



**TAS / CAS**

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

**Arbitration CAS 2023/A/10168 Olympiacos F.C. v. Hellenic Football Federation (HFF),  
award of 29 February 2024**

Panel: Mr Cesare Gabasio (Italy), President; Mrs Despina Mavromati (Greece); Mr Manfred Nan (The Netherlands)

*Football*

*Disciplinary sanctions against a club for wrongful behaviour of its supporters*

*Request for intervention*

*General power of the referee to suspend a match*

*Reduction of the sanction*

1. A direct party to a dispute before a first instance that does not lodge an independent appeal before CAS cannot be permitted to “enter through the back door” and join the proceedings through a request for intervention as a party after the expiry of the time limit to appeal. This would *de facto* lead to a circumventions of the strict deadline of 21 days to challenge the first instance decision. Furthermore, an intervention application should only be granted where the applicant will be significantly affected by a possible decision, where the parties do not object to the application and where the applicant is a party to the arbitration agreement.
2. Article 5.3 of the Laws of the Game of the International Football Association Board provides that in case of outside interference, e.g. if an object thrown by a spectator hits a match official, a player or team official, the referee may allow the match to continue, or stop, suspend or abandon it depending on the severity of the incident. The opinion of the match doctor on the seriousness of the injury that potentially resulted from the interference in no way prevents the referee from exercising his exclusive right to decide on the definitive suspension of the match.
3. The fact that a club made substantial efforts and collaborated with the police in order to identify and trace the person responsible for throwing a firecracker that caused an injury on a player and subsequently banned that person from entering the stadium for life fulfills the conditions of Article 15(6)(i) of the HFF Disciplinary Code which provides for a discretionary reduction of sanctions in case the liable team “*contributes demonstrably and substantially to the finding of the culpable natural persons (fans)*”.

## **I. PARTIES**

1. Olympiacos F.C. (the “Appellant” or “Olympiacos”) is a Greek professional football club, affiliated to the Hellenic Football Federation, which, in turn, is affiliated to the Fédération Internationale de Football Association (“FIFA”).
2. The Hellenic Football Federation (the “Respondent” or “HFF”) is a Greek football association, affiliated to FIFA.
3. The Appellant and the Respondent shall be jointly referred to as the “Parties”, where applicable.
4. Panathinaikos F.C. (the “*Amicus Curiae*” or “Panathinaikos”) is not a party but participates in the present proceedings as an *amicus curiae* pursuant to the article R41.4 of the Code of Sports-related Arbitration (the “CAS Code”).

## **II. FACTUAL BACKGROUND**

5. Below is a summary of the relevant facts and allegations based on the Parties’ written and oral submissions, on the *Amicus Curiae* brief and evidence adduced in these proceedings. References to additional facts and allegations found in the Parties’ written submissions, *Amicus Curiae* brief and evidence will be made, where relevant, in connection with the legal analysis that follows. While the Panel has considered all the facts, allegations, legal arguments and evidence submitted by the Parties and the *Amicus Curiae* in the present proceedings, the Award only refers to the submissions and evidence it deems necessary to explain its reasoning.

### **A. Background facts**

6. On 22 October 2023, Olympiacos hosted the 8<sup>th</sup> match day of the Greek Super League 1 against Panathinaikos (the “Match”). Italian FIFA referee Mr Fabio Maresca (the “Referee”) was appointed as referee of the Match, while Mr Christos Gogos was appointed as doctor of the Match (the “Match Doctor”) and Mr Ioannis Loumitis as the Greek Super League delegate (the “Match Delegate”).
7. After Olympiacos scored a goal in the 48<sup>th</sup> minute of the Match, thus levelling the score at 1-1, a minute later (in the 49<sup>th</sup> minute of the Match) the Referee interrupted temporarily the Match due to the smoke that reduced visibility and the restart of the play would have been a throw-in for Olympiacos.
8. While the Match was stopped, a firecracker was ignited and exploded in the designated warm-up area outside the pitch, where substitutes from both teams, including Panathinaikos player n. 3 Mr Juan Carlos Perez Lopez, also called “Juankar” (the “Player”), were warming up.
9. Following the sound of the firecracker, the Player was lying on the ground near the warm-up area.

10. After five minutes of treatment, the Match Doctor decided to send the Player to the stadium infirmary for further examination.
11. Following the Match Doctor's decision to transfer the Player to the stadium infirmary, all the players and the team officials of Panathinaikos left the pitch and returned to the locker room.
12. After a short while, the Referee decided to temporarily suspend the Match and signalled the temporary stoppage by blowing the whistle twice. Following the temporary suspension, the entire team of referees, as well as all the players and team officials of Olympiacos, walked back to the locker rooms through the tunnel.
13. Few minutes after returning to the locker room, the Referee spoke to the Match Doctor, who told him that the Player had a temporary hearing loss to his left ear due to the noise of the firecracker.
14. In the next 60 minutes the Match Doctor visited again the Player in the presence of both teams' doctors and told the Referee that the Player's condition had improved, but the Player said that he could still not stand up.
15. Upon the Referee's request, at 10.10 p.m., the Match Doctor started drafting a written statement, which he finished forty minutes later (*id est* 10.50 p.m.). The hand-written statement reads as follows: "(...) *By that time a firecracker close to him provoked a temporary deafness to his left ear. He could not stand up and in the field had horizontal nystagmus due to this rumour. I asked to move him to the infirmary. So happened. In the infirmary the patient still had instability and deafness. In front of the other doctors of the two teams, we re-examined him in the next 60 minutes and we found that the player had improved to his ear finding, bust still could not stand up according to him. The player seems to be neurologically intact, but with the medically devices we have we cannot say about fit or not fit. The player and the team need to bring him to the hospital for further examination. Clinically according to my opinion he is in good conditions, but he still and his team want to bring to a hospital for further exams*".
16. At 11.05 p.m. the Referee announced to the clubs, the Match Delegate and the police authority its decision to suspend the Match permanently, as in his opinion "*there weren't the conditions to restart the Match*". As stated in the Referee's report, the Referee reached this decision "*[b]ecause both clubs were pushing the match doctor to change his decision and because more than two hours had passed from temporary suspension (...)*".
17. On 23 October 2023, upon request of the first instance single judge of the Greek Super League Disciplinary Body, the Referee confirmed, via email, the reasons for the definitive suspension of the Match. One of the reasons was "*3) in the fact that more than two hours and 20 minutes had already passed since the temporary suspension, which in any case underlines the seriousness of the injury suffered by the player n.3 of Panathinaikos (...)*".
18. The Greek police then successfully located and interrogated the person identified by Olympiacos as being the one to have thrown the firecracker on the pitch. This person confessed having thrown the firecracker.

**B. Proceedings before the First Instance Committee**

19. On 24 October 2023, disciplinary proceedings were opened by the HFF against Olympiacos regarding the events that occurred during the Match.
20. On 25 October 2023, Panathinaikos filed a request to intervene in the proceedings pursuant to Article 19 of the HFF Rules Governing the Procedure before the Judiciary Bodies.
21. On 26 October 2023, the first-instance single judge of the Greek Super League Disciplinary Body issued the decision n. 280/2023 (the “First Instance Decision”, with its operative part reading as follows:

*‘FOR THESE REASONS [the Greek Super League 1 First Instance Committee]*

*JOINTLY HEARS the summons to OLYMPIACOS FC to enter plea under protocol number 329/24-10-2023 and the main intervention by PANATHINAIKOS FC (protocol no. 5155/2023) dated 24-10-2023 inter partes.*

*REJECTS the main intervention by PANATHINAIKOS FC (protocol no. 5155/2023) dated 24-10-2023.*

*ACCEPTS that the respondent OLYMPIACOS FC committed the disciplinary violations attributed to it.*

