



Sent to

BSC Young Boys
Papiermühlestrasse 71
3000 Bern 22
Switzerland

Decision
of the
Control, Ethics and Disciplinary Body
on
23 August 2021

Chairman: Partl Thomas (AUT)

Members: Lorenz Hans (GER)
Power Aine (IRL)

Disciplinary Case: 34603 - UCL - 2021/22

Incidents: Throwing of objects, Art. 16(2)(b) DR
Blocking of public passageways, Art. 38 SSR
Lighting of fireworks, Art. 16(2)(c) DR
Provocative offensive messages (illicit chants), Art. 16(2)(e) DR

Competition: 2021/22 UEFA Champions League

Match: BSC Young Boys vs. Ferencvárosi TC, 18.08.2021

I. Facts of the case

1. The elements set out below are a summary of the main relevant facts, as established by the Control, Ethics and Disciplinary Body ("CEDB") on the basis of the official reports, the written submissions, the exhibits filed and statements produced by BSC Young Boys (the "club") in the course of the CEDB proceedings. While the CEDB has considered all the facts, allegations, legal arguments and pieces of evidence submitted by the club in these proceedings, it refers in this decision only to those it considers necessary to explain its reasoning.
2. The facts of this case, as stated in the official reports provided by the UEFA match delegate and the UEFA Security Officer present at the 2021/22 UEFA Champions League match between the club and Ferencvárosi TC, played on 18 August 2021 (the "match"), are as follows:

UEFA match delegate's report

"I was informed by the security officer about the following: 25th minute a lipstick was thrown on the pitch from east stand, around 12 m distance from corner flag south stand. [A]fter the final whistle a beer cup (plastic) was thrown on the pitch referee was nearby, same location than above."

"Fans blocking stairways from beginning of the match until the end."

"- bengal lights (12) during walk on

- *40th minute yellow smoke bomb right after scoring the 2:1 of home team*
- *65th 1 bengal light, 3 yellow smoke bombs after scoring the 3:1*
- *3 bengal lights during celebration with the players after the match all of that happened in the south stand (home team ultras)."*

UEFA Security Officer's report

"[...] 0/ Use of pyrotechnics

When? When the players entered the field of play (Walk on)

What? 12 bengal lights

Where? in the South tribune (lower and upper floor)

Who? Fans of Young Boys

1/ Chants against UEFA

When? in the 38th and 63rd minutes - without a specific reason.

"Scheisse UEFA - Fuck UEFA"

Where? South tribune (ground floor)

Who? Fans of Young Boys

2/ Smokebomb

When? in the 40 th minute after a goal of the home team

What? use of one yellow smokebomb

Where? South tribune (ground floor)

Who? Fans of Young Boys

4/Use of pyrotechnics

When? in the 65th minute after a goal of the home team

What? use of 3 yellow smokebombs and 1 bengal light

Where? South tribune (ground floor)

Who? Fans of Young Boys

5/Use of pyrotechnics

When? After the final whistle when the player were celebrating their victory with the fans in the South tribune

What? use of 3 bengal lights

Where? South tribune (ground floor)

Who? Fans of Young Boys

6/Throwing objets on the field of play

When? in the 25th minute - after the penalty situation of Ferencvaros and the red card of the player of Young Boys.

What? an objet was thrown on the field of play but I could see what it was. After the game, the security officer of the home team contacted the steward. The steward took a lipstick of the pitch.

Where? the object came from east stand, around 12 m distance from corner flag south stand (and a few meters on the pitch)

Who? a fan of Young Boys

7/Throwing objets on the field of play

When? Just after the final whistle

What? a cup was thrown on the pitch, a few meters behind the referee.

Where? the object came from east stand (right handside when you're sitting in the east tribune)

Who? a fan of Young Boys[...]"

"[...] The Young Boys fans sitting in the lower part of the south tribune have blocked all the stairways from beginning of the match until the end. No active stewards in this area."

II. The club's statements

3. The club in its statements dated 20 August 2021, essentially stated the following:
 - The observations of the UEFA Security Officer with regard to the alleged illicit chants are partially correct. During the match, supporters in the stand D made different chants. On two occasions during the match, they chanted "Scheiss UEFA", which means "Shit UEFA" and not "Fuck UEFA" as stated in the relevant report.
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- In this regard, the club further explained that in Swiss German, there are many different interpretations for the terms "Scheiss" or "Scheisse" and does not necessarily mean "shit". The term can also be used to express when certain things do not work or when there is displeasure. In the present context, the "Scheiss UEFA" chants are more a statement of dissatisfaction than an insult.
 - Therefore, the club considers a punishment based on the reported chants to be neither proportionate nor justified.
4. The more detailed arguments made by the club in support of its written submissions are set out below in as far as they are relevant.

