

TPO/TPI FC Twente sanctioned

FC Twente sanctioned by the KNVB Licensing Committee in relation to Doyen-contracts

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The Licensing Committee of the Dutch Football Association – the KNVB – has provisionally revoked the license of FC Twente, excluded it from participation in European football for three seasons and imposed a fine of EUR 45,250 on it for having withheld certain details from the KNVB Licensing Committee in respect of contracts concluded with Doyen Sports. FC Twente accepted the sanctions in full.

KNVB, Media release, 15 December 2015

Introduction

Upon having become aware of *FC Twente's* intention to enter into an agreement with *Doyen Sports*, the KNVB Licensing Committee requested *FC Twente* to provide it with the draft contracts to examine whether these were in accordance with the regulations of the KNVB. The KNVB Licensing Committee subsequently ordered *FC Twente* to make certain amendments to the contracts, most likely because the KNVB was apparently of the view that *Doyen Sports* would acquire influence in *FC Twente's* transfer policy in respect of the players concerned. The amended contracts were then re-examined by the KNVB Licensing Committee and approved.³¹

However, following the publication of the contracts on the website *Football Leaks* in November 2015,³² the KNVB Licensing Committee started an investigation and concluded that *FC Twente* had withheld certain additions (a side-letter) to the contracts with *Doyen Sports* from the KNVB Licensing Committee and

thereby deliberately misled the KNVB Licensing Committee, which is a violation of the KNVB Licensing Regulations.

The reason for banning *FC Twente* from European football for three sporting seasons is that the KNVB Licensing Committee found that *FC Twente* participated in European football in the 2014/2015 season with a license that was granted based on the information available to the KNVB Licensing Committee at the time, which turned out to be incorrect. *FC Twente* is now sanctioned for having obtained unjust sporting and financial advantages from this participation.³³

FC Twente's license to participate in professional football will be revoked, unless *FC Twente* fully cooperates with an independent investigation into the structure of the club. *FC Twente* appears to cooperate fully with such investigation.

Background

FC Twente is a Dutch professional football club, playing in the highest division of Dutch professional football.

In the 2009/2010 sporting season, *FC Twente* won the national championship for the first time in the history of the club. Since 2012, *FC Twente* experienced a great financial downfall. The repayments and interest on debts related to investments made in the stadium and the salaries of its players were too high in comparison with its turnover.³⁴ *FC Twente* was therefore on the lookout for financing.

Doyen Sports is a Malta-based sports industry company and its activities include investing in football players and clubs.³⁵ *Doyen Sports* has been in the news in relation to the discussion on the prohibition on third-party ownership or third-party investment in the football industry, particularly in respect of the implementation of Article 18ter in the 2015 edition of the FIFA Regulations on the Status and Transfer of Players (FIFA RSTP), which prohibits such practices. *Doyen Sports*

³¹ 'Licentiecommissie bestraft FC Twente', KNVB press release, 15 December 2015

www.knvb.nl/nieuws/betaald-voetbal/licenties/15464/licentiecommissie-bestraft-fc-twente

³² www.footballleaks.livejournal.com/ (currently suspended)

³³ 'Licentiecommissie bestraft FC Twente', KNVB press release, 15 December 2015

www.knvb.nl/nieuws/betaald-voetbal/licenties/15464/licentiecommissie-bestraft-fc-twente

³⁴ S. DE VOOGT, *FC Twente krijgt straf wegens banden met Doyen, NRC*, 15 December 2015

www.nrc.nl/nieuws/2015/12/15/fc-twente-krijgt-fikse-straf-wegens-banden-met-doyen

³⁵ www.doyensports.com/aboutus

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has recently been involved in an arbitration procedure before the Court of Arbitration for Sport (CAS) in relation to a dispute with the Portuguese football club Sporting Lisbon, which was apparently decided in favour of *Doyen Sports*.³⁶ *Doyen Sports* also publicly defended its TPI model before the Intergroup Sport of the European Parliament in Brussels on 26 January 2016.³⁷

About three and a half years after the first championship of the club, in January 2014, *FC Twente* announced to have concluded a deal with *Doyen Sports* to cope with the acute liquidity shortfall. This deal reportedly gave *Doyen Sports* the right to certain percentages of future transfer fee of seven players of *FC Twente* in exchange for a lump sum payment of EUR 5,000,000.³⁸

