

# 15th Sport&EU Conference - Book of Proceedings

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Sports Law, Sports Policies and Sports Diplomacy Centre

SPORT&EU ASSOCIATION

THE INTERNATIONAL SPORTS LAW JOURNAL

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Editors

*Vanja Smokvina  
Richard Parrish  
Borja García García  
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Rijeka 2021.



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15<sup>TH</sup> SPORT&EU CONFERENCE WAS ORGANISED BY

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# Contents

<b>Preface</b> .....	<b>8</b>
<b>Keynote Speakers</b> .....	<b>9</b>
THE IMPORTANCE OF THE PRESERVATION OF THE EUROPEAN SPORT MODEL (ESM) <i>by Kolinda Grabar-Kitarović</i> .....	10
SPORTS IN HANDS OF REGULATIONS AND JUDGES <i>by Marko Ilešič</i> .....	12
FIFA REGULATIONS ON STATUS AND TRANSFER OF PLAYERS: THE WAY AHEAD <i>by     Michelle Colucci</i> .....	13
THE EUROPEAN MODEL OF SPORT, EU PUBLIC POLICY PRIORITIES AND THE FUTURE OF EUROPEAN FOOTBALL <i>by Julien Zylberstein</i> .....	14
TOO MUCH ADO ABOUT THE SUPERLAGUE? AND WHAT ABOUT GRASSROOTS SPORTS? <i>by Siniša Petrović</i> .....	15
<b>1<sup>st</sup> Session</b> .....	
<b>The Integrity and Governance of Sport</b> .....	<b>17</b>
ANTI-DOPING, INTERPRETIVE INSTRUMENTS AND CONVENTION LAW <i>by David     McArdle</i> .....	18
RESEARCH ETHICS IN SPORTS SCIENCE <i>by Marina Milaković, Helena Koren, Karmen     Bradvica-Kelava, Marija Bubaš</i> .....	19
SANCTIONING FRAMEWORK OF THE WORLD ANTI-DOPING CODE 2021: A PROPORTIONATE RESPONSE TO DOPING? <i>by Jan Exner</i> .....	20
<b>2<sup>nd</sup> Session</b> .....	
<b>Sports Governance &amp; Anti-discrimination</b> .....	<b>21</b>
TRANSGENDER ATHLETES IN SPORTS <i>by Nenad Hlača</i> .....	22
SPORT GOVERNANCE: RESISTANCE AND CHANGE IN GENDER ELIGIBILITY REGULATION <i>by Ekain Zubizarreta, Madeleine Pape</i> .....	23
BROADCASTING RIGHTS IN WOMEN'S FOOTBALL <i>by Karolina Skrzypczyk</i> .....	24
<b>3<sup>rd</sup> Session</b> .....	
<b>Sport Policy, Governance and Integrity in Europe</b> .....	<b>25</b>
IS THE EUROPEAN COURT OF HUMAN RIGHTS AS AN EFFECTIVE REMEDY FOR SPORTING DISPUTES? <i>by Jack Anderson</i> .....	26
LESS KNOWN INSTRUMENTS FOR COMBATING HATE SPEECH IN SPORT: ECRIs GPR 12 AND NCCD <i>by Cristian Jura</i> .....	27
CAS JURISPRUDENCE ON DSD REGULATIONS: FUTURE OF BINARY CLASSIFICATION IN SPORT <i>by Surbhi Kuwelker</i> .....	28
OBSERVER, FACILITATOR, OR CO-PLAYER? THE EUROPEAN PARLIAMENT AND THE PARLIAMENTARY DIMENSION OF EUROPEAN SPORT POLITICS <i>by Jürgen Mittag,     Roland Naul</i> .....	29

<b>4<sup>th</sup> Session.....</b>	<b>.....</b>
<b>Sport Policy and Politics in Central and Eastern Europe.....</b>	<b>31</b>
SPORT AS A MEAN OF LEGITIMACY IN HUNGARY <i>by András Varga.....</i>	<i>32</i>
IMPORTANCE OF SPORTS FACILITIES IN SLOVENIA AND THE EU <i>by Mateja Vodiškar, Igor Lukšič, Janez Vodičar .....</i>	<i>33</i>
THE EXCLUSION OF SPORTS CLUBS FROM THE JUNIOR HOCKEY LEAGUE – THE CASE OF THE CZECH REPUBLIC FROM THE PERSPECTIVE OF EU COMPETITION LAW <i>by Pavel Glos, Václav Stehlik.....</i>	<i>34</i>
THE STATUS OF PROFESSIONAL PLAYERS BETWEEN SELF-EMPLOYED AND EMPLOYEE STATUS: STATE OF THE ART IN SLOVAKIA AND IN EAST-CENTRAL EUROPE <i>by Tomáš Gábriš.....</i>	<i>35</i>
<b>5<sup>th</sup> Session.....</b>	<b>.....</b>
<b>COVID-19 and its Impact on Sports.....</b>	<b>36</b>
YOUNG EUROPEANS AS COVID-19 COUCH POTATOES? PHYSICAL ACTIVITY/PHYSICAL EDUCATION ROLLBACK CAUSED BY COVID-19-RELATED DEVELOPMENTS <i>by Roland Naul, Jacob Kornbeck, Sladjana Petkovic .....</i>	<i>37</i>
GAELIC GAMES, IRISH MEDIA AND THE COVID-19 PANDEMIC’S ‘EXPOSING FORCE’ IN IRELAND <i>by Seán Crosson, Marcus Free.....</i>	<i>38</i>
IMPACT OF THE COVID-19 PANDEMIC ON THE MOST POPULAR RECREATIONAL SPORTS IN CROATIA – FOOTBALL, TENNIS AND RUNNING <i>by Marin Galić, Slaven Dobrić, Ivona Čulo.....</i>	<i>40</i>
<b>6<sup>th</sup> Session.....</b>	<b>.....</b>
<b>Governance and Autonomy in Global Sport.....</b>	<b>41</b>
THE LIMITS OF PRIVATE TRANSNATIONAL POWER: THE FATE OF ‘GOVERNANCE TRANSPLANTS’ IN THE GLOBAL SOUTH <i>by Borja García, Henk Erik Meier.....</i>	<i>42</i>
THE UNITED STATES, PUBLIC DIPLOMACY AND THE GOVERNANCE OF IRANIAN SPORT, 1953-1958 <i>by Darius Wainwright.....</i>	<i>43</i>
<b>7<sup>th</sup> Session.....</b>	<b>.....</b>
<b>Regulatory and Legal Challenges in Modern Sport Practice.....</b>	<b>44</b>
EMPLOYER (VICARIOUS) LIABILITY IN SPORT <i>by Adam Pendlebury, Vanja Smokvina .....</i>	<i>45</i>
THE EMANCIPATION OF ELITE ATHLETES: A NEW CHALLENGE TO THE LEGITIMACY OF SPORT GOVERNING BODIES? <i>by Maximilian Seltmann.....</i>	<i>46</i>
MACOLIN AND BEYOND: LEGAL AND REGULATORY INITIATIVES AGAINST MATCH MANIPULATION <i>by Louis Vandercruysse, An Vermeersch, Tom Vander Beken.....</i>	<i>47</i>
VAT CHARGEABILITY OF FOOTBALL AGENTS’ COMMISSIONS IN EU LAW, INTO THE LIGHT OF THE EU-UK TRADE AND COOPERATION AGREEMENT <i>by Niccolò Emanuele Onesti.....</i>	<i>48</i>
<b>8<sup>th</sup> Session.....</b>	<b>.....</b>
<b>Analysing Legal and Social Aspects of Sport Policy and Regulation.....</b>	<b>49</b>
INFLUENCE OF EUROPEAN UNION COMPETITION LAW ON ORGANIZATION AND FINANCE OF PROFESSIONAL FOOTBALL <i>by Marko Ivkošić.....</i>	<i>50</i>

