



TAS / CAS

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

CAS 2024/A/11058 The Romanian Football Federation v. UEFA

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Mr Jordi López Batet, Lawyer in Barcelona, Spain
Arbitrators: Mr Daniel Cravo Souza, Lawyer in Porto Alegre, Brazil
Mr Omar Ongaro, Legal Counsel in Dübendorf, Switzerland

in the arbitration between

The Romanian Football Federation, Romania, Bucarest

Represented by Mr Adrian Stangaciu and Mr Paul F. Ciucur, Bucharest, Romania

Appellant

and

Union des Associations Européennes de Football (UEFA), Nyon, Switzerland

Represented by Mr. Emanuel Cortada and Mr. Jonáš Gürtler, Bär & Karrer AG, Zurich,
Switzerland

Respondent

I. PARTIES

1. The Romanian Football Federation (the “RFF” or the “Appellant”) is the national governing body of football in Romania with its registered office in Bucharest, Romania. The RFF is affiliated to the Union des Associations Européennes de Football and to the Fédération Internationale de Football Association (“FIFA”).
2. Union des Associations Européennes de Football (the “UEFA” or the “Respondent”) is the football confederation governing the sport of football in Europe and the organiser of the UEFA Nations League 2025.
3. The Appellant and the Respondent are jointly referred to as the “Parties”.

II. BACKGROUND FACTS AND THE PROCEEDINGS BEFORE THE UEFA APPEALS BODY

4. Below is a summary of the relevant facts and allegations based on the Parties’ written submissions. Additional facts and allegations found in the Parties’ written submissions and evidence may be set out, where relevant, in connection with the legal discussion that follows. While the Panel has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, it refers in its award only to the submissions and evidence it considers necessary to explain its reasoning.
5. On 15 November 2024, a match between the Romanian national team and the Kosovo national team took place in the National Arena Stadium in Bucharest, as part of the UEFA Nations League 2025 tournament (the “Match”).
6. When the Match was about to finalise, the players of the Kosovo national team left the pitch due to some chants of the Romanian fans. Even if some attempts were made, among others by the Match’s referee, for them to come back to the pitch, Kosovo’s players decided not to do it.
7. After the Match, the referee, the UEFA Match Delegate, the UEFA Security Officer and the FARE Observer submitted their respective reports on the Match.
8. The Match referee’s report contained, inter alia, the following:

“After a mass confrontation in the 90+2 minute, the Kosovo players left the field of play, after Romanian fans were chanting “Serbia! Serbia! Serbia!”.”

Just before leaving the field of play, one Kosovo player (number 15, Mergin Vojvoda) and one Kosovo team official showed gestures of an eagle.

The Kosovo players went to their dressing room. After several attempts made by the referee team and by the UEFA Delegate to restart the match, the Kosovo players refused to reenter the field of play. In the end, they were given a five minutes deadline to reenter the pitch, but they still refused to play the match.

After these five minutes, they got another two minutes deadline to reconsider their decision and they still refused to play the match.

I (the referee) went to the field of play, with 11 Romanian players on the pitch, restarted the match and immediately whistled the end of the match.

9. The UEFA Match Delegate made inter alia the following observations in the respective report:

“Security incidents affecting the match (home team) – pitch invasions, throwing of objects, laser pointer, fights, acts of damage, spectators blocking the stairways, etc. [Yes]

- at 90 + 3 min a yellow chair was thrown onto the pitch in the penalty area by Romanian fans from South stand. It was picked up by a Romanian player and thrown behind the LED boards.

- at 74th min a green laser was pointed by Romanian supporters from the North stand to a Kosovo player trying to take a corner kick. It was also pointed to the Assistant Referee 2 as he was standing close to the player.

- Romanian supporters at South stand blocked the passageways for the whole match in sectors 313 - 311, 311 - 309, 309 - 307 at upper tier and at sectors 106 - 105, 105 - 104 and 104 - 103 at lower tier.

Crowd behaviour (home team) – controversial banner or chanting, disturbances during a national anthem, etc.: [Issue(s) identified]

Before kick off, when Kosovo anthem was played, Romanian supporters started booing and whistling to the national anthem of Kosovo.

