

6TH
EDITION
2020 • 2022

mesgo

THE EXECUTIVE MASTER IN
GLOBAL SPORT GOVERNANCE



DETAILED
PROGRAMME

LEGAL FRAMEWORK

3-7 MAY 2021
ONLINE - ZOOM

SESSION 3

Academic Partners



Université
de Limoges



Table of contents

1. INTRODUCTION	4
2. SYLLABUS	5
2.1. INTRODUCTION TO THE SESSION.....	5
2.2. EXTERNAL MANAGEMENT OF LEGAL DISPUTES	6
2.3. INTERNAL SETTLEMENT OF LEGAL DISPUTES	7
2.4. THE SPORTS LEGAL AND POLITICAL FRAMEWORK IN EUROPE	9
2.5. EU ADVOCACY.....	15
2.6. HOT TOPIC SESSION.....	15
2.7. DEBRIEFING AND DEBATE	16
3. TIMETABLE	17
3.1. MONDAY 3 MAY 2021	17
3.2. TUESDAY 4 MAY 2021.....	18
3.3. WEDNESDAY 5 MAY 2021.....	19
3.4. THURSDAY 6 MAY 2021	21
3.5. FRIDAY 7 MAY 2021	22
4. BIBLIOGRAPHICAL REFERENCES	23
4.1. MANDATORY READING	23
4.2. RECOMMENDED READING	24
4.3. FURTHER READING.....	25
5. PRACTICAL INFORMATION	30

1. Introduction

The purpose of this detailed programme is to provide you with the basic information that you need to prepare for the third MESGO session, which will be held from 3 to 7 May 2021.

This session seeks to outline the wider legal context in which sports governing bodies operate, particularly the context of the European institutions (EU and Council of Europe), and to describe the range of legal mechanisms at the disposal of sports governing bodies in their governance and regulatory roles, by assessing the following key issues:

- the heterogeneous nature of the legal challenges facing sports governing bodies, including commercial, labour and disciplinary challenges;
- the organisation and management of the internal legal department of a sports' governing body;
- the internal and external management of legal disputes, with a specific focus on alternative mechanisms for dispute resolution, in particular the role of the Court of Arbitration for Sport (CAS);
- the significant impact of the EU on the regulatory role of sports governing bodies (i.e. how these influences can be managed?);
- the growing influence of the Council of Europe, in particular regarding disciplinary proceedings and the recognition of CAS;
- the role of lobbying at national and European level.

By the end of this session, the participants should be able to:

- acknowledge the different sources of international sports law and the existence of (a) sports legal order(s);
- understand the implications of the diversity of legal issues affecting sports organisations;
- demonstrate a good understanding of the international legal context of sports organisations, in particular the key elements of European law (freedom of mobility, free competition, Human rights influence);
- demonstrate an appreciation of how sports governing bodies' traditional autonomy over the manner in which they organise their sports is increasingly being challenged in national and international courts and by European political institutions and, therefore, of the importance of establishing and managing an effective operating relationship with these institutions;
- identify, understand and be able to manage the key legal management challenges, for example articulation between sporting regulation and European law, including lobbying;
- understand the critical importance of legal prevention and the different practical ways to achieve it;
- understand the fundamentals of alternative dispute mechanisms and their advantages and disadvantages in sporting dispute management;
- be able to have a critical analysis of the way legal disputes are managed in their own organisations and to think about ways to improve their systems.

In order to achieve these objectives and encourage deeper thinking, issues will be dealt with in various ways over this five-day session. First-hand accounts and discussions involving people working in the sport sector will be complemented by contributions from academia.

2. Syllabus

2.1. Introduction to the session

Since sport is clearly not above the law, a good understanding of the relevant legal frameworks is crucial in sports governance. Indeed, sports organisations have to take into account a large number of legal parameters when drafting their own regulations.

Many different legal issues affect sports organisations, and the legal concerns of such organisations are by no means limited to disciplinary and commercial matters. For example, an understanding of insurance matters, intellectual property rights, labour law and EU law is also crucial. This session will detail the structure of international sports law and provide a clear understanding of the key legal principles that apply to sports organisations at both European and international level. It will focus, in particular, on EU law and the settlement of legal disputes.

This session will comprise different sections, dealing with a number of issues that relate directly to the internal management of sports organisations, as well as other broader issues that, despite appearing to have less direct relevance, are ultimately no less important (e.g. issues relating to EU law):

- After two introductory presentations on the concept of *lex sportiva* and the basics of Swiss law applicable to non-profit organisations, the session will start by looking at the external management of legal disputes, and at the specific features of alternative dispute resolution mechanisms in sport, particularly the role of the Court of Arbitration for Sport but also other arbitration systems.
- We will then move on to in-house legal management, particularly the question of disciplinary proceedings and legal strategy. We will focus, in particular, on the issue of the need for a global approach concerning the legal fight against doping and the lessons that could be taken concerning other areas (betting, agents, ...).
- We will then turn our attention to the European legal and political framework in which sports organisations operate, looking especially at how EU law has influenced the regulation of sport in recent decades and the impact it may have in the future. A special look will also be taken at the increasing influence of the Council of Europe on sports governance, in particular through the implementation of the European Convention on Human Rights (ECHR) by the European Court of Human Rights. Looking at the European legal framework of sports will also provide an opportunity to shed light on the present and future challenges of EU social dialogue in the field of sport. Finally, the issue of EU lobbying will be tackled, in relation to both the sports sector and other industries.

One should not forget that law is not always about disputes, as most of the time sports regulations are applied without any difficulties. But when difficulties arise, it is crucial to have a perfect understanding of all the issues at stake.

2.2. External management of legal disputes

The diversity of sources of international sports law: who creates sports law?

The very existence of what is commonly called “sports law” is not all that readily acknowledged, and the debate regarding this issue is still ongoing in the legal community. This can be explained by the large diversity of sources of law (both public and private), at both national and international level – in the field of sport, as well as the reluctance of some to recognise private legal orders.

This presentation will acknowledge the existence of international sports law – a legal framework based on the regulations laid down by international federations and the Olympic movement, supplemented by the activities of the Court of Arbitration for Sport and the World Anti-Doping Agency (WADA). Above all, it will address the key issue of the autonomy of this so called *lex sportiva* with regard to national and international legal orders, including EU law.

Basics of Swiss law: the regulation of non-profit organisations

Almost all international sports organisations are based in Switzerland – more specifically, in the canton of Vaud. Although these organisations operate at an international or global level, they remain subject to Swiss law.

Swiss law has therefore a special role in international sport and some specific issues must be taken into account.

Arbitration in Sport: pros and cons. Is CAS the only remedy?

Mandatory reading!

To prepare for this round table, please read:

- Court of Arbitration for Sport:
 - “History of the CAS”¹
 - “Frequently asked questions”²
- Sports Resolutions:
 - Presentation of SR’s arbitration services³
 - 2019/2020 Annual report⁴
- Rigozzi, A., Besson, S. and McAuliffe, W. (Lévy Kaufmann-Kohler). “The European Arbitration Review 2017 – International Sports Arbitration”. In *Global Arbitration Review* (14 October 2016).