Analysis

As *FC Twente* has currently only been sanctioned for having failed to disclose information to the KNVB Licensing Committee, it may be that *FC Twente* is still to face sanctions in respect of the substance of the contracts. The KNVB Licensing Committee, the jurisdiction of which is limited to applying the KNVB Licensing Regulations, forwarded its findings to the Prosecutor Professional Football of the KNVB and to FIFA.³⁹ As such, if

such institutions are of the view that *Doyen Sports* interfered with *FC Twente's* transfer policy, it may well be that disciplinary proceedings before the disciplinary bodies of the KNVB and/or FIFA are to follow.

>> It may be that FC Twente is still to face sanctions in respect of the substance of the contracts

According to Dutch newspaper NRC, *Doyen Sports* appears to have acquired influence on the transfer policy of the club. *FC Twente* was reportedly obliged to accept transfer fees above 50% of the market value of the players concerned. If *Doyen Sports* wished to accept such offer, but *FC Twente* declined, *FC Twente* would apparently have to pay *Doyen Sports* a fee proportional to the rejected offer.⁴⁰ For a club in financial difficulty it would arguably be difficult, if not impossible, to reject transfer offers without the consent of *Doyen Sports*. The question to be answered is therefore whether this constitutes an undue influence in *FC Twente's* transfer policy and hence a violation of Article 18bis of the FIFA RSTP. It is however to be noted that the contracts between *FC Twente* and *Doyen Sports* were concluded before the entry into force of the 2015 FIFA RSTP and therefore fall outside the ambit of the newly implemented Article 18ter.

During the debate in the European Parliament on the subject "Europe and Third-Party Ownership" held on 26 January 2016, it was mentioned that the contracts concluded between *FC Twente* and *Doyen Sports* were allegedly comparable to the contracts concluded between *Sporting Clube de Portugal* and *Doyen Sports* in relation to the transfer of *Marcos Rojo* to *Manchester United* in August 2014. Since it appears that *Doyen Sports* prevailed in the arbitration proceedings before the CAS that followed, it will be interesting to see whether the national and international football governing bodies will nevertheless instigate disciplinary proceedings against *FC Twente*. A distinction must however be drawn between a contractual dispute, such as in the CAS proceedings involving *Sporting Clube de Portugal*, and disciplinary proceedings.⁴¹ The fact that *Doyen Sports* apparently, at least partially, prevailed in such dispute does not necessarily exclude the possibility that disciplinary proceedings are still to be opened in respect of *Sporting Clube de Portugal* or *FC Twente* for a violation of Article 18bis of the FIFA RSTP. •

Editors Note: On 29 March 2016, FIFA announced that several clubs had been sanctioned for breach of third-party influence, third-party ownership rules. *FC Twente* was one of them: "*Club FC Twente of the Netherlands was sanctioned with a fine of CHF 185,000, a warning and a reprimand for breaching art. 18bis (2012 edition), art. 18ter par. 5 (2015 edition) as well as annexe 3 of the Regulations. The club was found to be liable for entering into contracts that enabled a third party to influence the club in employment and transfer-related matters, failing to upload a TPO agreement into the library in TMS, breaching confidentiality rules and failing to declare mandatory information in ITMS.*"

³⁶ See CAS media release regarding CAS 2014/O/3781 & 3782 of 24 December 2015

www.tas-cas.org/fileadmin/user_upload/Media_Release_24.12.15.pdf

³⁷ 'Doyen Sports, ECA, EPFL, Spanish League and FC Porto defend TPI model', *Doyen Sports*, 26 January 2016 www.doyensports.com/pressroom/#/noticia23

³⁸ A. WARSHAW, Dutch hit Twente with Euro ban and fine over TPO and Doyen's dirty dealing, *Inside World Football*, 17 December 2015

www.insideworldfootball.com/world-football/europe/18540-dutch-hit-twente-with-euro-ban-and-fine-over-tpo-and-doyen-s-dirty-dealing

