

Appeal Committee

FIFA[®]

Date: 28 July 2024

Sent to:
The Canadian Soccer Association
Via the FIFA Legal Portal

Cc:
CONCACAF

Ms. Beverly Priestman
c/o Mr. Layth Gafoor

Ms. Jasmine Mander
c/o Mr. Layth Gafoor

Mr. Joseph Lombardi
Via The Canadian Soccer Association

Notification of the grounds of the Decision

Ref. no. FDD-18967

Dear Madam, Dear Sir,

Please find attached the grounds of the decision passed in the aforementioned case by the Chairman of the FIFA Appeal Committee on 27 July 2024.

The Canadian Soccer Association is kindly requested to forward this decision to Ms. Beverly Priestman, to Ms. Jasmine Mander and to Mr. Joseph Lombardi respectively.

We would appreciate your taking due note of this decision and ensuring its implementation.

Yours faithfully,

FIFA



Carlos Schneider
Director of the FIFA Judicial Bodies

Fédération Internationale de Football Association

FIFA-Strasse 20 P.O. Box 8044 Zurich Switzerland
Tel: +41 43/222 7777

Decision of the FIFA Appeal Committee

passed on 27 July 2024

DECISION BY:

Mr. Neil EGGLESTON (USA), Chairperson

ON THE CASE OF:

The Canadian Soccer Association

Ms. Beverly Priestman

Ms. Jasmine Mander

Mr. Joseph Lombardi

(Decision FDD-18967)

REGARDING:

Art. 13 of the FIFA Disciplinary Code – *Offensive behaviour and violations of the principles of fair play*

Art. 6.1 FDC of the Regulations Olympic Football Tournaments Games of the XXXIII Olympiad Paris 2024 Final Competition – *Responsibilities*

I. FACTS

1. The following summary of the facts does not purport to include every single contention put forth by the actors at these proceedings. However, the Chairperson of the FIFA Appeal Committee (**the Chairperson**) has thoroughly considered any and all evidence and arguments submitted, even if no specific or detailed reference has been made to those arguments in the following outline and in the ensuing discussion on the merits.

A. Introduction

2. This case concerns drone usage by the staff of the Canadian Women's senior representative football team (**the Canadian Team**) during training sessions of the New Zealand representative team in the framework of the Women's Olympic Football Tournaments - Games of the XXXIII Olympiad Paris 2024™ - Final Competition (**OFT**).
3. The persons involved in the present matter are:
 - The Canadian Soccer Association, governing body for the sport of football in Canada and affiliated to FIFA (**CSA**);
 - Ms Beverly Priestman, of English nationality, head coach of the Canadian Team (**Head Coach**);
 - Ms Jasmine Mander, of Canadian nationality, assistant coach of the Canadian Team (**Assistant**);
 - Mr Joseph Lombardi, of Canadian nationality, performance analyst of the Canadian Team (**Official**).
4. The record shows that Ms Priestman, Ms Mander and Mr Lombardi are listed in CSA's official website as respectively head coach, assistant coach, and performance analyst.

B. Facts of the case

5. The Canadian Team qualified for the OFT in September 2023 after defeating the representative team of Jamaica in relevant preliminary competition organized by CONCACAF.
6. On 18 July 2024, FIFA Team Services organized a Team Workshop to the member associations participating in the OFT (**the Workshop**). Said workshop was attended by a representative of the Canadian Team, namely Ms Nicole McInnis, in her capacity as team manager.
7. In said Workshop, a slide was presented regarding football technology, which contained the following information:

"Drones will not be allowed in accordance with the banned (sic) imposed by the State."

8. Also on 18 July 2024, Ms Mander sent an email titled “[Paris 2024] OFTs Accommodation - Hotel Access Pass for Non-Accredited Delegation Member” to a representative of the organizing committee for the Games of the XXXIII Olympiad Paris 2024™ stating as follows:

“We will require for the following

Canada Women’s Football

- All hotels (Le Charpiniere - Saint Etienne, Radison Blu - Nice)

Names: Adam Burrows, Mel Evens, Joseph Lombardi

We look forward to receiving these from TLO. Our staff arrives tomorrow - will these be available?

Jasmine”

9. The record shows that Mr Lombardi was accommodated in the Hotel La Charpiniere as part of the Canadian Team delegation.
10. On 24 July 2024, a representative of New Zealand Football wrote to FIFA and stated as follows (quoted *verbatim*):

“Dear FIFA Team Services

As advised by the FIFA staff member who telephoned our Team Manager yesterday, we are writing to lodge a complaint regarding the incident that occurred at our training session held at the official tournament training site in St Etienne on 22 July.

Our Women’s National Team commenced training at 11.30. About 1 hour into the session, they noticed a drone hovering high above the pitch. They stopped training and informed onsite security who alerted the police. The police were able to locate the person flying the drone and took him into custody. Later in the day, officials from Paris 2024 asked the Team Manager to go to the St Etienne police station to make a formal statement. The statement is attached.

We have subsequently been informed by NZ Olympic Committee officials that the person apprehended is a staff member from the Canada women’s football team who was allegedly filming our session. Canada is our team’s opposition in the first match on to be played on 25 July.

This information has shocked us and upset the team. The team management is not aware how long the drone was in position on that day or if it was flying over the training ground during previous training sessions. The activity conducted by this Team Canda staff member

has very likely compromised our tactical preparation and the integrity of our opening match. It is not the sort of behaviour we would expect from a fellow member association, and we believe it to be unacceptable and contrary to the spirit of fair play.

We ask that you forward our complaint to the appropriate parties within FIFA and we trust that the matter will be investigated, and appropriate disciplinary action taken.

*Your sincerely,
Keir Hansen"*

11. Enclosed to said correspondence was a police report filed with the local police authority on 24 July 2024 18h08 local time, which outlined *inter alia* the following:

"My name is SPRAY Tracey

I was born on 24/03/1988 in AUCKLAND (NEW ZEALAND).

I am a NEW ZEALAND national.

I live in AUCKLAND (NEW ZEALAND)

(...)

- The facts: -

- I am the team manager of the New Zealander women's team. That day we were at training, at around 11.30am at the Gury stadium in St Etienne. The girls had been training for an hour. We spotted a footstep for how long it had been there but it stayed for 5 minutes after us.