III. Merits of the case

A. UEFA's competence and relevant provisions to the case

5. Pursuant to Articles 33(3), 52 and 57 of the UEFA Statutes, as well as Article 29(3) of the UEFA Disciplinary Regulations (DR), the CEDB is competent to deal with this case.
6. Pursuant to Article 5(a) DR, the UEFA Statutes, rules and regulations, in particular the DR, are applicable to these proceedings.
7. The following relevant provisions apply to the case at hand.
8. According to Article 8 DR, "*[a] [...] club that is bound by a rule of conduct laid down in UEFA's Statutes or regulations may be subject to disciplinary measures and directives if such a rule is violated as a result of the conduct of one of its members, players, officials or supporters or any other person exercising a function on behalf of the [...] club concerned, even if the [...] club concerned can prove the absence of any fault or negligence.*"
9. According to Article 16(2) DR, "*[...] all [...] clubs are liable for the following inappropriate behaviour on the part of their supporters and may be subject to disciplinary measures and directives even if they can prove the absence of any negligence in relation to the organisation of the match: [...] (b) the throwing of objects potentially endangering the physical integrity of others present at the match or impacting the orderly running of the match; (c) the lighting of fireworks or any other objects; [...] (e) the use of gestures, words, objects or any other means to transmit a provocative message that is not fit for a sports event, particularly provocative messages that are of a political, ideological, religious or offensive nature; [...]*".
10. Pursuant to Article 6.01(e) of the 2021/22 UEFA Champions League Regulations, "*[o]n entering the competition, participating clubs agree: [...] to observe the UEFA Safety and Security Regulations for all matches in the competition; [...]*".
11. As per Article 2 of the UEFA Safety and Security Regulations (the "SSR"), "*[t]he aim of these regulations is to make the match organiser and participating [...] clubs aware of their*
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duties and responsibilities before, during and after a match in order to safeguard the safety and security of everyone present, as well as of the stadium and its installations".

12. According to Article 38 SSR, "[t]he match organiser must take measures to ensure that all public passageways, corridors, stairs, doors, gates and emergency exit routes are kept free of any obstructions, which could impede the free flow of spectators".
13. According to Article 47 SSR, "[a]ny breach of these regulations may be penalised by UEFA in accordance with the UEFA Disciplinary Regulations".
14. According to Article 45 DR, "[f]acts contained in official UEFA reports are presumed to be accurate. Proof of their inaccuracy may, however, be provided".
15. Pursuant to Article 23 DR, "¹ [t]he competent disciplinary body determines the type and extent of the disciplinary measures to be imposed in accordance with the objective and subjective elements of the offence, taking account of both aggravating and mitigating circumstances. [...] ³ Disciplinary measures can be reduced or increased by the competent disciplinary body on the basis of the circumstances of the specific case [...]".
16. According to Article 25 DR, "¹ [r]ecidivism occurs if another offence of a similar nature is committed within: [...] (c) two years of the previous offence if that offence was related to order and security at UEFA competition matches; [...] ² Recidivism counts as an aggravating circumstance".
17. According to Article 6(5) DR, "Annex A contains a list of standard disciplinary measures which may be taken into consideration by the relevant disciplinary body when rendering its decision".

B. The responsibility of the club for the throwing of objects

18. It shall be recalled that the throwing of objects is a serious offence as it can not only disrupt the orderly running of the match, but it could also endanger the physical integrity of the attendees, e.g. the spectators, officials, stewards and even the players on the pitch. For this reason, the throwing of objects is strictly forbidden at UEFA matches.
 19. In the case at hand, it was reported by the UEFA Security Officer, who had also informed the UEFA match delegate about such incident, that supporters of the club threw a lipstick and a beer cup in the direction of the pitch.
 20. The club has not challenged the accuracy of the official reports provided by the UEFA match delegate and the UEFA Security Officer, hence the facts stipulated in such reports are deemed to be accurate in accordance with Article 45 DR.
 21. The CEDB recalls that, in application of the principle of strict liability as enshrined in Article 16(2) DR, the club shall be held liable for the conduct of its supporters, even if not at fault itself, as has been regularly confirmed by the well-established jurisprudence of
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the UEFA disciplinary bodies (as published on the UEFA website) and by the Court of Arbitration for Sport (CAS) (cf. *CAS 2002/A/423 PSV Eindhoven v. UEFA*).

22. Consequently, according to Article 16(2)(b) DR, the club is to be held responsible for the misconduct of its supporters, i.e. for the throwing of two objects, and must be sanctioned accordingly.

