CAS 2024/A/11045 Football Federation of Kosovo v. Romanian Football Federation & UEFA

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Mr. Jordi López Batet, Attorney-at-law in Barcelona, Spain

Arbitrators: Prof. Philippe J. Sands KC, Professor of Law and Barrister in London, United Kingdom

Mr. Omar Ongaro, Legal Counsel in Dübendorf, Switzerland

in the arbitration between

Football Federation of Kosovo, Pristina, Republic of Kosovo

Represented by Mr. Salvatore Civale, Nocera Inferiore, Italy and Mr. Daniele Muscarà, Rome, Italy

-Appellant-

and

Union des Associations Européennes de Football (UEFA), Nyon, Switzerland

Represented by Mr. Emanuel Cortada and Mr. Jonáš Gürtler, Bär & Karrer AG, Zurich, Switzerland

- Respondent 1-

Romanian Football Federation

Represented by Mr. Adrian Stangaciu, Head of RFF Legal Department and Mr. Paul F. Ciucur, Attorney-at-law, Bucharest, Romania

- Respondent 2-

I. PARTIES

1. The Football Federation of Kosovo (the "FFK" or the "Appellant") is the national governing body of football in Kosovo, with its registered office in Pristina, Kosovo. The FFK is affiliated to the Union des Associations Européennes de Football and to the Fédération Internationale de Football Association ("FIFA").

2. Union des Associations Européennes de Football ("UEFA" or the "First Respondent") is the football confederation governing the sport of football in Europe with seat in Nyon, Switzerland, and is the organizer of the UEFA Nations League 2025 tournament.

3. The Romanian Football Federation (the "RFF" or the "Second Respondent") is the national governing body of football in Romania, with its registered office in Bucharest, Romania. The RFF is affiliated to the UEFA and FIFA.

4. The FFK, UEFA and the RFF will be hereinafter jointly referred to as the "Parties", and UEFA and the RFF will be hereinafter jointly referred to as the "Respondents".

II. BACKGROUND FACTS AND THE PROCEEDINGS BEFORE THE UEFA APPEALS BODY

5. Below is a summary of the relevant facts and allegations based on the Parties' written and oral submissions. Additional facts and allegations found in the Parties' 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, it refers in its Award only to the submissions and evidence it considers necessary to explain its reasoning.

6. On 15 November 2024, a football match between the Romanian national team and the Kosovo national team took place in the National Arena Stadium in Bucharest, as part of the UEFA Nations League 2025 tournament (the "Match").

7. As the Match was about to be completed, the players of the Kosovo national team left the pitch in the face of what they considered to be inappropriate chants by some of the Romanian fans, and an alleged failure by the referee to act in relation to those chants. Following efforts by the referee and the UEFA Match Delegate to allow the game to continue, the Kosovo players decided not to return to the pitch and the referee ended the Match early.

8. After the Match, the referee, the UEFA Match Delegate and the UEFA Security Officer submitted their respective reports.

9. The Match referee´s report contained, inter alia, the following:

"After a mass confrontation in the 90+2 minute, the Kosovo players left the field of play, after Romanian fans were chanting "Serbia! Serbia! Serbia!"."

Just before leaving the field of play, one Kosovo player (number 15, Mergin Vojvoda) and one Kosovo team official showed gestures of an eagle.

The Kosovo players went to their dressing room. After several attempts made by the referee team and by the UEFA Delegate to restart the match, the Kosovo players refused to reenter the field of play. In the end, they were given a five minutes deadline to reenter the pitch, but they still refused to play the match.

After these five minutes, they got another two minutes deadline to reconsider their decision and they still refused to play the match.

I (the referee) went to the field of play, with 11 Romanian players on the pitch, restarted the match and immediately whistled the end of the match"

10. The UEFA Match Delegate made inter alia the following observations in his report:

"[…] Crowd behaviour (home team) – controversial banner or chanting, disturbances during a national anthem, etc.: [Issue(s) identified]

Before kick off, when Kosovo anthem was played, Romanian supporters started booing and whistling to the national anthem of Kosovo.) […]

Discriminatory behaviour (home team) - banners, chanting, etc.: [yes]

- Away match manager [...] reported to me after the match that he and Kosovo players heard chanting by Romanian supporters: "... not only Serbia, Serbia, but also Kosovo is Serbia" around 10 minutes before end of the match. I did not personally hear the chanting "Kosovo is Serbia" but only "Serbia, Serbia...". I asked the referee and Security officer if they had heard chanting "Kosovo is Serbia" and they confirmed that they "had not but only "Serbia, Serbia...", which was the reason for Kosovo players to leave the pitch and refuse to finish the match and play remaining 2 minutes (his complete statement to be sent in the additional report)
- Away MM reported to me after the match that Kosovo flag was put on fire. I saw the photo in his telephone but I have not received it. He was not sure where it was burnt of if it was burnt in the stands or outside the stadium. […]

Conduct of teams – players and officials (away team) [Issue(s) identified]

- Kosovo players left the pitch at 90 +2 min because of chanting by Romanian supporters "Serbia, Serbia..." and refused to resume the match and play remaining 2 minutes.

