Title:
Arbitration CAS 2002/O/410 The Gibraltar Football Association (GFA)/Union des Associations Européennes de Football (UEFA)

Additional Information:
This award can be downloaded at http://jurisprudence.tas-cas.org/sites/CaseLaw/Shared%20Documents/410.pdf (last visited 9th January 2010).

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1." According to the new version of Article 5 of the UEFA Statutes, UEFA membership is restricted to associations in countries which are recognised as independent States by the United Nations. This new rule should not be regarded as a rule dealing only with procedural aspects justifying immediate application regardless of when the facts at issue occurred. The immediate application in this matter would entail a violation of general principles of law which are widely recognised, particularly the principles of fairness and of good faith.

[...]

LAW

[...]

11." Even if the New Rule was to be regarded as a rule dealing only with procedural aspects, the Panel is of the opinion that its application in this matter would entail a violation of general principles of law which are widely recognised, particularly the principles of fairness and of good faith. In particular, the Panel refers to the principle of venire contra factum proprium. This principle provides that when the conduct of one party has led to raise legitimate expectations on the part of the second party, the first party is barred from changing its course of action to the detriment of the second party (see, AEK Athens and SK Slavia Prague vs. UEFA, CAS 98/200, in Digest of CAS Awards II, op. cit., pp. 38 and seq.; S. vs. FINA, CAS 2000/A/274, section 37, in Digest of CAS Awards II, op. cit., p. 400; Art. 2 of the Swiss Civil Code).

[...]
Referring Principles:

I.1.1 - Good faith and fair dealing in international trade
I.1.2 - Prohibition of inconsistent behavior