*IMPOSES on the respondent OLYMPIACOS FC:*

- a) a fine of five thousand (5,000.00) euros for the act referred to in point 1a, which they committed repeatedly, given the affirmative disciplinary liability for identical acts in four previously held matches of the same season, by virtue of final decisions No. 215/31-08-2023, 220/7-09-2023, 242/29-09-2023 and 250/5-10-2023 of this disciplinary body (violation of Articles 1, 5 et seq., 14 paras. 1, 2, 3 and 4 ind. a', 15 para. 2 ind. a' of the HFF DC),*
- b) a fine of three thousand (3,000,00) euros for act 1b, which they committed repeatedly, given the affirmative disciplinary liability for identical acts in a previously held match of the same season, by virtue of final decision No. 250/5-10-2023 of this disciplinary body (violation of Articles 1, 5 et seq., 14 paras. 1, 2, 3 4 ind. a', 15 para. 2 ind. b' ii of the HFF DC),*
- c) as to the 3rd act, (i) AWARDS the match to the visiting team PANATHINAIKOS FC with a score of 0-3; (ii) DEDUCTS from the respondent FC one (-1) point from the standings table of the league in which it participates; and also IMPOSES on them (iii) a fine of thirty thousand (30,000.00); and (iv) the penalty of holding a match without spectators for two (2) match days (violation of Articles 1, 5 et seq., 14 paras. 1, 2, 3 and 4, ind. a', 15 para. 3, 11 ind. b', 15 para. 6 ind. b', d', f' of the HFF DC and 21 para. 3 II of the HFF RFM),*
- d) IMPOSES a fine of three thousand (3,000.00) euros for the 4th act (violation of articles 1, 5 et seq., 14 paras. 1, 2, 3 and 4, ind. a', 15 para. 3 ind. 1. a', e' of the HFF DC); the third and fourth acts were committed by the respondent repeatedly, given the affirmative disciplinary liability for identical acts in two*

*previously held matches of the same season, by virtue of final decisions No. 220/7-09-2023 and 250/5-10-2023 of this disciplinary body, and*

- e) *IMPOSES a fine of five thousand (5,000.00) euros for the 5th act (violation of articles 1, 5 et seq., 14 paras. 1, 2, 3 and 4, ind. a', 15 para. 4 ind. a' subpara. b of the HFF DC).*

*DETERMINES a total fine of thirty-eight thousand (38,000.00) euros”.*

22. The First Instance Decision was notified to the Appellant on 27 October 2023.

### **C. The proceedings before the HFF Appeals Committee**

23. On 31 October 2023, Olympiacos lodged an appeal against the First Instance Decision before the Appeals Committee of HFF (the “HFF Appeals Committee”). On the same day, Panathinaikos also filed an appeal to have its main request for intervention upheld.

24. On 10 November 2023, the HFF Appeals Committee passed a decision on the matter (the “Appealed Decision”), stating as follows:

*“- JOINTLY HEARS both appeals dated 31/10/2023, inter partes.*

*- ACCEPTS both appeals in law.*

*- DISMISSES THE APPEALS on the merits.*

*- ORDERS the forfeiture of the appeal fees in favours of the HFF”.*

25. The grounds of the Appealed Decision were notified to the Parties on 10 November 2023 and read as follows in their relevant parts:

*“9. In this case, in accordance with the preceding major reasoning, the main intervention under trial of Panathinaikos must be dismissed, primarily as unlawful, as it is explicitly stipulated in the third subparagraph of Article 19 of the Rules of Procedure of Judicial Bodies of the HFF that there shall be no main or additional intervention in cases heard under the Code of Conduct and in disciplinary cases (Appeals Committee 52/2023). Moreover, in accordance with the provision of Article 79 of the Code of Civil Procedure, in order for Panathinaikos FC to file a main intervention, it should be a third party appropriating the whole or part of the subject matter of proceedings pending between others. However, the main intervention of Panathinaikos FC is unlawful and in as much as it is directed against a disciplinary action against the respondent Olympiacos FC, as summoned to appear before the Disciplinary Committee, without, however, lodging of a complaint or an objection under Article 23 of the RFM, so that they are pending for trial and, consequently, that the main intervener may intervene in these disciplinary proceedings. (...)*

*11. Further, in accordance with the provision of Article 15, para. 6b, first subpara. Of the HFF DC, the bodily harm of a person legally present on the pitch (as well as the assessment of its severity and the existence or not of the possibility for the person to continue to play) is established only by the doctor of the match, as they have the power to order anything that is required in connection with the treatment of*

*the person's bodily harm. Based on this provision, the doctor of the match must establish if a player can play or not. Moreover, as is clear from the provision of Article 15 para. 6b, last subpara. of the HFF DC, the referee is obliged to stop the match, in case it is established by the doctor of the match that the player injured or having suffered bodily harm by the throwing of dangerous objects cannot continue to play. Further, according to Article 15 para. 6d of the HFF DC, any decision in relation to the non-start or suspension or the continuation of the match, the withdrawal of teams from the pitch and re-entry to the pitch, shall be taken exclusively by the referee of the match. As is clear from the combination of the above provisions, if the doctor of the match establishes that the player injured by the throwing of dangerous objects cannot, due to their injury, continue to play, the referee is obliged to suspend the match. In any other case, and in particular if the doctor of the match does not provide a scientific estimation on whether the player injured by the throwing of dangerous objects can continue to play, the Referee's sovereign right to decide, at their discretion on the suspension or continuation of the match shall not be limited, since the aforementioned provision of Article 15 para. 6d of the HFF DC explicitly grants the referee with the exclusive right to decide on its suspension or continuation. (...)*

*13. (...) The severity of the bodily harm also arose during the last examination of the player by the match doctor. In particular, the match doctor diagnosed only improvement to the impairment of the hearing, repeating his diagnosis that the injured player could not get up, this being his final opinion, according to which it was clear and certain, based on the rules of medical science in conjunction with the rules of common sense and the common experience, that the player had suffered such bodily harm as a result of the firecracker thrown in his vicinity which rendered him unable to continue to fulfill his duties and specifically to participate in a football match, as no opinion stating that it is possible for a player in this condition (partial impairment of hearing and inability of stand up) to enter the pitch, run and participate in the match would be valid. The match doctor, while preparing this official medical certificate, on the one hand confirmed the initial harm as a result of the throwing of the firecracker which led to the temporary suspension, on the other hand, did not establish his opinion regarding the ability of the player, in view of the previously described clinical status (partial impairment of hearing, inability to stand up, instability), to continue exercising or not his duties. However, the opinion of the doctor, according to the aforementioned, in no way prevents the referee, properly so, according to the preceding reasoning, from exercising his exclusive right and at the same time his obligation provided for by Article 15§6 point d' of the HFF DC to decide on the definite suspension of the football match in question, since all its formal and substantial conditions are met (definite suspension), clearly based on the medical data recorded by the match doctor in his written opinion regarding the bodily harm suffered by the player and its severity, as clearly arose as to this part from the said document and even so in three different time intervals. The above true facts regarding the player's health conditions were correctly evaluated by the referee, a judgment that was recorded in his decision regarding the definite suspension of the match with the reasoning that the conditions for its continuation were not met, and this reasoning was recorded in the Match Sheet.*

*It is noted that Olympiacos FC lost the right to object to the decision of the referee on the definite suspension of the match, according to Article 23§§1c and 4a of the HFF RFM, which should have been submitted within a deadline of two (2) working days after the match was held. (...)*

*14. Following the above, it was proven that the player of the visiting team Panathinaikos FC with jersey number 3, suffered the above-mentioned bodily harm as a result of a firecracker thrown in his vicinity, by the fans of Olympiacos FC, as the only active cause. This bodily harm, after being diagnosed by the match doctor, led the referee to temporarily suspend the match and subsequently, after repeated diagnoses*

*of the above doctor in different time intervals, which confirmed the bodily harm, the referee correctly decided on the definite suspension of the match, observing the provisions of the RFM and the relevant provisions of the HFF DC, as analysed both in the preceding reasoning and in the analysis (reasoning) and recourse to the substantive facts of the relevant provisions of the HFF DC and the RFM.*

*15. Consequently, for the third act, as a result, the decision under appeal correctly applied the provision of Article 15§3iib of the HFF DC and imposed on the culpable Olympiacos FC a fine amounting to 30,000 Euros, award of the game in favour of Panathinaikos FC, with goals 0-3 and a penalty of holding a match without spectators for two (2) match days.*

*16. Further, the decision under appeal, as a result, correctly applied the provisions of Articles 21§3 iic of the RFM of the HFF, because the match in question was not completed due to the fault of the home team OLYMPLACOS FC, since, as a result of the throwing of the firecracker from their fans, the player of the visiting team Juankar with the jersey number 3 suffered bodily harm due to which the match was initially suspended temporarily, and subsequently definitely. Thus, one (1) point from the culpable OLYMPLACOS FC from the standing table of the league in which it participates must be deducted (...)."*

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

26. On 23 November 2023, the Appellant filed a Statement of Appeal with the Court of Arbitration for Sport (the "CAS") in accordance with Articles R47 and R48 of the CAS Code against HFF with respect to the Appealed Decision and added Panathinaikos as an "Interested Party" but stating that Olympiacos had mentioned the latter as an interested party in these proceedings "*for the sole purpose of informing it of the present Appeal considering that the relief sought by the Appellant would require Panathinaikos to replay a match. However, as will be presented in more detail in Olympiacos' Appeal Brief and as explicitly confirmed by the Appealed Decision, Panathinaikos has no standing under the rules of law applicable to the merits to opine on the sanction imposed by the HFF on Olympiacos, which solely concern Olympiacos and the HFF*".
27. In its Statement of Appeal, the Appellant requested that the present matter be submitted to a panel composed by three arbitrators and thereby appointed Dr Despina Mavromati. Moreover, the Appellant requested an expedited procedure in accordance with Article R52(4) of the CAS Code.
28. On 27 November 2023, the CAS acknowledged receipt of the Statement of Appeal and forwarded it to the HFF. The CAS requested the HFF to inform the CAS Court Office within two days whether it agreed with Olympiacos' request for an expedited procedure. On the same day, the CAS also forwarded the Statement of Appeal to Panathinaikos and informed it that the Appeal was not directed against Panathinaikos.
29. On 30 November 2023, the CAS Court Office extended HFF's deadline to comment on Olympiacos' request for an expedited procedure until 6 December 2023.