SPORTS ARBITRATION AND EU COMPETITION LAW: EVOLUTION OF THE LOVE-HATE RELATIONSHIP <i>by Rusa Agafonova</i> .....	51
A COMPARISON OF THE BREAKAWAY DEFUNCT INDIAN CRICKET LEAGUE AND THE PROPOSED EUROPEAN FOOTBALL SUPER LEAGUE <i>by Pawan Mathur</i> .....	53
PHYSICAL ACTIVITY LEVELS IN SENIOR CITIZENS OF THE EUROPEAN UNION ACCORDING TO SOCIO-DEMOGRAPHIC VARIABLES AND GEOGRAPHIC SUBREGION <i>by Ángel Luis Clemente Remón, Marta Agnieszka Panufnik, Víctor Jiménez Diaz-Benito, José Antonio Santacruz Lozano</i> .....	54
<b>9<sup>th</sup> Session</b> .....	
<b>The Social Dimension of Sport: Culture, Identity and Politics</b> .....	<b>56</b>
CONCEPTIONS OF EUROPE AMONG FOOTBALL FANS <i>by Alexander Brand, Tobias Heck, Regina Weber, Arne Niemann</i> .....	57
A PROTEST CULTURE IN ITS OWN RIGHT? APPLYING SOCIAL MOVEMENT THEORY TO FOOTBALL FAN PROTESTS <i>by Daniel Ziesche</i> .....	58
THE SOCIO-ECONOMIC IMPACT OF SOCIAL CAPITAL ON SPORT WITHIN THE PUBLIC SPORT STRATEGIC GOVERNANCE: THEORETICAL OVERVIEW OF THE CONCEPT – CASES OF THE BALTIC STATES <i>by Sabine Rusmane</i> .....	59
<b>10<sup>th</sup> Session</b> .....	
<b>Equality and Diversity in and Through Sport</b> .....	<b>60</b>
CHILDREN AND SPORTS: THE RIGHT TO ENGAGE IN PLAY AND RECREATIONAL ACTIVITIES <i>by Sandra Winkler</i> .....	61
THE PROTECTION OF MINOR ATHLETES IN SPORTS INVESTIGATION PROCEEDINGS <i>by Björn Hessert</i> .....	62
THE EFFECT OF GIRLS' PRE-COLLEGE PARTICIPATION IN SPORTING ACTIVITIES ON GENDER-ROLE FLEXIBILITY AND THEIR ATTITUDE TOWARDS CULTURAL GENDER-BASED PROFESSIONAL EXPECTATIONS <i>by Andréanne Desforges-Houle</i> .....	63
<b>Panel I</b> .....	
<b>Sports Diplomacy – The Role of Sport in International Relations (Stuart Murray)</b> .....	<b>64</b>
SANCTIONS, DIPLOMACY AND SPORT <i>by Carmen Pérez González</i> .....	65
DIPLOMATS IN PINSTRIPES - UNIFORMS NOT SUITS & SNEAKERS NOT BROGUES: ATHLETES AS SPORTS' INFORMAL DIPLOMATS <i>by Simon Rofe</i> .....	66
SPORTS PARADIPLOMACY IN SMALL NATIONS, SUBSTATES AND REGIONS - PRACTICAL INSIGHTS FROM WALES <i>by Gavin Price</i> .....	67
<b>Panel II</b> .....	
<b>Sport talents - Ethical Approach and Importance of Biological and Relative Age (Dražen Čular)</b> .....	<b>68</b>
NATIONAL SPORTS PROGRAM (2019-2026) Measure 3.2.2, Activity: Identify Young Sports Talents and Include Them in Development Programs Based on the Criteria. Measure 3.41, Activity: to Design a Proposal of the National Model of Sports Talent Detection <i>by Krešimir Šamija, Martina Jeričević</i> .....	69
IMPORTANCE OF ETHICAL APPROACH IN SPORT TALENT DEVELOPMENT <i>by Zoran Grgantov</i> .....	70

BIOLOGICAL, CHRONOLOGICAL AND RELATIVE AGE IN ESTABLISHING THE CROATIAN SPORTS TALENT SYSTEM (HRZZ-IP-2020-02-3366) <i>by Dražen Čular, Matej Babić</i> .....	71
RELATIVE AGE EFFECT IN CROATIAN TAEKWONDO COMPETITORS AT CADET LEVEL <i>by Matej Babić</i> .....	72
<b>Panel III</b> .....	
<b>The Future of Agent Regulation in World Football (Richard Parrish)</b> .....	<b>73</b>
AGENTS AND MINORS <i>by Carmen Pérez González</i> .....	74
AN ASSESSMENT OF FIFA’S PROPOSED AGENT FEE CAP UNDER EU LAW <i>by Andrea Cattaneo</i> .....	75
AGENT REGULATION AND A RETURN TO A LICENSING SYSTEM <i>by Maximilian Seltmann</i> .....	76
AGENTS IN CROATIA AND ITALY: A COMPARATIVE STUDY <i>by Hrvoje Čabraja</i> .....	77
<b>Authors’ bio</b> .....	<b>78</b>
<b>Conference Programme</b> .....	<b>91</b>



## Preface

Welcome to the book of abstracts of the 15<sup>th</sup> Annual Conference of the Association for the Study of Sport and the European Union (Sport&EU). The annual conference is the association's flagship event, and we are extremely grateful for the University of Rijeka, Faculty of Law and Prof. Vanja Smokvina's tireless work to make the 2021 edition happen after we had to cancel the conference in 2020 due to the COVID pandemic.

Sport&EU is an inclusive association. We seek to advance the study of the importance of sport in Europe from a multidisciplinary perspective, which spans from the political sciences, to economics, law or sociology. Our ethos is to encourage equality and equal opportunities amongst academics, and we are extremely satisfied that in this edition of the conference you will see record number of papers and keynote addresses scholars and practitioners who identify themselves as female. It is also a pleasure to see many good contributions from PhD students or early career academics.

Sport&EU was born in 2005 from the idea of three PhD students who met at a European Studies conference in Oxford. Since then, the study of sport in Europe has developed both in quantity and quality. Research on sport and Europe is now a legitimate area of research on its own. The contributions presented in our 2021 conference confirms how our members' work draw on and contribute to mainstream disciplines such as law, political sciences, sociology or European studies.

But Sport&EU conferences are not just academic events. We are renown in the academic community for our informal and welcoming conferences. This year was no exception, even if the networking and socialising had to be online. We were even able to take a virtual boat trip along the Croatian coast!

It really is too long since we could all meet in person in Malta in 2019, where we had a fantastic time and an excellent conference. The good news is that we already have a place and a date for our 2022 conference. We look forward to welcoming you and meeting you in person once again on 17-18 June 2022 at the University of Lausanne. We are grateful to our honorary member Professor Jean-Loup Chappelet and the team at UNIL for making this happen.

I hope you find this book of abstracts of interest. If you want to know more about specific papers or research projects, please do not hesitate to contact the authors directly.

In the meantime, I want to wish you all a great academic year. Please keep safe and I look forward to meeting you again in Switzerland.