- I was informed by referee team that 1 Kosovo player and 1 official showed the form of an eagle made by 2 hands, which could be discriminatory behaviour, when leaving the pitch and refusing to finish it.

Further details to follow in an additional report (within 24 hours after the match)? To be uploaded on TIME MPF Disciplinary evidence menu [yes]

- Report about the situation causing Kosovo players leave the pitch and refuse to play the remaining 2 minutes to finish the match, trying to persuade Kosovo players resume the match.

- Statement by Away MM Bajram Shala with his complaint about not implementing the 3-step procedure for racist behaviour.

Any further comments from the Referee Team?: [yes]

- Kosovo players decided to leave the pitch at 90 + 2 minutes after chanting by Romanian fans, mainly from the South stand, "Serbia, Serbia..." The referee heard this chanting but did not hear any discriminatory chanting "Kosovo is Serbia". He tried to persuade Kosovo players and team captain several times to stay on the pitch and finish the match and remaining 2 minutes, but they refused.

- I was also informed by referee team that 1 Kosovo player and 1 official showed the form of an eagle made by 2 hands, which could be discriminatory behaviour, when leaving the pitch and refusing to finish it."

11. The UEFA Match Delegate additional report also recorded the following incident in the Match:

"When the referee awarded a free kick for Romania, Romanian supporters started chanting "Serbia, Serbia…". Kosovo players decided to leave the pitch protesting against "racist behaviour by home supporters", as they claimed after the match. The referee tried to speak to the captain of Kosovo several times and tried to persuade Kosovo players stay on the pitch and finish the match. They refused and left for the dressing rooms.

I met the referee, SO, home and away MMs, home and away security officers, away team's president, GS, and asked them for explanation of the players' decision to leave the field of play. Away MM explained that the players decided to do so because the referee did not implement the 1st step procedure for racist behaviour of home fans. His explanation of racist behaviour was chanting by numerous home fans "Serbia, Serbia…". After around 40 minutes, the AMM told me that smaller groups of Romanian fans also chanted "Kosovo is Serbia…".

I personally heard Romanian fans chanting "Serbia, Serbia…" but not "Kosovo is Serbia".

I kept trying to persuade Kosovo staff, together with SO, to come back onto the field, presented them possible consequences of their decision, but it did not help.

As Kosovo players left the pitch at 23.43, I proposed the referee to give them some time to change the decision and return to the pitch. I received promise by Kosovo coach that they would come back but to give them several more minutes to discuss in the dressing rooms.

In the meantime, Romanian players stayed on the pitch and were waiting for Kosovo players to come back.

At some point, around half an hour after leaving the pitch, I was told by Kosovo MM that their players had accepted to return to the pitch but they received some videos from the stands, probably by media representatives, that Romanian supporters started chanting "Kosovo is Serbia" while they were in the dressing rooms.

Then, they decided not to go back.

I went out of the dressing rooms area onto the pitch to check such chanting, as requested by Kosovo GS, but at the moment we entered the field of play, no chanting was heard.

At around 00.40, the referee met both teams' captains and team managers and told them they had 5 minutes to come back onto the field, after which he will either resume the match or make the final whistle.

After around 3 minutes, Kosovo players started leaving dressing rooms and the stadium and went onto their bus to finally abandon the match. The referee made the final whistle at 00.51.

Statement by AMM [Away Match Manager]:

After the match was finally abandoned, I and SO had a meeting with AMM. He asked me to pass his statements to UEFA:

"Kosovo captain told the referee 3 times around 10 minutes before end of the match to stop the match because of chants by Romanian fans "Serbia, Serbia…". He asked the referee to start the 3-step procedure because of not only "Serbia, Serbia…" but also for chanting by smaller groups "Kosovo is Serbia. The referee did not take any steps about it. After a long discussion with players, we convinced them to continue the match. When they accepted and were ready to continue, they received videos of chants "Kosovo is Serbia", chanted during the time they were in the dressing rooms.

At that moment, it was clear it was impossible to continue the match because the basic values of UEFA, such as Respect, were not respected, but furthermore, it was clear racist behaviour for the 2nd time in the same stadium in one year.

And for us, it is not possible to participate in a match where sovereignty and independence of the state we represent is put in question, even though we are an equal member of UEFA.

For us, question of existence of our country and our nationality is more than racist behaviour. It goes to the discrimination.

Our flag was burnt and after the press conference, one journalist attacked physically our player in front of all media representatives".

12. The UEFA Security Officer's report recorded inter alia the following:

"Were there any incidents during the match phase? [yes]

