

IN THE FOOTBALL ASSOCIATION REGULATORY COMMISSION

15 May 2023
Mr David Phillips KC FCI Arb
Mr Daniel Mole
Mr Tony Agana

BETWEEN –

THE FOOTBALL ASSOCIATION

and

JURGEN KLOPP

WRITTEN REASONS

INTRODUCTION

1. Jurgen Klopp is the manager of Liverpool FC. This matter arises out of a television interview that Mr Klopp gave after the conclusion of the Liverpool match against Tottenham Hotspur FC that took place on 30 April 2023. By its letter dated 2 May 2023 the FA charged Mr Klopp with a breach of FA Rule E3.1. By the Reply form dated 5 May 2023 Mr Klopp admitted the charge and consented to the matter be heard by way of a paper hearing. Mr Klopp's case is set out in Liverpool's letter dated 3 May 2023 and Mr Klopp's letter dated 3 May 2023. The FA's case is set out in its Response dated 11 May 2023. We sat as a Regulatory Commission on 15 May 2023 and considered the matter by way of a Teams meeting.

FACTS

2. In the charge letter dated 2 May 2023 the FA put the charge as follows –
You are hereby charged with misconduct for a breach of FA Rule E3 in respect of post-match media comments that you made following the above fixture.

Charge :

It is alleged that the comments you made regarding Mr Paul Tierney following the above fixture during post-match media interviews constitutes improper conduct in that they imply bias, and/or question the integrity of the referee, and/or are personal/offensive, and/or bring the game into disrepute contrary to FA Rule E3.1.

The charge did not specify the acts/omissions relied on but the charge letter was accompanied by video clips of the relevant events. It is important to distinguish between Mr Klopp's conduct that gave rise to the charge (the television interview) and Mr Klopp's earlier, on-pitch behaviour. The factual summary that we provide is based upon the contents of the video clips and transcripts of what took

place.

3. This was a high profile match between two teams who were both pursuing hopes of qualifying for Europe in the following season. Tensions were understandably high. The referee, Paul Tierney, had presided over a number of Liverpool's matches in the 2022/2023 season. Liverpool had been and remained unhappy with a number of Mr Tierney's decisions. In the 94th minute of the match Liverpool scored, taking the score to 4-3 in Liverpool's favour. Mr Klopp immediately left the technical area and ran up the touch line where he shouted something at John Brooks, the fourth official.
4. Mr Brooks contacted Mr Tierney and said *Jurgen Klopp has just run and celebrated in my face. I think it's a yellow card mate, minimum.* It is clear that Mr Brooks considered Mr Klopp's conduct to be misplaced celebration rather than an aggressive or threatening move. Mr Tierney responded, saying that he had not seen what happened and needed advice whether the sanction should be a yellow or red card. The Video Assistant Referee reviewed the video footage and advised *Confirming yellow card. Confirming yellow card Jurgen Klopp.* Armed with this confirmation Mr Tierney went to Mr Klopp and showed him a yellow card, saying *Right...I have to show you yellow. ...it could be red, but I am going to show you yellow. He said yellow. We will give you the benefit of the doubt, don't do anything more....* Mr Klopp's frustrated reaction can be clearly seen in the video footage.
5. Although these events provide essential background to charge, Mr Klopp's conduct on or by the pitch does not in itself give rise to any charge. The charge that the Commission is considering is based on what Mr Klopp said in a television interview that took place immediately after the match.
6. During the press interview after the match Mr Klopp made a number of statements concerning Mr Tierney. The basis of the FA's charge is that Mr Klopp asserted that Mr Tierney had a personal antipathy towards Liverpool, and that he said something inappropriate to Mr Klopp when showing him the yellow card. Because of the importance of the words used, and the sequence of questions and answers, we set out the entire transcript.