Please also pay attention to “Recommended readings”

¹ <https://www.tas-cas.org/en/general-information/history-of-the-cas.html>

² <https://www.tas-cas.org/en/general-information/frequently-asked-questions.html>

³ <https://www.sportresolutions.co.uk/services/arbitration>

⁴ https://www.sportresolutions.co.uk/images/uploads/files/ANNUAL_REPORT_19-20_FINAL.pdf

Created in 1984 and based in Lausanne, Switzerland, the Court of Arbitration for Sport is a well-known “*institution independent of any sports organisation which provides for services in order to facilitate the settlement of sports-related disputes through arbitration or mediation by means of procedural rules adapted to the specific needs of the sports world*”⁵. The main function of the CAS is arbitration (with awards issued by the CAS having the same enforceability as the judgments of ordinary courts), although it also conducts mediation proceedings (to help parties to solve their disputes on an amicable basis).

Even without being a true lawmaker, CAS has a specific place in the creation and enforcement of sporting regulations. Pros and cons of CAS will be considered, and possible improvements will be discussed with participants. The emergence of other challenging arbitration systems within the field of sports (e.g. Sports Resolutions) will also be addressed.

After a short presentation by one CAS arbitrators and a lawyer outlining their respective roles in proceedings before the CAS as well as a presentation on another sports arbitration system (Sports Resolutions), the speakers will debate with the participants. Taking into account the increasing role of the alternative systems of dispute resolution in sports over the years, the debate will focus in particular on its impact on the governance of sport and its role in the regulation of international sport.

2.3. Internal settlement of legal disputes

The management of a legal department: legal strategy

While the various ways of settling sporting disputes will be dealt with later on in the session, this presentation will focus on the critical importance, wherever possible, of avoiding disputes in the first place and smoothly handling any legal issues that arise. Being located and subject to different fields of law (either private as well as public) and acting in a complicated environment and being subject to both domestic and international legal frameworks, all sports organisations, whether they are a national federation, a big club or an international federation should develop a clear legal strategy based on preventive measures and, above all, risk management.

Advice and practical tools that can be used by sports organisations to avoid legal disputes (e.g. contractual prevention of disputes) will be presented. This session will also discuss the organisation of a legal department, based on its activities and scope (including the difficult issue of the line between internal and external management – i.e. when to hire external lawyers and for what reasons). The implementation of a global legal strategy based on risk management will also be addressed as a way of reducing legal challenges for sports organisations. The theory of legal risk management will be explained, as will the best way of handling it in practice.

⁵ www.tas-cas.org/en/general-information/frequently-asked-questions.html (accessed on 29 March 2021).

The disciplinary powers of sports organisations: the importance of sound proceedings

“The governance of sport is all about rules. Without them, and without a mechanism for enforcing them, the sport could not exist.”⁶

The range of different rules that can give rise to legal proceedings is very wide indeed, as any of the rules that are implemented by a sports federation can be challenged. It is therefore essential to handle every situation properly.

While there are probably as many different disciplinary and internal dispute resolution systems as there are sports organisations, some common principles and procedures can be identified. In particular, the governing body must organise and conduct legal proceedings in accordance with its own rules, and in a fair manner.

Throughout a workshop exercise, the absolute necessity of having well-established and well-structured disciplinary procedures and internal dispute resolution systems, as well as mechanisms to resolve other disputes, will be emphasized.

Anti-doping disciplinary proceedings: the importance of a global harmonisation and perspective for other areas?

Mandatory reading!

To prepare for this presentation, please read:

- WADA Code, 2021, read Articles 1, 2, 3, 8, 10 and 13:
https://www.wada-ama.org/sites/default/files/resources/files/2021_wada_code.pdf
- Arbitration Rules - CAS Anti-Doping Division:
<https://www.tas-cas.org/en/arbitration/cas-anti-doping-division.html>

Please also pay attention to “Recommended readings”

Without any doubt the fight against doping has been one of the biggest challenges ever faced by the sports institutions in the past decades.

Because such fight may also jeopardize some fundamental rights, it must always be in accordance with some legal principles which may evolve depending on the time they are considered, but also depending on the various countries and their legal systems.

That is one of the reasons why a worldwide global approach, consisting of an unprecedented cooperation between the States and the sports movement, has been put in place with the World Anti-Doping Agency (WADA) through the implementation of the well-known WADA-Code. Very recently, a

⁶ Vleck, K., Hedley-Dent, S. and Lewis, A. “Disciplinary proceedings and internal dispute resolution”. In Lewis, A. and Taylor, J. (Eds). *Sport: Law and Practice*. Butterworths, 2003.

specific permanent anti-doping division has also been established within CAS to handle doping cases, at first instance and on appeal.

This legal process as well as its pros and cons will be focused on and a debate will take place to discuss whether an approach of the same kind could be of any help in other areas such as betting or agents, for example.

Investigations conducted by an independent party

On 18 May 2016, Prof. Richard McLaren was tasked by WADA with heading an independent investigative team charged with determining the truth behind the various allegations (including allegations of manipulation of doping control samples) made by Dr Grigory Rodchenkov, the former director of the WADA-accredited laboratory in Moscow.

Prof. McLaren published his findings in two parts – the first on 16 July 2016 and the second on 9 December 2016 – representing a new departure both in terms of the fight against doping in sport and in terms of the way that sports organisations deal with huge potential disciplinary cases.

Indeed, it is worth noting that those investigations looking at doping issues in Russia were led not by in-house personnel (i.e. regular WADA staff), but by an external independent party appointed specifically for that purpose.

Prof. McLaren will explain how such an investigation is conducted, as well as the pros and cons of this approach.

Since then, Prof. McLaren has also conducted an investigative team examining allegations of corruption in weightlifting and has recently been appointed as International Basketball Federation (FIBA) Integrity Officer.

2.4. The sports legal and political framework in Europe

When we address the question of Sport's European legal and political framework, we first have in mind European Union law (EU law).

EU law is a body of rules (treaties, regulations, case law, directives and decisions) adopted at EU level which operates alongside the legal systems of the EU member states, taking precedence over national law and binding on national authorities (with direct effect).

EU law is based mainly on two founding treaties: The Treaty on European Union (TEU or Maastricht Treaty) and the Treaty on the Functioning of the European Union (TFEU or Treaty of Rome).

Since 2009, and the entry into force of the Lisbon Treaty, the EU has a specific competence in the field of sport. Article 6(e) of the Treaty on the Functioning of the European Union (TFEU) confers on the EU the competence to support or supplement the actions of the Member States in the field of sport, while Article 165(1) sets out the details of a sports policy, stating that the Union 'shall contribute to the promotion of European sporting issues, while taking account of the specific nature of sport, its structures based on voluntary activity and its social and educational function. Furthermore, Article 165(3) states that "The Union and the Member States shall foster cooperation with third countries and

the competent international organisations in the field of education and sport, in particular the Council of Europe".

EU law is formed of various key principles, the most important being the principle of equal treatment between EU citizens, the five freedoms (free movement of goods, workers and capital, freedom of establishment, and the freedom to provide services) and competition regulations (governing cartels, monopolies, mergers and state aid).

One of the main challenges facing sports organisations in the governance of their sports is the relationship between sports regulations and EU law. However, discussions on the current challenges and future trends regarding the application of EU law to sport can only be considered once the fundamental principles of EU law are clearly understood.

Entirely distinct from the EU, the Council of Europe (CoE) -not to be confused with the EU institutions, in particular the Council of the European Union or the European Council-, is the oldest European institution, founded by the Treaty of London on May 5, 1949.