Dr Borja García

Founder and Executive Director of Sport&EU

Loughborough University

# **Keynote Speakers**

# **THE IMPORTANCE OF THE PRESERVATION OF THE EUROPEAN SPORT MODEL (ESM)**

**Mrs. Kolinda Grabar-Kitarović**

International Olympic Committee Member  
Switzerland

We all agree on the many benefits of sport and its importance for the physical and mental health and wellbeing, in particular for young people who learn vital individual and social skills through sport, as well as the values of effort, fair play, discipline and focus, perseverance and teambuilding. Sport can help overcome wider societal divisions and issues such as hate speech, racism, social exclusion and gender inequality, and it contributes to the economic sector and overall development in a number of monetary and non-monetary ways.

Never before has sport been so central to helping our society's health, and the re-socialization, education and general wellbeing of our citizens as now that we emerge from the pandemic. It will be key to include sport in recovery plans to revitalize social and economic activities.

In its Fundamental Principles, the Olympic Charter states that Olympism is a philosophy of life, exalting and combining in a balanced whole the qualities of body, will and mind. Olympism seeks to create a way of life based on the joy of effort, the educational value of good example, social responsibility and respect for universal fundamental ethical principles. Recognizing that sport occurs within the framework of society, the Olympic Movement stands for political neutrality, and the rights and obligations of autonomy of sport organizations, as well as their responsibility for ensuring that principles of good governance be applied.

Sport represents an integral part of the lives of Europeans. It builds community cohesion beyond the borders of individual countries, grows social inclusion and leads to an increased sense of European identity. Sport provides significant economic benefits across the European Union (EU) with a share in national economies that is comparable to agriculture, forestry and fisheries combined, and which equals 2.12 percent of total GDP in the EU and over 5.67 million employment opportunities. It is also an important tool in further European integration and EU's external relations and enforcing positive values through sport diplomacy.

With the entry into force in 2009 of the Lisbon Treaty, the European Union has now direct responsibility for sport and can intervene by supporting, coordinating or complementing sport policy measures taken by its Member States, to "contribute to the promotion of European Sporting issues" and to "develop the European dimension in sport".

The European Sport Model (ESM) is an essential pillar of the organization of sport in Europe. It is a comprehensive solidarity and value-based model, organized in an autonomous, democratic and territorial basis with a pyramid structure. It encompasses all levels of sport, from grassroots to elite, comprises both club and national team competitions and includes mechanisms to ensure financial solidarity and open competitions. Over the years, the ESM has become part of Europe's shared culture, bringing together millions of citizens regardless of their origins. It has produced a multitude of positive benefits, including contributions to education, social inclusion and public health. It has also delivered success in making of sport a large and fast-growing sector of the economy, thus contributing to smart, sustainable and inclusive growth as well as the creation of jobs in Europe.

With some recent developments, the EMS has found itself under threat, and is facing several important and different challenges, including the legitimate autonomy of sport, and its

commercialization, which has undeniably brought certain benefits to European sports. However, whereas the emergence of new entities in sport is to be welcomed, a purely commercial and market-based approach to governance and financing of sport would jeopardise the ESM based on values and solidarity.

The International Olympic Committee has issued a call for the sports movement and public authorities to join forces in the preservation of the ESM, calling for joint action to preserve this model in order to ensure that sport continues to fulfil its societal role – in line with the Council of Europe’s core values – and be run in the interests of the many in Europe.

High-level political support is required. A strong European Sport Model, supported by robust solidarity funding mechanisms and managed by well-governed federations, is key to enable public authorities to deliver on their policy objectives for sport in Europe. The ESM is a success story and should be explicitly recognized and further developed.

**Keywords:** *IOC, Sports, EU, European Sport Model, Good governance in sports, Autonomy of sports organizations*

## SPORTS IN HANDS OF REGULATIONS AND JUDGES

**Dr. Marko Ilešič**

Judge and President of Chamber at the Court of Justice of the European Union  
Luxemburg

Sports and law are two different social phenomena with a certain correlation. The views concerning this relation have developed substantially in the last decades. While previously (state) law was not considered to have any space within sports, today between the two a multi-layered relation is generally recognized and it should be thoroughly examined and discussed. Nowadays we cannot deny that the general law (including general judiciary) interfere with sports activities: the numerous big questions of the insensitivity of that intrusion should be resolved in different situations. If it is difficult to define sports in non-legal terms, but it is even more difficult to establish a uniform legal definition of sports. Legislation and case law normally limit themselves to a definition to be used in order to apply concrete legal rules, for example in the recent judgment of the Court of the European Union in case *C-90/16 The English Bridge Union* concerning the interpretation of the EU taxation law. Exploration of the fundamental question of the relationship between sports and law offers the following classification of regulations related to sports: 1a) general state and supra state regulations, 1b) specific state and supra state regulations that concern sports only, and 2) autonomous regulations of sports organizations (*lex sportiva stricto sensu*). The border between these regulations is not easy to draw, and consequently examining them is a quite demanding task; specificity of sports must be taken into account. I think that the interaction between both kinds of rules does not imply the creation of “sports law” as a special field of law, but is to be understood in a pragmatic manner, as law bringing together – under a common denomination – different legal aspects of the relations concerning sports, i.e. the application of general rules of law in the field of sports taking into account the specific sports rule based on the specific values of sports. The specificity of sports has been expressly mentioned in the Art. 165 of the Treaty on the Functioning of the European Union, though excluding any harmonisation on the level of the European Union

**Keywords:** *Relation Between Sports and Law, Legal Notion of Sports, Development and Social Role of Sports, Autonomy of Sports, “Sports Law”, Specificity of Sports, Sports and Law in the European Union, Court of Justice of the European Union*

## **FIFA REGULATIONS ON STATUS AND TRANSFER OF PLAYERS: THE WAY AHEAD**

**Professor Michele Colucci**

FIFA Dispute Resolution Chamber, Zurich  
Switzerland

According to the FIFA “Vision 2020-2023” the international football transfer system has to be reformed in order to achieve greater transparency. Football must be “*modern, inclusive, and accessible*” at global level.

In order to achieve such ambitious goals FIFA decided to reform among others the transfer system and its regulations (RSTP). For the first time a new regulatory framework for football coaches was introduced in the RSTP and greater protection has been granted to female players.

On the basis of his experience as a Member of the FIFA Dispute Resolution Chamber (DRC), the Author shall provide an overview of all the regulatory changes as well as the main DRC case law and its impact for the football stakeholders by taking also into account the new and repeatedly revised provisions concerning Covid -19. Then, he will shift the focus to the upcoming reform of agents, the introduction of the FIFA Clearing house, and the creation of a Training Fund.

With regard to Agents, a new mandatory licensing system which includes further education requirements will be introduced together with – at least this is the intention – a cap on commissions which will be paid through the new FIFA Clearing House. The latter will also allow an automatic payment of training compensation owed to clubs pursuant to FIFA regulations. After professional players are transferred, their registration information at a member association during their training period will be gathered and consolidated in their electronic player passport.

Using this information, training rewards will be calculated and the corresponding payments will be directly executed through the Clearing House from the engaging club of the players to the players’ training club(s).

Finally, the new training fund will be financed by an additional 1% levy on transfer fee and, more important, will finally pay relatively more for lower categories of clubs and relatively less for higher categories.

It is the Author’s opinion that there is always room for improvement, but the measures already taken and the envisaged ones are important steps in the right direction.

**Keywords:** *Transfer System, Covid-19, Training Fund, Clearing House, Female Players, Coaches*

# THE EUROPEAN MODEL OF SPORT, EU PUBLIC POLICY PRIORITIES AND THE FUTURE OF EUROPEAN FOOTBALL

**Julien Zylberstein**

UEFA

Switzerland

## *Defining a European Sports Model*

In essence one typically thinks of the “the European sports model” as an essential pillar of the organisation of sport in Europe. One that connects all levels of sport, from elite to grassroots. It includes mechanisms to ensure financial solidarity and open competitions, such as the principle of promotion and relegation.