I: How emotional was it when the winning goal did go in, it looked like it had gone

and then you won it again

JK: Yeah very emotional, very emotional of course. Especially the situation before their third goal. How he [Paul Tierney] can whistle a foul in the situation up front against Mo Salah when nobody, the linesman is directly there, keeps the flag down and then the ref whistles that so, that's the one thing and their next situation wouldn't have happened if we have to keep the ball there. Um free kick there and the ball is in obviously that's not cool. We have our story, history with Mr. Tierney. I really don't know what this man has with us I really don't know....

I: Does your frustration build throughout the game? (overtalking)

JK: always will say there say there is nothing, and it's not true. Cannot be. I have to say it cannot be. I don't understand it. I am really not sure if it's me because how he looks at me, I don't understand it. I really have no problem with any people, and not with him as well. (Inaudible)... again he was ref in in in Tottenham.

I: I remember

JK: ...when Harry Kane didn't get a red card, and Harry Kane I love this player, what a player, crazy, I don't want him to get a red card, but it was a red card in that game. It was Mr Tierney and nobody ask him about it because in England, nobody have to, they don't have to clarify situations so, that is really tricky, it's difficult to to to understand and my celebration towards the fourth official, I didn't say any bad words, nothing but was unnecessary I got punished for that immediately, I pulled my hamstring or adductor, or whatever so that's fine, that's fair. But what he said to me then when he gave me the yellow card..."

I: Go on

JK: No. Because that's not possible. It's absolutely not possible but it's not, it's not okay as well.

I: So what he said to you, you...hang on hang on. You don't want to say anymore but it was unacceptable?

JK: No only because I said already what I wanted to say, so there is no extra question

I: Okay well I'm just wondering, you, I didn't bring it up you did, so I am wondering...

JK: yeah but I stopped then, yeah (inaudible)

I: Okay you've said enough. Thank you.**I: Jurgen when the referee yellow carded you, did he say something personal to you there?**

JK: Yeah but I will not... what do you mean personal?

I: Personal (Overtalking)

JK: no no he did, no no no no it's just not, now I will not saying anything about it.

The refs don't say what is said, so I don't say what is said. That's easier said yeah

I: This is the second time you have mentioned the situation with Paul Tierney, again...(Overtalking) JK: (inaudible) the problem is (inaudible), I have to mention because you don't speak about it, so Paul Tierney gave us in a game in a season where we would have been, was quite important he didn't give Harry Kane a red card, and I love Harry Kane, what a player to play against, my God he's pretty much unplayable. That day, didn't get a red card but he found (inaudible), robbo got a red card, so in this came we drew 2-2, you might remember

I: (inaudible) 2021

JK: Sorry. December what...

I: December 2021

JK: December 2021, ah ok so whenever, it is not the first time, there are so many things, it's just little ones. it's just nothing you can nobody in the stadium wanted a foul in a situation with Mo Salah, the linesman was completely calm both hands down, and he is whistling, and yeah of course we are emotional in these moments, it's difficult it's not okay we should not do that, yes we are all role models, all clear but we're human beings first and foremost, before you are role models you are human being and that happens, I didn't say a bad word to the fourth official, not at all, and he

wouldn't have deserved it anyway because he didn't do anything wrong, but I turned around to the fourth official celebrated in that direction and pulled my hamstring probably but in that moment, so fair enough, all good I'm already punished. Got a yellow card on top of that, I think he thought it should have got a different punishment but, because the fourth official it was a yellow card, that's it. We have to ask Mr Tierney what's what's in this situation, what is going on. Did you think it was foul from Mo Salah?

I: (inaudible)

JK: You we writing in that moment, eh (inaudible)... fine.

I:The point is you mentioned Paul Tierney before.... (overtalking)

JK: Look I know what you want now, I don't want to make the story, I said already probably absolutely too much but I cannot help you no more with the story you write tomorrow, so I said what I said, probably too much, you know write what you want to write. I cannot help you now, with on top, more information, details whatever.

