



TAS / CAS

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

CAS 2025/A/11562 FC Gostivar v. Football Federation of Macedonia (FFM)

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Mr Kepa Larumbe, Attorney-at-law in Madrid, Spain
Arbitrators: Mr Giulio Palermo, Attorney-at-law in Geneva, Switzerland
Mr Bernhard Welten, Attorney-at-law in Bern, Switzerland

in the arbitration between

FC Gostivar, Gostivar, North Macedonia

Represented by Mr Toni Nogolica, Attorney-at-law in Zagreb, Croatia

-Appellant-

and

Football Federation of Macedonia, Skopje, North Macedonia

Represented by Mr Rocco Taminelli, Attorney-at-law in Bellinzona, Switzerland

- Respondent-

I. PARTIES

1. FC Gostivar (the “Appellant”, the “Club” or “Gostivar”) is a North Macedonian football club based in Gostivar, North Macedonia, and affiliated with the Football Association of the Municipality of Gostivar, which in turn is affiliated with the Football Federation of Macedonia. The owner and President of the Club is Mr Enes Usta, who is also the owner and President of FC Santa Lucia, a football club based in Malta, where Mr Usta currently resides.
2. The Football Federation of Macedonia (the “Respondent” or the “FFM”) is the football governing body in Macedonia, which in turn is affiliated with the *Union of European Football Associations* (“UEFA”) and the *Fédération Internationale de Football Association* (“FIFA”).
3. The Club and the FFM are jointly referred to as the “Parties”.

II. FACTUAL BACKGROUND

A. Background Facts

4. Below is a summary of the relevant facts and allegations based on the Parties’ written submissions, pleadings and evidence adduced at the hearing. 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, this Award refers only to the submissions and evidence it considered necessary to explain its reasoning.
5. During the 2024/2025 season, Gostivar was affiliated with the FFM. The first team of Gostivar participated in the top tier category, i.e., in the First Macedonian Football League, organised by the FFM.
6. On 27 April 2025, the match between Gostivar and FK Rabotnichki AD was played as part of the 29th round of the First Macedonian Football League at the Boris Trajkovski stadium (the “Match”) - which is not the main stadium of the Club-, and it was played without spectators following the unilateral decision of the Club.
7. In the 85th minute of the Match, with a result of 1-2 in favour of FK Rabotnichki AD, the players of Gostivar abandoned the field of play and did not return. The referee’s report of the Match reads as follows:

“Note and signature of the referee: The match was organised according to the rules and regulations of the Football Federation of Macedonia (FFM). In the 85th minute, following instructions from the club management, the captain of the home team, together with the coaching staff, withdrew the team to the dressing room. After waiting for 15 minutes, the refereeing team and the match delegate left the pitch. Additionally, we would like to state that upon arriving at the stadium before the match, we were

informed by an individual wearing an official accreditation that if the home team lost the match, they would leave the pitch”.

8. After the Match (date not specified in the document), the referee team issued an additional report that reads as follows:

“On 27 April 2025, a league match was played between the teams KFG Gostivar and FK Rabotnichki, as part of Round 29 of the Macedonian First Football League ("PMFL").

The match took place in the Madzhari neighbourhood, at the Boris Trajkovski Stadium, with kickoff at 16:00.

The match was interrupted in the 85th minute, following the scoring of the second goal by the away team, at which point the score was 1-2.

In the 76th minute, player number 9, Ervin Lee Harry (270311) from the home team KFG Gostivar was sent off due to rough play.

Additionally, we would like to state that upon arrival at the stadium before the match, a person wearing an accreditation badge from the home club informed us that if they were to lose the match, they would leave the field of play.

In a pre-match conversation, the fourth official, Stojanche Trpchevski, told us, before we entered the pitch to start the match, that a club official wearing a badge had told him that if their team lost the match, they would leave the field. The match delegate, Kocho Zerdeski from Kichevo, was also made aware of this. Likewise, the match referee observer Nikola Karakolev from Shtip, as well as all other match officials, were informed of this incident”.

9. The match delegate’s report (“Match Delegate Report”), issued on 28 April 2025, reads as follows (excerpt):

“(…).

Presence of stewards or members of a private security agency:

Yes, 10 people

Comment: *None*

Assessment of safety and security organisation (home team):

Good

Comment: *None*

(…)

Were there any remarks or reports submitted by the referees or the observer?

No

Comment: *The fourth official informed me that upon arrival at the stadium, they were told by an accredited individual that if the home team were losing, they would leave the match.*

(...)

Behaviour of the players and officials of the home club before, during and after the match:

Good

Comment: *The representatives of the home team maintained a correct and respectful attitude throughout the match.*

(...)

Additional remarks:

The match did not reach its conclusion. Although it was played in accordance with the rules and regulations of the Football Federation of Macedonia (FFM), in the 85th minute, after conceding a goal, the club president - who is also the club owner - instructed the team captain, Alper Potuk, to withdraw the team from the pitch. The home team, FK Gostivar AD, then left the field and all players entered the dressing room. The referees, the away team, and I as the delegate waited for 15 minutes for the home team to return to the field, but that did not happen. I then requested the police officials to secure the area in front of the dressing rooms. With no incidents, the refereeing team, the away team, and I safely exited the pitch.

I would like to highlight that the club representative Almir Dauti and the Head Coach Blazho Panov tried to convince the players to resume the match, but the players followed the instructions of the club owner and complied with his decision to withdraw the team from the match”.

10. The Club failed to appear for the next two matches of the First Macedonian Football League (rounds 30 and 31). As a result, the Disciplinary Commission of the FFM (“DC FFM”) imposed disciplinary sanctions on the Club, consisting, inter alia, of the disqualification from the competition and relegation to the lowest level of the competition. The Bulletin N° 31 of 8 May 2025 of the FFM read, inter alia, as follows:

“1.3 Pursuant to Article 82, paragraphs 1 and 2 of the FFM Competition Regulations, and in accordance with the Delegate's and Referee's reports from the Round 31 match of the First MFL between FK Sileks AD - Kratovo and KFG Gostivar AD - Gostivar, scheduled for 7 May, 2025 at Sileks Stadium - Kratovo, due to the unjustified failure of KFG Gostivar AD - Gostivar to appear for two (2) official championship matches within the regular competition system, the club is disqualified from further participation in the competition.

1.4 As a result of the disqualification, KFG Gostivar AD - Gostivar shall be relegated to the lowest level of competition in the following competitive season, depending on the number of tiers in the relevant competition system”.

11. During the 2025/2026 season, Gostivar did not participate in any football competition organized by the FFM or the Football Association of the Municipality of Gostivar, following the Club’s unilateral decision not to apply for the necessary license/registration to enter the competitions.

III. PROCEEDINGS BEFORE THE FOOTBALL FEDERATION OF MACEDONIA

12. On 28 April 2025, the DC FFM, acting ex officio, opened disciplinary proceedings against the Appellant due to poor organization and the presence of unauthorized persons in official areas, specifically in the tunnel leading to the locker rooms during the match played within the 29th round of the league championship between Gostivar and FK Rabotnichki AD at the Boris Trajkovski Stadium.

