EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

CASE OF DE CARVALHO MARQUES AND OTHERS v. PORTUGAL

(Applications nos. 29703/19 and 5 others – see appended list)

JUDGMENT

Art 10 • Freedom of expression • Disciplinary sanctioning of a company majority-owned by Porto Football Club, its communications director, and the president of its board of directors, by the Disciplinary Council of the Portuguese Football Federation for statements made in the media about referees' performances and the refereeing system • Matter at issue of public interest as it concerned possible manipulation of sports competitions, fraud, bias and lack of impartiality in football • Referees participating in high ranking football competitions and refereeing bodies might be subject to wider limits of acceptable criticism and might be expected to endure harsh criticism, even if hostile in tone • Impugned statements related to referees' professional conduct and public performance • Violation in relation to application no. 47902/20 only • Statements made by the applicant company in that case alleging lack of impartiality of a referee within the limits of acceptable criticism • Domestic courts' failure to analyse the nature of those statements, which were value judgments common in the context of football competitions • No violation in relation to the remaining five applications • Extremely serious allegations in those cases implying the commission of criminal offences were value judgments devoid of a sufficient factual basis in case-circumstances • Fines and temporary suspensions of the applicants imposed on that ground and pursuant to a private-law association's regulations by which they voluntarily agreed to be bound • Domestic courts carried out an appropriate balancing exercise between competing interests at stake

Prepared by the Registry. Does not bind the Court.

STRASBOURG

7 July 2026

FINAL

02/11/2026

This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of de Carvalho Marques and Others v. Portugal,

The European Court of Human Rights (Fourth Section), sitting as a Chamber composed of:

Lado Chanturia, *President*,
Lorraine Schembri Orland,
Faris Vehabović,
Anja Seibert-Fohr,
Ana Maria Guerra Martins,
Anne Louise Bormann,
Sebastian Răduleţu, *judges*,
and Hasan Bakırcı, *Section Registrar*,

Having regard to:

the applications (nos. 29703/19, 29978/19, 34185/19, 37235/19, 47902/20 and 3708/22) against the Portuguese Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by two Portuguese nationals, Mr Francisco José de Carvalho Marques ("the first applicant") and Mr Jorge Nuno Lima Pinto da Costa ("the second applicant"), and by Futebol Clube do Porto SAD, Futebol SAD ("the applicant company") on the various dates indicated in the appended table;

the decision to give notice to the Portuguese Government ("the Government") of the complaints concerning Article 10, and to declare the remainder of the applications inadmissible;

the parties' observations;

Having deliberated in private on 9 September 2025 and 16 June 2026,

Delivers the following judgment, which was adopted on the latter date:

INTRODUCTION

1. At the material time, the first applicant (applications nos. 29703/19, 29978/19 and 34185/19) was the communications director of the applicant company, and the second applicant (application no. 3708/22) was the president of its board of directors. Porto Football Club (hereinafter "F.C. Porto") owns the majority of the applicant company (applications nos. 34185/19, 37235/19 and 47902/20).

2. The case concerns disciplinary proceedings brought against the applicants by the Disciplinary Council of the Portuguese Football Federation (hereinafter "the PFF") in which they were fined between 459 and 15,300 euros (EUR) and were suspended from their duties following statements which they had made in the media about referees' performances and the refereeing system. The applicants alleged that the sanctions imposed on them had entailed a breach of their right to freedom of expression under Article 10 of the Convention.

THE FACTS

3. The first applicant was born in 1966, is a Portuguese national and lives in Oporto.

4. The second applicant was born in 1937 and died on 15 February 2025.

5. The applicant company is a limited liability sports company whose registered office is in Oporto. F.C. Porto owns the majority of the applicant company (see paragraph 1 above).

6. The applicants were represented by Mr Nuno Brandão, a lawyer practising in Oporto.

7. The Government were represented by their Agents, Mr Ricardo Bragança de Matos and Mr Manuel Aires Magriço, public prosecutors, and Ms H. de Carvalho Martins Leitão, Deputy Attorney General.

8. The facts of the case, as submitted by the parties, may be summarised as follows.

I. GENERAL CONTEXT OF THE CASE

9. The applicant company owns FCP Media, S.A., a company which has a majority shareholding in Avenida dos Aliados – Sociedade de Comunicação S.A., a company which, in turn, owns Porto Canal, a television channel. The applicant company also publishes *Dragões Diário*, a daily newsletter which covers the latest news pertaining to F.C. Porto and is free and accessible to subscribers.

10. F.C. Porto, Sport Lisboa e Benfica - Futebol SAD ("Benfica") and Sporting Clube de Portugal - Futebol SAD ("Sporting") are the three largest football clubs in Portugal.

11. At the material time, doubts about the performance and impartiality of football referees were being repeatedly raised in the media by journalists, commentators, former referees and football club staff.

12. On 4 January 2017, in a news article published by the newspaper *Diário de Notícias*, the President of the Portuguese Association of Football Referees was quoted as saying:

> "... too many mistakes have been made, we admit that, but people must understand that we try to avoid them week after week. ... This environment of suspicion, of incitement to hatred, will not make these errors go away."

13. On 5 January 2017, in a news article published by the football newspaper *Record*, the President of the Refereeing Council of the PFF was quoted as saying:

> "... mistakes have been made in this championship and we would prefer for there to be none, but this is not possible, unfortunately."

II. FACTS CONCERNING APPLICATIONS Nos. 29978/19 AND 37235/19 (THE FIRST APPLICANT AND THE APPLICANT COMPANY)

A. Background to the cases

1. Background to application no. 29978/19

14. On 4 January 2017 the first applicant participated in the television programme "Universo do Porto – Da Bancada", broadcast by Porto Canal (see paragraph 9 above). In the course of this programme, the first applicant stated:

> "A monster has been created, who controls all of this ... J.P. is also [an] international [referee] and became [an] international [referee] after refereeing two matches. The problem here is the method. But there are more cases: T.M. refereed two matches to become [an] international [referee]. This is not serious. F.V. refereed five matches. This is shameful. This monster was created to control the referees and thus the outcome of competitions. Benfica did this, have no doubt about it."

15. The following day, these remarks were published in the daily edition of the football newspaper *O Jogo*.

16. On the same day, the first applicant participated in the radio programme "Fórum TSF", broadcast by TSF Radio. According to the 6 January 2017 daily edition of the football newspaper *A Bola*, during that radio programme the first applicant commented:

> "We can never say that referees make mistakes on purpose. What we do say is that there has been an abnormal number of mistakes to the detriment of F.C. Porto, and that this is the consequence of a 'culture broth' that has been created in recent years which has several facets, one of which relates to refereeing. And there should be no doubt about there being a backdrop to this, a [puppet master] which goes by the name Benfica."

17. Both these statements were broadcast through the sports media.

2. Background to application no. 37235/19

18. On 4 January 2017 the following statements regarding the performance of the referee L.G. in the Moreirense SDUQ-F.C. Porto match of 3 January 2017 were published in F.C. Porto's daily newsletter *Dragões Diário* (see paragraph 9 above):

> "[The referee] L.G. clearly interfered with sporting truth. L.G. withdrew F.C. Porto from a competition, as [the referee J.C.] had previously done. L.G. even interfered with the next fixture by sending off a player who was unfortunate enough not to see that the referee was walking in his direction. And no, this is not a succession of bad luck, because L.G. succeeded in showing a yellow card to F.C. Porto players for each 2.29 fouls committed. There is definitely no shame in Portuguese football, and those who are least ashamed are responsible for this situation – the Refereeing Council being at the helm, with its appointments getting worse and worse. And do you know why? Because this erstwhile unknown L.G. is, as of this ... January, an international referee

> whose name was put forward by the Refereeing Council. This is certainly not owing to his good performance. This is not owing to his good performance in highly difficult matches, because he did not referee them, at least [not] a satisfactory number [of them]. So, why did this happen? It is high time we yell enough and unmask this octopus that has created a monster through which inexperienced referees without accomplishments are transformed into international examples. ... And we await public explanations from the refereeing authorities concerning this shameful situation."

19. On 6 January 2017 the following statements were published in F.C. Porto's daily newsletter *Dragões Diário*:

> "D.'s sending off in Moreira de Cónegos could simply have been an unfortunate event or a rushed decision by an inexperienced referee, but sadly it was much more than that, and [is only] revealing of the monster that controls Portuguese football. ... F.C. Porto demands an explanation and the adoption of measures by the Portuguese Football Federation. This is a further example of the monster which controls Portuguese football. Who benefits from the fact that the federation is siding with the erstwhile unknown L.G.? Benfica, of course, which spreads its tentacles everywhere, and when F.C. Porto is on the opposing side, truth and principles are set aside and a performance is staged to the detriment of our club. In this light, one well understands the compliments recently given by L.F.V. [the President of Benfica] to F.G. [the President of the PFF] in [the context of] the traditional New Year interview in the newspaper *A Bola*, but such compliments are no more than a Judas kiss."

B. Disciplinary proceedings

20. On 10 January 2017, in view of the statements published in the *Dragões Diário* newsletter on 4 and 6 January 2017 (see paragraphs 18 and 19 above), the President of the Professional Section of the Disciplinary Council of the PFF (hereinafter "the Disciplinary Council") ordered that disciplinary proceedings should be initiated against the applicant company (case no. 30-2016/17).

21. On 18 January 2017, in view of the statements made by the first applicant on 4 and 5 January 2017 (see paragraphs 14-16 above), the President of the Disciplinary Council ordered that disciplinary proceedings should be initiated against the first applicant (case no. 33-2016/17).

22. On that same day, the President of the Investigating Committee of the Disciplinary Council ordered that those proceedings should be merged with disciplinary proceedings no. 30-2016/17 (see paragraph 20 above).

23. On 6 April 2017 the first applicant and the applicant company filed their defence.

24. On 23 May 2017 the Disciplinary Council found the first applicant guilty on two counts of the disciplinary offence under Article 19(1) and (2) and Article 141 of the Disciplinary Regulations of the Portuguese Professional Football League (hereinafter "the Disciplinary Regulations"), as in force at the material time (see paragraph 87 below). As a result, he was fined EUR 459. The Disciplinary Council took the view that the allegations made by the first applicant against the Refereeing Council and referees – on

Porto Canal and on TSF Radio, about a "monster" being created to control referees and the outcome of competitions, and a "puppet master" going by the name Benfica (see paragraphs 14 and 16 above) – had breached their right to honour and reputation**.**

In addition, the Disciplinary Council found the applicant company guilty on two counts of offending the honour and reputation of sporting bodies and their members in violation of Article 112(1) and (3) of the Disciplinary Regulations, as in force at the material time (see paragraph 87 below); it did so on account of the company's statements published in the F.C. Porto newsletter about an "octopus" and a "monster" controlling Portuguese football and the Refereeing Council as if, *inter alia*, they were a "mafia-type organisation" manipulating football competitions in Portugal (see paragraphs 18 and 19 above). As a result, and further taking into account that it had already been sanctioned for a prior disciplinary offence, the applicant company was fined EUR 3,825.

C. Proceedings before the Sports Arbitration Court

25. Following the decision of the Disciplinary Council of 23 May 2017 (see paragraph 24 above), the first applicant and the applicant company applied for mandatory arbitration proceedings to be initiated in the Sports Arbitration Court, pursuant to Law no. 74/2013 of 6 September 2013 (see paragraph 86 below).

26. In their written submissions, they argued that under their right to freedom of expression, they had merely highlighted that it was peculiar that certain referees had progressed rapidly in their career – those who had swiftly achieved international status without solid professional experience – and had attributed this anomaly to Benfica's influence over the refereeing world (see paragraphs 14 and 19 above). They further submitted that they had merely pointed out gross refereeing errors (see paragraphs 14-19 above) which had also been reported and commented on in numerous articles in the media (see paragraphs 11-13 above). Thus, they concluded by stating that the statements in question, even if they were harsh, amounted to objective criticism of the professional performance of referees which could not be considered to be devoid of a factual basis and merely gratuitous or offensive.

27. In response, the PFF submitted that the first applicant and the applicant company had made value judgments which were not supported by a factual basis and which had offended the honour and reputation of certain referees and football bodies. In the light of the duties of restraint and discretion applicable to sports officials, and the importance of maintaining ethics, respect and sportsmanship in the context of football, the PFF contended that the right to freedom of expression had to be restricted in the instant case.