Use of pyrotechnics (home team): [yes]

*- at 48th min a strobe light was ignited by Romanian supporters at the South stand.
- at 90 + 2 min, a smoke bomb was ignited at South stand by Romanian supporters.*

Discriminatory behaviour (home team) - banners, chanting, etc.: [yes]

- Away match manager [...] reported to me after the match that he and Kosovo players heard chanting by Romanian supporters: "... not only Serbia, Serbia, but also Kosovo is Serbia" around 10 minutes before end of the match. I did not personally hear the chanting "Kosovo is Serbia" but only "Serbia, Serbia..". I asked the referee and Security officer if they had heard chanting "Kosovo is Serbia" and they confirmed that they "had not but only "Serbia, Serbia...", which was the reason for Kosovo players to leave the pitch and refuse to finish the match and play remaining 2 minutes. (his complete statement to be sent in the additional report) [...]

Any further comments from the Referee Team?: [yes]

- Kosovo players decided to leave the pitch at 90 + 2 minutes after chanting by Romanian fans, mainly from the South stand, "Serbia, Serbia..." The referee heard this chanting but did not hear any discriminatory chanting "Kosovo is Serbia". He tried to persuade Kosovo

players and team captain several times to stay on the pitch and finish the match and remaining 2 minutes, but they refused. [...]

10. The UEFA Match Delegate additional report also recorded the following incident in the Match:

“When the referee awarded a free kick for Romania, Romanian supporters started chanting “Serbia, Serbia...”. Kosovo players decided to leave the pitch protesting against “racist behaviour by home supporters”, as they claimed after the match. The referee tried to speak to the captain of Kosovo several times and tried to persuade Kosovo players stay on the pitch and finish the match. They refused and left for the dressing rooms.

I met the referee, SO, home and away MMs, home and away security officers, away team’s president, GS, and asked them for explanation of the players’ decision to leave the field of play. Away MM explained that the players decided to do so because the referee did not implement the 1st step procedure for racist behaviour of home fans. His explanation of racist behaviour was chanting by numerous home fans “Serbia, Serbia...”. After around 40 minutes, the AMM told me that smaller groups of Romanian fans also chanted “Kosovo is Serbia...”.

I personally heard Romanian fans chanting “Serbia, Serbia...” but not “Kosovo is Serbia”.

I kept trying to persuade Kosovo staff, together with SO, to come back onto the field, presented them possible consequences of their decision, but it did not help.

As Kosovo players left the pitch at 23.43, I proposed the referee to give them some time to change the decision and return to the pitch. I received promise by Kosovo coach that they would come back but to give them several more minutes to discuss in the dressing rooms.

In the meantime, Romanian players stayed on the pitch and were waiting for Kosovo players to come back.

At some point, around half an hour after leaving the pitch, I was told by Kosovo MM that their players had accepted to return to the pitch but they received some videos from the stands, probably by media representatives, that Romanian supporters started chanting “Kosovo is Serbia” while they were in the dressing rooms.

Then, they decided not to go back.

I went out of the dressing rooms area onto the pitch to check such chanting, as requested by Kosovo GS, but at the moment we entered the field of play, no chanting was heard.

At around 00.40, the referee met both teams’ captains and team managers and told them they had 5 minutes to come back onto the field, after which he will either resume the match or make the final whistle.

After around 3 minutes, Kosovo players started leaving dressing rooms and the stadium and went onto their bus to finally abandon the match. The referee made the final whistle at 00.51.

Statement by AMM [Away Match Manager]:

After the match was finally abandoned, I and SO had a meeting with AMM. He asked me to pass his statements to UEFA:

“Kosovo captain told the referee 3 times around 10 minutes before end of the match to stop the match because of chants by Romanian fans “Serbia, Serbia...”. He asked the referee to start the 3-step procedure because of not only “Serbia, Serbia...” but also for chanting by smaller groups “Kosovo is Serbia. The referee did not take any steps about it. After a long discussion with players, we convinced them to continue the match. When they accepted and were ready to continue, they received videos of chants “Kosovo is Serbia”, chanted during the time they were in the dressing rooms.

At that moment, it was clear it was impossible to continue the match because the basic values of UEFA, such as Respect, were not respected, but furthermore, it was clear racist behaviour for the 2nd time in the same stadium in one year.

And for us, it is not possible to participate in a match where sovereignty and independence of the state we represent is put in question, even though we are an equal member of UEFA.

For us, question of existence of our country and our nationality is more than racist behaviour. It goes to the discrimination.

Our flag was burnt and after the press conference, one journalist attacked physically our player in front of all media representatives”.