13. On 2 May 2025, the DC FFM reviewed the case file, including the report submitted by the Competitions Commission, the match report, the additional delegate's report, a statement from the Club and the referee's statement and decided as follows (No. 0801-1206/6):

“1. GFK Gostivar AD is sanctioned with a monetary fine of 5,000 (five thousand) euros and a ban on hosting 10 (ten) home league and cup matches at its stadium.

2. GFK Gostivar AD is OBLIGED, upon the finality of this decision, to pay the monetary fine referred to in paragraph 1 to the bank account of the FFM: 200002504222317 at Stopanska Banka AD Skopje.

3. The sanction is effective as of 02.05.2025.

4. This decision shall be published in Makfudbal.”.

14. The grounds of the decision of the Disciplinary Commission determined, inter alia, as follows:

“Based on the case file, the Commission established the following factual situation: During the match, in the 85th minute when the match was interrupted, individuals who were not listed in the match report and were not official personnel were seen moving across the football pitch. These same individuals were present in the tunnel leading to the locker rooms and official areas as the teams and match officials were withdrawing. This presence of unauthorized persons in official areas compromised the safety of the match officials and the players of both teams.

The Disciplinary Commission, based on the established factual situation and taking into consideration all circumstances referred to in Article 3 of the FFM Disciplinary Code, determined that a violation had been committed in accordance with Article 51,

paragraphs 1, 2 and 3 of the Disciplinary Regulations of the FFM, upon which the decision was made as stated in the operative part”.

15. On 9 May 2025, Gostivar appealed against the decision of the DC FFM before the Appeals Commission of the FFM (“AC FFM”).
16. On 12 May 2025, the AC FFM issued the decision n° 10-1275/3 (the “Appealed Decision”) rejecting the appeal filed by Gostivar. The operative part of the Appealed Decision read as follows:

“1. The appeal no. 10-1257/1 dated 09.05.2025, submitted by K.F.G. Gostivar AD, is hereby rejected as unfounded.

*2. The decision of the Disciplinary Commission of the Football Federation of Macedonia no. 0801-1206/6 dated 02.05.2025 is hereby **confirmed**, by which K.F.G. Gostivar AD is sanctioned with a monetary fine in the amount of 5,000 (five thousand) euros, payable in denar equivalent on the day of payment, and a ban on hosting 10 (ten) home league and cup matches at its own stadium.*

3. The Decision is final.

4. The Decision shall be published in Makfudbal”.

17. The grounds of the Appealed Decision determined, inter alia, as follows:

“In reaching its decision, the Commission reviewed the evidence suggested by the complainant, including: the official match report, the additional delegate's report, the statement from the head referee of the match, and the statement from the owner of the club GFK Gostivar, upon which it established the following facts:

On 27.04.2025, a match was played as part of the 29th round of the First MFL between the teams K.F.G. Gostivar AD - FK Rabotnichki AD at the Boris Trajkovski Stadium in Madzari.

During the match, in the 85th minute, when the game was interrupted, individuals who weren't listed in the record nor recognized as match officials were seen moving across the playing field. These same individuals were also present in the tunnel leading to the locker rooms and official premises during the withdrawal of the teams and the officials. As a result, the safety of the match officials and the players from both teams was compromised due to the unauthorized presence of non-official persons in restricted areas.

Based on the established facts and taking into consideration all relevant circumstances in accordance with Article 3 of the Disciplinary Regulations of the FFM, the Disciplinary Commission determined that a violation had been committed pursuant to Article 51, paragraphs 1, 2, and 3 of the Disciplinary Regulations of the FFM, and subsequently rendered the decision as stated in the first-instance ruling.

After reviewing the grounds of the appeal and the material evidence, the Committee established the following facts:

The Commission determined that the first-instance body, in rendering its decision, correctly and fully established the factual situation, that is, it took into consideration all relevant evidence or properly evaluated the evidence presented to it. Therefore, in accordance with Article 51, paragraphs 1, 2, and 3 of the Disciplinary Code of the Football Federation of Macedonia, it correctly assessed the severity of the sanction.

For these reasons, the Appeals Commission rejects as unfounded the appeal submitted by the club and upholds the Decision of the Disciplinary Commission of the FFM No. 0801-1206/6 dated 02.05.2025”.

IV. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

18. On 1 July 2025, in accordance with Article R47 and Article R48 of the Code of Sports-related Arbitration (edition 2025) (“CAS Code”), the Appellant filed its Statement of Appeal with the CAS against the Respondent challenging the Appealed Decision. Furthermore, the Statement of Appeal was also directed against the decision n° 10-1275/4 issued by the AC FFM against Mr Enes Usta on 12 May 2025.
19. In its Statement of Appeal, the Appellant requested that the Appeal was submitted to a Sole Arbitrator and nominated Ms Petra Pocrnic Perica and requested provisional measures consisting of an Order to stay the execution of the Appealed Decisions n° 10-1275/3 and n° 10-1275/4 issued by the AC FFM on 12 May 2025.
20. On 3 July 2025, the CAS Court Office informed the Appellant that since the Appeal was directed against two different decisions, each appeal would be treated separately, resulting in the opening of two separate proceedings (CAS 2025/A/11562 and CAS 2025/A/11581), subject to Article R50(3) of the CAS Code, that states as follows:

“When two or more cases clearly involve the same issues, the President of the Appeals Arbitration Division may invite the parties to agree to refer these cases to the same Panel; failing any agreement between the parties, the President of the Division shall decide”.
21. On 11 July 2025, the Appellant filed its Appeal Brief in accordance with Article R51 of the CAS Code.
22. On 16 July 2025, the CAS Court Office notified the Statement of Appeal and the Appeal Brief to the Respondent.
23. On 21 July 2025, the Respondent nominated Mr Bernhard Welten, Attorney-at-Law in Bern, Switzerland, to serve as arbitrator. The Appellant also informed the CAS Court Office that it agreed that the present proceedings and the procedure CAS 2025/A/11581 were submitted to the same Panel.

24. On 25 July 2025, the Appellant agreed that the present proceedings and CAS 2025/A/11581 proceedings were submitted to the same Panel.
25. On 28 July 2025, the CAS Court Office informed the Parties that the present proceedings and the CAS 2025/A/11581 proceedings shall be submitted to the same Panel.
26. On 15 August 2025, the Appellant informed the CAS Court Office, inter alia, that the request for provisional measures was related only to the decision n° 10-1275/4 issued by the AC FFM against Mr Enes Usta on 12 May 2025, i.e., to the procedure CAS 2025/A/11581.
27. Also on 15 August 2025, the CAS Court Office informed the Parties that an Order on Request for a Stay would be issued in procedure CAS 2025/A/11581.
28. On 21 August 2025, the CAS Court Office informed the Parties that the nomination of Ms Petra Pocrnic Perica as arbitrator was invalid as she is only on the Anti-Doping Division (ADD) list of arbitrators of the CAS and invited the Appellant to nominate another arbitrator.
29. On 27 August 2025, the Appellant nominated Mr Giulio Palermo, Attorney-at-Law in Geneva, Switzerland, to serve as arbitrator.
30. On 24 September 2025, the CAS Court Office, on behalf of the Deputy Division President and further to Article R59 of the CAS Code, informed the Parties that the Panel appointed to decide the present dispute was constituted as follows:

President: Mr Kepa Larumbe, Attorney-at-law in Madrid, Spain.

