



## MEDIA RELEASE

### FOOTBALL – TURKISH SÜPER LIG

#### THE COURT OF ARBITRATION FOR SPORT (CAS) DISMISSES THE APPEAL OF TURKISH FOOTBALL CLUB TRABZONSPOR KULÜBÜ DERNEGI

*Lausanne, 30 July 2019* – The Court of Arbitration for Sport (CAS) has issued its decision in the arbitration procedure between the Turkish football club Trabzonspor Kulübü Derneği (Trabzonspor), the Turkish Football Federation (TFF), the Turkish football club Fenerbahçe Spor Kulübü (Fenerbahçe) and the Fédération Internationale de Football Association (FIFA).

This matter is a sequel of the long-standing dispute between the clubs of Trabzonspor and Fenerbahçe which arose at the end of the football season 2010/2011. Fenerbahçe won the 2010/2011 season of the Turkish Süper Lig while Trabzonspor was the runner-up. Widespread manipulation of matches in the 2010/2011 Turkish Süper Lig was subsequently exposed and officials from several clubs, including the President and other senior officials of Fenerbahçe, were implicated in criminal activity linked to match-fixing. In May 2012, the TFF Disciplinary Committee issued a decision sanctioning three senior officials of Fenerbahçe for having attempted match-fixing during the 2010/2011 Turkish Süper Lig season. The TFF did not sanction the club itself because the activities were held to be attributable to the individuals and not to the club.

Trabzonspor has since regularly petitioned FIFA and its legal bodies requesting that it intervene in accordance with the FIFA Disciplinary Code. In letters sent by the FIFA DC on 17 April 2018 and by the FIFA AC on 27 April 2018, Trabzonspor was informed that the FIFA DC was not in a position to intervene in the matter, and, more specifically, by the FIFA AC, that Trabzonspor did appear to fulfil the requirements to lodge an appeal before the FIFA AC since the FIFA Disciplinary Code required any appellant to have been a party to the proceedings before the first instance; in this case, the proceedings between the TFF and Fenerbahçe, which Trabzonspor was not a party to.

On 8 May 2018 Trabzonspor filed an appeal at the CAS directed against what it considered the “refusal to issue a decision by the FIFA Disciplinary Committee” dated 17 April 2018 and the “FIFA Appeal Committee Decision” dated 27 April 2018, seeking, *inter alia*, that such decisions be set aside, that Fenerbahçe be relegated for the 2010/2011 season, that Trabzonspor be ranked in first place for the 2010/2011 season, that Fenerbahçe be ordered to return the championship title for the 2010/2011 season and that Trabzonspor be awarded the championship title for the 2010/2011 season.

The CAS arbitration was conducted by a Panel of CAS arbitrators which held a hearing with the parties at the CAS headquarters on 15 March 2019.



Having considered the evidence, the CAS Panel found that Trabzonspor did not have standing to sue in front of the FIFA DC and, consequently, it did not have standing to appeal in front of the FIFA AC. The CAS arbitrators noted first that there is no direct right to obtain, under the FIFA Disciplinary Code, that FIFA opens proceedings and takes sanctions against any person or entity. Second, pursuant to the CAS jurisprudence, a person or entity denouncing an alleged irregular conduct does not become a party to the proceedings which result from such denunciation.

Finally, the situation of Trabzonspor could not be directly affected if FIFA had decided 1) to open a case on the merits and 2) to order the TFF to sanction Fenerbahçe or if FIFA had decided to sanction Fenerbahçe directly. There is indeed no legal provision which would have allowed TFF or FIFA to allow the second-ranked team of the Turkish Süper Lig to be automatically declared champion instead of the first, if this latter is excluded. Trabzonspor did not bring any evidence of the existence of legal provisions of FIFA or TFF which could serve as a basis for such a decision.

In reaching its conclusion, the CAS Panel expressed no view on the merits of the case, on the approach taken by the TFF, or the manner in which the TFF proceeded to act or not act. The CAS Panel recognised the sense of grievance on the part of Trabzonspor but noted that it was limited, in the exercise of its jurisdiction in this particular case, to apply the rules as they have been adopted by the TFF and FIFA.

In conclusion, the Panel found that Trabzonspor's appeal against the letter of the FIFA Disciplinary Committee (FIFA DC) of 17 April 2018 and the letter of the FIFA Appeal Committee (FIFA AC) dated 27 April 2018 must be dismissed.