11. The UEFA Security Officer’s report recorded inter alia the following:

“Were there any incidents during the match phase? [yes]

Home fans: KO-2' Real time 21:43 hrs During the National Anthem of Kosovo home fans were whistling. KO + 48 ' 22:52 hrs 1 strobo light in the South stand, home fans. Not thrown, no impact to the match. KO+ 93 ' 1 smoke bomb, South stand, home fans. Not thrown, no impact to the match. At KO + 93 (Real time 23:43 hrs the Kosovo players left the pitch and went to the dressing room. Before that at KO + 91 ' a foul happened near the penalty area of Kosovo. The players got in stress about that, they crowded and a discussion started. At that time I heard ROM supporters from the South Stand chanting: Serbia, Serbia. That was the reason for the KOS players to leave the pitch and to go to the dressing room. A long discussion was the result (more than 1 hour). Obviously the Team Manager of KOS and other KOS officials wanted to convince the players to return and finish the match. That was successful but before the players wanted to return, they received some videos from outside with chants Kosovo is Serbia chanted by ROM supporters in the bowl. Now they refused to return. The referee gave them 5 minutes to decide, otherwise he would abandon the match (in the meantime after more than 1 hour). The KOS players left the dressing room and went to the bus, they left the stadium. So the referee abandoned the match at 00:51 hrs. The Delegate was in permanent touch with UEFA Match Ops, I was in touch with the Safety and Security unit. While the discussion was going on, the stadium became more and more empty. At the end only some Ultras in the South Stand and some supporters in the Main Stand remained in the stadium. During the debriefing the team manager of KOS told me and the Delegate, that a KOS player was physically attacked in the mixed zone by a journalist. I did not see that and I have no evidence about that.

12. The FARE Observer report on the Match reads in the pertinent part as follows:

*“[...] 2.1. The most active Romania home supporters were located in sector 106 and sectors 306 – 316. The most active Kosovo away fans were located in sector 354.
2.2. The Fare observer arrived at the stadium at 20:00 CET and had a good observation and hearing position inside the stadium.
2.3. The following developments were reported. All timings are CET.
- 20:45 kick-off
- 22.21 Incident 1: Romania home fans chanted a xenophobic chant.
- A group of approximately 3000 - 4000 Romania fans located in sectors the north stand sectors 306-314 chanted ‘Suntem români și ne vom apăra pământul țara și istoria, ale ale ale ale să-ți dăm la muie, bozgore’ (in English: ‘We are Romanians and we will defend our land our country and our history ale ale ale ale fuck you bozgore’).
- As the chant happened other Romania fans located in other parts of the stadium joined in.
- The term Bozgore is a pejorative for Hungarians, which translates in English into homeless/stateless - without a country/place. It is also derived from an insult in Hungarian, and it is recognized as one of the main pejorative terms used against the Hungarian population living in Romania.
- The incident happened in the 73rd minute and lasted around 6-7 minutes.[...]”*

*Incident 2: The Fare observer witnessed Serbia, Serbia chanting by Romania home fans.
- Around the 90th minute, a group of approximately 200-300 Romania fans located in the north stand chanted “Serbia, Serbia”. The chant was later repeated by approximately 3000- 5000 Romania home fans, located in the north stand.
- Romanian far-right groups do not recognize the state of Kosovo as a sovereign state, considering it to be still part of Serbia and denying Kosovars their national identity, right to statehood and right to exist. A denial of the right of a state to exist by an unconnected third party motivated by far-right politics. Kosovo is recognised by UEFA and FIFA. The particular context of the chant is that it directly targets the Kosovo national team and represent a xenophobic act.
- Around the 93rd minute Kosovo players left the pitch. The referee temporarily suspended the match, which was later abandoned. [...]”*

13. On 16 November 2024, the Appellant was informed of the opening of disciplinary proceedings against it for the potential violation of the following UEFA regulations:
 - a. Article 38 of the UEFA Safety and Security Regulations (“SSR”), i.e. blocking of public passageways.
 - b. Article 14 of the UEFA Disciplinary Regulations (“UEFA DR”), i.e. racist and/or discriminatory behaviour.
 - c. Article 15(4) of the UEFA DR, i.e. improper conduct of the team.
 - d. Articles 16(2)(b), (c), (d), (e) and (g) of the UEFA DR, i.e. throwing of objects, lighting of fireworks, use of laser pointer, transmitting a provocative message that is not fit for a sports event, and disturbances during the national anthems.

14. Upon consideration of the case file and after having heard the RFF on the alleged violations referred to above, on 20 November 2024 the UEFA Appeals Body issued the following decision, which grounds were delivered to the Appellant on 27 November 2024 (the “Appealed Decision”):

“1. To fine the Romanian Football Federation €50,000 and to order the closure of the Romanian Football Federation’s stadium during the next (1) match in which the Romanian Football Federation will play as host association, for the racist and/or discriminatory behaviour of its supporters.