Arbitrators: Mr Giulio Palermo, Attorney-at-law in Geneva, Switzerland.
Mr Bernhard Welten, Attorney-at-law in Bern, Switzerland.
31. On 1 October 2025, the Respondent filed its Answer, in accordance with Article R55 of the CAS Code.
32. On 22 October 2025, a Case Management Conference (“CMC”) of the present case was held by video conference. In addition to the Panel and Ms Amelia Moore, CAS Counsel, the following persons attended the conference call:

<u>For the Appellant:</u>	Mr Toni Nogolica (legal counsel).
<u>For the Respondent:</u>	Mr Rocco Taminelli (legal counsel); Ms Miriana Piccoli (legal Counsel).
33. On 22 October 2025, after the CMC, the CAS Court Office, on behalf of the Panel, informed the Parties of the next procedural steps:

- In light of the Parties' agreement, the full reasoned arbitral award would be notified to the Parties as soon as possible after the closing of the evidentiary proceedings (with no prior notification of solely the operative part of the award).
 - The Appellants were invited to submit, within 20 (twenty) days:
 - (i) a brief written submission and corresponding evidence limited to the alleged factual inaccuracies in the Respondent's Answer (in this regard, the Parties were not authorised to submit new arguments);
 - (ii) the witness statements of the witnesses among those identified in the Appeal Brief and the Answer, whom the Parties intended to have testify at the hearing along with a brief explanation of the relevance of their testimony for these proceedings in accordance with Article R51 of the CAS Code and Article 4(5) of the IBA Rules on the Taking of Evidence in International Arbitration.
 - Upon receipt of the Appellants' submission, the Respondent would be granted the same time limit to submit the same/respond accordingly
 - The hearing, further to Articles R44.2 and R57 of the CAS Code, that would be held on 29 January 2026 in person in Lausanne, Switzerland.
34. On 1 December 2025, the Appellant filed its additional written submissions in accordance with Article R56 of the CAS Code.
35. On 2 January 2026, the Respondent filed its additional written submissions in accordance with Article R56 of the CAS Code.
36. On 17 and 19 January 2026, the Respondent and respectively the Appellant signed and returned the Order of Procedure to the CAS Court Office.
37. On 29 January 2026, the hearing of the present case was held in Lausanne, Switzerland. In addition to the Panel and Ms Amelia Moore, CAS Counsel, the following persons attended the hearing:

For the Appellant:

Mr. Toni Nogolica (Legal counsel)
Ms Tena Sabo (Legal counsel)
Mr. Enes Usta (Party-Witness)
Mr Sanja Mrsik (Witness)
Mr Rúben Frederico Coelho Santos Rosado da Cruz (Witness)

For the Respondent:

Mr. Rocco Taminelli (Legal counsel)
Ms. Miriana Piccoli (Legal counsel)
Ms Ruzica Nikolovska, (Legal counsel)
Mrs Natalia Bozhinovska, (Legal counsel)
Mr Igor Stojcevski, (Witness)

Mr Furkan Idrizi, (Witness)
Mr Martin Petkovski, (Witness)
Mr Zoran Nikolovski, (Witness)
Mr Filip Angelovski (Interpreter)

38. At the outset of the hearing, the Parties confirmed that they did not have any objection as to the composition of the Arbitration Panel. During the hearing, the Parties had the opportunity to present their case, to examine and cross examine the witnesses, to submit their arguments and their final pleadings.
39. At the end of the hearing the Parties expressly declared that they did not have any objections with respect to the procedure and that their right to be heard had been fully respected.
40. On 7 April 2026, the Appellant submitted a request for leave to produce new documentary evidence and to file a supplementary submission pursuant to Article R56 of the CAS Code. The evidence in question consisted of a publication on the Respondent's official website disclosing correspondence received from the UEFA Integrity Department concerning suspected match irregularities in domestic Macedonian football during the 2024/2025 season (the "New Evidence"). The Appellant contended that said publication is directly relevant to the Panel's assessment of the Respondent's conduct and the proportionality of the impugned sanctions, and that it constitutes exceptional circumstances within the meaning of Article R56 of the CAS Code.
41. On 9 April 2026, the CAS Court Office acknowledged receipt of the Appellant's request and, on behalf of the Panel, invited the Respondent to provide its position regarding the admissibility thereof by 14 April 2026, noting that in the absence of comments or agreement, it would be for the Panel to decide. The Respondent did not submit any observations within the prescribed time limit.
42. On 23 April 2026, the CAS Court Office informed the Parties that in the absence of any objection from the Respondent, the Appellant's request was granted and invited the Appellant to file a supplementary submission addressing the relevance and implications of such document in relation to the present dispute, no later than 28 April 2026. As a result, the time limit set forth in Article R56 of the CAS Code, according to which "the operative part of the award shall be communicated to the parties within a maximum of four months after the closing of the evidentiary proceedings by the Panel", was suspended.
43. On 23 April 2026, the Respondent submitted a letter claiming that the Respondent did not receive the CAS Court Office correspondence of 9 April 2026.
44. On 24 April 2026, the CAS Court Office informed the Parties, inter alia, of the following:

"On behalf of the Panel, the Parties are informed as follows: The Panel takes note of the Respondent's submission that they did not receive the CAS Court Office correspondence dated 9 April 2026. However, upon review of the records of the CAS

Court Office, it has been confirmed that the correspondence in question was successfully delivered on 9 April 2026, at 13:52 CET (delivery receipts attached). The Panel is therefore satisfied that the Respondent were duly served. Accordingly, there are no grounds to revoke the deadline granted to the Appellants by way of the CAS Court Office correspondence dated 23 April 2026 to submit comments on the new documentary exhibits filed on 7 April 2026.

Without prejudice to the foregoing, the Respondent will be afforded the opportunity, in due course, to submit its position regarding both the admissibility and the substantive relevance of the new documentary exhibits”.

45. On 28 April 2026, the Appellant filed its submissions that, in essence, may be summarized as follows:

- The Appellant filed a Supplementary Submission addressing the relevance of the New Evidence, which disclosed UEFA Integrity Department correspondence concerning suspected betting irregularities in domestic Macedonian football during the 2024/2025 season. The Appellant advances two principal arguments:

- First, the FFM Publication corroborates the legitimacy of concerns as regards Mr Usta's integrity. The Appellant submits that at the very time the Respondent was dismissing the formal complaints as “generic” and “far too vague”, it was in possession of UEFA correspondence identifying systemic betting irregularities across multiple domestic matches. Mr Usta's decision to instruct the team to leave the pitch on 27 April 2025 was therefore not arbitrary misconduct but a response to objectively grounded concerns about a competition the Respondent knew to be compromised.

