Contents

1	What is Sports Law? Lex Sportiva and Lex Ludica:				
	A R	eassessme	ent of Content and Terminology	1	
	1.1		ction	2	
	1.2	Does S	uch a Thing as 'Sports Law' Exist?	3	
		1.2.1	Assessment Framework	5	
	1.3	What Is	S 'Sports Law'?	8	
		1.3.1	Lex Sportiva	8	
		1.3.2	Global Sports Law	10	
		1.3.3	Transnational Sports Law	12	
		1.3.4	Lex Ludica	12	
		1.3.5	Public International Sports Law	13	
		1.3.6	European Sports Law	14	
		1.3.7	Summary	15	
	1.4	A Reas	sessment of Content and Terminology	15	
		1.4.1	Content	15	
		1.4.2	Terminology	20	
	1.5	The Hard Core of Sports Law			
	1.6	Conclus	sion	27	
		1.6.1	Postscript	27	
	1.7	Annex.		28	
		1.7.1	An Etymology of the Termini Technici Lex Sportiva		
			and Lex Ludica: Where Do They Come From?	28	
	References 3				
2	Tow	ards a Ty	pology of (International) Comparative		
	Spor	ts Law (l	Research)	35	
	2.1	Introduc	ction	36	
	2.2	Studies	and Reports: A Survey	41	
		2.2.1	Public Studies and Reports	41	
		2.2.2	Private Studies and Reports	46	
		2.2.3	Private/Public Studies and Reports	55	

Contents

2.3	Summar	ry and Conclusion	63		
Refer	ences		65		
Tha (Incoificit	y of Sport, Sporting Exceptions in FUL ow	67		
			68		
			70		
	1	•	70		
	-	*	71		
3.4	-		72		
25			14		
3.5					
			73		
26			75		
			78		
			79		
			81		
3.10					
			82		
	3.10.1				
		· · ·	82		
	3.10.2				
		to the Organisation of Sport	85		
3.11	Summa	ry and Conclusion	94		
Refei	rences		96		
FII (Compositi	ion Low and Professional Sport The Collective			
			97		
			98		
4.2	-				
	-		99 99		
	4.2.1 General Principles				
4.3			105		
			105		
			106		
	4.3.3				
			107		
	4.3.4		114		
4.4	The Du		114		
	4.4.1		114		
	4.4.2	The EU Competition Law Provisions	115		
	Refer The S 3.1 3.2 3.3 3.4 3.5 3.6 3.7 3.8 3.9 3.10 3.11 Refer EU C Sellin How Rule 4.1 4.2 4.3	ReferencesThe Specificit3.1Introduc3.2Sport no3.3Treaty of3.4Treaty of3.4Treaty of3.4Treaty of3.4Treaty of3.4Treaty of3.4Treaty of3.4Treaty of3.5The DerJurispru Commit3.6The 2003.7The Specific3.8Sport in3.9Sport Sport Sport Specific3.10The PraceConception3.10.13.10.23.11SummaReferencesEU CompetitieSelling of TVHow The MeaRules is Appl4.1Introduc4.2Testing CompetitiesCompetitiesCompetities4.3The Co4.3.14.3.24.3.34.3.44.4The Du4.4.1	References The Specificity of Sport: Sporting Exceptions in EU Law. 3.1 Introduction 3.2 Sport not in European Treaties. 3.3 Treaty of Amsterdam: 1997 Declaration on Sport. 3.4 Treaty of Nice: 2000 Declaration on Sport. 3.4 Treaty of Nice: 2000 Declaration on Sport. 3.5 The Declarations on Sport (Amsterdam, Nice) in the Jurisprudence of the European Court of Justice and Commission Decision-Making 3.6 The 2007 White Paper on Sport. 3.7 The Specificity of Sport in the White Paper 3.8 Sport in the Constitutional and Reform (Lisbon) Treaties 3.9 Sport Specificity in the 2011 'White Paper Plus' 3.10 The Practical Application of Internal Market Freedoms (Movement and Services) to Sport 3.10.1 The Application of EU Competition Law to the Organisation of Sport: 3.10.2 The Application of Sport: 3.11.0 The Application of Sport: 3.11.1 Summary and Conclusion References EU Competition Law and Professional Sport: The Collective Selling of TV Rights in Europe and the Dutch Equestrian Case: How The Meca Medina 'Test' for Organisational Sporting Rules is Applied		

