



Sent to

FK Partizan
Humska 1
11000 BEOGRAD
Serbia

Decision
of the
UEFA Appeals Body
on
22 August 2023

Chairman: Tomás Marqués Pedro (ESP)

Disciplinary Case: 37303 - UECL - 2023/24

Incidents: Discriminatory conduct, Art. 14(1) DR
Sanitary facilities for spectators, Art. 22 UEFA Stadium Infrastructure Regulations
Invasion of the field of play by its supporters, Art. 16(2)(a) DR
Insufficient protection of the playing area against intruders, Art. 40.01 SSR
Provocative message of an offensive nature (illicit chants), Art. 16(2)(e) DR

Competition: UEFA Europa Conference League 2023/2024

Match: FK Partizan vs. Sabah, 17.08.2023

I. Facts of the Case

1. The elements set out below are a summary of the main relevant facts, as established by the Appeals Body on the basis of the official report provided by the UEFA Match Delegate and the report provided by the FARE observer and the evidence submitted therewith. While the Appeals Body has considered the entire file in these proceedings, it refers in the present decision only to those elements it considers necessary to explain its reasoning.
2. The most relevant facts of this case, as reported by the UEFA Match Delegate and the FARE observer present at the 2023/24 UEFA Europa Conference League third qualifying round match between FK Partizan (the "Club") and Sabah played on 17 August 2023 in Belgrade, Serbia ("the Match"), are as follows:

➤ **UEFA Match Delegate's Report:**

Stadium infrastructure

Visiting fans sector (infrastructure related)

Insufficient number of toilets at the visiting fans sector.

Security incidents affecting the match (home team) – pitch invasions, throwing of objects, laser pointer, fights, acts of damage, spectators blocking the stairways, etc.

1) boy invaded the pitch after full time. He was stopped by security in the center of the pitch and escorted back to the stand.

After the penalties massive pitch invasion by children and teenagers from different sectors of the stadium. More than 50 spectators in total. At the beginning stewards tried to catch them. But the number of fans who invaded the pitch were growing and no more further actions was taken by stewards. Spectators were running across the field, celebrating victory with players and taking photos.

2) During the penalty shots aggressive behavior of the fans at the West stand towards VIP box of home and away teams managements. Fans yelled, showed the middle finger and threw paper balls.

Discriminatory behaviour (home team) - banners, chanting, etc.

Home fans chanted "Vucic pedury" (Eng: Vucic you faggot!) all around the stadium in the minutes 31, 61 and after the final whistle. Chants lasted about 10-15 seconds.

Home fans at West stand chanted "Picko ciganska" (Eng: You gypse cunt) towards [a Sabah player] in the 56 and 102 minutes. Lasted for 10-15 seconds.

I heard these chants myself and FARE observer also noted it and provided me with translation.

➤ **FARE observer's Report:**

"[...] 21:00 kick-off

- 20:50 10 minutes before kick-off Incident 1: Partizan home fans chanted a homophobic chant.

- The chant occurred spontaneously around the stadium by a few thousand Partizan fans 10 minutes before kick-off and lasted for around 10-16 seconds.

- The chant was repeated in the 31st minute, 61st minute and 30 seconds after the final whistle, by few thousand Partizan fans around the stadium. Each chant lasted for around 10-15 seconds.

- The Partizan fans chanted "Vučiću pederu!" (In English: Vučić you faggot!). Aleksandar Vučić is the president of Serbia.

22:15 Incident 2: Partizan home fans chanted a xenophobic anti-Roma chant directed [a Sabah player]. - The chant occurred spontaneously around the stadium by a few hundred Partizan fans situated in the West stand, in the 56th minute of the match.

- The same chant was repeated in the 102nd minute when [the Sabah player] was substituted.

