

UEFA CLUB FINANCIAL CONTROL BODY
Adjudicatory Chamber

ORDER

in case

AC-04/2014

Fotbal Club CFR 1907 Cluj SA

Composition of the chamber:

- **J. N. Cunha Rodrigues, Chairman**
- **L. Peila, Vice-chairman**
- **C. W. A. Timmermans, Vice-chairman**
- **C. Flint QC, Member**
- **A. Giersz, Member**

Nyon, 30th March 2015

1. On 19 December 2014, the Adjudicatory Chamber of the UEFA Club Financial Control Body made its decision in case AC-03/2014, *Fotbal Club CFR 1907 Cluj SA* (the “Decision”) in accordance with the *Procedural rules governing the UEFA Club Financial Control Body – Edition 2014* (the “Procedural Rules”).
2. The CFCB Adjudicatory Chamber found that Fotbal Club CFR 1907 Cluj SA (“CFR 1907 Cluj” or “the Club”) had breached Articles 56(c), 65(1), 65(8), 66(1) and 66(6) of the *UEFA Club Licensing and Financial Fair Play Regulations – Edition 2012* (the “CL&FFP Regulations”) because it had overdue payables towards other football clubs, employees and social/tax authorities totalling one million, nine hundred and twelve thousand Euros (€1,912,000) as at 30 June 2014 and two million, five hundred and ninety-seven thousand Euros (€2,597,000) as at 30 September 2014.
3. Against this background, the CFCB Adjudicatory Chamber decided to exclude CFR 1907 Cluj from participating in the next UEFA club competition for which it would otherwise qualify in the next three (3) seasons (i.e. the 2015/16, 2016/17 and 2017/18 seasons) unless the Club was able to prove that it had paid by 31 January 2015 the amounts that were identified as overdue payables as at 30 September 2014 (the “Condition”).
4. An examination was conducted by the CFCB Investigatory Chamber on 27 February 2015 in order to verify whether the Club had satisfied the Condition. Such examination took into account the information and supporting documentation submitted by CFR 1907 Cluj.
5. The CFCB Investigatory Chamber’s examination concluded that the Club had not satisfied the Condition because only three hundred and forty-six thousand Euros (€346,000) of the relevant overdue payables had been paid by 31 January 2015, which means that a balance of two million, two hundred and fifty-one thousand Euros (€2,251,000) remained unpaid.
6. The CFCB Adjudicatory Chamber accepts the findings of the CFCB Investigatory Chamber with regard to CFR 1907 Cluj’s failure to satisfy the Condition.
7. The CFCB Adjudicatory Chamber acknowledges receipt of the letter dated 17th March 2015 from Mr Iuliu Muresan (the special administrator appointed by the Cluj Specialized Court of Law) and the letter dated 18th March 2015 from Rtz & Partners SPRL (in its capacity as official receiver) which were sent in response to the CFCB Chairman’s letter to the Club dated 10th March 2015. It is not disputed in these letters that the Club had failed to satisfy the Condition. It is also clear from these letters that the Club’s financial position has worsened significantly over the past months and that general insolvency proceedings have been initiated. Based on the chronology of events set out in these letters, the CFCB Adjudicatory Chamber notes that the insolvency proceedings were actually started on 4th February 2015 (i.e. after the deadline for satisfying the Condition had passed). Under the terms of the Decision, the exclusion takes effect on the failure of the Club to satisfy the Condition. In establishing that the Condition has not been satisfied the CFCB Adjudicatory Chamber is not making any decision as to the rights of the creditors against the Club, which is now subject to an insolvency procedure.
8. Based on the foregoing, CFR 1907 Cluj failed to satisfy the Condition set by the CFCB Adjudicatory Chamber in the Decision.
9. Accordingly, the CFCB Adjudicatory Chamber hereby orders as follows:

1. **The exclusion provided for in the Decision shall take effect immediately and, consequently, CFR 1907 Cluj is excluded from participating in the next UEFA club competition for which it would otherwise qualify in the next three (3) seasons (i.e. the 2015/16, 2016/17 and 2017/18 seasons).**
 2. **This Order is final.**
 3. **This Order is notified to:**
 - a) **CFR 1907 Cluj;**
 - b) **the Romanian Football Federation;**
 - c) **the CFCB Investigatory Chamber; and**
 - d) **the UEFA Administration.**
10. In accordance with Article 25(2) of the Procedural Rules and Articles 62 and 63 of the *UEFA Statutes*, this Order may be appealed in writing before the Court of Arbitration for Sport. In accordance with Article 62(3) of the *UEFA Statutes*, any such appeal must be made within ten (10) days of receiving this Order.



J.N. Cunha Rodrigues
CFCB Chairman