



MEDIA RELEASE

THE COURT OF ARBITRATION FOR SPORT (CAS) CONFIRMS THE FC DYNAMO KYIV TEAMS (UPL, U-21 AND U-19) LOSSES BY FORFEIT AGAINST FC MARIUPOL

Lausanne, 20 February 2018 – The Court of Arbitration for Sport (CAS) has dismissed the appeals filed by FC Dynamo Kyiv concerning three of its teams (UPL, U-21 and U-19) against the Football Federation of Ukraine (FFU) in relation to the decisions issued by the FFU Appeal Committee (FFU AC) on 14 November 2017. In such decisions, the FFU AC confirmed the decisions that had been issued by the FFU Control and Disciplinary Committee, which, in turn, had (i) handed the FC Dynamo Kyiv teams losses by forfeit (0:3) for non-attendance at the matches against the teams of FC Mariupol and (ii) imposed upon FC Dynamo Kyiv teams a fine.

In its appeals filed on 8 December 2017 at CAS, FC Dynamo Kyiv justified its absence in Mariupol on the basis of the information received from law enforcement agencies which had confirmed that it was dangerous to play the matches in this city due to the military conflict in the region. FC Dynamo Kyiv argued that it had a valid reason for not having attended those matches pursuant to the applicable rules. A hearing was held at the CAS headquarters on 12 February 2018 where the CAS Panel in charge of the matter (Mr Sofoklis Pilavios, Greece (President), Mr Michele Bernasconi, Switzerland and Mr Hendrik Kesler, The Netherlands) heard the parties, their representatives and their witnesses.

The Panel found that, as the matches in question had not been prohibited by any local or state entity, the Directorate of the Ukrainian Premier League would have been, according to the relevant rules, the competent body to rule on whether or not there were justified grounds or even reasons of force majeure to postpone or relocate the matches in question. As FC Dynamo Kyiv did not submit any such request to the Directorate of the Ukrainian Premier League for a decision to be rendered in that respect, the Panel came to the conclusion that the appeals must be dismissed, without the need to determine whether the security issues in the region constituted a valid reason for FC Dynamo Kyiv not to have attended the matches. However, the Panel also determined that the FFU failed to proactively clarify the situation in a timely manner and its communications with the parties was unclear, and thus that the resulting confusion was detrimental to FC Dynamo Kyiv. As a consequence, the Panel has decided that the arbitration costs would have to be borne by the parties in equal shares.

As the decision in these cases have an impact on the standings of the first stage of the Ukrainian championship and as the second stage is scheduled to start on 10 March 2018, the Panel has issued its decisions without the grounds. The full Arbitral Award, with reasons, will be issued as soon as possible.