



Arbitration CAS 2013/A/3090 Bulgarian Football Union (BFU) v. Fédération Internationale de Football Association (FIFA), award of 27 June 2013

Panel: Mr Hendrik Willem Kesler (Netherlands); Mr Efraim Barak (Israel); Mr Lars Hilliger (Denmark)

Football

Liability of a national federation for the improper conduct of spectators of the visiting association

CAS jurisdiction

Entitlement of FIFA to start proceedings in case of improper conduct of spectators

Strict liability rule and discretion to impose sanctions

Absence of sanction

1. The FIFA Disciplinary Code (FDC) does not explicitly foresee which decisions passed by the FIFA Disciplinary Committee may be appealed to CAS. This important matter is settled in the FIFA Statutes, which provide for the cases in which the appeal to CAS is excluded. Cases in which a fine was imposed are not encompassed in such exclusions.
2. Article 67 FDC makes clear that FIFA is entitled to start proceedings whenever a match is played under its responsibility and the spectators show improper conduct. However, the principle of legality rules this autonomy.
3. Article 67 par. 1 FDC contains a strict liability rule according to which the overall responsibility of the hosting federation exists even if the events which constitute a violation of the FDC were caused by the spectators who are considered spectators of the visiting association, and even if for the same events the visiting association may be punished as well under Article 67 par. 2 FDC. Nevertheless, the possibility to differentiate between the two different associations indeed exists when dealing with the sanctions. The FIFA Statutes left some space open and provide the needed discretion to the FIFA Disciplinary Committee not to sanction the home association, or to impose sanctions at its own discretion depending on how serious the violation was and to what extent the circumstances justify the sanctioning of the home association in each and every specific case.
4. Although Article 67 par. 1 FDC is a rule of strict liability, the applicable sanction should be related to the seriousness of the incident. Banners and flags in stadiums are part of football life and in a case in which it can be reasonably held that the security persons at the entrance of the stadium had no reason to believe that the banners brought by the fans had a political content, it is justified not to sanction the hosting federation if the latter has quickly removed the banners, as soon as it became aware that they had a

political content, without any disturbance of the game and without any violence or arrests of fans.

1) PARTIES

1. The Bulgarian Football Union (hereinafter: the “Appellant” or the “BFU”) is the national governing body of football in Bulgaria with its registered headquarters in Sofia, Bulgaria. The BFU is affiliated to the Union of European Associations (hereinafter: the “UEFA”) and the Fédération Internationale de Football Association.
2. The Fédération Internationale de Football Association (hereinafter: the “Respondent” or “FIFA”) is an association under Swiss law and has its registered office in Zurich, Switzerland. FIFA is the governing body of international football at worldwide level. It exercises regulatory, supervisory and disciplinary functions over continental federations, national associations, clubs, officials and players worldwide.

2) FACTUAL BACKGROUND

A. Background Facts

3. Below is a summary of the main relevant facts, as established on the basis of the written submissions of the parties and the evidence examined in the course of the proceedings. This background is made for the sole purpose of providing a synopsis of the matter in dispute. Additional facts and allegations found in the parties’ written submissions may be set out, where relevant, in connection with the legal discussion that follows. While the Panel has considered all the facts, allegations, legal arguments and evidence submitted by the parties in the present proceedings, it refers in its Award only to the submissions and evidence it considers necessary to explain its reasoning.
4. On 11 September 2012, the Bulgarian national football team played a match against the national team of Armenia in the Preliminary Competition for the 2014 FIFA World Cup Brazil. According to the match commissioner’s report, 30 minutes before kick-off of that particular match, the spectators in the Armenian stands fixed two banners containing political messages.
5. Such messages were turned against the Hungarian government in relation to a political incident.
6. The banners were removed by intervention of the match commissioner, the team responsible of Armenia and the local police, timely before the match’s kick-off.