7. The media alighted on Mr Klopp's comments and treated them as being assertions that Mr Tierney was biased against Liverpool, and that he had said something inappropriate when giving him the yellow card. The Professional Game Match Officials Ltd was sufficiently concerned by what it saw as an unwarranted attack on Mr Tierney's integrity that it released the following statement –

PGMOL is aware of the comments made by Jurgen Klopp after his side's fixture with Tottenham Hotspur F.C. Match officials in the Premier League are recorded in all games via a communications system and having fully reviewed the audio of referee Paul Tierney from today's fixture, we can confirm he acted in a professional manner throughout including when issuing the caution to the Liverpool manager so, therefore, we strongly refute any suggestion that Tierney's actions were improper.

8. Mr Klopp sought to defuse matters in an interview that he gave on 2 May 2023. We quote from that interview.

JK: Yes, the whole situation is off. Shouldn't have happened at all. That's how it is. It was out of emotion, was out of anger, in that moment. Never a good leader for the things you do. That's why I celebrated the way I celebrated. That was the situation with the fall on Mo. No foul, but it might be-, when a foul was whistled it was directly in front of my eyes, so I saw it was no foul. But it was, anyway free kick, not a free kick, and then the goal a, and a minute later we score. So that's usually a moment where it should just be happy about, that you can score, could score a goal. But unfortunately I was still, kind of, angry that led to the way I celebrated. I didn't say anything wrong. I was shouting "Without you, without you", it doesn't even make a lot of sense, but that was all. I couldn't get really close to the fourth official, which was another turn and his direction was already not right and I didn't want to get close to him, not at all, it was just, because then I felt my muscle. So that's it, pretty much. Then the-, we scored, as I said, then Paul Tierney, came over to me. And I didn't expect, at all, a red card, to be honest. I know I had a red card not too long ago, and I didn't expect for a second red card because I didn't feel that was right. I expected a yellow card in that moment. And he said to me, "For me it's a red card, but because of him". That's what I understood, so it was loud in the stadium, but "Because of him, it's yellow". Shows me yellow card, smiles in my face, that's it. I didn't-, "Red card? For what?" So that's how I left, stood there, left. Then game goes on, final whistle. We go inside. Tried to calm down, didn't work out properly. Go into all the interviews and then in the interview I said what I said. And the things which were made of-, what Paul Tierney said to me, I didn't say. Or I said, "I think everybody knows what I mean by what I said, probably because you can find it out". I said that I'd-, but he said to me it

was not okay.

And actually, I thought it's not okay because it was not a red card, in my view. So that's it. And then the things happened, so, and I understand. I opened a box with that. Was not intentional but obviously I opened it. And your colleague stepped into it and wanted me to carry on, so he said all these words, like, was inappropriate, or whatever, I don't know what kind of words he used, but, and I didn't respond to that, no, I stop it here, and maybe I should have said in that moment, "He said to me it was a red card and I didn't think it was a red card", stuff like this. But then, from that moment on, I realised I opened a box which I didn't want to open, and stopped talking there about that and that's one of the things that happened. I was the rest, the rest was, the things I said, how I feel, about how I felt in that moment about Paul Tierney refereeing our games. I know he's not-, I'm very sure he's not doing it intentionally but, maybe, we have a history and I cannot deny that and I wish-, I'm not a resentful person. Not at all. Not at all. I think it's a waste of time. I had to get over so many things in my life and I get over them. But, obviously, these kinds of things that happened in the past, in decisive games for us, if you're involved or not, it happened and, of course, what happened didn't happen intentionally but they're still there. So that's a feeling, nothing else. So, that's what I said. And I know that, obviously, the refs are really angry about what I said and going out for it I heard I was lying and stuff like this, that was said, that I never did. I did a lot of things that day but I didn't lie. I shouldn't have said a couple of things but lying was not involved in that. So that's pretty much the situation.