*The Partizan fans chanted "Pičko ciganska" directed at [the Sabah player] (in English: You Gypsy c*nt!) [...]."*

3. On 18 August 2023, the Club was informed of the opening of disciplinary proceedings against it for a potential violation of the UEFA regulatory framework (in particular Articles 14, 16(2)(a), 16(2)(e) of the UEFA Disciplinary Regulations (DR), Article 40 of the UEFA Safety and Security Regulations (SSR) and Article 22 of the UEFA Stadium Infrastructure Regulations and was invited to submit any statements by no later than 21 August 2023 at 15:00 (CET).
4. On 21 August 2023, the chairman of the UEFA Control, Ethics and Disciplinary Body referred the present case to the Appeals Body due to its urgent nature, in accordance with Article 29(3) of the DR. The Club was informed of the referral of the case on the same date.
5. Any other relevant facts shall be referenced further below, if necessary.

II. Summary of proceedings before the Appeals Body

6. The Club in its statement dated 21 September 2022, essentially states the following:

Invasion of the field of play

- The Club regrets this incident and explained that it was caused by children with no intention of violence. The children wanted to celebrate the victory with their football idols. The stewards service hired by the Club tried to do a good job, however, as a large number of children ran onto the field for the celebration after the final whistle, the stewards were focused on preventing more children

from entering from the stands and there were not enough of them to remove the children who had already entered the pitch.

Protection of the playing area

- The Club explains that it has always tried to prevent possible incidents with spectators entering the field by employing a sufficient number of security guards, and this is the first time that fans have entered the field in such a large proportion. The Club will try to improve the measures for the protection of the playing area.

Sanitary facilities for spectators

- The Club is surprised by the reporting of this incident considering that there were no fans in the visiting sector. When the visiting team announces the arrival of visiting fans, according to established practice, the Club based on an estimate of the number of fans who will be at the match, installs mobile toilets in sector H of the stadium, in addition to the existing toilets in this sector. This time it was not done, because there were no visiting fans at the Match in away sector.

Discriminatory conduct

- Concerning the first chant "Picko ciganska" (translated by the Club as "Gypsy pussy") chanted by the Club's supporters in the west stand towards a specific Sabah player, of Bosnian nationality and Serb origins and who played part of his career in Serbia, the Club explains that the chants happened only and exclusively as a reaction to the behaviour of the player, who, during the Match, allegedly gesticulated several times when the referee was making decisions that went in favour of the Club. The Club also argues that that this player allegedly provoked the Club's supporters in the press a few days prior to the Match.
 - Having said the above, the Club rejects the discriminatory connotation of this chant that is chanted by the FC Red Star supporters and players that called themselves "gypsies".
 - The Club also points out that this chant does not represent an act of discriminatory conduct, but a possible behaviour that can be classified under Art 16(2)€ DR.
 - Furthermore, the Club condemns the second chanting (Vučiću pederu!) and considers it extremely inappropriate. The Club distances itself from it and consider it an abuse of a football match to express the political views of the minority in Serbia.
 - The Club would like to underline that this chanting basically is inappropriate political chanting, that represents a tool used by the political opponents against the president Vucic and that it is not homophobic.
 - The Club considers that this chant cannot be subsumed under Article 14 DR but rather under Art. 16(2)(e) DR.
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III. Competence of the Appeals Body

7. Article 29(3) DR stipulates that *"[...] in particularly urgent cases [...], the chairman [of the Control, Ethics and Disciplinary Body] may refer the case directly to the Appeals Body for a decision."*
8. Article 30(4) DR states as follows :

"The Appeals Body has jurisdiction [...] to rule on particularly urgent cases referred to it directly by the chairman of the Control, Ethics and Disciplinary Body."
9. Pursuant to Article 30(3)(a) DR, *"[t]he chairman of the Appeals Body [...] may take a decision as a judge sitting alone: a. in urgent [...] cases."*
10. Therefore, pursuant to Articles 30(3)(a) and (4) DR and given that the present case needs to be addressed urgently due to the necessity for the Club to know as soon as possible the outcome of these proceedings, the chairman of the Appeals Body is competent to deal with this case as judge sitting alone. For the sake of clarity, any reference to the Appeals Body in this decision shall be understood as referring to the chairman of the Appeals Body acting as judge sitting alone.