See also: Wie bij FC Twente wist van 'side-letter' Doyen?, *NRC*, 26 November 2015

www.nrc.nl/next/2015/11/26/wie-bij-fc-twente-wist-van-side-letter-doyen-1564149

³⁹ Licentiecommissie bestraft FC Twente, KNVB press release, 15 December 2015

www.knvb.nl/nieuws/betaald-voetbal/licenties/15464/licentiecommissie-bestaft-fc-twente

⁴⁰ Wie bij FC Twente wist van 'side-letter' Doyen?, *NRC*, 26 November 2015

www.nrc.nl/next/2015/11/26/wie-bij-fc-twente-wist-van-side-letter-doyen-1564149

⁴¹ A. DUVAL / O. VAN MAREN, Unpacking Doyen's TPO Deals – Sporting Lisbon's rebellion in the Rojo case, 9 December 2015, last accessed 1 March 2016, www.asser.nl/SportsLaw/Blog/post/unpacking-doyen-s-tpo-deals-sporting-lisbon-s-rebellion-in-the-rojo-case-by-antoine-duval-and-oskar-van-maren



First match-fixing case in Dutch football

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→ Royal Dutch Football Federations (KNVB) – Match-fixing

The KNVB considers it proven that the match between FC Utrecht and Willem II of 9 August 2009 was manipulated, basing its verdict on email correspondence between the player Ibrahim KARGBO (right) and Wilson RAJ PERUMAL.

Introduction

On the day of a debate on match-fixing in the Dutch Parliament, the Dutch Football Association - the KNVB - confirmed that for the first time in the history of Dutch professional football a match was officially considered to be fixed.¹

An investigation was launched by the Integrity Unit of the KNVB in January 2015 after Dutch newspaper *De Volkskrant* published about the manipulation of matches of *Willem II* against *Ajax* and *Feyenoord* in October and December 2009, respectively.² The Integrity Unit is a team of specialists in the area of gambling, legislation and investigation. The Integrity Unit can conduct investigations on integrity issues in football at the request of the Prosecutor Professional Football of the KNVB or the KNVB's Professional Football Board. The Integrity Unit concluded that it had no information establishing the manipulation of *Willem II*'s matches against *Ajax* and *Feyenoord*, but it did conclude that *Willem II*'s match against *FC Utrecht* of 9 August 2009 was manipulated.³

¹ Matchfixing voor het eerst in Nederland officieel vastgesteld, KNVB press release, 15 February 2016, www.knvb.nl/nieuws/themas/matchfixing/16681/matchfixing-voor-het-eerst-nederland-officieel-vastgesteld

² M. VAN DONGEN & W. FEENSTRA, De toneelstukjes van Willem II tegen Ajax en Feyenoord, *de Volkskrant*, 17 January 2015 www.volkskrant.nl/sport/de-toneelstukjes-van-willem-ii-tegen-ajax-en-feyenoord~a3831572/

³ Summary of the investigation report by the Integrity Unit, p. 2, KNVB website, February 2016

Email correspondence

The case principally concerns *Ibrahim KARGBO* and *Wilson Raj PERUMAL*. *Ibrahim KARGBO* is a former *Willem II* player and former captain of the national team of Sierra Leone. *KARGBO* played last for the English non-league club *Thamesmead Town FC* and recently registered with *Wellington United FC*, a fifth tier club in English football. *KARGBO* told the Dutch local newspaper *Brabants Dagblad* that he never engaged in match manipulation or received money.⁴ *Wilson Raj PERUMAL* was reportedly one of the ringleaders of an Asian match manipulation syndicate and was arrested and jailed in Finland in 2011 for manipulating football matches.⁵ He was extradited to Hungary when he agreed to cooperate with prosecutors.⁶ *PERUMAL* stated having no regrets for manipulating matches. He travelled the world and had a good time. Illustrative in this respect is maybe his statement that “[f]ootball is no longer a sport. It is more like a business now. So I think we're just

www.knvb.nl/downloads/bestand/2148/samenvatting-onderzoeksrapportage-integriteitseenheid---februari-2016

⁴ Kargo blijft matchfixing ontkennen, *Brabants Dagblad*, 15 February 2016 www.bd.nl/sport/kargo-blijft-matchfixing-ontkennen-1.5728482

See also: NOS, 15 February 2016 <http://nos.nl/artikel/2087107-kargo-die-mail-is-niet-van-mij.html>