- We knew it wasn't our training drone, as the Paris Olympics prohibit this practice.

- We stopped the training and then notified security and the police.

The drone then descended slowly outside the stadium towards the right-hand entrance (changing rooms) and we resumed training.

- We did not see the person operating the drone.

- The police have contacted us to lodge a complaint about these events.

- You inform us that a person has been arrested in possession of a drone and that this person has been taken to the police station and is a Canadian national.

- I hereby lodge a complaint on behalf of the New Zealand Football Federation in respect of the events described above".

12. Also on 24 July 2024, New Zealand Football wrote to FIFA and stated as follows (quoted verbatim):

"Dear FIFA Team Services, FIFA Disciplinary Committee

You will now be aware of the breaches of FIFA's Disciplinary Code and the Code of Ethics by the Canadian Women's National team, against the New Zealand Women's National team, at the 2024 Paris Olympics. We have provided information in relation to FIFA team Services on the events to date and will continue to provide information as required and as further information comes to light. We understand this incident is not disputed and has been

acknowledged by the Canadian National Olympic Committee who are proposing some interim penalties to Canada Soccer in relation of the upcoming match.

The purpose of this letter is to stress the significance of the events that took place and stress the urgency of this matter as it relates to both the upcoming match on 25.07.2024 and also the integrity of the entire Olympic tournament.

The integrity breach is of the most significant and highest level, systematic, organised and sustained spying on a team in their preparations for the Olympic tournament. The integrity of the upcoming match has now been compromised. It is New Zealand Football's view that there is no way in which the Canadian Women's National Team can receive points for any result in this match and the points must now be awarded to New Zealand.

Urgency in this decision is paramount. If points were to be awarded to the Canadian Team in relation to this match the integrity of the entire tournament will be compromised. We trust that FIFA will work with the IOC on this matter to make a decision with urgency that not only protects the integrity of the upcoming match between Canada and New Zealand but also one that preserves the integrity of the tournament itself.

New Zealand Football remain on hand to co-operate on this most serious matter and please do not hesitate to contact us at any time."

13. Also on 24 July 2024, the Canadian Olympic Committee (**COC**) issued the following statements (quoted *verbatim*):

"PARIS (July 24,2024) - The Canadian Olympic Committee was made aware that a non-accredited member of the Canada Soccer support team was detained by French authorities in Saint-Étienne following a complaint by New Zealand Football on July 22nd.

The staff member is believed to have been using a drone to record the New Zealand women's football team during practice.

The Canadian Olympic Committee stands for fair-play and we are shocked and disappointed. We offer our heartfelt apologies to New Zealand Football, to all the players affected, and to the New Zealand Olympic Committee.

We are reviewing next steps with the IOC, Paris 2024, Canada Soccer, and FIFA. We will provide an update later today (July 24th).

PARIS (July 24, 2024) - Following its review of the July 22 drone incident in Saint-Étienne, and upon learning of a second drone incident at a July 19th New Zealand practice, the Canadian Olympic Committee has imposed the following sanctions and consequences:

- 1. Joseph Lombardi, an unaccredited analyst with Canada Soccer, is being removed from the Canadian Olympic Team and will be sent home immediately.*
- 2. Jasmine Mander, an assistant coach to whom Mr. Lombardi report sent, is being removed from the Canadian Olympic Team and will be sent home immediately.*
- 3. COC has accepted the decision of Head Coach Bev Priestman to remove herself from coaching the match against New Zealand on July 25th.*
- 4. Canada Soccer staff will undergo mandatory ethics training.*

The COC is in contact with the IOC and in contact with FIFA. Canada Soccer has been transparent and cooperative throughout the process. The COC will continue to review this matter and may take further action if necessary.

Canada Soccer's Women's National Team Head Coach Bev Priestman has made the following statement:

'On behalf of our entire team, I first and foremost want to apologize to the players and staff at New Zealand Football and to the players on Team Canada. This does not represent the values that our team stands for,' Priestman said. "I am ultimately responsible for conduct in our program. Accordingly, to emphasize our team's commitment to integrity, I have decided to voluntarily withdraw from coaching the match on Thursday. In the spirit of accountability, I do this with the interests of both teams in mind and to ensure everyone feels that the sportsmanship of this game is upheld'."

C. Proceedings before the FIFA Disciplinary Committee

- 14. On 24 July 2024, disciplinary proceedings were opened by FIFA against the four Respondents for potential breaches of art. 13 of the FIFA Disciplinary Code, edition 2023 (FDC) and art. 6.1 of the Regulations Olympic Football Tournaments Games of the XXXIII Olympiad Paris 2024™ Final Competition (OFT Regulations). The Respondents were granted a deadline until 26 July 2024 to file their position.*
- 15. On 24 July 2024, the CSA on behalf Mr Lombardi filed a first statement via the FIFA Legal Portal as outlined in the relevant section below.*
- 16. On 25 July 2024, (i) Mr Lombardi filed a second statement via the FIFA Legal Portal as outlined in the relevant section below, and (ii) the CSA filed a request as follows:*

"Dear Colleagues,

Further to our support ticket 33178, please remove and disregard the statement as submitted by Canada Soccer on July 24, 2024, as provided by Mr. Joey Lombardi. Mr. Lombardi has submitted a revised statement dated July 25, 2024”.

17. Given the documentation filed with the Disciplinary Committee, on 25 July 2024 the Secretariat to the FIFA Judicial Bodies (**the Secretariat**) wrote to the parties as follows:

“Dear Sir/Madam,

We acknowledge receipt of the latest correspondence sent by Mr Lombardi. Please be informed that it will be for Disciplinary Committee to assess the contents of his petition.

Additionally, on behalf of the Disciplinary Committee, the parties are informed that Ms Priestman and Ms Mander are required on the basis of art. 12 of the FIFA Disciplinary Code to present their written testimonies/declaration within the deadline set by our letter of 24 July 2024.”

18. In the evening of 25 July 2024, CSA issued the following public statement:

“The Canadian Olympic Committee has removed the Canadian Women’s National Team Head Coach Bev Priestman from the Canadian Olympic Team due to her suspension by Canada Soccer.