The CoE is an intergovernmental organisation comprising 47 Member States, including all of the current 28 EU Member States. In addition, the CoE has six observer states among which Canada, the United States and Japan.

Made up of various bodies and institutions (most notably, the Committee of Ministers, the Parliamentary Assembly and the European Court of Human Rights (ECHR)), the Council of Europe primary purpose is to promote, through international conventions and, in particular, the European Convention of Human Rights (ECHR), cooperation between European countries in the areas of human rights, democratic development, legal standards and culture.

Unlike the EU, the Council of Europe cannot make mandatory laws. Conventions adopted by the Parliamentary Assembly of the Council of Europe (PACE) are not binding and their ratification by member countries is voluntary. In the same way, the Committee of Ministers recommendations are merely advisory.

However, the CoE is a key actor on the international scene and in particular in the field of sport, where it promotes coordinated action between member states governments and sports governing bodies in order to tackle sports specific issues.

Sport and Council of Europe

Mandatory reading!

To prepare for this presentation, please read:

- Council of Europe:
 - "Enlarged Partial Agreement on Sport (EPAS): Factsheet"
 - "Tipping the balance in favor of sporting values"
- European Court of Human Rights: Sport and the European Convention on Human Rights, July 2020

Please also pay attention to "Recommended readings"

For over four decades, the Council of Europe main aims have been to promote fair play and respect in sport, tackle corruption and help making sport safe, ethical and accessible to all. These objectives are reflected in the European Sports Charter and in the Code of Sports Ethics.

The Council of Europe, based in Strasbourg, has specialised bodies dealing with sports issues such as the Committee of Ministers, the Consultative Assembly, etc., but also the Conference of European Ministers responsible for Sport, which meets every two years, and the Enlarged Partial Agreement on Sport (EPAS), as well as the Directorate General for Youth and Sport. EPAS, created in 2007, is a specific structure which “provides a platform for intergovernmental sports co-operation between the public authorities of its member states”, “encourages dialogue between public authorities, sports federations and NGOs”, and “...develops policies standards, monitors them and helps with capacity-building and the exchange of good practices” (CoE Factsheet 1st February 2018).

The cornerstone of CoE works is of course the European Convention on Human Rights (ECHR) which sets up a number of fundamental principles, including the right to a fair hearing (art. 6 § 1), a principle of particular importance in the sport sector (See Mutu and Pechstein v. Switzerland case). But the CoE’s work in the field of sport has also resulted in specific conventions: The European Convention on Spectator Violence (1985) revised with the adoption in 2016 of a new Convention focusing on an integrated and multiagency approach to safety, security and service at football matches and other sports events, the Anti-Doping Convention (1989) ratified by 50 states and, more recently, the Convention on the Manipulation of Sports Competitions (2014).

The role of the CoE in the field of sport will be discussed in more detail in a joint presentation by the Executive Secretary of EPAS-CoE and Alexandre Husting, Attaché Education, Youth, Culture and Sport-Permanent Representation of Luxemburg to the EU and Chair of EPAS.

Inter-institutional cooperation in the field of sport at EU level

Mandatory reading!

To prepare for this round table, please read:

- EU sports policy: Going faster, aiming higher, reaching further, European Parliamentary Research Service, Sept. 2019.
- Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council on the European Union Work Plan for Sport (1 January 2021-30 June 2024).

Please also pay attention to “Recommended readings”

The Lisbon Treaty gave the EU a specific competence in the field of sport, enabling it to contribute to national efforts to support the sector and to promote a more European dimension. The Treaty clearly sets out the details of a European sports policy whilst taking account of how sport is organised and the social and education purpose that it serves. Key elements of developing the European dimension in sport include the promotion of fairness in sporting competitions, cooperation between bodies responsible for sports, cooperation in the field of education and sport, and the protection the physical and moral integrity of athletes.

With the clear legal basis provided by the Treaty, the EU is able to provide structural support to the sports sector with the Erasmus+ programme and there are regular encounters between national ministers for sport at the European Council meetings for Education, Youth, Culture and Sports. The EU's competences in the single market have also had a considerable impact on sport. For example, the European Court of Justice has developed important case law with major implications for the world of sport. At the same time, the EU has exercised its 'soft law' powers in closely related areas such as education, health and social inclusion through their respective funding programmes.

The debate will highlight the importance of the cooperation between the European Parliament, European Commission and Council of Europe. It will focus on key questions such as: How can three institutions improve their cooperation in order to strengthen the development of sport at EU level? How can we ensure a strong coordinated voice on the international scene? Why is such interinstitutional cooperation so important for sport organisations?

Katarzyna Biniaszczyk, Coordinator of the Sports Group in European Parliament and a former MESGO V participant will open the debate by setting the overall scene for the questions to be discussed. These questions will then be addressed by: Florencia Van Houdt, Head of the Sports Unit from the European Commission, Marc Tarabella, MEP and Co-chair of the Sports Group in the European Parliament and Stanislas Frossard, Executive Secretary, EPAS from the Council of Europe.

The fundamentals of EU law and sport

Mandatory reading!

To prepare for this presentation (and the round table), please read:

- European Union:
 - "The European Union: what it is and what it does"
 - "How the European Union works. Your guide to the EU institutions"
- European Commission: *Mapping and Analysis of the Specificity of Sport – A Final Report to the DG Education & Culture of the European Commission*, 2016
- Zylberstein, J. "The specificity of sport: a concept under threat". In Blanpain, R., Colucci, M. and Hendrick, F. (Eds). *The Future of Sports Law in the European Union: Beyond the EU Reform Treaty and the White Paper*, 2008, pp. 95–106.

Please also pay attention to "Recommended readings"

The relationship between sports, EU law and policy is at a crossroad.

Sport is a field in which the EU's responsibilities are relatively new, having only been acquired with the entry into force of the Treaty of Lisbon in December 2009, when the European Union has finally recognized the "specific" nature of Sport.

The European Court of Justice repeatedly stated in its case law that sport is subject to EU law in so far as it constitutes an economic activity within the meaning of the Treaty.

At the same time, sports associations at every level (international and national) have been forced to comply with EU law and athletes have benefited from the rights enshrined in the Treaty.

Against this background, dialogue between the European Union and (international and national) sports associations has become increasingly relevant.

During this presentation the speakers will explain the impact that the EU law, the decisional practice of the European Commission and relevant CJEU jurisprudence have had, and still have, in shaping sports regulations. Particular emphasis will be put on the main “sports” cases dealt with by the European Commission as well as the European Court of Justice: *Walrave and Koch* and *Donà* rulings, *the Bosman*, *the Deliège* and *Lehtonen* cases, *the Meca-Medina* and *the Bernard* ruling and, more recently, *the ISU* case.

The aim of this presentation is to give a general understanding of the fundamentals of EU law and Sport by answering to the following questions:

1. What are the EU rights and principles applicable to Sport?
2. What are the main EU principles of EU law to keep in mind when drafting a sports regulation?
3. What does it mean that the European Union recognises the “specific” nature of Sport?
4. What are the main challenges for Sport in an EU perspective?

Role-playing exercise

With this role-playing exercise, the MESGO participants will have the opportunity to directly apply the EU institutions’ reasoning to sporting matters. Two specific cases of alleged violations of EU law will be explored. Some participants will play the role of parties to those cases, while others will play the part of the judges.