30. On 4 December 2023, Panathinaikos filed a request for intervention and requested, in particular, to be admitted as a “full party” in these proceedings or, alternatively, to participate as an interested party, or to be allowed to file an *amicus curiae* brief.
31. On 5 December 2023, the CAS Court Office invited HFF and Olympiacos to submit their observations on Panathinaikos’ request for intervention by 8 December 2023.
32. On 6 December 2023, Olympiacos requested the CAS Court Office to dismiss Panathinaikos’ request for intervention.
33. On the same date, the HFF informed the CAS Court Office that it did not object to the intervention request of Panathinaikos and requested another extension of its deadline to respond to Olympiacos’ request for an expedited procedure and its deadline to appoint an arbitrator.
34. On 7 December 2023, the CAS Court Office informed the Parties that it would be for the President of the CAS Appeals Arbitration Division, or her Deputy, to decide on Panathinaikos’ intervention request and invited Olympiacos to state by noon on 8 December 2023 whether it agreed with HFF’s requests for extension.
35. On 8 December 2023, the CAS Court Office extended Olympiacos’ deadline until 4.00 pm on the same day.
36. By 4.00 pm on that day, Olympiacos informed the CAS Court Office that the Parties were engaged in discussions to reach a possible agreement on a procedural calendar and thus consented to an extension of the HFF’s deadline to comment on Olympiacos’ request for an expedited procedure until noon on 11 December 2023. In the same communication, Olympiacos objected to an extension of the HFF’s deadline for the appointment of an arbitrator.
37. On the same day, the CAS Court Office extended the HFF’s deadline to comment on Olympiacos’ request for an expedited procedure until noon on 11 December 2023. Taking into account the Parties’ disagreement regarding the extension of the Respondent’s deadline to appoint an arbitrator, the CAS Court Office noted that it would be for the President of the CAS Appeals Arbitration Division, or her Deputy, to decide the issue in accordance with Article R32 of the CAS Code, stating that in the meantime the Respondent’s deadline to appoint an arbitrator would be suspended until further notice.
38. On 10 December 2023, Olympiacos informed the CAS that the Parties agreed on a joint proposal for a procedural calendar.
39. On 11 December 2023, the CAS Court Office granted the HFF until noon on that day to indicate whether it confirmed its agreement to the procedural calendar and informed the Parties on behalf of the Deputy Division President that HFF’s deadline to nominate an arbitrator has been extended until 14 December 2023 pursuant to Article R32 of the Code.



40. On the same date, the HFF confirmed its agreement to the procedural calendar and appointed Mr. Manfred Peter Nan as arbitrator in these proceedings.
41. On the same date, the CAS Court Office confirmed that the Parties agreed on a procedural calendar, noting however that the CAS is not bound by the date agreed by the Parties for the issuance of the award.
42. On the same date, the CAS Financial Director also fixed the advance on costs and invited the Parties to pay their respective shares by 18 December 2023.
43. On 12 December 2023, HFF informed the CAS that it did not intend to pay its share of the advance of costs. The CAS invited Olympiacos to pay the advance of costs by 18 December 2023 and Olympiacos proceeded to such payment on 13 December 2023.
44. On 14 December 2023, the CAS Court Office informed the Parties that the Deputy President of the CAS Appeals Arbitration Division dismissed Panathinaikos' request for intervention, adding that pursuant to Article R41.4 of the CAS Code, this decision shall be without prejudice to the Panel's subsequent decision on the same matter.
45. On 18 December 2023, Olympiacos filed its Appeal Brief in accordance with Article R51 of the CAS Code.
46. On 19 December 2023, the CAS Court Office acknowledged receipt of the Appellant's Appeal Brief and informed the Parties that pursuant to Article R55 of the CAS Code the Respondent shall submit its Answer by 19 January 2024.
47. On 3 January 2024, the CAS Court Office informed the Parties pursuant to Article R54 of the CAS Code and on behalf of the President of the CAS Appeals Arbitration Division, that the Panel appointed to decide the present matter was constituted as follows:  
  
President: Mr Cesare Gabasio, Attorney-at-Law in Turin, Italy  
  
Arbitrators: Dr Despina Mavromati, Attorney-at-law in Lausanne, Switzerland  
  
Mr Manfred Peter Nan, Attorney-at-law in Amsterdam, The Netherlands
48. On 12 January 2024, the CAS Court Office informed the Parties and Panathinaikos that the Panel dismissed Panathinaikos' request for intervention and decided to allow Panathinaikos to participate in these proceedings as an *amicus curiae* pursuant to Article R41.4 of the CAS Code and would be allowed to submit an *amicus curiae* brief.
49. On 19 January 2024, the CAS Court Office informed the Parties that the hearing date was set for 6 February 2024.
50. On 19 January 2024, the Respondent filed its Answer in accordance with Article R55 of the CAS Code.
51. On 1 February 2024, Panathinaikos submitted its *amicus curiae* brief.

52. On 1 February 2024, the CAS Court Office, on behalf of the Panel, issued the Order of Procedure, which was duly signed by the Parties. By signing the Order of Procedure, the Parties confirmed the CAS jurisdiction to hear the appeal.

53. On 6 February 2024, the hearing took place, with the participation, in addition to the Panel and Ms Sophie Roud, CAS Counsel, of the following persons:

For the Appellant: Mr Antonio Rigozzi, Mr Eolos Rigopoulos, Mr Patrik Pithon, Mr Dimitris Karpetopoulos (party representative), Mr Theodoros Buchelos (interpreter);

For the Respondent: Mr Marc Cavaliero, Mr Jaime Cambreleng, Ms Liana Togantzi (legal counsel);

Witnesses: Mr Kostantinos Karapapas, Vice-President of Olympiacos, summoned by the Appellant; Mr Leonidas Boutsikaris, Vice-President of Panathinaikos and Dr Panagiotis Alexandropoulos, head doctor of Panathinaikos (heard virtually), summoned by the Respondent;

54. The witnesses (and the interpreter) were invited by the President of the Panel to tell the truth subject to the sanctions of perjury under Swiss law. The Parties and the Panel had full opportunity to examine and cross-examine the witnesses.

55. During the hearing the Parties were given full opportunity to present their case, submit their arguments/submissions and answer the questions posed by the Panel. No Party objected to the constitution of the arbitral tribunal and at the conclusion of the hearing the Parties expressly confirmed that their right to be heard was fully respected.