B. Proceedings before the FIFA Disciplinary Committee

7. On 20 September 2012, disciplinary proceedings by FIFA were opened against the Bulgarian Football Union since the above-mentioned incident appeared to be a violation of the FIFA Regulations (Article 65 *et seq.* of the FIFA Disciplinary Code).
8. The BFU was asked to submit its position by 28 September 2012.
9. By letter dated 27 September 2012 addressed to FIFA, the BFU set out its position regarding the alleged violation.
10. The match manager of the BFU stated that he was only informed 45 minutes before the kick-off by the local police that there were political banners in the Armenian stand. After calling the FIFA match commissioner, the match manager went immediately to the stand and together with the help of representatives of the Armenian embassy and the Armenian Football Federation, he understood that these were political banners.
11. The Armenian supporters were asked to draw down the banners and the latter were indeed properly removed in good time before the start of the match. The FIFA match commissioner confirmed this in his match report.
12. The BFU explained in its letter that the particular banners could not be recognized immediately as political banners as the Armenian language is completely different from Bulgarian and there were no representatives of the Armenian police or supporters to recognize the content of the banners.
13. On 20 November 2012, the FIFA Disciplinary Committee passed its decision (hereinafter: the "FIFA DC Decision"), with *inter alia* the following operative part:
 1. *The Bulgarian Football Union is liable for the improper conduct among spectators during the Preliminary Competition match of 11 September 2012 for the 2014 FIFA World Cup Brazil™ between Bulgaria and Armenia and is therefore in violation of art. 65 and 67 par. 1 and 3 of the FIFA Disciplinary Code (FDC).*
 2. *The Bulgarian Football Union is ordered to pay a fine to the amount of CHF 7,500. This fine is to be paid within 30 days of receipt of the ruling. (...).*
 3. *In compliance with art. 105 par. 1 of the FDC, the costs of these proceedings amounting to CHF 1,000 are to be borne by the Bulgaria Football Union and shall be paid according to the modalities stipulated under 2. above.*
14. On 13 February 2013, the grounds of the FIFA DC Decision were communicated to the BFU.

3) PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

15. On 20 February 2013, the BFU filed a Statement of Appeal serving as Appeal brief with the Court of Arbitration for Sport (hereinafter: the “CAS”).
16. The Appellant nominated Mr Efraim Barak, attorney-at-law in Tel-Aviv, Israel, as arbitrator.
17. In its Statement of Appeal serving as Appeal Brief, the Appellant challenged the FIFA DC Decision, submitting the following requests for relief:
 - (a) *To annul the Decision passed on 20 November 2012 by the FIFA Disciplinary Committee.*
 - (b) *To order FIFA to bear all the costs incurred with the present procedure, as well as those incurred with the procedure at the FIFA Disciplinary Committee.*
 - (c) *To order FIFA to pay the Bulgarian Football Union a contribution towards its legal and other costs in an amount to be determined at the discretion of the Panel.*
18. On 4 March 2013, FIFA nominated Mr Lars Hilliger, attorney-at-law in Copenhagen, Denmark, as arbitrator.
19. In accordance with Article R55 of the Code of Sports-related Arbitration (hereinafter: the “Code”), FIFA filed its Answer on 15 March 2013, whereby it requested CAS to decide the following:
 1. *To declare the appeal inadmissible for the reasons explained in this answer.*
 2. *Alternatively, and in the case the Panel decides that CAS has jurisdiction over the matter, to reject the Appellant’s prayers for relief in their entirety and to confirm the decision hereby appealed against.*
 3. *In any case, to order the Appellant to bear all costs incurred with the present procedure and to cover all legal expenses of the Respondent related to the present procedure.*
20. On 26 March 2013, pursuant to Article R54 of the Code and on behalf of the Deputy President of the CAS Appeals Arbitration Division, the CAS Court Office informed the parties that the Panel appointed to decide the present matter was constituted by:
 - Mr Hendrik Willem Kesler, attorney-at-law in Enschede, the Netherlands, as President;
 - Mr Efraim Barak, attorney-at-law in Tel-Aviv, Israel, and
 - Mr Lars Hilliger, attorney-at-law in Copenhagen, Denmark, as arbitrators.
21. In accordance with Article R55 of the Code, following the Respondent’s objection to the CAS jurisdiction, the Panel invited the Appellant to file its comments in this respect.
22. The Appellant filed its comments accordingly on 9 April 2013.

23. On 3 May 2013, FIFA informed the Panel that it had already brought forward all its arguments on the issue of the CAS jurisdiction in its Answer and abstained to bring any additional submission in this respect.
24. By letter dated 24 April 2013, the CAS Court Office informed the parties that, in accordance with Article R57 of the Code, the Panel had decided not to hold a hearing in the present matter, following the parties' agreement to have an award rendered on the basis of the written submissions.
25. On 6 May 2013, the parties filed the signed Order of Procedure with the CAS Court Office.
26. Both parties agreed that their right to be heard had been respected.
27. The Panel confirms that it took into account in the subsequent deliberations, all the submissions, evidence and arguments presented by the parties, even if they have not been specifically summarized or referred to in the present award.