"The European sport model: current and future challenges"

The specific nature of sport is now recognised in the Treaty on the Functioning of the EU. However, this recognition of the place of sport in society presents both opportunities and challenges for sports governing bodies. The Panel will discuss the particular challenge for sports governing bodies in balancing their regulatory roles with their own commercial interests. Rules relating to sponsorship of athletes (e.g. Rule 40) and the authorisation of independent events have come under scrutiny in recent years raising the question of whether EU law has taken sufficient account of the specific nature of sport. The Panel will also discuss more broadly the impact of EU law upon sports regulations (financial fair play, national quotas, locally trained players etc.) as well as the future challenges facing sports governing bodies (breakaway groups such as of course the recent EU Super League project, but also agents’ regulation, doping sanctions etc.). The panellists will represent a range of views speaking from their experience in the EU commission, sports governing bodies and as legal practitioners – and will suggest some steps to ensure a healthy relationship between the EU institutions and sports governing bodies.

Sport and European social dialogue

Mandatory reading!

To prepare for this presentation and the round table, please read:

→ Pierre J. and Buisine S., "Social dialogue in the sports sector at EU level", Transfer, Oct. 2013

Please also pay attention to "Recommended readings"

Article 154 TFEU recognises social dialogue at EU level and gives the European Commission the task of promoting social dialogue and consulting European social partners on a range of issues concerning employment and social affairs. Moreover, Article 155 TFEU recognises that dialogue between employees' and employers' organisations at EU level may lead to contractual relations, including agreements.

EU social dialogue in the field of sport has a very broad scope, encompassing both sport and active leisure – i.e. professional sport, non-profit sport and active leisure (private fitness clubs, horse-riding companies, etc.). On the employees' side, it can therefore cover professional players and coaches, amateur trainers and instructors, greenkeepers and even administrative staff working for clubs and companies.

This presentation will explain the aims of European social dialogue in the sports sector and the legal framework within which it operates. With a particular focus on European social partners and the issue of representativeness, it will address the present and future challenges for European social dialogue in the field of sport, especially related to the professional sport sub-sector.

Presentation of Case Study 1: The issue of potential conflicts of interests in sporting judicial bodies (the example of the Fédération Internationale de l'Automobile ("FIA"))

This session will, among other things, emphasise the absolute necessity for sports organisations of having well-established and well-structured disciplinary and internal dispute resolution systems, as well as mechanisms to resolve other disputes.

Indeed, one of the essential aspects, in legal terms, of the organisation of international sports institutions lies in the dispute resolution mechanisms that those institutions put in place.

This case study is about the FIA's judicial mechanisms and in particular the issue of potential conflicts of interests concerning the FIA's judges, which MESGO participants have been asked to assess and to make propositions about.

EU Public funds available for sports organizations

The aim of the intervention is to provide an overview of the European funding sources available for the sports sector with a particular focus on the "Erasmus+ 2021-2027 programme". It will also be an opportunity to provide more information about UEFA strategy in this area after the establishment of a service dedicated to facilitate the access to EU funds by UEFA National Associations. The presentation will also focus on the approval procedure of the cohesion policy funds 2021-2027, with a particular

focus on the advocacy efforts made by sports stakeholders for the inclusion of sport in the new funding programs.

Presentation of Case Study 2: EU law and sport governance

Today, sports governing bodies in Europe face certain challenges when it comes to conducting their regulatory and commercial activities while at the same time respecting fundamental EU principles such as the freedom of movement of workers and EU competition law. This case study is about sports federations' ability to devise appropriate regulatory responses to potentially harmful developments and competitive challenges arising from the entry of new independent organisers in a sport, while at the same time taking account of the broader EU context.

2.5. EU Advocacy

General overview

Advocacy in the EU to be effective must go beyond pure lobbying and direct stakeholder engagement. Current EU agenda shaped by EU Green Deal and greater focus on ESG provides with both opportunities and risks for organisations engaging at the EU level. It is also important to distinguish between the relative powers and competencies of the respective institutions. Finally, we will analyse the intersection and interconnectivity between national advocacy and EU advocacy seeking synergies and holistic strategies where the two mutually strengthen each other.

EU advocacy and sport

After a general presentation on the purpose of EU advocacy, the debate will focus on advocacy in the sports sector, looking at how it is currently performed and how it could be developed and enhanced in the future. The importance of establishing and managing an effective operational relationship with EU institutions will be stressed, especially as governing bodies' traditional autonomy is increasingly being challenged by these institutions.

Heidi Pekkola, Deputy Director at European Olympic Committees EU Office, and James Ogilvie, EU and Governmental Affairs Manager at UEFA will present their positions as regards advocacy, considering its objectives and the ways of achieving them.

2.6. Hot topic session

The participants have to select a current issue affecting international sport and debate it among themselves.

These hot topic discussions are aimed at introducing some flexibility into the MESGO programme by examining the immediate challenges facing the sports industry and allowing participants to select the issues that they want to debate.

The group of participants who are not in a presenting or challenging group for a case study will be tasked with preparing the hot topic discussion.

They must select three articles addressing the issue, and each MESGO participant should read the articles in advance of the session to prepare for the hot topic discussion.

The hot topic discussion will last one hour. The group in charge of preparing the discussion must prepare and present a PowerPoint presentation (maximum of five slides) to introduce the topic and the discussion. This presentation should last between three and five minutes.

They should also prepare three questions related to the topic that they would like to discuss extensively with the class. These questions should be presented on one or more additional slides (maximum of one slide per question).

They should then moderate a 50-minute discussion based on the three questions prepared by the group. Each of the three questions should be debated for 15 to 20 minutes. The entire debate can be moderated by one person, or the moderator could change for each question.

2.7. Debriefing and debate

At the end of the third MESGO session, participants will be invited to fill in (anonymously) a comprehensive questionnaire assessing the quality of the session (lectures, conference rooms, helpfulness of staff, etc.). In addition, an oral debriefing will take place involving participants, session directors and the MESGO manager to identify the strengths and weaknesses of Session 3.

3. Timetable

3.1. Monday 3 May 2021

Online session

We encourage you to connect 15 minutes before the start of the official programme

- 13.45 – 14.00 **Introduction to Session 4**
Speakers:
 - Nathalie Alaphilippe, Lawyer, CDES
 - Jean-Christophe Breillat, Head of Legal Affairs, CDES

- 14.00 – 15.15 **The diversity of sources of international sports law**
Speaker: Franck Latty, Professor of International Law, University of Paris Nanterre

- 15.15 – 15.30 *Break*

- 15.30 – 16.45 **Basics of Swiss law: the regulation of non-profit organisations**
Speaker: Michele Bernasconi, Attorney-at-law, Bär & Karrer AG

- 16.45 – 17.00 *Break*

- 17.00 – 18.30 **Round-table discussion: Arbitration in Sport: pros and cons. Is CAS the only remedy?**
Speakers:
 - Michele Bernasconi, Attorney-at-law, Bär & Karrer AG
 - Antonio Rigozzi, Attorney-at-law, Lévy Kaufmann-Kohler
 - Richard Harry, Chief Executive, Sport Resolutions
Moderator: Jean-Christophe Breillat, Head of Legal Affairs, CDES

3.2. Tuesday 4 May 2021

Online session

We encourage you to connect 15 minutes before the start of the official programme

