



## FOOTBALL – MATCH FIXING

### CAS ISSUES ITS DECISION IN THE CASE FC KARPATY AND FC METALIST (UKRAINE)

*Lausanne, 02 August 2013* - The Court of Arbitration for Sport (CAS) has issued its decision in a complex case involving ten individuals and two clubs from Ukraine who filed appeals against decisions taken by the instances of the Football Federation of Ukraine (FFU) further to investigations conducted by the FFU into the match which took place between FC Karpaty and FC Metalist on 19 April 2008.

According to such decisions, Mr Yevhen Krasnikov (Sports Director of FC Metalist), Mr Serhiy Pshenychnykh (football player), Mr Mykola Ishchenko (football player), Mr Vasyl Kobin (football player), Mr Volodymyr Fedoriv (football player), Mr Maciej Nalepa (football player) and Mr Serhiy Lashchenkov (football player) were sanctioned for being directly or indirectly involved in the manipulation of the match of the Ukrainian Football Championship 2007/2008 between FC Metalist and FC Karpaty of 19 April 2008; Mr Peter Dyminsky (Honorary President of FC Karpaty), Mr Ihor Dedyshyn (Director General of FC Karpaty) and Mr Oleksandr Yefremov (former Director General of FC Karpaty) were found to have illegally used information about the fixed match and to have failed to take proper actions with regard to such information (i.e. to submit it to the FFU authorities). Finally, the football clubs FC Metalist and FC Karpaty were held liable for the behaviour of their football players or officials under the principle of strict liability.

The Appellants requested that the CAS annul the decision of the FFU and the sanctions contained therein and rule that the match played between between FC Karpaty and FC Metalist on 19 April 2008 was not fixed. The Appellant Yefremov requested that any and all sanctions imposed on him be annulled.

The case was submitted to Panel of CAS arbitrators: Christian Duvé, President of the Panel (Germany), Mr Bernard Hanotiau (Belgium), and Mr François Klein (France). The parties together with their legal representatives and witnesses were heard by the Panel during a five-day hearing. Having considered the detailed written submissions and numerous exchanges between the parties, the Panel has decided to dismiss all appeals, with the exception of those filed by FC Metalist, FC Karpaty and two officials of FC Karpaty, which are partially upheld, and by Mr Yefremov, which is upheld. As a result the final sanctions imposed or confirmed by the CAS in a 250-page award are the following:

1. Football Club Metalist is deprived of the bronze medal for the 2007/2008 sporting season of the Ukrainian Football Championship and is imposed a fine of USD 25,000 in a Hryvnyia equivalent; the decision of the FFU to deprive FC Metalist of 9 points in the standings of the 2011/2012 sporting season of the Ukrainian Football Championship is set aside considering that only repeated infractions to the disciplinary rules can lead to the deprivation of points pursuant to the FFU regulations.



2. Mr Krasnikov is banned from carrying out any football-related activity for 5 years and to impose a fine of USD 10,000 in a Hryvnyia equivalent.
3. Mr Pshenychnykh is banned from playing football professionally for 3 years and is imposed a fine of USD 10,000 in a Hryvnyia equivalent; an additional probation of 2 years applies.
4. Mr Ishchenko is banned from playing football professionally for 3 years and is imposed a fine of USD 10,000 in a Hryvnyia equivalent; an additional probation of 2 years applies.
5. Mr Kobin is banned from playing football professionally for 3 years and is imposed a fine of USD 10,000 in a Hryvnyia equivalent; an additional probation of 2 years applies.
6. Mr Fedoriv is banned from playing football professionally for 3 years and is imposed a fine of USD 10,000 in a Hryvnyia equivalent; an additional probation of 2 years applies.
7. Mr Nalepa is banned from playing football professionally for 3 years and is imposed a fine of USD 10,000 in a Hryvnyia equivalent; an additional probation of 2 years applies.
8. Mr Lashchenkov is banned from playing football professionally for 5 years and is imposed a fine of USD 10,000 in a Hryvnyia equivalent.
9. Football Club Karpaty is imposed a fine of USD 25,000 in a Hryvnyia equivalent; the decision of the FFU to deprive FC Karpaty of 9 points in the standings of the 2011/2012 sporting season of the Ukrainian Football Championship is set aside considering that only repeated infractions to the disciplinary rules can lead to the deprivation of points pursuant to the FFU regulations.
10. Mr Dymynskyy is ordered to pay a compulsory cash contribution amounting to USD 5,000 according to Article 13 (1.3) of the 2009 FFU DR. In addition, according to Article 13 (2.7), (5) and (6) of the 2009 FFU DR, Mr Dymynskyy is imposed a conditional sanction in the form of the prohibition to carry out any football related activity for one year which is suspended on probation for a time period of one year.
11. Mr Dedyshyn is ordered to pay a compulsory cash contribution amounting to USD 2,500 according to Article 13 (1.3) of the 2009 FFU DR. In addition, according to Article 13 (2.7), (5) and (6) of the 2009 FFU DR, Mr Dedyshyn is imposed a conditional sanction in the form of the prohibition to carry out any football related activity for the time period of six months which is suspended on probation for a time period of one year.
12. The Appeal filed by Mr Yefremov is upheld and the sanction issued by the FFU against him is set aside.

Considering that the decision to deprive FC Metalist and FC Karpaty of 9 points was stayed and has never been enforced, the ranking of the 2011/12 season of the Ukrainian football championship do not need to be amended.