#### **IV. SUBMISSIONS OF THE PARTIES AND THE AMICUS CURIAE**

##### **A. The Appellant**

56. In its Appeal Brief the Appellant submitted the following requests for relief:

(1) *The Appeal filed by Olympiacos against the Appealed Decision is upheld;*

(2) *The Appealed Decision is set aside;*

(3) *The Match between Olympiacos and Panathinaikos of 22 October 2023 shall be re-scheduled and re-played in its entirety, alternatively it shall be re-scheduled and resumed from the 49<sup>th</sup> minute;*

(4) *Olympiacos is awarded back the point that the First Instance Decision and the Decision under Appeal deducted from its total in the 2023/2024 Greek Superleague 1 ranking;*

(5) *The Hellenic Football Federation (and/or Panathinaikos) shall bear all arbitration costs incurred with the present proceedings, if any, and cover all legal expenses of Olympiacos related to the present proceeding.*

57. The submissions of the Appellant, in essence, may be summarized as follows.

- A club violates Article 15(3) of the HFF Disciplinary Code and must be imposed by the relevant sanctions, only in the case the following three cumulative conditions are fulfilled: (i) an object likely to cause bodily harm, according to the common experience, has been thrown onto the pitch; (ii) the match doctor has established that the throwing of the object has caused such bodily harm and that a player is unable to play; (iii) the referee has ordered the definitive suspension of the match as a result of this bodily harm.
- In the present case the second and third conditions are not fulfilled, taking into account that (a) the Match Doctor – the only person competent to establish the seriousness of the footballer’s health condition – never determined that the Player had sustained bodily harm within the meaning of Article 15(6)(b) HFF Disciplinary Code or that he was unable to play; (b) the Referee did not suspend the Match (whether temporary or definitively) due to the Player’s injury, as the Referee’s report explicitly states that the Referee temporarily suspended the Match because Panathinaikos’ players and officials abandoned the pitch, and decided to suspend permanently the Match because there weren’t the conditions to restart the Match and, in particular, *“because both clubs were pushing the match doctor to change his decision and because more than two hours has passed from the temporary suspension”*.
- The Appellant also adds that, right after the temporary suspension of the Match, the Referee would have ordered Panathinaikos’ players to return to the pitch within five minutes in order to resume the Match and that, contrary to this directive, Panathinaikos’ players never returned to the pitch and decided, a few minutes following the temporary suspension, to have pizza delivered in the stadium.
- The result is that the Appellant did not violate Article 15 of the HFF Disciplinary Code and could not be sanctioned, because the temporary and later definitive suspension of the Match was due to Panathinaikos’ players that abandoned the pitch, claiming that the Player was injured by the firecracker.
- As Olympiacos cannot be deemed responsible for the permanent suspension of the Match, the Appellant requests the CAS to order the Respondent to re-schedule the Match pursuant to Article 21(2) (b) of the HFF Rules on Football Matches (“HFF RFM”), under the same conditions, either for a complete replay or to be resumed from the 49<sup>th</sup> minute.
- In the alternative, the sanctions imposed by the Appealed Decision should be reduced pursuant to Article 15(6)(i) of the HFF Disciplinary Code, because immediately after the Match Olympiacos did everything in its power to identify the person who threw the firecracker and, thanks to the crucial information given by Olympiacos, the Greek police was able to apprehend and interrogate the suspect who finally confessed. Olympiacos also sanctioned the person that threw the firecracker with a lifelong ban from the stadium.

## **B. The Respondent**

58. The Respondent submitted the following requests for relief:

*“Prayer 1: The Appeal lodged by Olympiacos F.C. shall be dismissed and the HFF Appeals Committee’s decision shall be confirmed in its entirety.*

*Prayer 2: Olympiacos F.C. shall be ordered to contribute substantially to the legal fees and other expenses incurred by the Respondent in an amount no less than CHF 30,000.00”.*

59. The submissions of the Respondent, in essence, may be summarized as follows.
- During the Match hundreds of prohibited objects, including incendiary devices as the one thrown at the Player, were brought into the stadium and lit by Olympiacos’ supporters.
  - The Appellant did not challenge that its fans threw firecrackers towards the warming-up area of the pitch and that one firecracker exploded very close to the Player.
  - As Olympiacos did not challenge the content of the Referee and Match Doctor’s reports within the deadline provided for by Article 23 HFF RFM, it is now precluded from doing so in the context of these disciplinary proceedings.
  - The Player was injured due to the firecracker’s explosion, as the Match Doctor diagnosed that the Player suffered temporary deafness to his left ear and nystagmus (an involuntary eye movement), which is related to the labyrinth.
  - The Referee’s report does not state that he suspended the Match as a result of the Panathinaikos’ return to the locker room, nor that he ordered the Panathinaikos’ players to return to the pitch and the Panathinaikos players had acted contrary to his instructions. On the contrary, from the Referee’s reports it results that his decision to temporarily suspend the Match follows the serious misconduct committed by Olympiacos’ supporters in its stadium and confirmed that it was necessary to bring both teams to the dressing rooms.
  - As acknowledged by the Appellant, the referee has the competence – and therefore also the discretion – to definitively suspend the match, regardless of the reasons behind such decision. That means that, even if the Match Doctor was unable to fully diagnose the injuries suffered by the Player, the Referee still retained the discretion to put an end to the Match and correctly decided that the Match had to be definitively suspended as a result of the firecracker’s explosion and the injured sustained by the Player.
  - As the HFF’s judicial bodies imposed on Olympiacos the minimum sanctions possible, there is no issue of sanctions’ proportionality to be evaluated. In any case, it should be considered that the only mitigating element the Appellant had claimed (i.e. the collaboration with the Greek Police to identify the person who threw the firecracker) is buried under numerous aggravating elements, taking into account that during the Match more than 100 prohibited objects were entered into the stadium, lasers were pointed at the players, torchers, smoke bombs and firecrackers were lit and thrown and there is no evidence that the Appellant did anything to identify any of the other perpetrators. Moreover, Olympiacos has been continuously sanctioned for violations related to the lighting and throwing of prohibited objects and failed to reduce the crowd disturbance breaches in its stadium through the years.

**C. The *Amicus Curiae***

60. The *Amicus Curiae* requested to dismiss “the appeal filed by Olympiacos against the decision no. 68/2023 dated 10 November 2023 of the HFF Appeals Committee”.
61. The submissions of the *Amicus Curiae*, in essence, may be summarized as follows:
- After the Olympiacos goal, the Match continued until the ball went out for a throw-in for Olympiacos. The Referee temporarily suspended the match due to the smoke bombs lit by Olympiacos’ supporters.
  - While the Match was temporarily suspended, an Olympiacos supporter threw a firecracker in front of gate 28, that caused a loud noise. The Referee, the Match Delegate and the Match Doctor noticed that the Player had fallen down to the ground following the firecracker thrown by Olympiacos fans.
  - The Match Doctor immediately examined the Player and noticed that the firecracker had caused the Player a deafness to his left ear and that the Player also suffered from horizontal nystagmus. After five minutes of treatment, the Match Doctor requested to transfer the Player to the infirmary.
  - Upon the temporary suspension of the Match, the Panathinaikos’ players left the pitch, as they were shocked by the incident and wanted to get back to safety. None of the Panathinaikos’ players ate any pizzas at that moment: the pizzas were delivered because they were ordered before the start of the Match, as Panathinaikos usually does before every match. The pizzas were delivered when the Match should have been over, had the Referee not suspended it. Once delivered, the pizzas were stored and eaten after the Referee had announced the definitive suspension of the Match.
  - The Referee never gave Panathinaikos’ players five minutes to return to the pitch, as demonstrated by the fact that there is no trace of this circumstance in the Referee’s report and in the Match Delegate’s Report and that no disciplinary actions were taken in this respect towards Panathinaikos.
  - Olympiacos can no longer challenge the Referee’s decision to definitely suspend the Match, because according to Article 23 of the HFF RFM it should have raised the objection for unlawful abandonment of the Match within two working days following the Match. Therefore, the Referee’s decision is final and binding.
  - The Match was ended as a result of Olympiacos’ fan throwing dangerous and flammable objects at the field and the injury of the Player, as ascertained by the Match Doctor.
  - The Match Doctor’s apparent hesitation in stating that the Player was unfit to play is explained by and results from the pressure put on him by all the persons surrounding him while he was writing his report.

- According to the HFF Disciplinary Code, the definitive suspension of a match is mandatory when an injured player is not able to play, but definitive suspension can be also decided by the Referee “*in case of a “bodily harm” caused by “throwing objects, which, according to common experience, were likely to cause bodily injury”, whether or not the injured player is capable of playing after the incident”*”.
- In a Supplementary Report given by the Referee upon request by the HFF Disciplinary Committee, the Referee added as a reason for the definitive suspension of the Match that the long lapse of time between the temporary and the definitive suspension showed the “*seriousness of the injury suffered by the player n.3 of Panathinaikos”*”.