⁵ Match-fixer Wilson Raj Perumal arrested in Finland, *BBC*, 24 April 2014 www.bbc.com/news/world-asia-27140082

⁶ Killing the Ball, *Al Jazeera*, 19 February 2015 www.aljazeera.com/programmes/peopleandpower/2015/02/killing-ball-150218120522829.html

trying to make money out of this business. People want to win and they will do anything just to get a result.”⁷

The KNVB considers it proven that the match between *FC Utrecht* and *Willem II* of 9 August 2009 was manipulated, basing its verdict on email correspondence between *KARGBO* and *PERUMAL*. The Integrity Unit of the KNVB received the email correspondence from UEFA in June 2015. In the summary of the investigation report published by the KNVB, selected parts of the email correspondence are made public.⁸ A second and third player appear to be involved. However, the names are never explicitly mentioned. Before the match between *FC Utrecht* and *Willem II* the two set up the agreement to manipulate the match:

“I have talk to the captain and he has agreed but we have to conclusion that game that we are to arrange should not be less than two hundred thousand, because we are three guys.”

Email *KARGBO* to *PERUMAL*, 29 July 2009

“200,000 is way above the budget my brother. I have to be careful not to stir anyone's attention when I place the bets.

⁷ D. Ridell & M. Knight, Wilson Raj Perumal: The man who fixed football, *CNN*, 26 August 2014 <http://edition.cnn.com/2014/08/26/sport/football/match-fixing-wilson-raj-perumal-corruption/>

⁸ Summary of the investigation report by the Integrity Unit, KNVB website, February 2016 www.knvb.nl/downloads/bestand/2148/samenvatting-onderzoeksrapportage-integriteitseenheid---februari-2016



[...] Let's not get greedy. i pay 25.000 Euro for each of u. But we have to get 2 or 3 more to ensure results."

Email PERUMAL to KARGBO, 29 July 2009

After the match, PERUMAL and KARGBO have email contact again:

"Small brother we were quits that day. We didn't win or lose. Handicap was 1 ball. So a 1-0 for Utrecht leaves us no win or no loose."

Email PERUMAL to KARGBO, 14 August 2009

"hi big brother I sed to you play wining for me wining is wining 1 0 or 2 0 is still a wingin call me please.thank."

Email KARGBO to PERUMAL, 15 August 2009

At the time, Dutch football player Maikel AERTS was the captain of Willem II. However, the KNVB concluded that there was insufficient evidence available to establish the involvement of AERTS in the match-fixing scheme. It is unclear who the third person, as mentioned by KARGBO, could be.⁹

Other than the match between FC Utrecht and Willem II, both KARGBO and PERUMAL are linked to a match organised for charity purposes at the initiative of KARGBO between Willem II and the national team of Sierra Leone. PERUMAL and his company Football 4U were involved in the organisation of the event. According to the report published by the KNVB, PERUMAL used his company as a cover to manipulate football matches.

Although the KNVB considers that there is insufficient legal evidence to prove manipulation of the charity match, the KNVB concludes that it is established that KARGBO and PERUMAL organised the match for gambling purposes and that it derives from an email from Abu Bakarr KABBA, a former official of the national FA of Sierra Leone, that he asked PERUMAL to contact KARGBO to discuss the result of the match beforehand:

"You need to talk to KARGBO – result of the match and how much they stand to make this I also need to know as I will be talking to him tomorrow."

Email KABBA to PERUMAL, 27 October 2009

Further to the parts of the emails published in the summary of the report, the KNVB notes that it has emails available from which it derives that KARGBO and PERUMAL had contact about manipulating matches of the Sierra Leone national team.¹⁰

⁹ Ibid.

¹⁰ Ibid.

KARGBO is currently no longer a member of the KNVB, reason for which he is also not subject to the regulations of the KNVB. Since KARGBO is currently not a member of the KNVB, it is not possible to start disciplinary proceedings against him in the Netherlands. The Integrity Unit advised the KNVB to submit the results of the investigation to UEFA and FIFA.¹¹

Conclusions of the investigation

The four main conclusions from the investigation by the Integrity Unit are:¹²

1. KARGBO and PERUMAL made agreements on manipulating the match between FC Utrecht and Willem II of 9 August 2009;
2. KARGBO and PERUMAL organised the charity match between Willem II and Sierra Leone of 14 November 2009 with the purpose to manipulate this match for gambling purposes;
3. KARGBO and PERUMAL had contact about manipulating matches of the national team of Sierra Leone;
4. The Integrity Unit has, during the course of the investigations, not detected indications or received information whatsoever demonstrating that the matches Ajax – Willem II of 17 October 2009 and Feyenoord – Willem II of 19 December 2009 were manipulated.

