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Liability of football clubs for supporters' misconduct. A study into the interaction between disciplinary regulations of sports organisations and civil law

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PREVIEW

1 Introduction and context

1.1 INTRODUCTION

*November 24, 2013, OGC Nice – AS Saint-Etienne*¹

Before and during the French *Ligue 1* match between OGC Nice and AS Saint Etienne violent clashes erupted between supporters of both clubs. During the match several dozen supporters of AS Saint-Etienne threw stones and seats in the direction of supporters of OGC Nice and attempted to invade the other section before riot police moved in to restore order.

Damage: 8 injured, 200 broken seats.

Sanction OGC Nice: EUR 15,000 fine; sanction AS Saint-Etienne: two matches without spectators, one of which conditionally.²

April 20, 2014 Dutch Cup Final PEC Zwolle – FC Ajax

The 2014 Dutch Cup Final between PEC Zwolle and FC Ajax took place in the stadium of FC Feyenoord, FC Ajax' arch rival. During the opening minutes of the match, underdog PEC Zwolle scored, after which Ajax fans threw fireworks and smoke bombs on the pitch causing damage to the pitch and an advertising sign to catch fire. The match had to be suspended for 30 minutes and again for 20 minutes after PEC scored a second goal.

Damage: EUR 70,000 in property damage.³

Sanction: withholding of damage from premiums.

April 21, 2014 Swiss Cup Final FC Basel – FC Zürich

The following day, the day of the Swiss Cup Final between FC Basel and FC Zürich, fans of the latter took to rioting in the city centre of Bern while marching to the national stadium. During the march, fans smashed windows, urinated in the streets, and threw stones and fireworks in the direction of police officers.

1 <<http://www.nicematin.com/nice/videos-incidents-a-lallianz-riviera-8-blesses-250-stephanois-evacues.1522860.html>>.

2 <<http://www.lfp.fr/corporate/article/les-decisions-du-30-janvier-2014.htm>>.

3 RTV Rijnmond, dated 12 June 2014, *Schade bekerfinale is vergoed aan Stadion Feijenoord*, <<http://www.rijnmond.nl/sport/12-06-2014/schade-bekerfinale-vergoed-aan-stadion-feijenoord>> accessed 21 September 2015.

Damage: 5 police officers injured, material damage estimated at CHF 40,000.⁴
Sanction: unreported.

*March 15, 2015, FC Union II – BFC Dynamo*⁵

During the fourth league match between Berlin rivals FC Union II and BFC Dynamo home fans wanted to storm the fan block of the guests. The match at Union's East Berlin ground was interrupted for 18 minutes as 300 home fans tried to enter the away end. Stewards and police were attacked by the fans, who were driven back with pepper spray and batons.

Damage: 112 officers injured.

Sanction FC Union Berlin: EUR 2,500 fine; sanction BFC Dynamo: EUR 3,500 fine.⁶

Football supporters' misconduct is a phenomenon that occurs often and is widely reported on in the media.⁷ The four examples above are mere illustrations. Only in the Netherlands 787 incidents occurred during the 2013/2014 season of which 471 inside the stadium site and 316 outside.⁸ The matches in the first league *Eredivisie* even saw an increase of 26% compared to the previous season. In 2015 UEFA reported over 200 incidents during its European club competitions.⁹ Although the total of damages that results from these incidents is not monitored, it is clear that they amount to significant numbers.

Much has been done in the attempt to combat the problem of football supporters' misconduct or 'football hooliganism'.¹⁰ Across Europe new legislation has been developed to prosecute individual supporters and impose measures to prevent them from causing future trouble.¹¹

4 Neue Zürcher Zeitung Online, dated 22 April 2014: "FCZ gibt Krawalltouristen Schuld", <<http://www.nzz.ch/aktuell/zueroch/uebersicht/fcz-macht-krawalltouristen-fuer-ausschreitungen-verantwortlich-1.18288271>>; accessed on 21 September 2015.

5 Der Tagesspiegel dated 15 March 2015, *Tumulte bei Viertligaspiel in Berlin*, <<http://www.tagesspiegel.de/sport/1-fc-union-ii-gegen-bfc-dynamo-tumulte-bei-viertligaspiel-in-berlin/11507206.html>>, accessed 21 September 2015.