Contents

		4.4.3	First Consideration: Is the Sports Association	
			that Adopted the Rule Considered an Undertaking	
			or an Association of Undertakings?	116
		4.4.4	Second Consideration: Does the Contested Rule	
			Restrict Competition Within the Meaning of	
			Article 101 TFEU or Constitute an Abuse of a	
			Dominant Position Under Article 102 TFEU?	118
		4.4.5	Third Consideration: Is Trade Between	
			Member States Affected?	124
		4.4.6	Fourth Consideration: Does the Rule Fulfil	
			the Conditions of Article 101(3) TFEU?	125
		4.4.7	The Relevance of Article 165 TFEU	126
		4.4.8	Conclusions	127
	4.5		ry and Conclusion	128
				130
				100
5	Spor	ts Betting	g in the Jurisprudence of the European Court	
-			Study into the Application of the Stare Decisis	
			The Application of the 'Reversal Method'	
			nalysis and The Essence of the ECJ Case	
			s Betting	131
	5.1	-	ction	132
		5.1.1	Definition of 'Sports Betting'	134
	5.2		nd Factual Context of the Case-Law	135
		5.2.1	Zenatti (1999)	135
		5.2.2	Gambelli (2003)	137
		5.2.3	Placanica (2007)	139
		5.2.4	Commission v Italy (2007)	143
		5.2.5	Liga Portuguesa de Futebol Profissional (2009)	112
		5.2.5	(hereafter: Liga Portuguesa)	144
		5.2.6	Sporting Exchange Ltd ('Betfair') (2010)	148
		5.2.7	Ladbrokes (2010)	151
		5.2.8	Otto Sjöberg and Anders Gerdin v. Swedish	
		5.2.0	State (2010) (hereafter: Sjöberg/Gerdin)	153
		5.2.9	Carmen Media (2010)	155
		5.2.10	Summary of the Legal and Factual Context	155
		5.2.10	of the Case-Law	160
	5.3	The Ca	se-Law Presented According to the	100
	5.5		al' Method	162
		5.3.1	Carmen Media	162
		5.3.2	Sjöberg/Gerdin	162
		5.3.2	Ladbrokes	166
		5.3.5 5.3.4	Sporting Exchange ('Betfair').	168
		3.3.4	sporting Exchange (Dettair)	100

		5.3.5 Liga Portuguesa de Futebol Profissional 17	0
		5.3.6 Commission v Italy 17	2
		5.3.7 Placanica 17	3
		5.3.8 Gambelli 17	6
		5.3.9 Zenatti	8
		5.3.10 Analysis of the Case-Law 17	9
	5.4	Sports Betting and the Concept of 'Sports Law' 18	6
	5.5	Conclusion	7
	Refere	ences	9
6		ry/Football Politics/Social Dialogue in Sport: Study into	
		ossible Participation of EPFL and G-14 in a Social Dialogue	
	in the	e European Professional Football Sector	
	6.1	Preface	
		6.1.1 Social Dialogue in Sport 19	2
		6.1.2 History: Football Politics (Asser G-14/EPFL	
		Participation Study)	
	6.2	Chapter 1: Introduction 19	
	6.3	Chapter 2: Mandate, Tasks and Purposes	
		6.3.1 Summary Concerning the Question of Mandate 20	
	6.4	Chapter 3: (In)dependence	
		6.4.1 Summary on (In)dependence 21	
	6.5	Chapter 4: EU Admissibility Criteria 21	5
	6.6	Chapter 5: Representation in the Context of Present Social	
		Dialogue Committees 21	
	6.7	Chapter 6: Specificity of Sport	
	6.8	Chapter 7: Agenda of Topics	
		6.8.1 Artificial Turf	
		6.8.2 "Home-grown" Players Rule 22	
		6.8.3 Image Rights 22	
		6.8.4 International Match Calendar 22	
		6.8.5 Investment (Player) Funds 22	
		6.8.6 Non-EU Nationals	
		6.8.7 Pension Funds	
		6.8.8 Players' Agents 23	
		6.8.9 Player Release System	
		6.8.10 Pyramid Structure	
	60	6.8.11 Salary Capping	
	6.9	Chapter 8: Summary, Conclusions and Recommendations 23	
	6 10	6.9.1 Informal Social Dialogue	
	6.10	Postscript: New Developments in Football Governance 23	
	Dof-	6.10.1 Specificity of Sport	
	Kerer	rences	U