Future implications

Since PERUMAL and KARGBO are not subject to the regulations of the KNVB, it is not possible for the KNVB to start disciplinary proceedings against either of them. The Integrity Unit advised the KNVB to submit the results of the investigation to UEFA and FIFA. Assuming that the KNVB proceeded to do so, it is to be awaited whether these bodies will take any further action. Although it will be difficult to instigate disciplinary proceedings against PERUMAL since he is not a member of FIFA,¹³ it may be possible to take action against KARGBO.

Recently, the KNVB announced that it also intended to share a translation of the KNVB's investigation report with the

¹¹ Ibid.

¹² Ibid.

¹³ For a more extensive analysis of this problem, see: E. BARAK and D. KOOLAARD, Match-fixing. The aftermath of Pobeda – what have the past four years brought us?, Bulletin TAS – CAS Bulletin, 2014/1, p. 23

English FA as KARGBO recently concluded a contract with English national league (5th tier) club Wellington United FC and therefore might fall under the jurisdiction of the disciplinary bodies of the English FA.¹⁴

Besides the disciplinary measures within the structure of football, the KNVB has also reported the match manipulation to the public prosecutor's office, which subsequently opened a criminal investigation. This criminal investigation is currently on-going.¹⁵

Analysis

In the author's view, it is interesting to note that no sanction was imposed on Willem II. It is indeed questionable whether a club can be held liable for the behaviour of one of its players or officials.¹⁶ However, an argument could be made that Willem II should have been sanctioned. In the well-known Pobeda case (CAS 2009/A/1920 FK Pobeda, Aleksandar ZABRCANEC, Nikolce ZDRAVESKI v. UEFA), not only the club's president was disciplinarily sanctioned (the club's captain was acquitted), but also the club itself. In such case, the CAS panel determined that there was no evidence that the club's president manipulated the games for his own personal gain.¹⁷ Mr LEUBA afterwards raised the question whether "if the president had said that the match-fixing and his conduct had been exclusively dictated by a strict personal interest and not by the interests of the club, could the club have been sanctioned in the same way?", which he answered affirmatively as follows:

"[I]t is unacceptable that a club should be able to escape any sanction simply by arguing that one of its officials acted in his own personal interest and that the club should not, therefore, suffer the consequences of his actions. [...] By imposing strong sanctions against the

¹⁴ KNVB licht FA in over Kargbo, Telegraaf, 29 February 2016

www.telegraaf.nl/telesport/voetbal/willeml/25290530/_KNVB_licht_FA_in_over_Kargbo_.html?utm_source=email&utm_medium=email&utm_campaign=email#votbal/227/fixtures/

¹⁵ Summary of the investigation report by the Integrity Unit, p. 1, KNVB website, February 2016 www.knvb.nl/downloads/bestand/2148/samenvatting-onderzoeksrapportage-integriteitseenheid---februari-2016

¹⁶ E. BARAK, Match-fixing / Illegal betting and CAS jurisprudence, in REEB / MAVROMATI (Eds.), Séminaire du TAS / CAS Seminar, Lausanne, 2012, p. 202-203

¹⁷ CAS 2009/A/1920, par. 64 of abstract published on the CAS website <http://jurisprudence.tas-cas.org/sites/CaseLaw/Shared%20Documents/1920.pdf>



club, it is possible not only to prevent individuals from manipulating matches, but also to encourage other club officials, players or members to take action when they become aware of an attempt to manipulate a match.”¹⁸

As to this issue, it has been argued that, at the time, article 11(1) of the UEFA Disciplinary Regulations provided a sound legal basis to sanction a club if one of its officials or players were involved in match-fixing for their personal gain without any other person in the club being aware. At the time, Article 11(1)(a) of the UEFA Disciplinary Regulations determined as follows:

“Disciplinary measures provided for in Article 14 and 15 of the present regulations may be taken against members associations or clubs if:

- a) *A team, player, official or member is in breach of Article 5 [Article 5 concerned inter alia match-fixing] of the present regulations. [...]”*

In view of this provision, another legal commentator held that “[f]rom the wording of article 11(1) UEFA DR it is clear that the Panel has discretion on the imposition of sanctions in this respect, so the decision might differ depending on the specific circumstances of each case”.¹⁹

Whereas it was already possible to sanction a club for the behaviour of one of its players or officials, such possibility was even strengthened in the 2014 edition of the UEFA Disciplinary Regulations, by determining in Article 8 that no fault or negligence is required from the side of the club:

“A member association or 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 and any other person exercising a function on behalf of the member association or club concerned, even if the member association or the club concerned can prove the absence of any fault or negligence.”

This “strict liability principle” is indeed consistently applied by UEFA and the CAS,

particularly in respect of supporter violence.²⁰

Although the most recent version of the KNVB Disciplinary Regulations (edition 2015/2016) determines in article 20(c) that a club may be held responsible for violations committed by its players, no strict liability principle is adopted in the disciplinary regulations of the KNVB. Article 19(2) of the KNVB Disciplinary Regulations specifically determines that in order to make a violation culpable, intent, fault, negligence or carelessness is required. This may well explain why no sanction has been imposed on *Willem II* by the KNVB, for even if a strict liability principle was in force at the time of the match-fixing, which is not clear, based on the general legal principle of *in mitius*, which is an exception to the non-retroactivity of laws, permitting the more lenient criminal law to be applied retroactive.²¹ In view of this principle, the new regulations would have to be applied and apparently no intent, fault, negligence or carelessness can be proven by the KNVB in respect of *Willem II*.

IFAB agrees to experiment with Video Assistant Referees: KNVB interested in participating

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→ Royal Dutch Football Federations (KNVB) - International Football Association Board (The IFAB) - Referee

IFAB, Annual General Meeting, 5 March 2016



Cardiff (Wales) - A landmark decision by the IFAB at its 130th Annual General Meeting will pave the way for the introduction of live experiments with video assistant referees in football.

On 5 March 2016, during the IFAB, the committee in charge of discussing and deciding upon alterations to the Laws of the Game, it was decided that live trials with video assistant referees (VARs) are permitted for the next two football seasons, starting 1 June 2016.²² In last year’s General Meeting, IFAB was still reluctant to permit any trials with VARs.²³ However, after the Annual Business Meeting of IFAB in January 2016, IFAB already announced that trials would most likely be permitted, which has now officially been confirmed.

The approval of experiments with VARs is not the only amendment to FIFA’s Laws of the Game. Rather, it is an element of the “most comprehensive revision of the Laws ever undertaken in the IFAB’s 130-year history”.²⁴ Gender-neutral language is now used in the Laws of the Game and several amendments of minor importance are introduced. For example, the ball will be allowed to move in any direction from the kick-off rather than only moving forward (Law 8), while a player who is injured by a challenge punished by a yellow/red card can now have a quick assessment/treatment on the field rather than having to leave the field which gave the offending team a numerical advantage (Law 5).²⁵ Besides the introduction of VARs, the other “hot potato” is the so-called “triple punishment” rule, whereby a player denying another player an obvious goal-scoring opportunity is sent off, will be suspended for the next match(es) and a penalty kick will be awarded. The IFAB will experiment with just giving the concerned player a yellow card if it does not concern a severe foul.²⁶

The Royal Dutch Football Federation (KNVB) - as the first national football association in the world - has experimented with the possible introduction of VARs since 2011. The

²² IFAB agrees to introduce experiments with video assistant referees, 5 March 2016

<http://www.fifa.com/about-fifa/news/y=2016/m=3/news-ifab-agrees-to-introduce-experiments-with-video-assistant-referees-2768643.html>

²³ Football’s lawmakers put video refs on pause, but mistakes keep coming, Inside World Football, 2 March 2015
<http://www.insideworldfootball.com/fifa/16523-football-s-lawmakers-put-video-refs-on-pause-but-mistakes-keep-coming?highlight=WyI2aWRlbyVsnJlZmVvZWUuClJ2aWRIbyBvZWZlcmVlIQ>

²⁴ Ibid.