28. By a judgment of 27 July 2018, sitting as a panel of three arbitrators, the Sports Arbitration Court upheld the decision adopted by the Disciplinary Council (see paragraph 24 above). In its judgment, the Sports Arbitration Court considered:

> "The statements made by the [first applicant] on different days represent a double breach of the duties set out in Article 19 of the [Disciplinary Regulations], which requires sports officials to conduct [themselves] in accordance with the sporting principles of loyalty, probity, truth and rectitude in everything relating to sports, economic or social relations, which means they are prohibited from publicly expressing judgments or statements that are detrimental to the reputation of individuals or legal entities. These duties were clearly violated by the [first applicant] when he described [Benfica] as a 'monster' and a '[puppet master]' which control[led] and manipulate[d] referees and even the PFF's Refereeing Council.
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> The same can be said of the [applicant company] when it consented to the public dissemination of the statements in question and their publication in *Dragões Diário*, in full knowledge that the content [of those statements] had the potential to undermine the honour and reputation of the PFF's Refereeing Council, in so far as those statements suggest conduct ... by the Refereeing Council [which is] not bound by the criteria of neutrality, objectivity and impartiality; instead, this sporting body is portrayed as an 'octopus' and a 'monster' which control[s] Portuguese football, and is associated (the 'octopus') with the illicit behaviour of mafias; [F.C. Porto] holds [the Refereeing Council] responsible for the state of things, and considers that this sporting body is 'the least ashamed' [of the situation]; this also corresponds to a double disciplinary offence.
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> We have no doubt that the applicants' statements were, at [the very] least, disrespectful and rude towards the PFF, specifically towards its referees as sports officials and towards the Refereeing Council as a sporting body; they were also [disrespectful and rude towards] the football club in question, going beyond mere criticism, even if [it was] harsh, given that it [has no] objective basis [and is not] supported [by evidence] ..."

D. Appeal before the Central Administrative Court for the South

29. On an unspecified date the first applicant and the applicant company lodged an appeal with the Central Administrative Court for the South (hereinafter "the CACS"). They argued that the Sports Arbitration Court had failed to properly consider the documentary evidence presented by them which showed the climate of doubt and suspicion surrounding referees at the time (see paragraph 11 above), and which provided a factual basis for their public criticism. They maintained that, while harsh, their criticism had amounted to a value judgment supported by a minimal factual basis.

30. In response, the PFF submitted that the facts mentioned by the first applicant and the applicant company were merely ancillary, and were not essential for deciding whether the applicants ought to be sanctioned. In this regard, the PFF argued that such facts corresponded to news articles and opinions which had been conveyed by individuals who were not subject to the special duties of restraint and discretion under the Disciplinary

Regulations (see paragraph 87 below), which specifically applied to sports officials, football clubs and their staff. The PFF further maintained that by suggesting that referees had deliberately favoured a particular team, the first applicant and the applicant company had offended the honour and reputation of referees, undermined the credibility of refereeing and compromised the integrity of football competitions.

31. On 6 December 2018 the CACS dismissed the appeal. As regards the question of a proper assessment of the facts, the CACS largely accepted the arguments put forward by the PFF and considered that the facts raised by the first applicant and the applicant company were merely ancillary, and not strictly necessary for deciding the case. The CACS also found that the first applicant and the applicant company had overstepped the limits of their freedom of expression, stating as follows:

> "... the appellants had a right to freedom of expression, to protest against the violation of rights and [to] fight against arbitrariness, but they had to respect the civic – and constitutionally enshrined – right to a good name and reputation of the persons concerned, when they spontaneously referred to them as the [persons responsible for] the practices mentioned, and [when they referred to] the motivations they also attributed to them.
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> In other words, from a criminal and disciplinary perspective, criticism which offends the honour and reputation of others is admissible only if it is necessary and indispensable to obtain, exercise or defend rights, or to fulfil duties.
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> ... the appellants were fully aware that their allegations did not correspond to the truth (as it fell to them to prove the veracity [of those allegations]), and despite this, they did not refrain from publishing [them], [while being] aware that they were attacking the good name, honour, dignity and professional reputation of the persons concerned, [and] act[ing] freely and deliberately, in full knowledge that their conduct was punishable by law.
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> Hence, it must be concluded that the defence of exceptio veritatis is not applicable, since the appellants have not succeeded in presenting sufficiently robust elements to challenge their [disciplinary] charges; [on the contrary,] the case file contains sufficient evidence indicating that the requirements for the disciplinary offences they were charged with have been met.
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> The court cannot logically accept that the appellants acted in the pursuit of legitimate interests and under the belief that their claims were true ..., there being no doubt that the [statements in question] are objectively defamatory ... We are not dealing with true facts, or with facts [that were] accepted as true in good faith, [nor were the statements] exposed in the most measured way and with the intention of getting at the truth."

E. Extraordinary application for review before the Supreme Administrative Court

32. On an unspecified date the first applicant and the applicant company sought leave to lodge an extraordinary application for review with the

Supreme Administrative Court. By a summary decision of 5 April 2019, the Supreme Administrative Court rejected the application, invoking its own prior case-law on the matter (see paragraph 89 below). It held, in so far as relevant, as follows:

> "... the reasoning adopted [by the CACS] concerning the *thema decidendum*, which confirms the position adopted by the Sports Arbitration Court, appears to be correct, at least at first glance. Furthermore, the [CACS] has ruled in conformity with the recent position adopted by this Supreme Court on the matter (see the judgment of 26 February 2019, proceedings no. 66/18.7BCLSB). All these aspects point towards there being no need to undermine the exceptional character of extraordinary applications for review. Furthermore, it should be noted that the dispute in question, [which is] connected to refereeing in football, does not possess the social relevance the appellants ascribe to it, and that this bench, by a summary decision of 22 March 2019 issued in proceedings no. 80/18.2BCLSB, rejected an extraordinary application for review in a similar case. It is therefore not justified to accept this application [for examination]."

III. FACTS CONCERNING APPLICATION NO. 34185/19 (THE FIRST APPLICANT AND THE APPLICANT COMPANY)

A. Background to the case

33. In the 25 February 2017 daily edition of *Dragões Diário* (see paragraph 9 above), the first applicant made the following statements regarding the performance of the referee N.A., who had refereed a match between Benfica and Grupo Desportivo de Chaves – Futebol SAD which had taken place the day before at Luz Stadium:

> "The fans' support is really essential, especially when this kind of move is valid and when a penalty kick such as this one is not signalled. We fight against many things and the [technical] strength of our opponents is not the hardest thing to beat. Yesterday, at Luz [Benfica's home stadium], the 'Red Ferrari' [N.A.] acted in cahoots with Benfica, which does not surprise even the most distracted [people]; that's what he's there for, to act in cahoots with it."

34. In the 27 February 2017 daily edition of *Dragões Diário*, following a match between F.C. Porto and Boavista Futebol Clube – Futebol SAD at Bessa Stadium the previous day, in which F.V. had acted as a referee, the first applicant made the following statements:

> "F.C. Porto won. It won because it has a good team; it won because it has players who are technically competent and who put up a fight, but this kind of refereeing is unacceptable. Last Friday night at Luz Stadium, sporting truth was grossly tampered with by the referee N.A., and yesterday at Bessa [Stadium], only a team such as F.C. Porto could stop F.V. from taking points off our team. At the end of the match, and despite the satisfaction with the victory, the mood in F.C. Porto's locker room was one of absolute indignation, because the players experience like nobody else how tilted the playing field is. F.C. Porto is naturally worried because there has to be an explanation for why the referee F.V. was so afraid to call relevant fouls in favour of F.C. Porto. And only those who do not want to open their eyes can pretend [not to see] that this [kind

of] refereeing only happens as a result of the serious and continued coercion which is exerted on a daily basis, directly and indirectly, by Benfica and by an army of friendly commentators and social media."

B. Disciplinary proceedings

35. In view of the statements published in the 25 and 27 February 2017 daily editions of *Dragões Diário* (see paragraphs 33 and 34 above), on 28 February 2017 the President of the Disciplinary Council ordered that disciplinary proceedings should be initiated against the first applicant and the applicant company (case no. 45-16/17). During those proceedings, a hearing was held during which the first applicant proposed that the matches in issue should be watched as part of his defence.

36. By a decision of 11 July 2017 the Disciplinary Council found the first applicant guilty on two counts of offending the honour and reputation of the referee N.A. in violation of Article 112(1) and Article 136(1) of the Disciplinary Regulations, as in force at the material time (see paragraph 87 below); it did so on account of the statement made on 25 February 2017 that "the Red Ferrari [N.A. had] acted in cahoots with Benfica" and the statement made on 27 February 2017 that "sporting truth [had been] grossly tampered with by the referee N.A." (see paragraphs 33 and 34 above). Taking into account the lack of any disciplinary sanctions on his record during the sporting season, the first applicant was given a 44-day suspension from his duties and a fine of EUR 2,869.

The Disciplinary Council further found the applicant company guilty on two counts of offending the honour and reputation of sporting bodies and their members, specifically by offending the honour and reputation of the referee N.A. in violation of Article 112(1) and (3) of the Disciplinary Regulations, as in force at the material time, by disseminating the two impugned statements mentioned above. As a result, and in the light of a prior disciplinary offence, the applicant company was fined EUR 7,650.

Weighing up the applicants' freedom of expression, protected under Article 37 of the Constitution, on the one hand, and the right of sporting bodies and their members to a good name and reputation, protected under Article 26 of the Constitution (see paragraph 85 above), on the other hand, the Disciplinary Council considered that general criticism of the performance of referees was admissible and fell within the applicants' freedom of expression. However, it concluded otherwise in relation to the two statements at issue, finding they were based on conspiracy theories and that the allegations concerning a lack of impartiality breached the right to reputation of the sporting bodies and referees concerned, and also affected the public and private interests of professional football competitions.

C. Proceedings before the Sports Arbitration Court

37. Following the 11 July 2017 decision of the Disciplinary Council (see paragraph 36 above), the first applicant and the applicant company applied for mandatory arbitration proceedings to be initiated in the Sports Arbitration Court, pursuant to Law no. 74/2013 of 6 September 2013 (see paragraph 86 below). In their written submissions, the first applicant and the applicant company argued that while their statements concerning the referee N.A. could be considered harsh, they had been based on the first applicant's well-founded beliefs about the referee's performance, from which Benfica had notably benefited. In this sense, they argued that the statements were protected by the right to freedom of expression, since on the one hand, they amounted to objective criticism concerning gross refereeing errors, and on the other hand, they constituted a negative value judgment about the individual concerned – one which had a proper basis and was not gratuitous.

38. In response, the PFF submitted that the first applicant and the applicant company had clearly exceeded mere harsh criticism of the referee's performance. It argued that, rather than providing objective criticism, they had sought to promote the idea that the referee had conducted himself in a biased and partial manner for the benefit of a particular club, in breach of his professional duties.

39. By a judgment of 27 July 2018, the Sports Arbitration Court upheld the decision adopted by the Disciplinary Council.

40. In its judgment, the Sports Arbitration Court considered:

> "... by referring to the referee [N.A.] as the Red Ferrari who acted in cahoots with Benfica, the [first applicant] is making a critical statement which clearly oversteps freedom of expression, because he insinuates that the referee's performance was aimed at benefiting the rival club. This is also the case when it is stated that the referee [F.V.] acted under coercion, and was therefore afraid of flagging up relevant fouls in favour of the applicant [company]. These statements thus overstep the criteria of proportionality, necessity and suitability.
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> Thus, even though it is accepted that the criticism was not made in isolation, since it had been reproduced in various media sources and by several people, the fact of the matter is that the [first] applicant's texts go beyond mere criticism, or, putting it another way, do not correspond to the legitimate exercise of the right to criticise facts which, in [the first applicant's] opinion, had [amounted to a breach of] professional football competition rules. Rather, the affirmations encroached upon the legal sphere of the persons in question – [in this case,] football referees – and called into question their good reputation by conveying a derogatory value judgment.
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> The publications in question in the newsletter *Dragões Diário* go beyond the core of the debate and [beyond] criticism related to the performance of referees, which should be limited to an (acceptable) deeply negative value judgment; instead, [the publications] end up containing specific factual accusations that directly target the individuals in question and ... attack their personal honour, therefore amounting to a gratuitous insult.

Underlying such statements, or what results from them in any event, is an intention to denigrate and humiliate the individuals concerned."

D. Appeal before the CACS

41. On an unspecified date the first applicant and the applicant company lodged an appeal with the CACS. They argued that they had not intended to gratuitously offend the honour or reputation of the referee N.A. or target him personally. Instead, they contended that they had merely expressed a negative value judgment about his technical performance in certain matches, on the basis of factual considerations and a wider context (see paragraphs 11-13 above) which the lower court had failed to properly consider.

42. In response, the PFF submitted that the facts mentioned by the applicants were merely ancillary to the case to be decided (see paragraph 30 above for an elaboration of this argument). It further maintained that statements suggesting that the referee N.A. had deliberately favoured a particular team, in breach of his professional duties, were not supported by facts, undermined his honour and reputation, and damaged the credibility of football institutions.

43. On 19 December 2018 the CACS dismissed the appeal on the basis that the questions at issue were entirely identical to those addressed in its judgment of 6 December 2018 (see paragraph 31 above).