MR: Has there been a conversation, or will there be a conversation with Paul Tierney, with Howard Webb, to, kind of, smooth the situation over? I'm just thinking, as well, there's been an incident this season with Andy Robertson where, obviously, you got together with the PGMOL and Andy and the assistant referee on that occasion, and that was sorted out in that ways that a similar process to go through here.

JK: I don't know. I don't know. It's not in my hands what's going on now. I-, we won a football game 4-3, in a very spectacular manner, and the only headlines we had I created, and I really regret that. It's absolutely not necessary and that's really not how it should be. I gave you all the opportunity, not your fault, to write everything, everybody had a say about it and these kinds of things and that's okay, but I have no clue what's happening now. We will expect any kind of reaction because everybody tells us that something will come. But we didn't hear yet from neither the FA nor from the refs or anybody else.

Mr KLOPP's CASE

9. Liverpool wrote a lengthy letter dated 3 May 2023 in response to the charge against Mr Klopp. It explained that the match had been tense for all involved, referred to what it considered to be questionable refereeing decisions in both directions, and explained Mr Klopp's approach to Mr Brooks which it described as a celebration. Turning to Mr Klopp's interview it denied that he had characterised Mr Tierney's comments as having been *unacceptable*, explaining that Mr Klopp had simply considered them to have been *wrong*. The word *unacceptable* had been used by the interviewer: Mr Klopp had responded that he could not comment. Mr Klopp had considered Mr Tierney's comments to be wrong because he had not seen the incident and was relying on what he had been told by his colleagues. As Mr Tierney had not seen what happened, Mr Klopp

could not understand how he could have formed an opinion that the incident could have merited a red card. Mr Klopp recognised that emotions were running high, and accepts that he might have misunderstood what Mr Tierney had said to him. Mr Klopp had not intended to question Mr Tierney's integrity.

10. Liverpool's letter continued, explaining its belief that Salah had not been treated fairly by a number of refereeing decisions during the season. Whilst making clear that it made no accusations against Mr Tierney, Liverpool pointed to the fact that he had been involved in what it considered to have been a number of questionable decisions involving the club. That, it said, had led to a degree of sensitivity regarding Mr Tierney.

11. Liverpool emphasised that Mr Klopp had not intended to question Mr Tierney's integrity. We quote from the letter.

The Club and Mr Klopp wish to stress that they do not believe that Mr Tierney purposely gives decisions against LFC and that any suggestion that Mr Tierney was biased or not wholly impartial was totally unintended.

At the time of Mr Klopp's post-match media duties, emotions were running very high and he tried to articulate how he felt which was that a large number of decisions open to debate against LFC have involved Mr Tierney.

Mr Klopp did not wish to suggest that Mr Tierney was dishonest just that there were a long list of key decisions which he felt aggrieved by that have involved Mr Tierney.

Mr Klopp is certainly not trying to suggest Mr Tierney is intentionally acting improperly against LFC. Mr Klopp attempted to clarify his feelings at his press conference on Tuesday 2nd May and get across what he was trying to articulate after the match on Sunday 30th April. Both LFC and Jurgen Klopp regret that his comments have become a story in themselves and that there has been any question mark cast over Mr Tierney's impartiality -that was not intended.

Our submission is not an attempt to excuse Mr Klopp's comments nor justify any insinuation that may have been made that Mr Tierney was showing bias against LFC, we provide mitigation to try to demonstrate to the Commission how the emotion and frustration felt by Mr Klopp have built up over a considerable period of time.

Both LFC and Mr Klopp sincerely regret that the post-match comments have been interpreted in the way they have and have created a discussion around Mr Tierney's impartiality or professionalism.

Mr Klopp regrets that he acted in a manner which has led to this charge being brought against him and he has assured the Club that he will not repeat his actions in this regard. Mr Klopp accepts that he should not have let his emotions effect his comments made to the media and feels he has learnt from this incident.

12. Mr Klopp has also submitted a letter dated 3 May 2023, which we quote in its entirety.

I want to start this submission with the most important sentiment I must express; I am sorry.