- 07.45 – 08.15 **Sports activity - Optional**
- 08.45 – 09.05 **Recap of Day 1 and introduction to the topics of the day**
Speakers:
 - Nathalie Alaphilippe, Lawyer, CDES
 - Jean-Christophe Breillat, Head of Legal Affairs, CDES
- 09.05 – 10.20 **The management of a legal department: from legal strategy to risk management**
Speaker: Efraim Barak, Founder of Efraim Barak, Sport Law and Consultancy
- 10.20 – 10.35 *Break*
- 10.35 – 11.50 **Workshop exercise: The disciplinary powers of sports organisations: the importance of sound proceedings**
Speaker: Loïc Alves, Legal Counsel FIFPRO (and MESGO IV graduate)

LUNCH

- 13.30 – 13.45 **Warm up**
- 13.45 – 14.45 **Hot Topic**
- 14.45 – 15.00 *Break*
- 15.00 – 16.00 **Mentor/Mentee workshop**
- 16.00 – 16.15 *Break*
- 16.15 – 17.15 **Anti-doping disciplinary proceedings: the importance of a global harmonisation + perspective for other areas?**
Speaker: Louise Reilly, Barrister (Bar of Ireland, Bar of England and Wales) and Arbitrator
- 17.15 – 17.30 *Break*
- 17.30 – 18.45 **The investigations by an independent party: a shared experience**
Speaker: Richard McLaren, Law Professor, Western University, CAS Arbitrator and Independent Investigator

3.3. Wednesday 5 May 2021

Online session

We encourage you to connect 15 minutes before the start of the official programme

- 08.00 – 08.30 **Sports activity - Optional**
- 09.10 – 09.30 **Recap of Day 2 and introduction to the topics of the day**
Speakers:
 - Nathalie Alaphilippe, Lawyer, CDES
 - Jean-Christophe Breillat, Head of Legal Affairs, CDES
- 09.30 – 10.15 **Sport and Council of Europe**
Speakers:
 - Stanislas Frossard, Executive Secretary, EPAS – Council of Europe
 - Alexandre Husting, Youth, Culture and Sport Attaché of the Permanent Representation of Luxemburg to the EU
- 10.15 – 10.30 *Break*
- 10.30 – 12.00 **Round-table discussion: Inter-institutional cooperation in the field of sport at EU level**
Speakers:
 - Florencia Van Houdt, Head of the Sports Unit, European Commission
 - Marc Tarabella, MEP, Co-chair of the Sports Group, European Parliament
 - Stanislas Frossard, Executive Secretary, EPAS – Council of Europe

Moderator: Katarzyna Biniaszczyk, Coordinator of the Sports Group, European Parliament (and MESGO V graduate)

Extra time LUNCH
- 13.45 – 14.00 **Warm up**
- 14.00 – 15.30 **The fundamentals of EU law and sport**
Speakers:
 - Michele Colucci, Member of the legal sector, European Personnel Selection Office (EPSO)
 - Julien Zylberstein, Chief of Governance and Stakeholder Affairs, UEFA
- 15.30 – 15.45 *Break*

- 15.45 – 17.00 **Role-playing exercises: EU law and its application to sport**
Coordinators:
 - Julien Zylberstein, Chief of Governance and Stakeholder Affairs, UEFA
 - Michele Colucci, Member of the legal sector, European Personnel Selection Office (EPSO)
 - Benoît Keane, Solicitor, Keane Legal, Brussels

- 17.00 – 17.15 *Break*

- 17.15 – 18.15 **Round-table discussion: The European sport model - current and future challenges**
Speakers:
 - Benoît Keane, Solicitor, Keane Legal, Brussels
 - Michele Colucci, Member of the legal sector, European Personnel Selection Office (EPSO)
Moderator: Julien Zylberstein, Chief of Governance and Stakeholder Affairs, UEFA

3.4. Thursday 6 May 2021

Online session

We encourage you to connect 15 minutes before the start of the official programme

- 08.00 – 08.30 **Sports activity - optional**
 - 09.10 – 09.30 **Recap of Day 3 and introduction to the topics of the day**
 Speakers:
 - Nathalie Alaphilippe, Lawyer, CDES
 - Jean-Christophe Breillat, Head of Legal Affairs, CDES
 - 09.30 – 10.45 **Sport and European social dialogue**
 Speaker: Paulina Tomczyk, General Secretary, EU Athletes
 - 10.45 – 11.00 *Break*
 - 11.00 – 12.30 **Presentation of Case Study 1: the issue of potential conflicts of interests in sporting judicial bodies (the example of the FIA)**
 Coordinators:
 - Jean-Christophe Breillat, Head of Legal Affairs, CDES
 - Pierre Ketterer, Head of Department – Governance, Integrity and Regulatory Affairs, FIA
- LUNCH
- 14.30 – 14.45 **Warm up**
 - 14.45 – 15.45 **EU Public funds available for sports organisations**
 Speakers:
 - Valerio Giovannini, Public Funding Coordinator, UEFA
 - Yves Le Lostecque, Head of Erasmus Mundus and Sport Unit, EACEA
 - 15.45 – 16.00 *Break*
 - 16.00 – 17.30 **Presentation of Case Study 2: EU law and sports governance**
 Coordinators:
 - Benoît Keane, Solicitor, Keane Legal
 - Nathalie Alaphilippe, Lawyer, CDES

3.5. Friday 7 May 2021

Online session

We encourage you to connect 15 minutes before the start of the official programme

- 08.45 – 09.05 **Recap of Day 4 and introduction to the topics of the day**
Speakers:
 - Nathalie Alaphilippe, Lawyer, CDES
 - Jean-Christophe Breillat, Head of Legal Affairs, CDES

- 09.05 – 10.20 **EU advocacy: General overview**
Speaker: Lukasz Bochenek, Managing Director of International Strategy, Leidar – Advocacy Lab

- 10.20 – 10.35 *Break*

- 10.35 – 11.35 **Round-table discussion: EU advocacy and sport**
Speakers:
 - Heidi Pekkola, Deputy Director, European Olympic Committees, EU office
 - James Ogilvie, EU and Governmental Affairs Manager, UEFA

Moderator: Lukasz Bochenek, Managing Director of International Strategy, Leidar – Advocacy Lab

- 11.35 – 11.50 *Break*

- 11.50 – 12.50 **Round-up of the week**

- 12.50 – 13.05 **Session 4 conclusion and debriefing**
Speakers:
 - Nathalie Alaphilippe, Lawyer, CDES
 - Jean-Christophe Breillat, Head of Legal Affairs, CDES