Assistant coach Andy Spence will lead the Women’s National Team for the remainder of the Paris 2024 Olympic Games.

‘Over the past 24 hours, additional information has come to our attention regarding previous drone use against opponents, predating the Paris 2024 Olympic Games. In light of these new revelations, Canada Soccer has made the decision to suspend Women’s National Soccer Team Head Coach, Bev Priestman for the remainder of the Paris 2024 Olympic Games, and until the completion of our recently announced independent external review’.”

- Kevin Blue, Canada Soccer CEO & General Secretary”

19. On the first hours of 26 July 2024, the COC issued the following statement:

“PARIS (July 26, 2024) - The Canadian Olympic Committee has removed the Canadian Women’s National Soccer Team Head Coach Bev Priestman from the Canadian Olympic Team due to her suspension by Canada Soccer. Assistant coach Andy Spence will lead the Women’s National Soccer Team for the remainder of the Paris 2024 Olympic Games.

Canada Soccer CEO & General Secretary Kevin Blue has made the following statement:

‘Over the past 24 hours, additional information has come to our attention regarding previous drone use against opponents, predating the Paris 2024 Olympic Games. In light of these new

revelations, Canada Soccer has made the decision to suspend Women's National Soccer Team Head Coach, Bev Priestman for the remainder of the Paris 2024 Olympic Games, and until the completion of our recently announced independent external review'."

20. On 26 July 2024, the Secretariat wrote to the parties as follows:

"Dear Sir/Madam,

We write on behalf of the Disciplinary Committee with regards to the proceedings at hand.

To this effect, it has come to the Committee's attention the latest press release of the Canadian Olympic Committee regarding Ms Priestman: <https://olympic.ca/press/coc-statement-regarding-bev-priestman/>

Accordingly, Ms Priestman is required on the basis of art. 12 of the FIFA Disciplinary Code to comment on the circumstances indicated in the said press release within the deadline set by our letter of 24 July 2024.

Thank you for taking note of the above."

21. On 27 July 2024, the Secretariat, on behalf of the chairperson of the Disciplinary Committee, informed the Respondents that (a) due to the urgency of the matter and (b) in light of the possibility that the outcome of these proceedings affects the development of the ongoing OFT, the chairperson of the Disciplinary Committee deemed appropriate and therefore had decided to refer the case directly to the Appeal Committee in accordance with article 56.3 FDC. The Secretariat therefore informed the Respondents that with the aim to safeguard the Respondents' rights, the case would be submitted to the Chairperson of the Appeal Committee, Mr. Neil Eggleston (USA) for consideration and a formal decision (cf. art. 64 lit. b), FDC) on 27 July 2024.

D. Proceedings before the FIFA Appeal Committee

22. On 27 July 2024, the Secretariat informed the CSA that it had come to the attention of the Chairperson of the Appeal Committee the public statements made by the CSA and in particular its CEO, Mr. Kevin Blue, to the effect that CSA was in possession of "internal information" with direct connection the proceedings at hand, which had led to the suspension of Ms Priestman, Ms Mander, and Mr Lombardi by the CSA. The Secretariat further informed the CSA that, on the basis of the foregoing and on the grounds of art. 12 FDC, the CSA was requested to present before the Appeal Committee all materials, documentation and/or information currently in its possession concerning the matter at hand and in particular regarding the purported use(s) of a drone by the Canadian women's team and staff in the context of the OFT. The Secretariat reminded the CSA and its officials of their obligations under art. 12 FDC and further advised that failure to comply with the

aforementioned instructions would potentially lead to disciplinary sanctions, including those listed under article 51 FDC.

23. On the same day, in response to the aforementioned letter from the Secretariat, the CSA submitted the email exchange “that led to the suspension the CSA to suspend Ms Priestman, pending the results of a fulsome investigation”. The CSA explained that the email exchange, which the CSA General Secretary received on 25 July 2024, shows an analyst resisting a request from Ms Priestman to engage in flying drones for “scouting purposes”, and thus “call[ed] into question whether this practice had been systemically embedded in the culture of the women’s national team”. The email exchange read as follows:

Email dated 20 March 2024 from [REDACTED] (a Performance Analyst of the Canadian Team) to Ms Priestman:

“Please see attached document with information regarding our potential Olympic opponents in today’s draw. If you need any further info, please just let me know.

Also just wanted to say thank you in terms of our last 2 individual meetings over the past week, I have found them very beneficial in gaining a better understanding of roles and responsibilities and appreciate your time.

As discussed yesterday, in terms of the “spying” conversation, I came off the meeting with clarity that you understood my reasons for me being unwilling to do this moving forward.

-- Morally

--- My own reputation within the analysis field

-- Potentially being unable to fulfil my role on a matchday.

Moving forward I will have a discussion with Joey and reach out to the wider tech team with regards to how we could potentially look for other solutions. But just wanted to confirm that you will not be asking me to fulfil the role of “spying” in the upcoming camp & future camps.

I am sure you will respect my reasoning and thank you for your understanding”.

Email dated 20 March 2024 from Ms Priestman to [REDACTED]:

“Hi [REDACTED]

Seeking your advice and input here regarding this formal email on spying. It's something the analyst has always done and I know there is a whole operation on the Men's side with regards to it (we had [REDACTED] in with us recently and he was outstanding in this area).

Yesterday in a meeting when discussing, I asked [REDACTED] to propose an alternative solution as for scouting it can be the difference between winning and losing and all top 10 teams do it. I received this more 'formal' email this morning and so just after guidance really as to what from a HR stand point I can do or do I need to find another solution in resourcing? It's a tricky one and it's formal for a reason I feel...