- Second, the FFM Publication undermines the proportionality of the sanction imposed without identifying statutory aggravating circumstances. The Appellant contends that the Respondent displayed institutional inaction in the face of documented UEFA integrity violations while imposing maximum sanction on the Appellant, evidencing a selective and arbitrary application of disciplinary power. This pattern is further illustrated by the minimal sanctions imposed on FC Bashkimi despite an ongoing criminal match-fixing investigation, and by the identical 2-year ban imposed on former FFM President Mr Sejdini for embezzling approximately EUR 700,000 in UEFA funds.

46. On 15 May 2026, the Respondent filed its submissions that, in essence, may be summarized as follows:

- The Respondent submits that the New Evidence and the Appellant's supplementary submission of 28 April 2026 must be rejected and excluded from the proceedings on two independent grounds: untimeliness and lack of relevance.

- With respect to admissibility, the Respondent contends that the CAS Code is silent on the issue of producing evidence after the hearing and that, in accordance with established CAS jurisprudence, recourse must be made based on the rules of international commercial arbitration, notably the IBA Rules on the Taking of Evidence

in International Arbitration and the ICC Arbitration Rules. The Respondent relies in particular on Article 27 of the ICC Rules, which provides that no further submissions or evidence may be produced after the proceedings are closed unless requested or authorised by the arbitral tribunal. The Respondent further submits that a key principle underlying the voluntary production of written statements is promptness, a requirement that acquires heightened importance when submissions are filed after the conclusion of the evidentiary phase or after the final hearing. In this regard, the Respondent observes that the hearing was held on 29 January 2026, that the exhibit the Appellant seeks to introduce was published on 24 February 2026, and that it was not filed until 7 April 2026—some six weeks (42 days) after its publication—thus rendering the submission manifestly late.

- As to relevance, the Respondent argues that even if the new documentary evidence were admitted, it is entirely devoid of probative value. The Respondent explains that the document in question is merely a public statement that the Respondent was obliged to issue in response to inaccurate media reports, confirming its cooperation with the UEFA Integrity Department in the investigation of three matches potentially linked to match-fixing. Only one of the matches referenced therein predates the events at issue, and the Respondent has consistently maintained throughout these proceedings that match-fixing investigations were underway at the relevant time. The Respondent emphasises that it has never asserted that its concerns regarding match-fixing were unfounded, but rather that the reports in question were too generic and vague to trigger concrete action. The document, therefore, adds nothing new to the factual record as already established and does not introduce any facts pertaining to the period when the sanctioned conduct occurred.

Finally, the Respondent submits that, since the new evidence provides no further justification for the Appellant's sanctioned conduct, it likewise cannot lead to a different assessment of the application of the principle of proportionality. The Respondent further notes that the reference to the alleged case of Mr Muhamed Sejdini in the Appellant's supplementary submission is wholly unsubstantiated and entirely unsupported by documentary evidence and accordingly requests that the Panel disregard it. In light of the foregoing, the Respondent requests that the Panel reject the supplementary submission in its entirety and, pursuant to Article R65.5 of the CAS Code, order the Appellant to bear the arbitration costs arising from this procedural incident as well as a contribution towards the Respondent's legal fees incurred in connection therewith.

47. On 18 May 2026, the CAS Court Office informed the Parties of the closure of the evidentiary proceedings as of 15 May 2026.

V. SUBMISSIONS OF THE PARTIES

48. The following outline of the Parties' positions is illustrative only and does not necessarily comprise each and every contention put forward by the Parties. The Panel, however, has carefully considered all the submissions made by the Parties, even if no explicit reference has been made in what immediately follows. The Parties' written

submissions, their verbal submissions at the hearing and the contents of the Appealed Decision were all taken into consideration.

A. The Appellant's Submissions and Requests for Relief

49. The Appellant made the following requests for relief:

“31. Next, the Appellants respectfully request that the CAS rule that:

a) The appeal filed by the Appellants is admissible.

b) Decision no. 0801-1206/6, issued by the Disciplinary Commission of the Football Federation of Macedonia on 2 May 2025, is declared null and void;

c) Decision no. 10-1275/3, issued by the Appeals Commission of the Football Federation of Macedonia on 12 May 2025, is declared null and void;

d) Decision no. 0801-1206/4, issued by the Disciplinary Commission of the Football Federation of Macedonia on 2 May 2025, is declared null and void;

e) Decision no. 10-1275/4, issued by the Appeals Commission of the Football Federation of Macedonia on 12 May 2025, is declared null and void.

32. Alternatively, the Appellants seek a substantial reduction of the impugned sanctions”.

50. The Appellant's submissions, in essence, may be summarized as follows:

- Regarding the admissibility and interest, the Appellant asserts a continuing and sufficient legal interest in pursuing the appeal:

- The Club is no longer competing in the first league but remains an active entity and is directly impacted by the ongoing effects of the sanctions.

- The Appealed Decision remains in force and continues to produce legal and reputational effects and *pro futuro* consequences, independently sustaining standing and interest to seek annulment of an unlawful sanction.

- Moreover, the Appellant considers that the sanctions produce *pro futuro* consequences that extend far beyond a temporary prohibition or a monetary fine; they establish an unlawful precedent, undermine the predictability and integrity of the regulatory framework, and expose the Appellant to continuing competitive and organisational disadvantages. The sole existence of such enduring and systemic effects independently suffices to establish current and sufficient interest in conducting this appeal and requesting annulment of the impugned decisions.

- The Appellant reiterates that these ongoing effects and the precedent set by the impugned decision suffice to establish a current interest for the purposes of CAS proceedings.