IV. Legal considerations of the Appeals Body

i) Legal framework

11. As per Article 5(a) DR, the UEFA Statutes, rules and regulations, in particular the DR, are applicable to these proceedings.
 12. In particular, the following provisions are relevant to the present case:
 - According to Article 8 DR, *"[...] a [...] club that 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."*
 - According to Article 14 DR, *"¹ [a]ny person under the scope of Article 3 who insults the human dignity of a person or group of persons on whatever grounds, including skin colour, race, religion, ethnic origin, gender or sexual orientation, incurs a suspension lasting at least ten matches or a specified period of time, or any other appropriate sanction. ² If one or more of a [...] club's supporters engage in the behaviour described in paragraph 1, the [...] club responsible incurs a minimum of a partial stadium closure and a fine [...]"*
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- According to Article 16(2) DR, “[...] [a]ll [...] 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: (a) the invasion of the field of play [...]; (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. [...]”
 - As stated in Article 2 SSR, “[t]he aim of these regulations is to make the match organiser and participating [...] clubs aware of their 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.”
 - Pursuant to Article 40.01 SSR, “[t]he match organiser must ensure that players and match officials are protected against the intrusion of spectators into the playing area. This may be accomplished in various ways, including, for example, the use of one or more of the following measures, depending on the individual circumstances: a. the presence of security personnel in or near the playing area; b. moats of a sufficient width and depth; c. a seating configuration which situates front-row spectators at a height above the arena which would render intrusion into the playing area improbable, if not impossible; d. insurmountable transparent screens or fences, which may either be mounted permanently or affixed in such a way that they may be removed whenever it is felt that their use is not necessary for any particular match.”
 - According to Article 47 SSR, “[a]ny breach of these regulations may be penalised by UEFA in accordance with the UEFA Disciplinary Regulations.”
 - Article 22 UEFA Stadium Infrastructure Regulations reads as follows: “¹A sufficient number of clean and hygienic sanitary facilities must be distributed evenly throughout all sectors based on an 80:20 ratio of men to women. Seated toilets and urinals must be equipped with flushes. Sinks and toilet paper and soap dispensers must be provided and firmly fixed in place. ²The minimum requirements for sanitary facilities are as follows: a. 1 seated toilet per 250 men; b. 1 urinal per 125 men; c. 1 seated toilet per 125 women.”
 - According to Article 39.01 UEFA Stadium Infrastructure Regulations, “[a]ny breach of these regulations may be penalised by UEFA in accordance with the UEFA Disciplinary Regulations.”
 - 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 any aggravating and mitigating circumstances. [...] ³Disciplinary measures can be reduced or increased by the competent disciplinary body on the basis of the circumstances of the specific case [...].”
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- Article 25 DR stipulates as follows: *"¹ Recidivism occurs if another offence of a similar nature is committed within: a. one year of the previous offence if that offence consisted in the improper conduct of a team or was punished with a warning, reprimand or suspension of up to two matches imposed on an individual; b. ten years of the previous offence if that offence was an anti-doping rule violation or related to match-fixing, fraud, bribery or corruption; c. two years of the previous offence if that offence was related to order and security at UEFA competition matches; d. three years of the previous offence in all other cases. ² Recidivism counts as an aggravating circumstance."*
 - Article 26(3) DR further establishes that *"[i]f a further offence of a similar nature is committed during the probationary period, the competent disciplinary body, as a rule, orders that the original disciplinary measure be enforced. This may be added to the disciplinary measure imposed for the new offence."*
 - 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."*
 - Article 6(5) DR provides that *"Annex A contains a list of standard disciplinary measures which may be taken into consideration by the relevant disciplinary body when rendering its decision."*

ii) Legal issues in the case at hand

13. The Appeals Body considers that this case concerns the Club's responsibility for the misbehaviour of its supporters with regards to the alleged invasion of the field of play and the transmission of particularly provocative and offensive messages pursuant to the DR as well as its responsibility for the alleged failure to protect the field of play and the alleged failure to comply with the requirements in terms of sanitary facilities. This case also concerns the Club's responsibility for the misbehaviour of its supporters with regard to alleged discriminatory conduct by its supporters pursuant to Article 14 DR.
14. In sum, the legal issues revolve around the following elements:
- a) Is the alleged violation of Article 16(2)(a) DR in connection with the Article 40.01 SSR established and, if so, is the Club responsible?
 - b) Is the alleged violation of Article 16(2)(e) DR established and, if so, is the Club responsible?
 - c) Is the alleged violation of Article 22 UEFA Stadium Infrastructure Regulations established and, if so, is the Club responsible?
 - d) Is the alleged violation of Article 14(1) DR established and, if so, is the Club responsible?
 - e) To the extent that the answers to the questions above are affirmative, what are the appropriate sanctions?
15. Accordingly, the above questions are analysed below.
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a) *Is the alleged violation of Article 16(2)(a) in connection with the Article 40.01 SSR established and, if so, is the Club responsible?*

