia v. FIFA & Nilson A. Da Veiga Barros*); CAS 2024/A/10325 (*Sony Norde v. FIFA & Melaka FC*); CAS 2024/A/10783 (*Shaanxi Union Football Club v. Moses Orwohicho Ogbu*); CAS 2020/A/7183 (*Sofiene Moussa v. ACS Petrolul 52 Ploie ti & FIFA*); CAS 2020/A/7481 (*Aris Football Club v. FIFA*); CAS 2020/A/6873 (*Benjamin van den Broek v. FIFA & FC Universitatea Cluj*); CAS 2023/A/9755 (*FC Ko ice a.s. v. Oumar Diaby & FIFA*); CAS 2022/A/9044 (*Christian Pouga v. CS Sporting Juniorul Vaslui & FIFA*); CAS 2020/A/6831 (*PFC CSKA-Sofia EAD v. FIFA & Civard Sprockel*), paras. 121 and 126.

37 CAS 2023/A/9386 (*Liaoning Shenyang Urban FC v. FIFA*).

38 CAS 2020/A/7092 (*Panathinaikos FC v. FIFA & Parma Calcio 1913*).

39 CAS 2023/A/10510 (*Dayron Alexander Mosquera Mendoza v. FC Speranis Nisporeni & FIFA*); CAS 2020/A/6831 (*PFC CSKA-Sofia EAD v. FIFA & Civard Sprockel*); CAS 2020/A/7092 (*Panathinaikos FC v. FIFA & Parma Calcio 1913*); CAS 2020/A/7183 (*Sofiene Moussa v. ACS Petrolul 52 Ploie ti & FIFA*); CAS 2020/A/7543 (*Fotbal Club Rapid 1923 SA v. Julio Cesar da Silva e Souza & FIFA*).

one case, may lead to the opposite conclusion in another case.⁴⁰ In other words, there is no doctrine of *stare decisis* in CAS proceedings.⁴¹ The “overall package” is decisive and the analysis must be made on a case-by-case basis.⁴²

In this respect, in the *Liaoning* case, CAS found that the factors mentioned by FIFA DC were insufficient. The name change followed a general Chinese neutralisation policy for club names; the new club’s promotion was independent of the old club’s disaffiliation; and there was insufficient evidence that the new club had taken over the identity, assets or rights of the old club.

Similarly, in *Melaka FC*, sporting succession was rejected, because the new club had been founded from scratch and had not taken over the old club’s licence, federative rights, name, colours, logo, sponsors, website or substantial player or staff continuity.⁴³ This shows that CAS is not quick to assume succession if the public link is insufficiently supported by objective continuity factors. For example, the more players continue playing for the new club, the more likely it is that the club is considered the sporting successor of the old club.⁴⁴ The same is true for the use of the same stadium, given that “suitable stadiums in a city may well be limited”.⁴⁵ Competition continuity is important, but not decisive. Where a club takes over the same league place, licence or federative rights, this strongly supports sporting succession. Conversely, where the new club starts from a lower level and does not rely on the sporting achievements of the old club, this weighs against succession. This played a role in *Liaoning*, *AO Xanthi* and *Melaka FC* as well.

Sporting succession was partly developed to prevent abusive structures, but fraudulent intent is not a constitutive condition.⁴⁶ CAS expressly rules that fraudulent practices are not a *conditio sine qua non*.⁴⁷

Whilst such factors may be considered, they are not essential.⁴⁸ The same applies to bankruptcy proceedings. Although sporting succession often arises in the context of the old club’s bankruptcy or dissolution, it can also result from other events, such as the purchase and sale of a club or a legal merger. What matters is whether the new club has continued the sporting identity of the old club.⁴⁹

At the end, the creditor is a last necessary requirement to accept a claim.⁵⁰ In fact, some CAS panels have even refrained from entering into the merits of sporting succession cases when the precondition of the creditor’s diligence was not met.⁵¹ CAS considers that a creditor must be “vigilant” and promptly take appropriate legal action.⁵² At the same time, also in relation to the due diligence assessment, there is no blanket rule. The assessment depends upon the specific circumstances. In the *Bengelloun* case, no fatal lack of due diligence was ultimately assumed because Bulgarian insolvency law did not provide a real possibility to recover the entire FIFA DRC claim, namely, compensation for breach of contract. In doing so, CAS makes it clear that due diligence is not a formalistic obligation, but a realistic assessment of what the creditor could actually do.⁵³

It follows from the reviewed CAS jurisprudence that there are three exceptions in which the creditor is not required to act diligently. The first exception is a clear absence of funds at the original debtor.⁵⁴ The second exception is the case where the insolvency has been deliberately concealed.⁵⁵ The third and last exception concerns the legal impossibility to register a specific claim.⁵⁶

40 CAS 2024/A/10308 (*AO Xanthi v. FIFA & Radoslav Vasilev*); CAS 2020/A/7290 (*ARIS FC v. Oriol Lozano Farrán & FIFA*), para. 86.

