



**TAS / CAS**

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

**CAS 2025/A/11261 Real Madrid Club de Fútbol v. UEFA**

**ARBITRAL AWARD**

**delivered by the**

**COURT OF ARBITRATION FOR SPORT**

**sitting in the following composition:**

President: Mr Lars Hilliger, Attorney-at-Law in Copenhagen, Denmark  
Arbitrators: Mr Daniel Cravo, Attorney-at-Law in Porto Alegre, Brazil  
Mr Andrés Gurovits, Attorney-at-Law in Zurich, Switzerland

**in the arbitration between**

**Real Madrid Club de Fútbol, Spain**

Represented by Mr Lucas Ferrer & Mr Luis Torres, Attorneys-at-Law, Barcelona, Spain

-Appellant-

and

**UEFA – Union des Associations Européennes de Football (UEFA), Zurich, Switzerland**

Represented by Mr Emanuel Cortada & Mr Jonás Gürtler, Attorneys-at-Law, Zurich, Switzerland

-Respondent-

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## **I. PARTIES**

1. Real Madrid Club de Fútbol (“Real Madrid”, the “Club” or the “Appellant”) is a professional Spanish football club affiliated with the Spanish Football Association (the “RFEF”), which, in turn, is affiliated with the *Union des Associations Européennes de Football* (“UEFA”).
2. UEFA is the governing body of European football and is a Continental Confederation of FIFA. It exercises regulatory, supervisory and disciplinary functions over national associations, football clubs, officials and football players in Europe; The Appellant and the Respondent are collectively referred to as the “Parties”.

## **II. FACTUAL BACKGROUND**

### **A. Background Facts**

3. The elements set out below are a summary of the main relevant facts as established by the Panel on the basis of the decision rendered by the UEFA Appeals Body (the “Appeals Body”) on 28 February 2025 (the “Appealed Decision”), the written and oral submissions of the Parties and evidence adduced. Additional facts and allegations found in the Parties’ written submissions, pleadings 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, the Panel refers in its Award only to the submissions and evidence it considers necessary to explain its reasoning.
4. On 19 February 2025, a UEFA Champions League 2024/2025 Knockout Round Play-Off match was played between Real Madrid and Manchester City F.C. at the Estadio Santiago Bernabéu in Madrid, Spain (the “Match”).
5. The official Referee’s Report submitted by the referee of the Match did not indicate any incident under the “Incidents” section.
6. Moreover, the Match Report submitted by the Spanish police subsequent to the Match, which was also signed by the “Organiser” and the “Security Coordinator” did not report any “*violent, racist, xenophobic or intolerant chanting*”.
7. The FARE Network did not have any independent observer present at the stadium during the Match.
8. However, on 20 February 2025, the UEFA Administration received an External Incident Report from the FARE Network (the “FARE Report”), stating, *inter alia*, as follows:

“[...] 1. *Introduction*

- 1.1. *The Fare network received an external report about a homophobic chant at the Real Madrid CF v. Manchester City, UEFA Champions League, Knockout phase play-offs, second leg fixture played on 19/02/2025 in Madrid, Spain.*
- 1.2. *Fare did not have an observer at the match.*
- 1.3. *The incident was drawn to our attention through an external report with evidence available.*
2. *Incident*
  - 2.1. *Real Madrid home fans chanted a homophobic chant targeting Manchester City manager Pep Guardiola.*
  - 2.2. *Real Madrid home fans chanted “Guardiola Guardiola, que delgado se te ve, primero fueron las drogas y hoy por Chueca se te ve” (in English: ‘Guardiola, Guardiola, how thin you look, first it was the drugs and we’ll see you in Chueca today’). [the “Chant”]*
  - 2.3. *The chant has homophobic connotations as it suggest [sic.] that Guardiola is gay for visiting Chueca. Chueca is a known gay area in Madrid.*
  - 2.4. *The chant occurred in the second half of the match. The chant was audible during the live transmission and can be heard on recordings of the match. It starts around minute mark 67:40 and stops at 68:01.*
  - 2.5. *The chant can [sic] is audible in the following fan recording from the stands, at the 1:00:26 mark [.. link to recording ..]*
  - 2.6. *The incident has been reported by the Spanish newspaper sports.es: [.. link to newspaper article ..].”*
9. Finally, according to the UEFA Debrief Meeting Report, no incident was discussed during such a debriefing meeting, which, according to the Appellant, took place on 24 February 2025.

**B. Proceedings before the UEFA disciplinary bodies**

10. On 21 February 2025, the UEFA Administration instigated disciplinary proceedings against the Appellant in accordance with Article 55 of UEFA Disciplinary Regulations (the “DR”) for a potential breach of Article 14 par. 2 of the same regulations, i.e. for potential “racist and/or discriminatory behaviour”.
11. The “opening letter” to the Appellant stated, *inter alia*, as follows:

*“[...] The relevant report will be submitted to the UEFA Control, Ethics and Disciplinary Body (CEDB) for a decision which will be notified to you in due course. Nevertheless, in accordance with Article 29(3) DR, the UEFA administration may, after consultation with the chair of the CEDB, submit the case directly to the Appeals Body in particularly urgent cases. In such event, you will be informed accordingly in advance of the decisions being taken.*

*NB:*

*The UEFA disciplinary bodies may decide on the basis of provisions other than those mentioned above. As regards the procedure, the provisions of art. 37 et seq. DR shall apply. Any statement to the above, as well as any evidence may be submitted to the UEFA Disciplinary Unit within 6 days from this notification [...]*”

12. On 27 February 2025, the UEFA Administration informed the Appellant that *“the UEFA administration, in application of Article 29(3) of the UEFA Disciplinary Regulations (DR), after consultation with the chair of the UEFA Control, Ethics and Disciplinary Body, has decided to submit the present case 39814, stemming from the UEFA Champions League 2024/25 match between Real Madrid C.F. and Manchester City, to the UEFA Appeals Body for a decision. The reasoning for such direct submission as per Article 29(3) DR will be explained in the motivated decision, if requested.”*
13. Also on 27 February 2025, the Appellant submitted its position, summarised as follows in the Appealed Decision:
  - *“The Club argued that Article 14(2) DR specifies sanctions for the discriminatory behaviour by supporters, including fines, partial stadium closures, or bans on selling tickets to away supporters. However, the official UEFA report, including the Referee's Report, and the further “Debrief Meeting Report” by the UEFA Venue Director, do not reference any improper chants. This absence suggests that no such incidents occurred.*
  - *The Club referred to a report provided by the Spanish police, which includes a specific section on potential violent, racist, xenophobic, or intolerant chants, and which confirms that no such chants were reported inside or outside the stadium.*
  - *The Club stressed that the present proceedings are solely based on a report submitted by FARE, for which the Club argues lacks credibility for several reasons: First, FARE did not have an observer present at the Match, meaning the report is not based on firsthand observation. Second, the FARE Report is based on an anonymous third-party report, raising concerns about its validity and the potential for spurious interests. Further, the videos provided in the FARE Report are not proven to be authentic. Hence, the Club raised the possibility of video manipulation and noted that the content of the chants in the videos does not match the allegations.*
  - *Finally, the Club argued that it is not confirmed that the individuals in the videos are supporters of the Club. The Club held that the chants could have been made by supporters of the opposing team, Manchester City.*

- *In view of the above, the Club made the following requests:*
  - o *To admit the statement submitted within the applicable deadline.*
  - o *To close the proceedings with no sanctions imposed on the Club regarding the alleged infringement of Article 14(2) DR.”*
- 14. In the Appealed Decision, the Appeals Body initially noted that its jurisdiction derived from Articles 29 par. 3 and 30 par. 3 and 4 of the DR, which deal with particularly urgent cases, and noted that the decision in question could have an impact on the attendance of supporters in the next home match in the UEFA Champions League and was therefore considered to be of “*particular urgency*”. Therefore, the vice-chair of the Appeals Body acting as ad-hoc chair was competent to deal with the case sitting alone.
- 15. The Appeals Body further noted that, on the basis of Article 5(a) of the DR, the UEFA Statutes, rules and regulations, in particular the DR, are applicable to the proceedings.
- 16. With regard to the merits of the case, the Appeals Body noted that the fight against racism and discrimination is an extremely high priority for UEFA and that clubs are responsible for the discriminatory behaviour of its supporters before, during or after a match irrespective of the fault of the club in question.
- 17. While the incident under scrutiny was not reported by any UEFA official or any FARE Observer, the basis for the opening of the proceedings was an “external report” submitted by FARE, which described alleged discriminatory chants, supported by video evidence stemming from an online source.
- 18. The Appeals Body noted in this regard that reports of FARE do not carry the same weight as official UEFA reports, i.e. the facts contained in FARE reports are not presumed to be accurate as provided in Article 45 of the DR.
- 19. However, within the threshold of the standard of proof of comfortable satisfaction (cf. Article 24 par. 2 of the DR), the Appeals Body can analyse such a report and the relevant evidence in accordance with Article 24 par. 1 of the DR within the boundaries of Article 44 par. 1 of the same regulations.
- 20. As such, and in application of the said legal framework, the Appeals Body concluded that the evidence submitted by FARE was admissible in the proceedings.
- 21. With this established, given the fact that the FARE Report described that supporters of the Club chanted “*Guardiola Guardiola, que delgado se te ve, primero fueron las drogas y hoy por Chueca se te ve.*”, and that such chanting can indeed be heard in the evidence submitted by FARE, the Appeals Body was convinced to its comfortable satisfaction that the occurrence took place. Moreover, the Appeals Body also underlined that the content of the Chant was as described in the FARE Report, with considerable magnitude, i.e. the relevant Chant was not made by only a few individuals, but by a very significant group of supporters in the stadium.

