

FOOTBALL ASSOCIATION REGULATORY COMMISSION

THE FOOTBALL ASSOCIATION

- v -

CRISTIANO RONALDO

Regulatory Commission: Christopher Quinlan KC - Independent Judicial Panel
Chairman
Stuart Ripley- Independent Football Panel Member
Tony Agana - Independent Football Panel Member

John Edmunds- FA Judicial Services, secretary

Date: 8 November 2022

Venue: By *Microsoft Team* video conference call

DECISION and WRITTEN REASONS OF THE REGULATORY COMMISSION

A. INTRODUCTION

1. On 9 April 2022 Manchester United FC ('MUFC') played Everton FC ('EFC') in a Premier League match ('the match'). The match took place at the EFC's home ground, Goodison Park ('the stadium').
2. As Cristiano Ronaldo ('the Player') left the playing arena after the match he slapped a mobile telephone from a spectator's hand. In consequence by letter dated 22 September 2022 the FA charged the Player with improper and/or violent conduct contrary to FA Rule E3.1.
3. The Player admitted the charge in his formal Reply Form dated 10 October 2022 and requested a 'paper hearing' which took place by *Microsoft Teams* on 8 November 2022.
4. This document constitutes our final reasoned Decision and written reasons. Necessarily, it is a summary. Nothing should be read into the absence of specific reference to any aspect of the material or submissions placed before us: we considered and gave

appropriate weight to all the material and submissions placed before and made available to us.

B. FACTS

5. We were provided with the materials listed in Appendix 1, all of which we read and considered with care. We asked for and were provided by the FA with recorded footage of the incident. That footage comprised the following:
 - a. A 5 second clip ('clip 1').
 - b. A 28 second clip without sound entitled Ronald phone 2 ('clip 2').
6. Clip 1 adds little to the first save one can hear abuse hurled at the MUFC players.
7. Clip 2 is filmed (presumably on a mobile telephone) from the stand occupied by the spectator in question, a 14-year-old boy ('the spectator'). The person filming the incident is standing above and a little distance behind the spectator. They are located alongside the passage used by the MUFC players to leave the pitch.
8. Clip 2:
 - a. The footage shows the Player limping from the pitch. The sock on his left leg is rolled down and he is holding in his right hand what appears to be a shin guard. At 7/8 seconds he stops briefly and bends down. He then stands upright and steps forwards, away from the pitch and towards the spectator.
 - b. At 11 seconds he moves the shin guard from his left to right hand. His left arm is closest to the spectator who can be seen (from behind) leaning over the barrier into the walkway. Just before and as he so doing so, he appears to look down towards where the telephone would have been and towards the spectator.
 - c. The Player then raises his left hand from his side, to about shoulder height and brings it down quickly, hand open, palm parallel to the ground in a slapping motion. Contact cannot be seen but this was the moment he slapped the telephone from the spectator's hand.

9. The Player was conditionally cautioned by police. We have seen the (MG14) form signed by the Player and dated 17 August 2022. A criminal caution can only be administered where the offender admits the crime. The Player admitted and was cautioned for offences of assault by beating (battery) and criminal damage. A battery is an act by which a person intentionally or recklessly applies unlawful force to another. The criminal damage offence represents damage caused to the spectator's telephone. The condition was that the Player pay compensation in the sum of £200. We are told and accept that has been paid.

10. We were provided with a summary of the evidence and material gathered during the criminal investigation. It is contained in the 'Disclosure Form'. We summarise it further:
 - a. The spectator, a young teenage boy, said he was filming the Player's injury when he hit his hand "*very hard*" causing his telephone to fall from his hand and smash. He said the player acted without provocation.
 - b. The spectator's mother witnessed the incident and heard the slap. She was "*disgusted and shocked*". She said the Player's PA contacted her and said, "*he wanted to sort this out of the media and courts [sic]*". She later received a text with the Player's personal number inviting her to contact him if there was anything he could do.
 - c. A witness unconnected with either party or club saw the Player slap the spectator's hand "*with force*" and thought at the time it was "*overly hard*".
 - d. Another witness unconnected with either party or club described the incident as "*unprovoked*".
 - e. PC 6081 saw the spectator leaning over the barrier holding a telephone too close to the Player.
 - f. PS 5418 heard spectators abusing MUFC players but could not say if the spectator was one of them. He saw the spectator "*recording [the Player's] leg and laughing*". He saw the Player slap the telephone to the ground and saw reddening to the spectator's hand.
 - g. The spectator's telephone was downloaded and the last recorded footage was before kick-off; nothing of relevance was found.

11. The FA continued its investigation once the related criminal case was closed. The Player was not charged with a breach of FA Rule E3.1 until 22 September 2022 ('the Charge'). Rule E3.1 states:

"E3.1 A Participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour."