E. Extraordinary application for review before the Supreme Administrative Court

44. On an unspecified date the first applicant and the applicant company sought leave to lodge an extraordinary application for review with the Supreme Administrative Court. In a summary decision issued on 22 March 2019, the Supreme Administrative Court rejected the application, stating that the judgment of the CACS was entirely consistent with its prior judgment of 26 February 2019 (see paragraph 89 below) which had dealt with a similar case.

IV. FACTS CONCERNING APPLICATION NO. 29703/19 (THE FIRST APPLICANT)

A. Background to the case

45. On 28 February 2017 the first applicant participated in a television programme called "Universo do Porto – Da Bancada", broadcast by Porto Canal (see paragraph 9 above). In that programme, during the video replay of a match between Benfica and Estoril Praia, the first applicant made the following remarks:

> "... This is a hat trick [the scoring of three goals] from the referee J.F. After the famous Moreirense-Benfica [match], decided by Mr J.F., [and] ... the famous Paços de Ferreira-Benfica [match], also decided by Mr J.F., today he completed the hat trick when he decided to rule once again in favour of Benfica, by validating this goal scored when the player was clearly in an offside position ... There is no doubt that the player had been there, in an offside position, for a long, long time. No one can doubt this. How come this wasn't flagged up? It wasn't [flagged up] because it couldn't be. It's funny that ever since Benfica announced that it had requested a meeting with the Refereeing Council, it has won two games with [the help of] clear interference by the referee teams. Last Friday, in a match against Chaves refereed by Mr N.A., the first Benfica goal was irregular and a very clear penalty which would have benefited Chaves was not flagged up ... At the beginning of the second half of the match, the result could clearly have been 0-2 to Chaves, and it was 1-1 by then. Therefore, [there was] a very clear influence on the result. Today, once again, a very clear influence on the result. If this is not a consequence of the pressure, of the coercion that Benfica is applying to referees, tell me what it is."

46. Some of these remarks were published in the 1 March 2017 daily edition of the football newspaper *O Jogo*.

47. On 8 March 2017 the newspaper *O Jogo* published other statements which the first applicant had made the previous day on the programme "Universo do Porto – Da Bancada", criticising the Disciplinary Council for treating misconduct by different football clubs, including F.C. Porto, in different ways. The same type of criticism, made by the first applicant on the same programme on 2 May 2007, was published in *Record*, another football newspaper, on 3 May 2017. On the same day the newspaper *O Jogo* published another article in which he had complained about the referee V.P.

B. Disciplinary proceedings

48. On 14 March 2017 the President of the Disciplinary Council ordered that disciplinary proceedings should be initiated against the first applicant (case no. 51-16/17).

49. During a hearing before the Disciplinary Council, the first applicant confirmed his assertions regarding the referee J.F., while saying that he regretted and apologised for those which he had made about the Refereeing Council.

50. On 25 July 2017 he was found guilty of four disciplinary offences under Article 112(1) and Article 136(1) of the Disciplinary Regulations, as in force at the material time (see paragraph 87 below). He was found guilty on one count of offending the honour and reputation of the referee J.F. on 25 and 27 February 2017 for stating that the referee "had completed the hat trick". For stating that referee teams had influenced the results of games following a meeting between Benfica and the Refereeing Council, and that the results of the matches were a "consequence of the pressure, of the coercion that Benfica [wa]s applying to referees", the first applicant was found guilty on one count of undermining the reputation of refereeing in

general, on account of the article published in the newspaper *O Jogo* on 3 May 2017. He was also found guilty on two counts of offending the honour and reputation of the Disciplinary Council, on account of the statements published on 8 March and 3 May 2017 in the newspapers *O Jogo* and *Record*.

51. The Disciplinary Council found that in making those allegations, the first applicant had made value judgments based on unfounded conspiracy theories which were untrue, and had hampered the proper functioning of football competitions. As a result, he was given a 76-day suspension from his duties and a fine of EUR 4,743.

C. Proceedings before the Sports Arbitration Court

52. Following the 25 July 2017 decision of the Disciplinary Council, the first applicant applied for mandatory arbitration proceedings to be initiated in the Sports Arbitration Court, pursuant to Law no. 74/2013 of 6 September 2013 (see paragraph 86 below). He contested the sanction imposed on him on account of the statements which he had made regarding the referee J.F. and refereeing in general (see paragraph 50 above). In his written submissions, the first applicant argued that he had merely stated a fact when he had said that "ever since Benfica [had] announced that it had requested a meeting with the Refereeing Council, it ha[d] won two games with [the help of] clear interference by the referee teams". As regards the statements that implied that the referee had helped to complete a "hat trick" in that he had helped Benfica to score three goals, the first applicant argued that he had simply been expressing objective criticism of the referee's performance on the basis of a video shown during the television broadcast, and noted that such criticism had been widely shared by football commentators at the time. He further asserted that his statements were value judgments which corresponded to his justified belief that serious refereeing errors had been made.

53. In response, the PFF began by arguing that the disciplinary rules in question were not only aimed at protecting the honour and reputation of natural and legal persons, but also at safeguarding ethics in sports, fair play and sportsmanship. It then asserted that the statements in question did not constitute mere harsh criticism, since they raised a suspicion about the impartiality and objectivity of a referee, which not only undermined the honour and reputation of the referee concerned, but also the credibility of refereeing in general and PFF bodies.

54. By a judgment of 28 September 2018, the Sports Arbitration Court upheld the decision of the Disciplinary Council in part (see paragraph 50 above). Specifically, it agreed that the first applicant was guilty of offending the honour and reputation of the referee J.F., but it reversed the Disciplinary Council's decision concerning the statements which he had made about refereeing in general. As a result, the disciplinary sanction imposed by the Disciplinary Council (see paragraph 51 above) was reduced to a 54-day

suspension from his duties and a fine of EUR 3,366. In its judgment, the Sports Arbitration Court stated as follows:

> "... [the disciplinary offences in question] occur when objectively offensive words are directed towards a person in the knowledge that they may offend, even if there is no intention to make the person [who is] targeted feel offended.
>
> ...
>
> In the present case, if the exercise of refereeing duties entails acceptance of exposure to criticism, membership of organised football bodies through voluntary affiliation with the specific federation framework ... also entails a duty to preserve and safeguard those structures and the values and principles [they promote], which includes a special duty [of care] when critical remarks are made in public, since special attention must be given to their underlying factual basis.
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> ...
>
> In fact, we must be very clear on this point – the applicant justifies his judgment of the referee [J.F. on the basis that] the club in question had asked for a meeting with the Refereeing Council. However, in reality, he does not explain why such a fact would amount to an act of coercion, let alone how it would have the potential to undermine the impartiality of [that] referee, and why it effectively did. The fact ... relied on by the applicant clearly and objectively served as a gratuitous pretext for targeting the referee [J.F.] and also for gratuitously undermining and offending him with respect to the most relevant element of a professional football referee's character – his impartiality.
>
> ...
>
> The applicant can obviously conclude that refereeing errors were committed, and he can certainly criticise those errors. What he cannot do is to take advantage of a particular factual coincidence and, in the absence of demonstrated or even plausible causality, take refuge in such a coincidence and build, in the light of that, a sole objective basis which enables him to invoke freedom of expression in order to attack a professional football referee by [saying that he is responsible for] deliberate refereeing errors because [his] personality [is susceptible] to coercion."

55. The decision of the Sports Arbitration Court was adopted by a majority vote of two arbitrators to one. The dissenting arbitrator considered that the statements fell within the scope of freedom of expression, stating as follows:

> "... I consider these to be bombastic statements, devoid of substance and intended for consumption by the masses who support the club of the [person who made the statements], serving as justifications for the successes of the opposing team ..., but harmless in terms of affecting any legal interests ... In any case, they fall within the scope of freedom of expression and the proportionate limitation of the right to honour ..."

D. Appeal before the CACS

56. On an unspecified date the first applicant lodged an appeal with the CACS. He argued that the Sports Arbitration Court had not properly considered the factual basis underlying his remarks about the patent refereeing errors in question. He maintained that he had merely expressed

value judgments about his dissatisfaction with the performance of the referee J.F. on the basis of factual considerations and objective criticism, and that he had never intended to attack his honour or reputation. He therefore maintained that the statements leading to the sanction imposed on him ought to be evaluated as value judgments and considered legitimate criticism protected by his right to freedom of expression.

57. The PFF contended that the facts mentioned by the first applicant were merely ancillary to the case to be decided (see paragraph 30 above for further elaboration of this argument). In addition, the PFF maintained that the first applicant's statements to the effect that J.F. had deliberately favoured a particular team were not supported by established facts, undermined his honour and reputation, and damaged the credibility of football institutions.

58. On 10 January 2019 the CACS dismissed the appeal, stating as follows:

> "... the 'facts' set out by the appellant amount to opinions on this matter expressed by other media and individuals who are not sports officials subject to the [Disciplinary Regulations] and the authority of the [Disciplinary Council]. ... They are not, in and of themselves, strictly essential for determining whether the appellant's conduct is censurable.
>
> ... the appellant did not present anything other than value judgments, and did not indicate any fact that might support his belief.
>
> ... What is key in deciding this case is determining whether the value judgment [was] illegitimate, even if interpreted in the context of freedom of expression, when it [was] directed against the person concerned, and whether the appellant intended to attack the reputation of the person[s] [who were] targeted, specifically the referees in question and the Refereeing Council, by suggesting that this [body] had deliberately acted in a biased manner and in the pursuit of private interests.
>
> ... the appellant must bear in mind that he is subject to rules which require him to respect sports competitions and sports officials, including referees and refereeing as a whole, and therefore saying that the referee made a mistake, that referees in Portugal could be better, that there are incomprehensible mistakes [and] that he does not agree with the way refereeing works (including by using harsh words) is one thing. [However,] saying that refereeing in general or a particular referee errs in favour of a specific club, [and] instilling in the community the general idea of bias on the part of bodies for which impartiality, neutrality and rigour are absolutely vital and inherent to their functions – that is a very different thing.
>
> Contrary to what the appellant states in his submissions in the appeal, he did not make statements based on fact, nor did he simply describe facts. The [assertion that there is] a cause-and-effect link between refereeing errors and meetings held between a club and the Refereeing Council is not factual, certain or true.
>
> ...
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> Hence, by giving the impression that potentially flawed refereeing decisions amount to acts aimed at benefiting a particular club, the texts in question cannot be considered to be objective criticism, but rather a pejorative assessment of the referee's performance and refereeing [in general]. ... the appellant's narrative is, at least partially, essentially based on conjectures which in turn feed into the conspiracy theories created by him

regarding incidents involving refereeing and advantages which other clubs benefit from, always to the detriment of F.C. Porto.

In addition, as noted by [the PFF], the submissions [presented by the appellant] in the appeal demonstrate the continuation of such conjectures, since [the appellant] present[ed] text from other commentators, statements regarding the bias of referees, always to one side's detriment and the other side's benefit ... None of this is relevant in determining whether the statements in question were unlawful; instead, such unlawfulness is [further] reinforced as the idea of a lack of neutrality and impartiality is perpetuated."

E. Extraordinary application for review before the Supreme Administrative Court

59. On an unspecified date the first applicant sought leave to lodge an extraordinary application for review with the Supreme Administrative Court. By a summary decision of 5 April 2019, the Supreme Administrative Court rejected the application. Invoking its own prior case-law on the matter (see paragraph 89 below), it found that the dispute in question, which concerned refereeing in football, did not possess the social relevance necessitating a review.

V. FACTS CONCERNING APPLICATION NO. 47902/20 (THE APPLICANT COMPANY)

A. Background to the case

60. The 8 April 2019 daily edition of *Dragões Diário* featured an article entitled "Red Passion" (*Paixão Vermelha*) which contained the following comments regarding the performance of a video assistant referee called B.P. in a match between Clube Desportivo Feirense – Futebol SAD and Benfica that had taken place the previous day:

"B.P. had a career as a referee [which was] full of untenable decisions, and now, as a [Video Assistant Referee – VAR], he is following the same shameful path. Yesterday, in [Santa Maria da Feira], he flagged up a penalty kick in favour of Benfica after a push that was so light that it made Pizzi fall in slow motion. However, he turned a blind eye to two throws in the Benfica area, one of which was a clear foot stomp. Last year, also in [Santa Maria da Feira], the same VAR overlooked a very clear [foul] committed against Marcano [which would have given rise to a penalty kick]. There can be no doubt that B.P. seems to have an issue with impartiality, and this may and should lead to his withdrawal from the matches which will decide the championship."

B. Disciplinary proceedings

61. On 9 April 2019, in view of the comments published in the *Dragões Diário* newsletter the preceding day (see paragraph 60 above), the President of the Disciplinary Council ordered that disciplinary proceedings be initiated against the applicant company (case no. 67-18/19).