22. The Appeals Body further noted that it was irrelevant that such Chant was not recorded or reported by the Spanish police or the UEFA officials, given that the Chant is clearly audible on the video footage provided by FARE.
23. In addition, the Appeals Body noted that no evidence was provided that the relevant Chant, which is clearly audible on the video recording of the entire match, as provided by FARE, would have been altered or otherwise manipulated in any way.
24. The Appeals Body further found itself comfortably satisfied that given their history with the manager of Manchester City, Mr Josep Guardiola (the “Manager”), the latter being the former head coach of the Appellant’s biggest Spanish rivalry, it was the supporters of the Appellant who were the ones chanting.
25. Regarding the interpretation of the Chant, i.e. calling the Manager a drug addict, and implying that the latter is a homosexual, the Appeals Body referred to the well-established jurisprudence of the CAS which establishes that “[t]he test of whether or not there has been an insult qualifying for sanctions under Article 14 UEFA DR, is the perception of the reasonable onlooker. It is in that sense objective not subjective” (CAS 2013/A/3324 & 3369 GNK Dinamo v. UEFA, para. 9.13).
26. Moreover, and in order to determine whether or not an incident was discriminatory in nature, the Appeals Body must analyse all the reported facts as well as the context of the incident(s).
27. The Appeals Body then noted that the Appellant has not made any statements explaining why such Chant would not have to be interpreted as homophobic, insulting the human dignity of the Manager. The Appeals Body further recalled that there is a long line of jurisprudence of the UEFA disciplinary bodies with regard to cases in which individuals were targeted as homosexuals in a negative, derogatory and discriminatory manner.
28. By referencing that the Manager would be seen in Madrid’s known gay area, the Appeals Body was convinced that such Chant, from the perception of the “reasonable onlooker”, would be perceived as homophobic, i.e. insulting the human dignity of the Manager based on an alleged sexual orientation, i.e. as a violation of Article 14 par. 2 of the DR.
29. Considering the above, and recalling that, in application of the principle of strict liability as enshrined in Articles 8 and 14 par. 2 of the DR, a club must be held liable for the conduct of its supporters, even if not at fault itself, the Appeals Body concluded that the Appellant must be held responsible for the misbehaviour of its supporters.
30. With regard to the applicable sanction, the Appeals Body firstly recalled that it had to determine the type and extent of the disciplinary measures to be imposed in accordance with the objective and subjective elements of each case, taking account of any aggravating and mitigating circumstances, and that messages such as those conveyed by the

Appellant's supporters have no place in football, nor can they be tolerated in society in general.

31. The Appeals Body then noted that pursuant to Article 14 par. 2 of the DR "*[i]f one or more of a [...] club's supporters engage in the behaviour described in paragraph 1, the [...] club responsible incurs a minimum of a fine and either a partial stadium closure or a ban from selling tickets to its away supporters.*"
32. Considering the above, and as this case constitutes the first violation of Article 14 par. 2 of the DR by the Appellant during the past two years, however also recalling that such Chant was made by a large group of people in the stadium as it can be noted from the magnitude and volume of the Chant, and given that there are no mitigating circumstances applicable in the present case, the Appeals Body deemed it appropriate to impose a fine of EUR 30,000 on the Appellant and to order the partial closure of the Appellant's stadium, which must consist of at least 500 adjacent seats, for one (1) UEFA competition match in which the Appellant plays as host club, for the discriminatory conduct of its supporters.
33. However, in order to provide an incentive for the Appellant's supporters to refrain from such poor behaviour in future matches and considering it was the Appellant's first violation of Article 14 par. 2 of the DR within the past two years, the Appeals Body decided to suspend the partial stadium closure for a probationary period of two years, starting from the date of the decision in accordance with Article 26 par. 1 of the DR and UEFA's constant jurisprudence.
34. Based on the above, on 28 February 2025, the Appeals Body rendered the Appealed Decision and decided:

*"1. To fine Real Madrid C.F. €30,000 and to order the partial closure of Real Madrid C.F.'s stadium(i.e. at least 500 adjacent seats) during the next match Real Madrid C.F. will play as host club, for the discriminatory behaviour of its supporters. Said partial stadium closure is suspended for a probationary period of two (2) years, starting from the date of the present decision.*

*2. The above fine must be paid into the bank account indicated below within 90 days of communication of this decision."*
35. On 4 March 2025, the grounds of the Appealed Decision were notified to the Appellant, however containing "*an obvious redaction error*", which is why a rectified version of the Appealed Decision with its grounds was notified to the Appellant on 5 March 2025.

### III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

36. On 14 March 2025, the Appellant filed its Statement of Appeal in accordance with Articles R47 and R48 of the CAS Code of Sports-related Arbitration (the “CAS Code”) against the Appealed Decision rendered by the UEFA Appeals Body.
37. On 29 April 2025, the Appellant filed its Appeal Brief in accordance with Article R51 of the CAS Code.
38. On 8 May 2025, the CAS Court Office informed the Parties that, in accordance with Article R54 of the CAS Code, the Panel had been constituted as follows:
- President: Mr Lars Hilliger, Attorney-at-Law in Copenhagen, Denmark  
Arbitrators: Mr Daniel Cravo, Attorney-at-Law in Porto Alegre, Brazil (nominated by the Appellant)  
Dr Andrés Gurovits, Attorney-at-Law in Zurich, Switzerland (nominated by the Respondent)
39. On 3 July 2025, UEFA filed its Answer to the Appeal in accordance with Article R55 of the CAS Code.
40. By letter of 21 July 2025, after having consulted the Parties, the Panel decided to hold a hearing in this matter.
41. Both Parties duly signed and returned the Order of Procedure, confirming, *inter alia*, the jurisdiction of the CAS to hear this dispute.
42. On 16 September 2025, a hearing was held in Lausanne, Switzerland.
43. In addition to the Panel and Mr Antonio de Quesada, Head of Arbitration, the following persons attended the hearing:
- For the Appellant:
- Mr Lucas Ferrer, Legal Counsel
  - Mr Luis Torres, Legal Counsel
- For the Respondent:
- Mr Martin Bauer, Legal Counsel, UEFA Integrity & Regulatory
  - Mr Emanuel Cortada, Legal Counsel
  - Mr Jonáš Gürtler, Legal Counsel
  
  - Mr Philip Williams, Witness – UEFA Head of Editorial Content Services
  - Dr Mark Doidge, Expert
  - Prof. Juan M. Hernández-Campoy, Expert
  - Mr David Moreno Gómez, Expert

- Mr Claudinei Nunes da Silva, Interpreter

44. At the outset of the hearing, the Parties confirmed that they had no objections to the constitution of the Panel.
45. However, at the outset of the hearing and for the first time during the proceedings, the Appellant objected to the admissibility of UEFA's exhibits R-5 (Recording Main Feed Camara) and R6 (Recording ENG Camara) making reference to Article 66 par. 6 of the UEFA Statutes, according to which "*The CAS shall not take into account facts or evidence which the parties could have submitted to an internal UEFA body by acting with the diligence required under the circumstances, but failed or chose not to do so*". In this regard, the Appellant submitted, *inter alia*, that the said two exhibits should have been submitted by UEFA during the UEFA proceedings, and by failing to do so, the Appellant was deprived of the opportunity to properly defend itself, which is against the principle of procedural fairness.
46. UEFA, on the other hand, argued that the two recordings in question were only submitted with its Answer during the CAS proceedings in order to prove the magnitude of the chanting, which was never disputed by the Appellant during the UEFA proceedings and, thus, for the first time before the CAS. Moreover, based on the *de novo* powers of the CAS and since the Appellant failed to address the issue at an earlier stage in these proceedings, *inter alia* failing to request a second round of written submissions in order to be able to comment in writing on the two recordings, UEFA submitted that the two recordings were indeed admissible.
47. Based on the circumstances of the case, not least the fact that i) the Appellant in its Appeal Brief disputed the magnitude of the chanting during the Match, ii) that the Appellant could have reacted before in order to be able to comment on the recordings in writing if so preferred, and iii) since the Panel did not find any bad faith or lack of due diligence from UEFA in not bringing forward the recordings earlier during the UEFA proceedings, the Panel found that the Appellant's right to be heard was not violated with regard to the filing of the two recordings into the file, based on which the Panel dismissed the Appellant's objections in this regard.
48. The Panel heard the evidence of Mr Williams, Dr Doidge, Prof. Hernández-Campoy and Mr Gómez. The witness, the experts and the interpreter were invited by the President of the Panel to tell the truth and to interpret correctly subject to the sanctions of perjury under Swiss law. The Parties and the Panel had the opportunity to examine and cross-examine the witness and experts.
49. The Parties were afforded ample opportunity to present their case, submit their arguments and answer the questions posed by the Panel.
50. After the Parties' final pleadings, the Panel closed the hearing and reserved its final award. The Panel considered in its subsequent deliberations all the evidence and

arguments presented by the Parties although they may not have been expressly summarised in the present Award.

51. Upon the closure of the hearing, the Parties expressly stated that they had no objections in respect of their right to be heard and to have been treated equally and fairly in these arbitration proceedings.