12. He admitted the Charge in his formal Reply.

C. PLAYER'S CASE

13. The Player's case was set out in his written observations and statement, supported by other evidence. In his typed response to the FA's initial letter dated 10 April 2022 (headed "WRITTEN OBSERVATIONS") he described the atmosphere at the match as "feverish" and others as hostile. He was injured by a heavy tackle late in the match but remained on the pitch. The MUFC players left the pitch by way of a walkway which was not the regular players' tunnel. The said walkway took them close to Everton supporters/followers, which of itself was a cause for concern. The walkway was open and formed by metal barriers on either side. The crowd was aggressive and he and other MUFC players were abused by Everton supporters/followers as they left the pitch.

14. He said that as he walked along the walkway, he caught sight of an arm quite low in front of him pointing towards his injured leg. He said he could not see to whom the arm belonged, but could see it was "holding an object" but he did not know what. He said his instinctive reaction was to slap "the object away". He said this incident was "an instinctively proactive reaction".

15. He repeated that account in his later statement dated 10 October 2022¹. He was bleeding from a leg injury as he limped from the pitch. The walkway was one first used during the pandemic and he felt uncomfortable approaching it. He said that it was not a

¹ §9.

premeditated action nor did he intend even momentarily to hurt anyone or anything². He later found out that the Spectator holding the object was a teenage boy³.

16. Subsequently, he contacted the spectator's mother simply to invite her son to a match as his guest. Media reports that he had said other things to her were untrue⁴. He posted a message on Instagram which we have seen. That message includes an apology for what he describes as his "outburst" and this offer: "*I would like to invite the supporters watch a game at Old Trafford as a sign of fair play sportsmanship*".
17. Thereafter he speaks in his statement *inter alia* of his character and position as a role model.
18. In his statement, David Newell, MUFC Protection and Security Manager, recalls walking behind the player as he left the pitch. The EFC supporters were very abusive towards the MUFC players. He saw liquid being thrown from high and observed that the EFC stewards "*did not seem to be doing anything about this*"⁵. He said the walkway was narrow and it caused the MUFC players to have to walk closer to the spectators than he opined it "*was safe for them to do so*"⁶. He opines further that from a "*crowd management and player safety perspective situation was dangerous for [MUFC] players*"⁷. He saw the Player slap the telephone which was in his path and pointing at his injury, out of a spectator's hand, though not who was holding it⁸.
19. We read and considered the supporting evidence relied upon by the Player, including Darren Fletcher who *inter alia* details the Player's relationship and interaction with supporters and speaks in glowing terms of character. Fernando de Silva, President Federação Portuguesa de Futebol, speaks of the Player in similarly glowing terms. We gave appropriate weight to this evidence.

² Ibid.

³ §10.

⁴ Ibid.

⁵ §12.

⁶ §13.

⁷ Ibid.

⁸ §14.

20. We read and considered the helpful written submissions from his counsel Mr de Marco KC, dated 10 October 2022 and 20 October 2022, as we did the materials referred to therein. The 20 October submissions ('the Reply) reply to the FA's written response dated 13 October 2022, summarised below. In paragraph 3 of the Reply it is asserted that the Player accepted the Charge on the basis his conduct was improper but ought not be regarded as violent as the term is commonly applied in football.

D. FA RESPONSE

21. The FA filed a written response dated 13 October 2022. We have read and given it appropriate weight.

E. SANCTION

22. Having considered the relevant evidence and competing submissions we sanctioned on the following basis:

- a. The incident occurred as depicted in Clip 1.
- b. We reject the submission that the Player acted because of "*legitimate concern...for his own physical safety and well-being and leaving the field of play*". From Clip 1, which we have analysed above, it is clear to us that the spectator posed no actual or perceived threat to the Player. The Player could simply have walked round him or ignored him. He was walking slowly and calmly, as were the other players. Nobody appeared to act as if under threat. It was an atmosphere he would not be unfamiliar with. Instead, he moved his shin guard from his left to right hand and slapped down hard upon the Spectator's hand. We have little doubt this was an act born of frustration and annoyance rather than fear or concern for his well-being.