- The Appellant submits that the sanction imposed on the Club—a fine of EUR 5,000 and a ten-match home ban—was manifestly disproportionate to the alleged infraction and adopted in contravention of the mandatory requirement to consider mitigating circumstances under Article 3 of the FFM Disciplinary Rules (“FFM DR”). The Appellant argues that the FFM effectively imposed near-maximum measures under Article 51 FFM DR for what it characterises as, at most, a technical breach involving the presence of non-threatening, unauthorized individuals in restricted areas after the match was abandoned in the 85th minute. In its view, no evidence demonstrated any actual safety risk, disruption, or violence. The Appellant therefore seeks annulment or, in the alternative, substantial reduction of the Club’s sanction.
- The Appellant emphasises that the fact leading to the sanction was the alleged presence of unauthorized individuals in the tunnel and in other official areas, which the FFM treated as an organisation failure under Article 51 FFM DR; however, the Appellant contends this amounted to a minor or technical organisational shortcoming without any proof of concrete danger or interference with match officials, and thus could not sustain the imposition of a stadium ban corresponding to nearly to the maximum foreseen under Article 51 FFM DR coupled with the maximum monetary fine under the same rule. The Appellant adds that the match took place without spectators and under a significant police presence, and that the specific stadium layout funnelled persons through a single corridor, explaining the presence observed in that area without any culpable organisational failure by the Club.
- By reference to comparative discipline and CAS guidance, the Appellant argues that proportionality requires consistency with precedent of sufficient proximity and similarity. It points to a recent incident involving FK Shkëndija, where supporters disrupted a minute of silence with politically-charged chants, which resulted in a five-match spectator ban and a EUR 5,000 fine; it argues that the Club’s alleged organisational lapse is materially less serious than that conduct and could not warrant a sanction twice as severe in terms of match closures. The Club also cites CAS jurisprudence encouraging the use of comparable precedents to calibrate sanctions.
- The Appellant further contends that the FFM disregarded mandatory mitigating factors required by Article 3 FFM DR, including the Club’s previously clean disciplinary record, the indirect nature of the Club’s responsibility, and the absence of any violence or physical assaults, which, in its submission, are the type of aggravating elements contemplated by Article 51(5) FFM DR for extreme sanctions. Gostivar submits that the absence of any such aggravation renders the near-maximum sanction arbitrary and thus contrary to both the internal rules and CAS standards on sanctioning.
- The President of the Appellant invokes the Respondent's retention of EUR 150,000 in UEFA solidarity funds allocated for youth development during the 2024–2025 season as evidence of the FFM's discriminatory treatment of the Club and as a mitigating factor under Article 3 of the FFM DR. He further submits that, despite having duly executed and submitted the disbursement agreement and fulfilled all financial obligations toward the FFM, its payment was inexplicably withheld while all

other First League clubs received theirs by April 2025—a selective treatment that, together with the Respondent's persistent failure to address the Club's complaints regarding match integrity, evidences a pattern of institutional hostility that contributed to the sanctioned conduct.

- With respect to the procedural irregularities and alleged violation of due process, the Appellant contends that the FFM's internal proceedings failed to afford proper due process. The Appellant asserts that the AC FFM merely rubber-stamped the first-instance decisions by employing boilerplate language, without providing reasoned decision or meaningfully engaging with the exculpatory evidence. The Appellant further underscores the FFM's failure to respond to a formal request for an interpretation of the Disciplinary Code concerning the proper composition of the committee.

- Finally, the Appellant argues that the FFM's approach forms part of a broader pattern of punitive action disconnected from the facts and from its own regulatory framework, noting that their prior efforts to raise governance and officiating concerns were met with institutional inaction, whereas swift and severe discipline followed the match abandonment.

B. The Respondent's Submissions and Requests for Relief

51. The Respondent made the following requests for relief:

"112. In view of the foregoing, the FOOTBALL FEDERATION OF MACEDONIA, Skopje requests the Arbitration Panel to issue a ruling that:

1. Dismisses the appeals lodged by FC Gostivar, Gostivar and Enes Usta, Malta.

2. Orders the Appellants to bear the costs and expenses of the present proceedings and to reimbursing the Football Federation of Macedonia for its legal costs and any other costs related to the proceedings".

52. The Respondent's submissions, in essence, may be summarized as follows:

- The Respondent submits that the Appellant lacks a current and sufficient interest to pursue the appeal. Gostivar failed to register for the 2025/2026 season, meaning it will not participate in any competition; accordingly, the outcome of this appeal would have no practical effect on the Club's current sporting situation. In the Respondent's view, past investments do not establish current interest and any asserted "pro future" consequences are speculative: the sanctions have been or are being served, and the Appellant could resume activities by re-registering for an upcoming championship, which negates a present, practical interest in the appeal. In sum, the Respondent contends that the Appellant no longer has any current interest in these proceedings, and the appeal should therefore be dismissed for lack of standing/interest to appeal.

- The Respondent maintains that the sanction imposed on the Club is justified and proportionate to the gravity of the infringements, particularly when assessed in the broader context of the season and the events surrounding the 27 April 2025 match. The FFM underlines that the match was abandoned in the 85th minute following directions from Club management, and that unauthorized individuals—who were neither on the match sheet nor accredited—were present on the field of play, in the tunnel, and other restricted areas at the time of the interruption, compromising the safety of match officials and players. In the FFM’s submission, these organisational failures fall squarely within Article 51 FFM DR and warranted rigorous sanction.
- The Respondent also places weight on the integrity of the competition and the timing of the abandonment, noting the championship was in its final phase. It argues that allowing a club to unilaterally interrupt a match without a recognised regulatory justification would create a dangerous precedent, directly affecting standings, points allocations, and qualification/relegation outcomes. In this light, the presence of unauthorized persons in restricted areas is not a “technicality,” but part of a serious integrity breach, whose combined effect justifies the severity of the measures adopted.
- The FFM contests the Appellant’s proportionality submissions, asserting that the Club’s attempt to minimise the gravity of the organisational breaches is untenable in view of contemporaneous reports and materials, including the Appeals Commission’s decision, statements gathered from players during the internal proceedings, and competition Commission disciplinary reports addressing both the presence of unauthorized persons and the abandonment of the match in the 85th minute. On this basis, the Respondent submits that the internal bodies applied the rules correctly and that the sanctions fall within a reasonable margin of appreciation.
- Addressing the Appellant’s reliance on mitigating circumstances, the Respondent argues that, even considering the prior events as the Appellant itself requests, the totality of circumstances aggravates rather than mitigates the Club’s responsibility. It reiterates that the combination of match abandonment, compromised safety due to unauthorized presence in official premises, and the broader competitive ramifications warranted the sanction as imposed, which it describes as rigorous but still proportionate.
- The Respondent also submits that the Appellant had no right to receive the solidarity funds on three grounds: (i) no valid contract was concluded between the parties; (ii) the payment request was not signed by an authorised representative; and (iii) the Appellant had outstanding financial obligations since March 2025. The Respondent further contends that the Appellant no longer operates any youth teams and therefore cannot receive funds intended to finance future youth development.
- Lastly, the FFM rejects the claim of arbitrariness and denies any inconsistency with CAS principles on sanction review, arguing the Appellant has not shown that the judicial bodies acted arbitrarily or exceeded the bounds of reasonable discretion. The Respondent therefore requests that the Appellant’s main and subsidiary requests be dismissed and that the Club’s sanction be confirmed.

VI. JURISDICTION

53. 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 the CAS insofar as the statutes or regulations of the said body so provide or as the parties have concluded a specific arbitration agreement and insofar as the Appellant has exhausted the legal remedies available to him prior to the appeal, in accordance with the statutes or regulations of the said sports-related body”.

54. In addition, Article 8 of the Statutes of the FFM read as follows:

“As a member of FIFA and UEFA, FFM is obligated to:

(...)

- Recognize CAS jurisdiction and respect its decisions as defined in FIFA and UEFA statutes, in line with Macedonian laws.

- Resolve disputes through independent and impartial arbitration, unless otherwise stipulated by Macedonian laws.

(...)”.