Thanks Bev'

24. Upon receipt of said letter from the CSA, the Secretariat, on behalf of the Chairperson of the Appeal Committee, invited Ms Priestman, Ms Mander and Mr Lombardi to provide their comments by 27 July 2024 17h CEST at the latest.
25. Later that same day, Mr Layth Gafoor, Counsel for Ms Priestman, informed the Secretariat that because of her client's disciplinary sanction, she was currently on a flight back to Canada, and, as a result, he would be unable to seek instructions from her within the provided window to respond.
26. Still on 27 July 2024, the CSA further specified the following:

"An important and material contextual fact related to the additional information being submitted is as follows. In her email communication, Bev Priestman references that the men's senior national team may have employed a similar scouting tactic. The [REDACTED] for the men's national team at the time she is referencing was [REDACTED]. Before being the [REDACTED], [REDACTED], [REDACTED] was previously the [REDACTED] of the women's national team, while Bev Priestman was [REDACTED]. Canada is investigating the history of this matter, but we suspect that the practice of using a drone stems back to [REDACTED] when he was the [REDACTED]. In other words, this was a practice started by one person – [REDACTED] – and continued by Bev Priestman. It was not facilitated by the federation. New Canada Soccer administration is supporting a full independent investigation of this issue and has already taken steps to ensure that this scouting tactic does not happen again".

27. Following the above, on the same day of 27 July 2024, the Chairperson notified the terms of the present decision to the Respondents.
28. On 28 July 2024, the CSA requested the grounds of the decision.

II. RESPONDENTS' POSITION

A. The Canadian Soccer Association (CSA)

29. The CSA's position submitted on 26 July 2024 can be summarised as follows:

- On 22 July 2024, the CSA was made aware of the drone incident.

- The police investigation and subsequent prosecutor's report revealed the following: (i) Mr Lombardi operated alone, and without direction or knowledge from Ms Priestman, (ii) footage obtained by Mr Lombardi was not shared with other members of staff, thus mitigating the direct impact on the competitive aspects of the game, and (iii) Ms Mander had knowledge of Mr Lombardi's whereabouts but was not involved in the planning or implementation of events that occurred.
- The CSA has the responsibility to oversee the conduct of its staff, as a representative of the Canadian Olympic Team and a member association of FIFA. The actions of the Mr Lombardi and Ms Mander do not represent the values of the CSA, the Canadian Olympic Team, or FIFA. As a commitment to upholding the integrity of the sport, the CSA would continue to monitor the situation. Accordingly, the following penalties were agreed upon and administered by the CSA and the COC:
 - Mr Lombardi and Ms Mander were immediately removed from the Canadian delegation and returned home.
 - CSA would proceed with an independent investigation of the matter and take further action, if warranted by its results. The independent investigation would focus on operating procedures, culture, and ethical standards within the team environment that are ultimately the responsibility of Ms Priestman.
 - Mr Lombardi and Ms Mander are suspended indefinitely, pending completion of the independent investigation. Mr Lombardi and Ms Mander would be removed from upcoming youth competitions in which they were scheduled to coach.
 - Acknowledging Ms Priestman's responsibility as head coach to managing the conduct of the staff, is suspended for the remainder of the Olympic Games and sent home. Ms Priestman already withdrew from the opening match versus New Zealand on 25 July 2024 and will not coach a match in the tournament. Ms Priestman will remain suspended pending the results of the independent investigation.
- The CSA is deeply disappointed by the events over the past week and are taking all measures to ensure the integrity of the Canadian Olympic Team, the CSA, and the women's football tournament at the Olympics is preserved. The CSA has condemned the behaviour of the individuals directly responsible and, through the independent investigation, will seek to identify and eliminate any systemic ethical issues. The CSA wishes to emphasize and acknowledge the significance of the Olympic Games for athletes and is hopeful that the improper actions of select individuals, who acted without authority and in a manner inconsistent with the

expectations and policies of the CSA and the COC, will not compromise the efforts of the Canadian players who have worked hard and sacrificed much for the opportunity to represent their country on the world stage

- The CSA believes a penalty to withdraw points would unfairly punish a group of athletes who themselves have not engaged in any unethical behaviour or gained any unfair advantage – particularly since the footage was not viewed by any athletes or coaches and was in Mr Lombardi’s possession. The CSA appreciates the seriousness of this matter, as demonstrated by the swift and significant sanctions it administered to the responsible individuals.

B. Ms Beverly Priestman

30. On 26 July 2024, Ms Priestman submitted the following response:

“Article 13 FDC – Offensive behaviours and violations of the principles of fair play

- *No further submissions to add to this violation; and*

Article 6.1 of the Regulations Olympic Football Tournaments Games of the XXXIII Olympiad Paris 2024 Final Competition –Responsibilities

- *No further submissions to add to this violation.*

COC Statement of July 26, 2024

- *I will adhere to the sanction contained within the COC statement and will participate in any forthcoming investigation.*

Based on the decision of the Canadian Olympic Committee (COC) on July 26,2024, I will be returning to Canada. I will adhere to the suspension until completion of the referenced investigation”.

C. Ms Jasmine Mander

31. On 26 July 2024, Ms Mander submitted the following response:

“Article 13 FDC – Offensive behaviours and violations of the principles of fair play

- *No submissions to add to this violation; and*

Article 6.1 of the Regulations Olympic Football Tournaments Games of the XXXIII Olympiad Paris 2024 Final Competition –Responsibilities

- *No submissions to add to this violation.*

Based on the decision of the Canadian Olympic Committee (COC) on July 25, 2024, I have returned to Canada, and I will not be involved with the Canadian delegation until completion of the referenced investigation".

32. On 27 July 2024, Ms Mander added that she had *"nothing to add in relation to the [letter of the CSA submitted to the Secretariat on] July 27th, 2024..."* and that *"[s]he looks forward to cooperating with any forthcoming Canada Soccer investigation, in order to arrive at a final and detained determination of this matter".*

D. Mr Joseph Lombardi

33. Mr Lombardi's first statement submitted by the CSA on 24 July 2024 reads as follows:

"Dear Secretariat of the FIFA Disciplinary Committee,

My name is Mr. Joseph Lombardi and I was the Analyst (Non Accredited) for the Canada Women's Olympic Football team in preparation for Paris 2024.

