

Decision
of the
FIFA Disciplinary Committee

Mr Leonardo Stagg [ECU], acting chairman;
Mr Charlie Cuzzetto [CAN], member;
Mr Maclean Letshwiti [BOT], member

on 29 May 2019

to discuss the case of:

Norwegian Football Association

(Decision 190358 NOR LDZ)

regarding:

Incidents during the match played between Norway and New Zealand on 27
May 2019 in the scope of the FIFA U-20 World Cup Poland 2019

(art. 7 par. 2 and art. 11 par. 1 of the Media & Marketing Regulations FIFA U-
20 World Cup Poland 2019, art. 57 par. 2 and art. 64 par. 2 of the Equipment
Regulations as well as art. 5 par. 1 of the Regulations FIFA U-20 World Cup
Poland 2019)

I. Inferred from the file:

1. On 25 May 2019, FIFA's Tournaments Manager sent an email to the Norwegian Football Association regarding the use of non-approved branded bags before the match played between the representative teams of Uruguay and Norway on 24 May 2019. In this sense the Norwegian Football Association was reminded that it was bound by the Media and Marketing Regulations for the final competition of the FIFA U-20 World Cup Poland 2019 (hereinafter, *the Marketing Regulations*) and was referred to the FIFA Circular no. 7 dated 29 March 2019. In addition, the Norwegian Football Association was requested to respect the Marketing Regulations and warned that in case of further infringements, the matter would be presented to the FIFA Disciplinary Committee for consideration.
2. On the occasion of the match of the FIFA U-20 World Cup Poland 2019 played between the representative teams of Norway and New Zealand on 27 May 2019, a member of the representative team of Norway arrived to the stadium carrying a bag displaying the brand "ScanSport".
3. On 28 May 2019, disciplinary proceedings were opened against the Norwegian Football Association for potential violations of art. 7 par. 2 and art. 11 par. 1 of the Marketing Regulations as well as art. 57 par. 2 and art. 64 par. 2 of the FIFA Equipment Regulations (hereinafter also referred to as *Equipment Regulations*) and art. 5 par. 1 of the Regulations FIFA U-20 World Cup Poland 2019 (hereinafter also referred to as the *Tournament Regulations*). Additionally, the Norwegian Football Association was provided with a picture of said incident and invited to provide the secretariat to the FIFA Disciplinary Committee (hereinafter also referred to as *the secretariat*) with its statement and all the evidence that it may have considered relevant by 29 May 2019 at 6 PM (Polish time) at the latest, and was apprised that if no answer was provided the FIFA Disciplinary Committee would use the file in its position in accordance with art. 110 par. 4 of the FIFA Disciplinary Code (FDC).
4. On 29 May 2019, the Head of Delegation of the representative team of Norway sent an email to the secretariat providing the following position: "*As Head of delegation for Norway U20 World Cup Team I can confirm that we acknowledge the facts in this case, and we can only apologize. The bag pictured should not have been in the team bus, and was put there by accident. The player carrying the bag was just doing what all players are asked, to help with the luggage, and was not aware of any wrong doing. This is our responsibility, and we can only say sorry for this situation. After the warning in the first place, we stressed to act in accordance with the rules, but failed with a bag that was accidentally misplaced*".

II. and considered

A) General remarks on jurisdiction

1. According to art. 53 par. 2 of the FIFA Statutes, the Disciplinary Committee (hereinafter also referred to as *the Committee*) may pronounce the sanctions described in the Statutes and the FIFA Disciplinary Code (hereinafter also referred to as *the FDC*) on member associations, clubs, officials, players, intermediaries and licensed match agents.

2. Additionally, according to art. 2 of the FDC, the code applies to every match and competition organised by FIFA as well as to any breach of FIFA's regulations that does not fall under the jurisdiction of any other body. Likewise, art. 3 of the FDC establishes that associations are, among others, subject to this code.
3. Furthermore, art. 76 of the FDC further establishes that the Committee is authorised to sanction any breach of FIFA regulations, which does not come under the jurisdiction of another body.
4. Pursuant to art. 7 par. 1 of the Tournament Regulations, disciplinary incidents are dealt with in compliance with the FIFA Disciplinary Code and all relevant circulars and directives, with which the participating member associations undertake to comply.
5. Before proceeding, the Committee wishes to underline, for the sake of completeness, that disciplinary infringements are prosecuted *ex officio* (art. 108 par. 1 of the FDC).
6. Moreover, the Committee notes that the Norwegian Football Association at no point had challenged the jurisdiction of the Committee or the applicability of the FDC.
7. In view of the abovementioned provisions, the Committee considers that it is competent to evaluate the present case and to pronounce the appropriate applicable sanctions.