Home fans:KO-2' Real time 21:43 hrs During the National Anthem of Kosovo home fans were whistling. KO + 48 ' 22:52 hrs1 strobo light in the South stand, home fans. Not thrown, no impact to the match. KO+ 93 ' 1 smoke bomb, South stand, home fans. Not thrown, no impact to the match. At KO + 93 (Real time 23:43 hrs the Kosovo players left the pitch and went to the dressing room. Before that at KO + 91 ' a foul happened near the penalty area of Kosovo. The players got in stress about that, they crowded and a discussion started. At that time I heard ROM supporters from the South Stand chanting: Serbia, Serbia. That was the reason for the KOS

players to leave the pitch and to go to the dressing room. A long discussion was the result (more than 1 hour). Obviously the Team Manager of KOS and other KOS officials wanted to convince the players to return and finish the match. That was successful but before the players wanted to return, they received some videos from outside with chants Kosovo is Serbia chanted by ROM supporters in the bowl. Now the refused to return. The referee gave them 5 minutes to decide, otherwise he would abandon the match (in the meantime after more than 1 hour). The KOS players left the dressing room and went to the bus, they left the stadium. So the referee abandoned the match at 00:51 hrs. The Delegate was in permanent touch with UEFA Match Ops, I was in touch with the Safety and Security unit. While the discussion was going on, the stadium became more and more empty. At the end only some Ultras in the South Stand and some supporters in the Main Stand remained in the stadium. During the debriefing the team manager of KOS told me and the Delegate, that a KOS player was physically attacked in the mixed zone by a journalist. I did not see that and I have no evidence about that.

[…]

Any other comments on safety and security performance? [yes]

During the MDOM the KOS delegation insisted, that in case of banners or chants which deny the independence of the Kosovo State, the referee should immediately stop the match to activate step one of the three step procedure. The KOS party argued, such banners or chants would be definitively a racist act. Mr. Delegate and I argued, that this point of view is their point of view, other points of view are possible. The KOS representatives did not accept that. Mr. Delegate got in contact with Match OPS. The answer from Nyon was clear. Such a message (e.g. Kosovo is Serbia) is not acceptable, but it is a political message, not a racist insult. We had a briefing with the referees and representatives of both FA's prior to the KO and explained the situation. I made it clear: The only one who decides to stop the match because of a non-sportive incident is the referee. The one who decides to activate the three step procedure is the referee".

13. On 16 November 2024, the Appellant was informed of the opening of disciplinary proceedings against it for the potential violation of Article 27(1) and (4) of the UEFA Disciplinary Regulations ("UEFA DR"). This was in conjunction with Article 25.01 of the Regulations of the UEFA Nations League 2024/25 – "UNLR" - (i.e. refusal to play), and Article 15(4) UEFA DR (i.e. improper conduct of the team).

14. Upon consideration of the case file, and after having heard the FFK on the alleged violations referred to above, on 20 November 2024 the UEFA Appeals Body issued the following decision, which was notified to the Appellant on 21 November 2024 (the "Appealed Decision"):

"1. To declare the UEFA Nations League 2025 match between the representative teams of the Romanian Football Federation and the Football Federation of Kosovo, that was played on 15 November 2024, as forfeited by the Football Federation of Kosovo (who is therefore deemed to have lost the match 3-0) for being responsible for the match not being played in full (as provided for in Article 25.01 Regulations of the UEFA Nations League).

2. To fine the Football Federation of Kosovo €6,000 for the improper conduct of its team.

3. The above fine must be paid into the bank account indicated below within 90 days of communication of this decision."

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

15. On 1 December 2024, the FFK filed a Statement of Appeal with the Court of Arbitration for Sport (the "CAS") against UEFA in respect of the Appealed Decision, in accordance with Articles R47 and R48 of the CAS Code of Sports-related Arbitration (the "CAS Code"), with the following prayers for relief:

"3.1.1. The appellant respectfully requests:

3.1.1.1. to annul the UEFA Appeals Body Decision, only point (1) "declared the UEFA Nations League 2025 match between the representative teams of the Romanian Football Federation and the Football Federation of Kosovo, that was played on 15 November 2024, as forfeited by the Football Federation of Kosovo (who is therefore deemed to have lost the match 3-0) for being responsible for the match not being played in full (as provided for in Article 25.01 Regulations of the UEFA Nations League)"; and

3.1.1.2. decides (sic) and declare that FFK did not forfeit the match between Romania and Kosovo, FFK is not responsible for the match not being played in full, due to the discriminatory, racists, xenophobe behaviors caused by the Romanian team and supporters, hold the Romanian Football Federation as the responsible team for forfeiting the match (match not being played in full) in accordance with Article 25.01 of the Regulations UEFA Nations Leage, and declare the match 3-0 in favor of Kosovo.".

16. On 5 December 2024, the CAS Court Office acknowledged receipt of the Statement of Appeal filed by the FFK, invited the Appellant to file the Appeal Brief and invited UEFA to comment, *inter alia*, on the Appellant's proposal to refer the matter to a sole arbitrator.

17. On 11 December 2024, UEFA requested that the case be referred to a three-member arbitration panel.

18. Also on 11 December 2024, the CAS Court Office informed the FFK and UEFA that the RFF had submitted a request to intervene in these proceedings and invited the FFK and UEFA to express their position on such request.

19. On 13 December 2024, the Appellant (i) agreed to the case being submitted to a panel of three arbitrators, (ii) did not object to the intervention of the RFF in the proceedings, (iii) informed that it had submitted a request to intervene in the CAS proceedings 2024/A/11058 in which the RFF and UEFA were parties and (iv) expressed its opinion that the two proceedings should be resolved by the same CAS panel.

20. On 17 December 2024, the Appellant nominated Prof. Philippe J. Sands KC as arbitrator in this case.

21. On 20 December 2024, UEFA communicated to the CAS Court Office that it had no objection to the participation of the RFF in these proceedings.