#### IV. SUBMISSIONS OF THE PARTIES

##### A. THE APPELLANT

52. In its Appeal Brief, the Appellant requested that CAS:

*“Primarily,*

- a. Accepts the present appeal submitted by Real Madrid Club de Fútbol,*
- b. Sets aside the decision of the UEFA Appeals Body rendered by the UEFA Appeals Body on 28 February 2025, with reference number of the disciplinary case – 39814 - UCL - 2024/25, in its entirety.*

*Subsidiarily to (b),*

*c. Modifies the Appealed Decision and issues a new decision that significantly reduces the sanctions imposed on the Club.*

*In any event,*

*d. To order UEFA to bear the arbitration costs pertaining to these CAS proceedings; and to pay Real Madrid a contribution for its legal costs and expenses incurred in an amount of CHF 20,000.”*

53. The Appellant’s submissions, in essence, may be summarised as follows:

##### In general

- First of all, the Appellant shares the fundamental values of European football and encourages any initiative that leads to progress in making the game better for players and spectators. In fact, the Appellant has a very active policy of developing and promoting, through sport, the values of fair play, social cohesion and mutual respect and has established a zero-tolerance policy towards any violent, racist, xenophobic or intolerant behaviour in its *Internal Regulations for access to and stay in sports venue* and in its *Social Discipline Regulations*.
- Nevertheless, in this particular case, the Appellant respectfully disagrees with the conclusions reached in the Appealed Decision, particularly with the assertion that the Chant qualifies as an “*insult to human dignity*” on grounds of sexual orientation within the meaning of Article 14 of the DR.
- It is also important to recall, for the purpose of these proceedings, the specific grounds on which the Appeals Body found the Chant to be in breach of Article 14 of the DR.

- In the Appealed Decision, the relevant conduct was grounded exclusively in the alleged reference to sexual orientation, which was considered to constitute an insult to human dignity.
- Accordingly, the scope of this appeal focuses on the legal assessment of that interpretation.

#### The FARE Report

- The FARE Report suffers from serious formal and substantive deficiencies which, by their very nature, result in a failure to respect the Appellant's due process rights, particularly considering that the present case is about an infringement where the Appellant's strict liability is at stake (see CAS 2016/A/4780 para. 114 and 4788 para. 103).
- Such deficiencies lead to a clear lack of defence on the part of the Appellant and, therefore, it is requested that the FARE Report not be taken into account in the present proceedings.
- Pursuant to its Global Guide to Discriminatory Practices in Football, the FARE network defines itself as follows:  
*"The Fare network is an umbrella organisation of over 130 members from 40+ countries. Members are NGOs, fans, ethnic minority organisations, LGBTQI+ groups and others. At the heart of Fare's work is tackling discrimination in football, including racism, far-right nationalism, sexism, trans- and homophobia and discrimination against disabled people and work on social inclusion initiatives using football. Fare focuses on advancing the social inclusion of marginalised and disenfranchised groups while engaging policy makers, governing bodies and the wider public in the process."*
- Moreover, and with regard to the FARE observers, the following can be found on the network's website:  
***"Who are the Fare observers?"***  
*The Fare observers are experts who have been recruited through an open process from across Europe. All have background knowledge in anti-discrimination issues and fan scenes.  
All observers speak the language of the teams they have been appointed to observe and are familiar with the corresponding fan cultures. The observers are working on a voluntary basis and are committed to being unbiased.  
[...]  
To protect the personal safety of our observers, Fare guarantees their anonymity towards third parties and we vouch for the quality of their work. All reports are vetted and checked for quality.*

#### ***How do the Observers prepare for matches?***

*Fare observers conduct research and draw on their own experience prior to their designated match.*

*They observe the game in the stadium to record incidents of discriminatory chanting, displays of far-right symbols and other examples of overt discriminatory activities. After the final whistle, the observer will submit a report to Fare detailing all discriminatory incidents noted during the match.*

*An assessment of the report is made by Fare and it is filed with the appropriate international governing body.”*

- In this regard, it must be recalled that the FARE Report was drawn up on the basis of another (alleged) external report, whose author is completely unknown. Indeed, there is no record of the external report that FARE Network received, nor of who sent it to it, nor – of course – is its content known; matters on which the Appellant cannot even express a view or make the appropriate claims arising thereof.
- Moreover, it is not even disputed that the network did not even have an observer at the Match, and as a result, it is unquestionable that no first-hand assessment was carried out, nor can any first-hand conclusions be drawn from such a report.
- Due to the obvious lack of information and the impossibility of making any meaningful judgement for the reasons outlined above, the FARE Report limits itself to a highly biased and unsubstantiated analysis of the alleged incident. Its interpretation of the Chant as “homophobic” is not only superficial, but also lacks credibility, given the absence of context, methodological rigour or any corroborating elements that might support such a serious qualification.
- Thus, the FARE Report suggests that there was an insult of human dignity on the matter of a sexual orientation, but does not provide for a meaningful explanation, but simple mentioning that Chueca is a known gay area in Madrid although struggling to build any further logical conclusions.
- Moreover, it is simply not possible to reconcile the assertion made in the FARE Report that the Chant was “*audible during the live transmission and can be heard on recordings of the match*” with the actual nature of the only “audiovisual” material provided – a personal and homemade video recorded by an unidentified individual using a mobile phone from the stands. The video which was found on a private social media platform has not even been verified in terms of its authenticity or its sources.
- The misleading information in the FARE Report led the Appeals Body to conclude that the Chant was “*of considerable magnitude*”, a conclusion that is simply not sustainable given the extremely limited and unverified material presented.
- The notion that a chant of such impact could be established solely on the basis of a single, unidentified and unverifiable personal recording is not only questionable,

but incompatible with the evidentiary standards required for such a serious finding under Article 14 of the DR.

- The FARE Report is furthermore undated, which makes it impossible to know the date of issuance or when it was sent to UEFA.
- Finally, as was also the case in CAS 2016/A/4780, the observer who drafted the report is also unknown, preventing the possibility of carrying out a proper evaluation of the characteristics of the said observer.
- Based on these circumstances, it can only be concluded that the FARE Report, which does not enjoy the presumption of accuracy attributed to official UEFA reports, suffers from very serious formal and substantive defects.
- Moreover, the Appellant has not even been able to ascertain the criteria, methodology or internal rules under which such reports are produced.
- As this was the sole piece of evidence relied upon by UEFA to establish the alleged infringement, its deficiencies place the Appellant in a position of complete procedural defencelessness, depriving the Appellant of the minimal guarantees required to properly exercise its right to be heard in adversarial proceedings.
- The consequence of these considerations and this lack of transparency is that the FARE Report does not have any probative value. It cannot be relied upon or considered either to establish the occurrence of the alleged facts or, even less so, to support their legal characterisation or interpretation as a discriminatory act. A document that fails to meet the most basic standards of reliability, authorship, methodology and verifiability cannot serve as a valid foundation for factual findings, nor can it sustain any interpretative conclusion capable of justifying the imposition of a severe sanction under Article 14 of the DR.

#### The Chant

- According to the Appealed Decision, the Appellant was held responsible for allegedly discriminatory – specifically, homophobic – behaviour by its supporters, as prohibited under Article 14 of the DR.
- As clearly stated in the said article, the DR sets out a high standard of the reprehensible behaviour. Indeed, the precondition formulated as “*insults the human dignity*” leaves no room for expansive interpretation of the UEFA DR and thus ensures a proper balance in the fight against all forms of discrimination and freedom of speech and expression.
- The wording of Article 14 of the DR cannot be interpreted as meaning that any comment or expression that may, even vaguely, relate to sexual orientation is automatically to be deemed as “*insulting human dignity*”.

- The provision sets a clear threshold that must be met in order to qualify a conduct as discriminatory. The behaviour shall necessarily amount to an actual insult to human dignity on grounds of sexual orientation.
- Moreover, the more serious the infringement and the sanction associated with it – as is the case under Article 14 DR – the higher the threshold must be for such a finding to be sustained (see e.g. CAS 2015/A/4256).
- In the case at hand, the Appeals Body perceived the Chant as homophobic and an insult of human dignity of the Manager due to *the “referencing that the head coach would be seen in Madrid’s known gay area”*.
- However, neither the Appealed Decision nor the FARE Report offer any concrete explanation as to which specific element of the Chant constitutes an insult, nor how such a statement, even if interpreted as a reference to sexual orientation, could reasonably be construed as degrading or humiliating.
- Rather than demonstrating how the Chant clearly amounted to an insult to human dignity, the Appealed Decision effectively placed the burden on the Club to prove a negative fact, i.e. that such Chant does not insult human dignity.
- This reversal of the burden of proof is directly at odds with well-established CAS jurisprudence, which confirms that it is UEFA who must establish that an infringement of Article 14 DR has occurred (see e.g. CAS 2022/A/8651).
- The Panel in the present case must therefore require that UEFA meets this burden (to the Panel’s comfortable satisfaction) with clear, credible and substantiated evidence – something which is manifestly lacking in the proceedings at hand. In other words, the Panel should be comfortably satisfied that such serious misconduct as homophobic insults offending human dignity took place, but not just assume it was the case.
- In this regard, the Appellant remains very doubtful that the Chant quoted in the FARE Report can be characterised as an incident falling in line with the *“long line of jurisprudence of the UEFA disciplinary bodies (as published on the UEFA website) with regard to cases in which individuals were targeted as homosexuals in a negative, derogatory and discriminatory manner”* as stated in the Appealed Decision.
- Indeed, the Chant in the present case does not contain any direct or indirect abuse or hate speech, nor does it refer to any context, historical or otherwise, that the Manager or any other listener would perceive as something that meets the high standard of *“insulting human dignity”*. With the utmost respect to Manchester City FC and the Manager, the Appellant finds it difficult to understand how the Appeals

Body could find the Chant to be negative, derogatory and discriminatory insulting the human dignity of the Manager.