2. To fine the Romanian Football Federation €30,000 for transmitting provocative political messages not fit for a sports event.

3. To fine the Romanian Football Federation €9,000 for throwing of objects.

4. To fine the Romanian Football Federation €4,500 for lighting of fireworks.

5. To fine the Romanian Football Federation €8,000 for use of laser pointer.

6. To fine the Romanian Football Federation €12,500 for causing a disturbance during national anthems.

7. To fine the Romanian Football Federation €14,000 for blocking of public passageways.

8. The above fines in the total amount of €128,000 must be paid into the bank account indicated below within 90 days of communication of this decision.

9. To warn the Romanian Football Federation for the improper conduct of its team.”

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

15. On 6 December 2024, the RFF filed a Statement of Appeal with the Court of Arbitration for Sport (the “CAS”) against the Respondent in respect of the Appealed Decision, in accordance with Articles R47 and R48 of the CAS Code of Sports-related Arbitration (the “CAS Code”). In its Statement of Appeal, the Appellant, *inter alia* requested that the matter be referred to a panel of three arbitrators and that an expedited procedure be conducted, with the award being rendered no later than 30 days before the next official match of the Appellant's national team. Furthermore it submitted the following prayers for relief:

“We respectfully request that the COURT OF ARBITRATION FOR SPORT render an award by which the Decision of 20 November 2024 rendered by the UEFA Appeals Body is partially set aside with respect to the following sanctions:

1. To fine the Romanian Football Federation €50,000 and to order the closure of the Romanian Football Federation’s stadium during the next (1) match in which the Romanian Football Federation will play as host association, for the racist and/or discriminatory behaviour of its supporters.

2. To fine the Romanian Football Federation €30,000 for transmitting provocative political messages not fit for a sports event.”

With regard to sanction no. 1 of the Appealed decision, we request the annulment of the order of closure of the stadium and the reduction of the EUR 50.000 fine. In the alternative, to change the full closure of the stadium with a partial closure of the stadium.

With regard to sanction no. 2 of the Appealed decision, we request the reduction of the EUR 30.000 fine”.

16. On 12 December 2024, the CAS Court Office disclosed the Statement of Appeal to the Respondent and invited the latter to comment, *inter alia*, on whether it agreed to the expedited procedure requested by the Appellant.
17. On 13 December 2024, the Football Federation of Kosovo (the “FFK”) submitted to the CAS a request for intervention as a party to the proceedings.
18. On 16 December 2024, the CAS Court Office invited the Parties to express their position on the participation of the FFK in this procedure.
19. On 19 December 2024, the CAS Court Office noted that the Parties agreed to a procedural calendar by virtue of which the Appeal Brief should be filed by 31 December 2024, the Answer to the Appeal Brief should be filed by 31 January 2025 and the operative part of the award should be notified by no later than 14 February 2025.
20. Also on 19 December 2024, the Appellant filed its comments with respect to the request for intervention of the FFK, opposing to it.
21. On 27 December 2024, UEFA also expressed its disagreement with the intervention of the FFK as a party to this procedure.
22. On 31 December 2024, the Appellant filed its Appeal Brief, with the following request for relief:

“We respectfully request that the COURT OF ARBITRATION FOR SPORT render an award by which the Decision of 20 November 2024 rendered by the UEFA Appeals Body is partially set aside and replaced with respect to the following sanctions:

“1. To fine the Romanian Football Federation €50,000 and to order the closure of the Romanian Football Federation’s stadium during the next (1) match in which the Romanian Football Federation will play as host association, for the racist and/or discriminatory behaviour of its supporters.

2. To fine the Romanian Football Federation €30,000 for transmitting provocative political messages not fit for a sports event.”

With regard to sanction no. 1 of the Appealed decision, we seek the annulment of the order of closure of the stadium and the reduction of the EUR 50.000 fine. In the alternative, to change the full closure of the stadium with a partial closure of the stadium.

With regard to sanction no. 2 of the Appealed decision, we seek the reduction of the EUR 30.000 fine”.

23. On 3 January 2025, the CAS Court Office acknowledged receipt of the Respondent’s nomination of Mr Omar Ongaro as arbitrator in this case and invited the Respondent to file its Answer.