22. On 23 December 2024, the CAS Court Office communicated to the FFK and UEFA that in light of their agreement in such respect, the RFF would become a party to these proceedings.

23. Also on 23 December 2024, UEFA nominated Mr. Omar Ongaro as arbitrator in these proceedings.

24. On 27 December 2024, the CAS Court Office invited the RFF to inform them whether it agreed to the nomination of Mr. Ongaro as an arbitrator for the Respondents, and that failure to object to such appointment would be deemed as an agreement.

25. On 30 December 2024, the Appellant submitted its Appeal Brief with the following request for relief:

"Mainly and Preliminarily:

(a) To declare that the CAS has jurisdiction to hear this matter;

(b) The Appeal filed by the Football Federation of Kosovo against the UEFA Decision dated 20 November 2024 is upheld, and consequently the decision is set aside;

(c) The UEFA Nations League 2025 match played between the Romania and Kosovo national teams on 15 November 2024 shall be deemed to have been forfeited by the Romanian Football Federation by the score of 0:3;.

Alternatively:

d) The UEFA Nations League 2025 match played between the Romania and Kosovo national teams on 15 November 2024 shall be validated with the result of 0:0, that was the result at time of the suspension; or

(e) the match shall be restarted from the minute of suspension by the result of 0:0 without spectators; or

(f) the match shall be fully re-played without spectator;

Or, on a further subsidiary basis:

(g) considering a shared responsibility of both the national associations, the match result will be fixed by the Panel in the result of 0-0.;

(h) adopt any other decision the Panel consider fits to the case at stake considering its specific circumstances."

26. In the Appeal Brief, the Appellant made the following request for production of documents:

"108. The Appellant has already addressed a request to UEFA requesting to disclose the entire documentation – case file of the disciplinary proceedings related to the match played between Romania and Kosovo.

109. At date of today, UEFA has not replied to such a request and since the Appellant has recently granted the power of representation to a new counsel if of utmost importance in order to safeguard his right to be heard to provide him with the entire documentation supporting the decisions under appeal.

110. Therefore, the Appellant respectfully request the Panel to order the Respondent to disclose such a documentation, i.e the entire case file of the proceedings against both Kosovo and Romania.

111. Moreover, in the unlucky case that the Appellant is not admitted in the proceedings "CAS 2024/A/11058 The Romanian Football Federation v. UEFA" as interventing party, the Appellant requires the honourable Panel to order the disclosed of the submissions of the Parties in such a proceeding."

27. On 30 January 2025, the RFF submitted its Answer to the Appeal Brief, with the following request for relief:

"A. to dismiss the Appeal and, consequently, to maintain and leave the challenged decision undisturbed regarding the following solution: to declare the UEFA Nations League 2025 match between the representative teams of the Romanian Football Federation and the Football Federation of Kosovo, that was played on 15 November 2024, as forfeited by the Football Federation of Kosovo (who is therefore deemed to have lost the match 3-0) for being responsible for the match not being played in full;

B. to order the Appellant to pay all costs, expenses and a contribution to the legal fees relating to the arbitration proceedings before CAS encumbered by the First Respondent".

28. On 3 February 2025, UEFA submitted its Answer to the Appeal Brief, with the following request for relief:

"162 In view of the above, UEFA respectfully requests the Honourable CAS:

(i) To reject the appeal of Appellant in the proceedings CAS 2024/A/11045 Football Federation of Kosovo v. Romanian Football Federation & 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."

29. On 4 February 2025, the CAS Court Office invited the Parties to inform them whether they wanted a hearing and a case management conference being held in these proceedings.

30. Also on 4 February 2025, the RFF communicated to the CAS Court Office that neither a hearing nor a case management conference was necessary. UEFA expressed the same view in its letter of 4 February 2025.

31. On 6 February 2025, the FFK requested a hearing and a case management conference to be held in this case.

32. On 12 February 2025, pursuant to Article R54 of the CAS Code, and on behalf of the President of the CAS Appeals Arbitration Division, the CAS Court Office informed the Parties that the Panel appointed to decide the present matter was constituted as follows:

President:	Mr. Jordi López Batet, Attorney-at-Law, Barcelona, Spain
Arbitrators:	Prof. Philippe J. Sands KC, Professor of Law and Barrister, London
	Mr. Omar Ongaro, Legal Counsel, Dübendorf, Switzerland

33. On 14 February 2025, the RFF requested the CAS Court Office to request the Appellant to submit evidence concerning certain footage filed with its Appeal Brief.

34. On 17 February 2025, the FFK submitted its comments and some enclosures with respect to RFF's request of 14 February 2025.

35. On 18 February 2025, the Parties were informed by the CAS Court Office that (i) the Panel had decided to hold a hearing in this case and (ii) the request for production of documents made by the Appellant was denied. Additionally, the Appellant was invited to identify the topics it intended to tackle in a potential case management conference, which the Appellant did on 20 February 2025, leaving it to the Panel to decide whether to schedule such conference or not.

36. On 3 (UEFA) and 5 March 2025 (the FFK and the RFF), the Parties sent to the CAS Court Office the Orders of Procedure respectively signed by them.

37. On 23 March 2025, the Appellant filed before the CAS Court Office, and requested the Panel to admit to the case file, the referee's report of the match played between the national teams of Romania and Kosovo on 12 September 2023.