6 FuPa.net dated 27 April 2015, *Geldstrafen für BFC Dynamo und 1. FC Union nach Derby-Ausschreitungen*, <<http://www.fupa.net/berichte/geldstrafen-fuer-bfc-dynamo-und-1-fc-union-288482.html>>, accessed 21 September 2015.

7 Both in the form of physical violence and discriminatory expressions.

8 Centraal Informatiepunt Voetbalvandalisme, *CIV Jaaroverzicht 2013-2014*, via: <<http://www.civ-voetbal.com/jaarverslagen>>, accessed 21 September 2015.

9 UEFA incidents include both crowd disturbances and the setting off /throwing of fireworks and/or other objects. Numbers were obtained from UEFA's Disciplinary and Integrity Unit.

10 On the difficulty to define this phenomenon see, Anastassia Tsoukala, 'Football Supporters' Rights: A Lost Cause?', *International Sports Law Journal* 2008/3-4, pp. 89-91; and Martin Alsiö and Peter Coenen, 'A Definition of Football Hooliganism', *Recht und Gesellschaft*, Zürich: Schulthess 2014, pp. 327-341.

11 See for example, the Football Acts in England, first enacted in 1989 and revised and supplemented in 2000 and 2006; the Swiss *loi fédérale instituant des mesures visant au maintien de la sûreté intérieure (LMSI)*, enacted in 2007. On the international level both the Council of Europe and European Union have enacted incentives as well: 1985 European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football

At the same time, national and international football governing bodies have created specific rules that hold clubs liable for the behaviour of their fan base. Based on these rules, they can impose sanctions, with the aim of preventing misconduct. This idea, on the basis of which football clubs can be held liable for the behaviour of their supporters, is the main topic of this research.

1.2 RESEARCH QUESTION AND SCOPE

The rules created by national and international football organisations hold clubs liable for their supporters' behaviour regardless of the question of culpable conduct or culpable oversight. Since their implementation, these rules have been the subject of cases before both arbitral tribunals and state courts across Europe.

In the majority of cases that deal with the liability of clubs for supporters' misconduct the main point of dispute is the validity of these liability rules as a basis for disciplinary sanctions. Coincidentally it was two Dutch clubs, *PSV Eindhoven* and *Feyenoord*, which took to challenging sanctions imposed by UEFA before the Court of Arbitration for Sport (CAS). *PSV* was held responsible for the racist behaviour of its supporters directed towards players of the opposing team, *Arsenal F.C.*, in a match in the Champions League tournament. In 2006, *Feyenoord* supporters were involved in one of the bigger riots in European football, before and during a second round UEFA Cup match against *AS Nancy-Lorraine*. In both cases the CAS recognised the legality of the strict liability rule laid down in the Disciplinary Regulations of UEFA which, at the time, provided that:

- (1) member associations and clubs are responsible for the conduct of their players, officials, members, supporters and any other persons exercising a function at a match on behalf of the association or club; and that (2) the host associations or clubs are responsible for order and security both inside and around the stadium before, during and after the match.¹²

The doctrinal debate in different jurisdictions on the legality of this and similar liability rules has remained focused on the disciplinary liability with the issue of the compensation of the damage caused before, during and after football matches taking a backseat. Nevertheless, there have been cases in which the civil liability of football clubs related to supporters' misconduct has been addressed by national courts. An example is the *Fuster* case, in which *Olympique Lyonnais* was brought before the court after a young man died after

Matches; EU Council Decision 2002/348/JHA of 25 April 2002 concerning security in connection with football matches with an international dimension.

¹² See for the current rules, Chapter 4 below.

having sustained injuries from fireworks during a match against *Olympique Marseille*.¹³ The club was held liable for breaching its contractual obligation of safety as it failed to provide appropriate security measures to avoid the occurrence of incidents. Against the backdrop of the two types of cases that address the liability of football clubs for their supporters' misconduct – disciplinary and civil – a number of questions arise.

Are the judgments in these two types of cases in line with each other, with respect to the appreciation of the applicable rules and sanctions? Are the same types of rules applied in both situations? Can disciplinary rules be applied in civil-law cases? Is the same behaviour evaluated differently in cases of disciplinary liability and civil liability? Is there room for the national court to assess the civil liability of football clubs after a sanction has been imposed? When assessing the civil liability of clubs, do national courts refer to relevant rules in sports regulations? And if not, should they?