4) SUBMISSIONS OF THE PARTIES

28. The following outline of the parties' positions is illustrative only and does not necessarily encompass every contention put forward by the parties. However, the Panel has carefully considered all the submissions made by the parties, even if there is no specific reference to those submissions in the following summaries.
29. The submissions of the BFU, in essence, may be summarized as follows:
 - First of all, the BFU submits that CAS has jurisdiction in this matter, referring to Article 118 of the FIFA Disciplinary Code (hereinafter: "FDC"). It is therefore a final decision within FIFA.
 - The BFU refers furthermore to Article 67 FDC that reads as follows:
 - "1. The home association or home club is liable for improper conduct among spectators, regardless of the question of culpable conduct or culpable oversight, and, depending on the situation, may be fined. Further sanctions may be imposed in the case of serious disturbances.*
 - 2. The visiting association or visiting club is liable for improper conduct among its own group of spectators, regardless of the question of culpable conduct or culpable oversight, and depending on the situation, may be fined. Further sanctions may be imposed in the case of serious disturbances. Supporters occupying in away sector of a stadium are regarded as the visiting association's supporters, unless proven to the contrary.*
 - 3. Improper conduct includes violence towards persons or objects, letting off incendiary devices, throwing missiles, displaying insulting or political slogans in any form, uttering words or sounds, or invading the pitch".*

- The BFU underlines that Article 67 par. 1 FDC is a *lex generalis* strict liability rule, according to which the home association is liable for improper conduct among spectators, regardless of the question of culpable conduct.
- The BFU continues with referring to Article 67 par. 2 FDC as a *lex specialis* strict liability rule, which provides for an exception from the above general rule in a situation in which it could be established that the visiting association fans have caused the trouble. In such case, the visiting association is liable for the improper conduct of its supporters (*lex specialis derogat legi generali*).
- Furthermore, the BFU submits that the match commissioner confirmed in its report that the political banners were removed before the start of the game by intervention of the match commissioner, the team responsible of Armenia and the Bulgarian police. The kick-off was not delayed as a result of that.
- Finally, the BFU submits that the Respondent has to bear all procedural and legal costs of the BFU.

30. The submissions of the Respondent, in essence, may be summarised as follows:

- The Respondent first of all refers to the Article 118 FDC that provides:
*“An Appeal may be lodged with the Appeal Committee against any decision passed by the Disciplinary Committee, unless the disciplinary measure pronounced is:
a fine up to CHF 15,000 imposed on an association or a club or of up to CHF 7,500 in other cases”.*
- The Respondent then submits that the exclusion of the possibility to appeal to the FIFA Appeal Committee against certain decisions taken by the FIFA Disciplinary Committee as stated in Article 118 FDC was not only intended to exclude internal appeals within FIFA, but also to exclude appeals to CAS.
- The Respondent then refers to the decision of the President of the CAS Appeals Arbitration Division in the case CAS 2012/A/2948.
- Finally, the Respondent refers to Article 118 lit. e) FDC in connection with Article 64 par. 5 FDC concerning the failure to respect decisions, which expressly provides that *“Any appeal against a decision passed in accordance with this article shall be lodged with CAS directly”*. No such mention of a direct appeal to CAS is present neither in Article 65 nor in Article 67 FDC, therefore excluding a direct appeal to the CAS in such a case.
- In case the Panel would conclude that the appeal of the BFU is admissible, the Respondent submits that the legal framework for the FIFA DC Decision is based on the principle that private associations like FIFA have the right to impose sanctions on persons subject to their jurisdiction.

- The Respondent refers to Article 62 par. 2 of the FIFA Statutes, pursuant to which the FIFA Disciplinary Committee may pronounce on members, clubs, officials, players and match and player's agents the sanctions described in the FIFA Statutes and in the FDC. It should also be pointed out that according to Article 3 FDC, associations, amongst others, are subject to the FDC.
- Furthermore, the Respondent submits that according to Article 67 par. 1 FDC, the home association is liable for improper conduct amongst spectators, regardless of the question of culpable conduct or culpable oversight and, depending on the situation, may be fined. Further sanctions may be imposed in the event of serious disturbances.
- The Respondent therefore submits that Article 67 FDC, containing the principle of strict liability according to which an association is held responsible once such acts have been established, is applicable to the matter at stake.
- The Respondent refers to CAS/2009/A/1944 and CAS/2002/A/423.