4. Bibliographical references

4.1. Mandatory reading

- Arbitration Rules - CAS Anti-Doping Division: <https://www.tas-cas.org/en/add/arbitration-rules-cas-add.html>
- Court of Arbitration for Sport:
 - “History of the CAS”
 - “Frequently asked questions”
- Council of Europe:
 - “Enlarged Partial Agreement on Sport (EPAS): Factsheet”
 - “Tipping the balance in favour of sporting values”: <https://edoc.coe.int/fr/sport-pour-tous/5878-tipping-the-balance-in-favour-of-sporting-values.html>
- European Commission. *Mapping and Analysis of the Specificity of Sport – A Final Report to the DG Education & Culture of the European Commission*, 2016.
- European Court of Human Rights. *Sport and the European Convention on Human Rights*, July 2020.
- EU sports policy: Going faster, aiming higher, reaching further, European Parliamentary Research Service, Sept. 2019: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/640168/EPRS_BRI\(2019\)640168_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/640168/EPRS_BRI(2019)640168_EN.pdf)
- European Union:
 - “The European Union: what it is and what it does”
 - “How the European Union works. Your guide to the EU institutions”
- Pierre J. and Buisine S., “Social dialogue in the sports sector at EU level”, *Transfer*, Oct. 2013.
- Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council on the European Union Work Plan for Sport (1 January 2021-30 June 2024): <https://www.ecos-europe.com/wp-content/uploads/2020/12/Workplan-UE-sport-2021-2024.pdf>
- Rigozzi, A., Besson, S. and McAuliffe, W. (Lévy Kaufmann-Kohler). “International Sports Arbitration”, *The European Arbitration Review* 2018, pp. 8-13.
- Sports Resolutions:
 - Presentation of SR’s arbitration services
 - 2019/2020 Annual report
- WADA Code, 2021, read Articles 1, 2, 3, 8, 10 and 13: https://www.wada-ama.org/sites/default/files/resources/files/2021_wada_code.pdf.
- Zylberstein, J. “The specificity of sport: a concept under threat”. In Blanpain, R., Colucci, M. and Hendrick, F. (Eds). *The Future of Sports Law in the European Union: Beyond the EU Reform Treaty and the White Paper*, 2008, pp. 95–106.

4.2. Recommended reading

Articles

- Bastanian S. “The ISU Commission’s decision and the Slippery Side of Eligibility Rules”, *Asser International Sports Law Blog*, Dec. 2017.
- Bernasconi, M. “When is a ‘decision’ an appealable decision?”. In Rigozzi, A. and Bernasconi, M. (Eds). *The proceedings before the Court of Arbitration for Sport: CAS & FSA/SAV Conference Lausanne 2006*. Schulthess, 2007, pp. 261–274.
- Casini, L. “The making of a *Lex Sportiva* by the Court of Arbitration for Sport”. In Siekmann, R.C.R. and Soek, J. (Eds). *Lex Sportiva: What is Sports Law?* T.M.C. Asser Press, 2012, pp. 149–171.
- Chatziagianni, E. “Sport Lobbying in the European Union: an empirical analysis”, *Sport & EU Review*, Vol. 2, Issue 2, November 2010, pp. 4–24.
- Duval A., “The “Victory” of the Court of Arbitration for Sport at the European Court of Human Rights: The End of the Beginning for the CAS (commentary on Mutu/Pechstein case)”, *Asser International Sports Law Blog* (10 October 2018).
- Duval A., “Unpacking Doyen’s TPO Deals: In defence of the compatibility of FIFA’s TPO ban with EU law”, *Asser International Sports Law Blog* (18 December 2015).
- Fumagalli L., The right to be heard: what does it really mean? Information to heal the “due process paranoia”, *CAS Bulletin 2020*, Budapest seminar, pp. 13-23.
- Martens, D.-R. “Disputes in sport: reflections on dispute resolution in international sport federations”. In Rigozzi, A., Sprumont, D. and Hafner, Y. (Eds). *Citius, Altius, Fortius: Mélanges en l’honneur de Denis Oswald*. Helbing Lichtenhahn, 2012, pp. 429–438.
- McLaren R. “Twenty-Five Years of the Court of Arbitration for Sport: A Look in the Rear-View Mirror”, *20 Marq. Sports L. Rev.* 305, 2010.
- Reilly, L. “Introduction to the Court of Arbitration for Sport (CAS) & the Role of National Courts in International Sports Disputes”, in *Journal of Dispute Resolution*, 2012/1, pp. 1-20.
- Watkins, M. “A football club lawyer’s perspective on the management of disciplinary cases and disputes at an international level”. In Bernasconi, M. (Eds). *International sports law and jurisprudence of the CAS: 4th CAS & SAV/FSA Conference Lausanne 2012*. Editions Weblaw, 2014, pp. 209–230.

Case law

- CAS 2012/A/2852 S.C.S Fotbal Club CFR 1907 Cluj S.A. & Manuel Ferreira de Sousa Ricardo & Mario Jorge Quintas Felgueiras v. Romanian Football Federation (FRF), award of 28 June 2013
- CAS 2016/A/4492 Galatasaray v. Union des Associations Européennes de Football (UEFA), award of 3 October 2016 (operative part of 23 June 2016)
- CAS 2016/A/4490 RFC Seraing c. Fédération Internationale de Football Association (FIFA), award of 9 mars 2017
- *CJEU – Bosman ruling*: Case C-415/93, Union Royale Belge des Sociétés de Football Association ASBL v Jean-Marc Bosman (1995).
- *CJEU – Meca-Medina ruling*: Case C-519/04 David Meca-Medina and Igor Majcen v Commission of the European Communities (2006).
- *CJEU – Bernard ruling*: Case C-325/08, Olympique Lyonnais v Olivier Bernard (2010).

- *ECHR – Mutu and Pechstein ruling: Cases 40575/10 et 67474/10, Mutu and Pechstein v Switzerland (2018).*

Other

- Council of Europe, Parliamentary Assembly, *Report on “Good football governance”*, A. Brasseur, (15 December 2017).
- Council of Europe, Parliamentary Assembly, Büchel report: *“Time to act: Europe’s political response to fighting the manipulation of sports competitions”*, (15 June 2020).
- Council of Europe, Parliamentary Assembly, *Report on “Working towards a framework for modern sports governance”*, (8 January 2018).
- Council of Europe, Recommendation CM/Rec (2018) 12 of the Committee of Ministers to member States on the promotion of good governance in sport: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809021ad
- Council of Europe, Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events, n° 218, (3 July 2016): <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/218>.
- Council of Europe, Convention on the Manipulation of Sports Competitions, n° 215, (18 September 2014): <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/215>
- Council of Europe, Anti-Doping Convention, n° 135, (16 November 1989): <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/135>
- Council of the European Union. Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on enhancing integrity, transparency and good governance in major sport events, 9644/16 (31 May 2016).
- Council of the European Union. *Resolution on the EU structured dialogue on sport*, 2010/C 322/01 (18 November 2010).
- European Commission. *UEFA rule on ‘home-grown players’ – compatibility with the principle of free movement of persons*, IP/08/807 (28 May 2008).
- European Commission. *White Paper on Sport*, COM 391 (final) (11 July 2007).
- European Parliament. *Report on an integrated approach to Sport Policy: good governance, accessibility and integrity*. 2016/2143(INI) Committee on Culture and Education.
- *“European Social Dialogue in Sport”*, in Sport and Citizenship, Revue 15, 13/06/2011.
- Rigozzi, A., Wisnosky, E., Quinn, B. (Eds.), *The Proceedings of the 2017 Macolin Anti-Doping Summit*
 - “Panel discussion – Is the law killing anti-doping efforts”, pp. 125–156.
 - “Panel discussion – What can anti-doping learn from the athlete perspective?”, pp. 171– 187.
 - “Independence of the anti-doping process – From the involvement of international federations to the role of CAS”, pp. 201-219.
- UEFA. *UEFA’s position on Article 165 of the Lisbon Treaty*.

4.3. Further reading

Articles

- Beloff, M., “Sport, Ethics and The Law”, *International Sports Law Review*, 1/2017, pp. 3-10.
- Boisson de Chazournes L. and Couturier S., CAS procedures and their efficiency, *CAS Bulletin*, 2/2019, pp. 7-17.