55. The jurisdiction of CAS, which is not disputed by the Parties, is based on the abovementioned provisions. In addition, the Parties confirmed the jurisdiction of CAS by signing the Order of Procedure.

56. The Panel, therefore, is satisfied that CAS has jurisdiction over this dispute.

VII. ADMISSIBILITY

57. 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 of a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. After having consulted the parties, the Division President may refuse to entertain an appeal if it is manifestly late”.

58. The Statutes and Regulations of the FFM are silent with regard to the time limit to file the appeals before CAS.

59. It is undisputed that the appeal was filed within the 21 days set by Article R49 of the CAS Code. The appeal complied with all other requirements of Article R48 of the CAS Code, including the payment of the CAS Court Office fee.

60. It follows that the appeal is admissible.

VIII. APPLICABLE LAW

61. Article R58 of the CAS Code provides as follows:

“The Panel shall decide the dispute according to the applicable regulations and 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 application of which the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision”.

62. The Statutes and Regulations of the FFM are silent with regard to the law applicable to the appeals before CAS and the Parties have not identified any specific law applicable to the merits of the dispute.

63. Therefore, Article R58 of the CAS Code applies in full, and the Panel shall apply primarily the FFM Regulations, namely the Statutes, Disciplinary regulations and Competition regulations.

64. Finally, considering that the FFM is headquartered in North Macedonia, the law that should apply on a subsidiary basis would be North Macedonian law. However, the Parties have not invoked the subsidiary application of North Macedonian law. Moreover, the Panel notes that Swiss law provides a neutral, coherent and predictable framework that is particularly apt for sports disputes administered by CAS, which is permanently seated in Lausanne and whose procedures are governed by the CAS Code anchored in Chapter 12 of the Swiss Private International Law Act. The Panel notes that recourse to Swiss law subsidiarily fosters consistency, legal certainty, and the uniform development of the “lex sportiva”, especially when filling lacunae in federative rules. Accordingly, the law applicable on subsidiary basis, if needed, will be the Swiss law.

IX. ADMISSIBILITY OF EVIDENCE SUBMITTED AFTER THE HEARING

65. The Panel now turns to the question of the admissibility of the Appellant’s Supplementary Submission dated 28 April 2026, together with the New Evidence.

66. It is undisputed that the FFM publication was made available on the Respondent’s website on 24 February 2026, that is, after the conclusion of the written phase of these proceedings and after the hearing held on 29 January 2026.

67. The Panel notes that Article R56 of the CAS Code governs the completeness of submissions in appeal proceedings and provides that, after the filing of the Appeal Brief and the Answer, the Parties shall not be allowed to supplement or amend their requests or their argument, nor to produce new exhibits, except under exceptional circumstances. It is further well established in CAS jurisprudence that the admissibility of evidence is a procedural matter to be determined by the Panel in accordance with the applicable procedural rules. A Panel will normally accept the late filing of submissions where they relate to arguments already presented by the party in the proceedings and where the

Panel deems that said submissions are necessary in order to establish the facts of the case. Similarly, late submissions may be admitted where the new documents merely confirm or supplement statements already made, provided that such late submission does not cause undue prejudice to the opposing party.

68. In the present case, it is undisputed that the FFM Publication constitutes a document that was drafted after the hearing and therefore could not have been submitted by the Appellant at any earlier stage of the proceedings. Furthermore, the New Evidence appears to bear a connection to an argument that the Appellant has raised throughout these proceedings, namely that Mr Usta harboured concerns regarding the integrity of the championship and suspected match irregularities in Macedonian football during the 2024/2025 season. In the Appeal Brief, in the Answer to the Respondent's Answer, and at the hearing, the Appellant has maintained that the events of 27 April 2025 should be considered in the context of integrity concerns which the Respondent allegedly failed to address. The FFM Publication, which discloses correspondence from the UEFA Integrity Department identifying suspected betting irregularities, is related to the subject matter of those arguments, even if no match of the Club is concerned.
69. Having regard to the foregoing, and in particular to the fact that (i) the document could not have been produced at an earlier stage of the proceedings, (ii) both Parties have been afforded a full opportunity to address its admissibility and substance, and (iii) the document is linked to arguments that the Appellant has advanced in these proceedings, the majority of the Panel concludes that the New Evidence is admissible and shall form part of the case file.
70. The Panel wishes to make clear, however, that the foregoing determination relates exclusively to the procedural admissibility of the New Evidence. The decision to admit this document into the record does not entail, and shall not be construed as entailing, any finding or prejudgment as to its relevance, probative value, or weight. Whether the FFM Publication is capable of supporting or affecting the conclusions which the Appellant seeks to draw from it — in particular with respect to the assessment of Mr Usta's conduct and the proportionality of the sanctions imposed — is a question that pertains to the merits of this dispute. The Panel will address that question in the appropriate section of this Award, where the evidentiary record as a whole will be assessed on its substance.

X. MERITS

A. Object of the case

71. Before addressing the legal issues at stake, the Panel deems it useful to clarify the scope of the appeal and review.
72. This dispute concerns the disciplinary sanctions imposed by the Disciplinary Commission of the FFM on the Appellant, confirmed in the Appealed Decision, due to poor organisation and presence of unauthorized persons in official premises, specifically in the tunnel leading to the locker rooms during the Match.

73. Accordingly, the Panel will not analyse the substance of the Appellant's allegations of a systemic corruption in the Macedonian domestic competitions, nor the Parties' allegations concerning facts said to have occurred in other matches of the Club, or any other matters not directly linked to the Match. Without prejudice to the foregoing, such allegations may be taken into account insofar as they form part of the Parties' legal submissions on the issues the Panel addresses below.
74. The Panel also notes that the Appellant has raised allegations regarding procedural irregularities and violation of due process during the proceedings before the FFM disciplinary bodies.
75. Pursuant to Article R57 of the CAS Code, any potential procedural prejudice the Appellant might have suffered at FFM level has been cured by virtue of the *de novo* principle (see for example CAS 2016/A/4704 at paragraph 78):

“... the Panel first notes that the facts and the law are examined de novo by the Panel in accordance with the power bestowed on it by Article R57 of the CAS Code. The Panel is therefore not limited to the facts and legal arguments of the previous instance. In relation to issues raised by the Appellant regarding the procedure at the lower instance, it is well-established in CAS case law that procedural defects in the lower instances can be cured through the de novo hearing before CAS (see CAS 2015/A/4162 paras. 70 et seq., CAS 2014/A/3848 paras. 53 et seq., CAS 2013/A/3256 paras. 261 et seq. each with further references). In view of the above, the Panel holds that any possible procedural flaws in the proceedings before the FIFA DRC are cured in these de novo arbitration proceedings.”

76. Consequently, the legal issues for determination are: (i) whether the Club has a sufficient legal interest to challenge the Appealed Decision; and, if so, (ii) whether unauthorised persons were present within official premises — specifically, the tunnel leading to the dressing rooms — during the Match, and the legal consequences thereof.