7	Sport and Nationality: "Accelerated" Naturalisation for							
		National Representative Purposes and Discrimination Issues						
		Individual and Team Competitions Under EU Law 2						
	7.1		uction	242				
	7.2	Accelerated" Naturalisation for National						
		Repres	entation Issue	244				
		7.2.1	Comment	246				
		7.2.2	Kalou Case	250				
	7.3	Sport a	Ind Discrimination in EU Law	252				
		7.3.1	The Discrimination of Sportspersons					
			("EU Non-Nationals") in Individual					
			National Championships	252				
		7.3.2	The Discrimination of Professional Football					
			Players ("EU Non-Nationals")	258				
		7.3.3	UEFA Home Grown Players' Rule	262				
	7.4	Summa	ary and Conclusion	265				
	Refe	rences .	·	267				
8	Inte	International Professional Football Law: Webster, Matuzalem						
			tis—The CAS Transfer 'Buy-Out' Rulings	269				
	8.1	Introdu	ction	270				
	8.2	DRC a	nd CAS	271				
	8.3	FIFA 7	Fransfer Rules: Contractual Stability	272				
		8.3.1	Comment	276				
	8.4	'Valid	Contract (Compensation) Cases'	278				
		8.4.1	Webster Case	278				
		8.4.2	Matuzalem Case	285				
		8.4.3	De Sanctis Case	301				
	8.5		sion	311				
				312				
9	Anti	-Doping	Law in Sport: the Hybrid Character of WADA					
			an Rights of Athletes in Doping Cases					
			lity Principle)	313				
	9.1	-	ction	314				
	9.2		A: A Public–Private Body	315				
	9.3							
	7.5		portionality	319				
		9.3.1	First Instance: Instituut Sportrechtspraak: Royal					
		7.5.1	Dutch Billiards Federation (KNBB) (Complainant) v					
			N. Zuijkerbuijk (Defendant)	319				
		9.3.2	Appeal: Court of Arbitration for Sport (CAS)	328				
	9.4		and Conclusion	331				
	7.4	9.4.1		332				
		7.4.1		552				

		9.4.2	Answer	332
	Refer	ences		333
10	Legal	Aspects	of Combating Transnational Football	
10	Hooli	ganism in	• Europe	335
	10.1		ion	336
	10.2		afety and Security Regulations	337
	10.2		isciplinary Regulations (Edition 2006)	338
	10.5		rt of Arbitration for Sport	338
	10.4		of Europe	342
	10.5		1 Union	344
	10.0	10.6.1	After the Heysel Tragedy.	344
		10.6.2	The Larive Report on Vandalism and Violence	2
		10.0.2	in Sport	345
		10.6.3	An Amended Resolution	347
		10.6.4	The 1996 Council Recommendation	348
		10.6.5	The Roth Report and the Resulting Resolution	349
		10.6.6	Binding Measures	351
		10.6.7	The Possibility of Stadium Bans	352
		10.6.8	The First Police Handbook	353
		10.6.8	The 2001 Handbook	354
		10.6.10	The Council Decision of 25 April 2002	361
		10.6.10	The Council and Stadium Bans	363
		10.6.11		364
		10.6.12	Ticketing	369
	10.7		Concluding Remarks	372
	10.7	Summar	y and Conclusions	572
11	Inter	national S	Sports Boycotts: Sport, Law and Politics	379
	11.1		tion	380
	11.2	The Boy	cott of the 1980 Moscow Olympic	
		Games a	nd Détente	382
		11.2.1	Introduction	382
		11.2.2	Sport and the Final Act of Helsinki	383
		11.2.3	Assessment	385
		11.2.4	Afghanistan	386
		11.2.5	Reciprocity	387
		11.2.6	Sport and Politics	388
		11.2.7	The Olympic Charter	390
		11.2.8	National Representation	392
		11.2.9	Depoliticisation	393
		11.2.10	The IOC	395
		11.2.11	Conclusion	396
		11.2.12	Postscript	397

11.3	The Sports Boycott of Nigeria: Sports, Politics		
	and Hun	nan Rights	
	11.3.1	South Africa	
	11.3.2	Serbia Montenegro	
	11.3.3	The 1980 Moscow Olympics	
	11.3.4	Sports Boycott of Nigeria 402	
	11.3.5	Starting Points for 'Sports and Politics' 404	
	11.3.6	Conclusion 406	
11.4	The Oly	mpics, China and Human Rights 407	
	11.4.1	Introduction	
	11.4.2	United Nations	
	11.4.3	European Union	
	11.4.4	The Netherlands	
	11.4.5	IOC 410	
	11.4.6	NOC*NSF 410	
	11.4.7	Individual Athlete 411	
	11.4.8	In Closing 412	
11.5	Annex 1	413	
	11.5.1	Statement NOC*NSF Beijing 2008 413	
	11.5.2	Public Debate	
	11.5.3	Social Effects	
11.6	Annex 2	414	
	11.6.1	NSF 'Basic Principles Concerning	
		Sport and Politics' 414	
11.7	Summar	y and Conclusion	
Refer	ences		