C. The responsibility of the club for the provocative offensive messages

23. The CEDB notes that according to the official report of the UEFA Security Officer, supporters of the club made repeated chants of "Scheiss UEFA" in the 38th and 63rd minutes of the match.
24. The club in its statements explained that such chants can have multiple meanings but do not necessarily contain an insult and are hence not to be perceived as offensive
25. The CEDB cannot agree with such interpretation provided by the club and considers that "Scheiss UEFA" chants were not used in a way to express dissatisfaction or enable a discussion about a specific topic, but only in an offensive and provocative way that is not fit for a sports event, such as a UEFA Champions League match.
26. Consequently, by applying the abovementioned principle of strict liability, the club shall be punished for the violation of Article 16(2)(e) DR, i.e. for the provocative offensive message transmitted by its supporters.

D. The responsibility of the club for lighting of fireworks

27. Lighting of fireworks is a serious offence not only because it can disrupt the orderly running of the match but also, and more importantly, it can endanger the physical integrity of other spectators, officials, players and persons who are lighting the fireworks. For this reason, the use of pyrotechnic devices in stadiums is strictly forbidden.
28. In the present case, it was reported by the UEFA match delegate and the UEFA Security Officer that the club's supporters ignited a total of 20 fireworks during various moments of the match. In this regard, the CEDB recalls the photographic evidence submitted as part of these disciplinary proceedings, which clearly depicts the incidents as reported.
29. Furthermore, the CEDB recalls that the club has not challenged the fact that its supporters ignited the pyrotechnic devices as reported, nor has it submitted any evidence to challenge the accuracy of the facts contained in the official reports of the UEFA match delegate and UEFA Security Officer (which are presumed to be accurate according to Article 45 DR).
30. Consequently, in application of the principle of strict liability, the CEDB concludes that the club is to be held liable for the violation of Article 16(2)(c) DR and must be punished accordingly.
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E. The responsibility of the club for the blocking of public passageways

31. Under Article 2 SSR, the purpose of these regulations is to maintain the safety and security of everyone present at the match. To achieve this goal, the SSR contain several provisions concerning spectator control at the stadium, including Article 38 SSR, imposing the obligation on the match organiser to keep all public passageways free of any obstruction.
32. It is well-established jurisprudence of the CAS that UEFA is entitled to put in place and enforce regulations aimed at protecting the safety of spectators, including the requirement that the organisers of football matches must keep stairways free of any obstruction (cf. *CAS 2015/A/3926 FC Gelsenkirchen-Schalke 04 v. UEFA*).
33. In the case at hand, it was reported by both the UEFA match delegate and the UEFA security officer that the club's supporters sitting in the lower part of the south tribune have blocked all the stairways from beginning of the match until the end, while there were no active stewards in this area who would have even attempted to improve the situation and clear the relevant passageways.
34. These infringements obviously represent a serious security issue which can lead to severe consequences in case of an emergency, *e.g.* when emergency services need to access the relevant sectors or should the evacuation of a person be required.
35. In view of the above, recalling that according to Article 45 DR, facts contained in official UEFA reports are presumed to be accurate, the CEDB is comfortably satisfied with the photographic evidence provided and with the conclusions drawn in such official reports referenced above.
36. In view of the above, the CEDB comes to the conclusion that the club as match organiser violated Article 38 SSR and must be punished accordingly.