5) JURISDICTION

31. Article R47 of the 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”.

32. The Panel notes that the parties are not in agreement whether the appeal of the BFU is admissible because of alleged lack of any jurisdiction of CAS.

33. The Panel has therefore to analyse whether CAS has jurisdiction in this case.

34. The Panel considers that, according to Article 186 of the Swiss Private International Law Act 1987 (PILA) which establishes the well known principle that the arbitral tribunal have the inherent power to rule on its own jurisdiction (*kompetenz-kompetenz*), it has the power to decide upon its own jurisdiction.

35. This principle is also well established under CAS jurisprudence (CAS 2004/A/748, CAS 2006/A/1190).

36. The Panel now considers whether the present dispute can be dealt with by the CAS or not.

37. The Panel starts with reading Article R27 of the Code which provides, *inter alia*:

“The Procedural Rules apply whenever the parties have agreed to refer a sports-related dispute to the CAS. Such disputes may arise out of an arbitration clause inserted in a contract or regulations or of a later arbitration

agreement (ordinary arbitration proceedings) or involve an appeal against a decision rendered by a federation, association or sports-related body where the statutes or regulations of such bodies, or a specific agreement provides for an appeal to the CAS (appeal arbitration proceedings)”.

38. The Panel concludes, on the basis of Articles R27 and R47 of the Code, that CAS jurisdiction is given in case of:

- I. A final decision from internal point of view of a federation, association or sports-related body; and
- II. An arbitration clause inserted into the statutes or regulations of the said body or a specific arbitration agreement conferring jurisdiction of the CAS.

39. The Panel then concludes that the challenged FIFA DC Decision is final from an internal point of view, because it cannot be appealed to the FIFA Appeal Committee, as laid down in Article 118 lit. d) FDC and as outlined in the note relating to the legal action stated at the end of the decision at stake. In other words, the Appellant has exhausted the legal remedies available to it prior to the appeal, in accordance with the statutes and the regulations of that body.

40. The Panel continues to conclude that a specific arbitration agreement conferring jurisdiction on the CAS is not foreseen in the case at stake.

41. The Panel has therefore to establish whether an arbitration clause in favour of the CAS is stipulated in the FIFA Statutes or Regulations.

42. The Panel finds that Article 74 FDC provides:

“Certain decisions passed by the Disciplinary and Appeal Committee may be appealed against before the Court of Arbitration for Sport, cf. art. 63 (current art. 67) of the FIFA Statutes as well as art. 64 and art. 128 of this code”.

43. Furthermore Article 128 FDC provides:

“The FIFA Statutes stipulate which decisions passed by the judicial bodies of FIFA may be taken before the Court of Arbitration for Sport”.

44. The Panel therefore concludes that the FDC does not explicitly foresee which decisions passed by the FIFA Disciplinary Committee may be appealed to CAS. Obviously, FIFA decided to settle this important matter in the Statutes.

45. The Panel refers to Article 67 of the FIFA Statutes, which provides:

“1. Appeals against final decisions passed by FIFA’s legal bodies shall be lodged with CAS within 21 days of notification of the decision in question.

2. Recourse may only be made to CAS after all other internal channels have been exhausted.

3. CAS, however, does not deal with appeals arising from:

a) violation of the Laws of the Game;

b) suspensions of up to four matches or up to three months (with the exception of doping decisions);

c) decisions against which an appeal to an independent and duly constituted arbitration tribunal recognised under the rules of an Association or Confederation may be made”.

46. The Panel concludes that Article 67 par. 3) of the FIFA Statutes exhaustively provides for the cases in which the appeal to CAS is excluded. Cases in which a fine of CHF 7,500 was imposed are not encompassed in such exclusions.
47. The current texts of both Article 118 FDC and Article 67 par. 3) of the FIFA Statutes leave no space for any other interpretation.
48. The Panel is clear in its opinion that if FIFA had wanted to exclude Article 118 FDC lit. d) from appeals to CAS, it should have been mentioned it *expressis verbis* under Article 67 par. 3) of the FIFA Statutes.
49. It follows that the Panel concludes that CAS has jurisdiction to rule upon the present dispute, pursuant to Article R47 of the Code, in combination with Article 67 par. 1) of the FIFA Statutes.
50. The case CAS 2012/A/2948, to which the Respondent referred in its submission, cannot be of assistance. In that particular case, a coach was sanctioned for a total of four matches, an exception to the jurisdiction of the CAS expressly stated in Article 67 par. 3) of the FIFA Statutes, whilst in the case at stake, the fine of CHF 7,500 imposed on the Appellant is not encompassed by any of the exclusions laid down in the same article.