However, although it is a “hot” topic at European level with strong political support, it is not without difficulties. Perhaps much of this has to do with semantics, rather than substance. Given the most recent threats to the model be from the pandemic or from the threat of a new breakaway super league, there should be more impetus and collective determination for Europe to come to meaningful agreement on matters so central to the future of European sport. The risks and threats facing European football are not going away. It is imperative that that policy makers concretely work on strategies to protect and promote the European sports model that is founded on solidarity and sporting merit and do this with a unifying voice.

## *Partners on EU public policy priorities*

How can UEFA and the EU work together to strengthen their partnership on key European public policy priorities? So far, we have had a formal Arrangement for Cooperation with the European Commission as well as a Memorandum of Understanding with the Council of Europe. Through this strong relationship, UEFA and the EU have worked tirelessly to build stronger unity and solidarity to be ready for the next challenges. The EU and UEFA partnership have set ambitious goals to further promote actions on climate change as well as fostering greater diversity, inclusion, and equality across Europe. Through our combined efforts we will lead Europe towards improved financial and physical health over the years.

## *The Future of European Football*

Lastly the success of these efforts will also depend on a more democratic and pluralistic system of governance of football. UEFA will hold a “Convention for the Future of European Football” and it will be a landmark consultation process aimed at uniting European football stakeholders towards strengthening the future of the game. It will bring together representatives of national football associations, leagues, clubs, players, coaches, fans and agents to discuss long-term policy and governance reforms. The Convention will touch on many areas that are of relevance to sport and EU – including FFP, good governance and gender equality. Only together will we succeed in this process.

In summary, these three key areas: unified agreement on the European sports model, strong collaboration with the EU and a more inclusive governance will be vital for the long-term health and strength of sport in Europe for generations to come.

**Keywords:** *European Sports Model, UEFA, Football Stakeholders, Convention on the Future of European Football*

# TOO MUCH ADO ABOUT THE SUPERLAGUE? AND WHAT ABOUT GRASSROOTS SPORTS?

**Professor Siniša Petrović**

University of Zagreb, Faculty of Law, Court of Arbitration for Sport  
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It is difficult to make a clear-cut distinction between a professional and non-professional sport, the latter referred to as an amateur sport, participative sport, sport for all, or grassroots sport. There are various definitions of grassroots sport, but it is a common understanding that it includes non-professional activity, practiced for leisure and health, educational and social purposes.

Professional sport by nature attracts a lot of attention, it is in the centre of interest of fans and high-level competitions are always the place to be: good athletes, best results, fantastic performances. Somehow, it is something unreachable to a majority and thus so attractive. On top of that, that professional part of the sport is also economic activity and consequently profit-oriented. All that results in most attention dedicated to legal, regulatory, and financial aspects of professional sport, notably in the European Union, due to the economic freedoms embedded in the Treaties. That is not surprising; nevertheless, it seems that we very often do pay enough attention to the other, non-professional part of the sport, while there should be no doubt that exactly grassroots sport is the indispensable place to detect talents and that the two are interdependent and need each other.

Even though many European citizens take part in some kind of non-professional sporting activity, still a large part of them do not practice any sport at all. From the perspective of the mentioned health, educational and social purposes, this is not a desirable situation. You cannot make people practice sport nor directly penalize them for not practicing it. Still, there is room to promote practicing, encourage participation in sport, provide incentives, educate about the immediate and long-term benefits.

The European Union has been taking numerous actions regarding sport in general, and specifically regarding grassroots sport, in line with its competences in that area. Among the documents are worth mentioning the Nice declaration (2000), White Paper on Sport (2007) Communication Developing the European Dimension in Sport (2011), and Work Plan for Sport (2020). Especially the latter focuses on grassroots sport.

One should bear in mind that sport is within the EU competences primarily inasmuch it is (also) economic activity and it has been subject to numerous judgments of the EU Court of Justice and Commission decisions. Application of the Treaties provisions has led to the development of terms of the European model of sport and specificity of sport. The Lisbon Treaties included the specific mentioning of sport, but indicating that sport remains the competence of the member states, while the role of the EU is limited to incentive measures, excluding any harmonisation of the laws and regulations of the member states (Article 165 TFEU).

Despite that, we question whether there is some possibility for more and deeper action from the EU institutions, without the interference in the sovereign domain and scope of competences of the member states: is it possible to go beyond recommendations, initiatives, guidelines and implement more concrete actions and even obligatory provisions?

Being fully conscious of the far-reaching consequences (and reactions), it seems that the answer might be positive and that there are valid arguments in favour of that approach. First of all, the Union's aim is to promote the well-being of its peoples (Article 3 TEU). Hence, the



idea is a better life for all EU citizens. Secondly, even though sometimes even criticized for being too vague and overreaching, a programmatic provision about the creating of an “ever closer union” has been consistently used by the EU institutions, notably by the ECJ as means to explain some of its actions and/or interpretation of the Treaties.

If we agree that (grassroots) sport is a desirable activity, that it has social and educational functions, that is it good for health and social inclusion, and that at least indirectly it promotes (European) values, while the aim of the EU is the well-being of its citizens, could we not in some measure contemplate the margin for more EU action? Just for an example, while allocating certain finances from the European funds, to require their use for developing and improving infrastructure for grassroots sport, more presence of sport in education, providing for tax incentives for investing in grassroots sport (even at the expense of the professional sport), etc.

**Keywords:** *Grassroots sports, Functions of grassroots sports, Citizen participation, EU, Competence, Action required*

# **1<sup>st</sup> Session**

## **The Integrity and Governance of Sport**

# ANTI-DOPING, INTERPRETIVE INSTRUMENTS AND CONVENTION LAW

**Dr. David McArdle**

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Scotland, UK

*Objectives:* This paper discusses an ongoing dispute among the state parties to the UNESCO Anti-Doping Convention which is currently flying under the radar. It has arisen from the proposed draft Operational Guidelines and Framework of Consequences that are currently under discussion with a view to the changes being accepted at the Conference of Parties in November 2021, and this paper highlights several important issues about how those changes are being introduced and their impact upon signatory states that merit fuller consideration than they have received – not least because the changes are being forced through using an inappropriate mechanism in an attempt to circumvent significant opposition among the state parties, at least half of whom are not currently in compliance with the obligations which the Convention places on signatory states. Those not in compliance include many European Union and Council of Europe member states.

*Methodology:* Briefly, the Convention establishes a broad set of obligations relating to athlete education, the provision of funding for anti-doping and compliance with the WADA code. Individual State Parties determine the best way of implementing those obligations, taking those obligations into account, but through analysis of the primary UNESCO documents such as the Conference of Parties debates and the text of the Convention itself, the paper will show that many states fall far short of what is required. The primary analysis will also show how the Draft Guidelines are meant to improve compliance, but legal analysis confirms that introducing substantive changes via interpretive instruments such as Guidelines is not appropriate and the formal amendment procedure should be invoked. If those changes are accepted, the potential consequences of a non-compliance finding will include denial of the opportunity to bid for major events, the cancellation of events previously awarded to the defaulting state and, possibly, a ban on that country's athletes from competing on the world stage.

*Results and Discussion:* Through recourse to the fundamental principles of Public International law and Convention Law, this paper shows that the Guidelines would do more than 'interpret' the Convention and actually amount to a re-writing that goes beyond the Convention's scope, creating direct obligations on states and imposing sanctions on States Parties that cannot be reconciled with fundamental legal principles or the Convention's own terms. It also shows that in any event the attempts to introduce the changes seem doomed to fail in the face of significant opposition from State Parties, and this will have ramifications for the states' relationships with other stakeholders - especially WADA, which seems very keen on securing these changes through any means necessary.