24. On 6 January 2025, the Parties were advised by the CAS Court Office, that the arbitrator initially nominated by the Appellant had declined his appointment. In his replacement, the Appellant nominated Mr. Daniel Cravo Souza as arbitrator.
25. On 31 January 2025, the Respondent filed its Answer to the Appeal Brief, with the following request for relief:

“To reject the appeal of Appellant in the proceedings CAS 2024/A/11058 The Romanian Football Federation v. Union des Associations Européennes de Football (UEFA) in its entirety and to confirm the Appealed Decision.”

26. On 3 February 2025, the CAS Court Office invited the Appellant to inform whether it preferred a hearing being held in this matter or an award being rendered based on the Parties written submissions only, and noted that the Respondent did not consider it necessary to hold a hearing.
27. On 4 February 2025, the Appellant expressed its preference for an award to be rendered based solely on written submissions made by the Parties.
28. On 6 February 2025, pursuant to Article R54 of the CAS Code, and on behalf of the Deputy President of the CAS Appeals Arbitration Division, the CAS Court Office informed the Parties that the Panel appointed to decide the present matter was constituted as follows:

President: Mr. Jordi López Batet, Attorney-at-Law, Barcelona, Spain
Arbitrators: Mr. Daniel Cravo Souza, Attorney-at-Law, Porto Alegre, Brazil
Mr. Omar Ongaro, Legal Counsel, Dübendorf, Switzerland

29. On 10 February 2025, the CAS Court Office informed the Parties that the Panel rejected the request for intervention filed by the FFK, for the reasons set out in such communication.
30. Also on 10 February 2025, the CAS Court Office informed the Parties that the Panel did not consider it necessary to hold a hearing in this case.
31. On 11 February 2025, the Parties signed the Order of Procedure of this case. By signing the Order of Procedure, the Parties confirmed their agreement that the Panel decides this case based on the written submission and that their right to be heard has been respected by the Panel.

IV. SUBMISSIONS OF THE PARTIES

32. The following summary of the Parties’ positions is illustrative only and does not necessarily comprise each contention put forward by them. However, in considering and deciding upon the Parties’ claims, the Panel has carefully considered all the submissions made and the evidence adduced by the Parties, even if there is no specific reference to those submissions in this section of the award or in the legal analysis that follows.

A. The Appellant

33. The Appellant's position may be summarised as follows:

- The Appellant only contests in its appeal the sanctions contained in sections 1 and 2 of the Appealed Decision's operative part, and not the existence of the violations leading to such sanctions, but only the proportionality of the latter.
- The relevant sanctions imposed on the RFF are disproportionate and shall be reduced, considering the circumstances of the case and various mitigating factors as explained below.
- The Appellant, being aware of the significance of the game and tension between the fans given the complicated political context, applied the best possible safety measures, approved by the competent authorities.
- The Appellant organized a media campaign informing the fans on the consequences of the incidents which could occur, specifically asking the fans to refrain from racist chants and geopolitical messages.
- Provocations by the Kosovo fans happened during the first leg game between the two teams played in Pristina, Kosovo (e.g. the Romanian anthem was booed by Kosovo fans and also the Romanians were called gipsy). In addition, many incidents were also provoked by the Kosovo supporters in the Match, including an assault on Romanian journalists during the post-match press conference, publication on social networks of aggressive and racist statements directed at a player of the Romanian national team, or the appreciation of the Match abandonment by the prime minister of Kosovo. In addition to the behaviour of the Kosovo supporters, the behaviour of the Kosovo players also contributed to the provocative incident, including the Albanian eagle signs and the hands to the ears directed at the Romanian supporters, or the utter chaos and the garbage left in contempt in the locker rooms after the Match.
- In case a sanction is to be imposed for the "*bozgore*" chants, it should not be a Match to be played behind the closed doors, which is to be imposed as an ultima ratio and is disproportionate to the case. If at all, the partial closure of the stadium should be considered more appropriate. In addition, the fine imposed should be reduced.
- As regards the sanction imposed for transmitting provocative political messages not fit for a sports event, the abandonment of the Match by the Kosovo team cannot be considered as a factor to aggravate the sanction for infringement of article 16 (2) UEFA DR, which should be in any event reduced.
- In cases that are similar to the present case, UEFA disciplinary bodies imposed less harsh sanctions on the offender.