38. On 24 March 2025, the hearing was held in the CAS Headquarters in Lausanne. The Panel, Mr. Andrés Redondo Oshur, CAS Counsel, and the following persons attended the hearing:

- For the Appellant:
  - Avv. Daniele Muscarà – Counsel
  - Avv. Salvatore Civale – Counsel
  - Mr. Amir Rrahmani – Witness (by videoconference)
  - Mr. Bajram Shala – Witness

- For the UEFA:
  - Mr. Martin Bauer – UEFA Integrity & Regulatory
  - Mr. Emanuel Cortada – Counsel
  - Mr. Jonáš Gürtler – Counsel

- For the RFF:
  - Mr. Adrian Stangaciu – Head of Legal for the RFF
  - Mr. Paul Ciucur – Counsel

39. At the outset of the hearing, the Parties confirmed that they had no objections with regard to the constitution and composition of the Panel.

40. As a preliminary issue, the Panel invited the Respondents to comment on the admission of the document requested to be filed by the Appellant the day before. Both Respondents agreed to the admission of such document provided that UEFA could be authorised to file the UEFA Security Officer report on the match played between Romania and Kosovo on 12 September 2023. The Appellant agreed to this condition.

41. Accordingly, the Panel decided to accept both the document produced by the Appellant with its correspondence of 23 March 2025 and the UEFA Security Officer report referred to above, which was produced by UEFA at the hearing. The Parties then made their opening statements, the witnesses were examined, and the Parties made their respective closing statements, with rebuttal. At the end of the hearing all the Parties confirmed that they did not have any objections with respect to the procedure and that their rights to be heard and to be treated equally had been duly respected.

IV. SUBMISSIONS OF THE PARTIES

42. The following summary of the Parties' positions is for illustrative purposes only and does not necessarily comprise each contention put forward by them. However, in considering and deciding upon the Parties' claims, the Panel has carefully considered all the submissions made and the evidence adduced by the Parties, even if there is no specific reference to those submissions in this section of the Award or in the legal analysis that follows.

A. The Appellant

43. The Appellant's position may be summarised as follows:

- The Appealed Decision failed to properly consider the evidence brought to the proceedings, misapplied the relevant regulations and disregarded procedural requirements for handling discriminatory incidents during UEFA matches, and shall thus be set aside in what concerns the Match forfeit.

- Based on Article 14 (3) UEFA DR, the RFF shall be properly sanctioned for the racist and discriminatory behaviour of its supporters chanting "Kosovo is Serbia" at the Match, with the Match being deemed forfeited by the RFF by the score of 0:3. It was not the first time a conduct of that kind took place: in the last two years, the national team of Kosovo has played against the national team of Romania several times, and has been discriminated on every occasion, with the RFF being sanctioned for this.

- The Appellant is not responsible for the Match not being played in its entirety, as the Kosovo national team was forced to leave the pitch due to the chants of the Romanian supporters and the hostile environment created. The Kosovo's team

captain warned the referee several times about the situation and asked him to activate the 3-step protocol for racist behaviour established in the UEFA regulations, but the referee simply ignored him. In addition, when the players considered returning to the field of play, they were shown videos of racist chants and the burning of the Kosovo flag, which made it impossible to continue the Match.

- Kosovo national team's conduct cannot be thus qualified as a refusal to play, given the circumstances of the case. Other post-match actions confirmed the impossibility to play in such a hostile environment.

- Alternatively, should the Panel not be convinced that the RFF is solely responsible for the forfeit, the Appellant contends that a fair and reasonable solution on the Match's outcome should be found different from the Match forfeit. A Panel's decision removing the Match forfeit would have anyhow no effect on the UEFA Nations League tournament, given that Romania would not lose the first position in the group.

B. The First Respondent

44. UEFA's position may be summarised as follows:

- By refusing to play the Match, the Appellant disrespected the referee, the opposing team and the fans, and should be declared solely responsible for the Match not being played in its entirety.

- The events that occurred during the Match were far from the intolerable and outrageous acts of violence that CAS jurisprudence recognises as a valid reason for stopping a Match. The Appellant drew incorrect conclusions from the CAS jurisprudence and referred to cases with completely different circumstances, where the players were brutally attacked, punched and physically harmed on the field by supporters of the opposing team. The circumstances of the present case do not suggest a similar misconduct: professional players cannot leave the pitch simply because of confrontational chanting from the crowd.

- The Appellant's allegation of the chanting "Kosovo is Serbia" by the Romanian supporters is not endorsed by any evidence. Only "Serbia, Serbia" chants were heard. Pro-Serbia chants "Serbia, Serbia" and banners are unacceptable, but they do not constitute a racist act, and in any event the RFF has been already sanctioned for the "Serbia, Serbia" chants in a different disciplinary procedure. Therefore, there was no legal basis for invoking the activation of the 3-step protocol in the Match as claimed by the Appellant, as it only applies to racist chanting. Moreover, even if this protocol were to be applied, quod non, it stipulates the sole competence of the referee regarding the match stoppage.

- The Kosovo players were given sufficient time to reconsider their decision to abandon the Match but decided not to return to the pitch, so the FFK shall bear the consequences of such decision.