23. The walkway did put him close to opposing supporters but that is not an uncommon feature of grounds.

24. There are no sanctioning guidelines nor other relevant cases which assist us. In the context of this case, we do not find the Player's submission comparing this matter to an act of misconduct on the pitch for the purposes of sanctioning helpful. The gravamen of this offence is that the Player involved himself with a spectator in an improper and (as a matter of fact and common sense) violent way. It is completely different from player -on-player foul play or misconduct on the field of play.
25. Further, in his written submissions, the Player's counsel invited us to consider the facts of the recent incident involving Patrick Viera ('PV') following spectators entering the pitch after the Premier League match between Crystal Palace FC and EFC. He also pointed to the FA's decision not to charge PV. We are not privy to the reasons the FA elected not to charge him. Further, and as Mr de Marco rightly acknowledged, there are significant factual differences between that incident and the instant one. It does not assist us.
26. Therefore, we approach sanction by reference to established principles and to those in the General Provisions of the Disciplinary Regulations. Firstly, we assess the seriousness of the 'offence'. The Player's conduct in slapping or knocking the telephone from the spectator's hand was both improper and it was violent.
- a. It was a deliberate and forceful slap down.
 - b. It was a petulant act, but we accept spontaneous (in the sense we have explained in paragraph 22b).
 - c. It caused damage to the mobile telephone and reddening to the spectator's hand.
 - d. The victim was a child. The Player said he did not see who was holding the telephone. Even if that is right, it does not mitigate the offence. It could have been held by anyone, including a child or an elderly person. He must take the victim as he fields them.
27. The offence was aggravated by the fact he is a very high-profile footballer, whose conduct was witnessed by many.

28. Therefore, we disagree with the Player's submission that his conduct does not merit a sporting sanction. For the reasons we have set out the Player's conduct was plainly so serious as to merit a sporting sanction.
29. We turn to the relevant mitigation. The Player urged us to "*send out a strong message that deters football fans of encroaching in playing areas are costing harassing and otherwise attacking football players*"⁹. The members of this Independent Regulatory Commission also heard the case of *FA v Eric Dier*, 7 July 2020. In paragraph 27 of our written reason, we observed:
- "...Like many professional footballers this was not a new experience for him. The two former professionals on the Commission have their own experiences of the hateful abuse players receive from so-called fans. If those who indulge in such conduct were given to thought, they may care to reflect on the effect such conduct has on the recipients, as well as on their friends and families who are often located in the stands and witness such conduct."*
30. Nothing we say will have any effect on the behaviour of spectators. The Game more widely must address such conduct if, like us, it considers it deplorable. It is the miserable reality of life that football players (not only professional) are subject to such abuse and other shameful conduct from spectators.
31. Being filmed is not an unusual event for this Player. We can see that in those circumstances he may have felt provoked by it and the abuse aimed at him and his teammates. However, at its highest, the spectator was doing no more than filming him and may (according to one witness) have laughed. That conduct does not get close to justifying or excusing the Player's petulant and improper response.
32. There is however the following mitigation:
- a. His immediate admission to the FA and subsequently to the Charge.
 - b. His public apology and to the FA which we accept as genuine.
 - c. It was a spontaneous reaction in the sense we have explained in paragraph 22b.

⁹ §15

- d. His footballing disciplinary record discloses that he has not committed an offence of this kind or nature before and it was out of character.
 - e. His other relevant personal circumstances and positive features, spoken to by the character witnesses.
33. In addition to the case of *Dier*, the FA relied on *FA v Eden Hazard 31 January 2013*. This case is not as serious as *Dier* who climbed into the stand and pursued a spectator. Hazard was dismissed for attempting to kick a ball from underneath a ball boy. The Independent Regulatory Commission rejected the FA's submission that the three-match suspension imposed for the dismissal should be increased. It is important to understand that the Commission in that case simply found that it was unpersuaded that the standard punishment for violent conduct was "*clearly insufficient*".
34. We have balanced the competing factors and assessed all that we have read and heard. Balancing those matters, having regard to the facts and circumstances of the Player's conduct, and given him maximum credit for the mitigating factors we have identified, we concluded that the appropriate and proportionate sporting sanction was a suspension of two matches. That is imposed pursuant to Regulation 41.3 namely "*from all or any specified football activity from a date that the Regulatory Commission shall order, permanently or for a stated period or number of Matches*".
35. We therefore impose a suspension within the meaning of Regulation 41.3 of two matches. Without the mitigation it would have been three matches. In arriving at that conclusion this Commission is particularly informed by the experiences and opinions of its two former professional footballer members.
36. We note the Player has participated in a recently published interview in which he has criticised MUFC. We know not what effect that may nor will have on his future with that club nor whether it will take disciplinary action in respect thereof. The suspension we have imposed must have effect. In other words, it applies to MUFC's first team competitive matches for which he is eligible for selection. Should he leave MUFC before it completes two first team competitive matches the balance of the suspension will apply

to any new club he should join. That applies with the Premier League and by virtue of Article 12.1 of FIFA's Regulations on the Status and Transfer of Players, beyond:

“Any disciplinary sanction of up to four matches or up to three months that has been imposed on a player by the former association but not yet (entirely) served by the time of the transfer shall be enforced by the new association at which the player has been registered in order for the sanction to be served at domestic level. When issuing the ITC, the former association shall notify the new association via TMS of any such disciplinary sanction that has yet to be (entirely) served.”