- Expressions made by fans during football matches must be interpreted within their specific context, particularly when they involve elements of satire, provocation or criticism.
- Not every statement that touches upon a sensitive topic – such as sexual orientation, in the present case – automatically amounts to an insult to human dignity. As in previous CAS jurisprudence, expressions that are humorous, exaggerated or aimed at powerful institutions or public figures require careful contextual analysis before sanctioning expressions that may be controversial, but are not clearly and unequivocally discriminatory.
- This approach finds solid grounds in Article 16 of the Swiss Constitution and, by extension, Article 10 of the European Convention on Human Rights, both of which protect freedom of expression as a fundamental right.
- Anything short of the aforementioned high threshold risks diluting the concept of discrimination framed by UEFA as an “*insult to human dignity*”, equating truly harmful conducts with expressions that may be uncomfortable but are not inherently capable to insult the human dignity, which is what the relevant provision requires.
- The Chant does not insult the human dignity of any person or group on the grounds of their sexual orientation. Accordingly, no infringement of Article 14 of the DR can be established, and the Appealed Decision must be set aside in its entirety.

#### The Sanction

- In the very unlikely event that the Panel finds that an infringement of Article 14 par. 2 DR has occurred, the Appellant submits that the Appeals Body manifestly erred in its assessment of the relevant circumstances and in determining the appropriate sanction.
- If the Panel considers that any sanction is to be imposed, it is respectfully submitted that such a sanction must be reduced to its lowest possible expression within the margin of discretion afforded by the DR.
- The wording of Article 14 par. 2 of the DR leaves ample discretion to the Panel to assess the proportionality of the sanction in light of all the relevant circumstances and to impose the most lenient disciplinary measure available under the rule, should the circumstances so require.
- Moreover, Article 14 par. 2 of the DR does not set a minimum or standard monetary amount for the fine. The provision merely requires “*a minimum of a fine*”, leaving full discretion to the adjudicating body to impose a symbolic or even nominal

sanction where appropriate. Secondly, Article 26 par. 2 of the DR allows for probationary measures with a minimum duration of one year (rather than the two years already established by the Appeals Body), which may be reduced further in exceptional circumstances – as is clearly the case here.

- The DR imposes on the adjudicating body the duty to assess all relevant concurrent circumstances in order to determine the appropriate sanction. Pursuant to Article 23 par. 1 of the DR, the competent disciplinary body must determine “*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.*”
- Moreover, Article 23 par. 3 of the DR explicitly allows for disciplinary measures to be reduced or increased depending on the specific circumstances of the case and even recognises the implementation of effective preventive measures as a mitigating circumstance in proceedings under Article 14 par. 2 of the DR.
- In exercising its power of review, the Panel must assess whether the sanction imposed is proportionate and appropriate, taking due account of all the relevant circumstances of the present case (see e.g. CAS 2011/O/2575). This analysis is not optional, but a requirement established in the very logic and wording of the DR.
- In the case at hand, the assertion in the Appealed Decision that “*no mitigating circumstances*” exist is manifestly inaccurate.
- The facts show indeed that there are several and specific circumstances not considered by the Appeals Body:
  - (i) the incident was isolated and lasted only a few seconds and was never repeated during the Match;
  - (ii) the incident involved only a couple of individuals (not a significant number or a considerable magnitude as wrongly stated). Moreover, the assertion that the Chant was “*audible in the live transmission*” as claimed in the FARE Report is not supported by any objective evidence;
  - (iii) no UEFA or police official reported the Chant, which is highly relevant as it shows that it was never detected and noted by the UEFA match delegate or security officer during the Match;
  - (iv) other (and more severe) cases have been treated more leniently, and the sanction imposed on the Appellant is manifestly disproportionate when compared with other decisions involving far more serious, intolerable and gross misconducts, and;
  - (v) the Appellant took immediate and adequate measures, which together with the Appellant’s clean record, must reduce the sanction imposed.
- All these factors must be carefully considered to ensure that the sanction, if any, is properly reduced.

- Pursuant to the *de novo* powers conferred upon it under Article R57 of the CAS Code, the Panel has full discretion to review not only the legal basis but also the proportionality of the sanction imposed by the Appeals Body. This discretion includes the obligation to consider all aggravating and mitigating circumstances, whether objective or subjective, and to weigh the arguments submitted by the Parties accordingly. The CAS has consistently confirmed this principle (cf. CAS 2022/A/8695, paras. 142–144), and it is precisely within this framework that the Panel must reassess the present case and, if deemed necessary, reduce the sanction to the lowest possible extent available under Article 14 par. 2 of the DR.
- Even the mere acknowledgment of one single mitigating circumstance – contrary to the oversimplistic conclusion reached by the Appeals Body that “*no mitigating circumstances*” were present – will be sufficient to justify a reduction of the sanction (see e.g. TAS 2023/A/9972).
- This also means that since the Appeals Body considered that no mitigating circumstances existed, the mere identification of one such circumstance by the Panel necessarily requires a reduction of the sanction. Needless to say, if several mitigating factors are found to be present – as is clearly the case here – the sanctions must be substantially moderated.

## **B. UEFA**

54. In its Answer, UEFA requested the CAS:

*(i) To reject the appeal of Appellant in the proceedings CAS 2025/A/11261 Real Madrid Club de Fútbol v. Union des Associations Européennes de Football (UEFA) in its entirety and to confirm the Appealed Decision;*

*(ii) In any event, to order Appellant to pay an amount of at least CHF 30'000 as contribution to the costs and expenses incurred by UEFA.*

55. UEFA’s submissions, *in essence*, may be summarised as follows:

### In general

- UEFA, as the governing body of European football, bears the responsibility to ensure that its competitions are conducted in an environment free from discrimination, hostility and abuse.
- Pursuant to Article 2 of the UEFA Statutes “*The objectives of UEFA shall be to: [...] b) promote football in Europe in a spirit of peace, understanding and fair play, without any discrimination on account of politics, gender, religion, race or any other reason; [...]*”

- Homophobia has cast a long and deeply troubling shadow over the history of football. For decades, the sport has been marred by a culture of machismo, exclusion, prejudice, and hostility towards individuals based on their sexual orientation. This persistent intolerance has impacted the personal and professional lives of countless players, coaches and fans and also led to tragic outcomes in the past.
- A recent study among British fans and general population shows that Homophobia is a persisting serious problem in professional football and, as such, ranks second just behind racism as the most pressing issue. It is particularly the use of homophobic language that is not being taken seriously enough.
- A world excluding individuals on the basis of any kind of discriminatory factors, including sexual orientation, is not a world that UEFA stands for. Recognising the deep-seated issues of discrimination and homophobia that have historically plagued football, UEFA has made the fight against all forms of intolerance a central pillar of its mission.
- As established by the Appeals Body in the Appealed Decision, the *fight against racism and discrimination is an extremely high priority for UEFA*.
- Thankfully, UEFA's national member associations and most clubs are united in the fight against physical and verbal violence, united in the aim to make stadium places where no one is abused, where no one is discriminated because of his or her skin, political view, gender or sexual orientation.
- Chants like those made and heard in Madrid during the Match have no place in this world, and certainly not in football, and the Appellant should be the first fighting against those chants, instead of hiring high profile lawyers to file an appeal with the CAS.
- The Appeals Body duly analysed and took into account the clear evidence available and rightfully determined that the Appellant must be held responsible for the violation of Article 14 par. 2 of the DR, and, accordingly, UEFA respectfully submits that the Appeal must be dismissed in its entirety.

#### The FARE Report

- The FARE Report forms a perfectly legitimate basis for UEFA's initiation of the disciplinary proceedings, and the FARE Report is not flawed, whether relating to issues of substance or procedure, as submitted by the Appellant.
- In this regard, the Appellant completely neglects:
  - (i) that FARE maintains a well-established and respected network of experts, experienced in reporting discriminatory incidents in football;
  - (ii) FARE diligently followed established practices;

- (iii) UEFA can rely and evaluate any type of evidence within disciplinary investigations and proceedings in its absolute discretion pursuant to Article 24 par. 1 and Article 44 par. 1 of the DR;
- (iv) the *de novo power* of CAS Panels pursuant to Article R57 of the CAS Code, which means that any potential procedural flaws (*quod non*) are cured in the appeals proceedings before the CAS;
- FARE's observers, driven by a firm commitment to eradicating racism, discrimination, and exclusion from European football, are professionals with substantial experience and are specially trained to identify incidents of racism or discrimination. They are independent and do not belong to any football fan network.
  - In the case at hand, FARE's assessment of the Chant as homophobic, along with its explanation of the Chant, reflects FARE's experience and proper knowledge of the background.
  - FARE reports can be based either on the observations of dedicated FARE observers present at the stadium during high risk matches or on subsequent media monitoring.
  - In the latter case, FARE reports are titled "*external reports*". They are internally vetted by FARE and subsequently submitted to UEFA in case an incident is deemed problematic and evidence is available.
  - Such was the case for the FARE Report submitted to UEFA on 20 February 2025: FARE was made aware of the Chant that occurred at the Match, which could initially be evidenced by an article in the press as well as via a publicly available recording of the Chant posted on a popular YouTube Fan Channel (the "YouTube Recording"). FARE verified the audio of the YouTube Recording to identify timing and the precise words used. Subsequently, a respective report was submitted to UEFA.
  - This recording loudly and clearly records the Chant and their magnitude and confirm the evidentiary findings of the FARE Report.
  - As such, the available evidence confirms the discriminatory behaviour of the Appellant's supporters and the respective violation of Article 14 par. 2 of the DR.
  - In accordance with Article 44 DR, any type of evidence – including reports and video footage – may be used during disciplinary proceedings. As confirmed by the Appeals Body, the FARE Report in question, together with its supporting evidence, is thus admissible and must be considered accordingly.
  - In any case, it is irrelevant whether the violation of Article 14 par. 2 of the DR was documented by a FARE observer present at the Match or a UEFA official or through

a subsequent media monitoring by FARE. This does not change the fact that such a violation happened at the Match and certainly does not diminish its seriousness.