## V. EVIDENTIARY PROCEEDINGS

62. At the hearing, three witnesses were heard and cross-examined.
63. Mr Karapapas, Vice-President of Olympiacos, stated, *inter alia*, that he was present at the Match as the official representative, while during the incident he was just above the tunnel trying to stop the smoke. He did not see the firecracker nor did he hear it as there was a lot of surrounding noise. He further stated that there were several Olympiacos’ players warming up close to the Player who were not hurt. Asked on whether there was a ban on the person who threw the firecracker, Mr Karapapas explained that the Appellant made substantial efforts and collaborated with the police in order to trace that individual, and he was subsequently banned from entering the stadium for life, apart from the criminal offenses issued on him. Mr Karapapas further stated that Greek law does no longer allow individuals to enter the stadium anonymously but requires them to show their social security number. The Appellant blocked that individual from its system, however, there is no official procedure in order to impose disciplinary proceedings put in place, as that individual was not a season ticket holder.
64. Mr Leonidas Boutsikaris, Vice-President of Panathinaikos, stated, *inter alia*, that he was in the booth that the administration provides to the away team and did not see the firecracker explosion directly but only saw who the player was and that people were running towards him. He then joined the other officials to the infirmary where the Match Doctor performed several tests on the Player. Mr Boutsikaris stated that, upon request by the Referee, he read pertinent parts of the Greek regulations regarding the incident. He further stated that, when the Match Doctor read his report, there were very strong reactions from the Appellant’s representatives to which he objected. Asked if he had ordered the players to leave the pitch, he said negatively as the team officials would not take the risk of facing disciplinary sanctions that entails a match abandonment. He further stated that he would have ordered the players to go back to the pitch had the Referee given such an order. Mr Boutsikaris stated that the Player missed six matches during the season due to the particular injury.
65. Dr Panagiotis Alexandropoulos, head doctor of Panathinaikos and orthopedic surgeon, stated, *inter alia*, that he followed the Player to the infirmary where the Match Doctor found that the Player was injured. He further stated that nystagmus is a multifactorial symptom, resulting to a dysfunction of the structure of the inner ear and that it is not possible to simulate such a condition. Dr Alexandropoulos further confirmed that the Match Doctor could not say whether

the Player was fit or unfit due to the lack of the proper equipment in the stadium that was needed to assess the Player's state properly through an audiogram, a CT scan or other exams. Regarding the pizza incident, Dr Alexandropoulos held that food was ordered before the match start and delivered shortly before the match end and not immediately after the temporary suspension. Asked how the Player went to the hospital, he stated that they had to wait for at least one hour to have the ambulance admitted to the stadium.

## **VI. JURISDICTION**

66. The jurisdiction of the CAS, which is not disputed by the Parties, derives from the Article 60(3) of the HFF Statutes, Article 5(5) of the HFF Rules Governing the Procedure before Judiciary Bodies, Article 25(5) of the HFF Disciplinary Code and Article R47 of the CAS Code. The jurisdiction is further confirmed by the Order of Procedure duly signed by the Parties.
67. It follows that the CAS has jurisdiction to decide on the present dispute.
68. Under Article R57 of the CAS Code, the Panel has the full power to review the facts and the law.

## **VII. ADMISSIBILITY**

69. The grounds of the Appealed Decision were notified to the Appellant on 10 November 2023. The Appellant filed the Statement of Appeal with CAS on 23 November 2023 and filed his Appeal Brief on 18 December 2023, within the time limit granted by the CAS Court Office. Therefore, the Panel considers that the Appellant submitted its Statement of Appeal within the deadline provided by Article R49 of the CAS Code, as Article 5(5) of the HFF Rules Governing the Procedure before Judiciary Bodies and Article 25(5) of the HFF Disciplinary Code do not provide for a specific time limit to lodge an appeal.
70. The Appeal complies with all the requirements set forth by Articles R47 and R48 of the CAS Code.
71. Therefore, the Appeal is admissible.

## **VIII. APPLICABLE LAW**

72. Article R58 of the CAS Code provides the following:

*“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 that the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision”.*

73. Pursuant to Article 1(5) of the HFF Statutes, “Hellenic Football Federation is a legal entity governed by rule of law and operating based on the Statutes thereof and the rules and guidelines of FIFA and UEFA”.

74. As a result, the Panel finds that the “applicable regulations” are primarily the various regulations of the HFF, in particular the HFF Disciplinary Code and the HFF RFM, while Greek law is relevant to interpret and supplement these regulations, if needed. The Panel also remarks that the applicable law is not disputed between the Parties.

#### **IX. PRELIMINARY ISSUE – REQUEST FOR INTERVENTION**

75. On 4 December 2023, Panathinaikos filed a request for intervention, pursuant to Article 41.3 CAS Code, and requested, in particular, to be admitted as a “full party” in these proceedings or, alternatively, to participate as an interested party, or to be allowed to file an *amicus curiae* brief.

76. Panathinaikos’ request for intervention may be summarized, in essence, as follows:

- Conditions for intervention under Article 41.4 CAS Code are met.
- Panathinaikos was involved as a party in the initial proceedings.
- Panathinaikos may be affected by the CAS award and shall be allowed to participate in the CAS proceedings irrespective of the reasons for the dismissal of its request to intervene in the Disciplinary Committee and in the Appeals Committee proceedings.

77. The Appellant requested that Panathinaikos’ request for intervention be dismissed and, in essence, its position may be summarized as follows:

- Panathinaikos did not appeal the Appealed Decision, which became final with respect to Panathinaikos’ right to intervene in the proceedings.
- Panathinaikos generally lacks standing to express its opinion on the sanctions imposed by the HFF on Olympiacos, as such sanctions exclusively concern Olympiacos and the HFF.
- Olympiacos does not object to Panathinaikos participating in these proceedings as an *amicus curiae*.

78. HFF did not object to the Panathinaikos’ request for intervention.

79. As communicated to the Parties on 12 January 2024, the Panel decided to reject Panathinaikos’ request for intervention and the grounds for this decision would be included in the final award.

80. The First Instance Decision, issued by the first-instance single judge of the Greek Super League Disciplinary Body on 27 October 2023, rejected the main intervention filed by Panathinaikos on 25 October 2023. Panathinaikos’ appeal against the First Instance Decision that rejected its request for intervention was also rejected by the Appealed Decision.

81. The Panel notes that none of the decisions issued by the Disciplinary Bodies were in Panathinaikos’ favour.



82. Therefore, Panathinaikos was entitled to challenge the Appealed Decision, as it did with respect to the First Instance Decision. On the contrary, Panathinaikos did not lodge an independent appeal before CAS. In the Panel's opinion, admitting Panathinaikos as a party to the present proceedings could *de facto* lead to a circumventions of the strict deadline of 21 days to challenge the Appealed Decision and, as noted by the CAS jurisprudence, "*might set a dangerous precedent in which a direct party to a dispute before a first instance (...) does not submit an appeal on time, but rather would be permitted to "enter through the back door" and join the proceedings if its request for intervention as a party would be upheld, while filed only after the expiry of the time limit to appeal*" (CAS 2016/A/4903).
83. Furthermore, the Panel also observes that, according to CAS jurisprudence, "*an intervention application should be granted where the applicant will be significantly affected by a possible decision, where the parties do not object to the application and where the applicant is a party to the Arbitration Agreement*" (CAS 2012/A/2737).
84. None of these conditions are met in the present case.
85. First of all, taking into account that on 6 December 2023 Olympiacos expressly objected to the participation of Panathinaikos in the present proceedings, requesting the CAS Court Office to dismiss Panathinaikos' request for intervention, its intervention cannot be allowed on a consensual basis.
86. Secondly, as a result of the definitive and binding rejection of the request of intervention by the First Instance Decision and by the Appealed Decision, Panathinaikos never became formally a party to the proceedings before the Greek Super League Disciplinary Body and has no right to intervene as such.
87. Thirdly, the disciplinary sanctions provided for by the Appealed Decision only concern Olympiacos and are not directed against Panathinaikos, nor could the outcome of this proceedings lead to the adoption of disciplinary sanctions against Panathinaikos. Its interest in participating in the present proceedings is therefore purely factual and is in any case adequately protected by the active participation of HFF in these proceedings, as the latter opposed Olympiacos's Appeal, requesting to confirm the Appealed Decision in its entirety.
88. Notwithstanding the rejection of Panathinaikos' request for intervention, the Panel is of the view, also taking into consideration that the Appellant did not object to Panathinaikos alternative request to participate as an *amicus curiae*, that the participation of Panathinaikos in the proceedings as an *amicus curiae* could facilitate the Panel in resolving the matter at stake, since it could be useful knowing the Panathinaikos' position about the concrete circumstances that led the Referee to suspend, first temporarily and then permanently, the Match.
89. The Panel therefore allowed Panathinaikos to receive all the Parties' submissions and to submit an *amicus curiae* brief. With respect to the *amicus curiae* submissions, the Parties' right to be heard was fully respected by allowing them to comment on Panathinaikos' *amicus curiae* brief during the hearing held on 6 February 2023, in accordance with the expedited nature of the present proceedings requested by the Appellant, which was confirmed by the Parties.

**X. MERITS**

90. The main issues to be resolved by the Panel are:

- A. Do the sanctions imposed on Olympiacos comply with the applicable regulations?
- B. Can the Match be re-scheduled and replayed in its entirety or, alternatively, resumed from the 49<sup>th</sup> minute?
- C. Can the sanctions imposed on Olympiacos be reduced according to Article 15(6)(i) of the HFF Disciplinary Code?