6) ADMISSIBILITY

51. Article R49 of the 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”.

52. The appeal was filed within the deadline of 21 days set by Article 63 of the FIFA Statutes. The appeal complied with all other requirements of Article R48 of the Code, including the payment of the CAS Court Office fee.
53. It follows that the appeal is admissible.

7) APPLICABLE LAW

54. Article R58 of the 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”.

55. The Panel notes that Article 66 (2) FIFA Statutes stipulates the following:

“The provisions of the CAS Code of Sports-Related Arbitration shall apply to the proceedings. CAS shall primarily apply the various regulations of FIFA and, additionally, Swiss law”.

56. The parties agreed to the application of the various regulations of FIFA and subsidiary to the application of Swiss law. The Panel is therefore satisfied to accept the subsidiary application of Swiss law should the need arise to fill a possible gap in the various regulations of FIFA.

8) MERITS

A. The Main Issues

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

- a. Was FIFA entitled to start disciplinary proceedings against the BFU?
- b. Is Article 67 (1) FDC containing the so-called strict liability rule, and is Article 67 (2) FDC an exception to this rule?
- c. Was the fine of CHF 7,500 imposed on the BFU appropriate or not?

a) *Was FIFA entitled to start disciplinary proceedings against the BFU?*

58. The Panel refers once more to Article 67 FDC which provides, *inter alia*:

“1. The home association or home club is liable for improper conduct among spectators, regardless of the question of culpable conduct or culpable oversight, and, depending on the situation, may be fined. Further sanctions may be imposed in the case of serious disturbances.

2. The visiting association or visiting club is liable for improper conduct among its own group of spectators, regardless of the question of culpable conduct or culpable oversight, and depending on the situation, may be fined. Further sanctions may be imposed in the case of serious disturbances. Supporters occupying in away sector of a stadium are regarded as the visiting association’s supporters, unless proven to the contrary.

3. *Improper conduct includes violence towards persons or objects, letting off incendiary devices, throwing missiles, displaying insulting or political slogans in any form, uttering words or sounds, or invading the pitch”.*

59. Article 67 FDC makes clear that FIFA is entitled to start proceedings whenever a match is played under its responsibility and the spectators show improper conduct.
60. The FDC is a code that is made by an international sports body that is entitled to put sanctions on its members in case of improper conduct. However, there are limits to this autonomy. The principle of legality rules this autonomy (CAS 2006/A/1125, CAS 2008/A/1705).
- b) *Is Article 67 (1) FDC containing the so-called strict liability rule, and is Article 67 (2) an exception to this rule?*
61. The Panel agrees with the parties that Article 67 par. 1 FDC contains a strict liability rule, according to which the home association is liable for improper conduct among spectators regardless the question of culpable conduct.
62. The Appellant submits that Article 67 par. 2 FDC is a *lex specialis* strict liability rule, which provides for an exception from the above general rule in a situation in which it could be established that the visiting association fans have caused the trouble. In such case, the visiting association is liable for the improper conduct of its supporters (*lex specialis derogat legi generali*).
63. The Panel does not agree with the Appellant in this respect as it is not clearly stipulated that in cases where Article 67 par. 2 is applicable, Article 67 par. 1 is not applicable for the home association anymore. To the contrary, the basic principle of the overall responsibility of the hosting federation exists even if the events which constitute a violation of the FDC were caused by the spectators who are considered spectators of the visiting association, and even if for the same events the visiting association may be punished as well under Article 67 par. 2 as was indeed the case in the given circumstances of this case. Nevertheless, the possibility to differentiate between the two different associations indeed exists when dealing with the sanctions as further explained below.
64. The Panel is of the opinion that while the objective and strict responsibility of the home association exists even if the events were caused by the spectators of the visiting association, still, in specific cases, such strict liability may be considered as “unjust” and this responsibility in principal may lead, if the circumstances so indicate, to a reduced level of sanction or even to no sanction at all. The Panel finds comfort for this assumption in the wording of Article 67 par. 1, and more specifically in the wording “*may be fined*”. It is therefore clear that the FIFA Statutes left some space open and provide the needed discretion to the FIFA Disciplinary Committee not to sanction the home association, or to impose sanctions at its own discretion depending of how serious the violation was and to what extent the circumstances justify the sanctioning of the home association in each and every specific case. Moreover and as already explained, it leaves the FIFA Disciplinary Committee the possibility and freedom to sanction the home association and the away team at the same time in a situation which in some cases can be justified and found appropriate.