- UEFA's strict approach towards racism and discrimination requires that every violation of Article 14 par. 2 of the DR be treated with utmost seriousness and sanctioned accordingly.

### The Chant

- During the second half of the Match, a vast number of supporters of the Appellant attracted negative attention with the Chant echoing through large parts of the Santiago Bernabéu Stadium.
- Immediately after the Match, the YouTube Recording was posted and seen by almost 250,000 viewers by the time when the Appealed Decision was rendered.
- The Appealed Decision correctly assessed that the Chant was chanted by a *very significant group of supporters* and therefore amounted to a *considerable magnitude*.
- This is additionally evidenced by the recording from the Main Feed Camera as well as of an Electronic News Gathering (ENG) Camera, positioned behind the goal and used to capture different angles of the Match. Furthermore, videos from other angles and positions in the stadium were posted online on the websites of Spanish newspapers which confirmed the Chant.
- The behaviour of the Appellant's supporters was also immediately reported by various journalist from local and international media.
- Based on the above, i.e. the recordings and the press articles, UEFA received the FARE Report.
- Based on that, there can be no doubt that this case is about a homophobic Chant, which occurred in the stadium of the Appellant, and which was clearly made by supporters of the Appellant.
- The prerequisites for a violation of Article 14 par. 2 of the DR are as follows, as also confirmed by consistent CAS jurisprudence: 1. There must be an insult of either a person or a group of persons; 2. The insult must be on grounds of, *inter alia*, sexual orientation.
- The CAS Panel in the leading case (CAS 2013/A/3324 & 3369) confirmed, *inter alia*, that: "*the insult can be conveyed by whatever means, which would include chanting; it is, however, the Panel's view that it is not necessary for an offence to be committed under Article 14 UEFA DR to prove that the person charged intended*

*to insult; it is sufficient that he or she did insult. The precondition of intention is significantly not prescribed by the Article.”*

- When assessing whether an insult constitutes grounds for a sanction under Article 14 par. 2 of the DR, the objective onlooker test must be applied. In this sense, CAS jurisprudence (see AS 2013/A/3324 & 3369, para. 9.13; CAS 2015/A/4256, para. 62 *et seq*) held that: *“the test of whether or not there has been an insult qualifying for sanctions under Article 14 UEFA DR, is the perception of the reasonable onlooker. It is in that sense objective not subjective.”*
- As such, it is recognised under CAS jurisprudence that the appropriate legal standard is how a *“reasonable and objective onlooker”*, not an average supporter, would assess a chant, considering the full context and its potential impact.
- This standard is derived from the CAS and the European Court of Human Rights jurisprudence. It aims to prevent relativism and ensures that conduct is judged based on a broad, informed understanding of European football and its diverse stakeholders.
- This objective standard, supported by CAS jurisprudence (cf. CAS 2015/A/4256), must be understood as someone with a general knowledge of European football, who is well-informed of the overall context and circumstances surrounding the facts, and who is capable of making an ex-post evaluation based on all relevant and accessible information. This approach deliberately excludes any form of cultural relativism that would risk tolerating behaviour that is offensive or discriminatory for some merely because it is accepted or normalised by others. Such relativism is incompatible with the values and objectives pursued by UEFA through its disciplinary framework.
- To understand the insulting character of the Chant, one must take into account the initial part of the Chant. By calling the Manager *“thin”* in the context of homosexuality, the Chant refers to the Manager being infected with HIV/AIDS.
- As underlined in the expert opinion of Dr Doidge:  
*“ [T]here is a cultural connection between thin gay bodies and HIV/AIDS. Throughout the 1980s HIV/AIDS was linked to homosexuality by politicians, the media, and sections of the public. The disease became a foundation of homophobic abuse. It is my opinion that the link of body shape to Chueca makes this chant extremely homophobic.”*  
*And moreover,*  
*“The inference is that Guardiola would be visiting [Chueca] because he is gay. It can be easily excluded that the Real Madrid fans are suggesting that Guardiola is progressive and would be visiting Chueca because he’s an ally of the LGBTQ+ community. This isn’t how football chants and rivalries work, as outlined earlier. Between rival fans, particularly in the case of Real Madrid and Barcelona (and it’s*

*link to Catalonia. Of which Guardiola symbolises), it is virtually impossible to assume that fans would chant something positive (...).”*

- In addition, and according to Prof. Juan Manuel Hernández-Campoy (*free translation into English*):

*“ [T]he chant “Guardiola, Guardiola, how thin you look, first it was drugs and we'll see you in Chueca today” has an unequivocally offensive charge and intentionality, employing explicit and direct hate speech, as it is homophobic, discriminatory in its message with stigmatising connotations towards people with addictions as well as towards the LGBTBI+ community, and whose main purpose is to insult the addressee, Mr. Guardiola, [...], and inevitably attacks his dignity and his alleged addictions and sexual orientation.”*

*“ ‘thin’ does not denote being healthy and fit in this case but, in the context of ‘drugs’ and ‘Chueca’ suggests being sick due to stereotypes related to the human immunodeficiency virus (HIV: AIDS) associated with an alleged combination of homosexuality and drug addiction. This kind of pejorative language used to insult and discriminate against the gay community has been studied for decades [...].”*

- It is evidently clear that the reference to Chueca is not employed in a neutral manner but to associate the Manager with something that the chanting supporters deem shameful.
- Therefore, to summarise, the primary purpose of the Chant is very obviously not to convey a legitimate sporting opinion nor any kind of constructive criticism, but instead to denigrate, humiliate and belittle the Manager by weaponising his actual or fictional sexual orientation as a means of discredit and offence. The Chant attacks the Manager as a person in a “*flagrantly discriminatory manner*” and as such strongly insults his human dignity.
- Dr Doidge addresses the objective perspective of the Chant in his expert opinion as follows:  
*“We can ask ourselves, what was the purpose of the chant? How could any one present in the stadium understand a perceive the chant? In my point of view, the chant was obviously and without any doubt of highly offensive nature. If it wasn't intended to be offensive, why was there a reference to Chueca? This is a neighbourhood that the Spain's official tourism website describes as "the LGBTQI+ epicenter of Madrid (...)". It is the cultural significance of Chueca that is central to the fans' chant.”*  
[...]  
*“I cannot see an interpretation where being called thin, a drug user and someone who goes to Chueca – in this context – could be construed as anything other than negative and therefore homophobic.”*
- UEFA strongly opposes the Appellant's attempt of cultural relativism. The Appellant tries to claim that homophobic expressions should be interpreted differently

*“when they involve elements of satire, provocation or criticism”*. It is exactly such kind of cultural relativism of “come on, let us laugh about it” that supports LGBTQ discrimination and homophobia in international multicultural settings.

- The conclusion from the application of the reasonable objective onlooker test is finally confirmed by the media coverage in the aftermath of the Match, where the media had an unequivocal view on the discriminatory behaviour of the Appellant’s supporters, describing the Chants as *“homophobic insults”* or *“homophobic song”*.
- In this regard, it must be stressed that human rights, such as the freedom of expression, only protect individuals against state actions. CAS jurisprudence has consistently confirmed that *“fundamental rights protect citizens against violations of such rights by the State and its organs and are therefore only applicable to a jurisdiction established by a State and not to legal relationships between private entities such as associations and their members”* (see e.g. CAS 2009/A/1957, para. 15). ”
- Accordingly, Article 16 of the Swiss Constitution and Article 10 of the European Convention on Human Rights ("ECHR") are not applicable in the framework of a CAS procedure and certainly cannot be applied to a sport disciplinary dispute involving two private entities, like the Appellant and UEFA. In fact, consistent CAS jurisprudence has denied the applicability of the ECHR to disciplinary disputes involving private parties and has held that that *“the ECHR is not applicable to disciplinary proceedings before a Sport association’s jurisdictional bodies”*.
- The freedom of expression can therefore not be invoked by the Appellant to try to trivialise the unacceptable Chant of its supporters and to attack the lenient disciplinary sanction correctly imposed by UEFA.