B. Does the Club have a legal interest in challenging the Appealed Decision?

77. The Panel is called upon to determine whether the Appellant possesses a legally protected interest sufficient to pursue this appeal, notwithstanding the fact that the Club has withdrawn from active competition and is not registered in any league of the FFM for the current season.
78. The concept of legal interest is a well-established procedural requirement in CAS jurisprudence. As held by CAS panels and confirmed by the Swiss Federal Tribunal, “A legally protected interest consists in the practical use that admitting the appeal would have for the Appellant, by preventing him from undergoing some damage of an economic, ideal, substantive or other nature that would be caused by the decision under appeal” (ATF 137 II 40 at 2.3 p.43) and with no legal interest there is no standing to appeal (“*pas d'intérêt, pas d'action*”). The principle “*pas d'intérêt, pas d'action*” requires that a party demonstrate a concrete stake in the outcome of the proceedings (CAS 2009/A/1880-1881, para. 28-30 of the published version).

79. In the present case, the Panel finds that the Appellant retains sufficient legal interest to pursue this appeal for the following reasons:
80. The Appellant exists as a legal entity and remains affiliated with the Football Federation of Macedonia, albeit indirectly through an amateur association. This affiliation is determinative. As established in CAS 2018/A/5661 (para. 124 - 129 of the published version), the Panel acknowledges that affiliation is the precondition that binds a club to the federation's regulatory system, and as long as there is an affiliation, the club is subject to the decisions and has standing to challenge them. It is only when an affiliation is lacking that there is no precondition to the club's subjection to the federation's legal system. Since an affiliation exists in the present case, this precondition is satisfied.
81. The Panel also notes that the Respondent retains the power to enforce the fine of EUR 5,000 imposed upon the Appellant, even though the Club is not presently playing in any competition. CAS jurisprudence establishes that a legal interest exists if the appeal has a "practical use", such as preventing economic damage. Since the fine remains enforceable and the Club risks having to pay it if it loses this appeal, it has a current and concrete interest in seeking to have it overturned.
82. Furthermore, even though the Appellant is temporarily inactive, the sporting sanction remains pending execution. Should the Club return to competition, it will be required to serve the ban on playing its home matches in its own stadium. This creates a residual interest linked to the principle of recidivism and rehabilitation. The existence of this "suspended" sanction damages the Club and could aggravate future sanctions in the event of a return. In CAS 2015/A/4095 (para 64 of the published version), the Panel stated as follows:
- 64. Furthermore, the Sole Arbitrator notes that according to Article 5.9 of the FIVB Disciplinary Regulations "the otherwise applicable sanction may be increased (up to double) in case of a recurrence of the offence. Recurrence occurs if a sanction has to be imposed again within five years of a previous offence of a similar nature". Thus, against this legal background, it is also possible that each Appellant could have a legal interest as regards their respective disciplinary decisions. In particular, the fact that these decisions might have a future or potential impact on their individual disciplinary status (based on the recidivism principle) again indicates that their legal interest in pursuing the current appeal cannot be dismissed. In this respect, the potential annulment of the decisions subject to appeal could also be said to have a "practical use", as per the dicta of the Swiss Federal Tribunal in the Olympique des Alpes case.*
83. In summary, the Panel considers that, in the circumstances of the present case, a cautious approach suggests that it does not automatically follow that the Appellant lacks legal interest in pursuing the appeal simply because it is not currently competing. The Panel considers that, in all the circumstances of the case, the Appellant still has a grievance, and the appeal still has a "practical use" sufficient to establish a legal interest for the purposes of maintaining the appeal.

84. Accordingly, the Panel concludes that the Appellant possesses a sufficient legal interest to pursue this appeal, and the preliminary objection raised by the Respondent in this regard is dismissed.

C. The incidents happening during the match of 27 April 2025

85. The Panel now turns to the substantive issues raised in this appeal, having carefully considered the written submissions of both Parties, the evidence adduced during these proceedings, and the oral submissions and testimony presented at the hearing.
86. The Appellant challenges the disciplinary sanctions imposed by the DC FFM, confirmed by the Appealed Decision, namely the prohibition on hosting ten home matches and the monetary fine of EUR 5,000. The Appellant contends that the sanctions are disproportionate and that the factual findings underlying the decision were insufficiently supported by the evidence. The Respondent maintains that the sanctions were appropriate and proportionate given the gravity of the infractions committed, specifically poor organisation and the presence of unauthorised persons in restricted areas. The Respondent further argues that the evidence on record amply demonstrates that the Appellant failed to ensure proper security and control within the stadium premises.
87. Having examined the totality of the evidence, the majority of the Panel is comfortably satisfied that the alleged incidents did in fact occur in the tunnel area leading to the dressing rooms following the conclusion of the match. The majority of the Panel considers that this conclusion is firmly grounded in the Match Delegate Report, which expressly notes that police assistance was required to ensure the safe departure of match officials and personnel of the visiting team from the stadium without incident.
88. In the context of sports disciplinary proceedings, it is well established that reports prepared by match officials, including match delegate reports, carry a presumption of veracity. Such reports are prepared by individuals appointed precisely for their impartiality and expertise, and their observations constitute probative evidence entitled to significant weight in the evidentiary balance. While this presumption is not irrebuttable, and may be challenged by compelling contrary evidence, in the present case no such evidence has been adduced that would warrant departing from the findings set forth in the Match Delegate Report.
89. The majority of the Panel also finds that the Match Delegate Report is consistent with the witness statements of the match referee, Mr Stojcevski, and of his assistant referee, Mr Petkovski, that confirmed the presence of unauthorized individuals in the tunnel and near the locker rooms.
90. The majority of the Panel finds that the content of the Match Delegate Report, coupled with the absence of any credible evidence to contradict its findings and the witness statements of the match referees, allows it to accept its account as accurate and reliable.

D. The legal (disciplinary) consequences deriving from the incidents happening during the match of 27 April 2025

91. Having established that the incidents occurred as described, the Panel must now determine whether the established facts constitute violations of the applicable disciplinary provisions.
92. Upon careful analysis, the Panel, by majority, concludes that the facts are properly subsumed within the infractions for which the Appellant was sanctioned, namely poor organisation and the presence of unauthorised persons in restricted areas. The failure to maintain adequate security and control in the tunnel area, which permitted unauthorised individuals to congregate in a restricted zone and created a situation sufficiently serious (according to the majority of the Panel) to require police intervention, clearly falls within the scope of these provisions and does not qualify as a simple technical breach, as alleged by the Appellant.
93. The Appellant, as the host club, bore the responsibility to ensure proper organisation and security measures and, in any event, is responsible for the behaviour of its spectators, officials and staff members. In this context, Article 51 FFM DR establishes a strict liability system. The first paragraph of the Article reads as follows (sic):