To summarise, the underlying focus of this research is

the interaction between the disciplinary regulations of national and international football associations and civil law regarding the liability of clubs for supporter's misconduct.

The topic of liability of football clubs for supporters' misconduct touches many areas of civil law, including association law, arbitration law, contract law and tort law. In addition, the phenomenon of supporters' misconduct as such raises many questions in relation to the liability of the individual supporters, including the causes of such behaviour as well as effects of measures.

The extent of the research topic thus makes it necessary to limit its scope. This limitation is primarily guided by the research question defined above. As a result, more sociological questions related to the causes of supporters' misconduct have been excluded, as have questions related to the effects of preventative and repressive measures. As the topic is limited to the liability of clubs, questions related to the liability of the individual supporters have also been excluded. The same holds for issues of criminal law.¹⁴

In order for the subject matter to stay manageable, it was further decided to exclude any questions in relation to compensation, as well as insurance matters and joint liability of different actors involved. Although both are

13 TGI Lyon 25.06.1986 (Consorts Fuster c. L'Olympique Lyonnais et autre.), *Recueil Dalloz* 1986, p. 617 note Gérard Sousi; La semaine juridique 1990 II, no. 21510, note Pierre Collomb. Appeal from Olympique Lyonnais rejected: Cass. Civ. 112.06.1990, n° 89-11.815, via: <<http://www.legifrance.gouv.fr>>.

14 For a criminal-law perspective on the topic, see Aude Bichovsky, *Prévention de la violence commise par les spectateurs lors de manifestations sportives. Études des mesures préventives et de la responsabilité de l'organisateur à la lumière du droit comparé, du droit suisse et du droit associatif* (diss. Lausanne), Basel: Helbing Lichtenhahn 2009.

interesting and relevant matters, elaboration on these topics would go far beyond what is needed to answer the research question.

In addition, it is necessary to provide an introduction to the relevant concepts of foreign law as in any research with a comparative component. However, an exhaustive examination of foreign law is neither feasible nor desirable. The discussion on foreign law has therefore been restricted to those components relevant to answering the main research question.

1.3 METHODOLOGY AND DEFINITIONS

Reflections of the author

February 2012 – I first became acquainted with the methods of legal research during my Master courses in philosophy of science and research methods for lawyers. Or rather, we extensively discussed articles on the scientific nature of legal research and took classes with several staff members of the university who discussed their own research. After about three full-time months into my dissertation research the question resurfaced. However, more reading on the topic only complicated matters further.

According to the ‘Tilburg theory’, there are three minimum requirements for a methodologically sound justification: a clear-cut and justified research problem, careful utilisation of resources and the consistent presentation of the results.¹⁵

In short, I was forced to ask myself: what exactly am I doing? I am well aware that my method is referred to as traditional legal analysis.¹⁶ But what does that mean? There is no clear description of this method. According to Westerman and Wissink, academic legal research consists of identifying relevant legislation and case law, historical research into their development, reflecting upon applied arguments and presenting one’s own arguments.¹⁷ This explanation is quite accurate; I identify, reflect and write. However, I suspect that this is not a method that NWO (the Netherlands Organization for Scientific Research) has in mind under the heading ‘research methods’ in its funding application forms. In his thesis on the justification of methodological choices in legal dissertations, Tijssen, too, has trouble figuring it out.

15 R. van Gestel en J. Vranken, ‘Rechtswetenschappelijke artikelen. Naar criteria voor methodologische verantwoording’, *NJB* 2007, pp. 1448-1461.

16 In Dutch the term ‘*juridische dogmatiek*’ is used. J.B.M. Vranken, *Mr. C. Asser’s handleiding tot de beoefening van het Nederlands burgerlijk recht. Algemeen deel*****, Kluwer 2014.

17 P.C. Westerman en M.J. Wissink, ‘Rechtsgeleerdheid als rechtswetenschap’, *NJB* 2008, p. 507.

“Binnen elk vakgebied en zelfs binnen de hele discipline is bekend hoe juridische teksten worden geanalyseerd en wordt de motivering van uit de analyse voortvloeiende ‘juridische’ keuzes bepaald door de sterkst naar voren gebrachte argumenten. (...) Toetsingskaders worden gebruikt, maar nooit geoperationaliseerd.”¹⁸

As a result of my reflection from February 2012 – which was revisited a number of times over the course of the project – the explanation of the research methodology in this section only answers the question: what have I done and why?