16. According to the UEFA Match Delegate report, a first pitch invasion occurred after full time by a child who managed his way to the centre of the pitch before being stopped and escorted out by the security. Later during the Match, at the end of the penalty shootout, a *“massive pitch invasion [...] from different sectors [...] [of] more than 50 spectators”* took place. This is corroborated by the video evidence submitted by the UEFA Match Delegate that the Appeals Body had at its disposal, and which depicts the invasion of the field of play as reported by the UEFA Match Delegate.
 17. In this context, the Appeals Body recalls that the UEFA Match Delegate specifically reported the Club’s failure to prevent the second field invasion. Indeed, the UEFA Match Delegate clearly identified this issue and stated that *“at the beginning stewards tried to catch them. But the number of fans who invaded the pitch were growing and no more further actions was taken by stewards”* (emphasis added). Again, it is unequivocally visible on the video at the Appeal Body’s disposal in which it can be seen that stewards do not even try to stop the invaders from entering into the field of play.
 18. The Appeals Body notes that the Club does not deny the pitch invasion nor its failure to protect the field of play but holds that the invaders were only children with no intention of violence.
 19. The Appeal Body finds it particularly serious that such a huge amount of Club’s supporters were able to reach and make physical contact with the Club’s players and leave the pitch without the intervention of the stewards. In this respect, the Appeals Body recalls that, in general terms, due to the potential risk of injury, as nobody is aware of the real intentions of the intruders at the time of the incident, invasions of the field of play are strictly forbidden, be it by children, teenagers or adults. In this respect, the Appeals Body considers that the stewards failed to ensure the safety of the players by allowing multiple spectators to reach the pitch and make physical contact with players on several occasions.
 20. Hence, the violations of Article 16(2)(a) DR and of Article 40.01 SSR has been established and the Club shall be held liable for failing to ensure that players and match officials present at the Match were protected against the intrusion of spectators into the playing area. Particularly, in view of Article 16(1) DR, the UEFA Match Delegate clearly established in his report that the club was negligent, considering the slow (not to say the absence of a) reaction of the stewards.
 21. Consequently, the Club shall be held responsible for the violations of Article 16(2)(a) DR in application of the principle of strict liability as enshrined in Article 16(2) DR, and has been regularly confirmed by the well-established jurisprudence of the UEFA disciplinary bodies (as published on the UEFA website) and by the Court of Arbitration for Sport (CAS) (cf. CAS 2015/A/3875, Football Association of Serbia v. UEFA; CAS 2013/A/3139 Fenerbahçe SK v. UEFA) and for the violation of Article 40.01 SSR and must be punished accordingly.
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b) Is the alleged violation of Article 16(2)(e) DR established and, if so, is the Club responsible?

22. The Appeals Body here notes that the UEFA Match Delegate reported that “[d]uring the penalty shots aggressive behavior of the fans at the West stand towards VIP box of home and away teams managements. Fans yelled, showed the middle finger...”
23. In this regard, the Appeals Body acknowledges that the Club, here, did not challenge the content of the UEFA Match Delegate report, which is presumed to be accurate (cf. Art. 45 DR).
24. The Appeals Body considers that showing the middle finger to other supporters is always to be seen as highly provocative and offensive, and this has the potential to lead to unrest and violence in the stadium. The Appeals Body is convinced that the message conveyed is provocative and offensive and is not fit for a sports event.
25. The Appeals Body recalls that, as explained above, 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 the UEFA disciplinary bodies (as published on the UEFA website) and by the Court of Arbitration for Sport (CAS) (cf. CAS 2015/A/3875, Football Association of Serbia v. UEFA; CAS 2013/A/3139 Fenerbahçe SK v. UEFA).
26. Therefore, the violation of Article 16(2)(e) DR has been established and the Club needs to be punished accordingly.

c) Is the alleged violation of Article 22 UEFA Stadium Infrastructure Regulations established and, if so, is the Club responsible?

