

IN THE MATTER OF A BREACH OF THE EFL REGULATIONS

BETWEEN:

THE ENGLISH FOOTBALL LEAGUE

The EFL

- and -

LEEDS UNITED FOOTBALL CLUB

The Club

AGREED DECISION

Introduction and Factual Background

1. This is an Agreed Decision pursuant to EFL Regulation 84.
2. On 11 January 2019, reports emerged in the media about an incident at the training ground of Derby County FC (“**DCFC**”). In summary, a male individual was discovered outside the training ground, ostensibly observing DCFC’s first team in training. It was alleged by DCFC that the individual had made his way through trees and undergrowth to the perimeter fence of the Club’s training facility, and was found in possession of a pair of secateurs and a pair of binoculars, when he was stopped and searched (but not arrested) by the Derbyshire Constabulary. DCFC also alleged that a similar incident took place in August 2018, albeit the police were not involved on that occasion.
3. Very shortly after news of this incident broke, Mr Marcelo Bielsa, the Head Coach of Leeds United Football Club (“**LUFC**”) claimed responsibility for what had happened, both privately to Derby County FC (who subsequently submitted a complaint to the EFL in relation to these matters) and publicly in statements to the media. Mr Bielsa explained in these various statements that the individual concerned, who it is now undisputed was at all material times an employee of LUFC – had been acting on Mr Bielsa’s instructions and without the knowledge of LUFC’s wider management team.
4. Mr Bielsa also explained that he had previously instructed the same individual to observe many of LUFC’s other opponents’ training sessions. Whilst Mr Bielsa sought to suggest that the information gathered by the individual concerned was of limited if

any use to LUFC, it is clear to the EFL that the purpose of these visits to opposing clubs' training sessions was to glean information that might be of use to LUFC when playing the relevant opponents in future competitive fixtures. The EFL has established that the individual concerned observed some (but not all) of LUFC's opponents train during the period up to and including 10 January 2019.

5. The conduct of LUFC, Mr Bielsa and the individual who observed training sessions, as described above, and all facts and matters related to that conduct, are referred to hereafter as "the Conduct".

Analysis and Decision

6. The EFL has conducted a swift and thorough investigation into the events that have taken place, as briefly summarised above. It has been possible to proceed expeditiously in this regard because the core facts are materially undisputed.
7. The EFL has reached the clear conclusion, which LUFC accepts, that the Conduct described above is a breach of Regulation 3.4, which provides as follows:

"In all matters and transactions relating to The League, each Club shall behave towards each other Club and The League with the utmost good faith..."

8. Whilst a breach of the Club Charter (also referenced in Regulation 3.4) cannot of itself constitute misconduct, the contents of that Charter amplify how the obligation of utmost good faith in Regulation 3.4 should be interpreted.
9. Whilst LUFC does not accept that anyone has been guilty of trespass or any other equivalent civil or criminal wrongdoing, this is immaterial to the EFL's position regarding the application of Regulation 3.4. Member Clubs of the EFL are entitled to expect that their opponents or their representatives or employees will not, uninvited, observe their training sessions, whether those training sessions are capable of being viewed from public land or otherwise. This is particularly true in the days preceding a match, when it may be possible to derive sensitive or confidential information about the opposing team's plans in relation to that match, not generally available elsewhere.
10. The EFL's position is that such conduct breaches the core concept of fair play: it self-evidently aims at the obtaining of a tactical advantage, confirmation of existing knowledge or other playing advantage in a manner which in the EFL's view clearly goes beyond acceptable parameters, and is therefore undue and wrong. Behaviour of this kind is not consistent with the clearly framed obligation in the Regulations that

every EFL member club must treat its fellow clubs with the utmost good faith. This is clearly a case where Regulation 3.4 has been breached, and LUFC admits this.

11. The EFL has carefully considered the appropriate sanction in this case. Whilst the offence is a serious and repeated one, LUFC has fully cooperated with the EFL's enquiries and given full and candid responses to the questions that have been asked.
12. LUFC has also confirmed that it will issue a public apology for the events that have taken place, and will also support any reasonable amendment that the Board of the EFL may consider appropriate to the EFL Regulations, so that in addition to the general obligation to act with utmost good faith, Clubs will be expressly prohibited from undertaking conduct of this kind in the 72 hours immediately prior to a fixture unless invited.
13. In all of the circumstances, the EFL has decided to impose the following sanction on LUFC as a full and final sanction in respect of the Conduct and/or all and any matters relating to or connected with the Conduct:
 - a. A fine of £200,000 (inclusive of a contribution to costs), to be paid within 14 days; and
 - b. A formal reprimand and warning to the effect that LUFC's conduct, through Mr Bielsa and the individual he instructed, has fallen significantly short of the standards expected of EFL member clubs, amounts to a breach of the EFL Regulations, and cannot and must not be repeated.

Publication

14. This Agreed Decision shall be published by the EFL on its website and may be circulated to other member clubs of the EFL.
15. Further, without prejudice to the finality of this Agreed Decision and the sanction against LUFC, the EFL is expressly permitted to respond to any other member Club of the EFL Championship with information in relation to what observations, if any, were conducted by LUFC in respect of any other training session of that Club.