- As to the determination of the sanction, the UEFA Appeals Body imposed the only sanction available under the automatic sanction mechanism laid down in the UEFA regulations for this kind of conducts. In any event and even if the proportionality test were to apply herein, the sanction is in any case proportionate: given the seriousness of the infringement, a lesser sanction would not have a dissuasive effect.

C. The Second Respondent

45. The RFF's position may be summarised as follows:

- The RFF made every effort to ensure the best possible security conditions, taking due account of the previous history of matches between representative teams of the FFK and the RFF, including the involvement of several authorities, public institutions and security companies, as well as the adoption of the action plan.

- Contrary to the Appellant's assertions, the RFF made several public announcements before the Match and at half-time aimed at raising awareness of the consequences of possible incidents.

- The FFK players provoked the home supporters, and Kosovo's supporters also booed the Romanian anthem and insulted Romanian players, officials and fans. The Kosovo supporters also threw objects at the Romanian players.

- This case does not concern the actions of the RFF supporters, which have been already considered by UEFA in the course of separate disciplinary proceedings.

- The allegations with respect to chants "Kosovo is Serbia" are unfounded as the occurrence of these chants is unproven, while the chanting of "Serbia, Serbia" is not a discriminatory message and was only chanted in response to the provocative gestures made by Kosovo's players.

- The RFF supporters did not take any action against the opposing team, except before the Match when their anthem was booed in response to similar treatment received during the previous match between Romania and Kosovo.

V. JURISDICTION

46. Article R47 of the CAS Code provides, in the pertinent part, the following:

"*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."

47. Article 62 (1) of the UEFA Statutes reads as follows:

"*Article 62*

1 Any decision taken by a UEFA organ may be disputed exclusively before the CAS in its capacity as an appeals arbitration body, to the exclusion of any ordinary court or any other court of arbitration."

48. None of the Parties has contested the jurisdiction of the CAS in the present matter. On the contrary, the Parties confirmed the jurisdiction of the CAS by signing their respective Order of Procedure.

49. In light of the abovementioned provisions, the Panel concludes that it has jurisdiction to adjudicate the present dispute.

VI. ADMISSIBILITY

50. Article R49 of the CAS Code provides as follows:

"*In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. The Division President shall not initiate a procedure if the statement of appeal is, on its face, late and shall so notify the person who filed the document.*"

51. The Panel notes that according to Article 62 (3) of the UEFA Statutes, the time limit for the appeal of UEFA decisions to the CAS is ten (10) days from the receipt of the decision.

52. In the present case, the Appealed Decision was communicated to the Appellant on 21 November 2024 and the Appellant lodged its appeal with CAS on 1 December 2024. Therefore, the Statement of Appeal was filed within the ten (10) days' time limit set forth by Article 62 (3) of the UEFA Statutes. The Appellant also complied with the requirements of Articles R48 and R65.2 of the CAS Code.

53. The Respondents have not contested the admissibility of the appeal.

54. It follows that the appeal is admissible.

VII. APPLICABLE LAW

55. Article R58 of the CAS Code reads 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.*"

56. The appeal is directed against a decision issued by the UEFA Appeals Body, which sanctioned the FFK based on the provisions of the UEFA DR and the UNLR.

57. Article 63(2) and 64 of the UEFA Statutes state the following:

"Procedure and Applicable Law

2 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."

58. The Parties have referred to the UEFA DR and the UNLR in their submissions in order to hold their respective positions.

59. Based on the aforementioned, the Panel shall apply the UEFA regulations, including the UEFA DR and the UNLR, and if and as required, Swiss law to resolve this dispute.

VIII. PRELIMINARY ISSUE: THE APPELLANT'S REQUEST FOR PRODUCTION OF DOCUMENTS

60. Before addressing the merits of the case, the Panel shall provide the grounds for its decision to deny the request for production of documents made by the Appellant in its Appeal Brief, as announced in the CAS Court Office letter of 18 February 2025.

61. The Appellant requested the Panel to order UEFA to produce the entire case file of the proceedings against both the FFK and the RFF concerning the Match, and in case the FFK was not admitted intervening in the proceedings CAS proceedings 2024/A/11058, it requested the production of the parties' submissions in such proceedings.

62. The Panel notes that the Respondents opposed to the production of such documents to the present proceedings.

63. In accordance with Article R44.3 of the CAS Code, a party seeking the production of documents shall demonstrate that such documents are likely to exist and to be relevant.

64. With regard to the request for the production of the "entire case file of the proceedings" at UEFA against the FFK, the Panel notes that the FFK was a party to such proceedings, so it should already have all the case file, and if something specific was missing, it should have asked for it, which it failed to do.

65. Concerning the request for the production of the "entire case file of the proceedings" at UEFA against the RFF, the Panel shall stress that the UEFA - and CAS - proceedings between UEFA and the RFF for the incidents occurred in the Match have to do with two violations of the UEFA DR (Articles 14 and 16 (2)) that are different from those that are attributed to the FFK in the UEFA proceedings that gave rise to this appeal (article 27 UEFA DR and 25.01 UNLR). Therefore, the Panel fails to see, and the Appellant failed to duly establish, the relevance to the present case of that which is being addressed in another procedure, involving a different party and based on different alleged violations.