41 CAS 2021/A/8446 (*Fotbal Club Rapid 1923 SA v. N. Milisavljevic & FIFA*); CAS 2023/A/9386 (*Liaoning Shenyang Urban FC v. FIFA*).

42 CAS 2020/A/6884 (*Soukeyna Ba Bengelloun v. FIFA & PFC CSKA-Sofia*); CAS 2023/A/9386 (*Liaoning Shenyang Urban FC v. FIFA*).

43 CAS 2024/A/10325 (*Sony Norde v. FIFA & Melaka FC*).

44 CAS 2020/A/7092 (*Panathinaikos FC v. FIFA & Parma Calcio 1913*).

45 *Idem*.

46 CAS 2024/A/10308 (*AO Xanthi v. FIFA & Radoslav Vasilev*); CAS 2024/A/10325 (*Sony Norde v. FIFA & Melaka FC*); CAS 2020/A/7290 (*ARIS FC v. Oriol Lozano Farrán & FIFA*); CAS 2020/A/7543 (*Fotbal Club Rapid 1923 SA v. Julio Cesar da Silva e Souza & FIFA*); CAS 2020/A/6884 (*Soukeyna Ba Bengelloun v. FIFA & PFC CSKA-Sofia*).

47 CAS 2020/A/7290 (*ARIS FC v. Oriol Lozano Farrán & FIFA*).

48 CAS 2024/A/10347 (*Shaanxi Chang'an Union Football Club v. Raoul Loé & FIFA*); CAS 2020/A/6884 (*Soukeyna Ba Bengelloun v. FIFA & PFC CSKA-Sofia*); CAS 2020/A/7543 (*Fotbal Club Rapid 1923 SA v. Julio Cesar da Silva e Souza & FIFA*); CAS 2020/A/7290 (*ARIS FC v. Oriol Lozano Farrán & FIFA*).

49 CAS 2024/A/10308 (*AO Xanthi v. FIFA & Radoslav Vasilev*).

50 CAS 2011/A/2646 (*Club Rangers de Talca v. FIFA*); CAS 2019/A/6461; CAS 2020/A/6878; CAS 2020/A/7505 (*PFC CSKA Sofia v. FIFA & Francisco Moreno Ruano*); CAS 2020/A/6884 (*Soukeyna Ba Bengelloun v. FIFA & PFC CSKA-Sofia*).

51 CAS 2024/A/10347 (*Shaanxi Chang'an Union Football Club v. Raoul Loé & FIFA*); CAS 2020/A/6878.

52 CAS 2020/A/6884 (*Soukeyna Ba Bengelloun v. FIFA & PFC CSKA-Sofia*); CAS 2020/A/6745 (*Predrag Vujovic v. Andijon Futbol Sport PFK & FIFA*); CAS 2020/A/7290 (*ARIS FC v. Oriol Lozano Farrán & FIFA*); CAS 2020/A/6941 (*Youness Bengelloun v. FIFA & PFC CSKA-Sofia*).

53 CAS 2020/A/6941 (*Youness Bengelloun v. FIFA & PFC CSKA-Sofia*).

54 CAS 2019/A/6461; CAS 2020/A/6884 (*Soukeyna Ba Bengelloun v. FIFA & PFC CSKA-Sofia*).

55 CAS 2020/A/6745 (*Predrag Vujovic v. Andijon Futbol Sport PFK & FIFA*).

56 CAS 2020/A/6941 (*Youness Bengelloun v. FIFA & PFC CSKA-Sofia*).

Conclusions

In conclusion, sporting succession is a necessary doctrine within international football law. It prevents a new club from taking on all the positive elements of an old club – its name, colours, logo, stadium, fan base, history and commercial value – but leaving behind the financial obligations of that old club.

However, the assessment remains casuistic. There is no closed list of conditions. Public perception, competition continuity and asset transfer are at the heart of the analysis, but no single criterion is decisive on its own. It is about the overall picture: does the new club act as a continuation of the old club; does it benefit from its sporting identity; and is it seen, as such, by the public and the football market?

In addition, sporting succession does not require fraudulent intent. The question is not whether the new club has abused legal personality, but whether it has taken over the sporting legacy of the old club. Those who use the benefits of that inheritance can also be confronted with the burdens. At the same time, the doctrine should not serve as a safety net for passive creditors.

In disciplinary enforcement cases, the creditor must, in principle, do what is reasonably possible to recover his claim from the original debtor. However, that duty is not absolute. Where redress is factually hopeless, hidden or legally impossible, an appeal to lack of due diligence cannot simply succeed.