IV. **The determination of the appropriate disciplinary measure**

37. According to Article 23 DR, the CEDB determines the type and extent of the disciplinary measures to be imposed in accordance with the objective and subjective elements of the case, taking account of any aggravating and mitigating circumstances.
 38. In the present case, the CEDB appreciates that there is a multiplicity of offences for which the club is responsible.
 39. For the throwing of objects by supporters of the club, the CEDB takes into account the club's previous records, noting that the club has been punished on one previous occasion during the last two years for the throwing of objects (cf. Article 25(1)(c) DR), which counts as an aggravating circumstance (cf. Article 25 (2) DR).
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40. In application of the well-established jurisprudence of the UEFA disciplinary bodies (as published on the UEFA website), the CEDB distinguishes between dangerous and non-dangerous objects, the former being subject to a higher fine than the latter. In the case at hand, the CEDB finds that the lipstick and the plastic cup which were thrown during the match are to be considered as non-dangerous objects.
 41. In view of the circumstances of this case, by applying its well-established jurisprudence regarding the throwing of non-dangerous objects (as published on the UEFA website), the CEDB decides that a fine of €1,500 and €750 is deemed appropriate for the two non-dangerous items thrown (i.e. the plastic cup and the lipstick), i.e. a total of €2,250.
 42. Furthermore, the CEDB adds an additional 50% of that fine for the club's second offence within the past two years (i.e. €2,250 + €1,125 = €3,375). Therefore, a total fine of €3,375 shall be deemed the appropriate sanction for the throwing of objects in the case at hand.
 43. With regard to the lighting of fireworks, the CEDB takes into account the seriousness of the offences committed as well as the club's previous record, noting that the club has been punished on four previous occasions during the last two years for setting off fireworks (cf. Article 25(1)(c) DR, which counts as an aggravating circumstance (cf. Article 25(2) DR).
 44. In order to calculate the appropriate sanction, the CEDB recalls that the UEFA match delegate and the UEFA Security Officer reported that 20 fireworks were lit. Therefore, the CEDB determines that this number shall be considered to calculate the appropriate sanction.
 45. Considering that there are no mitigating circumstances applicable in the present case, the CEDB decides to apply Article 6(5) and Annex A(I) DR, which provides standard sanctions for setting off fireworks (under "[l]ighting of fireworks"). In the present case, the CEDB decides that the standard fine of €500 is applicable for each firework lit, as provided for in Annex A(I), which amounts to a total of €10,000 for the 20 fireworks that were lit. Given that the present case constitutes the fifth offence of the club within the last two years, the CEDB adds an additional 50% of that fine for the second infringement of the club (i.e. €10,000 + 50% = €15,000). In addition, it is the CEDB's standard practice to add the amount of €250 to that fine for each additional previous record (i.e. €750 for three additional previous records). Therefore, a total fine of €15,750 is the appropriate sanction for setting off fireworks in the case at hand.
 46. Regarding the blocking of stairways, the CEDB takes into account the seriousness of the offence committed as well as the club's previous record, noting that the club has been punished on four previous occasions for the same offence during the last two years (cf. Article 25(1)(c) DR), which counts as an aggravating circumstance (cf. Article 25(2) DR).
 47. In view of the above, the CEDB decides to apply Article 6(5) DR and Annex A(II), which provides standard sanctions for said offence (under "*public passageways*"). Given that the present case constitutes the fifth offence of the club, the CEDB recalls that the standard fine for a first infringement amounts to €8,000 and to €12,000 for a second infringement.
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Furthermore, by applying its standard practice to add the amount of €2,000 to that fine for each additional previous record (i.e. €12,000 + €6,000 for three additional previous records), the CEDB decides to fine the club €18,000 for the blocking of stairways in the case at hand.

48. Regarding the illicit chants, the CEDB takes into account the seriousness of the offence committed, while noting that the club has no previous record for violating Article 16(2)(e) DR within the last two years (cf. Article 25(1)(c) DR).
49. The CEDB routinely applies Article 6(5) DR and Annex A(I) to sanction the offence of illicit chants. Given that the present case constitutes the first offence of the club, the CEDB recalls that the standard fine for the first infringement amounts to €10,000, which shall be deemed the appropriate sanction for the violation of Article 16(2)(e) DR by the club in the case at hand.
50. Consequently, the CEDB decides

1. **To fine BSC Young Boys €3,375 for throwing of objects.**
2. **To fine BSC Young Boys €15,750 for lighting of fireworks.**
3. **To fine BSC Young Boys €18,000 for blocking of public passageways.**
4. **To fine BSC Young Boys €10,000 for transmitting provocative messages of an offensive nature, i.e. for the illicit chants.**
5. **The above fines in the total amount of €47,125 must be paid into the bank account indicated below within 90 days of communication of this decision.**

Thomas Partl
Chairman



cc Swiss Football Association

Bank details
Union Bank of Switzerland
CH-3001
Acc. n° 235-90 186444.6
Bank code 235
Swift: UBS WCH ZH 80A
IBAN CH30 00235235901864446

Detail address of UBS AG (Union Bank of Switzerland) - CH – 3001 BERNE
VAT Number in Switzerland: CHE-116.317.087
Fiscal number in Switzerland / canton de Vaud: 21 652

Advice as to rights of appeal

This decision is open to appeal (Article 60 DR).

A declaration of the intention to appeal against a decision by the Control, Ethics and Disciplinary Body must be lodged with the UEFA administration, in writing, for the attention of the Appeals Body, within three days of notification of the relevant decision with grounds (Article 60(2) DR).

Within five days of the expiry of the time limit for the declaration of the intention to appeal, the appellant must file, in writing, the grounds for appeal, which must contain a legal request, an account of the facts, evidence and the appellant's conclusions (Article 60(3) DR).

The appeal fee is €1,000, payable on submission of the grounds for appeal at the latest (Article 60(4) DR).

Publication notice

Decisions of the UEFA disciplinary bodies are published on the UEFA website in accordance with Article 52(5) DR. A request to publish an anonymised version of the decision shall be submitted to the UEFA administration within seven days of notification of the decision with grounds.