- De Marco N. *The right to a fair hearing in Sports'cases*, oct. 2018, Sports Law Bulletin, <https://www.sportslawbulletin.org/right-fair-hearing-sports-cases/> (accessed on 5 February 2019).
- Dubey, J.-P. "The sanctions imposed on the players for breach or unilateral termination of contract – The jurisprudence of the CAS regarding Article 17 para. 3 of the FIFA regulations on the status and transfer of players", *CAS Bulletin*, 1/2010, pp. 34–40.
- Graham M. & Schwab B., "The Universal Declaration of Players Rights: embedding the human rights of athletes", *World Sport Advocate*, March 2018, pp. 17-19.
- Gunawardenan, T. "The potential impact of changes to freedom of movement rules on sport in the UK post-Brexit", *World Sport Advocate*, March 2018, pp. 9-10.
- Howell M. "International disputes and the CAS", in De Marco N., *Football and the Law*, Bloomsbury Professional, 2018, Chap. 29, pp.513-533.
- Martens, D.-R. "The Role of the Arbitrator in CAS Proceedings", *CAS Bulletin*, 2014/2, pp. 31–47.
- Miettinen, S. and Parrish, R. "Nationality Discrimination in Community Law: An Assessment of UEFA Regulations Governing Player Eligibility for European Club Competitions (The Home-Grown Player Rule)", *Entertainment and Sports Law Journal*, Vol. 5, No. 2, 2007.
- Parrish, R. "The Birth of European Union Sports Law", *Entertainment Law*, Vol. 2, No. 2, summer 2003, pp. 20–39.
- Mitten, M. J. and Opie, H. "'Sports law': implications for the development of international, comparative, and national law and global dispute resolution", *CAS Bulletin*, 1/2012, pp. 2–13.
- Mitten, M. J. "The Court of Arbitration for Sport and its Global Jurisprudence: International Legal Pluralism in a World Without National Boundaries", *CAS Bulletin*, 2014/2, pp. 48–79.
- Pichonnaz P., Case law of the Swiss Federal Tribunal on Challenges against CAS awards (2015-2019), *CAS Bulletin* 2020, Budapest seminar, pp. 68-89.
- Poncet, C. "When is a 'Swiss' 'award' appealable?", *CAS Bulletin*, 2/2012, pp. 2–14.
- Radke, H. Basketball Arbitral Tribunal (BAT) as a 'lawmaker': the creation of global standards of basketball contracts through consistent arbitral decisionmaking, *The International Sports Law Journal*, Volume 19, Number 1-2, September 2019, p.59.
- Ravjani, A. "The Court of Arbitration for Sport: A subtle form of international delegation", *CAS Bulletin*, 1/2010, pp. 13–29.
- Reeb, M. "The Court of Arbitration for Sport: History and Operation", *Digest of CAS Award II 1998–2000*, 2002, pp. xxiii–xxx.
- Reeb, M. "The New Code of Sports-related Arbitration", *CAS Bulletin*, 1/2010, p. 32.
- Rivkin, D. W. "Advantages and risks of fast-track procedure" In Rigozzi, A. and Bernasconi, M. (Eds). *The proceedings before the Court of Arbitration for Sport: CAS & FSA/SAV Conference Lausanne 2006*, Schulthess, 2007, pp. 187–197.
- Sternheimer W., "CAS-General presentation", *Football Legal*, 2015/4, pp 88-92.
- Transparency International. *Lobbying in Europe. Hidden Influence, Privileged Access*. 2015 http://transparency.eu/wp-content/uploads/2016/09/Lobbying_web.pdf (accessed on 5 February 2019).
- Zardini Filho C. E., *European Union competition law in sports: cases and relevant aspects of articles 101 and 102 of the TFUE, their importance and influence on sport managers and institutions*. 2017

Handbooks

- Anderson, J. *Modern Sports Law: A Textbook*. Hart Publishing, 2010.
- Anderson, J. *Leading Cases in Sports Law*. T.M.C. Asser Press, 2013.
- Bernasconi, M. (Eds). *International Sports Law and Jurisprudence of the CAS: 4th CAS & SAV/FSA Conference Lausanne 2012*. Editions Weblaw, 2014.
- Blackshaw, I. S. *Sport, Mediation and Arbitration*. T.M.C. Asser Press, 2009.
- Blackshaw, I. S., Siekmann, R.C.R. and Soek, J. *Court of Arbitration for Sport: 1984–2004*. T.M.C. Asser Press, 2006.
- Blanpain, R., Colucci, M., and Hendrick, F. (Eds). *The Future of Sports Law in the European Union: Beyond the EU Reform Treaty and the White Paper*. Kluwer Law International, 2008.
- Bogusz, B., Cygan, A., and Szyzszak, E. (Eds). *The Regulation of Sport in the European Union*. Edward Elgar, 2007.
- Cornu, P., Cuendet S. and Vidal L., *Disciplinary and arbitration procedures of the sport movement (Good practice handbook for judicial authorities)*. Council of Europe, 2017.
- De Marco, N, Lewis, A., Segan, J. and Taylor, J. *Challenging Sports Governing Bodies*. Bloomsbury Professional, 2016.
- FIFA Legal Handbook, Sept. 2020
- Garcià Garcià, B., *The European Union and the governance of football: a game of levels and agendas*. PhD Thesis, Loughborough University Institutional Repository, 2008.
- Gardiner, S., et al. *Sports Law*. Routledge, 4th edition, 2012.
- Gardiner, S., Parrish, R., and Siekmann, R.C.R. *EU, Sport, Law and Policy: Regulation, Re-regulation and Representation*. T.M.C. Asser Press, 2009.
- Geeraert, A., *The EU in International Sports Governance: A Principal-Agent Perspective on EU Control of FIFA and UEFA*. Ed. Palgrave Macmillan, The European Union in International Affairs, 2016.
- Haas U., Hasler E., Noth M. and Rigozzi A., *Commentary on the CAS Code and procedural rules*. in Arroyo M. (ed.), *Arbitration in Switzerland: The Practitioner's Guide (Second Edition)*, Kluwer Law International, 2018.
- James, M. *Sports Law*. Palgrave Macmillan Law Masters, 3rd edition, 2017.
- Latty, F. *La lex sportiva: Recherche sur le droit transnational*. Brill, 2007 (French only).
- Lewis, A. and Taylor, J. *Sport: Law and Practice*. Bloomsbury Professional, 3rd edition, 2014.
- Mavromati D. and Reeb M., J. *The Code of the Court of Arbitration for Sport: Commentary, Cases and Materials*. Wolters Kluwer, 2015.
- Mestre, A. M. *The law of the Olympic Games*. T.M.C. Asser Press, 2009.
- Nafziger, J. A. R. and Ross, S. F. *Handbook on international sports law*. Edward Elgar, 2013.
- Nafziger, J. A. R. (Eds). *Transnational law of sports*. Edward Elgar, 2013.
- Oswald D., *Associations, fondations et autres formes de personnes morales au service du sport*. Ed. Peter Lang, Coll. Savoirs sportifs, vol. 2, 2012 (French only).
- Parrish, R. and Miettinen, S. *The Sporting Exception in European Union Law*. T.M.C. Asser Press, 2008.
- Parrish, R. *Sports Law and Policy in the European Union*. Manchester University Press, 2003.
- Rigozzi, A. and Bernasconi, M. *CAS Jurisprudence and new developments in international sports law: 3rd CAS & SAV/FSA Conference Lausanne 2010*. Editions Weblaw, 2012.