66. The fact that the FFK was not authorised to intervene in the CAS proceedings 2024/A/11058 does not affect the considerations referred to above by the Panel on the Appellant's failure to establish the relevance to the case of the documents requested.

IX. MERITS

A. Scope of the appeal

67. The Panel first points out, for the sake of clarity, that while the Appellant has requested in its Appeal Brief that "*the decision is set aside*", it also confirmed in the same Appeal Brief that point 2 of the operative part of the Appealed Decision (i.e. the fine imposed for improper conduct of the team) "*is not under appeal*".

68. Accordingly, the Panel's analysis is focused only on point 1 of the Appealed Decision's operative part and its related reasoning.

69. It follows that the dispute which is the object of this appeal may be briefly summarised as follows:

- The Appellant considers that (i) the RFF shall be sanctioned with the forfeiting of the Match due to racist and discriminatory behaviour by its supporters, and (ii) the pertinent sanction imposed on the FFK in the Appealed Decision shall be annulled as it was the RFF - not the FFK - that should be held to be responsible for the Match not having been played in full; subsidiarily, the Appellant requests that less stringent measures that differ from Match forfeit are adopted by the Panel.

- The Respondents hold that the FFK is responsible for the Match not having been played in full and request that the Appealed Decision shall be confirmed.

B. The Appellant's main petition

70. As mentioned above, the Appellant's main petition in its Appeal Brief reads as follows:

"(b) The Appeal filed by the Football Federation of Kosovo against the UEFA Decision dated 20 November 2024 is upheld, and consequently the decision is set aside;

(c) The UEFA Nations League 2025 match played between the Romania and Kosovo national teams on 15 November 2024 shall be deemed to have been forfeited by the Romanian Football Federation by the score of 0:3;".

71. In essence, the Appellant argues that: (i) Article 14(3) UEFA DR enables UEFA disciplinary bodies to impose disciplinary measures (including the forfeiture of a match) on member associations in case of racist behaviour by its supporters; (ii) the Romanian supporters chanted "*Kosovo is Serbia*" at the Match and this should be treated as racist/discriminatory chanting; and (iii) in any event, it was the RFF, and not the FFK, that was responsible for the Match not having been played in full.

72. The Panel will separately address and analyse the Appellant's arguments.

73. With regard to the alleged racist behaviour of the Romanian supporters by chanting "*Kosovo is Serbia*", on the basis of a careful consideration of the evidence before it, the Panel concludes that the Appellant has not established that chants of "*Kosovo is Serbia*" were made in the course of the Match.

74. It is not disputed in this case that during the Match the Romanian supporters chanted "*Serbia, Serbia*", and that this led UEFA to start disciplinary proceedings against the RFF for unacceptable behaviour and for the imposition of sanctions. However, none of the videos or other evidence in the file reveal that chants of "*Kosovo is Serbia*" took place. Indeed, in response to a question from the Panel during the hearing this was confirmed by the FFK's counsel. In this respect, the Panel wishes to recall that according to Article 45 UEFA DR, reports from the UEFA officials are to be treated as accurate unless other evidence to the contrary is provided. The Appellant has not contested or raised any argument against the accuracy of the pertinent reports on file.

75. It follows that in the absence of evidence on the existence of the aforementioned chants, the main request of the Appellant based on Article 14(3) UEFA DR is not tenable or, in the view of the Panel, even arguable.

76. For the sake of completeness, in light of the absence of evidence, the Parties' divergences on the nature of the alleged *"Kosovo is Serbia"* chants (and whether such chants are to be treated as racist/discriminatory or political), and on the activation of the 3-step protocol for racist behaviour, as well as the related discussions held the day before the Match between the FFK representatives and the UEFA representatives in the match-day organisational meeting, are not relevant to the case.

77. Concerning the Appellant's contention that it is not responsible for the Match not having been played in full, and that such liability lies on the RFF, the Panel wishes to point out that (i) it is not disputed that in the minute 90+2 of the Match, the players of the Kosovo national team left the pitch and did not come back later, and (ii) both in the UEFA DR and in the UNLR it is stipulated that if a match cannot be played in full, the member association responsible for that situation shall forfeit the match. In particular, article 27 UEFA DR and article 25.01 UNLR read in the pertinent parts as follows:

- Article 27 UEFA DR:

"Forfeit

1. If a match cannot take place or cannot be played in full, the member association or club responsible forfeits the match.

(...)

4. The consequences of a match being declared forfeit are as follows:

a. the team forfeiting the match is deemed to have lost 3-0 (...), unless the actual result is less favourable to the member association or club at fault, in which case that result stands;

b. if necessary, the UEFA administration amends the member association or club's ranking in the relevant competition accordingly."

- Article 25.01 UNLR:

"Refusal to play and similar cases

25.01 If an association refuses to play or is responsible for a match (including any penalty shoot-out) not taking place or not being played in full, the UEFA Control, Ethics and Disciplinary Body declares the match forfeited by the association concerned. Moreover, if the circumstances of the case so justify, the UEFA Control, Ethics and Disciplinary Body may impose any further disciplinary measures deemed appropriate on the association concerned, including the disqualification from the competition."