**Keywords:** *Doping, Conventions, Amendment, Procedure, Legality*

## RESEARCH ETHICS IN SPORTS SCIENCE

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**Helena Koren**

**Karmen Bradvica-Kelava**

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*Objectives:* Research in sports and physical activity science faces not only general ethical concerns and dilemmas present in research involving human participants, but also certain concerns arising from specific demands of the sports population and setting. Therefore, the aim of this study is to review main ethical concerns burdening exercise-centered research, that might provide future guidance for addressing them.

*Methods:* Comprehensive literature search was undertaken by querying relevant science databases. Available studies regarding ethical concerns and guidelines in sports and physical activity research are being examined, summarized, and presented in the present review.

*Results and Discussion:* When planning and conducting a research, it is not uncommon that little attention is given to fundamental ethical principles and guidelines, especially in emerging science fields such as sports and physical activity science. Along with ubiquitous ethical questions present in all biomedical research, sports related science is burdened with specific, sports related dilemmas that, in the apparent absence of any guidelines, remain largely unregulated and unexamined. Ethical questions concerning authority imposition, intentional deception and conflict of interest will be discussed, as well as concerns arising from genetic research and participation in potentially health-threatening studies that include maximum exercise testing and usage of ergogenic substances and new technologies. Recognizing and understanding aforementioned ethical concerns and major sources of influence that affect decision making in resolving those concerns may be the initial step in proper management of risks arising from unethical and poor practices in sports and science research.

**Keywords:** *Research ethics, Sport, Exercise, Performance*

# SANCTIONING FRAMEWORK OF THE WORLD ANTI-DOPING CODE 2021: A PROPORTIONATE RESPONSE TO DOPING?

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This paper examines the proportionality of sanctions in the World Anti-Doping Code 2021 (“Code 2021”). The author argues that Code 2021 improved the proportionality of sanctions compared to the World Anti-Doping Code 2015 (“Code 2015”). Sanctioning framework of Code 2021 introduces several provisions that modify the basic period of ineligibility and the margin of appreciation of hearing panels to reduce, but also aggravate the basic sanction. Since it would be practically impossible to cover all the changes, the author analyses four selected groups of provisions which he considers the most fundamental novelties in terms of proportionality in this paper. The author claims that the new approach towards sanctioning of the ingestion, use or possession of substances of abuse is more suitable and proportionate compared to the one in Code 2015. In the same way, he considers the creation of two new categories of protected persons and recreational athletes and adjustment of their sanctioning a step forward compared to Code 2015 in terms of both suitability and proportionality. On the other hand, the author argues that hearing panels need to consider the difference between cheating and mere knowing use to impose a proportionate sanction based on the new definition of intentional presence, use or attempted use or possession of prohibited substances or methods, which abolished the reference to “athletes who cheat”. Moreover, he claims that hearing panels should prefer shorter ineligibility over disqualification of only some results to impose a proportionate punishment in case of aggravating circumstances and their combination with the disqualification of competitive results. Overall, the text of Code 2021 is a good start to the race for the proportionality of sanctions. Nevertheless, hearing panels must keep the pace and ensure proportionate punishments in particular cases.

**Key words:** *World Anti-Doping Code 2021, Proportionality, Intentional, Substances of abuse, Aggravating circumstances, Protected persons, Recreational athletes*

# **2<sup>nd</sup> Session**

## **Sports Governance & Anti-discrimination**

# TRANSGENDER ATHLETES IN SPORTS

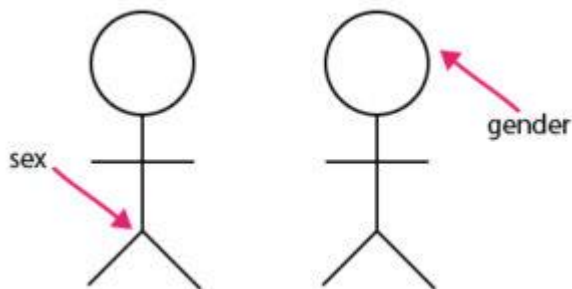
**Professor Nenad Hlača**

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Olympic committee's human rights unit as a new body has an aim to ensure fairness, safety, and non-discrimination of athletes based on gender identity and sex characteristics. From the ancient Olympic movement, we inherited the principle *it is not important to win, but to take part*.

The International Olympic Committee (IOC) will publish new standards on transgender athletes after the Tokyo Olympics to protect inclusivity, safety, and fairness in sport. IOC should protect human rights, avoiding the uncertain destruction of human bodies balancing the psychological right of self-determination and norms determined by biology and nature of male and/or female sex. That is not a simple task. The best framework for the alternative solutions should be the German model of gender diversity in law as a regulatory model for recognizing and protecting gender diversity instead of dominant status quo with few (transgender) exceptions.

The role of IOC is like the position of the supreme court. It formulates the rules for fairness and protects the consistent gender policy. Balance is very fragile, on one side there are clear empirical data and facts and on the other egalitarian ideology and self-determination as dominant social concepts. Another approach we can find is Paralympic inclusion. The Paralympics movement provides the inclusion of those who are different.



**Keywords:** *Transgender athletes, Human rights, Olympic Committee's Human Rights Unit*

## **SPORT GOVERNANCE: RESISTANCE AND CHANGE IN GENDER ELIGIBILITY REGULATION**

### **Ekain Zubizarreta**

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### **Madeleine Pape**

Institute of Sports Sciences and the Gender Studies Center, University of Lausanne, Switzerland

Female athlete eligibility policies have evolved considerably since they were first formally introduced at the international level in the 1960s. In this chapter, we focus on the role of resistance in producing change over time in practices of female athlete eligibility regulation, including in the argumentation that sports governing bodies have relied on in order to justify such regimes. To do so, we analyse and contrast two notable periods of contestation: first, the debates between scientists and the International Olympic Committee (IOC) during the 1970s and 1980s over the IOC's use of sex chromatin testing; and second, public and legal challenges to World Athletics' reliance on testosterone to determine eligibility, from 2014-2019. Critically, the type of confrontation has changed over time: whilst previously debates were largely confined to a smaller scientific community, more recent challenges have brought about wider public interest and debate.

The ascendancy of 'science' as the arbiter of female athlete eligibility regulation has begun to look less certain, with human rights critiques gaining momentum. We argue that it may be an opportune time for actors to reformulate their strategic approach to the pursuit of inclusive women's sport.

**Keywords:** *Female athlete eligibility, Gendered transformations, Sport policies*



## **BROADCASTING RIGHTS IN WOMEN'S FOOTBALL**

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In last year's we have observed a significant and perhaps for many people surprising development of women's football. FIFA and UEFA initiated a number of actions and programmes (FIFA Women's Football Strategy, Time for Action: UEFA Women's Football Strategy 2019-24) to increase the competitiveness and attractiveness of women's football. Not only has the number of players, clubs and fans increased, but also the number of potential sponsors interested in investing in women's football. FIFA Women's World Cup France 2019 reaching across all platforms over 1 billion people only confirms growth and enormous potential of women's football.

On the national level, national federations (England, Spain, France) invest in the women's football and professionalise domestic leagues.

Natural consequence of professionalization shall be the question of commercialization and how this development reflects on the value and distribution of broadcasting rights in the women's game.

Therefore, the current legal issues in media and broadcasting rights in women's football will be presented taking into consideration that in recent years broadcasting rights to women's game were bundled and sold together with the men's, so in reality the market for the exclusive women's football broadcasting rights didn't really exist.

