

CAS 2011/O/2574 UEFA v. Olympique des Alpes SA/FC Sion

ARBITRAL AWARD

delivered by

the Court of Arbitration for Sport

sitting in the following composition:

President: Dr Hans **Nater**, Attorney-at-law in Zurich, Switzerland
Arbitrators: Mr Patrick **Lafranchi**, Attorney-at-law in Bern, Switzerland
Mr Jean **Gay**, Attorney-at-law in Geneva, Switzerland
Ad-hoc clerk: Mr Serge **Vittoz**, Attorney-at-law in Lausanne, Switzerland

in the arbitration between

Union des Associations Européennes de Football (UEFA), Nyon, Switzerland
Represented by Messrs Saverio Lembo, Andrew M. Garbarski and Vincent Guignet,
Attorneys-at-law in Geneva, Switzerland

- Claimant -

and

Olympique des Alpes SA/FC Sion, Martigny, Switzerland
Represented by Mr Alexandre Zen-Ruffinen, Attorney-at-law in Neuchâtel, Switzerland,
and Mr Dominique Dreyer, Attorney-at-law in Fribourg, Switzerland

- Respondent -

and

Atlético de Madrid S.A.D., Madrid, Spain,
represented by Mr Juan de Dios Crespo, Attorney-at-law in Valencia, Spain

- Third party -

&

Celtic PLC, Glasgow, Scotland,
represented by Brabners Chaffe, Law Firm in Manchester, England

- Third party -

&

Udinese Calcio S.p.A., Udinese, Italy,
represented by Mr Gianpaolo Monteneri, Attorney-at-law in Zurich, Switzerland

- Third party -

&

Stade Rennais Football Club, Rennes, France
represented by Mr Juan de Dios Crespo, Attorney-at-law in Valencia, Spain

- Third party -

DECISION

The Court of Arbitration for Sport hereby rules:

1. The defence of lack of jurisdiction filed by Olympique des Alpes SA is dismissed and the CAS jurisdiction is affirmed.
2. The request for arbitration filed by UEFA on 26 September 2011 is partially granted;
 - 2.1 The request to declare that the UEFA Regulations, and the Regulations of the UEFA Europa League 2011/12 in particular, are not for themselves in violation of Swiss law nor constitutive of an abuse of a dominant position pursuant to Swiss competition law and to Federal Act of 6 October 1995 on Cartels and other restraints of Competition in particular is inadmissible.
 - 2.2 The request to declare that the disciplinary measures taken by UEFA against OLA pursuant to the Regulations of the UEFA Europa League 2011/12 and the UEFA Disciplinary regulations are not in violation of Swiss law and are not constitutive of an abuse of a dominant position pursuant to Swiss competition law and to Federal Act of 6 October 1995 on Cartels and other Restraints of Competition in particular is inadmissible.
 - 2.3 The request to confirm that OLA is not entitled to be reintegrated in the UEFA Europa League 2011/12 is admissible and upheld.
 - 2.4 The request to declare that UEFA did not violate Swiss law nor breach in any manner OLA's personality rights or the personality rights of the six players by considering such six players ineligible as per the applicable UEFA regulations, the six players being Mssrs Stefan GLARNER, Pascal FEINDUNO, José Julio GOMES GONCALVES, Billy KETKEOPHOMPONE, Mario MUTSCH, and Gabriel GARCIA DE LA TORRE is inadmissible.
 - 2.5 The request to confirm that the players Pascal FEINDUNO, Jose Julio GOMES GONCALVES, Billy KETKEOPHOMPONE, Mario MUTSCH, and Gabriel GARCIA DE LA TORRE shall not be admitted to participate in the UEFA Europa League 2011/12 and that the mentioned players as well as the player Stefan GLARNER are not eligible in accordance with the applicable FIFA, UEFA and SFV/SFL regulations is inadmissible.
 - 2.6 The provisional measures ordered by the Tribunal Cantonal of Vaud (Cour civile) on 5 October 2011 shall be lifted.
 - 2.7 The request to deny any entitlement of Respondent OLA against UEFA for compensation of damages is inadmissible.
3. The costs of the present arbitration, which shall be determined and separately communicated to the parties by the CAS Court Office, shall be borne by the parties as follows: UEFA shall pay 1/3 and OLA shall pay 2/3 of the arbitration costs.
4. OLA is ordered to pay CHF 40'000 (fourty thousand Swiss Francs) to UEFA as contribution towards its legal and other costs incurred in connection with this arbitration.

5. All other requests and/or motions submitted by the parties are dismissed.
6. The present award is not confidential and shall be published.

Done in Lausanne, 15 December 2011

THE COURT OF ARBITRATION FOR SPORT

Hans Nater
President of the Panel

Patrick Lafranchi
Arbitrator

Jean Gay
Arbitrator

Serge Vittoz
Ad-hoc clerk