78. The Panel also wishes to refer to Law 5.3 of the IFAB Laws of the Game, which provides that the referee is the sole person having the authority to stop, suspend or abandon a match, and to send the player into the dressing rooms.

79. In light of the aforementioned, the Panel addresses who is responsible for the Match not having been played in full.

80. After having examined the evidence before it, the Panel is clear that the RFF supporters were not responsible for the Match being abandoned by the Kosovo players, and that it was their actions, not prompted by any decision of the referee, that caused the FFK to be responsible for the Match not being played in full.

81. On the basis of the evidence before it, the Panel concludes that Kosovo's players took a unilateral decision to leave the pitch in the absence of a valid direction by the referee to the effect or for any other justifiable grounds relating to their safety. The Panel recognises that this decision was taken as a result of certain chants of the RFF supporters and does not doubt that the players may have acted in good faith, or that they may even have heard the chants they allege. The reality, however, is that the evidence before the Panel does not indicate that such chants occurred, or that other actions took place which might justify the decision they took. In this regard, the situation is different from the facts in case CAS 2015/A/3874. As noted above, the only chants whose occurrence is proven by the evidence are the "*Serbia, Serbia*" chants. While these chants are

unacceptable, and the subject of other sanctions by UEFA, in the view of the Panel they cannot justify the abandonment of the pitch by the Kosovo national team players. The Panel wishes to make clear that it understands the discomfort of the players, but in the circumstances that pertained it was for the referee to decide on the steps to be taken. It notes that the same players had, unfortunately and deplorably, experienced similar situation in the past, without resorting to such dramatic action. For the sake of brevity, on the basis of the evidence before it, the Panel sees no reason to depart from the considerations set out in para. 42 of the Appealed Decision.

82. The Appellant's attempt to compare the present case with the one that gave rise to the CAS proceedings 2015/A/3874 is not plausible: among other differences, in that case the evidence established an obvious and imminent risk for the physical integrity of the Albanian players, and the referee acted to stop the Match. While the Panel does not exclude the possibility that there may be circumstances in which players could act unilaterally, that would be an exceptional situation and would require clear and compelling evidence that the players were at risk of serious and imminent harm. In the present case there is very plainly no such evidence. In short, the evidence before the Panel did not establish any such risk.

83. In addition, the Panel notes that the Kosovo players also declined to follow the referee's instruction that they return to the pitch and continue the Match. The witness declarations at the hearing were clear on this point: Mr. Rrahmani said that neither he nor most of his teammates wanted to return to the pitch, and Mr. Shala mentioned that the 23 players were united in the decision not to return. The players' decision was thus taken consciously and in the face of the referee's instruction and the UEFA Match Delegate's warning to the Kosovo delegation as to the possible consequences of a failure to return to the pitch ("*I kept trying to persuade Kosovo staff, together with SO, to come back onto the field, presented them possible consequences of their decision, but it did not help"*, the additional UEFA Match Delegate report states)..

84. In conclusion, the Panel finds that the FFK, and not the RFF, is responsible for the Match not having been completed.

85. Given the absence of evidence, it follows that the Appellant's main petitions are to be dismissed.

C. The Appellant's alternative petitions

86. On an alternative basis, the Appellant requests that (i) the Match is validated with the result of 0:0, that was the result at time of the Match suspension, or (ii) the Match be restarted from the minute of suspension by the result of 0:0 without spectators, or (iii) the Match be fully re-played without spectators. Further, the Appellant claims that considering a shared responsibility of both the FFK and the RFF, the Match result be fixed by the Panel in 0-0 or that the Panel adopts any other decision it considers fit to the case at stake considering its specific circumstances.

87. The Panel shall note in this respect that Article 27.4 UEFA DR establishes a specific consequence where a match is declared forfeit: the team forfeiting the match is deemed to have lost 3-0, unless the actual result is less favourable to the member association or club at fault, in which case that result stands.

88. Bearing the aforementioned in mind and applying it to the case at hand, the Panel considers that the sanction imposed on the FFK in the Appealed Decision (declaration of the Match as forfeited by the FFK, which is deemed to have lost the Match 3-0) is the correct, specific and appropriate sanction in accordance with the applicable regulations. The Panel sees no reason to deviate from the consequence stipulated in the applicable regulations for this case.

89. For the sake of argument, the Panel concludes that this sanction is not disproportionate or inadequate, having regard to the circumstances of the case, including the evidence before it.

90. Therefore, the Appellant's alternative petitions are dismissed.

D. Conclusion

91. Based on the aforementioned, the Panel concludes that the appeal is dismissed and the Appealed Decision shall be fully confirmed.

X. COSTS

(…)

***

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by the Football Federation of Kosovo against the decision rendered by the UEFA Appeals Body on 20 November 2024 (ref. 39431 - UNL - 2024/2025) is dismissed.

2. The decision rendered by the UEFA Appeals Body on 20 November 2024 (ref. 39431 - UNL - 2024/2025) is confirmed.

3. (…).

4. (…).

5. (…).

6. All other motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland
Date: 5 May 2025

THE COURT OF ARBITRATION FOR SPORT

Mr Jordi López Batet
President of the Panel

Prof. Philippe J. Sands KC
Arbitrator

Mr Omar Ongaro
Arbitrator