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Is sport still special?

BRUSSELS
EUROPEAN CIRCUIT
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Recent and Pending cases

Significant impact on sport



Sports governance

Regulation of independent competitions (Superleague)
Equipment (SRAM)



Players

Locally trained players (Royal Antwerp)
Transfer rules (Diarra)
COVID19 measures (CD Tondela/Liga Portuguesa)



Agents

FIFA Football Agents Regulations (RRC Sports)
National regulations (Rogon)
UK and CAS cases



Arbitration and sporting justice

CAS decisions in EU legal order (RFC Seraing)
National sports judicial regimes (CONI / FIGC)



Club and Financial regulations

Manchester City cases
MCO cases

Governance

Superleague and ISU judgments

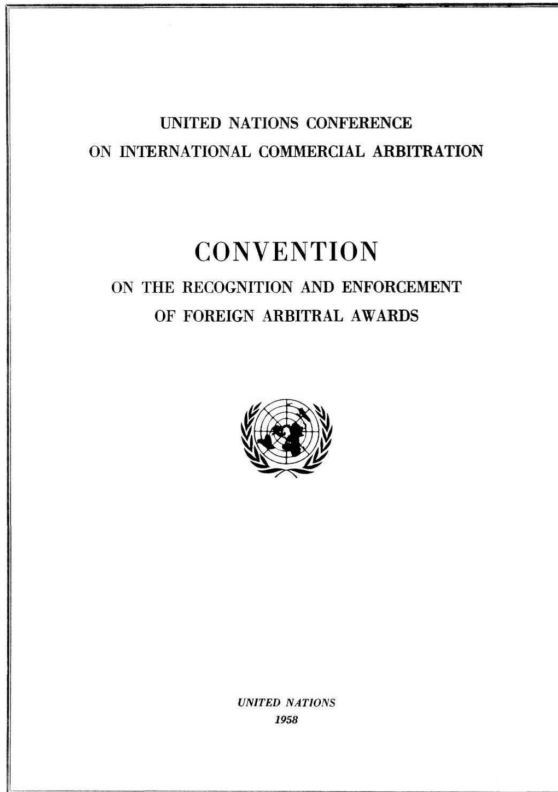
- Sports federations have the right to authorise independent organisers due to specific characteristics of sport
- But risk of conflict of interest in the absence of a transparent regulatory framework where sports federation is both regulator and major organiser of sporting competitions
- Authorisation rules must be objective, transparent and non-discriminatory

“the adoption of rules on prior approval of interclub football competitions ... may be justified ... by public interest objectives consisting in ensuring, prior to the organisation of such competitions, that they will be organised in observance of the principles, values and rules of the game underpinning professional football, in particular the values of openness, merit and solidarity, but also that those competitions will, in a substantively homogeneous and temporally coordinated manner, integrate into the ‘organised system’ of national, European and international competitions characterising that sport”

Superleague §253

Sports arbitration and EU Law

Application and review



- **Why mandatory sports arbitration?**
 - Uniformity
 - Efficiency
 - Neutrality
- Seat of CAS in Switzerland
- But EU law applicable as a “foreign mandatory law” (s.19 PILA) in CAS cases (e.g. Case 98/200 ENIC)
- **Option 1:** Set aside the decision before court where the arbitral panel has its “seat” (Swiss Federal Tribunal for CAS)
- **Option 2:** Challenge recognition or enforcement of the arbitral award on grounds of public policy
 - New York Convention allows each signatory State to apply its public policy
 - EU free movement and competition law recognised public policy law in the EU (Case C-126/97 Eco-Swiss judgment)
- But status of CAS arbitration clause put in question after found to reinforce a restriction of competition in ISU case