Please see below a breakdown of the events that transpired that pertains to the incident that was reported from the New Zealand Football Federation:

- On July 22, I took a rental vehicle (without staff/delegation knowledge) to find the training venue of the New Zealand Women's Olympic team.*
- I was able to identify through my personal search that New Zealand WNT was training at Stade de Drury and put up a drone to record their session (Between 12-12:30pm local time – captured 20 mins of the session)*
- Once the drone was brought down from the air, French authorises arrived at my location and took the drone and my personal belongings.*
- I was brought to the police station in Saint Etienne and was held under French police custody from July 22 and released on July 24 (3 days). The French authorises charged me for flying an unmanned aircraft in a restricted space.*
- At the final court hearing, I plead guilty and was given an 8-month suspended sentence and my personal phone was kept in custody. No fines or other sanctions were given.*
- All the events that are listed above were done on my own/personal decisions as I was non-accredited and wanted to impress the Canadian Women's technical staff with informed/accurate analysis to elevate my role for future opportunities with the team. This decision was reckless and negligent on my part, and I take 100% responsibility for what has happened. This is the exact same statement that was provided to the French authorises during my investigation.*
- Except myself, no one else on the Canadian Women's Olympic staff/delegation were involved in the drone incident and like I have mentioned earlier, I take full responsibility and accountability for my actions. This incident should not impact the staff and team as they were not involved, nor was any of the images that were*

recorded sent to staff or viewed by anyone within our delegation, so there is no competitive advantage gained from what happened because nothing was shared/sent to any delegation members of Canada.

- *At no point was I pressured, inquired, advised, or tasked with going to film the New Zealand Women's Olympic team training session. This was a personal decision and a poor one to say the least.*

From a personal perspective, being held in police custody and imprisoned for the past three days was the worse experience of my life. I am not a criminal and made a poor decision to try to elevate my position amongst the Canadian Delegation.

My apologies go out to the following:

- *New Zealand Women's Olympic team for trying to gain a competitive advantage outside of fair play principles*
- *Canada Women's Olympic team for harming the reputation and image of an amazing team plus the impact this had on staff and players*
- *IOC and COC for negatively impacting the integrity of the Women's Olympic football match between Canada and New Zealand*

On July 25th, I am returning to Canada and will not be involved with the Canadian delegation. It was a dream for me to attend the Olympic games and I will miss this experience due to my poor decision/actions, which I accept full responsibility.

Lastly, I apologize to the FIFA disciplinary committee for what has happened, and I will never conduct a similar attempt to visit, film or check on an opponent's training session ever again to gain a competitive advantage.

Thank you for the opportunity to share my story as I have had to endure some of the worse moments of my life over the past 72 hours and I am deeply sorry for the harm this has brought to football.

*Sincerely,
Mr. Joseph Lombardi"*

34. Mr Lombardi's revised statement submitted by himself directly on 25 July 2024 reads as follows:

"Dear Secretariat of the FIFA Disciplinary Committee,

My name is Mr. Joseph Lombardi and I was the Analyst (Non Accredited) for the Canada Women's Olympic Football team in preparation for Paris 2024.

Please see below a breakdown of the events that transpired that pertains to the incident that was reported from the New Zealand Football Federation:

- *On July 22, I took a rental vehicle (without staff/delegation knowledge) to find the training venue of the New Zealand Women's Olympic team.*

- *I was able to identify through my personal search that New Zealand WNT was training at Stade de Drury and put up a drone to record their session (Between 12-12:30pm local time - captured 20 mins of the session)*
- *Once the drone was brought down from the air, French authorities arrived at my location and took the drone and my personal belongings.*
- *I was brought to the police station in Saint Etienne and was held under French police custody from July 22 and released on July 24 (3 days). The French authorities charged me for flying an unmanned aircraft in a restricted space.*
- *At the final court hearing, I plead guilty and was given an 8-month suspended sentence and my personal phone was kept in custody. No fines or other sanctions were given.*
- *All the events that are listed above were done on my own/personal decisions as I was non-accredited and wanted to impress the Canadian Women's technical staff with informed/accurate analysis to elevate my role for future opportunities with the team. This decision was reckless and negligent on my part, and I take 100% responsibility for what has happened. This is the exact same statement that was provided to the French authorities during my investigation.*
- *As confirmed by the French authorities, I filmed New Zealand on July 20th without informing or consulting with any members of the Canada Women's Olympic staff/delegation. The film on July 20th was not very good from an analysis perspective, and this was the reason why I decided to go back again on July 22nd and filmed New Zealand as I personally wanted to gather better insights to elevate my personal image amongst the technical staff of Canada. The film on July 20th was not shared as I did not feel there was any information/intelligence to provide the technical staff. There is no back up and the original version was deleted from the drone as confirmed/verified by the French authorities during the investigation.*
- *Except myself, no one else on the Canadian Women's Olympic staff/delegation were involved in the drone incidents and like I have mentioned earlier, I take full responsibility and accountability for my actions. This incident should not impact the staff and team as they were not involved, nor was any of the images that were recorded sent to staff or viewed by anyone within our delegation, so there is no competitive advantage gained from what happened because nothing was shared/sent/stored with any delegation members of Canada.*
- *At no point was I pressured, inquired, advised, or tasked with going to film the New Zealand Women's Olympic team training session. This was a personal decision and a poor one to say the least.*

From a personal perspective, being held in police custody and imprisoned for the past three days was the worse experience of my life. I am not a criminal and made a poor decision to try to elevate my position amongst the Canadian Delegation.

My apologies go out to the following:

- *New Zealand Women's Olympic team for trying to gain a competitive advantage outside of fair play principles*
- *Canada Women's Olympic team for harming the reputation and image of an amazing team plus the impact this had on staff and players*
- *IOC and COC for negatively impacting the integrity of the Women's Olympic football match between Canada and New Zealand*

On July 25th, I am returning to Canada and will not be involved with the Canadian delegation. It was a dream for me to attend the Olympic games and I will miss this experience due to my poor decision/actions, which I accept full responsibility.

Lastly, I apologize to the FIFA disciplinary committee for what has happened, and I will never conduct a similar attempt to visit, film or check on an opponent's training session ever again to gain a competitive advantage.

Thank you for the opportunity to share my story as I have had to endure some of the worse moments of my life over the past 72 hours and I am deeply sorry for the harm this has brought to football.

Sincerely,

Mr. Joseph Lombardi"

III. CONSIDERATIONS OF THE APPEAL COMMITTEE

35. In view of the circumstances of the present matter, Chairperson decided to address the procedural aspects of the present matter, namely, the jurisdiction and the applicable law, before entering into the substance of the matter.