The commercial value of media rights in top women's leagues (France, England, Germany, Spain) will be compared and explained how they have been distributed and exploited (in Free-To-Air TV, Pay-TV, live streaming platforms). Further, the collective selling of media rights in Primera Iberdrola (Spain) and the dispute between FC Barcelona Femini and the broadcaster Mediapro will be analyzed.

The impact of UEFA's Over-The-Top (OTT) streaming platform on women's football will be presented to explain the reasons why UEFA decided to unbundle the broadcasting rights for its women's competitions – the European Championship and Champions League.

Finally, it would be discussed how the broadcasting rights shall be distributed and exploited in order to attract and maintain more audience, but primarily how the various rights holders (clubs, leagues, federations, confederations and broadcasters) shall cooperate and contribute to the further development of women's game.

**Keywords:** *Broadcasting rights, Women's football, Distribution*

# **3<sup>rd</sup> Session**

## **Sport Policy, Governance and Integrity in Europe**

# IS THE EUROPEAN COURT OF HUMAN RIGHTS AS AN EFFECTIVE REMEDY FOR SPORTING DISPUTES?

## **Professor Jack Anderson**

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Australia

The European Court of Human Rights (ECtHR) has deliberated on matters relating to sport on a surprisingly extensive scale e.g., right to life (Article 2 of the European Convention on Human Rights) in *Harrison and Others v the United Kingdom*, 2014; Prohibition of inhuman or degrading treatment (Article 3) in *Hentschel and Stark v Germany*, 2017; Right to liberty and security (Article 5); *S., V. and A. v. Denmark*, 2018 (Grand Chamber); Right to a fair trial (Article 6), *Mutu and Pechstein v. Switzerland*, 2018, *Bakker v. Switzerland*, 2019, *Platini v Switzerland* (2020) and *Ali Rıza and Others v. Turkey*, 2020; Right to respect for private and family life and home (Article 8) *Fédération Nationale des Syndicats Sportifs (FNASS) and Others v. France*, 2018; and Freedom of Expression (Article 10) *Naki and Amed Sportif Faaliyetler Kulübü Derneği v. Turkey* (2021).

Reviewing the case law, and particularly that relating to Article 6, this presentation briefly reviews the capacity of sport internally and autonomously to provide an effective remedy (analogous to the meaning given to the phrase in Article 13 ECHR). for disputes with human rights' connotations. Recent commentary by the UN High Commissioner for Human Rights at the 44th session of the UN Human Rights Council (A/HRC/44/26, 15 June 2020) and the continuing outworkings of CAS 2018/O/5794 *Mokgadi Caster Semenya v IAAF* will, in part, inform this element of the presentation.

The paper further explores the mandatory use of arbitration in sport, epitomised by the Court of Arbitration for Sport, as part of its criticism of sport's unquestioning adoption of principles pertaining to the privatisation of civil justice, and which, without precaution, is detrimental to athletes' rights.

**Keywords:** *Mandatory arbitration, Effective remedy, Court of Arbitration for Sport, European Court of Human Rights, Right to a fair hearing*

## LESS KNOWN INSTRUMENTS FOR COMBATING HATE SPEECH IN SPORT: ECRI's GPR 12 AND NCCD

### **Professor Cristian Jura**

'Dimitrie Cantemir' Christian University, Court of Arbitration for Sport  
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The scientific demarche has as a main objective a better understanding of the mechanisms of European Commission against Racism and Intolerance (ECRI) General Policy Recommendation (GPR) 12 on Combating Racism and Racial Discrimination in the Field of Sport and to present situation concerning manifestations of racism and intolerance in sport in some of the 47th Council of Europe member states, especially the ones who are also EU member states. As secondary objectives, and in close connection with the main objective, I would like to present two study cases: the activity of The National Council for Combating Discrimination in shaping monitoring mechanisms on racism and xenophobia.

ECRI sets up especially important mechanisms even for EU because ECRI is a human rights monitoring body which specializes in questions relating to the fight against racism, xenophobia, antisemitism, and intolerance since 2002. In 2019 begins the ECRI's sixth monitoring cycle. So, EU, UEFA and FIFA could benefit from ECRI's valuable expertise in this field.

The European Commission against Racism and Intolerance (ECRI) is a human rights monitoring body which specializes in questions relating to the fight against racism, discrimination on grounds of 'race', ethnic/national origin, color, citizenship, religion or language (racial discrimination), xenophobia, antisemitism and intolerance. ECRI is a part of The Directorate General of Democracy ("DGII").

ECRI is composed of 47 members appointed based on their independence, impartiality, moral authority and expertise in dealing with issues of racism, racial discrimination, xenophobia, antisemitism and intolerance. Each Council of Europe member state appoints one person to serve in ECRI. In a resolution adopted in October 2013, the Committee of Ministers updated ECRI's statute in order to improve compliance with the above criteria by clarifying the modalities for members' appointment and for bringing their term of office to an end.

About recent country monitoring recommendations, ECRI made a recommendation concerning sport in its fifth report on Serbia (§ 57), Poland (§ 89) and Romania (§ 32):

The National Council for Combating Discrimination (henceforth CNCD) is the "state authority in the area of discrimination; it is an autonomous body, with legal capacity, under parliamentary control". The institution acts also as a guarantor of the compliance and implementation of the non-discrimination principle, in accordance with the internal legislation in effect and with the international documents which Romania is a signatory to (art. 16 on G.O. no. 137/2000). During the exercise of its duties, the Council conducts its activity independently without any restrictions or influence from other public institutions or authorities. The Council is responsible for the implementation and control upon enforcement of the stipulations in the G.O no. 137/2000 in this field of activity, as well as for the harmonization of the stipulations in the normative or administrative documents that contravene the non-discrimination principle.

**Keywords:** *Sports law, Human rights, European Commission against Racism and Intolerance/ECRI, hate speech, National Council for Combating Discrimination/NCCD*

# CAS JURISPRUDENCE ON DSD REGULATIONS: FUTURE OF BINARY CLASSIFICATION IN SPORT

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World Athletics (previously, the International Association of Athletics Federations, “IAAF”) and most other sport governing bodies, use a binary/sex based classification for competition categories. The prioritization of fair competition for some, over equal opportunity, integrity, privacy and economic freedom of not only those with “disorders of sex development” (“DSD”), as seen in athletes like Caster Semenya (“Semenya”), but increasingly so in trans, gender-fluid or non-binary athletes has repeatedly been questioned based on scientific evidence, rights, bio-ethics, public-policy, and other considerations (see, for example, Holzer, 2020 and the Court of Arbitration for Sport (“CAS”) in CAS2014/A/3759, paras 448 to 453 concerning athlete Dutee Chand).

Against the backdrop of Semenya’s CAS award holding the IAAF’s Eligibility Regulations for Female Classification (Athletes with Differences of Sex Development, 2018 requiring athletes to reduce testosterone levels to compete in certain races ‘discriminatory’ but ‘necessary’, ‘reasonable’ and ‘proportionate’ to maintain ‘fair competition’ (CAS 2018/O/5794 and 5798, paras 543-580 and 620) upheld by the Swiss Federal Tribunal (“SFT”, 4A\_248/2019, 4A\_398/2019) and now before the European Court of Human Rights (“ECtHR”, Application 10934/21, Notification of *Semenya v. Switzerland*, ECHR 148(2021) of May 17, 2021); this article seeks to analyse these proceedings’ implications for sex based classification.