I am sorry for my reaction in that immediate moment when I ran towards the fourth official, Mr Brooks and I fully accepted a caution was justified. I accepted that then and I accept now that a yellow card was correct.

Equally I am sorry for some of the tone and content of my post-match interview. Although it was not my intention I accept now it appears that I was questioning Mr Tierney's integrity. I take ownership of this. On reflection, the words I used were inappropriate.

Both of these incidents were driven by emotion. I was overly emotional at some of the decisions made, which then led to frustration and a feeling of unfairness. I carried that emotion into the mandated and time sensitive post-match press commitments.

I do ask that you look at the comments I made in the following context; we are, as Managers, contractually required to make ourselves available in a timely fashion. This doesn't readily allow for a more measured approach. Also, English is not my primary language and at times what I mean to say and how I say it can conflict.

For the avoidance of doubt, I was trying to express how I felt whilst dealing with the frustration I was feeling around a number of decisions made during the game. It was about feelings and emotions. To be absolutely clear, I know that Mr. Tierney, along with all other officials, do their work without any pre-conceived bias or prejudice.

Although not an excuse, I believe we have made up a high percentage of Mr Tierney's matches this season? Something in the region of 20% of the matches he has officiated have involved my team. I do not offer this as a defence, rather it is an observation and could be a reason for both the build-up of frustration governed by an inadvertent accumulation of incidents over an extended period.

Hopefully you saw in my very next press conference (Tuesday 2nd May, 2023) I sought to clarify and correct any wrong conclusions drawn from the words I used in the interview on Sky Sports, which took place matter minutes after a tumultuous and highly dramatic game ended.

THE FA's CASE

13. The FA has made a detailed response to the submissions made on behalf of Mr Klopp. It accepts that the word *unacceptable* was not used by Mr Klopp, but formed part of a question by the interviewer. It makes the point, however, that Mr Klopp did not correct or distance himself from what had been asked. The result is that the impression was created that Mr Klopp was agreeing that Mr Tierney had said something inappropriate. That impression was fuelled by the fact that Mr Klopp had agreed that Mr Tierney had said something personal to him, but had declined to say what had been said.
14. The consequence was a wave of publicity. It was such that the PGMOL felt it necessary to issue a statement defending Mr Tierney. Mr Klopp himself felt it necessary to clarify and explain at the 2 May 2023 press conference what he had said on 30 April 2023.
15. The FA continued, analysing what Mr Klopp had said on 30 May 2023, and setting

out the words used (which we have already set out above). It describes Mr Klopp's comments as being *personal* and as implying that *Mr Tierney has some sort of problem or issue with the club and/or JK himself*. It asserted that *The clear implication from JK's comments is that Mr Tierney is biased against the club*. The FA recognises, however that Mr Klopp regretted the impression that he had created and accepted that it was inappropriate for him to have questioned Mr Tierney's integrity. It further recognised that the words used by Mr Klopp had been spoken in the aftermath of a tense match at a time that emotions were still running high.

16. In its submissions on sanction the FA characterises this matter as being *a particularly serious example of misconduct involving media comments about a match official*. It makes the point that Mr Klopp is a high profile figure whose words will inevitably attract attention. To have called into question the integrity of a referee was highly improper and simply irresponsible. Mr Klopp's disciplinary record is an aggravating factor. Breaches of Rule E3 took place in the 2018/2019 season and in the current season. The more recent breach caused the Appeal Board to record *We were disturbed by the very aggressive nature of JK's unacceptable behaviour towards the Assistant Referee*. The FA advocated both a fine and a sporting sanction.