62. On 14 May 2019 the Disciplinary Council found the applicant company guilty of offending the honour and reputation of sporting bodies and their members in violation of Article 112(1), (3) and (4) of the Disciplinary Regulations, as in force at the material time (see paragraph 87 below). As a result, and further taking into account that the company had already been sanctioned for a similar disciplinary offence, although it appeared that the sanction had been insufficient to discourage it from reoffending, it was fined EUR 15,300. The Disciplinary Council found that the applicant company had expressed value judgments about the referee B.P. which had called his impartiality into question in a manner exceeding the limits of acceptable criticism.

C. Proceedings before the Sports Arbitration Court

63. On an unspecified date the applicant company applied for mandatory arbitration proceedings to be initiated in the Sports Arbitration Court, pursuant to Law no. 74/2013 of 6 September 2013 (see paragraph 86 below). In its written submissions, the applicant company argued that it had merely pointed out the shortcomings of the referee B.P. and the serious technical errors which he had made during the match that had taken place on 7 April 2019, and that it had simply made a value judgment, drawing a parallel with similar errors made by the same referee the previous season. The applicant company further maintained that the criticism it had issued was well founded, in the light of the wide array of different opinions on the topic in dispute which had been published in sports newspapers.

64. The PFF argued that the applicant company had been fully aware that the content of the statements in question had the potential to undermine the honour and reputation of sports officials, inasmuch as it had suggested that B.P.'s conduct was not guided by the principles of objectivity, impartiality and neutrality, thus intentionally calling into question his honour and reputation.

65. Ruling on a formation of three arbitrators, by a judgment of 30 September 2019, the Sports Arbitration Court quashed the decision adopted by the Disciplinary Council (see paragraph 62 above). The relevant part of the decision reads as follows:

> "Naturally, the sporting context and the special emotional intensity which comes with that are relevant elements for interpreting the conduct in question. Notwithstanding that, such emotional intensity operates both ways: if, on the one hand, it broadens the scope of statements [which may be] made [in such a context], on the other hand, it may entail [a duty of] additional precaution in so far as such statements may, on the basis of predictions and evidence-based [assessments], lead to social harm and, ultimately, violence.
>
> ...
>
> Therefore, statements such as 'he turned a blind eye to two throws' or 'the same VAR failed to flag up a clear foul' clearly constitute criticism of [an individual's] technical

performance and do not target the individual himself. ... The context of the statement '[the VAR] seems to have a problem with impartiality' cannot, however, be dissociated from the performance in question ... Irrespective of the good taste or wisdom of this public statement – as freedom of expression entails the prima facie possibility of conveying unwise ideas – it does not seem credible to infer from this statement an intention to directly attack the individual concerned, except in relation to his performance.

...

Therefore, the disciplinary offence provided for and punishable under Article 112(1), (3) and (4) of the Portuguese Football League Regulations of 2018 was not committed, as a critical assessment of [a person's] technical performance is at issue, which falls under the applicant [company's] freedom of expression guaranteed by Article 37 of the Constitution".

D. Appeal before the CACS

66. On an unspecified date the PFF lodged an appeal with the CACS. In its submissions, it argued that a literal reading of the impugned statements, as well as the context in which they had been made, showed that the honour and reputation of the referee had been attacked and that the limits on freedom of expression had clearly been overstepped. It further maintained that the protection of sports competitions, ethics, truth in sport and sportsmanship were also values safeguarded by the disciplinary provisions in question, which the Sports Arbitration Court had failed to identify and factor in in its balancing exercise.

67. In response, the applicant company reiterated that it had merely expressed its well-founded opinion concerning the unsatisfactory performance of the referee B.P., which, in its view, had repeatedly benefited Benfica to the detriment of other clubs. It therefore argued that it had made a negative value judgment about B.P.'s technical performance by relying on a minimal factual basis.

68. On 30 January 2020 the CACS dismissed the PFF's appeal and upheld the Sports Arbitration's judgment of 30 September 2019 (see paragraph 65 above). The relevant part of the decision reads as follows:

"... what was said [in the newsletter] amounts to an opinion-based value judgment, albeit [a] superficial and unpleasant [one] perhaps, about facts relating to football matches. On the basis of this value judgment about facts relating to football matches and a [referee's] public performance, [the applicant company] stated that the referee had failed to see something which was very clear – irregular sports conduct. And this is where the assertion 'it seems that the [VAR] has a problem with impartiality' stems from. It [was] not even said that the [VAR was] or had been wilfully partial.

As can be seen, and as noted by the Sports Arbitration Court, the more or less aggressive or rude way in which freedom of expression was exercised was based on a value judgment about facts – [one] which did not only target the person.

...

In fact, the [European Court of Human Rights] has stated that when issues of public interest are at stake, or [issues] of widespread interest involving public figures, or [issues] concerning a performance which is scrutinised by many people, such as the performance of a football referee, the limits of admissible criticism have to be assessed more broadly than those involving criticism of an ordinary, anonymous citizen.

...

The [European Court of Human Rights] has also distinguished between purely factual statements, which it requires to be based on concrete facts, and the expression of mere opinions or subjective judgments, which it accepts may not be based on real, existing evidence that confirms their truth or veracity ... In this context, a statement based on reference to certain facts which, in the [applicant company]'s view, justify its suspicions and allegations, is a statement supported by a minimal factual basis which, even though it may not correspond to facts that have actually been proven, gives the [applicant company] sufficient grounds to believe, in good faith, in the statements that it makes, tasteless or not. This is the case here.

We can therefore conclude that the statements [in question] were made in the exercise of the fundamental right enshrined in Article 37 of the Constitution, and they interfere very little with the fundamental right enshrined in Article 26 § 1 of the Constitution; accepting that such statements breach Article 112(1), (3) and (4) of the Portuguese Football League Regulations of 2018 and Article 26 § 1 of the Constitution would be tantamount to accepting a grave or very serious restriction of the fundamental right enshrined in Article 37 of the Constitution, thereby violating Article 18 of the Constitution and the methodical maxim of proportionality ..."

E. Extraordinary application for review before the Supreme Administrative Court

69. On an unspecified date the PFF sought leave to lodge an extraordinary application for review with the Supreme Administrative Court.

70. On 23 April 2020, in a summary decision, the Supreme Administrative Court granted leave for the application, noting that the judgment of the CACS seemed to contradict its case-law regarding the questions at issue. It also considered that the application raised a relevant issue concerning the extent to which it was necessary to impose disciplinary sanctions for statements made by clubs which, besides stirring up the spirits of their supporters and thereby triggering discourteous behaviour, also contributed to their sports competitions being discredited.

71. By a judgment of 2 July 2020, it quashed the CACS judgment (see paragraph 68 above), and confirmed the Disciplinary Council decision of 14 May 2019 (see paragraph 61 above). In its judgment, the Supreme Administrative Court stated:

"The question currently at issue – ... whether a text published in an electronic newsletter of a football club amounts to a breach of the disciplinary offence provided for in [Article 112 of] the Portuguese Football League Regulations – is not a novel question, since it has already been decided by this court in the judgment of 26 February 2019 in proceedings no. 066/18.7BCLSB and [in the judgment] of 4 June 2020 in proceedings no. 154/19.2BCLSB, which pertained to situations with similar

[characteristics to] those being discussed here, and which this court ... will closely follow.

...

In view of the facts that have been established, we believe that it can only be concluded that the text published on 8 April 2019 in the official newsletter of [F.C. Porto] – *Dragões Diário* – is damaging to the reputation of the VAR in question, directly attacking his good name and reputation. In fact, this text, taken as a whole, does not merely point out errors of judgment that occurred during the match in question, but rather affirms the partiality of the sports official in question which had already been demonstrated in his career as a referee, and [argues] that, as a VAR, [this] should lead to his removal from matches that would decide the championship. He is thus accused of deliberately making a mistake with the aim of favouring one club over another, calling into question his suitability to carry out his duties. Since impartiality and neutrality are attributes that must be intrinsic to the duties performed, it cannot be ruled out that the above-mentioned text calls into question the moral integrity and the good name and reputation of the sports official in question, while also affecting the credibility and prestige of the sporting competition itself. And if it is true that the right to criticise is included in the right to freedom of expression, enshrined in Article 37 of the Constitution of the Portuguese Republic as a fundamental right, it is also true that this is not an absolute and unlimited right which cannot be restricted, as this court found in its judgment of 4 June 2020 [see paragraph 90 below]."

VI. FACTS CONCERNING APPLICATION NO. 3708/22 (THE SECOND APPLICANT)

A. Background to the case

72. Between April and May 2019 a series of matches involving Benfica took place in the context of the 2018/2019 NOS League season. In an editorial published in the *Dragões Diário* daily newsletter (see paragraph 9 above) of 6 May 2019, which was subsequently widely quoted in sports newspapers, the second applicant stated:

"Unfortunately, it seems that it is sometimes easier for F.C. Porto to be successful in European competitions, where it faces more challenging rivals, than in Portugal, where adversaries often dress in black, carry a whistle or sit in front of TV screens. Sad for a country where red passions and unenlightened pine trees abound, always ready to subvert the league standings, as they have now done, demonstrating that crime pays off and that there is no coercion truck that won't continue to yield results."

73. In an interview given to the sports newspaper *O Jogo* and published on 14 May 2019, the second applicant made the following comments regarding the performance of referees in the matches referred to in paragraph 72 above.

"[Question]

I define this [crucial moment] in the following way: F.C. Porto had an abnormal draw in Vila do Conde because two very clear penalties weren't flagged up. The referees and the VAR had a direct influence on that draw. After the derby, the championship was decided in three places: Vila da Feira, Braga and Vila do Conde.

Those are three games where I'd still like to know who, from that point on, fetched the priests from the sacristy? What did we see? The Refereeing Council rightly noted at the end of last season that there were referees who didn't have the minimum conditions to referee: Mr B.P. and Mr B.E. They stopped whistling and were appointed as VAR, to keep them quiet and so they wouldn't protest. Now, an individual who isn't qualified to referee can't be VAR, which has as much or more influence on results. In the Feirense-Benfica match, when the hooter went off, who were the participants involved? Mr J.P., whom everyone knows from his involvement in the emails [case]. They resurrected him for that match and had the extraordinary idea of resurrecting Mr B.P. as VAR, [who had] a direct influence in disallowing a clean goal for Feirense and inventing a penalty kick that gave Benfica the victory. This is undeniable. If he was put as VAR because he was not competent to referee, how can he be in matches that could decide the title? I don't understand this criterion for appointments. You can punish me ...

Let's move on to [the] Braga [match]: Mr J.P. is appointed as VAR, as the one who sent emails to the person [involved in] that whole [scheme]. What happened? A penalty kick which didn't take place, another penalty kick which took place but wasn't flagged up, [and] an assault which took place right in front of the referee that would have given J.F. the second yellow card. And Benfica was there. And now, close to the finishing line, whom did they pick? Mr L.G., who, in their assessment, might be an excellent referee, but it was he who sent D. off in Moreira de Cónegos for bumping into him as he was going backwards, [and] who, at the end of an infamous Setúbal-Benfica match, flagged up a penalty kick which awarded the victory [to Benfica], which everyone contested. There were so many important games in League I and League II, and Mr L.G., whom they consider [to be] a tier-1 referee, was appointed as VAR? Yes, he was, but not to [actually] watch. And Mr H.M., who was the referee who turned a blind eye [to B.F.'s] second yellow card 44 minutes into the Alvalade match, will referee this match. For the love of God. The [controversial match] took place in 1958, but today people still talk about [the referee] Calabote[1]; in 30 years' time, people will remember that the 2019 championship was decided in Vila da Feira, Braga and Vila do Conde. This is the reality.

[Question]

... It's a shame that there's not a shred of truth in sport in the matches [which took place] in Vila da Feira, Braga and Vila do Conde. These are three black spots in the history of this championship. I only hope that none of these gentlemen show up at the end of the Portuguese Cup, because that would be recognition that it pays off to err in Benfica's favour.

[Question]

But is there any doubt? [The championship] was decided both on and off the playing field because the VAR also played a part in the decisions. It is unspeakable that the VAR failed to see what happened in Vila do Conde. The [outcome of the] championship was decided by these three appointments, *vis-à-vis* both the VAR and the [on-field] referees.

[Question]

No, if Benfica wins by a two- or three-point margin and manages to secure nine points in three matches, how can there be justice? Benfica performed well at times, as did

[1] Portuguese football referee Inocêncio Calabote was involved in a 1959 scandal where he was suspected of being corrupt and was ultimately discharged.

Sporting and Braga ... At first, Braga was the team which performed best, and F.C. Porto. ... what happened in Vila da Feira, Braga and Vila do Conde? F.C. Porto supporters who lived through this will remember this in 20 years.

[Question]

In one respect, my position *vis-à-vis* the Refereeing Council has not changed: I have no doubt that Mr F.G., who serves as its President, is a serious person. I have no doubt. Now, when it comes to trusting his appointments, two possibilities are on the table: either he is being pressured by somebody, or, if not, I therefore have to change [my opinion], because I consider that he has been unable to make justifiable decisions.