65. It follows that due to the plain application of the principle of the strict and objective liability, the BFU bears the overall responsibility for the events caused by the spectators of the visiting association.
- c) Was the fine of CHF 7,500 imposed on the BFU appropriate or not?*
66. The Panel now finally comes to analyse the incident which led to the fine that the FIFA Disciplinary Committee imposed on the BFU and thus to decide whether, in the circumstances of this case, the fine imposed on the BFU is appropriate or if any sanction at all can be justified.
67. The Panel considers the facts established in the present case as rather clear. The Panel follows the report of the match commissioner which confirmed that the banners were removed shortly after it was discovered that they were political banners.
68. The Panel concludes furthermore that the BFU undertook the necessary steps to draw down the banners relatively quickly. Finally, the banners were removed timely before kick-off.
69. The Panel also takes into account that the banners were written in Armenian language and that such language is indeed totally different from Bulgarian language. As a consequence, they could not be interpreted by the Bulgarian spectators as being provocative. The banners were indeed inappropriate, as they contained a political message, but did not create any particular trouble in the stadium.
70. Furthermore, the Panel takes into consideration that the action taken towards the removing of the banners was without any violence or arrests from persons that were present in the Armenian sector.
71. Therefore, the Panel holds that although Article 67 par. 1 is a rule of strict liability, the applicable sanction should be related to the seriousness of the incident. Banners and flags in stadiums are obviously part of football life. Fans are allowed to bring flags and banners into their sector and are of course subject to search procedures for which the stadium security and the home association are responsible. However, it can be reasonably held that the security persons at the entrance of the stadium had no reason to believe that the banners at stake had a political content (no evidence was brought that could establish a suspicion in this respect that could have called for an elevated burden on the BFU with respect to the check of the content of the banners written in a foreign language).
72. The Panel finds that in consideration of all the above circumstances and especially the way the BFU handled this incident quickly, as soon as it became aware of the content of the banners, without any disturbance to the game, that there is no reasonable justification to sanction the BFU in this case.

B. Conclusion

73. Based on the foregoing and after taking into due consideration both the applicable regulations as well as the evidence produced and the arguments brought forward by the BFU, the Panel finds that:
- a. In the circumstances of this case, and under the terms of the FDC, the FIFA DC could open disciplinary proceedings against the BFU *ex officio*;
 - b. Article 67 par. 1 FDC is a strict liability rule, leaving however space for the FIFA Disciplinary Committee to impose sanctions at its own discretion;
 - c. In the specific circumstances of this case, the fine on the BFU shall be annulled.
74. Consequently, the Panel concludes that the appeal of the BFU is partially upheld and that the FIFA DC Decision shall be set aside and replaced by a new decision as stated above.
75. Any other prayers and requests for relief are dismissed.

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by the Bulgarian Football Union on 20 February 2013 against the Decision issued on 20 November 2012 by the Disciplinary Committee of the Fédération Internationale de Football Association is partially upheld.
2. The Decision issued on 20 November 2011 by the Disciplinary Committee of the Fédération Internationale de Football Association is set aside and replaced by the following decision:
 1. *The Bulgarian Football Union is liable for the improper conduct among spectators during the Preliminary Competition match of 11 September 2012 for the 2014 FIFA World Cup Brazil™ between Bulgaria and Armenia and is therefore in violation of Articles 65 and 67 par. 1 and 3 of the FIFA Disciplinary Code (FDC).*
 2. *In the circumstances of this case, the Bulgarian Football Union is exempted from any sanction.*
 3. *In compliance with Article 105 par. 2 of the FDC, FIFA will bear the costs of these proceedings.*
3. The award is pronounced without costs, except for the Court Office fee of CHF 1,000 (one thousand Swiss Francs), paid by the Bulgarian Football Union which is retained by the CAS.

4. (...).
5. All other motions or prayers for relief are dismissed.