91. The Panel will address these issues below.

**A. Do the sanctions imposed on Olympiacos comply with the applicable regulations?**

92. Olympiacos challenged the Appealed Decision, stating that the sanctions imposed under Article 15(3)(II/b) in connection with Article 15(6) of the HFF Disciplinary Code and Article 21(3) HFF RFM shall be set aside, since the conditions to order them were not fulfilled.

93. Before examining the merit of the Olympiacos' Appeal, the Panel notes that the following provisions are relevant and apply to this case:

- Article 5 of the Laws of the Game of the International Football Association Board (IFAB) of the International Association Football Federation ("IFAB Laws of the Game"), named "*The referee*" and applicable pursuant to Article 5 (1), of the HFF RFM, provides that:

*"5.1. Each match is controlled by a referee who has full authority to enforce the Laws of the Game in connection with the match";*

*"5.3 (Powers and duties) The referee", in respect of "outside interference", "stops, suspends or abandons the match for any offences or because of outside interference e.g. if (...) an object thrown by a spectator hits a match official, a player or team official, the referee may allow the match to continue, or stop, suspend or abandon it depending on the severity of the incident".*

- Article 15 of the HFF Disciplinary Code provides as follows:

*"General principle*

*Sanctions detailed in this article are imposed against the club, based on the reports and descriptions by match officials foreseen in the Football Matches Regulations (Match Sheet and Match Delegate reports). Other evidentiary means may be taken into consideration, especially the reports by police authorities for and the visual material of the match, supplementary to that mentioned in the main evidence and mandatorily in cases of sports violence. (...)*

### *3. Throwing of objects*

*The throwing of objects of any kind at the field of play or from one stand to the other, especially of flares, fireworks, firecrackers, Bengal lights, other types of fireworks and in general any type of flammable material, before, during or after the end of the match is strictly prohibited. If, notwithstanding the prohibition, any throwing occurs, the following disciplinary sanctions shall incur:*

- I. If the objects belong to those that, in common experience, were not likely, as a rule, to cause bodily harm to a person, legally present on the playing field:*
  - a. If the throwing did not result in the temporary suspension or temporary suspension of the start of the match by the referee, shall be sanctioned by a fine of two thousand (2,000) euros to thirty-five thousand (35,000) euros.*
  - b. If it resulted in the temporary suspension or temporary suspension of the start of the match by the referee, shall be sanctioned by a fine from three thousand (3,000) euros to forty-five thousand (45,000) euros.*
  - c. If, after the restart or delayed start of the match, the throwing of objects as described above is repeated and there is a temporary suspension of the match for more than fifteen (15) minutes, a fine of six thousand (6,000) to eighty thousand (80,000) euros and a sanction for holding a match without spectators for up to two (2) matches shall be imposed.*
  - d. If after the restart of the match the above mentioned throwing of objects is repeated and there is a definitive suspension of the match, a fine of one hundred and twenty thousand (120,000) euros and a sanction of a match without spectators of one (1) to three (3) matches shall be imposed.*
  - e. In the event of a recidivism in the Club's next match (second, third, etc.) during the same season, the sanctions imposed shall be doubled, if the offence referred to in the same paragraph is repeated. If a more serious offence is repeated, the sanction provided for therein shall be imposed and shall be increased in proportion to the sanction already imposed for the lesser offence.*
- II. If there has been a throwing of objects which, according to common experience, were likely to cause bodily injury to a person lawfully present in the field of play:*
  - a. If no harm was caused and the throwing did not result in the temporary suspension or temporary suspension of the start of the match by the referee shall be punished with a fine of five (5.000,00) to seventy thousand (70.000) euros.*
  - b. If by throwing objects, there is such bodily harm to a person legally present on the field of play, shall be sanctioned by a fine of thirty thousand (30,000) euros to one hundred and fifty thousand (150,000) euros. In the event that there is a definitive suspension or definitive cancellation of the match, additionally, an award of the match in favor of the opposing team shall be imposed with goals 0-3 (unless the result favors the unchallenged team, in which case it remains) and a sanction for holding a match without spectators two (2) to four (4) games.*

- c. *In the event of recidivism in the team's next match in the same season (second, third, etc.), the sanctions imposed are doubled. The provisions of paragraph I e shall apply in this case". (...)*

#### 6. Designations

- a) *In the case of throwing of objects, the level and type of the imposed sanctions depends on the results caused by the objects thrown and whether these were expedient in causing bodily harm to a person who is legally on the pitch or the stands. In the event of temporary match suspension (par. 3 c) and provided that the incidents were not particularly severe, the disciplinary body, at its discretion, may only impose a fine. This method of assessment of the sanction (depending on the severity of the incidents) applies to all cases provided for in this article.*
- b) *The bodily harm of a person that is legally on the pitch (as well as the assessment of the severity and the possibility or the inability of the person to continue exercising his duties) is ascertained by the match doctor, who has the authority to order anything necessary as regards the bodily harm of the person (hospital admission, etc.). In the event of injury of a player, coach or referee (ascertained by the match doctor as unable to perform his duties) due to the throwing of dangerous objects, the suspension of the match by the referee is mandatory.*
- c) *Not starting a match due to incidents or the injury of a person that is legally on the pitch, as regards the consequences thereof, amounts to the suspension of the match.*
- d) *All decisions relating to the non-starting or suspension or continuation of a match, the leaving of the teams from the pitch and their re-entry on the pitch, are taken exclusively by the match referee and are briefly substantiated in the match sheet. If a team leaves the pitch, without the referee having suspended the match and having given the relevant order, irrespective of the severity of the reason invoked (only with the exception of violent incidents that were developed so quickly that the referee was unable to timely order the suspension of the match), then it is sanctioned with the same sanctions imposed to the club that is responsible for the match suspension, subject to the above paragraph c.*
- e) *In the event that the circumstances prevailing on the field of play or the stands do not permit the safe starting or continuation of the match, the match referee shall exhaust the time period of 1 (one) hour regarding the match's start, or restart after a temporary suspension. Within this time period and definitely up to the completion of half an hour from the starting of the suspension, the evacuation of one or more stands or the whole stadium may be ordered, if deemed feasible and necessary for the continuation of the match (...)"*

- Article 15 ("Match Sheet") of the HFF RFM provides as follows:

*(...) 8. The Match Sheet is evidence, both regarding the validity of the match and regarding the disciplinary control. Rebuttal of other comments of the referee is allowed, based only on the evidence resulting from reports of persons appointed for the conduct of the match, (match delegates reports, referee delegates reports). (...)*

*9. The reports of the Referees that follow the drafting of the Match Sheet, in no case can counter prove the Match Sheet in its entirety, but only serve as elements of clarification or supplementation of the comments*

*of the Referee that are written in the Match Sheet. The same applies to the supplementary reports of the Delegates. They cannot counter prove the writings of the original report, but only clarify or supplement them. In the event of conflicting reports from the same person, the original report shall apply. (...)*

- Article 21 (“Non-performance or suspension of a match”) of the HFF RFM provides as follows in its relevant part:

*“(...) 3. A match not played or not ended with one of the two competing teams being liable shall only count regarding the sanctions of the non culpable team (players, officials and themselves) and shall be sanctioned as provided below.*

*I. The reasons for which a team is considered liable for the cancellation of a match are: (...) f) All the other cases specifically mentioned as sanctions in this Regulation.*

*II. The Culpable Team shall be punished cumulatively with the following sanctions:*

- a) Losing the match by 0-3 goals, unless the result favours the non culpable team, in the case of suspension of the match or a team’s withdrawal, in which case the minimum result favouring the non culpable team shall be taken into account.*
- b) With a fine of eight thousand (8.000,00) euro to forty thousand (40.000,00) euro for Clubs participating in professional Championship and a fine of up to two thousand (2.000,00) Euro for Amateur clubs if the match does not start.*
- c) If the match does not start or is suspended before the normal end of the match, due to violations of Article 15 of the Disciplinary Code, in addition to the above penalties, the culpable team is punished by deduction of one (-1) point from the table of the league standings that is participating in and also by the other sanctions provided for in this article (15) of the Disciplinary Code. (...)*

- Article 23 (“Submission of objections”) of HFF RFM provides as follows in its relevant part:

*“1. Objections may be lodged only by the competing teams in a match, and exclusively for the following reasons: (...)*

*c) For an illegal suspension of a match, which occurred due to a decision of the referee which is unjustified and contrary to the Regulations. (...)*

*3. For the objections registered in the Match Sheet, the appropriate fee is submitted by the objecting team, under penalty of inadmissibility - within two (2) working days after the match (not including this day). A separate fee is required for each player against whom a complaint of impersonation is made. In the event that it is accepted, only the fee(s) for the players whose impersonation was established shall be returned to the objecting club. (...).*

*4. Objections not registered in the Match Sheet.*

*For other objections not registered in the Match Sheet register both in Professional and Amateur Championships, the following shall apply: a) They shall be submitted to the organizing authority, with a*

*statement specifically stating the reasons for their submission, within two (2) working days after the match (not including the day of the match). (...)*”.