### The Sanction

- Being an association under Swiss law UEFA possesses *“association autonomy”*, a fundamental part of Swiss law, which has been recognised by the CAS in constant jurisprudence.
- It is standing jurisprudence that an association has a wide discretion when deciding on which disciplinary sanction to impose in a certain given case.
- In CAS jurisprudence, it has been recognised that CAS panels must give a certain level of deference to decisions of sports governing bodies in respect of the *proportionality* of sanctions. The CAS constantly holds that it reviews disciplinary sanctions only with *“self-restraint”* and on the condition that these sanctions turn out to be *“grossly and evidently disproportionate”*.
- For example, in CAS 2021/A/8014, para. 44, it is stated that:  
*“According to well-established CAS jurisprudence, “the measure of the sanction imposed by a disciplinary body in the exercise of the discretion allowed by the*

*relevant rules can be reviewed only when the sanction is evidently and grossly disproportionate to the offence.”*

- In the present case, the Appeals Body properly exercised its discretion: the sanction imposed is neither evidently nor grossly disproportionate to the gravity of the offence.
- Furthermore, in relation to the amount of the fine, EUR 30,000, it is sufficient to note that the Appellant received over EUR 100 million for its participation in the UEFA Champions League 2024/25, *i.e.* including earnings from the Starting Fee, Value Pillar, League Phase, Round of 16 and Quarterfinals. The fine imposed therefore represents only ~0.03% of the money received from UEFA for the most recent Champions League campaign.
- The same obviously applies to the extremely limited number of “closed” seats (500), which the Appellant would not be entitled to sell. This second part of the sanction has been suspended, subject to a conditional period of two years.
- The sanction is extremely lenient because of the very low number of seats touched by the sanction (the Bernabeu Stadium has seating capacity for more than 80,000 spectators) and, additionally, it is in the hands of Real Madrid to avoid the sanction to become effective.
- Moreover, and with regard to the seriousness of the offence, it must be stressed that discrimination has no place in football and cannot be tolerated under any circumstances.
- As such, UEFA has consistently maintained, and will continue to pursue, a firm and uncompromising stance in its efforts to eradicate all forms of discrimination from European stadiums. To this end, UEFA applies a strict and principled approach to any discriminatory incidents occurring within the scope of its competitions.
- Any form of discriminatory behaviour is, by its nature, a serious offence — and the homophobic chants of the Appellant’s supporters are no exception. UEFA cannot permit football matches to be exploited as platforms by individuals seeking to use the sport’s popularity and wide reach to disseminate or legitimise homophobic views.
- In this respect, it must be noted that the scale of participation in such conduct is irrelevant. In accordance with Article 14 par. 2 of the DR, the discriminatory actions of a single supporter are sufficient to trigger disciplinary sanctions.
- The sanctions imposed on the Appellant for its serious violations are thus not just more than proportionate, but also necessary to preserve UEFA’s core values.

- When assessing the amount of the fine, it is further of utmost importance to recall that disciplinary sanctions must serve not only a punitive, but also a preventive and deterrent function to protect the Rules and Regulations, as recognised by consistent CAS jurisprudence.
- Given the seriousness of the offence in question, a lower fine would undoubtedly fail to achieve the necessary deterrent effect. More troublingly, imposing a reduced sanction in such circumstances would risk sending a message of leniency or even tacit acceptance of discriminatory behaviour. This would create a dangerous precedent, undermining UEFA's fundamental objective to promote football across Europe free from all forms of discrimination.
- Thus, the sanction imposed on the Appellant is furthermore perfectly in line with the established jurisprudence.
- Moreover, and for the sake of good order, the alleged mitigating factors submitted by the Appellant are wholly unsubstantiated and unfounded; the Chants did not only last a few seconds, they were not made only by a small cluster of fans, and the fact that the Manager apparently did not visibly react to the Chants does not in any way diminish their seriousness or gravity.
- Additionally, the fact that in this case the Chants were not documented in a UEFA report or, as alleged, in a law enforcement authority report does not constitute a mitigating circumstance either.
- Finally, the Appellant's allegation that the homophobic Chants "*could even [be] comparable*" to the conduct sanctioned by Article 16 par. 2 (e) of the DR, namely transmitting a message that is not fit for a sports event, is simply untenable and undermines UEFA's fight against racism, homophobia and discrimination, and moreover, the Appellant never documented that it took immediate and adequate measures as a result of the Chants.

## V. CAS JURISDICTION

56. Article R47 of the CAS Code provides as follows:

*"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."*

57. With respect to the Appealed Decision, the jurisdiction of the CAS derives from Articles 62 and 63 of the UEFA Statutes.

58. Neither the Appellant nor the Respondent objected to the jurisdiction of the CAS, and both Parties confirmed the CAS jurisdiction when signing the Order of Procedure.
59. It follows that the CAS has jurisdiction to decide on the appeal of the Appealed Decision.

#### **VI. ADMISSIBILITY**

60. It follows from Article 62 par. 3 of the UEFA Statutes that *“The time limit for appeal to the CAS shall be ten days from the receipt of the decision in question.”*
61. The rectified grounds of the Appealed Decision were notified to the Appellant on 5 March 2025, and the Appellant’s Statement of Appeal was lodged on 14 March 2025, i.e. within the statutory time limit of 10 days set forth in Article 62 par. 3 of the UEFA Statutes, which is not disputed.
62. Furthermore, the Statement of Appeal and the Appeal Brief complied with all the requirements of Articles R48 and R51 of the CAS Code.
63. It follows that the appeal is admissible.

#### **VII. APPLICABLE LAW**

64. Article 63 par. 2 of the UEFA Statutes provides as follows:  
*“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.”*
65. Moreover, Article R58 of the CAS Code provides 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.”*
66. Based on the above, and with reference to the Parties’ submissions, the Panel is satisfied that the various regulations of UEFA are primarily applicable and, subsidiarily, Swiss law should the need arise to fill a possible gap in the various regulations of UEFA.

#### **VIII. MERITS**

##### Standard of proof and burden of proof

67. Before identifying and discussing the main issues to be addressed by the Panel, it is necessary to mention and establish the relevant aspects related to the standard and burden of proof.
68. In this sense, it must be established that the standard of proof is defined as the level of conviction that is necessary to conclude that a certain fact occurred (BGer 5C\_37/2004, 3.2.3). As the alleged violations and sanctions appealed by the Appellant are governed by the DR, the standard of proof set out therein applies.
69. As established in Article 24 of the DR, the competent body has “*absolute discretion regarding the evaluation of evidence*”, and also states that the applicable standard of proof to be applied in UEFA disciplinary proceedings matter is that of a “*comfortable satisfaction of the competent disciplinary body*”. This is lower than the standard of “*beyond a reasonable doubt*”, but higher than the standard of “*balance of probabilities*”. The Parties do not dispute this.
70. The Panel further agrees with the Parties that that the burden of proof in the present matter lies initially on the accuser, UEFA, and that UEFA thus carries the burden of establishing that the Chant constitutes a violation of Article 14 of the DR.
71. Despite UEFA’s initial burden of proof, the Appellant conversely holds a duty to prove all the facts and assertions on which it intends to rely in these proceedings, also to the comfortable satisfaction of the Panel. Importantly, should an Article 14 violation be confirmed by the Panel, the Appellant bears the burden of persuading the Panel that the sanction imposed on it by UEFA is disproportionate to the then confirmed violation.
72. As an additional legal basis for the foregoing, the Panel adheres to Article 8 of the Swiss Civil Code (“SCC”), which states that unless the law provides otherwise, the burden of proving the existence of an alleged fact rests on the person who derives rights from that fact, as well and to CAS jurisprudence providing : “*in CAS arbitration, any party wishing to prevail on a disputed issue must discharge its burden of proof, i.e. it must meet the onus to substantiate its allegations and to affirmatively prove the facts on which it relies with respect to that issue. In other words, the party which asserts facts to support its rights has the burden of establishing them (..). The Code sets forth an adversarial system of arbitral justice, rather than an inquisitorial one. Hence, if a party wishes to establish some fact and persuade the deciding body, it must actively substantiate its allegations with convincing evidence*” (e.g. CAS 2003/A/506, para 54; CAS 2009/A/1810&1811, para 46; and CAS 2009/A/1975, paras 71 ff).

#### The main issues before the Panel

73. Once the premises regarding the standard and the burden of proof have been established, the Panel should assess the relevant facts of the case and identify the main issues to be addressed on the merits.

74. At the outset, the Panel notes that during the hearing it became clear that the factual circumstances pertaining to this matter are for a large part undisputed. Thus, *inter alia*, the following elements relevant to the Panel's reasons are undisputed:

- On 19 February 2025, during the Match between the Appellant and Manchester City FC, a group of the Appellant's fans was heard chanting the following words directed at the Spanish manager of Manchester City FC:

*"Guardiola Guardiola, que delgado se te ve, primero fueron las drogas y hoy por Chueca se te ve'" (in English: 'Guardiola, Guardiola, how thin you look, first it was the drugs and we'll see you in Chueca today')."*

- The Chant was neither reported in the official Referee's Report, nor in the Match Report submitted by the Spanish Police subsequent to the Match.
- UEFA was only made officially aware of the Chant by the FARE Report received on 20 February 2025, but the Chant was reported in several newspapers, and recordings of it were made available via YouTube, where it gained massive attention from the public.

75. While the Parties agree that the fight against racism and discrimination within the world of football is one of extreme importance and priority and that the Chant should never have occurred, the Appellant submits that it is now only seeking equal treatment and a fair outcome and that the DR manifestly erred in its assessment of the relevant circumstances and in determining the appropriate sanction.

