



The

FIVB TRIBUNAL

herewith issues the following

TERMINATION ORDER

FIVB 2017-02

concerning the Request for Review of CC 111/2016 filed by

Asocitia Sportiva Volei Club Banatul Caransebes (“Claimant”)
Caransebes, Romania

vs.

Mr Plamen Stefanov Hristov (“Respondent”)
represented by Mr Vassil Baichev, Counsel,
attorney-at-law, Sofia, Bulgaria

I. The Parties

1. The Claimant was a professional volleyball club with its legal seat in Caransebes, Romania. It has been represented in the present proceedings by counsel until July 2017 the latest.
2. The Respondent is a professional volleyball coach from Bulgaria. He is represented by counsel.

II. The FIVB Tribunal (FIVB Tribunal Judge)

3. Because the amount in dispute in the present case does not exceed CHF 200,000, this Request for Review will be heard by the Chairperson as a single judge according to Article 19.1.5 of the FIVB Sports Regulations (hereinafter the "Regulations"). Dr Karsten Hofmann from Germany, is the current Chairperson of the FIVB Tribunal and, thus, was appointed as the single judge in the present case (hereinafter "FIVB Tribunal Judge").

III. The Proceedings before the FIVB Tribunal

4. On 12 January 2017, the Confédération Européenne de Volleyball (CEV) issued a decision in the present manner (hereinafter the "CEV Decision").
5. On 27 January 2017, the Claimant filed its Request for Review including reasons why the CEV Decision should be reviewed. On 28 February 2017, the Respondent submitted his Answer.
6. On 8 June 2017, the FIVB Tribunal requested additional information from the Claimant by 16 June 2017. The Claimant failed to provide such information. On 29 June 2017, the FIVB Tribunal sent a reminder with a new time limit (6 July 2017).
7. On 30 June 2017, the Claimant's former manager, (Name of Manager), informed the FIVB Tribunal, inter alia, as follows: "[...] *but the club will not be represented by a lawyer for lack of money. We state that the volleyball team has been withdrawn from the Championship for lack of money and currently has no activity until the club is declared closed.*"
8. On 5 July 2017, the President of the Romanian Volleyball Federation, Mr. Gheorghe Visan, confirmed as follows: "*Hereby we are informing you the the men's club of AS Volei Club Banatul Caransebes has withdraw from our National Championship due to financial problems. Due to this fact this club it's not longer an affiliated member of our Federation.*"

9. On 11 July 2017, the Claimant's former counsel, (Name of Counsel), informed the FIVB Tribunal as follows: *"Contacting the legal representatives of the Appellant club in numerous times, they had pointed out that they have no interest to seek in continuing proceeding into this case and that they will not communicate towards me, as their legal representative, any of the documents requested by the FIVB Tribunal. Such decision was motivated due to the aspect that the club had folded from the Romanian Championship and ceased all it's activities."*
10. On 23 September 2017, (The Claimant's former manager) informed the FIVB Tribunal as follows: *"I inform you again that the Caransebeş team was disbanded by the local council of Caransebes. And in August, the Volleyball Club was closed by the same Local Caransebes Sons .if you want, the following days can send you the official document by which the City Hall and the Local Council Caransebeş abolishes the volleyball club. As far as I'm concerned, I resigned my club in April 2017"*.
11. Upon request by the FIVB Tribunal, on 4 November 2017, (The Claimant's former manager) provided a decision of the City of Caransebes of 27 October 2017 concerning the dissolution of the Claimant.

IV. Jurisdiction

12. The FIVB Tribunal must first examine whether it has jurisdiction to hear the present dispute. Article 19.2.3 of the Regulations grants the FIVB Tribunal the power to rule on its own jurisdiction. Thus, in order for the FIVB Tribunal to have jurisdiction over the dispute, the FIVB Tribunal Judge shall examine whether the conditions of both Articles 19.2.1 and 19.2.2 of the Regulations are satisfied.
13. The present dispute involves a claim concerning the salary of a coach from Bulgaria allegedly owed by a club from Romania. The FIVB Tribunal Judge finds that this dispute clearly qualifies as a financial dispute of an international dimension between a coach and a club in accordance with Articles 19.2.1 and 19.2.2.1 of the Regulations. Furthermore, the Request for Review at hand is made against the CEV Decision. Therefore, the present Request for Review stems from a decision of a Confederation.
14. Based on the above, the conditions of Articles 19.2.1 and 19.2.2 of the Regulations are satisfied. Additionally, the Claimant's Request for Review was filed on 27 January 2017, i.e. within the 14-day period described in Article 18.2 of the Regulations. Moreover, neither Party contested the

FIVB Tribunal's jurisdiction to hear this case. Therefore, the FIVB Tribunal has jurisdiction over the present Request for Review pursuant to the Regulations.

V. Findings

15. With regard to the Claimant's present standing to sue and the question whether the Claimant's Request for Review shall be deemed withdrawn, the FIVB Tribunal Judge takes into consideration several statements made regarding the present legal status of the Claimant and the decision of the City of Caransebes of 27 October 2017.
16. The statements made by the Claimant's former counsel of 11 July 2017 and the President of the Romanian Volleyball Federation of 5 July 2017 as well as the statements of the former manager of the Claimant of 30 June and 23 September 2017 do not constitute a formal withdrawal of the Claimant's Request for Review. However, they show that the Claimant is no longer interested in following up the present proceedings and those statements have to be considered in connection with the decision of the City of Caransebes of 27 October 2017.
17. As far as the FIVB Tribunal Judge understands, article 1 of the decision of the City of Caransebes confirms the complete dissolution of the Claimant as a legal person of public law under the responsibility of the Local Council of Caransebes. Moreover, the decision of the City of Caransebes of 27 October 2017 does not mention anything regarding a legal successor.
18. In light of the foregoing matters, the FIVB Tribunal Judge makes the following findings: The present **proceedings are closed** without prejudice.

Lausanne, seat of the proceedings, 21 November 2017

Dr Karsten Hofmann
FIVB Tribunal Chairperson