B. The Respondent

34. The Respondent's position may be summarised as follows:

- Discriminatory, provocative and offensive chants took place in the Match, which go against the core value of UEFA and key principles established in the UEFA regulations.
- The fact that the chants took place is undisputed: the Appellant only contests the proportionality of the sanctions imposed.
- CAS long-standing jurisprudence establishes that federative bodies shall enjoy a wide discretion when deciding on which disciplinary sanction to impose, and therefore, CAS should give a certain level of deference to such a decision. The sanction should only be reviewed and corrected by the CAS if it is evidently and grossly disproportionate, which is not the case in these proceedings.
- The sanctions imposed on the Appellant are justified, given the seriousness of the offences. In addition, the Appellant was sanctioned six times in the last two years for violations of article 14 UEFA DR, and in the past, it had been sanctioned on four occasions for the same "*bozgore*" chants. As to the violation of article 16 (2) UEFA DR, the Appellant was sanctioned based on the infringement of this article four times in the last two years.
- CAS jurisprudence stipulates that disciplinary sanctions shall have a deterrent effect, and lower sanctions in casu would undoubtedly fail to have it.
- The principle of strict liability dictates that any security measures taken by the Appellant are irrelevant vis-à-vis the commission of the violation. In the present case, the repeated violation demonstrated that the measures undertaken by the Appellant were not adequate or sufficient, and in any event the security measures taken by the Appellant cannot be a mitigating factor, as they are rather a standard obligation of the hosting national federation. In any event, there was no immediate reaction by the Appellant when the punishable facts occurred, so the Appellant cannot rely on the argument of immediate reaction as a mitigating factor.
- The UEFA Appeals Body did not consider the abandonment of the match as an aggravating circumstance with regard to the violation of Article 14 (2) UEFA DR, contrary to what the Appellant contends.
- The alleged provocations of Kosovo team and supporters are not a mitigating circumstance, as the majority of these actions took place after the incidents and therefore, are irrelevant. Furthermore, the FFK is subject to a separate disciplinary procedure and in any case, its misconduct is not a valid justification for violation of the rules by the Appellant.

- The allegation of double standards made by the Appellant is meritless, as the UEFA Appeals Body analyses each case individually with due consideration of objective and subjective circumstances, and the actions of Kosovo players were different both factually and legally and sanctioned in the separate proceedings. In addition, the jurisprudence referenced by the Appellant in its Appeal Brief is irrelevant to the case, since the cases cited had totally different circumstances and are not comparable to the present case.

V. JURISDICTION

35. Article R47 of the CAS Code provides, in the pertinent part, the following:

“An appeal against the decision of a federation, association or sports-related body may be filed with CAS if the statutes or regulations of the said body so provide or if the parties have concluded a specific arbitration agreement and if the Appellant has exhausted the legal remedies available to it prior to the appeal, in accordance with the statutes or regulations of that body.”

36. Article 62 (1) of the UEFA Statutes reads as follows:

“Article 62

1 Any decision taken by a UEFA organ may be disputed exclusively before the CAS in its capacity as an appeals arbitration body, to the exclusion of any ordinary court or any other court of arbitration.”

37. None of the Parties has contested the jurisdiction of the CAS in the present matter. On the contrary, the parties confirmed the jurisdiction of the CAS by signing their respective Order of Procedure.
38. In light of the abovementioned provisions, the Panel concludes that it has jurisdiction to adjudicate the present dispute.

VI. ADMISSIBILITY

39. Article R49 of the CAS Code provides as follows:

“In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. The Division President shall not initiate a procedure if the statement of appeal is, on its face, late and shall so notify the person who filed the document.”

40. The Panel notes that according to Article 62 (3) of the UEFA Statutes, the time limit for the appeal of UEFA decisions to the CAS is ten (10) days from the receipt of the decision in question.

41. In the present case, the Appealed Decision was communicated to the Appellant on 27 November 2024 and the Appellant lodged its appeal with CAS on 6 December 2024. Therefore, the Statement of Appeal was filed within the 10-day time limit set forth by Article 62 (3) of the UEFA Statutes. The Appellant also complied with the requirements of Articles R48 and R65.2 of the CAS Code.
42. The Respondent did not contest the admissibility of the appeal either.
43. It follows that the appeal is admissible.

VII. APPLICABLE LAW

44. Article R58 of the CAS Code reads as follows:

“The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.”

45. The appeal is directed against a decision issued by the UEFA Appeals Body, which sanctioned the RFF based on the provisions of the UEFA DR.
46. Article 63(2) and 64 of the UEFA Statutes state the following:

“Procedure and Applicable Law

2 Moreover, proceedings before the CAS shall take place in accordance with the Code of Sports-related Arbitration of the CAS. CAS shall primarily apply the UEFA Statutes, rules and regulations and, subsidiarily, Swiss law. In addition, any party before CAS shall be entitled to raise mandatory provisions of foreign law in accordance with Article 19 of the Swiss Private International Law Act, which may include European Union public policy laws.”