Sports Arbitration and EU judicial control

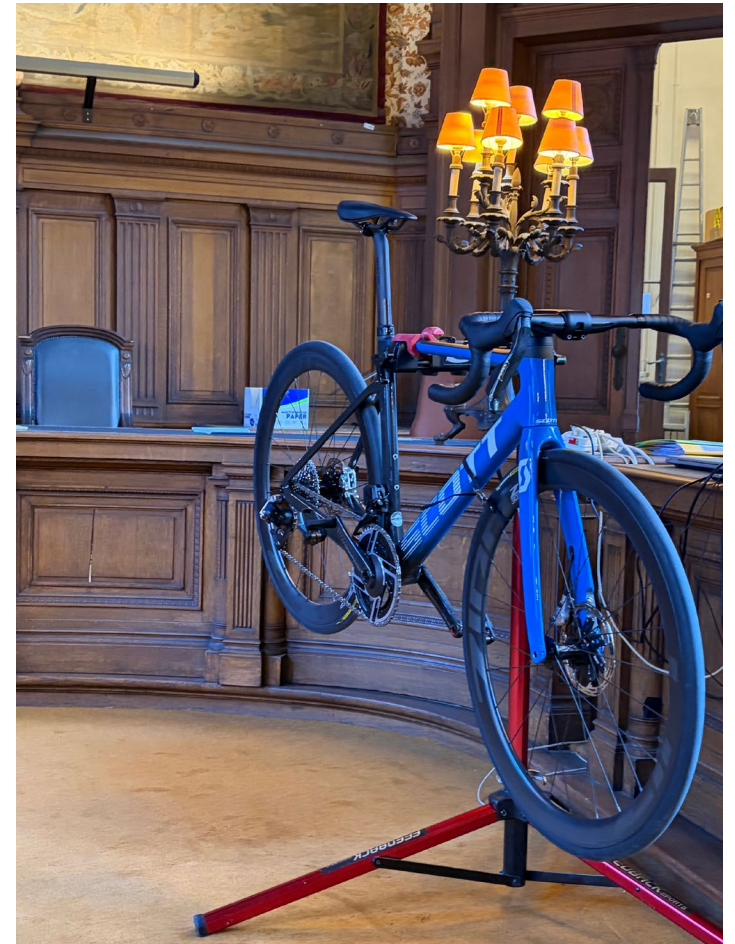
RFC Seraing judgment

- ECJ recognised necessity of mandatory arbitration in sport due to “indeterminate” group of persons and clubs subject to the rules [§93]
- Sports federations entitled to rely upon arbitration to [§94]:
 - ensure the uniform handling of disputes relating to the sporting discipline; or
 - enable the consistent interpretation and application of the rules
- No requirement to have **direct appeal** in EU (but can do so) [§99]
- BUT there must be an **indirect means** to challenge an arbitral awards to ensure effective EU judicial control [§100]
- ECJ highlighted right to raise EU public policy in recognition and enforcement of CAS arbitral awards before EU National Courts [§115]

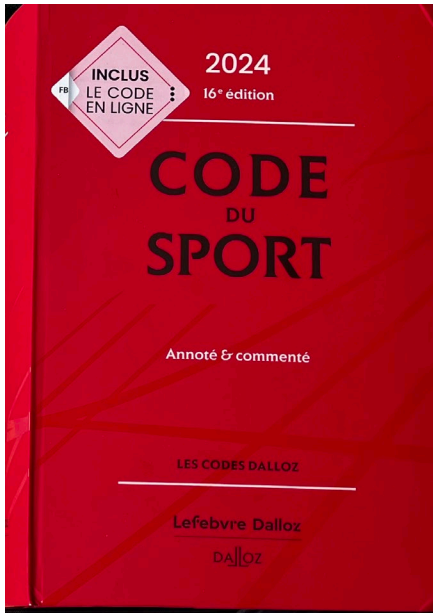
Equipment and Safety

SRAM v. UCI

- Concerns in cycling with speed of pelaton and safety of cyclists (in particular during descents)
- Safe Roadcycling stakeholder body (SafeR) proposes recommendations on possible ways to improve safety
- UCI plans a test to see if the imposition of a maximum gearing ratio would affect speed at WorldTour race in China
- But gear manufacturer SRAM claimed this test is anti-competitive
- Belgian Competition Authority opened a formal procedure
- Interim measures decision 9 October 2025 preventing UCI from conducting the test as “not manifestly unreasonable” that it restricts competition
- Interim measures upheld by Market Court in May 2026 – but possible appeal to Cassation Court



Conclusion: Is sport still special?



- Yes: sporting context always matters
- No blank cheque: Sports federations must act in a proportionate manner in pursuit of economic benefits or public interest objectives
- But competition authorities and courts must also act proportionately and not “step in the shoes” of sports federations



Thank you

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