27. In the realm of UEFA competitions, stadium facilities play a central role, aiming to provide supporters not only with convenience but also a comfortable and enjoyable experience when attending a match.
 28. In the matter of scrutiny, the Appeals Body notes that the UEFA Match Delegate reported that there was an insufficient number of toilets in the visiting fans sector.
 29. In this context, the Appeals Body also takes note of the Club’s justification for such alleged failure. Indeed, the Club explains that given the absence of away fans for the Match, no “mobile toilets” were installed to comply with the UEFA Stadium Infrastructure Regulations, as usually organised by the Club. The Appeals Body indeed acknowledges that the UEFA Match Delegate also reported that no away fans were present at the Match.
 30. In view of the foregoing, the Appeals Body considers that the Club did not have the obligation to organise and to install additional sanitary facilities given the proven absence of away fans for the Match.
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31. Therefore, the Appeals Body decides to close the disciplinary proceedings opened against the Club for the alleged failure to comply with Article 22 UEFA Stadium Infrastructure Regulations.

d) Is the alleged violation of Article 14(1) DR established and, if so, is the Club responsible?

32. Article 14(2) DR is a special rule taking over the principle set out in Article 8 DR, which stipulates that clubs are responsible for the racist and discriminatory conduct of their supporters. This responsibility applies to offences committed by any person supporting the team before, during or after the match, irrespective of the fault of the club in question (i.e. "strict liability").

33. The fight against any form of discriminatory behaviour is a high priority for UEFA. UEFA has a strict approach towards discrimination on the pitch and in the stands. Any discriminatory behaviour is considered a serious offence under the DR.

34. In the present case, the Appeals Body notes that incidents of a potentially discriminatory nature occurred during the Match. Indeed, it was reported by the UEFA Match Delegate (that heard the chants himself) and the FARE observer present at the Match, that Club's supporters chanted "Vučiću pederu!" (translated into English: Vučić you faggot!) various times during the Match and that furthermore, the Club's supporters chanted "*Picko ciganska*" (*Eng: You gypsy cunt*) towards [a Sabah player] in the 56 and 102 minutes". It is also to be highlighted that the videos provided by FARE clearly corroborated the report.

35. Regarding the first chant, "Vučiću pederu!" the Appeals Body notes that the Club does not challenge that those chants effectively occurred during the Match (and even condemns them) but considers that they are not discriminatory but rather provocative and of political nature and falls under the Article 16(2)(e) DR.

36. First, the Appeals Body can confirm that such chant was indeed chanted by supporters of the Club as the chant was clearly audible on the relevant video footage provided by the FARE observer. The Appeals body also notes that the word "faggot" is a well-known offensive and derogatory term used against male homosexuals. It is clearly discriminatory and homophobic in nature and discriminates on the grounds of sexual orientation. Obviously, the use of such term is despicable and cannot, be accepted, particularly in the context of a UEFA competition match, as it constitutes a clear violation of Article 14(1) DR.

37. Consequently, the Appeals Body strongly refutes the Club's argument that the behaviour of its supporters should be regarded as a political provocation. The messages conveyed by these supporters are clearly of a discriminatory nature. Such behaviour is completely unacceptable and has no place in football, and notably represents an obvious breach of Article 14(1) DR.