A. Jurisdiction of the FIFA Appeal Committee

36. First, the Chairperson noted that at no point during the present proceedings did the Respondents challenge the jurisdiction of the Appeal Committee and its Chairperson, or the applicability of the FDC.

37. Notwithstanding the above and for the sake of good order, the Chairperson made the following considerations on jurisdiction.

38. In doing so, he recalled that under article 8(1) of the OFT Regulations, disciplinary infringements are dealt with in compliance with the FIFA Disciplinary Code in force as well as with all relevant circulars and directives, with which the Participating Member Associations and Delegation Members undertake to comply. He equally highlighted that under art. 8(4) of the OFT Regulations, any violation of OFT Regulations or any other FIFA regulations, circulars, guidelines, directives and/or decisions that do not come under the jurisdiction of another FIFA body shall be dealt with by the FIFA Disciplinary Committee in accordance with the FIFA Disciplinary Code.
39. The Chairperson continued by recalling that the procedural aspects of the matter at stake were governed by the 2023 FDC, considering that the 2023 FDC entered into force on 1 February 2023 and the present disciplinary proceedings were initiated on 24 July 2024. In doing so, he recalled that the matter was referred directly to the Appeal Committee by the Chairperson of the Disciplinary Committee based on art. 56(3) FDC, as the latter deemed it appropriate in light of the urgency of the matter given that the outcome of the case could affect the development of the ongoing OFT and in order to safeguard the rights of the Respondents.
40. The Chairperson then found that, on the basis of art. 2(1) FDC, read together with art. 56 FDC, the Appeal Committee is competent to hear the present case and to impose sanctions in case of corresponding violations.
41. Lastly, the Chairperson found that he is competent to rule alone as a single judge of the Appeal Committee pursuant to art. 64(b) FDC since, considering the outcome of the case could affect the development of the ongoing OFT, it is considered an urgent case.

B. Applicable law

42. In continuation, the Chairperson deemed that the substance of the matter should be analysed under the 2023 edition of the FDC, which was the edition in force at the time of the events, i.e. when the drone incident took place.
43. Specifically, the Chairperson made special attention to art. 13 FDC (*"Offensive behaviour and violations of the principles of fair play"*) as being of relevance in assessing the current matter, which reads:

"1. Associations and clubs, as well as their players, officials and any other member and/or person carrying out a function on their behalf, must respect the Laws of the Game, as well as the FIFA Statutes and FIFA's regulations, directives, guidelines, circulars and decisions, and comply with the principles of fair play, loyalty and integrity.

2. For example, anyone who acts in any of the following ways may be subject to disciplinary measures:

a) violating the basic rules of decent conduct;

- b) insulting a natural or legal person in any way, especially by using offensive gestures, signs or language;*
- c) using a sports event for demonstrations of a non-sporting nature;*
- d) behaving in a way that brings the sport of football and/or FIFA into disrepute;*
- e) actively altering the age of players shown on the identity cards they produce at competitions that are subject to age limits".*

44. Against this background, the Chairperson further referred to the FIFA Circular 7 dated 10 June 2024 (**Circular 7**), issued to the member associations that qualified to the OFT and unequivocally prohibited the use of drones during the OFT:

"7. Drones

Please note that it is prohibited to fly drones over any tournament training sites and stadiums."

45. Contextually, the Chairperson equally noted the Team Handbook published by FIFA (**the Handbook**), in its chapter 6 – Training sites, page 50, reads as follows:

"Restrictions on flying unauthorised UAS (drones)

Please note that it is prohibited to fly drones over any tournament training site"

46. Lastly, given that the incident took place in the context of the OFT, the Chairperson further referred to art. 6(1) of the OFT Regulations which states the following:

"The member associations that qualify for the Tournaments (the "Participating Member Associations") agree, in collaboration with the respective NOC, to comply with and ensure that every player, coach, manager, official, media officer, representative, guest and any other person carrying out duties throughout the final competition, and for the entire stay in the host countries, on behalf of a Participating Member Association (hereinafter "Delegation Member") complies with these Regulations, the Laws of the Game, the FIFA Statutes and FIFA's other regulations, in particular the FIFA Disciplinary Code, the FIFA Anti-Doping Regulations, the FIFA Code of Ethics and the FIFA Equipment Regulations, as well as with any other FIFA circular letters, regulations, guidelines, directives and/or decisions.

In addition, the players and team officials shall:

- (a) respect the spirit of fair play and non-violence and the authority of the match officials;*
- (b) behave accordingly; and*
- (c) refrain from doping as defined by the FIFA Anti-Doping Regulations".*

47. This being established, the Chairperson subsequently turned his attention to the merits of the present case.

C. Merits

I. Breach of art. 13 FDC and art. 6.1 OFT Regulations

48. The Chairperson first observed that the Respondents are charged with a breach of art. 13 FDC ("*Offensive behaviour and violations of the principles of fair play*") for failure to respect the FIFA regulations, directives, guidelines and circulars, and, in particular, for failing to comply with FIFA's prohibition of the use of drones during the OFT (see Circular 7 and the Handbook), as well as for behaving in a way that brings the sport of football and FIFA into disrepute, and for violation of the principles of fair play, loyalty and integrity.
49. The Chairperson considered that art. 13 FDC contains a general obligation for associations and clubs, as well as their players and officials to comply with the various regulations and other directive as well as to behave properly, in particular, by following the principles of fair play, loyalty and integrity, failing which disciplinary sanctions may be imposed on the person concerned.
50. The Chairperson next observed that the Respondents are similarly charged with a breach of art. 6.1 OFT Regulations which also requires compliance with the relevant regulations and to act in the spirit of fair play.
51. The Chairperson noted that while the rule embedded in the framework of the OFT regarding the prohibition of drones is clear, its purpose has more than one dimension.
52. The first dimension is the spirit of fair play. The deployment of drones in football to record other teams is fundamentally at odds with said principle as it is based on the cornerstones of equality, respect, and integrity. Fair play is essential to ensure that all participants compete under the same conditions, fostering a spirit of honest competition. However, the use of prohibited technology such as drones in the context of the OFT – which can provide teams with real-time aerial views and data that are not accessible to others – certainly creates an uneven playing field. The unfair use of this technology has the potential to disrupt the balance of the game, undermining the core values of fairness and equality which are fundamental principles of olympism. The introduction of a disparity element thus contravenes the fundamental principles of fair play and loyalty which are essential for maintaining the integrity of the sport of football.
53. The second dimension regards security and safety. Under the framework of the OFT, the use of drones poses a significant risk to the safety and security of all those present, and they were banned in the interest of protection of all those involved in the games. It must be noted that the operation of drones in close proximity to a training ground as done by the Respondents poses an inherent risk of malfunction, which could result in injury to players and staff. It also is seen as a public safety threat, which is clearly demonstrated by the involvement of the police in arresting Mr Lombardi and the corresponding French court sentencing him.