76. UEFA, on the other hand, submits, *inter alia*, that the Chant was clearly of a discriminatory nature in violation of Article 14 of the DR and that the DR has a wide discretion when deciding on which disciplinary sanction to impose in a certain given case and that the sanction imposed on the Appellant is not only proportionate, if not lenient, but also necessary to preserve UEFA's core values.

77. Thus, the main issues before the Panel are:

- a) Did the Chant constitute a violation of Article 14 of the DR?

and, in the affirmative,

- b) Is the sanction imposed on the Appellant for violating Article 14 of the DR proportionate?

**a) Did the Chant constitute a violation of Article 14 of the DR?**

78. Any decision rendered by a sports-related body, including a decision which imposes a sanction on somebody, must adhere to the principle of legality and thus necessitates a distinct and unequivocal regulatory foundation.

79. Formally, neither Party disputes that a finding that a group of the Appellant's fans has violated Article 14 of the DR constitutes a sufficient legal basis for imposing a sanction on the Appellant pursuant to the said article.
80. Articles 8 and 14 of the DR read as follows:

*"Article 8. Responsibility*

*Unless stipulated otherwise in these regulations, a member association or club that is bound by a rule of conduct laid down in UEFA's Statutes or regulations may be subject to disciplinary measures and directives if such a rule is violated as a result of the conduct of one of its members, players, officials or supporters, even if the member association or the club concerned can prove the absence of any fault or negligence."*

and

*Article 14. Racism and other discriminatory conduct*

*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.*

*3. If the circumstances of the case require it, the competent disciplinary body may impose any other additional appropriate disciplinary measures on the member association or club responsible, such as the playing of one or more matches behind closed doors, a stadium closure, the forfeiting of a match, the deduction of points and/or disqualification from the competition.*

*4. If the match is suspended by the referee because of racist and/or discriminatory conduct, the match may be declared forfeit.*

*5. The above disciplinary measures may be combined with a community football service and/or specific directives, such as the use of banners and/or the implementation of preventive measures, aimed at tackling racism and other discriminatory conduct."*

81. The Panel further notes that Articles 44 and 45 of the DR read, *inter alia*, as follows:

*"Article 44 Form of evidence*

1. *Any type of evidence may be used during disciplinary investigations and proceedings, provided that human dignity is not violated. Valid forms of evidence in disciplinary investigations and proceedings include official reports and records, the examination of witnesses, the examination of parties and ethics and disciplinary inspectors, on-site inspections, expert opinions, television and video recordings, personal confessions, and other records and documents (such as betting fraud reports).*
2. [...]

*Article 45 Official reports*

*Facts contained in official UEFA reports are presumed to be accurate. Proof of their inaccuracy may, however, be provided.”*

82. As already mentioned, the Appellant no longer disputes the factual occurrence of the Chant sung by a group of its fans during the Match, and even if the Panel agrees with the Parties that the FARE Report does not have the same evidentiary weight as an official UEFA report, the Panel now does not have to rely on the FARE Report or other evidence in order to consider the occurrence of the Chant proven, since it is no longer disputed.
83. Thus, now the main issue for the Panel to decide is whether UEFA has discharged its burden of proving that the Chant constitutes a violation of Article 14 of the DR.
84. In this regard, the Panel initially notes that Article 14 of the DR has two elements which must be satisfied before sanctions can be imposed: i) there must be an insult to the human dignity of either a person or a group of persons; i) the insult must be on grounds of, *inter alia*, race, sexual orientation or ethnic origin.
85. As found by the Appeals Body, , in the first step of the Article 14 DR assessment, and in order to determine whether the Chant was discriminatory in nature, the content of the Chant must be analysed based on the perception of a reasonable onlooker.
86. This is in line with CAS jurisprudence, and the Panel agrees with the Panel in CAS 2013/A/3324 & 3369 par. 9.13 when it states “*In the Panel’s view the test of whether or not there has been an insult qualifying for sanctions under Article 14 UEFA DR, is the perception of the reasonable onlooker. It is in that sense objective not subjective.*”
87. Moreover, the Panel further agrees with the same jurisprudence, when it states “*Furthermore, the insult can be conveyed by whatever means, which would include chanting; it is, however, the Panel’s view that it is not necessary for an offence to be committed under Article 14 UEFA DR to prove that the person charged intended to insult; it is sufficient that he or she did insult. The precondition of intention is significantly not prescribed by the Article.*”
88. As such, the Panel finds it in line with CAS jurisprudence that the appropriate legal standard is how a “*reasonable and objective onlooker*”, would assess the Chant, considering the full context, the circumstance and its potential impact.

89. The Panel further agrees with UEFA that such “*reasonable and objective onlooker*” must be understood as someone with a general knowledge of European football, who is well informed of the overall context and circumstances surrounding the facts and who is capable of making an ex-post evaluation based on all relevant and accessible information. This approach deliberately excludes any form of cultural relativism that would risk tolerating behaviour that is offensive or discriminatory for some merely because it is accepted or normalised by others. Such relativism is incompatible with the values and objectives pursued by UEFA through its disciplinary framework.
90. For the sake of good order, the Panel appreciates that all “*reasonable and objective onlookers*” might not have the same view or the same understanding of basic decency or of how incidents and the context in which they occur may be discriminatory. The Panel also acknowledges that cultural, religious or geographical differences may play a significant role in the way incidents and context are assessed by a “*reasonable and objective onlooker*”. This is all the more evident for incidents occurring in connection with global sporting events.
91. The Panel also refers to the reasoning of the panel in CAS 2016/A/4788, which to some extent can be relied upon in analogy to the Chant when it states (regarding discriminatory chants/words):
- “even if in many of the cases this kind of words or expressions are not used with the intention of offending a specific person but, in any case, they are however deeply offensive and harmful to third parties and groups of people. Therefore, in the Panel’s view, even if those expressions and words are not used with the intention to discriminate or offend the specific player or players to which they are addressed, they still can be considered discriminatory or insulting in nature.”*
92. Regardless of differing cultural perspectives and the dynamic ever-evolving concept of a “*reasonable and objective onlooker*”, the Panel finds that the Chant must be analysed from the perspective of a reasonable and objective observer “of today” within the context in which it occurred.
93. As a starting point, the Panel in principle agrees with the Appellant that not all statements that might touch upon sensitive topics – such as alleged sexual orientation in the present case – automatically amounts to an insult of human dignity and that it requires careful contextual analysis before deciding on whether or not such statement is to be considered discrimination and a violation of the applicable rules.
94. However, in the present case, and based on the particular circumstances and wording of the Chant, the Panel finds that the Chant does not find itself within the range of acceptable statements.

95. In this regard, the Panel finds that the reference to the Manager being “*thin*” and visiting Chueca, which in Spain is commonly known as an LGBTQ+ friendly area or even “the LGBTQ+ epicenter of Madrid” clearly aims at suggesting that the Manager is homosexual and, thereby, in the eyes of the chanting fans, ridiculing him due to this alleged sexual orientation, which apparently is deemed shameful by the fans in question.
96. The Panel finds support for such interpretation in the reports and expert opinion of Dr Doidge, Prof. Hernández-Campoy and Mr Gómez filed by UEFA and of the testimonies of the same during the hearing.
97. For example, in the expert opinion of Dr Doigde, where he states, *inter alia*, as follows:
- “[T]here is a cultural connection between thin gay bodies and HIV/AIDS. Throughout the 1980s HIV/AIDS was linked to homosexuality by politicians, the media, and sections of the public. The disease became a foundation of homophobic abuse. It is my opinion that the link of body shape to Chueca makes this chant extremely homophobic.”*
- And moreover,
- “The inference is that Guardiola would be visiting [Chueca] because he is gay. It can be easily excluded that the Real Madrid fans are suggesting that Guardiola is progressive and would be visiting Chueca because he’s an ally of the LGBTQ+ community. This isn’t how football chants and rivalries work, as outlined earlier. Between rival fans, particularly in the case of Real Madrid and Barcelona (and it’s link to Catalonia, of which Guardiola symbolises), it is virtually impossible to assume that fans would chant something positive (...).”*
98. Another example is the following statement of Prof. Hernández-Campoy:
- “‘[T]he chant “Guardiola, Guardiola, how thin you look, first it was drugs and we’ll see you in Chueca today” has an unequivocally offensive charge and intentionality, employing explicit and direct hate speech, as it is homophobic, discriminatory in its message with stigmatising connotations towards people with addictions as well as towards the LGTBI+ community, and whose main purpose is to insult the addressee, Mr. Guardiola, to undermine the morale of the opponent during the match, and inevitably attacks his dignity and his alleged addictions and sexual orientation.”*
99. The Panel concurs with the above statements and agrees with UEFA that the purpose of the Chant is obviously not to convey a legitimate sporting opinion or any other kind of constructive criticism, but instead to weaponise the Manager’s actual or fictional sexual orientation as a means of discredit and offence.
100. The Panel further notes that media reports of the Match were describing the Chant as, *inter alia*, “*homophobic insults*” and “*homophobic song*”, thus substantiating the perception that the Chant was of a homophobic and discriminatory nature.
101. Based on the above, and taking into consideration the context of the Chant, including the fact that the Manager used to be the manager of the FC Barcelona, i.e. the most challenging rival club of the Appellant in Spain, the Panel finds itself comfortably satisfied that

the Chant, based on *reasonable and objective onlooker* assessment can be considered as at least attempting to insult the human dignity of the Manager in a homophobic manner, which in this specific context is considered as insulting and humiliating not only to the Manager but also to the spectators in general.