[Question]

... The Refereeing Council knows how this was engineered ... But knowing who the referees are is not the problem. The problem is [knowing] how these referees are appointed. It's not [about] knowing that Mr B.P. will be the VAR in [the] Feirense-Benfica [match]; the problem is him being there, and why ... Or why Mr L.G. was the VAR in Vila do Conde. From the Refereeing Council's perspective, he is a trustworthy referee, but is it logical, with so many important and decisive games, that he hasn't refereed?

[Question]

... I did not say that Mr L.G. [was] a good referee. I was referring to the concept of the Refereeing Council. I will not elaborate on my concept. Now, in 20 years' time, if I am alive, I will remember what happened in Moreira de Cónegos, because it is a peculiar situation, where the referee walks backwards, falls [over] and sends off the player. Now, the Refereeing Council considers him to be a good referee. But if this is so, why did he go there? As VAR, it has been shown once again that he is no good ..."

B. Disciplinary proceedings

74. On 7 May 2019, on the basis of the statements published on 6 and 14 May 2019 (see paragraphs 72 and 73 above), the President of the Disciplinary Council ordered that disciplinary proceedings should be initiated against the second applicant (case no. 73-18/19).

75. On 4 July 2019 the second applicant filed his defence, claiming that his statements fell within the scope of his right to freedom of expression.

76. On 9 July 2019 the Disciplinary Council found the second applicant guilty on two counts of offending the honour and reputation of sporting bodies and their members in his capacity as football club manager in violation of Article 112(1) and Article 136(1) and (4) of the Disciplinary Regulations, as in force at the material time (see paragraph 87 below); it did so on account of his allegations that "crime pa[id] off and there [wa]s no coercion truck that wo[uld]n't continue to yield results", and that there was corruption and match manipulation (see paragraphs 72-73 above). As a result, he was given a 90-day suspension from his duties and a fine of EUR 11,480.

C. Proceedings before the Sports Arbitration Court

77. Following the decision of the Disciplinary Council, the second applicant applied for mandatory arbitration proceedings to be initiated in the Sports Arbitration Court, pursuant to Law no. 74/2013 of 6 September 2013 (see paragraph 86 below). The second applicant argued that he had merely expressed his dissatisfaction with certain gross refereeing errors. He further contended that those statements had corresponded to negative value judgments underpinned by a minimal factual basis.

78. The PFF maintained that the second applicant had known that his statements had the potential to offend the honour and reputation of others because he had implied that referees were not guided by the criteria of impartiality and objectivity, and noted that such statements were devoid of any factual basis. It also reiterated that the disciplinary sanctions in question were aimed at protecting the reputation and rights of others, as well as sportsmanship, ethics and fair play.

79. By a judgment of 6 February 2020, adopted by a majority vote of two arbitrators to one, the Sports Arbitration Court quashed the decision adopted by the Disciplinary Council (see paragraph 76 above), stating:

> "A first test to ascertain whether the statements made by the applicant are protected by his freedom of expression is to verify [whether] such statements are based on facts or ... are baseless and gratuitous.
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> ...
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> Now, in their entirety, the applicant's statements have, as their starting point, events or facts that occurred in the preceding months and which concern a series of refereeing errors that supposedly took place in certain matches involving a rival club ... Although the identification of incidents relating to refereeing or their classification as errors is marked, as a rule, by a very clear subjective dimension, in reality, for the purpose of the test being applied [in the present case], a probability that those errors might have occurred is sufficient to establish a minimal factual basis and to exclude the possibility that the statements are gratuitous. And taking into account the documentary evidence submitted, it must be observed that there were plausible grounds which, in the applicant's opinion, justified the facts he reported and the opinions he held and expressed, since various sports commentaries ... in the media [had] indicated the possibility of such errors.
>
> The applicant thus bases his statements on that set of facts (or, at least, apparent facts) regarding refereeing, and draws conclusions from [those facts] in order to make value judgments about ... errors considered in isolation ... and [errors] considered as a whole ...
>
> In the context of a proportionality assessment, in addition to the existence or absence of an underlying factual basis, it is not unreasonable to take into account the context in which the statements were issued and the characteristics of the world of football, since both inevitably frame and influence the statements at issue.
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> ...
>
> Football is a sociocultural phenomenon and a matter of great public interest, globally marked by intensified passions and unwavering opinions ... It should also be noted that

> referees are central characters in this belligerent context, and that consequently they are public figures [who are] used to being under the spotlight on a weekly basis, [with] their technical performance subject to an immediate and thorough assessment by all those participating in the football phenomenon.
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> ...
>
> Now, even if it is argued that the facts relied on [by the applicant], the characteristics of the football phenomenon, and the status of referees as public figures are not sufficient to justify the applicant's statements in the light of the principle of proportionality, we would still have to identify in those statements an unequivocal and predominant willingness to attack the honour and reputation of the referees concerned, in order to be able to consider that those statements [amount to] a serious violation of the right to honour and reputation – [one] serious enough to substantially upset the compatibility of the rights at stake and [the underlying] balancing exercise.
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> ...
>
> In the case being examined, and as regards even the harshest statements [which had] only [a] tenuous connect[ion] to the facts relied upon, the applicant's intention was to explain the ranking of his team and [that of] a rival team, to criticise the organisation and functioning of football's organisational structures, in particular refereeing, and perhaps even to influence [referees'] conduct, rather than to attack the honour and reputation of the referees connected to the individual cases. ... These are statements that can be deemed to be in poor taste and lacking in humour, but that is not sufficient to justify a limitation on freedom of expression, which is permissible only on an exceptional basis. ... That is all the more true in the context of relations between sports officials, particularly when there is a situation where, as in the present case, an entity exercises power over individuals, which justifies greater protection of the fundamental rights of the weaker party."

80. In a separate opinion, the dissenting judge contended that talking about the Calabote case in the world of football necessarily led to an allegation of corruption amongst sporting officials in general and referees in particular, which he found particularly offensive and beyond the limits of acceptable criticism and freedom of expression.

D. Appeal before the CACS

81. On an unspecified date the PFF lodged an appeal with the CACS. It stated that the second applicant was subject to special duties of restraint and discretion deriving from his status as both a sports official and a football club manager, and further argued that the impugned statements had directly offended the honour and reputation of the persons concerned. The PFF thus contended that the Sports Arbitration Court had failed to conclude that the second applicant's conduct had breached the relevant disciplinary provisions, which aimed to protect ethics, sportsmanship and fair play, and prevent violence in sport.

82. The second applicant maintained that his critical statements, even if harsh, were not devoid of a factual basis, and merely reflected his analysis of gross refereeing errors and the professional performance of the persons

concerned. In view of this, he contended that such statements amounted to value judgments which were based on a minimal factual basis and could not be equated to gratuitous, petty and purely injurious remarks.

83. On 9 September 2021 the CACS set aside the Sports Arbitration Court's judgment of 6 February 2020 (see paragraph 79 above). Relying on the established and long-standing case-law of the Supreme Administrative Court, it stated as follows:

> "... the disciplinary offence at issue stems from a violation of any of the duties provided for in [Article] 112(1) of the [Disciplinary Regulations]. It aims to protect the honour, good name and reputation of the members of the [governing] bodies of the Portuguese Professional Football League [and] the Portuguese Football Federation, [and] their [ordinary] members, referees, managers or other sports officials, and to sanction conduct that incites violence, conflict or indiscipline.
>
> With regard to the disciplinary offence in question, the Supreme Administrative Court has ruled that ... assertions which do not merely state objective facts, or which do not merely express opinions regarding the characterisation of [those facts] in the light of the applicable rules of the game, and which affect the honour and reputation of referees, are not protected by the exercise of the right to freedom of expression, [and] amount instead to disciplinary offences.
>
> ...
>
> In accordance with such case-law, and in the light of the factual matter considered proven ..., it is evident that the respondent must be held accountable for the value judgments he made in respect of the refereeing errors he identifie[d], since in [making those statements], he undermine[d] the credibility and impartiality of the persons concerned.
>
> On the basis of the factual matter considered proven, it is evident that suspicions were raised regarding the work of the referees and the VAR identified [in the respondent's statements], on the basis of events in football and a willingness to draw conclusions to the effect that a particular team was favoured to the detriment of another.
>
> ...
>
> Through such statements, the respondent state[d] that the referees in question [we]re partial and [we]re 'always ready to subvert the league standings, as they ha[d] now done, demonstrating that crime pa[id] off', thereby affecting the honour and reputation of the referees concerned and breaching the duties provided for in Article 112(1) of the Disciplinary Regulations of the Portuguese Professional Football League."

E. Extraordinary application for review before the Supreme Administrative Court

84. On an unspecified date the second applicant sought leave to lodge an extraordinary application for review with the Supreme Administrative Court. On 18 November 2021, by means of a summary decision, the Supreme Administrative Court rejected the application on the basis that the CACS's judgment was fully consistent with its prior case-law on the matter (see paragraphs 89 and 90 below).

RELEVANT LEGAL FRAMEWORK AND PRACTICE

VII. RELEVANT DOMESTIC LAW

A. The Constitution

85. The relevant provisions of the Constitution provide as follows:

Article 18
Legal force

"1. The constitutional provisions with regard to rights, freedoms and guarantees are directly applicable and are binding on public and private entities.

2. The law may only restrict rights, freedoms and guarantees in cases expressly provided for in the Constitution, and such restrictions must be limited to what is necessary to safeguard other constitutionally protected rights or interests.

..."

Article 26
Other personal rights

"1. Everyone has the right to personal identity, to the development of his or her personality, to civil capacity, to citizenship, to his or her good name and reputation, to his or her own image, to freedom of speech, to privacy in his or her personal and family life, and to legal protection against any form of discrimination.

..."

Article 37
Freedom of expression and information

"1. Everyone has the right to freely express and disseminate his or her thoughts in words, images or by any other means, as well as the right to inform others, to seek information and to be informed without hindrance or discrimination.

2. The exercise of these rights may not be hindered or limited by any type or form of censorship.

3. Offences committed in the exercise of these rights shall be subject to the general principles of criminal law or the law governing administrative offences, and courts of law or an independent administrative entity shall have the power to adjudicate on them, as laid down by law.

4. Every natural and legal person shall be equally and effectively ensured the right of reply and the right to make corrections, as well as the right to compensation for damage suffered."

Article 38
Freedom of the press and media

"1. Freedom of the press shall be guaranteed.

2. Freedom of the press implies:

(a) freedom of expression and creativity for journalists and other staff, as well as journalists' freedom to take part in deciding the editorial policy of their media entity, save when the entity is doctrinal or religious in nature;

(b) the right of journalists, as laid down by law, to have access to sources of information and to the protection of professional independence and confidentiality, and the right to elect editorial boards;

(c) the right to found newspapers and any other publications without the need for any prior administrative authorisation, financial guarantee or qualification ..."

Article 79

Physical education and sport

"1. Everyone has the right to physical education and sport.

2. In cooperation with schools and sporting associations and groups, the State is responsible for promoting, stimulating, guiding and supporting the practice and dissemination of physical education and sport, and preventing violence in sport."

B. Law no. 74/2013 of 6 September 2013 (the Sports Arbitration Court Act)

86. The relevant provisions of the Sports Arbitration Court Act read as follows:

TITLE I
Nature, jurisdiction, organisation and services

Article 1
Nature and regime

"1 - The Sports Arbitration Court (*Tribunal Arbitral do Desporto* – TAD) is an independent judicial body, specifically [independent] from public administration bodies in the field of sports and organisations that make up the sports system; it has administrative and financial autonomy.

2 - The TAD has specific jurisdiction to administer justice in relation to disputes that arise within the legal system relating to sports or that are related to the practice of sport.

3 - The TAD's income shall consist of the procedural costs charged in the proceedings in question and any other income that may be generated by its activity, specifically income from the consultation and mediation services provided for in this Law.

..."

Article 3
Scope of jurisdiction

"In ruling on the appeals and challenges provided for in the preceding Articles, the TAD shall have full jurisdiction in matters of fact and law."

Article 4
Mandatory arbitration

"1 - The TAD shall have jurisdiction to hear disputes arising from the acts and omissions of sports federations, professional leagues and other sports entities, in the context of the exercise of their respective powers of regulation, organisation, management and discipline.

2 - Unless otherwise provided and without prejudice to the provisions of the following paragraph, the jurisdiction defined in the previous paragraph covers the types of contentious remedies provided for in the Code of Procedure in Administrative Courts that are applicable.

3 - Access to the TAD is only admissible by way of appeal against

(a) decisions of the disciplinary body or ... judicial body of sports federations, in the latter case, when handed down on appeal against the decisions of a federation body other than the disciplinary body;

(b) final decisions of professional leagues and other sports entities.

..."

TITLE IV
Procedural costs in the context of mandatory arbitration

Article 76
Concept of costs

"1 - The costs of the arbitration proceedings include the arbitration fee and expenses relating to the arbitration proceedings.