“The club is responsible for the behaviour of its spectators (supporters), officials, and staff members, whether on its own pitch or away, regardless of the security measures taken”.
94. Turning to the sanctions imposed, the Panel recalls that pursuant to Article R57 of the CAS Code, this Panel possesses full power to review the facts and the law and may issue a new decision replacing the decision challenged. This de novo review authority extends to all aspects of the matter, including the appropriateness and proportionality of the sanctions imposed.
95. According to Article 51 FFM DR, three categories of sanctions are available for the infractions at issue. These sanctions, which may be imposed cumulatively pursuant to Article 131 of the FFM Statutes, are as follows: a ban on hosting between two and twelve home matches; an order to play between two and twelve matches without spectators; and a fine of EUR 5,000 for clubs competing in the First League.
96. The Panel, by majority recalls that, in exercising its power of review in disciplinary matters, it must have due regard to the margin of discretion entrusted to sporting associations and their competent disciplinary bodies. Longstanding CAS jurisprudence recognises that a disciplinary sanction is not to be amended merely because a panel might, had it acted as the disciplinary body of first instance, have selected a different measure. Intervention is warranted only where the competent body has exceeded its margin of appreciation, or where the sanction is evidently and grossly disproportionate to the offence.
97. In CAS 2018/A/5900, para. 94, the Panel noted that “(...) *there is an established line of CAS jurisprudence which states that sanctions imposed by the FIFA DC can only be*

amended by a CAS panel if the sanction(s) concerned are evidently and grossly disproportionate to the offence. Accordingly, the Panel considered that it could only grant the Club the requests for relief quoted above if it considered the sanctions imposed by the FIFA DC in the Appealed Decision to be 'evidently and grossly disproportionate to the offence.'

98. Additionally, the award in CAS 2016/A/4719, para. 86, provides a list of awards that have followed this line of jurisprudence:

“This scope of a CAS Panel’s review in disciplinary cases has been established through a substantial number of CAS cases, cf. CAS 2014/A/3562, par. 199; CAS 2009/A/1817 and CAS 2009/A/1844, par. 174; CAS 2004/A/690, par. 86; CAS 2005/A/830, par. 10.26; CAS 2006/A/1175, par. 90; CAS 2007/A/1217, par 12.4; CAS 2009/A/1870, par 125 and the advisory opinion CAS 2005/C/976 & 986, par 143)”.

99. This approach gives proper effect both to the Panel’s de novo power of review (Article R57 of the CAS Code) and to the principle of association autonomy. It prevents the arbitral review from becoming a substitution of the Panel’s own disciplinary assessment for that of the competent sporting body, while preserving effective protection against sanctions which are unsupported by relevant considerations, or manifestly excessive in relation to the infringement and its legitimate regulatory objectives.
100. In the present case, the Respondent’s disciplinary bodies imposed a ban on hosting ten matches together with a fine of EUR 5,000.
101. The Panel, by majority, finds no basis to identify any circumstance capable of mitigating the Appellant’s responsibility. The record discloses no factor which would diminish either the seriousness of the organisational failure or the Appellant’s responsibility for the consequences flowing from it. In particular, the Appellant has not established that it took adequate preventive measures, that it effectively remedied the breach, or that any objectively verifiable circumstance beyond its control materially reduced its degree of responsibility. The mere absence of certain additional aggravating features cannot, as such, constitute a mitigating circumstance; nor does it neutralise the disciplinary significance of the conduct which has been established.
102. The nature of the infringement is, moreover, serious. The failure to maintain proper control over restricted areas within the stadium, resulting in the presence of unauthorised persons in the tunnel and in the vicinity of the dressing rooms, directly affected the safety, orderly conduct and integrity of the match environment. The fact that police intervention was required in order to secure the safe departure of match officials and members of the visiting team confirms that the matter cannot be characterised as a merely technical or inconsequential organisational lapse.
103. Such conduct is particularly serious in the sporting context. The host club is entrusted with a central responsibility for ensuring that the competition can be conducted in a safe, orderly and regular manner, including by preserving protected areas from unauthorised access and by safeguarding officials, participants and visiting-team personnel. A failure

in that respect risks undermining confidence in the proper administration of the competition and is capable of impairing interests which the applicable disciplinary rules are specifically intended to protect. The seriousness of the infringement must therefore be assessed by reference not only to any harm actually realised, but also to the concrete risk created for safety and sporting order.

104. The Panel, by majority, further observes that the imposed sanctions lie within the range expressly provided for by the applicable regulations. Its severity is connected to the specific circumstances of the case, including the failure of organisation and control in a restricted area, the resulting security concerns and the need for police intervention. The disciplinary bodies were therefore entitled to conclude that a meaningful sanction was required in order to reflect the gravity of the infringement and to preserve the preventive and deterrent function of the disciplinary system.
105. Moreover, the Panel, by majority, does not discern any element indicating that the disciplinary bodies acted on irrelevant grounds, failed to take account of a material consideration, or adopted a sanction unrelated to the purposes of the applicable rules. Nor does the Panel, by majority, find any evidentiary basis for the assertion that the sanction was imposed selectively, as retaliation, or otherwise for an extraneous purpose.
106. Likewise, the Panel, by majority, is not persuaded that the sanction is evidently and grossly disproportionate to the infringement. It is not sufficient that the Appellant considers a lesser sanction preferable, or that it refers to a previous disciplinary decision arising from materially different factual circumstances. A comparison with other cases can be relevant only where the infringements, the surrounding circumstances, the applicable provisions and the interests at stake are sufficiently comparable. The Appellant has not demonstrated such comparability here.
107. Having regard to the absence of mitigating circumstances, the serious nature of the established conduct, the regulatory range available to the disciplinary bodies, and the legitimate aims of safeguarding safety and order of the competition, the Panel by majority finds that the sanctions are appropriate and proportionate. They neither exceed the margin of discretion afforded to the disciplinary bodies nor reach the high threshold of evident and gross disproportionality required to justify arbitral intervention.
108. With regard to the New Evidence submitted by the Appellant, the Panel observes that the FFM Publication does not support an inference of systemic corruption in the manner contended by the Appellant. The publication refers to correspondence received from the UEFA Integrity Department concerning suspected match irregularities in three domestic matches, of which only one pertains to the 2024/2025 season — the other two relate to the 2025/2026 season, and one of them is a friendly match. The limited temporal and competitive scope of these references significantly diminish the evidentiary weight the Appellant seeks to attribute to the document.
109. In light of the foregoing, the Panel concludes, by majority, that the appeal is dismissed and that the Appealed Decision is upheld.

XI. Costs

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed on 1 July 2025 by FC Gostivar against the Football Federation of Macedonia with respect to the decision of its Disciplinary Commission of 2 May 2025 (n°. 0801-1206/6) and with respect to the decision of its Appeal Commission of 12 May 2025 (n° 10-1275/3) is dismissed.
2. The decision rendered by the Appeals Commission of the Football Federation of Macedonia on 12 May 2025 (n° 10-1275/3) is confirmed.
3. (...).
4. (...).
5. All other motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland
Date: 9 September 2026

THE COURT OF ARBITRATION FOR SPORT

Kepa Larumbe
President of the Panel

Giulio Palermo
Arbitrator

Bernhard Welten
Arbitrator