Justification of methodological choices

To answer the research questions outlined it was decided to take a comparative and transnational approach.¹⁹ The reasons for this choice are as follows. First, the issue of supporters’ misconduct including its related legal implications is prevalent all over Europe. By limiting the research to one jurisdiction, there is a risk that the solutions of this research will be equally limited. In addition, the availability of materials and case law on the main research topic is limited. By combining the findings from different jurisdictions, a more comprehensive overview of the problem emerges, ultimately allowing for a stronger foundation of the outcomes.

However, the goal of this research is not to provide a comparative overview, but rather to allow for a transnational approach which is inspired by the outcomes of the comparison between the laws of different countries.

This research includes comparison of the law in England, France, Germany, the Netherlands and Switzerland. The selection of these jurisdictions was determined by the following reasons.²⁰ Both Germany and France were chosen because of the existing case law on the liability of football clubs in these countries. In addition, the scarce legal discourse in relation to the main subject has primarily been conducted by German and French authors. Switzerland has been chosen because of its practical importance. Most international sports federations, including the International Olympic Committee, UEFA and FIFA, are seated there, which results in the applicability of Swiss law to virtually all decisions made by international federations, including the imposition of disciplinary sanctions. As a result of this practical importance, the legal discourse on sports law has been well developed in Switzerland. England, as

18 “In all fields and even across the whole discipline it is known how legal texts are analysed and how the reasoning resulting from ‘legal’ choices is determined by the strongest arguments put forward. (...) Testing frameworks are used, but never operationalised.” Hervé Tijssen, *De juridische dissertatie onder de loep* (diss. Tilburg), Boom Juridische uitgevers 2009, p. 184.

19 “Transnational law may refer to any law that transcends nation states”. Mathias Siems, *Comparative Law*, Cambridge: Cambridge University Press 2014, p. 249.

20 Naturally, the selection was also partly influenced by the linguistic abilities of the author.

a common-law jurisdiction, was chosen as a contrast to the civil-law jurisdictions. The fact that England has played a profound role in the development of organised sports in general and football in particular was an additional reason for inclusion. Finally, the Netherlands was included as it is the jurisdiction of the author's primary legal training. In addition, the fact that two landmark cases before the CAS include Dutch clubs could be a coincidence, but is also a testament to the extent of the problem of supporters' misconduct in the Netherlands.

It is important to note, however, that there is not one method of practising comparative law. The ultimate method depends on the research question to be answered.²¹ As briefly mentioned above, that ultimate method used to carry out this research is traditional legal analysis.²² In other words, legal analysis of laws, regulations, literature and case law, directly or indirectly related to the research topic. This analysis has been used to identify and describe the existing law in relation to the liability of football clubs for supporters' misconduct as well as to reflect on the normative question of what ought to be the law. To identify relevant arguments for and against the different possible outcomes, the comparative method was used.²³

With regard to the literature, sources consulted included general literature on disciplinary law, sports arbitration law, and literature on the requirements of liability in contract law and tort law. Authors whose reference works were useful in the comprehension of foreign law include Van Dam, Le Tourneau, Werro and Palmer, and the many authors of the various commentary works in Germany and Switzerland.²⁴ In regard to the liability of football clubs, this study was inspired by and builds on reflections of Haas and Jansen, Haslinger, and Walker *et al.*²⁵ Other works that were often consulted and which inspired the issue of the application of private regulations in civil law are the monographies of Giesen on alternative forms of regulations and Vranken on the legal practitioner's reasoning in civil law.²⁶

21 Jan M. Smits, 'Rethinking methods in European private law', in: Maurice Adams and Jacco Bomhoff (eds.), *Practice and Theory in Comparative Law*, Cambridge: Cambridge University Press 2012, p. 184.

22 See above for reflections on this method.

23 Compare Jan M. Smits, 'Rethinking methods in European private law', in: Maurice Adams and Jacco Bomhoff (eds.), *Practice and Theory in Comparative Law*, Cambridge: Cambridge University Press 2012, p. 178.

24 Including the Staudinger Kommentar, Münchener Kommentar, Berner Kommentar and Commentaire Romand.

25 On the basis of the contributions of these authors, the remaining gaps in the research on the civil liability of football clubs for supporters' misconduct became apparent.