2 - The arbitration fee corresponds to the amount due for the proceedings initiated by the interested party and is set according to the amount in dispute, by order of the members of the government responsible for justice and sport.

3 - The expenses relating to the arbitration proceedings shall include all expenses arising from the conduct of the proceedings, particularly arbitrators' fees and expenses incurred in the production of evidence, as well as other expenses ordered by the arbitrators."

Article 77
Arbitration Fee

"1 - The amount in dispute shall be determined in accordance with the Code of Administrative Court Procedure.

2 - The arbitration fee shall be reduced to 95% of its value when the party submits all procedural documents by the available electronic means.

3 - The arbitration fee is borne entirely by the parties and by each of the opposing parties, and must be paid by bank transfer to the bank account of the Court of Arbitration for Sport, along with the submission of the initial application, the defence, and the opposing parties' statement of case.

4 - The amount of the final costs of the arbitration proceedings and any apportionment between the parties shall be determined in the arbitral award issued by the Court of Arbitration for Sport.

5 - The final bill shall be delivered to the parties after notification of the decision, and each party, where appropriate, shall pay the amounts exceeding the fee [which was] previously paid, within 10 days of such notification.

6 - A party's costs are paid directly by the losing party to the winning party."

C. The Disciplinary Regulations of the Portuguese Professional Football League

87. The Portuguese Professional Football League is a private law association formed by the clubs that participate in professional competitions. It holds the status of public utility (*estatudo de utilidade pública*) since Order no. 10902/2020, issued by the Council of Ministers on 20 October 2020. At the material time, the relevant provisions of the Disciplinary Regulations of the Portuguese Professional Football League were as follows:

Article 1
Purpose

"1. The present Regulations govern the public disciplinary powers exercised in connection with football competitions organised by the Portuguese Professional Football League."

Article 3
Subjective scope of application

"1. These Regulations apply to all sports officials who, in any capacity or for any reason, exercise their duties or carry out their activities within the scope of the competitions organised by the Portuguese Professional Football League."

Article 4
Definitions

"1. For the purposes of these Regulations, the following definitions apply:

(a) 'club[s]' - sports clubs and associations;

(b) 'sports official[s]' - club managers and other club officials, workers and employees, [as well as] players, coaches, assistant coaches, members of the refereeing team, referee observers, Portuguese League delegates, public security officers, security coordinators, sports ground attendants, doctors, masseurs, stretcher bearers from emergency and medical services, firefighters, civil protection representatives, ball catchers, pitch-side reporters and photographers, and, in general, all individuals who perform duties or hold positions within the scope of the competitions organised by the Portuguese Football League and are accredited in this capacity, as well as members of the governing bodies, permanent technical bodies, and any committees of the Portuguese Football Federation (PFF) and the Portuguese League;

(c) 'club managers' - members of [a club's] governing bodies and [its] managers, and any other officials or employees who, regardless of their contractual relationship, fulfil management, leadership or coordination duties within the [club's] organisational structure, as well as [its] representatives;

(d) 'official' - any person who fulfils any position or duty in a club in a professional capacity, regardless of the legal nature of [his or her] relationship with the club, even if [he or she] serve[s] in that position or [performs that] duty on a part-time basis."

Article 17
Concept of a disciplinary offence

"1. A disciplinary offence is considered to be any voluntary act or omission, even if it is merely unintentional, that violates the general or special duties set out in the sporting regulations and other applicable legislation.

2. Objective disciplinary liability applies in the cases expressly provided for."

Article 19
General duties and obligations

"1. Individuals and entities subject to the rules set out in these Regulations must conduct themselves in accordance with the sporting principles of loyalty, integrity, truth and propriety in all matters concerning sporting, economic or social relations.

2. The [individuals and entities] referred to in the previous paragraph are prohibited from making public statements or judgments that damage the reputation of natural or legal persons, or bodies involved in competitions organised by the League, [or] other sporting bodies; [they are also prohibited from] making announcements, giving interviews or providing third parties with news or information concerning facts that are under investigation in disciplinary proceedings.

..."

Article 112
Offences against the honour and reputation of sports bodies and their members

"1. Clubs that [show] disrespect or use insulting, defamatory or rude expressions, drawings, written material or gestures directed at members of the [governing] bodies of the Portuguese Professional Football League or the Portuguese Football Federation, or at their [ordinary] members, referees, managers or other sports officials, in connection with the exercise of their duties, or directed at those [sporting] bodies themselves, shall be punished by a fine [ranging from] a minimum of 25 units of account[2] (*unidades de conta*) to a maximum of 250 units of account.

2. In the event of a repeat offence, the minimum and maximum limits of the penalty provided for in the previous paragraph shall be doubled.

3. The club shall be held responsible for any behaviour that may be disclosed by its own media outlet and via websites operated by the club, the sports association or the founding club of the sports association, either directly or through an intermediary."

Article 136
Offences against honour and reputation

"1. Managers who commit the offences provided for in Article 112(1) against members of sporting bodies, members of the referee team, managers, players, other sports officials or spectators shall be punished by suspension for a period [ranging from]

[2] The unit of account used to calculate court fees was EUR 102 at the material time.

a minimum of one month to a maximum of one year, in addition to a fine [ranging from] a minimum of 25 units of account to a maximum of 200 units of account.

2. In the event of a repeat offence, the minimum and maximum limits of the penalties provided for in the previous paragraph shall be doubled."

Article 141
Non-compliance with other duties

"Although not provided for in this section, other acts committed by managers which constitute a violation of regulatory provisions shall be punishable by a fine [ranging from] a minimum of 3 units of account to a maximum of 25 units of account."

D. The Code of Civil Procedure

88. The relevant provisions of the Code of Civil Procedure read as follows:

Article 696

"A decision that has become *res judicata* may be the subject of an application to reopen proceedings [*recurso de revisão*] only where

...

(f) it is incompatible with a final decision given by an international appeal body and by which Portugal is bound."

E. Case-law of the Supreme Administrative Court

89. In a judgment of 26 February 2019 (no. 066/18.7BCLSB) concerning tweets criticising a referee's performance which had been posted on a football club's official X (formerly known as Twitter) account, the Supreme Administrative Court held:

"By criticising the fixture in those terms and accusing the referees of illegal acts, the referees are being targeted on a personal level; when dishonourable accusations are made about the way they refereed the matches in question, implying that their performances were not in accordance with the criteria of neutrality, objectivity and impartiality, their good name and reputation are deliberately called into question.

In addition, it is claimed that 'during this fixture' there were events similar to the alleged cases of corruption in the 'Golden Whistle' case, [which implies an accusation] of behaviour similar to [that of] the referees. In other words, the referees are being accused, in a personal capacity, of behaviour that could be seen as indicative of corruption, calling into question their right to a good name.

These accusations not only affect the referees involved, but also have the potential to generate growing disrespect for refereeing and, more generally, for the authority of the institutions and bodies that regulate, manage and discipline football in Portugal. It is necessary to punish insulting, defamatory or crude behaviour to prevent violence in sport, since such accusations encourage violent behaviour and undermine sporting ethics, which constitute the value[s] protected by the rules in question.

In brief, the written material criticise[s] the 'fixture' and the corresponding games by directing insulting and defamatory statements at the referees involved – remarks that exceed the limits of what should be freedom of expression as provided for in Article 37 §§ 1 and 2 of the Constitution of the Portuguese Republic – [thereby] calling into question [those] referees' right to a good name."

90. In a judgment of 4 June 2020 (no. 0154/19.2BCLSB) concerning the publication of an article in a football club's newsletter which had stated that referees had deliberately made mistakes in order to favour a particular team, the Supreme Administrative Court held:

"The text was not therefore limited to pointing out errors of judgment made by the referees, given that it states that they acted with the deliberate intention of making mistakes and favouring the opposing team, thereby accusing them of unlawful and therefore dishonourable behaviour. In fact, by stating that the referees did not officiate those matches in accordance with the criteria of impartiality, objectivity and neutrality by which they are bound, the text insinuates that they were corrupted by the rival club, thus deliberately calling into question their good name and reputation.

...

Naturally, freedom of expression and information does not protect such accusations when they are not supported by facts proven in court or [are not] objectively verifiable, since this freedom is not absolute and must be subject to the restrictions necessary to safeguard other fundamental rights, such as the personality rights inherent in the honour and reputation of [natural and legal] persons, guaranteed by Article 26 § 1 of the Constitution.

The provisions of Articles 19 and 112 of the Disciplinary Regulations of the Portuguese Football League are not therefore unconstitutional, nor can they be interpreted as meaning that freedom of expression and information takes precedence over the honour and reputation of all those who take part in sporting competitions organised by the Portuguese Professional Football League, in particular the referees [involved in those competitions]; this is especially true because the freedom of expression and information of independent media outlets is not at stake, but rather that of a club's own media outlet. It should also be added, in line with what was decided in the judgment of this section of 26 February 2019, that strict respect for the duties of loyalty, integrity, truth and propriety inherent in the disciplinary framework established by the rules under review is essential to prevent violence in sport, which is also a constitutional value that justifies the restriction of the freedom of expression and information of sports clubs, in accordance with Article 79 § 2 of the Constitution.

...

[From a disciplinary perspective,] not only is it [legally] permissible, but it is also necessary to react whenever clubs go beyond the strict scope of mere information or opinion and offend the honour and reputation of referees and all those who take part in sporting competitions organised by the Portuguese Professional Football League. Therefore, and without the need for further consideration, it is concluded that the disciplinary sanction was correctly applied by the Disciplinary Council of the PFF ..."

THE LAW

I. *LOCUS STANDI*

91. The Court notes that Ms Cláudia Cristina Esteves Campo Pinto da Costa, the second applicant's widow, expressed her intention to pursue the application on behalf of the second applicant, who had died in the course of the proceedings (see paragraph 4 above). The Government did not comment on this matter. Having regard to the close family ties and her legitimate interest in pursuing the application, the Court accepts that the deceased applicant's heir may pursue the application in his stead (see, amongst many other authorities, *Malhous v. the Czech Republic* (dec.) [GC], no. 33071/96 ECHR 2000-XII, and *Pais Pires de Lima v. Portugal*, no. 70465/12, § 39, 12 February 2019). The Court will therefore continue to deal with the application at the heir's request. However, for practical reasons, Mr Jorge Nuno Lima Pinto da Costa will continue to be referred as "the second applicant" in the present judgment (see *Dalban v. Romania* [GC], no. 28114/95, § 1, ECHR 1999-V).

II. JOINDER OF THE APPLICATIONS

92. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

III. ALLEGED VIOLATION OF ARTICLE 10 OF THE CONVENTION

93. The applicants complained that the disciplinary sanctions imposed by the domestic authorities had infringed their right to freedom of expression as guaranteed by Article 10 of the Convention, which reads as follows in its relevant parts:

> "1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority ...
>
> 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others ..., or for maintaining the authority and impartiality of the judiciary."

A. Admissibility

94. The Court notes that the applications are neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. They must therefore be declared admissible.

B. Merits

1. The parties' submissions

(a) The applicants

95. The applicants submitted that the disciplinary sanctions imposed on them had amounted to an interference which had seriously undermined their right to impart information and ideas about the performance of referees, which was, in their view, a matter of public interest to football club members, fans, sympathisers and the general public. While acknowledging the legal basis and the legitimate aim underlying the impugned interference, they stated that it had been unnecessary in a democratic society. They contended that referees who participated in First League matches had to be regarded as public figures, in view of their public exposure and importance in the world of football. Likewise, they maintained that sporting bodies such as the PFF should also be considered public figures, in view of their public mission and functions.

96. The applicants further argued that they had merely expressed value judgments rooted in a solid factual basis, and complained that the domestic authorities had not made a proper assessment of all the interests at stake in accordance with the criteria laid down in the Court's case-law. In particular, they maintained that the domestic courts had failed to take into account the wider context, to ascertain whether there was a sufficient factual basis underlying the impugned statements, and to properly distinguish between factual statements and value judgments.

97. Furthermore, the applicants argued that the sanctions imposed on them had a potential chilling effect and reflected a deeply rooted belief held within the PFF that the right to criticise in the context of football was almost non-existent, in order to safeguard sporting principles and ethics, and the credibility and integrity of sporting bodies. As a result, they submitted that the interference in question had not been proportionate to the legitimate aim pursued, and therefore had not been "necessary in a democratic society".

(b) The Government

98. The Government acknowledged that the disciplinary sanctions imposed on the applicants might have constituted an interference with their right to freedom of expression. However, they explained that the interference had been based on the provisions of the Disciplinary Regulations (see paragraph 87 above) and had therefore been "prescribed by law". The Government further submitted that the provisions in question were aimed at protecting the reputation and rights of others, and safeguarding public order and public safety, by ensuring a peaceful, healthy and non-violent environment in sports. They therefore maintained that the interference had

pursued legitimate aims under Article 10 § 2 and had been necessary in a democratic society.