38. Regarding the second chant, "*Picko ciganska*" chanted a couple of times towards one player of the opponent team, the Club first explains that they happened only and exclusively as a reaction to the alleged behaviour of said player, during and before the Match. The Club also explains that the word "gypsy" cannot be interpreted as the attack on any minority or vulnerable group in Serbia and that even the FC Red Star (biggest rival of the Club in Serbia) players and fans colloquially call themselves "Gypsies".
 39. Again, the Appeals Body confirms that such chant was chanted by the Club's supporters as depicted on the relevant video evidence it has at its disposal. The Appeals Body believes that the use of the term "gypsy" has clear derogatory connotations which has no place in football stadiums.
 40. On a first note, the Appeals Body contests the Club's argument concerning the alleged provocation of the player during and before the Match. The Appeals Body is of the opinion that the alleged actions of a player off and on the field cannot warrant or justify the Club's supporters' discriminatory behaviour towards him, and any supposed misbehaviour on a player's part ought to be dealt with by the officiating referee, if deemed necessary. Consequently, the Appeals Body cannot accept the Club's arguments in this regard.
 41. Having said that, the Appeals Body considers here, that even if this expression was not used with the intention to discriminate or offend the player to which it was addressed, it could still be considered discriminatory or insulting in nature and should not be tolerated in football stadiums irrespective of the intention of the offenders or whether the target of the words felt insulted or not. Indeed, the fact that the FC Red Star players and fans use it for themselves does not change the derogatory connotation that this term has and does not change the legal situation that Club's supporters called a player "*gypsy*".
 42. In this sense, the Appeals Body refers to the well-established jurisprudence of CAS which establishes that "*[t]he test of whether or not there has been an insult qualifying for sanctions under Article 14 UEFA DR, is the perception of the reasonable onlooker. It is in that sense objective not subjective*" (CAS 2013/A/3324 & 3369 GNK Dinamo v. UEFA, para. 9.13).
 43. In light of the foregoing, by applying the principle of strict liability enshrined in Article 8 DR and Article 14(2) DR, the Appeals Body concludes that the Club must be punished accordingly for the discriminatory behaviour of its supporters.
 - e) *What is the appropriate sanction?*
 44. According to Article 23(1) DR, the Appeals Body 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.
 45. Regarding the discriminatory behaviour of the Club's supporters, the Appeals Body acknowledges that the Club has been punished on five previous occasions for violating
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Article 14 within the past three years (cf. Article 25(1)(d) DR), which counts as an aggravating circumstance (cf. Article 25(2) DR).