37. In, for example rugby union, a suspension imposed at domestic level has international effect. That is not so in football. The Player is therefore free to play in the forthcoming FIFA World Cup in Qatar, if selected¹⁰.

38. As we were invited, we considered suspending that sanction. When considering a suspended penalty, paragraph 44 of the Disciplinary Regulations 2022-2023 provide that an Independent Regulatory Commission must:

“a) Determine the appropriate penalty for the breach, irrespective of any consideration of it being suspended; and

b) Consider whether there is a clear and compelling reason(s) for suspending that penalty; if so

i. Set out what the clear and compelling reason(s) are; and

ii. Decide the period of the suspension, or event, until which the penalty will be suspended; and

iii. Upon what other terms or conditions, if any, the penalty will be suspended.”

39. There is no compelling reason to suspend this sanction. The conduct merits, in our judgement, an immediate two-match suspension. We are confident he will not repeat this conduct. Therefore, we can conceive of no relevant period, specified event or any terms or conditions for operation of a suspended sanction. It will not act as a deterrent for him or otherwise. A suspended suspension hanging over him will serve no purpose at all.

¹⁰ See FIFA Disciplinary Code.

40. In light of the factors we have identified, it is appropriate to impose a fine. An obviously relevant factor in assessing the sum of that fine is the Player's weekly salary, of which we have details. In light thereof, we fine the Player £50,000, a sum which reflects his means, the mitigation we have identified, the fact he has paid £200 and is arrived at adopting the standard methodology for computing fines in such cases. The sum is both appropriate and proportionate to his misconduct. Fines imposed in other cases (such as *Dier*) are of no assistance.

41. We also warn the Player as to his future conduct.

42. He must pay the costs of the Independent Regulatory Commission.

43. The Player has a right of appeal as provided by Disciplinary Regulations.

E. SUMMARY

44. For the reasons set out above we impose the following sanctions upon Cristiano Ronaldo:
- a. He is suspended from all domestic club football until such time as Manchester United FC (or any successor club) complete two First Team Competitive Matches in approved competitions for which he is eligible for selection.
 - a. He is fined the sum of £50,000.
 - b. He is warned as to his future conduct.



17 November 2022

Christopher Quinlan KC

Independent Judicial Panel Chairman

Signed by the Chairman on behalf of the Regulatory Commission

APPENDIX 1

1. Copy of Charge Letter – Mr. C. Ronaldo
2. Evidence
 - a. Letter from Mr. R. Marsh of The FA to Mr. D. Harrison of Everton FC, dated 10 April 2022
 - b. Written observations of Mr. C. Ronaldo in response to FA Letter dated 10 April 2022, undated
 - c. Email correspondence between Mr. R. Marsh and Merseyside Police, dated 11-12 April 2022
 - d. Email from Police confirming outcome of police investigation and Conditional Caution
 - e. Letter from Mr. R. Marsh of The FA to Mr. C. Ronaldo, dated 5 September 2022
 - f. Solicitor / Legal Representative Disclosure form, undated
 - g. Conditional Caution form MG14, dated 17 August 2022
3. ‘Unused Evidence’
 - a. Email correspondence between Mr. R. Marsh of The FA, Ms. R. Britain of Manchester United FC and Mr. P. McCormack of The FA, dated 11-12 April 2022
 - b. Letter from Mr. R. Marsh of The FA to Mr. C. Ronaldo, dated 12 September 2022
 - c. Email correspondence between Mr. R. Marsh of The FA and Mr. K. Bouzidi of Clintons, dated 5 – 13 September 2022
4. Reply Documentation
 - a. Reply Form – Mr. C. Ronaldo
 - b. Submissions on Sanction on Behalf of Mr. C. Ronaldo
 - c. Witness Statement of Mr. C. Ronaldo
 - d. Email correspondence between Mr. S. McNally and Ms. R. Britain of Manchester United FC, dated 3 October 2022
 - e. Witness Statement of Technical Director of Manchester United FC, Mr. D. Fletcher
 - f. Witness Statement of Protection and Security Manager of Manchester United FC, Mr. D. Newell
 - g. Declaration of President of the Portuguese Football Federation, Mr. Fernando Soares Gomes da Silva
5. The FA’s Response to The Player’s Submissions on Sanction

6. The FA's Additional Evidence and Authorities
 - a. Email from the Victim's Mother, dated 13 October 2022
 - b. The FA v Eric Dier
 - c. The FA v Eden Hazard

7. Reply to The FA's Response to The Player's Submissions on Sanction