The paper argues that in addition to argumentation noted above on scientific and other grounds, in light of, *first*, prior CAS jurisprudence noting applicability of the European Convention of Human Rights (“ECHR”) to proceedings before it in specific ways (see for example, CAS 2008/A/1513, para 9; CAS 2016/4469, para 170; and CAS 2011/A/2384 and 2386, para 22), and *second*, voices in literature (see Rigozzi, 2020) which, while noting limitations on CAS as a forum (see Krech, 2019 and 2021) increasingly acknowledge and advocate the applicability and consideration of the ECHR by CAS, and *third* certain other awards (addressing fair competition, for instance, CAS 2020/A/6807 concerning athlete Blake Leeper) both the objective of classification and the test used to gauge its fulfilment in Semenya’s CAS award warrant re-thinking, with the public policy challenge before the SFT, then a lost opportunity to steer sports’ bodies toward re-thinking classification.

Ultimately, having argued the untenable nature of current classification, particularly in the current socio-political context (UNHCR Report, 2020) and proximity of an ECtHR decision in *Semenya* (the case understood to have been given priority status) the paper proposes that principles used in alternatives practices such as the impairment based classification policy of the International Paralympic Committee’s Athlete Classification Code, 2015, or self-identification into diverse inclusive categories as seen in sports such as Ultimate in some nations, better serve a re-calibrated ‘fairness’ metric.

**Keywords:** *Caster Semenya, Court of Arbitration for Sport (CAS), human rights, European Convention of Human Rights (ECHR), gender-based classification*

# **OBSERVER, FACILITATOR, OR CO-PLAYER? THE EUROPEAN PARLIAMENT AND THE PARLIAMENTARY DIMENSION OF EUROPEAN SPORT POLITICS**

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With regard to public support for sport policies, parliaments are consistently assigned an important function. Parliaments do not only have a decision-making function, but as fora of representation, negotiation, and communication they also speak for public interests and ensure responsiveness. Against the backdrop of this catalogue of functions, it is surprising that the role and functions of the European Parliament in European sports policy have not yet been systematically investigated. This study is based on a more detailed survey of the sport-related activities of the European Parliament and the other European institutions. The empirical research includes hearings and parliamentary debates as well as an evaluation of the agenda of sport-related commissions and parliamentary legislation. In general, European sports politics and policy is characterised by an ongoing horizontal differentiation of public and private stakeholders.

Compared to the European Commission and the Council, the EP has dealt with sport at a comparatively early stage as it can act on its own initiative on all questions of European integration. Not only the scope of content, but also the procedural diversity of European sports policy is reflected in these activities of the European Parliament, which include reports and resolutions as well as hearings and plenary debates: As early as 1966, the EP produced a first working paper on sport in the European Economic Community (“Report on behalf of the Committee on Research and Culture on the creation of a European Patent for popular sports”). The relationship between sport and politics was addressed in March 1978, when the EP’s Political Affairs Committee agreed to hold a public hearing on human rights violations in Argentina. Sport offers a clear example of the EP’s emerging agenda-setting function. The EP made important contributions to sport policy, particularly between the 1980s and 2000s, before sports competences were enshrined in the Treaties. The Parliament already understood its role to be an attentive guardian of human rights worldwide. If one assesses the European Parliament’s sport-related activities for the period until 2009, it can be seen as an early pioneer of European sport policy.

Following the entry into force of the Lisbon Treaty, the EP showed considerable interest in football. While at the beginning of the 2010s the Parliament had sought to close ranks with organised football and repeatedly invited both Sepp Blatter (FIFA) and Michel Platini (UEFA) to Strasbourg and Brussels respectively, it later distanced itself and stressed the need for improved integrity in sports associations. On 2 February 2012, the EP adopted by a large majority the opinion on the Commission communication "Developing a European dimension for sport" (COM (2011) 12 final), previously discussed in greater detail by the Committee on Culture and Education, which was the lead committee, and drafted by rapporteur Santiago Fisas

(EPP). Though the EP has been an important facilitator for the emergence of sport at the European level, its role is not as clear as in former times.

The European Parliament is considered to have played an important role in the early phase of European sports policy, but also that its influence has waned in recent election periods and the establishment of increasing European sport politics networks. The national parliaments, on the other hand, are assumed to have never had the same degree of control over (European) sport policy as they have over other domestic policies. Against this background, the EP should reinvent its role in sport politics and, as a first step, embrace the possibilities it has to strengthen the policy field inside Parliament and, subsequently, actively initiate discussions with the Commission and the Council, particularly in those sectors where these two institutions do not have promoted a more pronounced vision.

The following key points may explain the decreasing role and functions of the European Parliament in sport politics: 1) The EP's CULT Committee covers an extensive range of policy fields. Taking into consideration the Committee meeting agendas over the past years, it appears that sport does not have the highest priority and importance. There have been years sport even seemed to be marginalised on the agenda as written questions and answers of MEPs reveal. 2) The parliamentary dimension of sport politics suffers from cooperation at the committee and working level in the European area. Cooperation with national parliaments is rather marginalised since there are no sectoral meetings of MEPs with members of the sport committees of national parliaments. 3) Even though the EP regularly holds hearings on sport, little use is made of the views of sport organisations. In terms of proactive policy advice, the EP has not made greater use of the expertise of sport associations, federations and other stakeholders in sport and physical activity. Considering parliaments generally as fora for public debates, the EP does not provide a framework for regular communication and discussions on sport, based on broader expertise.

**Keywords:** *European Sport politics, European Parliament, CULT Committee, Institutional assessment, Parliamentary dimension*

# **4<sup>th</sup> Session**

## **Sport Policy and Politics in Central and Eastern Europe**



## SPORT AS A MEAN OF LEGITIMACY IN HUNGARY

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Since the second Orbán government, the financing of the sport industry has changed meaningfully in Hungary. One among the first decisions of the so-called system of national cooperation was to channel the corporate tax revenue into the sport sphere. The enormous capital flow has accelerated the activity of the sport society on one hand, but it has also created fierce criticism from the opposition.

The reasons for the creation of this new policy solution were two-folded; first the prime minister's devotion towards the sports generally but first of all towards football. Second the legitimizing power of the good results of the professional athletes.

This paper seeks to analyze the policy changes on the field, since the beginning of the system of national cooperation (2010) and describes its legitimizing effects and impacts on national politics. According to the paper's hypothesis the new sport regulation successfully enforced the legitimacy of the system however it gave an all-time scapegoat to the opposition parties.

The analysis is based on qualitative case study. Different categories of sports are put into comparison under the aspect of the available funds and the achieved goals since the introduction of the new financing system. The impact of these achievements on politics and on the legitimacy of the government are also taken into consideration.

**Keywords:** *Legitimacy, Tax policy, Sport in politics, Orban government's sport policy, System of national cooperation, Hungary*

# IMPORTANCE OF SPORTS FACILITIES IN SLOVENIA AND THE EU

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Physical activity is a growing public health issue, and, in recent years, the benefits of an active lifestyle have been increasingly emphasized worldwide (Van Tuyckom & Scheerder, 2010). There are various factors that influence sports activity, and among the most important, physical environment, biological, demographic, psychological and sociological influences, as well as sports infrastructure. Research has shown that the amount of sports infrastructure is significantly linked to the improving people's health (Jurak et al., 2014; Brechot et al., 2015). European Union pays a lot of attention to sports and sports infrastructure but does not make specific recommendations on how many sports facilities each member state should provide for its inhabitants. However, the EU provides support to its member states for the construction and renovation of sport facilities through its numerous funds (European Commission, 2016). Sports infrastructure is an important part of the Slovenian National programme for sport (NPS). One of the priorities of the NPS 2014-2023 is an efficient and accessible network of high-quality sports facilities and areas for outdoor sports (Jurak and Pavletič, 2014, p. 28). The strategic goals of the NPS (MES, 2014) include the provision of 0.35 m<sup>2</sup>/inhabitant of indoor sports space and 3.2 m<sup>2</sup>/inhabitant of outdoor areas. Our research found that the area of indoor sports facilities per inhabitant is currently sufficient or exceeds the targets in eight of the twelve statistical regions, but the same is true in only six of the twelve statistical regions regarding outdoor sports facilities.