- Rigozzi, A. and Bernasconi, M. *Sport governance, football disputes, doping and CAS arbitration: 2nd CAS & SAV/FSA Conference Lausanne 2008*. Editions Weblaw, 2009.
- Siekmann, R. C. R. *Introduction to International and European Sports Law*. T.M.C. Asser Press, 2012.
- Siekmann, R. C. R., and Soek, J. (Eds). *Lex Sportiva: What is Sports Law?* T.M.C. Asser Press, 2012.
- Vleck, K., Hedley-Dent, S. and Lewis, A., *Disciplinary proceedings and internal dispute resolution*, In Lewis, A. and Taylor, J. *Sport: Law and Practice*. Butterworths, 2003.
- Sports Law and Policy Centre. *The Bernard case: sports and training compensation*, European Sports Law and Policy Bulletin, Issue I-2010.
- Weatherill, S. *Principles and Practice in EU Sports Law*, Oxford European Law Library, 2017
- Weatherill, S. *European Sports Law: Collected Papers*. T.M.C. Asser Press, 2nd edition, 2014.
- Wild, A. (Eds). *CAS and Football: Landmark Cases*. T.M.C. Asser Press, 2011.

Case law

- *CJEU – Walrave ruling*: Case 36/74, Walrave and Koch v Union Cycliste Internationale (1974).
- *CJEU – Donà ruling*: Case 13/76, Gaetano Donà v Mario Mantero (1976).
- *CJEU – Deliège ruling*: Cases C-51/96 and C-191/97, Deliège (2000).
- *CJEU – Lehtonen ruling*: Case C-176/96, Lehtonen v FRBSB (2000).
- *CJEU – Kolpak ruling*: Case C-438/00, Deutscher Handballbund eV v Maroš Kolpak (2003).
- *CJEU – Simutenkov ruling*: Case C-265/03, Igor Simutenkov v Ministerio de Educación y Cultura and Real Federación Española de Fútbol (2005).
- *CJEU – Piau ruling*: Case T-193/02, Laurent Piau v Commission of the European Communities (2005).
- *CJEU – QC Leisure ruling*: Cases C-403/08 and C-429/08, Football Association Premier League Ltd et al. v QC Leisure et al. and Karen Murphy v Media Protection Services Ltd (2011).
- *German Bundesgerichtshof – Pechstein ruling*: Claudia Pechstein vs. ISU, 7 June 2016, Az. KZR 6/15 (English version on CAS website: https://www.tas-cas.org/fileadmin/user_upload/Pechstein___ISU_translation_ENG_final.pdf).
- *CJUE – Bridge ruling*: Case C-90/16, The English Bridge Union (2017).

Texts

- *Treaty on the European Union and Treaty on the Establishing of the EU (art. 6 and 165), consolidated versions*, Official Journal of the European Union, C 321 E/1 (29 December 2006).
- *Treaty on the Functioning of the European Union*, consolidated version after the Lisbon Treaty, Official Journal of the European Union, C 115/49 (9 May 2008).
- *Treaty on European Union*, consolidated version after the Lisbon Treaty, Official Journal of the European Union, C 115/13 (9 May 2008).

Other

- Bulletin of European Sports Law and Policy: <https://www.sportslawandpolicycentre.com/bulletin.htm>
- CAS Bulletin, from 2010/1 to 2020/2: <https://www.tas-cas.org/en/bulletin/cas-bulletin.html>

- Conclusions of the Council and of the Representatives of the Governments of the Member States meeting within the Council on Promoting crosssectoral cooperation for the benefit of sport and physical activity in society, 27th November 2020: <https://data.consilium.europa.eu/doc/document/ST-13317-2020-INIT/en/pdf>
- Council of Europe, *Memorandum of Understanding between the Council of Europe and the Fédération Internationale de Football Association (FIFA)* (5 October 2018).
- Council of Europe, *Memorandum of Understanding between the Council of Europe and the Union of European Football Associations (UEFA)* (30 May 2018).
- Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Communication on Developing the European Dimension in Sport*, COM (2011) 12 final (18 January 2011).
- *Common position paper of the members of the European Elite Athletes Association and SPORT PRO – UNI Europa on the effects of the Lisbon Treaty in the area of sport*, March 2010.
- European Commission. *Arrangement for Cooperation between the European Commission and the Union of the European Football Associations (UEFA)*, COM (2018) 876 final (19 February 2018).
- European Commission. *Arrangement for Cooperation between the European Commission and the Union of European Football Associations (UEFA)*, COM (2014) 7378 final (14 October 2014).
- European Commission. *Sport and Free Movement*, Commission staff working document accompanying the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled *Developing the European Dimension in Sport*, SEC (2011) 66/2 (18 January 2011).
- European Commission. *The EU and sport: background and context*, Commission staff working document accompanying the *White Paper on Sport*, SEC (2007) 935 (11 July 2007).
- European Parliament. *The Lisbon Treaty and EU sports policy*, IP/B/CULT/IC/2010-028, September 2010.
- European Parliament. *Resolution on the European dimension in sport* (2 February 2012).
How coronavirus infected sport, European Parliamentary Research Service, January 2021. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/659449/EPRS_BRI\(2021\)659449_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/659449/EPRS_BRI(2021)659449_EN.pdf)
- International Olympic Committee. *Common position of the Olympic and Sports Movement on the implementation of the new Treaty on the Functioning of the European Union (TFEU) on sport (Lisbon Treaty)*, 2010. Mapping Study on measuring the economic impact of COVID-19 on the sport sector in the EU Final report, European Commission, November 2020
<https://op.europa.eu/en/publication-detail/-/publication/76b94a58-2f3c-11eb-b27b-01aa75ed71a1/language-en/format-PDF/source-175633451>
- The ASSER International Sports Law Blog: <https://www.asser.nl/SportsLaw/Blog/>
- RULES Governing the Procedures of the Players' Status Committee and the Dispute Resolution Chamber, January 2021

5. Practical information

Time zones

The session programme is based on Central European Summer Time (CEST).

Participants based in other time zones will have to adjust their schedule.

How to connect to the session and use Zoom

In order to connect, click on the Zoom link below:

<https://uefa.zoom.us/j/93407553812>

We strongly encourage you to connect 15 minutes before the start of the official programme in order to make sure everything is working perfectly.

Once you connect to the meeting, the system will ask you to test your microphone and audio. Please follow the instructions after clicking on “test speaker and microphone”.

Please ensure that your video and audio are working properly. Headphones are recommended for a better audio experience. When you join the session, you will be automatically muted, but you can unmute yourself if you would like to say something or participate in a discussion. We are expecting a high level of interaction!

Please keep your camera on for the duration of the seminar. It is important that the professors and speakers are able to see you and it helps you and your fellow participants to interact throughout the day. Audio and video symbols will appear in the bottom left-hand corner of your screen.

Dress code and virtual backgrounds

As the programme is delivered online, there is no strict dress code. We recommend you wear comfortable casual clothes. We suggest those who attend the morning sports activities wear sports clothes.

Zoom allows the use of virtual backgrounds. However, we recommend participants use their natural backgrounds to avoid distractions.

mesgo

THE EXECUTIVE MASTER IN
GLOBAL SPORT GOVERNANCE

www.mesgo.org



With the support of