B) Proof and facts

8. In its analysis of the case, the Committee considered all elements at its disposal, namely the picture of the incident as well as the exchange of correspondences between FIFA and the Norwegian Football Association.
9. In this context, according to art. 96 par. 1 of the FDC, any type of proof may be produced and art. 96 par. 3 of the FDC provides for a non-exhausting list of admissible evidence. For the sake of good order, the Committee recalls that it has absolute discretion regarding proof and that its members decide on the basis of their personal conviction (cf. art. 97 par. 1 and 3 of the FDC).
10. In view of the above, the Committee turned its attention to the evidence at its disposal, namely the picture on file which enabled it to have a clear, complete, accurate and precise assessment of the incident. In particular, the Committee observed that a member of the representative team of Norway arrived at the stadium carrying a bag displaying the brand "ScanSport".
11. Moreover, the Committee also underlines that the Norwegian Football Association did not contest but rather acknowledged the abovementioned facts and tried to explain the incident.
12. The accuracy of the incident and the factual background of the present case having been established, the Committee then went on to analyse the applicable regulations.

C) Applicable regulations

13. Having established the above, the Committee deems convenient to remind that amongst its objectives FIFA aims to improve the game of football constantly and to ensure the enforcement of its regulations and provisions (art. 2 of the FIFA Statutes).
14. In particular, the Committee first draws its attention to art. 7 par. 2 of the Marketing Regulations according to which *"No advertising on Equipment: Unless otherwise expressly permitted under the Equipment Regulations or these Media and Marketing Regulations, all Team Delegation Members are prohibited from displaying any (i) commercial, political, religious or personal messages, or slogans in any language; (ii) commercial branding; and/or (iii) manufacturer marks or name of any kind on their Playing Equipment, Special Equipment, other Equipment items, formal attire, further apparel worn in replacement of Playing Equipment or other items used including, without limitation, bags, ball bags, goalkeeping gloves, beverage containers and medical bags, or on their person for the duration of their stay in a Controlled Area on Match Days (i.e. in respect to the Participating Member Associations participating in the Competition Match in question) and non-Match Days. This provision includes all personal items (including hats, bags and luggage) in the possession of, or worn by, the Team Delegation Members"*.
15. Moreover, art. 11 par. 1 of the Marketing Regulations underlines amongst others that unless permitted by the Equipment Regulations, the Team Delegation Members (i.e. players amongst others) are prohibited from displaying any commercial branding.
16. In continuation, reference shall be made to art. 57 par. 2 of the Equipment Regulations which establishes that *"On all Special Equipment items or other Equipment items used on, or brought into (permanently or temporarily), the Pitch Area, any form of advertising for sponsors, products, Manufacturers (exceeding the extent of Manufacturer's Identifications permitted under Chapter VI above), Suppliers or any third parties, of political, religious, commercial, personal statements, images and/or other announcements, is prohibited for all a) Matches of a Final Competition inside the entire controlled Stadium Area; [...]"*, as well as to art. 64 par. 2 of the Regulations in accordance with which *"The Member Associations shall be responsible for using only Equipment items approved by the FIFA general secretariat during any Matches [...]"*.
17. Furthermore, art. 5 par. 1 of the Regulations establishes the participating member associations' duty to ensure that their Team Delegation Members observe and comply with all applicable FIFA regulations.
18. Once having recalled the applicable legal basis, the Committee proceeds to the analysis of the incident.

D) Analysis of the reported incident

19. First, the Committee recalls that according to the information at its disposal, a player from the representative team of Norway carried a bag displaying the brand

“Scansport” when getting off the bus and entering the stadium before the match played between Norway and New Zealand.

20. In this respect, the Committee highlights that this incident is corroborated by a picture.
21. The Committee observes the position provided by the Norwegian Football Association, acknowledging the incident and apologizing, and therefore concluded that the facts of the present case have not been disputed.
22. After having established the above, the Committee needs to assess whether the conduct of the player is contrary to the FIFA Regulations and, if so, if the Norwegian Football Association may be held responsible for such behaviour.
23. In this context, the Committee first went on to analyse the category under which the brand displayed on the bag carried by the player is to be classified. In this regard, the Committee held that said brand is to be considered as a non-approved third party brand, *i.e.* a non-authorized commercial brand as per the Marketing Regulations.
24. In continuation, the Committee recalls the content of the articles mentioned in paragraphs II./C *ut supra*, namely art. 7 par. 2 and art. 11 par. 1 of the Marketing Regulations, which clearly determine the prohibition for any player to display non-authorized commercial brands during a FIFA competition. To that end, the Committee considers that the facts described in the present matter clearly contravene said regulations.
25. In view of all the above, the Committee concludes that on the basis of art. 5 par. 1 of the Regulations, the Norwegian Football Association is responsible for the conduct of all the members of its team and, as such, is to be held liable for the violations of art. 7 par. 2 and art. 11 par. 1 of the Marketing Regulations for the display of commercial branding on a bag before the match played between Norway and New Zealand on 27 May 2019 in the frame of the FIFA U-20 World Cup Poland 2019.
26. Having said that, the Committee considers that art. 57 par. 2 and art. 64 par. 2 could not be applicable to the situation at hand as the incident occurred before the match outside of the controlled stadium area.

E) Determining the applicable sanction

27. Having established the infringements committed by the Norwegian Football Association as well as the responsibility of said association, the Committee goes on to establish the appropriate sanction to be imposed regarding the aforementioned breaches of the FIFA regulations.
28. To that end, the Committee recalled that, in accordance with arts. 10 and 12 of the FDC, legal persons, such as the Norwegian Football Association, are punishable by the following sanctions: warning, reprimand, fine or return of awards, transfer ban, playing a match without spectators and/or on neutral territory, ban on playing in a

particular stadium, annulment of the result of a match, expulsion, forfeit, deduction of points and relegation to a lower division.