54. The third dimension is the reputation of football. The use of (prohibited) technology for illicit purposes and spying on opponents results in negative publicity and damage the sport's reputation. They give rise to the perception that the sport is not sufficiently regulated or safe, which erodes public trust and interest.

55. The Chairperson then found that the following can be drawn from the case file:

- a. The CSA was informed in at least three instances of the clear and unequivocal prohibition regarding the use of drones in the OFT, namely via Circular 7, the Handbook and the Workshop.
- b. Public available press reports indicate that this is not the first instance of use of drones by members of the Canadian Team staff.
- c. Mr Lombardi has confessed to the use of the drone in two instances in the context of the OFT. He was unequivocally a member of the Canadian Team delegation.
- d. Ms Priestman has publicly acknowledged her responsibility for the actions of her team and chose to step aside of the opening match of the OFT.
- e. Ms Priestman had requested [REDACTED] (a Performance Analyst for Team Canada) to conduct spying. [REDACTED] refused to do so due to moral reasons and to maintain her reputation in the field of performance analysis, and requested Ms Priestman to confirm that she would not be asking her to fulfil the role of spying in the upcoming camps.
- f. After [REDACTED]'s email asking Mr Priestman to confirm she would not be required to spy, Ms Priestman sent an email to [REDACTED] (a CSA [REDACTED] employee) admitting that spying is something that the Canadian Team has "*always done*" and that it was the "*difference between winning and losing*". [REDACTED] forwarded the e-mail chain to the CSA's [REDACTED], a high-ranking official.
- g. Ms Mander knew the whereabouts of Mr Lombardi when the drone incident took place and has not herself denied her involvement in the spy practices of the Canadian Team.
- h. Ms Priestman, Ms Mander and Mr Lombardi where all ousted from the OFT by the CSA and COC and suspended indefinitely pending the completion of a further investigation.

56. Additionally, the Chairperson was eager to point that the Respondents (in particular the Head Coach, the Assistant and the Official) have had the opportunity to answer on several occasions to the circumstances that are attributed to them not only in regards to their responsibility but also to the effect that the use of drones is seemingly common, especially

given that there is a copy of an exchange of emails on file where the Head Coach to this effect. The Respondents did not deny these circumstances in their submissions.

57. In consideration of the above, the Chairperson was comfortably satisfied that the Respondents breached art. 13 FDC and art. 6(1) OFT Regulations.

58. The Chairperson found it important to note that it is irrelevant – for the purposes of determining a breach of art. 13 FDC and art. 6(1) OFT Regulations, whether the footage obtained illegally through the use of drones was used or not. The Chairperson finds that the fact the drone was unequivocally flown is sufficient to configure the breach of the rules of fair play, loyalty and integrity and the CSA's duty to observe and make observed the rules and regulations for the OFT.

II. The determination of the sanctions

59. Having determined that the Respondents breached art. 13 FDC and art. 6(1) OFT Regulations, the Chairperson turned to determine the applicable sanctions.

60. The Chairperson observed in the first place that the CSA is a legal person, and as such is subject to the sanctions described under art. 6(1) and (3) FDC. The Chairperson next observed that Ms Priestman, Mr Lombardi and Ms Mander are natural persons, and as such are subject to the sanctions described under art. 6(1) and (2) FDC.

61. For the sake of good order, the Chairperson underlined that he is responsible to determine the type and extent of the disciplinary measures to be imposed in accordance with the objective and subjective elements of the offence, taking into account both aggravating and mitigating circumstances (art. 25(1) FDC).

62. As established above, the Respondents were found responsible for having infringed art. 13 FDC and art. 6.1 OFT Regulations. Said provisions do not provide for specific sanctions, and, therefore, the different disciplinary measures pronounced under art. 6 FDC may be imposed upon the Respondents in this respect – this, whilst keeping in mind that the sanctions thereby imposed must be proportionate to the offences committed and have the appropriate deterrent effect upon the Respondents relative to the sanctionable conduct.

63. With this in mind, the Chairperson held that it needed to take into account the following in determining the appropriate sanctions.

64. First, the Chairperson wished to emphasise FIFA's zero tolerance policy towards the use of prohibited technology for illicit purposes and spying on an opponent, as Respondents' have done, and that any such incident must be condemned in the strongest possible terms as well as with sanctions that reflect the seriousness of the offence. This is because upholding the values of fairness, respect, and safety is essential to maintaining the spirit of football and ensuring that it remains a beloved and respected sport worldwide.