102. The Panel notes in this regard that it agrees with the Parties that the Chant should never have occurred.
103. And even if the Panel appreciates that satire, provocation and criticism might be a part of the fan culture within sport, the Panel finds that the Chant is to be considered as far more serious and damaging than acceptable satire and banter. Football stadiums should be considered as a safe space, which is not the case if the spectators find themselves at risk of being exposed to such statements.
104. With regard to the magnitude of the Chant, the Panel finds itself comfortably satisfied by the evidence on file that the number of fans participating in the Chant was not only very low as submitted by the Appellant. However, the Panel notes that even if that was to be considered the case, this would not have an impact on the assessment of the violation of Article 14 of the DR.
105. Moreover, and based on the recordings submitted to the file by UEFA, the Panel finds itself comfortably satisfied that the Chant lasted more than a few seconds.
106. Finally, and for the sake of good order, the Panel finds that the concept of freedom of expression cannot validly be invoked in this case in order not to consider the Chant as an unjust violation of Article 14 of the DR.

**b) Is the sanction imposed on the Appellant for violation of Article 14 of the DR proportionate?**

107. Having answered the first in the affirmative way, the Panel now has to deal with the issue of proportionality of the sanction imposed on the Appellant for violation of Article 14 par. 2 of the DR.
108. While the Appellant, on the one hand, submits that the Appeals Body manifestly erred in its assessment of the relevant circumstances and the mitigating circumstances and thus, in determining the appropriate (and proportional) sanction, UEFA, on the other hand, submits, *inter alia*, that the Appeals Body properly exercised its wide discretion and imposed a sanction on the Appellant, which is neither evidently nor grossly disproportionate to the gravity of the offence.
109. As already set out above, Article 14 par. 2 of the DR reads as follows:

*“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.”*

110. The Appeals Body’s assessment of the evidence in this matter and application of the above-mentioned provision resulted in a fine of EUR 30,000 and a partial closure of the Appellant’s stadium“(i.e. at least 500 adjacent seats) during the next match Real Madrid C.F. will play as host club” in the Champions League tournament, however, with the stadium closure being suspended for a probationary period of two (2) years, starting from the date of the Appealed Decision.
111. As a preliminary issue, the Panel emphasises that, according to CAS jurisprudence, the measure of the sanction imposed by a disciplinary body in the exercise of the discretion allowed by the relevant rules should be reviewed with care (e.g. CAS 2018/A/6038, para. 126; CAS 2016/A/4910, para. 54).
112. Moreover, according to CAS jurisprudence, some CAS panels reassess first instance disciplinary sanctions only if they are evidently and grossly disproportionate to the offence or if a different conclusion than that of the first instance body is reached on the substantive merits of the case (cf. CAS 2017/A/5086 at para. 206, CAS 2009/A/1817 & 1844 at para. 174 with references to further CAS case law, CAS 2012/A/2762 at para. 122, CAS 2013/A/3256 at para. 572, CAS 2016/A/4643 at para. 100, CAS 2019/A/6344 at para. 501).
113. The above does not mean that the CAS’s powers are somehow formally limited. Rather, it means that – far from excluding or limiting the power of a CAS panel to review *de novo* the facts and the law of the dispute at hand (pursuant to Article R57 of the CAS Code) – a CAS panel should tend to pay respect to a fully-reasoned decision and should not easily “tinker” with a well-reasoned sanction, not considering it proper to just slightly adjust the measure of the sanction (cf. CAS 2015/A/3875 at para. 109, CAS 2011/A/2645 at para. 94, CAS 2011/A/2515 at paras. 66-68; CAS 2011/A/2518 at para. 10.7, CAS 2010/A/2283 at para. 14.36).
114. In other words - according to one current of CAS precedent – CAS panels should defer to the sanction imposed by first instance bodies where the same conclusion is reached on the substantive merits of case, so long as the sanction imposed is not evidently or grossly disproportionate.
115. The Panel appreciates, however, that some CAS Panels have applied a lower threshold of review: “[t]here is well-recognized CAS jurisprudence to the effect that whenever an association uses its discretion to impose a sanction, CAS will have regard to that association’s expertise but, if having done so, the CAS panel considers nonetheless that the sanction is disproportionate, it must, given its *de novo* powers of review, be free to say so and apply the appropriate sanction” (see CAS 2022/A/9053, para 274). Similarly, in yet another CAS decision, the panel stated that the jurisprudence according to which the

- CAS should reassess sanctions only if they are evidently and grossly disproportionate to the offence “*should be interpreted (and applied) with care*” since the CAS’s “*powers to review the facts and the law of the case are neither excluded nor limited*” (see CAS 2018/A/5808).
116. In any event, and as set out below, regardless of whether this Panel’s standard of review to justify amending the FIFA DRC sanction set out in the Appealed Decision is that it was “*evidently and grossly disproportionate*” or “*disproportionate*”, the outcome would be the same.
117. The Panel further notes that pursuant to Article 23 of the DR, the Appeals Body had to determine “*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.*”
118. Moreover, the Panel notes that Article 14 par. 2 of the DR sets out a minimum sanction in case of violation of the said provision: “*a minimum of a fine and either a partial stadium closure or a ban from selling tickets to its away supporters*”.
119. In the Appealed Decision, the Appeals Body recalled that UEFA has a strict approach towards discriminatory incidents that occur within the realm of its competitions and that messages such as these conveyed in the Chant have no place in football, nor can they be tolerated in society in general and that the Chant was made by a large group of people in the stadium.
120. However, the Appeals Body, while making reference to Article 25 of the DR, also acknowledged that the Appellant has not been punished for violating Article 14 par. 2 within the past two year.
121. Based on the above, and since no further mitigating circumstances were considered, the Appeals Body considered the imposed sanction to be appropriate.
122. Turning to its assessment of the imposed sanction, the Panel notes that even if earlier CAS rulings can be a useful guide, each case must be decided on its own merits and “*although consistency of sanctions is a virtue, correctness remains a higher one; otherwise unduly lenient (or, indeed, unduly severe) sanctions may set a wrong benchmark inimical to the interests of sport*” (see CAS 2011/A/2518, para 10.23, see also CAS 2019/A/6344).
123. Moreover, there is no “*standard*” sanction to be found for a violation of Article 14 par. 2 of the DR. While cases with similar factual or evidentiary circumstances might be heard and decided on, and perhaps allow for future panels to consider and be guided by the sanctions imposed in those similar circumstances, ultimately, given what can only be described as the inherently unique and varying nature of many Article 14 par. 2 DR violations, like the one in this case, each individual matter will need to be determined on its face.

124. Turning to the case in question, the Panel initially notes that it does not concur with the Appellant's submission that it can be derived from the fact that the Chant was not included in neither the official Match Report nor the official Referee's Report that the Chant did not constitute a serious violation of Article 14 par. 2 of the DR.
125. On the contrary, and as discussed above, the Panel is of the opinion that the Chant was of a severe discriminatory nature which lasted more than a few seconds as originally submitted by the Appellant and that there is no place for such conduct, neither in the world of football nor in the world at large.
126. The fact that the Manager apparently did not react visibly to the Chant does not change the circumstance that the Chant is to be considered a severe discriminatory act in violation of Article 14 par. 2 of the DR even if, as submitted – but not proven – by the Appellant, it was only committed by a smaller group of its fans.
127. The Panel further notes that the sanction imposed by the Appeals Body is in line with the possible sanctions set out in Article 14 par. 2 of the DR and that the partial closure of a part of the Appellant's stadium was even suspended for a probationary period of two (2) years, starting from the date of the Appealed Decision.
128. Pursuant to the Appealed Decision, such a suspension was based on the fact that the Appellant has not been punished for violating Article 14 par. 2 within the last two years.
129. Moreover, the Panel notes that the imposed partial closure of a part of the Appellant's stadium only concerns 500 seats in a stadium with a capacity of more than 80,000 spectators and that the imposed fine of EUR 30,000 does not appear to be very high, not least compared to the financial advantages the Appellant is gaining from its successful participation in the UEFA Champions League.
130. In this regard, the Panel agrees with UEFA that sanctions must serve not only a punitive but also a preventive and deterrent function.
131. With regard to the additional alleged mitigating circumstances as submitted by the Appellant, the Panel does not find a sufficient basis for any reduction of the imposed sanction, nor does the Panel find a sufficient basis for concluding that the Appellant has been treated in a harsher manner than other clubs.
132. As such, and based on the above, the Panel neither finds that the sanction imposed on the Appellant in the Appealed Decision is to be considered disproportionate to the severe discriminatory violation of the Article 14 par. 2 of the DR by a group of the Appellant's fans, nor that it is to be reduced for any other reasons.
133. Based on the above, the Appellant's appeal is dismissed, and the Appealed Decision is confirmed.

**IX. Costs**

(...)

## **ON THESE GROUNDS**

### **The Court of Arbitration for Sport rules that:**

1. The appeal filed on 14 March 2025 by Real Madrid Club de Fútbol against the decision rendered by the UEFA Appeals Body on 28 February 2025 is dismissed.
2. The decision rendered by the UEFA Appeals Body on 28 February 2025 is confirmed.
3. (...).
4. (...).
5. All other motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

Date: 14 April 2026

## **THE COURT OF ARBITRATION FOR SPORT**

Lars Hilliger  
President of the Panel

Daniel Cravo  
Arbitrator

András Gurovits  
Arbitrator