26 I. Giesen, *Alternatieve regelgeving en privaatrecht*, Deventer: Kluwer 2007; J.B.M. Vranken, *Mr. C. Asser's handleiding tot de beoefening van het Nederlands burgerlijk recht. Algemeen deel****, Kluwer 2005.

With regard to case law, a sincere attempt has been made to find and analyse all cases in which the liability of football clubs for supporters' misconduct has been evaluated by a court. Consulted in this effort were handbooks on sports law, sports law journals (most importantly *Causa Sport*, *Zeitschrift für Sport und Recht*, *Cahiers de droit du sport*, *International Sports Law Journal*), case law databases (Beck online, dejure.com, Dalloz, ArianeWeb, Legifrance, Legal Intelligence, rechtspraak.nl, Westlaw UK, Swisslex), as well as other scholars to confirm findings or lack thereof.

The materials themselves have been consulted in a variety of places, including the libraries of Leiden University, the Centre Internationale d'Études de Sport (CIES) in Neuchâtel, the Peace Palace Library The Hague, and the Swiss Institute of Comparative Law in Lausanne. The majority of materials was to be found in German, French and English. Translations are mine, unless otherwise indicated.

Furthermore, in the same way as legislature and the judiciary have to take into account practical arguments, this holds for conducting research in law. Therefore, informal correspondence with certain stakeholders was sought in order to gain more insight into the effects of the current regulations in practice.²⁷ This constituted a personal check only without the pretention of obtaining any empirical findings. Furthermore, as all correspondence was confidential, it was not given any further importance in the research.

Definition of terms

A number of terminological choices have been made throughout this research. First, this study uses the descriptive terms 'supporter' and 'fan' interchangeably. The term 'misconduct' was chosen as a catch-all to include all forms of physical and verbal violence. Secondly, the terms 'organising club' and 'visiting club' were selected to distinguish between two opposing clubs. These terms are interchangeable with the terms 'home club' and 'away club' which appear in some referenced materials. When referring to tort law, both the terms fault liability and negligence are used. Express mention is made when this latter term refers to the tort of negligence in English law.

1.4 STRUCTURE OF THE THESIS

This thesis is divided into two parts.

Part I aims to introduce the research topic and answer some preliminary questions. International and national sports organisations have created extens-

²⁷ Including UEFA, a national federation, the owner of a large stadium, and a first-league club.

ive regulatory frameworks to govern their activities. Associated athletes and clubs are required to comply with the rules set by these organisations. If they do not abide by the rules, a disciplinary sanction can be imposed. The two chapters in this part examine; (1) in what way the regulation of sports is organised on the international level as well as the status of disciplinary regulations according to the laws of various European countries; and (2) the options that are available to clubs and athletes to have a disciplinary sanctions imposed by sports federations be reviewed.

The research presented in these chapters was published previously in two separate articles in peer-reviewed journals.²⁸ As a result, the research on these chapters was closed at an earlier date. In the absence of major developments since the research on the chapters was closed, there was no need to process many additional materials. Only in Chapter 3 was one case added to provide an exhaustive picture.²⁹ However, in the two chapters the word 'article' has been replaced by 'chapter' in order to facilitate reading of the complete research. Furthermore, a single paragraph – which explained the research method – has been omitted from both chapters.

Part II analyses and develops the grounds on which football clubs can be held liable for damage resulting from their supporters' misconduct. The role of disciplinary regulations of national and international football organisations in relation to this liability plays an important role. The question that this part aims to answer is: can football clubs be held liable for improper behaviour of their supporters according to national civil law? And what roles do disciplinary regulations of football associations play in this regard? In Chapter 4, a case study is performed to gain insight into the disciplinary liability of clubs. In order to establish whether the strict liability rule, as it is used in disciplinary matters, is also equipped to deal with the handling of damages, it is important to deconstruct the application of the rule in practice as well as analyse the criticism it has spurred. This will provide insight into the potential issues regarding the liability for supporters' misconduct in civil law. Chapter 5 focuses on the various possible grounds for civil liability of football clubs for supporters' misconduct. Civil liability, whether based on contract or tort, generally requires the club to have breached the standard of care. Case law will be analysed in order to determine this standard for a number of different situations, including misconduct inside the stadium, misconduct of the visiting team, damage outside the stadium and misconduct in the form of racist acts. In Chapter 6 the focus shifts to the interaction between the two forms of

28 Rosmarijn van Kleef, 'The legal status of disciplinary regulations in sport', *The International Sports Law Journal*, 2014/1-2, pp. 24-45, published online 18 December 2013, DOI 10.1007/s40318-013-0035-z; Rosmarijn van Kleef, 'Reviewing Disciplinary Sanctions in Sports', *Cambridge Journal of International and Comparative Law* 2015 Vol. 4 Issue 1, pp. 3-28, DOI:10.7574/cjicl.04.01.3.