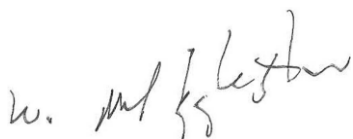
65. Second, the Chairperson could not stress enough that the Respondents' actions are inexcusable and unacceptable, even more so since the incident occurred at the Olympic Games, the most prestigious multi-sport event in the world which is viewed by millions globally. The Chairperson further underlined in this respect that the Olympic Charter - under its section regarding the fundamental principles of Olympism, paragraph 4 - equally echoes the values frontally violated by the Respondents. In this context, the Respondents were absolutely and categorically expected to go beyond usual standards to maintain and embody the highest levels of sportsmanship, professionalism, and fair play in a spirit of friendship and solidarity.
66. Third, the Chairperson found that the breaches committed by the Respondents are particularly tarnishing to the reputation of football because they occurred during the Olympic Games.
67. Fourth, the Chairperson outlined the violation of the integrity of the sport, since it is precisely for this reason that training sessions are held behind closed doors: an opponent is thus prevented from having access to elements, tactics, and other preparation actions of their adversary. A conduct such as that of the Respondents presents a threat to the equality of arms and damages the integrity of the competition by obtaining an unfair advantage in the preparation of the match.
68. Next, with respect to the CSA, the Chairperson considered that, as a member association, it carries a high responsibility to act correctly, uphold the principles of fair play, maintain the integrity of the game, behave loyally, and not put into disrepute FIFA and the sport of football. CSA's responsibility is only heightened in this case considering that it is the reigning champion of the OFT for the Women's game, having won gold in the Games of the XXXII Olympiad Tokyo 2020 edition (played in 2021), and that the team involved in the misconduct was its senior team, representing the uppermost level of skill and professionalism in the country, and thus responsible to set a high standard for fair play and integrity.
69. As to Ms Priestman and Ms Mander, the Chairperson considered that as coach and assistant coach, they hold the highest leadership positions and must set the ethical tone for the team with a firm commitment to fair play and integrity.
70. Against this legal background, the Chairperson decided that:
- a deduction of six (6) points from the CSA's women's representative team's standing in Group A of the OFT, plus a fine of CHF 200,000, is appropriate and proportionate to the infringement committed (bearing in mind that in accordance with art. 6 (4) FDC, a fine may not be lower than CHF 100 and greater than CHF 1,000,000).
 - a period of one (1) year is appropriate and proportionate to the infringements committed by Ms Priestman, Mr Lombardi and Ms Mander.

71. The Chairperson was convinced that because of the considerations outlined before, the sanctions were adequate on the basis of the unprecedented and egregious conduct engaged by the Respondents, aggravated in the Chairperson's opinion by the circumstances of the global setting in which they took place.
72. On CSA's side, its failure to ensure its official abode by the fundamental principles of sport in general and football in particular merited severe consequences affecting their standing in the competition, for cheating and spying are conducts that cannot be tolerated under any circumstances.
73. The conclusion was similar regards the Head Coach, the Assistant and the Official: their conduct cannot be in any way condoned and a lengthy period far from football-related activity was necessary. The period of one year was therefore a suitable sanction in light of the severity of the matter and moreover since they were not denied by Ms Preistman and Mander, and confessed by Mr Lombardi.
74. In this context, the Chairperson was also satisfied that said sanctions would serve the necessary deterrent effect upon the Respondents and other associations and coaches who would be minded incurring in such unacceptable conduct. Moreover, the Chairperson was satisfied that the sanction against the CSA would ensure that it implements the necessary measures to prevent such incidents from occurring again in the future.
75. As a final note, the Chairperson wished to remark that this decision relates **only** to the drone incidents that occurred at the OFT. As the Chairperson understands it, the CSA is conducting its own broader investigation into spying. In this respect, the Chairperson expects the CSA to provide FIFA with the results of said investigation in order for it to be able to assess and decide whether further action by the FIFA bodies is necessary and appropriate.

Decision

- 1. The Canadian Soccer Association is found responsible for failing to respect the applicable FIFA regulations, directives, guidelines and circulars in connection with its failure to ensure (i) the compliance of its participating officials of the Olympic Football Tournaments - Games of the XXXIII Olympiad Paris 2024™ - Final Competition (*hereafter*, the OFT) with the prohibition on flying drones over any training sites and (ii) the observance of the principles of fair play, loyalty, and integrity.**
- 2. The following disciplinary measures are imposed on The Canadian Soccer Association:**
 - a) The Canadian Soccer Association is ordered to pay a fine to the amount of CHF 200,000. The fine is to be paid within 30 days of notification of the present decision.**
 - b) Six (6) points are automatically deducted by FIFA from The Canadian Soccer Association's Women's representative team's standing in Group A of the OFT.**
- 3. The official Ms. Beverly Priestman is found responsible for her offensive behaviour and violation of the principles of fair play, loyalty, and integrity in connection with The Canada Soccer Association's Women's representative team's drone usage in the scope of the OFT.**
- 4. The official Ms. Beverly Priestman is suspended from taking part in any football-related activity for a period of one (1) year as from the date of notification of the present decision.**
- 5. The official Ms. Jasmine Mander is found responsible for her offensive behaviour and violation of the principles of fair play, loyalty, and integrity in connection with The Canada Soccer Association's Women's representative team's drone usage in the scope of the OFT.**
- 6. The official Ms. Jasmine Mander is suspended from taking part in any football-related activity for a period of one (1) year as from the date of notification of the present decision.**
- 7. The official Mr. Joseph Lombardi is found responsible for his offensive behaviour and violation of the principles of fair play, loyalty, and integrity in connection with The Canada Soccer Association's Women's representative team's drone usage in the scope of the OFT.**
- 8. The official Mr. Joseph Lombardi is suspended from taking part in any football-related activity for a period of one (1) year as from the date of notification of the present decision.**

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Neil EGGLESTON

Chairperson of the FIFA Appeal Committee

LEGAL ACTION:

According to art. 50 (1) of the FIFA Statutes reads together with art. 52 FDC, this decision may be appealed against before the Court of Arbitration for Sport (CAS). The statement of appeal must be sent to the CAS directly within 21 days of receipt of notification of this decision. Within another 10 days following the expiry of the time limit for filing the statement of appeal, the appellant shall file a brief stating the facts and legal arguments giving rise to the appeal with the CAS.

NOTE RELATING TO THE BAN(S) ON ANY FOOTBALL-RELATED ACTIVITY:

The ban(s) cover(s) the participation, in any capacity, in a competition or activity authorised or organised by FIFA or any association, club or other member organisation of an association, or in competitions authorised or organised by any professional league or any international or national-level competition organisation or any elite or national-level sporting activity funded by a governmental agency.

NOTE RELATING TO THE PAYMENT OF THE FINE:

Payment can be made either in Swiss francs (CHF) to account no. 0230-325519.70J, UBS AG, Bahnhofstrasse 45, 8098 Zurich, SWIFT: UBSWCHZH80A, IBAN: CH85 0023 0230 3255 1970 J or in US dollars (USD) to account no. 0230-325519.71U, UBS AG, Bahnhofstrasse 45, 8098 Zurich, SWIFT: UBSWCHZH80A, IBAN: CH95 0023 0230 3255 1971 U, with reference to the abovementioned case number(s).