94. The sanctions challenged by Olympiacos are the following:
- (i) a 0 – 3 forfeit loss in the Match;
  - (ii) a one point (–1) deduction from the Greek Super League 1 ranking;
  - (iii) a fine of EUR 30,000;
  - (iv) a penalty of playing two matches behind closed doors.
95. Such sanctions have been imposed under Article 15(3)(II/b) in connection with Article 15(6) HFF Disciplinary Code and Article 21(3) HFF RFM in relation to the specific behaviours indicated under par. 10, number 3) of the Appealed Decision and, precisely “3. *On the 1<sup>st</sup>, 6<sup>th</sup> and 49<sup>th</sup> minutes of the match, fans of the home team from gate 3, 4, 6 and 28 threw a total of six (6) firecrackers and one (1) torch. The result of throwing a firecracker on the 49<sup>th</sup> minute of the match, while players of both team were warming up, was the injury of the player of the visiting team, Perez Lopez Juan Carlos – Juankar, with jersey number 3, who was warming up in front of Gate 28; the incident led to the temporary suspension of the match and finally the definitive suspension of the match, as decided by the referee of the match, who is the final decision-making authority*” (see Appealed Decision, § 10).
96. The Appellant did not challenge that its fans threw firecrackers and torches on the pitch, nor that in the 49<sup>th</sup> minute a firecracker was thrown towards the warm-up area and exploded close to the Player, who, after the explosion, lied down on the ground. These circumstances are also reported in the Match Delegate Report, where the Match Delegate attested, amongst others, the throwing of firecrackers and torches, the explosion of a firecracker in the 49<sup>th</sup> minute and the incident occurred regarding the Player. In this respect, the Match delegate Report, *inter alia*, provides as follows:
- “Players of both teams were warming up in front of Gate 28. From the above section a loud noise was heard that derived from the explosion of a firecracker. When I looked towards that section, I found out that a player of the guest team was lying on the ground.*
- I immediately approved the specific section and saw that the player who was warming up was player No.3 (...)*”
97. The Appellant also admitted during the hearing that the incident was reprehensible and has not disputed that the objects (firecrackers and torches) thrown by the Olympiacos’ fans can be qualified as “*objects which, according to common experience, were likely to cause bodily injury to a person lawfully present in the field of play*” and that therefore Article 15(3)(II) of the HFF Disciplinary Code can be applied.
98. Therefore, the main disputed point among the Parties seems to lie in the interpretation of the conditions required under Article 15(3)III lit b of the HFF Disciplinary Code, where according to the Appellant the Match Doctor must establish bodily harm, a defined concept under Article 15(6) lit b of the HFF Disciplinary Code that requires an explicit and unequivocal determination

of a player being “unfit to play”. As supported by the Appellant during the hearing, any other interpretation of the aforementioned provisions would be *contra legem* since it would allow such a determination of bodily harm “*after the match by any other reliable evidence to be assessed by the competent disciplinary instance*”.

99. In the Panel’s opinion, in order to determine whether the sanctions were correctly imposed on Olympiacos, it is necessary to ascertain the consequences derived from the throwing of firecrackers and, in particular, from the throwing and explosion of the firecracker in the 49<sup>th</sup> minute of the Match. In fact, if such throwing caused a “*bodily harm to a person legally present on the field of play*” and the “*definitive suspension*” of the Match, Articles 15(3)(II)(b) of the HFF Disciplinary Code in conjunction with Article 21(3) (a) e (b) of HFF RFM shall be applied, while, on the contrary, “*if no harm was caused and the throwing did not result in the temporary suspension*” of the Match, only sanctions provided for by Article 15(3)(II)(a) can be imposed.
100. According to Articles 15(6)(b) e (d) of the HFF Disciplinary Code and 15(8) of the HFF RFM, the Match Doctor’s report and the Referee’s report (i.e. the “Match Sheet” provided and regulated by the RFM) are decisive for this assessment, taking into account that “*the bodily harm (...) is ascertained by the match doctor*”, that “*all decisions relating to the (...) suspension or continuation of a match (...) are taken exclusively by the match referee and are briefly substantiated in the match sheet*” and that “*the match sheet is evidence, both regarding the validity of the match and regarding disciplinary control*”.
101. In the Panel’s opinion, the Match Doctor ascertained that the Player found a bodily harm caused by the explosion of the firecracker thrown by a supporter of Olympiacos.
102. In fact, from the Match Doctor’s report it results that: (i) “*the firecracker*” that exploded close to the Player “*provoked a temporary deafness to his left ear. He could not stand up and in the field had horizontal nystagmus due to this rumour*”; (ii) the Match Doctor “*asked to move him to the infirmary*”; and (ii) “*in the infirmary the patient still had instability and deafness*”.
103. The Panel also notes that the injuries ascertained by the Match Doctor (nystagmus and temporary deafness), as specified in the Match Doctor’s report, have never been expressly disputed by the Appellant. In fact, on one hand, from the Match sheets (Referee’s report, Match Doctor’s report and Match Delegate’s report) it does not result that the Olympiacos’ doctor denied the existence of the injuries ascertained by the Match Doctor and, on the other hand, Olympiacos, although referring to an “alleged injury”, only stated that the Match Doctor did not ascertain that the Player was unable to play, but did not expressly affirm that the aforementioned injuries were non-existent or not ascertained by the Match Doctor, giving evidence of such assertion.
104. In the Panel’s opinion these injuries constitute “bodily harm” in the meaning of Article 15 of the HFF Disciplinary Code, since they consist in an injury to a person that interferes with the health or comfort of such person and that is more than merely transient or trifling in nature. The Panel also notes that nystagmus consists in an involuntary eye movement and therefore it is reasonable to affirm that it could not be simulated by the Player (as confirmed at the hearing by Dr Alexandropoulos), being a real and concrete injury as ascertained by the Match Doctor.

105. While, as pointed out by the Appellant, the Match Doctor did not ascertain in his report that the Player was unable to play, it is undisputed that at no point did the Match Doctor ascertain that the Player was fit to play. Rather, the Match Doctor acknowledged that he could not make, with certainty, a medical assessment in this regard “*with the medically devices we have*”, noting at the same time that “*the player improved to his ear findings, but still could not stand up according to him*” and “*seems to be neurologically intact*”.
106. In this respect, the Panel observes that, according to Article 15(II)(b) of the HFF Disciplinary Code, if the Match Doctor had stated in his report that the Player was unable to perform his duties due to the throwing of the firecracker, the suspension of the match would have been mandatory. However, the fact that the Match Doctor declared that he could not say whether the Player was “*fit or not fit*” to play, does not mean that the Match necessarily had to be resumed, nor did it affect the Referee’s general power to suspend the Match.
107. In fact, the opinion of the Match Doctor in no way prevents the Referee from exercising his exclusive right to decide on the definitive suspension of the Match according to Article 5.3 of the IFAB Laws of the Game, which the Panel considers directly applicable *in lieu* of Article 15(6)(d) of the HFF Disciplinary Code mentioned in the Appealed Decision.
108. In this context, where the Match Doctor ascertained the bodily injuries suffered by the Player, and even though he could not say whether the Player was fit or unfit to play, where the officials of both clubs were putting pressure on the Match Doctor to change his report and after more than two hours from the temporary suspension of the Match in the 49<sup>th</sup> minute, the Referee had the power to decide to definitively suspend the Match according to his power to control the game and, among others, to suspend it “*for any offences or because of outside interference (...)*”.
109. As correctly pointed out by the Respondent and the *Amicus Curiae*, the content of the Referee’s report and the Referee’s decision to permanently suspend the Match, as well as the content of the Match Doctor and Match Delegate’s reports, are to be considered definitive and binding, since Olympiacos never objected to them within the deadline provided for by Article 23 of HFF RFM. Therefore, Olympiacos may now challenge only the disciplinary sanctions imposed on it, but it may not invoke any circumstances that do not result from the Referee’s report or from other official reports of the Match.
110. The Panel, examining the official reports of the Match, holds that the Referee’s decision to suspend the Match is not a consequence of the behaviour of the Panathinaikos’ Players that abandoned the pitch.
111. In particular, the Panel observes that the suspension of the Match that led to the application of sanctions against the Appellant was not the temporary one, decided by the Referee in the 49<sup>th</sup> minute, but rather the definitive one later decided by the Referee due, *inter alia*, to a prolonged suspension of the Match for over two hours. As attested in the Referee’s report, such prolonged suspension was caused exclusively by the need to re-examine the Player in the presence of both teams’ doctors and to monitor his health condition but also by the time the Match Doctor needed to draft his report.