47. Both Parties have referred to the UEFA regulations (in particular, the UEFA DR) in their submissions in order to hold their respective positions.
48. Based on the aforementioned, the Panel shall apply the UEFA regulations, including the UEFA DR, and if and where required, Swiss law to resolve this dispute.

VIII. MERITS

49. The Panel shall firstly note that while the Appealed Decision imposes several sanctions on the Appellant, only two of them are appealed before the CAS by the RFF, namely the following:

“1. To fine the Romanian Football Federation €50,000 and to order the closure of the Romanian Football Federation’s stadium during the next (1) match in which the Romanian Football

Federation will play as host association, for the racist and/or discriminatory behaviour of its supporters.

2. To fine the Romanian Football Federation €30,000 for transmitting provocative political messages not fit for a sports event.”

50. Secondly, it is also noted that the RFF does not contest in this appeal the occurrence of the violations of articles 14(2) and 16(2)(e) of the UEFA DR that led to the imposition of the aforementioned two sanctions, but only the consequences of these violations, which are deemed disproportionate by the RFF.
51. Therefore, the Panel finds undisputed that such violations took place and shall thus address in this award the request for mitigation of the pertinent sanctions claimed by the Appellant only.
52. Such analysis shall depart from the provisions of the UEFA DR that were found violated in the Appealed Decision, i.e. articles 14 and 16(2)(e), which read in the pertinent part as follows:
- Article 14:

“1. Any entity or person subject to these regulations who insults the human dignity of a person or group of persons on whatever grounds, including skin colour, race, religion, ethnic origin, gender or sexual orientation, incurs a suspension lasting at least ten matches or a specified period of time, or any other appropriate sanction.

2. If one or more of a member association or club’s supporters engage in the behaviour described in paragraph 1, the member association or club responsible incurs a minimum of a fine and either a partial stadium closure or a ban from selling tickets to its away supporters.[...]”
 - Article 16(2)(e):

“However, all associations and clubs are liable for the following inappropriate behaviour on the part of their supporters and may be subject to disciplinary measures and directives even if they can prove the absence of any negligence in relation to the organisation of the match:[...]”

e. the use of gestures, words, objects or any other means to transmit a provocative message that is not fit for a sports event, particularly provocative messages that are of a political, ideological, religious or offensive nature;”
53. The Panel shall also bear in mind that (i) in accordance with article 6.5 of the UEFA DR, “Annex A contains a list of standard disciplinary measures which may be taken into consideration by the relevant disciplinary body when rendering its decision and which serve as a basis for proposals of sanctions by the disciplinary office, in accordance with Article 35(3).”, (ii) for the behaviour of “message not fit for a sport event”, such Annex A foresees a fine of € 10,000 in case of first offence, € 15,000 in case of second offence, and for further offences a fine of € 2,500 per additional offence and (iii) in accordance

with article 23 (1) and (3) of the UEFA DR, “*the competent disciplinary body determines the type and extent of the disciplinary measures to be imposed in accordance with the objective and subjective elements of the offence, taking account of both aggravating and mitigating circumstances*” and “*disciplinary measures can be reduced or increased by the competent disciplinary body on the basis of the circumstances of the specific case. In the case of offences related to Article 14(2), the competent disciplinary body may take into consideration the implementation of effective preventive measures as a mitigating circumstance. In the case of offences related to Article 16(2)(a) and (e), the competent disciplinary body may take into consideration the immediate reaction of the host club or national association as a mitigating circumstance*”.

54. Equally, with regard to the proportionality of sanctions, the Panel shall recall the well-established CAS jurisprudence in accordance with which CAS panels:
- a. Are required to accord a certain degree of deference to the disciplinary decisions of the federations with respect to the proportionality of the sanctions. In this respect, reference shall be made, among others, to CAS 2015/A/3874 (“*according to well-established CAS jurisprudence, even though CAS panels retain the full power to review de novo the factual and legal aspects involved in a disciplinary dispute, they must exert a degree of restraint in reviewing the level of sanctions imposed by a Disciplinary body*”) or CAS 2016/A/4595 (“*The Panel observes that it is consistent jurisprudence of CAS that the CAS panels shall give a certain deference to decisions of Sports governing bodies in respect of the proportionality of sanctions*”). (emphasis added).
 - b. Shall reassess sanctions imposed by the first instance sports governing bodies only when these are deemed to be grossly disproportionate. *Inter alia*, reference is made to CAS 2015/A/3874 (“*CAS panels should reassess sanctions only if they are evidently and grossly disproportionate to the offence*”) or to CAS 2016/A/4558 (“*According to consistent CAS jurisprudence CAS panels shall give a certain level of deference to decisions of sports governing bodies in respect of the proportionality of sanctions; those sanctions can only be reviewed when they are evidently and grossly disproportionate to the offence.*”) (emphasis added). In the same vein, see also CAS 2019/A/6392, CAS 2018/A/5864 or CAS 2017/A/5117.
55. Taking the aforementioned into account and after having considered the circumstances of the case, the submissions filed by the Parties and the evidence presented by them, the Panel considers that the Appellant’s requests for relief are not to be granted, for the reasons set out below.
56. The sanctions imposed in the Appealed Decision are, in the Panel’s opinion, not disproportionate and even less “*grossly and evidently*” disproportionate. They are adequate, so the Appellant’s request to mitigate or moderate them are untenable. The Panel basically endorses the reasoning of the Appealed Decision and shall particularly stress that:

- a. The RFF supporters' conduct *in casu* is not to be taken lightly: their behaviour in the Match (racist/discriminatory chants and transmission of provocative political messages) is serious, is contrary to the values of football and is to be eradicated.
 - b. The RFF is a repeated offender (six violations of article 14 UEFA DR and four violations of article 16 UEFA DR in the last two years).
 - c. The RFF has been already specifically sanctioned in the past for the "bozgore" chants.
 - d. The RFF's supporters, in spite of the several sanctions already imposed on the RFF to date for these undue behaviours, keep on incurring in the same conducts. This leads the Panel to conclude that the sanctions previously applied did not seem to have achieved their objective and did not act as a deterrent (cf., inter alia, CAS 2013/A/3139) to stop the unacceptable behaviour of the RFF's supporters. In this sense, it is deemed logical, sensible and proportionate to apply a more severe sanction than those previously imposed, which is in any event allowed under article 23 UEFA DR.
 - e. The closure of the RFF's stadium is only for one match.
 - f. The amount of the fine imposed for the violation of article 14 UEFA DR is not deemed disproportionate bearing all the circumstances of the case in mind (especially the recidivism and the gravity of the racist/discriminatory behaviour of the RFF supporters).
 - g. Even if the rationale followed in para. 89 of the Appealed Decision to raise the standard sanction deriving from Annex A UEFA DR for the violation of article 16 (2) UEFA DR (which would have resulted in a fine of € 22,500) may be debatable, the amount of the fine finally imposed (€ 30,000) is not deemed disproportionate by the Panel and is found adequate in light of the recidivism and the seriousness of the behaviour involved.
57. As to other arguments raised by the Appellant to try to justify a reduction of the sanction imposed, the Panel shall stress that:
- a. The implementation of measures by the RFF to avoid undue conducts of supporters is an obligation of the RFF, so it cannot serve as a mitigating circumstance leading to a reduction of the sanction *in casu*, and the same irrelevance is to be given to the fact that the Match was of high risk.
 - b. The UEFA precedents with which the Appellant intends to compare the case at stake are of no avail, as the circumstances of those cases are not comparable at all with the present case. In particular, in most of the cases cited by the Appellant in its Appeal Brief, the offender had not incurred in recidivism, as it is the case herein.

- c. FFK players' conduct in the Match is judged in a different procedure, the violations committed by the Romanian supporters were not the direct and immediate consequence of a sufficient provocation by those players, indeed most of the purported provocations happened a posteriori, and even if arguendo, one could consider so, they would not justify the violations that gave rise to RFF's liability or qualify for considering that the sanctions imposed on the RFF in the Appealed Decision are grossly disproportionate. Therefore, none of these arguments can justify either a reduction of the sanction imposed in the Appealed Decision.

58. Based on the aforementioned, the Panel resolves that the appeal shall be dismissed and the Appealed Decision shall be fully confirmed.

IX. COSTS

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by the Romanian Football Federation against the Decision rendered by the UEFA Appeals Body on 20 November 2024 (ref. 39431 - UNL - 2024/2025) is dismissed.
2. The Decision rendered by the UEFA Appeals Body on 20 November 2024 (ref. 39431 - UNL - 2024/2025) is confirmed.
3. (...).
4. (...).
5. All other motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

Date of notification of the award's operative part: 13 February 2025

Date of notification of the award with grounds: 5 May 2025

THE COURT OF ARBITRATION FOR SPORT

Mr Jordi López Batet
President of the Panel

Mr Daniel Cravo Souza
Arbitrator

Mr Omar Ongaro
Arbitrator