29. Furthermore, and in accordance with art. 39 par. 4 of the FDC, the body pronouncing the sanction shall take into account all the relevant factors of the case and the degree of the offender's guilt when imposing the sanction.
30. To start with, the Committee wishes to recall that Circular n° 7 expressly reminded the Participating Member Associations of the FIFA U-20 World Cup Poland 2019 of the importance to strictly comply with the Marketing Regulations during the competition.
31. In this line, the Committee recalls that prior to the match in question, the Norwegian Football Association was duly reminded by means of a correspondence dated 25 May 2019 of its duty to comply with the Marketing Regulations and in particular about the obligation to avoid the use of branded bags which do not comply with the Marketing Regulations.
32. Additionally, the Norwegian Football Association acknowledged the infringement of the Regulations (cf. point I.4 *ut supra*) and argued that the player "*was not aware of any wrongdoing*". In reply thereto, the Committee stresses that art. 7 par. 1 of the FDC stipulates that, unless otherwise specified, infringements are punishable regardless of whether they have been committed deliberately or negligently.
33. Having said that, the Committee however understands that, after the first warning issued by FIFA, the Norwegian Football Association "*stressed to act in accordance with the rules, but failed with a bag that was accidentally misplaced*".
34. In particular, the Committee expressed its appreciation towards the Norwegian Football Association's positive conduct but considered that the actions allegedly undertaken could not be considered sufficient to comply with its obligation of preventing the use of unapproved branded bags.
35. Therefore, the Committee considers that it is without a doubt that the Norwegian Football Association was fully aware of the applicable regulations, and in particular that the display of the brand "ScanSport" on a bag while entering the stadium before the match contravenes the aforementioned FIFA regulations.
36. In this sense, the Committee was of the opinion that, after FIFA's initial warning and referral to the existing regulations, the Norwegian Football Association could have implemented further measures to avoid incidents such as the one at hand.
37. Finally, the Committee also highlights that the Norwegian Football Association is a highly professional institution with extensive experience in international tournaments and that it was well aware of the content of the Marketing Regulations.
38. In this sense, after having analysed all the circumstances pertaining to the case, in particular the fact that the Norwegian Football Association had been previously warned about the need to comply with such regulations, but also the position of the

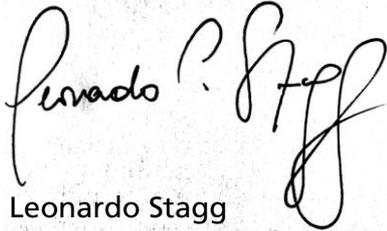
Norwegian Football Association, the Committee considers that a financial sanction was appropriate in the present case.

39. In this regard, the Committee recalls that, pursuant to art. 15 par. 2 of the FDC, the fine must not be less than CHF 300 and not more than CHF 1,000,000. Taking into account the considerations set out above, as well as the amount imposed in the past for violations similar to the present ones, the Committee considered that a fine of CHF 5,000 is a proportionate and appropriate fine, especially taking into account the context during which the violation was committed.
40. Moreover, in accordance with art. 13 of the FDC, the Norwegian Football Association is warned as to its future conduct. In particular, the Norwegian Football Association is ordered to undertake all appropriate measures in order to guarantee that the FIFA regulations (in particular the Marketing Regulations as well as the Tournament Regulations) are strictly complied with. Should incidents similar to the ones at stake occur again in the future, the FIFA Disciplinary Committee will be left with no other option than to impose harsher sanctions on the Norwegian Football Association.

III. Decision

1. The Norwegian Football Association is in violation of art. 7 par. 2 and art. 11 par. 1 of the Media & Marketing Regulations FIFA U-20 World Cup Poland 2019 as well as art. 5 par. 1 of the Regulations FIFA U-20 World Cup Poland 2019 for the incidents occurred in the frame of the match played between Norway and New Zealand on 27 May 2019 in the scope of the FIFA U-20 World Cup Poland 2019.
2. The Norwegian Football Association is ordered to pay a fine to the amount of CHF 5,000 in application of art. 10 lit. c) of the FIFA Disciplinary Code.
3. The above fine is to be paid within thirty (30) days of notification of the present decision.
4. In application of art. 13 of the FDC, the Norwegian Football Association is warned as to its future conduct. The Norwegian Football Association is ordered to undertake all appropriate measures in order to guarantee that the FIFA regulations are strictly complied with. Should such incidents occur again in the future, the FIFA Disciplinary Committee may impose harsher sanctions on the Norwegian Football Association.
5. In application of art. 105 par. 5 of the FIFA Disciplinary Code, no costs are to be borne by the Norwegian Football Association.

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Leonardo Stagg
Acting Chairman of the FIFA Disciplinary Committee

LEGAL ACTION:

This decision cannot be appealed against to the FIFA Appeal Committee (art. 118 of the FDC).