99. The Government also acknowledged that the public debate surrounding refereeing in football was a matter of general public interest. They noted that referees, players, football club managers and the heads of sports organisations were subject to substantial public exposure, thereby attaining a level of fame which distinguished them from private citizens. Nevertheless, they contended that the impugned statements, by implying that referees had intentionally manipulated match outcomes, had cast serious doubt on those referees' integrity and impartiality; some of the statements had even suggested potential criminal conduct. The Government asserted that such statements constituted value judgments which went beyond the bounds of objective criticism and lacked a factual basis, amounting instead to defamatory allegations unworthy of protection under freedom of speech.

100. The Government further alluded to the special duties and responsibilities of sports officials and football club managers, highlighting their particular position in the world of football, and noting that the statements at issue had the potential to contribute to incitement to hatred and intolerance between football clubs and their members. They also observed that, contrary to what the Court had found in *Sedat Doğan v. Turkey* (no. 48909/14, 18 May 2021) and *Naki and AMED Sportif Faaliyetler Kulübü Derneği v. Turkey* (no. 48924/16, 18 May 2021), in the present case, the domestic authorities had carried out a proper assessment of all the interests at stake in line with the criteria laid down in the Court's case-law.

101. Lastly, the Government emphasised that the prior disciplinary record of the applicant company and the second applicant had been taken into account when determining the fines imposed, and maintained that the sanctions imposed had been proportionate to the nature of the impugned statements and unlikely to produce a chilling effect on speech in the context of football.

2. The Court's assessment

(a) Whether there was interference

102. The parties did not dispute that the disciplinary sanctions in question had amounted to "interference" with the applicants' exercise of their right to freedom of expression (see paragraphs 95 and 98 above). The Court sees no reason to hold otherwise.

103. Such interference will constitute a breach of Article 10 unless it was "prescribed by law", pursued one or more legitimate aims set out in this Article, and was "necessary in a democratic society" for the achievement of those aims.

(b) Whether the interference was "prescribed by law"

104. The parties agreed that the impugned interference was "prescribed by law". The Court also notes that the interference complained of was prescribed by Articles 19, 112, 136 and 141 of the Disciplinary Regulations (see paragraphs 24, 36, 50, 62, 76 and 87 above).

(c) Whether the interference pursued a "legitimate aim"

105. The parties agreed that the interference had aimed to protect the reputation and rights of others – in the instant case, the reputation and rights of football referees and football bodies (see paragraphs 95 and 98 above). The Court accepts that it is a legitimate aim under Article 10 § 2 of the Convention (compare *Armellini and Others v. Austria*, no. 14134/07, § 45, 16 April 2015).

106. However, the Court is not persuaded by the Government's argument that the prevention of public disorder, also a legitimate aim under Article 10 § 2 of the Convention, was at stake in the present case (see paragraph 98 above) taking into account that there was only a brief reference to conduct inciting violence, conflict and indiscipline in the judgment of the Sports Arbitration Court of 30 September 2019 in relation to application no. 47902/20 (see paragraph 65 above) and the judgment of the CACS of 9 September 2021 in relation to the second applicant in application no. 3708/22 (see paragraph 83 above, compare *Perinçek v. Switzerland* [GC], no. 27510/08, § 153, ECHR 2015 (extracts); and contrast *Castells v. Spain*, 23 April 1992, § 39, Series A no. 236).

107. Having concluded that the interference was provided for by law and pursued the legitimate aim of protecting the reputation and rights of others, it remains to be established whether the interference at issue was "necessary in a democratic society".

(d) Whether the interference was necessary in a democratic society

(i) The general principles

108. The general principles concerning the question of whether an interference with the exercise of freedom of expression is "necessary in a democratic society" are well established in the Court's case-law and have been summarised in *NIT S.R.L. v. the Republic of Moldova* ([GC], no. 28470/12, § 177, 5 April 2022).

109. The Court reiterates that the right to protection of reputation is a right which is protected by Article 8 of the Convention as part of the right to respect for private life. In order for Article 8 to come into play, however, an attack on a person's reputation must attain a certain level of seriousness and in a manner causing prejudice to personal enjoyment of the right to respect for private life (see *Bédat v. Switzerland* [GC], no. 56925/08, § 72, 29 March 2016, and *Axel Springer AG v. Germany* [GC], no. 39954/08, § 83, 7 February 2012). In such instances, the Court may be required to verify

whether the domestic authorities struck a fair balance when protecting the two values guaranteed by the Convention – namely, on the one hand, freedom of expression, as protected by Article 10, and, on the other, the right to respect for private life, as enshrined in Article 8 (see *Matalas v. Greece*, no. 1864/18, § 40, 25 March 2021). In cases which require the right to respect for private life to be balanced against the right to freedom of expression, the Court considers that the outcome of the application should not, in theory, vary according to whether it has been lodged with the Court under Article 8 or under Article 10 of the Convention. Indeed, as a matter of principle these rights deserve equal respect. Accordingly, the margin of appreciation should in theory be the same in both cases (see *Couderc and Hachette Filipacchi Associés v. France* [GC], no. 40454/07, § 91, ECHR 2015 (extracts), and *Perinçek*, cited above, § 198).

110. Under Article 10 of the Convention, the Contracting States have a certain margin of appreciation in assessing whether and to what extent an interference with the freedom of expression protected by this provision is necessary. However, this margin goes hand in hand with European supervision, embracing both the legislation and the decisions applying it, even those delivered by an independent court (*Axel Springer AG*, cited above, §§ 85-86). Noting that national authorities are nevertheless better placed than the Court itself to understand and appreciate the specific societal problems faced in particular communities and contexts, or the likely impact of certain acts that they are called upon to adjudicate (*Sanchez v. France* [GC], no. 45581/15, § 189, 15 May 2023), in exercising its supervisory function, the Court's task is not to take the place of the national courts but rather to review, in the light of the case as a whole, whether the decisions they have taken pursuant to their power of appreciation are compatible with the provisions of the Convention relied on (*Von Hannover v. Germany (no. 2)* [GC], nos. 40660/08 and 60641/08, § 105, ECHR 2012).

111. The Court has identified a number of relevant criteria that must guide its assessment when balancing freedom of expression protected by Article 10 and the right to respect for private life enshrined in Article 8. These include contribution to a debate of general interest; how well known the person concerned is and the subject of the statements in question; his or her prior conduct; the method of obtaining the information and its veracity; the content, form and consequences of the statements; and the severity of the sanction imposed (see *Axel Springer AG*, cited above, §§ 89-95, and *Couderc and Hachette Filipacchi Associés*, cited above, § 93). These criteria are not exhaustive and have been transposed and adapted by the Court in the light of the particular circumstances of the case (see, for example, *Mesić v. Croatia*, no. 19362/18, § 86, 5 May 2022).

112. Furthermore, in its judgments in *Lingens v. Austria* (8 July 1986, § 46, Series A no. 103) and *Oberschlick v. Austria* (23 May 1991, § 63, Series A no. 204), the Court drew a distinction between statements of fact and

value judgments. The existence of facts can be demonstrated, whereas the truth of value judgments is not susceptible of proof. The requirement to prove the truth of a value judgment is impossible to fulfil and infringes freedom of opinion itself, which is a fundamental part of the right secured by Article 10. However, where a statement amounts to a value judgment, the proportionality of an interference may depend on whether there exists a sufficient "factual basis" for the impugned statement: if there is not, that value judgment may prove excessive. In order to distinguish between a factual allegation and a value judgment, it is necessary to take account of the circumstances of the case and the general tone of the remark, bearing in mind that assertions about matters of public interest may, on that basis, constitute value judgments rather than statements of fact (see *Morice v. France* [GC], no. 29369/10, § 126, ECHR 2015, with further references therein).

113. The nature and severity of the sanctions imposed are also factors to be taken into account when assessing the proportionality of the interference. As the Court has previously pointed out, interference with freedom of expression may have a chilling effect on the exercise of that freedom. The relatively moderate nature of a fine does not suffice to negate the risk of a chilling effect on the exercise of freedom of expression (see *ibid.*, § 127).

114. Lastly, where the balancing exercise between the rights under Article 8 and under Article 10 has been undertaken by the national authorities in conformity with the criteria laid down in the Court's case-law, the Court would require strong reasons to substitute its view for that of the domestic courts (see *Danileţ v. Romania* [GC], no. 16915/21, § 169, 15 December 2025, and further references therein). In exercising its supervisory function, the Court's task is not to take the place of the national courts, but rather to review, in the light of the case as a whole, whether the decisions they have taken fall within their margin of appreciation and are compatible with the provisions of the Convention relied on (see *Axel Springer AG*, cited above, § 86).

(ii) Application of these principles to the present case

115. Examining the nature of the impugned statements, the Court finds that they were capable of tarnishing the reputation of the referees and sporting bodies concerned, and of causing them prejudice in both their professional and social environment. Accordingly, it accepts that the accusations made attained the requisite level of seriousness to cause prejudice to the enjoyment by the referees concerned and the Refereeing Council of their rights under Article 8 of the Convention (compare, *mutatis mutandis*, *Medžlis Islamske Zajednice Brčko and Others v. Bosnia and Herzegovina* [GC], no. 17224/11, § 79, 27 June 2017; *Stancu and Others v. Romania*, no. 22953/16, § 121, 18 October 2022; and *Sytnyk v. Ukraine*, no. 16497/20, §§ 108-109, 24 April 2025). The Court must therefore ascertain whether the domestic authorities struck a fair balance between the two values guaranteed by the Convention –

namely, on the one hand, the applicants' freedom of expression, as protected by Article 10, and, on the other, the right to respect for reputation of the referees concerned and the Refereeing Council, under Article 8 (concerning the reputation of a legal entity, see *Freitas Rangel v. Portugal*, no. 78873/13, § 53, 11 January 2022).

(α) Contribution to a debate of public interest

116. The parties agreed that the matter at issue had been of public interest (see paragraphs 95 and 99 above). The Court also finds that the matter under discussion was of public interest, in that it concerned the possible manipulation of sports competitions and fraud (compare *Armellini and Others*, cited above, § 44). Moreover, the public debate surrounding questions of bias and the lack of impartiality in football was very intense at the material time and widely discussed in the media, including by the governing bodies of the PFF; those bodies, while acknowledging mistakes, also noted the existence of an environment of suspicion and incitement to hatred (see paragraphs 11-13 above; compare *Colaço Mestre and SIC – Sociedade Independente de Comunicação, S.A.*, cited above, § 27).

(β) How well known the persons and entities concerned are

117. The applicants stated that referees and sporting bodies should be considered public figures. The Government also acknowledged that football referees and the heads of sporting bodies were subject to substantial public exposure on account of their special role in the context of football (see paragraphs 95 and 99 above).

118. The Court is of the opinion that referees participating in high-ranking football competitions are indeed subject to a degree of public exposure, in the light of their central role in football matches, the effect of their decisions and the high level of public attention they receive. Consequently, the Court finds that when referees are acting in this capacity, they may be subject to wider limits of acceptable criticism than ordinary citizens (see, *mutatis mutandis*, *Janowski v. Poland* [GC], no. 25716/94, § 33, ECHR 1999-I; *July and SARL Libération v. France*, no. 20893/03, § 74, ECHR 2008 (extracts); and *Morice*, cited above, § 131) and may thus be expected to endure harsh criticism, even if it is hostile in tone. The Court finds that this reasoning can also be applied, *mutatis mutandis*, to refereeing bodies on account of the tasks entrusted to them in the context of football.

119. The Court further notes that the impugned statements did not appear to relate directly to the referees' private lives, but rather to their professional conduct and public performance as referees (compare *Colaço Mestre and SIC – Sociedade Independente de Comunicação, S.A.*, cited above, § 28). In the light of these considerations, a higher threshold for restricting the right to

freedom of expression would, prima facie, be applied in the present case (see, *mutatis mutandis*, *Axel Springer AG*, cited above, § 91).

(γ) The content, form and consequences of the impugned statements

120. The Court notes that almost all of the applicants' statements were made in the aftermath of football matches between Portuguese clubs, including F.C. Porto and Benfica (see paragraphs 10, 18, 19, 33, 34, 45, 72 and 73 above); they were made in media affiliated with F.C. Porto (see paragraphs 9, 14, 18, 19, 33, 34, 45, 60 and 72 above), and were reproduced or reiterated in other football newspapers (see paragraphs 15, 16, 46, 47 and 73 above).

121. In their statements, the applicants started by criticising the technical performance of the referees involved and what they perceived to be blatant mistakes (see paragraphs 18, 33, 34, 45, 60 and 73 above). The Court points out that such critical remarks are commonly made in the context of football, where incidents during a match often give rise to varying and contested interpretations and opinions, often influenced by club affiliations, such as the applicants' connections with F.C. Porto in the present case.