112. The other cause of definitive suspension mentioned in the Referee's report (i.e. both clubs were pushing the Match Doctor to change his report) must also be considered directly related to the bodily injuries of the Player, since the Match Doctor's report concerns the bodily injuries caused to the Player by the explosion of the firecracker in the 49<sup>th</sup> minute of the Match, the Player's health condition and his ability to play.
113. The Match Delegate report further confirmed that the Match was suspended due to the incident occurred in the 49<sup>th</sup> minute, whereby the "*Match suspension*" is clearly indicated as a result of the throwing of the firecracker in the 49<sup>th</sup> minute and the subsequent bodily injuries sustained by the Player.
114. Therefore, the Panel concludes that the definitive suspension of the Match was a direct consequence of the explosion of the firecracker thrown by an Olympiacos' supporter in the 49<sup>th</sup> minute, causing the injuries sustained by the Player. In the Panel's opinion, the cause of the temporary suspension of the Match decided by the Referee in the 49<sup>th</sup> minute is without pertinence to the case at hand, since the sanctions were imposed for the definitive suspension of the Match.
115. For the sake of completeness, the Panel observes that the Appellant's arguments that the suspension of the Match was due to the abandonment of the pitch by Panathinaikos' players and team officials, are in any case ungrounded.
116. In fact, in the Panel's opinion the abandonment of the pitch by the Panathinaikos' players, even if ascertained in the Referee's report and not disputed by Panathinaikos in its *amicus curiae* brief, is not the reason that determined the Referee to temporarily suspend the Match. Such decision was rather assumed because of the recovery of the Player in the infirmary, together with the repeated episodes of lighting smoke bombs and throwing objects, culminating in the throwing of the firecracker in the 49<sup>th</sup> minute, which led the Referee to dispose a temporary suspension of the Match and return to the locker rooms.
117. The Panel also notes that in the Referee's report there is no trace that the Referee gave the Panathinaikos' players five minutes notice to return to the pitch; as well as there is no trace about the "pizza incident". Since Olympiacos never objected against the Referee's report within the given deadline provided for by Article 23 HFF RFM, the content of such report cannot be altered through testimonial evidence, which should therefore be considered irrelevant.
118. In light of the above considerations, the Panel concludes that the Match was definitively suspended with Olympiacos being liable for the violation of Article 15(II)(b) of the HFF Disciplinary Code, because the permanent suspension of the Match was determined by the throwing of a firecracker in the 49<sup>th</sup> minute by a fan of Olympiacos, which caused the Player's bodily injuries as ascertained by the Match Doctor.
119. Therefore, the cumulative sanctions issued against Olympiacos, consisting in a 0–3 forfeit loss in the Match, a one point (–1) deduction from the Greek Super League 1 ranking, a fine of EUR 30,000 and a penalty of holding two matches behind closed door, were lawful, as all the conditions provided for by Article 15(3)(II)(b) of the HFF Disciplinary Code and Article 21(3)

of HFF RFM were duly fulfilled. Consequently, the arguments raised by the Appellant in this respect are dismissed.

**B. Can the Match be re-scheduled and replayed in its entirety or, alternatively, resumed from the 49th minute?**

120. As already observed, Olympiacos must be considered liable for the definitive suspension of the Match.
121. According to Article 21(3) of HFF RFM, a match *“not ended with one of the two competing teams being liable shall only count regarding the sanctions of the non culpable team”*. That means that there is no room for the Match to be re-scheduled, replayed or resumed, with the Match considered as terminated and with the score resulting from the application of the sanctions provided for by Article 21(3)(II) of HFF RFM.
122. The Panel also observed that Olympiacos’ request to re-schedule, replay or resume the Match must be in any case considered late, as the Appellant did not raise any objections to the Referee’s decision to permanently suspend the Match nor paid the appropriate fee to submit the objections within the deadline of two working days from the date of the Match in accordance with Article 23 HFF RFM.
123. Therefore, the Appellant’s request to re-schedule, replay or resume the Match is dismissed.

**C. Can the sanctions imposed on Olympiacos be reduced according to Article 15(6)(i) of the HFF Disciplinary Code?**

124. Article 15(6)(i) of the HFF Disciplinary Code provides for a discretionary reduction of sanctions in case the liable team *“contributes demonstrably and substantially to the finding of the culpable natural persons (fans)”*.
125. In the Panel’s opinion, the documents produced by the Appellant along with the witness testimony of Mr Karapapas provided during the hearing demonstrate that Olympiacos contributed demonstrably and substantially to identify the person who threw the firecracker causing the Player’s injury and actively collaborated with the Greek police to this effect. The Panel considered in particular (i) the press release dated 24 October 2023 reporting on the investigations carried out by the Appellant to identify the person responsible for throwing the firecracker and announcing Olympiacos’ intention to ban such person for life from entering the stadium; (ii) the letter dated 3 November 2023 through which the Appellant communicated to the Greek police the information in its possession about the identity of the person who threw the firecracker; (iii) the press release dated 7 November 2023 in which the Hellenic police announced that the individual that threw the firecracker was identified, also thanks to the *“information provided from the first moment by the home team”*; and (iv) Mr Karapapas witness statement in which he confirmed that the Appellant made substantial efforts and collaborated with the police in order to trace that individual, and that he was subsequently banned from entering the stadium for life.

126. Therefore, the conditions set out in Article 15(6)(i) of the HFF Disciplinary Code are fulfilled and such article can be applied in this case.
127. The Panel took in consideration the Respondent's arguments regarding the existence of numerous aggravating factors (gravity of the Appellant's infringement, the numerous and repeated sanctions against Olympiacos related to lighting and throwing of prohibited objects), as well as those regarding minimum amount of the sanctions applied against the Appellant.
128. Nevertheless, the Panel believes that the active and timely reaction of the Appellant, which substantially cooperated with the Greek police in order to identify the person who threw the firecracker, may determine a reduction of the sanctions imposed according to Article 15(6)(i) of the HFF Disciplinary Code and considers reasonable to annul the one (-1) point deduction from the Greek Super League 1 ranking.
129. In fact, the annulment of this sanction is in line with the aim of Article 15(6)(i) of the HFF Disciplinary Code to encourage effective collaboration with the public safety authorities and identify individuals responsible for incidents in the stadiums. At the same time, the confirmation of the remaining cumulative sanctions serves the deterrent purpose of the fight against stadium violence.
130. In the light of the above considerations the Panel annuls the sanction of one (-1) point deduction from the Greek Super League 1 ranking, while confirming all the other sanctions applied against Olympiacos.

#### **D. Conclusions**

131. Based on the foregoing analysis and after having taken in due consideration all the specific circumstances of the case, the written and oral evidence produced and arguments submitted by the Parties and by the *Amicus Curiae*, the Appeal is partially upheld, as the Panel concludes that:
  - a) the Match was definitively suspended with Olympiacos being liable for violations of Article 15(II)(b) of the HFF Disciplinary Code, because the permanent suspension of the Match was determined by the throwing of a firecracker in the 49<sup>th</sup> minute by an Olympiacos' fan, that caused the Player's bodily injuries, as ascertained by the Match Doctor.
  - b) the Appellant's request to re-schedule the Match is dismissed, with Olympiacos being liable for the definitive suspension of the Match;
  - c) the sanction of one (-1) point deduction from the Greek Super League 1 ranking is annulled, while all the other sanctions applied against Olympiacos are confirmed.
132. All other and further motions or prayers for relief are dismissed.

## ON THESE GROUNDS

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

1. The appeal filed by Olympiacos F.C. against the decision issued by HFF's Appeals Committee on 10 November 2023 is partially upheld.
2. The decision issued by the HFF's Appeals Committee on 10 November 2023 is confirmed, save for the sanction of deduction of one (-1) point from the Greek Super League 1 ranking.
3. All other sanctions imposed on Olympiakos F.C. by the decision n. 280/2023 issued on 26 October 2023 by the first-instance single judge of the Greek Super League Disciplinary Body and confirmed by the HFF Appeal Committee on 10 November 2023, are confirmed.
4. (...).
5. (...).
6. All other motions or prayers for relief are dismissed.