29 See Chapter 3.3.2.3.

liability. The main underlying question is whether the standard that is set in the private disciplinary regulation – the strict liability rule – can be transposed to civil law. Hereto, it will be analysed what role private regulations in general play in the determination of the standard of care. With regard to the potential application of a strict liability rule, it is also necessary to investigate the potential of such a concept in the current legal framework.

To conclude, Chapter 7 consists of a synthesis of the research findings and some recommendations to the legislature, judiciary, clubs and football's governing bodies.

As mentioned above, the different parts of the research were conducted at different times. The research on Chapters 2 and 3 was concluded in December 2013 and February 2015. This research on Chapters 4 to 6 was concluded on 1 October 2015. Developments after these dates have only been included in exceptional cases.

1.5 ADDED VALUE AND OBJECTIVE OF THE RESEARCH

This thesis is a complement to existing research. Previous research has been conducted regarding the disciplinary liability of clubs in France, Germany and Switzerland.³⁰ This research will compile the cases from multiple jurisdictions, adding a conceptual approach by taking the interaction of legal systems as a perspective.

With regard to the civil liability of football clubs for supporters' misconduct, existing research is scarce and always nationally oriented.³¹ Although it is clear that individual supporters could be held liable, there is a great risk they cannot be identified or are insolvent. This research will clarify whether and under what circumstances those that have suffered damage as a result

30 In France this research is limited to case notes following a number of judicial decisions: Mathieu Maisonneuve, 'Violence des supporters et responsabilité disciplinaire des clubs, note sous CE 29 octobre 2007', *Recueil Dalloz* 2008, pp. 1381-1385; Mikaël Benillouche and Julien Zylberstein, 'La responsabilité des clubs de football du fait de leurs supporters: une occasion manquée', *Gazette du Palais* mai-juin 2007, pp. 1545-1546. Germany and Switzerland: Ulrich Haas and Julia Jansen, 'Die verbandrechtliche Verantwortlichkeit für Zuschauerausschreitungen im Fussball', in: Oliver Arter and Margareta Baddeley, *Sport und Recht. Sicherheit im Sport*, Bern: Stämpfli Verlag AG 2008, pp. 129-159; Bastian Haslinger, *Zuschauer-ausschreitungen und Verbandssanktionen im Fußball* (diss. Zurich), Baden-Baden: Nomos 2011.

31 Germany: Martin Dippel, *Zivilrechtliche Haftung für Rassismus bei Sportveranstaltungen: am Beispiel des Fußballsports* (diss. Göttingen), Hamburg: Kovač 2011. Switzerland: Jacques Bondallaz, *La responsabilité pour les préjudices causés dans les stades lors de compétitions sportives* (diss. Fribourg), Bern: Stämpfli 1996; Benoit Chappuis, Franz Werro and Béatrice Hurni, 'La responsabilité du club sportif pour les actes de ses supporters', in: Pierre-André Wessner et al., "Pour un droit équitable, engagé et chaleureux." *Mélanges en l'honneur de Pierre Wessner*, Basel: Helbing Lichtenhahn 2011, pp. 65-110. András Gurovitz, 'Die zivilrechtliche Haftung für Zuschauerverhalten', *Causa Sport* 2014, pp. 267-276.

of supporters' misconduct can turn to the football club for compensation. In addition, this research is the first research to provide a comprehensive transnational overview in the English language on sports disciplinary regulations in general and the liability of football clubs for supporters' misconduct in particular in connection with civil law.

Furthermore, this research provides new insights into the position and interaction of private regulations of sports organisations – such as disciplinary liability rules – and their application in civil law. The interaction between private regulations and national civil law is not only relevant in the field of sports, but in many sectors of society. It is hoped that this research will provide understanding of and new insights into how the different rules interact, allowing for responsible decision-making regarding the enforcement of the existing rules or the creation of new rules in regard to the liability of football clubs for supporters' misconduct.