²⁵ Ibid.

²⁶ FIFA gaat video-assistent testen; KNVB wil rol spelen, 5 March 2016
<http://www.knkvb.nl/nieuws/themas/arbitrage-20/17034/fifa-gaat-video-assistent-testen-knkvb-wil-rol-spielen>

¹⁸ J.-S. LEUBA, Match-Fixing. FK Pobeda et al. v. UEFA (CAS 2009/A/1920), ISLJ 2010/3-4, p. 163-164

¹⁹ E. BARAK, Match-fixing / Illegal betting and CAS jurisprudence, in REEB / MAVROMATI (Eds.), Séminaire du TAS / CAS Seminar, Lausanne, 2012, p. 203

²⁰ See for example CAS 2013/A/3139, par. 49 of abstract published on the CAS website
<http://jurisprudence.tas-cas.org/sites/CaseLaw/Shared%20Documents/3139.pdf>

²¹ See for instance Art. 1(2) of the Dutch Criminal Code, although not directly applicable in the matter at hand



KNVB strongly supports the introduction of VARs in football as it would entail that more correct decisions are taken by match officials and that matches are run more fairly. It appears from the initial KNVB trials that, on average, a VAR can advise the referee within 11 seconds. The Dutch trial involves a “man in a van” who, based on video footage from all possible angles focusses on incidents that would have changed had he been allowed to communicate with the match officials.²⁷ The initial experiments have been conducted behind closed doors, without any actual contact between the VAR and the match officials. With the permission of IFAB it is now possible to conduct live trials, where contact between the VAR and the match officials is possible.

The competence of the VARs is limited to the following three “game changing” situations: goals, penalty decisions and direct red card incidents. In addition, one administrative situation (mistaken identity) has also been denominated as “game changing” and forms part of the experiment.²⁸ An advice from the VAR may either be solicited by the referee in case of doubt or initiated by the VAR himself who may overturn a “mistaken” decision by the referee.

An example of how the KNVB believes that the VARs should operate can be seen from a trial that was held on 28 January 2016 in the Dutch premier league match between *Feyenoord* and *Heerenveen*. During this match, the VAR, a fully qualified referee that has been trained to act as a VAR, was not in contact with the match officials, but it showed how the VAR would operate in practice. However, in this specific match no incidents occurred that would have triggered any action from the VAR.²⁹

The KNVB has not yet officially been granted the right to experiment with VARs, as the IFAB will meet with the interested competition organisers and FIFA in the coming weeks in order to define a schedule for the next 24 months. Besides the KNVB, the national football associations of Brazil and Germany have also showed interest to play a part in the experiments.

The KNVB’s intention is to start live trials in the national cup tournament in the

2016/2017 sporting season and would initially involve about 25 football matches. The results of the different trials will subsequently be gathered and analysed by IFAB in order to come to a uniform protocol regarding VARs.³⁰ Besides permitting live trials, the IFAB will also select a university to conduct a research study, which will focus not only on refereeing but also on the impact on the game itself, including the emotions of the stakeholders, in order to provide the IFAB with a strong basis for the decision-making process.³¹

As opposed to goal-line technology, video referees are not expected to be very expensive as the cameras are already inside the football stadiums. The equipment would apparently cost around EUR 300,000.³²

²⁷ History in the making as video referee trials move step closer in football, Telegraph, 6 January 2016

²⁸ Experiments with Video Assistant Referees (VARs) <http://quality.fifa.com/en/VAR/>

²⁹ Video footage of the match can be seen through the following link: <http://www.knvb.nl/nieuws/themas/arbiterage-20/16431/video-assistent-live>

³⁰ KNVB gaat experimenteren met videoscheidsrechter, NOS, 8 January 2016

<http://nos.nl/artikel/2079252-knkv-gaat-experimenteren-met-videoscheidsrechter.html>

³¹ Ibid.

³² Dutch plan roll out of video refs in Eredivisie within 3 years, Inside World Football, 10 February 2016 <http://www.insideworldfootball.com/world-football/europe/18832-dutch-plan-roll-out-of-video-refs-in-eredivisie-within-3-years?highlight=WvJ2aWRlbyIsInJmVzZWUilCj2aWRIbyByZWZlcmVlI0>