46. The Appeals Body recalls that UEFA has a strict approach toward discriminatory incidents that occur within the realm of its competitions. In this regard, the Appeals Body emphasises that messages such as those conveyed by the Club's supporters during the Match have no place in football, nor can they be tolerated in society in general. Indeed, the behaviour of the Club's supporters and their repeated and seemingly systematic violations of Article 14 DR show a deeply concerning attitude, which raises serious doubts as to their ability to comply with the rules and values that UEFA embodies.
 47. In this respect, the Appeals Body recalls that on 29 March 2023 (DC 36725), the Control, Ethics and Disciplinary Body (CEDB) decided *"to order the partial closure of FK Partizan's stadium, which shall consist of at least 2,000 seats, during the next (1) UEFA competition match it plays as host club, for the racist behaviour of its supporters. Said partial stadium closure is suspended for a probationary period of two (2) years, starting from the date of the present decision."*
 48. In order to determine whether or not to activate the partial closure which was subject to a probationary period of two (2) years, ordered by the CEDB on 29 March 2023, the Appeals Body first underlines that the present cases fall within the two-year probationary period imposed by said decision. Then, as per Article 26(3) DR, the Appeals Body shall determine whether the violations in the present cases are of a *"similar nature"* compared to those that led to the CEDB's decision of 29 March 2023.
 49. Recalling the facts which resulted in said decision, the Appeals Body notes that in DC 36725 a Club's supporter was seen performing monkey noise as a clear discriminatory and racist behaviour and therefore in violation of Article 14 DR.
 50. If the latter incident is not strictly identical as the ones of the matter at stake, they are undoubtedly of a *"similar nature"* within the meaning of Article 26(3) DR and the well-established jurisprudence of the UEFA disciplinary bodies (as published on the UEFA website), as in both cases, discriminatory conduct was established.
 51. Therefore, in view of the foregoing, while noting that the previously suspended disciplinary measure taken by the CEDB on 29 March 2023 had little or no effect on the behaviour of the Club's supporters, the Appeals Body has no other option than to order the enforcement of the suspended disciplinary measure imposed by the CEDB in its decision dated 29 March 2023, i.e. to order the partial closure of FK Partizan's stadium, which shall consist of at least 2,000 seats, during the next (1) UEFA competition match it plays as host club in accordance with Articles 23(1) and 26(3) DR.
 52. With respect to the appropriate disciplinary measure for the *"new offences"* (cf. Article 26(3) DR) in connection with the Match it has been already established above that the Club's supporters violated Article 14 DR on several occasions, as referenced.
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53. Considering the above, and recalling that the Club has been punished for violating Article 14 DR on five previous occasions during the past three years, and given that there are no mitigating circumstances applicable in the present case, the Appeals Body deems it appropriate to fine the Club €30,000 and to order an additional partial closure of the Club's stadium, which shall consist of at least 15,000 additional seats, also to be implemented during the next (1) UEFA competition match in which the Club will play as host club, for the discriminatory behaviour of its supporters.
 54. Regarding the invasion of the field of play in connection with the insufficient protection of the playing area, the Appeals Body 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 six occasions for a violation of Article 16(2)(a) DR during the past two years which counts as an aggravating circumstance (cf. Articles 25(1)(c) and (2) DR). The Appeals Body also recalls that it is the Club's first violation of Article 40.01 SSR in the past two years,
 55. Besides the obvious serious nature of the incident, the Appeals Body finds the circumstances of the incident particularly significant. The fact that around 50 supporters invaded the field of play, without any resistance from the stewards whose role is specifically to protect the field of play from intrusion, is problematic. The Appeals Body notes that such incident requires a severe and strict application of the DR, as such behaviour cannot be tolerated at UEFA competition matches.
 56. In view of all the above, the Appeals Body seems that a standard fine as foreseen in the Annex A DR would not be sufficient as it would neither adequately reflect the faulty behaviour of the Club's supporters during the Match nor the negligence from the side of the Club. Therefore, in application of Article 23(1) and (3) DR, considering the seriousness of the incident in question as well as the fact that it is the Club's seventh violation of Article 16(2)(a) DR, the Appeals Body considers appropriate to impose a €30,000 fine for the invasion of the field of play in connection with the failure to protect the playing area.
 57. Regarding the transmission of provocative offensive messages (i.e., the offensive gestures), the Appeals Body takes into account the seriousness of the offence committed, while noting that the Club does not have a previous record for such violation of Article 16(2)(e) DR in the past two years (Article 25(1)(c) DR).
 58. In view of the above, the Appeals Body decides to apply Article 6(5) DR and Annex A(I), which provides standard sanctions for said offence. Given that the present case constitutes a first infringement for the Club, recalling that the standard fine for a first infringement amounts to €10,000, the Appeals Body decides to impose a fine of €10,000 for the use of offensive gesture i.e. the middle fingers towards other supporters.
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59. Consequently, the Appeals Body decides:

1. To order the enforcement of the suspended disciplinary measure imposed by the Control, Ethics and Disciplinary Body in its decision dated 29 March 2023 (i.e. the partial stadium closure of FK Partizan's stadium, which shall consist of at least 2,000 seats, during the next (1) UEFA competition match it plays as host club), for the racist behaviour of its supporters.
2. To fine FK Partizan €30,000 and to order the additional partial closure of FK Partizan's stadium, which shall consist of at least 15,000 additional seats, during the next (1) UEFA competition match in which FK Partizan will play as host club, for the discriminatory conduct of its supporters.
3. FK Partizan shall communicate to UEFA, prior to the next UEFA competition match it will play as host club, the sector(s) to be closed, which shall consist of at least 17,000 seats.
4. To fine FK Partizan €30,000 for its failure to ensure the protection of the playing area against intruders and for the invasion of the field of play.
5. To fine FK Partizan €10,000 for transmitting a provocative message of an offensive nature.
6. The above fines in the total amount of €70,000 must be paid into the bank account indicated below within 90 days of communication of this decision.
7. To close the disciplinary proceedings opened against FK Partizan for its alleged failure to meet the minimum requirements in the spectator-related areas, i.e. sanitary facilities for spectators.

Pedro Tomás
Chairman



cc Football Association of Serbia

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**

The present decision may be appealed in writing before the Court of Arbitration for Sport, subject to Articles 62 and 63 of the UEFA Statutes. According to Article 62(3) of the UEFA Statutes, the time limit for appeal to the Court of Arbitration for Sport is ten days from the receipt of the reasoned decision.

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.