17. The FA concluded its submissions in the following terms.

It is of the utmost importance that any match official assigned to a match can perform their duties unencumbered by any suggestions of bias or a lack impartiality towards a particular club. In his comments, JK has gone well beyond comments that are suggestive of bias relative to decisions in a particular match, which are often made with regard to extraneous factors such as the size of the club and/or particular ground. JK's comments directly allege bias and question the integrity of Mr Tierney toward the club, not only in relation to the fixture that had just concluded, but also in relation to a specific decision from the Tottenham FC match in December 2021 and in general terms when speaking of a...history with Mr Tierney. These comments are significantly more damaging than those typically made by managers in the aftermath of a match.

DISCUSSION

18. The Commission recognised that, as submitted by the FA, there were a number of features that aggravated this charge. Mr Klopp has a poor record for disciplinary offences, having appeared before Commissions on three occasions in the past five years. In November 2022 in an appeal in which two members of the present Commission sat, Mr Klopp received a touchline ban, a fine and a warning. Those sanctions plainly failed to deter Mr Klopp from committing

similar breaches of the Rules. Mr Klopp is a high profile individual in the football world. He must have known that what he said would attract widespread publicity. He should have realised that it was incumbent on him to restrain himself and to behave properly. The statements that Mr Klopp made/adopted were not limited to comments on the immediate match, but extended to allegations of persistent bias against a blameless referee. The intense media interest that followed Mr Klopp's remarks was highly damaging.

19. There is, however, considerable mitigation. Mr Klopp clearly recognises that he spoke inappropriately. Before he had been charged, Mr Klopp proactively addressed the matter in his interview on 2 May 2023. He explained that he had been swept away by the emotion of the moment, that he had not intended what had been attributed to him, and expressed his regret. That regret is evidenced by Mr Klopp's speedy admission of the charge, and the fulsome apology and explanation that he offered in his letter of 3 May 2023. The Commission accepts that apology and regret to be genuine.
20. The Commission therefore accepts Mr Klopp's apology, and recognises that he was speaking in the heat of the moment. Nevertheless, Mr Klopp is a high profile figure, who is required to lead by example. He has a history of breaches, most recently in November 2022. The assertions that Mr Klopp made against Mr Tierney were unacceptable, ranging as they did beyond the immediate match.

SANCTION

21. This charge therefore requires a penalty that has a number of elements. First, it must punish Mr Klopp for the seriousness of the breach, reflecting Mr Klopp's history of breaches. Second, it must demonstrate to Mr Klopp that if he commits further breaches he will be subject to yet more disciplinary sanction. Third, it can stand as a warning to others in Mr Klopp's position of the consequences of breaches of this nature. (We approach the deterrent element of the sanction on the basis that a Regulatory Commission is perfectly entitled to recognise that a sanction will have a deterrent effect but the overriding principle must be that the sanction must be proportionate to the facts of an individual case. A sanction cannot be increased beyond a proportionate level in order to achieve the otherwise legitimate aim of deterrence.)

22. We are satisfied that a sporting sanction is required. We consider the appropriate sporting sanction to be a two match standard touchline ban, of which one shall be suspended until the conclusion of the 2023/2024 season on condition that Mr Klopp does not commit any further breach of Rule E3. We order that partial suspension for two reasons. First, we recognise the genuineness of Mr Klopp's remorse, as expressed in the 2 May 2023 press conference, and in his letter of 3 May 2023. Second, we intend the suspension to act as a continuing reminder and deterrence to Mr Klopp that further breaches will result in further sanction.
23. We consider that a financial penalty is also required. Taking into account Mr Klopp's income we consider a fine of £75,000 to be appropriate. Mr Klopp shall also pay the Commission's costs.

CONCLUSION

24. The Commission –
- (1) Directs that Mr Klopp shall be subject to be a two match standard touchline ban, of which one shall be suspended until the conclusion of the 2023/2024 season on condition that Mr Klopp does not commit any further breach of Rule E3.
 - (2) Directs that Mr Klopp must pay a fine of £75,000.
 - (3) Directs that Mr Klopp shall pay the costs of the Commission.



David Phillips KC FCI Arb
Daniel Mole
Tony Agana

16 May 2023