122. However, the applicants were not sanctioned for that criticism, but for breaching the right to honour and reputation of referees and sporting bodies. The Disciplinary Council sanctioned them for the allegations which they had made about corruption and match manipulation (see paragraphs 14-16, 33-34, 45 and 72-73 above), and, as regards application no. 47902/20, for their allegations about a lack of impartiality (see paragraph 60 above). In particular, they were sanctioned on account of the following statements:

- as regards application no. 29978/19 (the first applicant), for stating that "... the referees J.F., T.M. and F.V. had become international referees because of a monster [which had been] ... created to control the referees and thus the outcome of competitions", and that there was "no doubt about there being a backdrop to this, a [puppet master] which [went] by the name Benfica" (see paragraph 24 above);

- as regards application no. 37235/19 (the applicant company), for its insinuations that an "octopus" and a "monster" controlled Portuguese football and the Refereeing Council (see paragraphs 24 above);

- as regards application no. 34185/19 (the first applicant), for stating that the referee N.A. had acted "in cahoots with Benfica" and that "sporting truth [had been] grossly tampered with by the referee N.A." (see paragraph 36 above);

- as regards application no. 29703/19 (the first applicant), for stating that the referee J.F. had "completed the hat trick", that referee teams had influenced the results of matches following a meeting between Benfica and the Refereeing Council, and that the results of the matches were a

"consequence of the pressure, of the coercion that Benfica [wa]s applying to referees" (see paragraphs 50 and 54 above);

- as regards application no. 47902/20 (the applicant company), for stating that the referee B.P. "seem[ed] to have an issue with impartiality, and this m[ight] and should lead to his withdrawal from the matches which w[ould] decide the championship" (see paragraphs 62 and 71 above);

- as regards application no. 3708/22 (the second applicant), on account of several allegations of corruption and match manipulation made in respect of the refereeing system (see paragraphs 76 and 83 above).

123. The Court observes that after conducting a detailed assessment of the disputed facts and the context in which the statements had been made, the domestic courts took the view that those allegations were value judgments which had gone beyond acceptable criticism of the performance of the referees concerned and could therefore harm their honour and reputation because of their gratuitous and offensive character and the lack of an underlying minimal factual basis (see paragraphs 28, 31, 40, 43, 54, 58, 65, 68 and 69 above).

124. As regards the first applicant, in application no. 29703/19, the Court observes that in its judgment of 10 January 2019, the CACS identified what constituted admissible criticism and what did not; it explained that criticising the performance of referees, even with harsh words, was one thing, but instilling in the community, through conspiracy theories, the general idea of bias was something else (see paragraphs 36 and 58 above).

125. The parties agreed that the impugned statements constituted value judgments, but disagreed as to whether there was a minimal factual basis justifying the assertions made in those statements (see paragraphs 96 and 99 above). In view of their hyperbolic, exaggerated, metaphorical and speculative language, the Court also agrees that they can be analysed as value judgments. It remains to be examined whether the impugned statements reached a level of seriousness or gravity in view of their consequences, which requires a sufficient factual basis.

– *The level of seriousness or gravity of the impugned statements in view of their consequences*

126. As regards applications nos. 29978/19, 37235/19, 34185/19, 29703/19 and 3708/22, the Court accepts that the allegations in issue (see paragraph 122 above) were extremely serious, as they implied that criminal offences had been committed and were specific and detailed; they were also reiterated several times and addressed the persons concerned by name. It also takes the view that accusations of corruption and match manipulation can seriously damage the personal and professional reputation of referees and may have important personal repercussions, as they touch upon the core ethical principles of sports (compare *Armellini and Others*, cited above, § 45).

127. In view of these aspects, whilst not disputing that corruption is an endemic scourge which undermines citizens' trust in their institutions (see *Creangă v. Romania* [GC], no. 29226/03, § 108, 23 February 2012), the Court agrees that such allegations should have had sufficient factual basis sustaining their plausibility.

128. The Court does not take the same view as regards application no. 47902/20. In this connection, it notes that in its judgment of 2 July 2020, the Supreme Administrative Court quashed the judgment that had been given by the CACS in favour of the applicant company without analysing the nature of the statements in issue, instead referring to a similar case (see paragraphs 68 and 71 above). However, the Court cannot but observe that the impugned statements made by the applicant company simply raised the issue of the lack of impartiality of the referee B.P. (see paragraphs 60 and 62 above); they did not imply that the referee B.P. had been corrupted in order to manipulate the result of the match, only that he had "an issue with impartiality" and that this "should lead to his withdrawal from the matches". In the Court's view, those statements were value judgments about a referee's performance, which are common in the context of football competitions.

– *The existence of a solid and sufficient basis*

129. As regards applications nos. 29978/19, 37235/19, 34185/19, 29703/19 and 3708/22, the Court notes that the applicants claimed before the domestic courts that they had merely exercised their right to objective criticism, and that they had had a sufficient factual basis for their suspicions (see paragraphs 26, 29, 37, 41, 52, 56, 63, 67, 75, 77 and 82 above). However, after assessing the evidence submitted, the domestic courts found that they had not proved the reasonableness or plausibility of their allegations (see paragraphs 31, 40, 54, 58, 71 and 83 above).

130. It is true that several newspapers, commentators and even sports officials remarked that an unusual number of refereeing mistakes had been made (see paragraphs 11-12 above). However, mere refereeing errors or irregularities, even if they are numerous or repeated over time, do not constitute, on their own, sufficient evidence of the existence of the scheme alleged by the applicants. Therefore, such speculative connections or assumptions were made by the applicants and conveyed to the wider public without a minimal factual basis. The domestic courts recognised this pattern when they referred to "conjectures", "conspiracy theories" and a "narrative" (see the judgment of the CACS of 10 January 2019 quoted in paragraph 58 above).

131. Considering that as regards applications nos. 29978/19, 37235/19, 34185/19, 29703/19 and 3708/22, the applicants did not provide any evidence to substantiate their accusations of corruption and match manipulation, the Court accepts that the statements amounted to value judgments devoid of a sufficient factual basis in view of the circumstances of the cases (compare

Pais Pires de Lima, cited above, § 65). By contrast, as regards application no. 47902/20, as found in paragraph 128 above, it considers that the statements in question remained within the limits of acceptable criticism.

– *The nature and severity of the sanctions imposed*

132. As regards applications nos. 29978/19, 37235/19, 34185/19, 29703/19 and 3708/22, the Court observes that the applicants were sanctioned under the Disciplinary Regulations of a private-law association by which they had voluntarily agreed to be bound. The sanctions consisted of fines and, in respect of the first and second applicants, temporary suspensions from their duties. While the Disciplinary Council of the Portuguese Professional Football League exercises public disciplinary powers pursuant to Article 1 of its Disciplinary Regulations (see paragraphs 24, 36, 54, 76 and 87 above), it is not empowered to impose criminal penalties such as deprivation of liberty. Moreover, the sanctions were imposed on the ground that the applicants had made allegations of corruption and match manipulation concerning the Refereeing Council and individual referees without a sufficient factual basis to support their plausibility, as assessed by the domestic authorities (see paragraphs 126-127 above).

(iii) Conclusion

(α) Applications nos. 29978/19, 37235/19, 34185/19, 29703/19 and 3708/22

133. In the light of the reasoning adopted by the national courts as regards applications nos. 29978/19, 37235/19, 34185/19, 29703/19 and 3708/22, the Court concludes that they carried out an appropriate balancing exercise between the competing interests at stake, in accordance with the criteria derived from its case-law (see paragraphs 126-127 and 131 above; see also, *a contrario*, *Naki and AMED Sportif Faaliyetler Kulübü Derneği,* cited above, §§ 35-37; *Sedat Doğan*, cited above, §§ 41-42; and *İbrahim Tokmak v. Turkey*, no. 54540/16, §§ 35-36, 18 May 2021). The Court therefore discerns no strong reasons to substitute its view for that of the domestic courts (see *Axel Springer AG*, cited above, §§ 87-88).

134. Accordingly, there has been no violation of Article 10 of the Convention in respect of the applicants in these applications.

(β) Application no. 47902/20

135. In view of the considerations set out above (see paragraph 128 above) regarding application no. 47902/20, the Court concludes that there has been a violation of Article 10 of the Convention in respect of the applicant company.

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION (APPLICATION No. 47902/20)

136. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

A. Damage

137. The applicant company claimed 15,300 euros (EUR) in respect of pecuniary damage – an amount representing the fine imposed on it. It did not claim any amount in respect of non-pecuniary damage.

138. The Government contested the amount claimed, stating that the applicant company could seek the reopening of the proceedings under Article 696 (f) of the Code of Civil Procedure, which was applicable in accordance with Articles 154 and 155 of the Code of Procedure in Administrative Courts. In this regard, they referred to *SIC - Sociedade Independente de Comunicação v. Portugal*, no. 29856/13, § 75, 27 July 2021.

139. The Court considers that an applicant is, in principle, entitled to recover any sums that he or she has paid in fines and costs, by reason of their direct link with the national court judgments which the Court found to be in breach of his or her right to freedom of expression (see *Freitas Rangel*, cited above, § 67). In the present case, it finds that there is a sufficient causal link between the violation found (see paragraph 135 above) and the amount claimed in respect of pecuniary damage. Accordingly, it awards the applicant company EUR 15,300 under this head.

140. As the applicant company made no claim in respect of non-pecuniary damage, the Court is not called upon to make any award in that regard.

B. Costs and expenses

141. The applicant company claimed EUR 4,797 for its lawyer's fees, and EUR 1,668 for other costs and expenses incurred before the Disciplinary Council, the Sports Arbitration Court and the administrative courts. The applicant company submitted the relevant invoices in support of its claims. It did not make any claim in respect of costs and expenses incurred in the proceedings before the Court.

142. The Government contested the amounts claimed. They argued that the applicant company had not submitted evidence indicating that it had paid all the costs incurred before the domestic courts and its lawyer's fees.

143. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and are reasonable as to

quantum (see *Iatridis*, cited above, § 54). A representative's fees are actually incurred if the applicant has paid them or is liable to pay them. The fees payable to a representative under a conditional-fee agreement are actually incurred only if that agreement is enforceable in the respective jurisdiction (ibid., and *Merabishvili v. Georgia* [GC], no. 72508/13, §§ 370-71, 28 November 2017).

144. In the present case, regard being had to the documents in its possession and the above criteria, the Court considers it reasonable to award the total amount of EUR 6,465 claimed in respect of the lawyer's fees and costs and expenses incurred by the applicant company in the domestic proceedings, plus any tax that may be chargeable to it.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Holds* that the second applicant's widow and heir has standing to continue the present proceedings in the second applicant's stead (application no. 3708/22);

2. *Decides* to join the applications;

3. *Declares* the applications admissible;

4. *Holds* that there has been a violation of Article 10 of the Convention in respect of the applicant company in application no. 47902/20;

5. *Holds* that there has been no violation of Article 10 of the Convention in respect of the applicants in applications nos. 29978/19, 37235/19, 34185/19, 29703/19 and 3708/22;

6. *Holds*
   (a) that the respondent State is to pay the applicant company (application no. 47902/20), within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts:
      (i) EUR 15,300 (fifteen thousand three hundred euros), plus any tax that may be chargeable, in respect of pecuniary damage;
      (ii) EUR 6,465 (six thousand four hundred and sixty-five euros), plus any tax that may be chargeable to it, in respect of the costs and expenses incurred at domestic level;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 7 July 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Hasan Bakırcı Registrar	Lado Chanturia President

APPENDIX

List of cases:

No.	Application no.	Case name	Lodged on	Applicant Year of Birth/Registration Place of Residence/office Nationality
1.	29703/19	de Carvalho Marques v. Portugal	24/05/2019	**Francisco José** **DE CARVALHO MARQUES** 1966 Porto Portuguese
2.	29978/19	de Carvalho Marques v. Portugal	24/05/2019	**Francisco José** **DE CARVALHO MARQUES** 1966 Porto Portuguese
3.	34185/19	Futebol Clube do Porto, Futebol SAD and de Carvalho Marques v. Portugal	11/06/2019	**FUTEBOL CLUBE DO PORTO, FUTEBOL SAD** 1997 Porto Portuguese **Francisco José** **DE CARVALHO MARQUES** 1966 Porto Portuguese
4.	37235/19	Futebol Clube do Porto, Futebol SAD v. Portugal	24/05/2019	**FUTEBOL CLUBE DO PORTO, FUTEBOL SAD** 1997 Porto Portuguese
5.	47902/20	Futebol Clube do Porto, Futebol SAD v. Portugal	07/10/2020	**FUTEBOL CLUBE DO PORTO, FUTEBOL SAD** 1997 Porto Portuguese
6.	3708/22	Lima Pinto da Costa v. Portugal	10/01/2022	**Jorge Nuno** **LIMA PINTO DA COSTA** 1937 Porto Portuguese