The interviews clearly indicate that local communities recognize the importance of sport for public health. The municipalities have sports departments in their administrative services, as well as professional staff in charge. Despite the funds available from the EU for the construction and renovation of sports facilities, European documents are, according to Slovenian municipalities, hardly taken into account. They mainly focus on the NPS, but otherwise follow the needs of the missing sports areas, although they generally do not have the basic documents regarding the development of sports infrastructure.

In recent years, Slovenia has built a classification database of sports facilities. This is a step towards a precise database, but in order to achieve the country's goals, a detailed plan on the necessary facilities must also be developed. In order to compare EU Member States, it is essential to obtain statistics on the number of sports facilities per capita in each country. These statistics should be correlated with the population's sport participation to assess how much space is needed for sufficient participation of the population in physical activities.

**Keywords:** *Sport facilities, Sport participation, Slovenia, EU*

# THE EXCLUSION OF SPORTS CLUBS FROM THE JUNIOR HOCKEY LEAGUE – THE CASE OF THE CZECH REPUBLIC FROM THE PERSPECTIVE OF EU COMPETITION LAW

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In February 2019 the Executive Committee of the Czech Ice Hockey Association (CIHA) decided to create a new junior hockey competition, the Junior League of Academies, beginning in September 2019. As a result, a few clubs were administratively excluded from the highest junior competition. Three of the five excluded clubs decided to initiate arbitration proceedings. After the failure of arbitration, the clubs filed a lawsuit in the Czech civil court seeking the annulment of the decision of the CIHA to expel them from the competition. This paper analyses the actions of CIHA from the perspective of EU competition law. It assesses whether the CIHA's exclusion of clubs from the new league may violate Articles 101 or 102 TFEU. For this purpose, the paper uses the methodological approach adopted by the Court in *Meca-Medina*.

Although in general, in accordance with EU law and EU law policy, the organization of competitions and the setting of sporting rules fall within the competence of sports associations, these competences are not unlimited. Sports rules have to be set up in advance based on the transparent process of sports governing body in accordance with good governance principles. If the procedure of adopting sporting rules is not in accordance with the principles of good governance, it cannot be considered inherent and proportionate and as such it may be found contrary to the Article 101 or 102 TFEU.

**Keywords:** *Selection rules, Administrative exclusion, EU competition law, Sports association, Sporting rules*

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A full-text view-only version of the paper is available here: <https://rdcu.be/cjZwY>

# THE STATUS OF PROFESSIONAL PLAYERS BETWEEN SELF-EMPLOYED AND EMPLOYEE STATUS: STATE OF THE ART IN SLOVAKIA AND IN EAST-CENTRAL EUROPE

**Professor Tomáš Gábriš**

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Slovak Republic

On December 3, 2019, a decision of the Parliament of Slovakia was taken, aiming to allow sportspersons to freely choose between their status as an employee or a self-employed person. Still, this intention is not properly reflected in the new wording of the Act on Sports, which might lead to further quarrels. The author attempts to show that in fact nothing has changed in the status of players even under the 2019 amendment and if performing dependent work, they are still to be considered employees.

In Slovakia, since 2016, sportspersons, whose sporting activity shows features of dependent work, are considered employees, under special rules on sporting employment, expressed in the Act on Sports no. 440/2015. Social security law and tax law similarly started to consider such persons as employees – albeit, within a transitory period until December 31, 2021, professional sportspersons performing dependent work are still considered self-employed persons for social insurance and health insurance purposes.

However, pressure from the side of the clubs not willing to comply, nor to accept higher payments for their employees, finally resulted in the 2019 amendment of the Act on Sports, aiming to allow the players to choose between their employment or self-employed status on their own. The amendment is thereby claimed to mean a sort of a return to the Czech (and former Czechoslovak) model, currently deviating from the rest of (East-Central) Europe. Basically, in the whole of Europe, including East-Central Europe, players are namely considered employees in terms of labour law, social security law as well as tax law.

Still, we argue that in the absence of an explicit criterion for choosing between contract types, the criterion expressed in the Labour Code should apply instead of deliberate choice by the parties. It is hence in our opinion up to the law application authorities (courts and administrative authorities) to interpret the text of the Act on Sports systematically, with respect to the entire legal order of the Slovak Republic, including the regulation of undeclared work and illegal employment, which makes it possible to penalize a “hidden” employer. In this spirit, therefore, we suggest that the law applying authorities should in cases of dependent work in sports consider it obligatory to use the contract for the professional performance of sport (i.e. employment contract under the Act on Sports), and only in other cases (of self-employed work) it should be possible to conclude “other contract” which has found its new regulation in the Act on Sports as effective since February 1, 2020.

Any other interpretation would be unsystematic, and even contrary to constitutional and European values (in particular with regard to the derogation of existing employees' rights in sport). On the contrary, a systematic, constitutionally and internationally acceptable interpretation should be selected and prioritized instead.

**Keywords:** *Employment, Sports, Slovakia, Self-employment, Act on Sports*

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# **5<sup>th</sup> Session**

## **COVID-19 and its Impact on Sports**

# **YOUNG EUROPEANS AS COVID-19 COUCH POTATOES? PHYSICAL ACTIVITY/PHYSICAL EDUCATION ROLLBACK CAUSED BY COVID-19-RELATED DEVELOPMENTS**

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To what extent did developments driven by the 2020 Covid-19 turn young Europeans into couch potatoes? How much is known about the physical activity/physical education rollback, its causes, stages and outcomes up until now? Our paper aims to provide a review of available knowledge with objective of comparing these ongoing trends with PA/PE objectives defined in policy documents from the last 20 years. To what extent has the pandemic reversed efforts to improve young people's participation in sport and physical activity and decreased their status of their physical fitness, motor performance and social well-being as opposed to merely reinforcing equally observable trends in their diminution? (Starc, 2020; Tortella, et al., 2020).

Our point of departure will be the objectives enshrined in the WHO's Global Plan for Prevention and Control NCDs 2013-2020 (WHO, 2013), the WHO (2020) progress report on the Global Action Plan for healthy lives and well-being of All and the outcome of the two monitoring rounds of the EU Physical Activity Guidelines (Mittag & Naul, 2020). To what extent can it be said that, at the beginning of the pandemic, consistent and measurable policies were on track, with which we can compare the ensuing rollback? The insights extracted from these policy documents will be used to structure our review of the available knowledge, drawing upon the most recent Eurobarometer surveys (in the fields of sport and of youth), the specialised Covid-19-and-youth surveys of the EU-Council of Europe Youth Partnership, the European Foundation for the Improvement of Living and Working Conditions (Eurofound) (an EU agency) and the OECD, as well as various academic publications and other sources of reporting (e.g. OECD, 2020). Results from our review will be compared with the status quo ante and we will draw conclusions and formulate policy recommendations, including as regards the organisation and funding of school sports and recreational sport. As part of this discussion, we will compare Covid-19-related help packages offered by public authorities to top-level elite sports with those available to the providers of school sport and community sport.

**Keywords:** *Covid-19 (Coronavirus) pandemic, Youth, Physical inactivity, Sport, Mental health*

# **GAELIC GAMES, IRISH MEDIA AND THE COVID-19 PANDEMIC'S 'EXPOSING FORCE' IN IRELAND**

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This paper examines the impact of the Covid-19 pandemic on Gaelic games and their media representation in Ireland. Unique to Ireland and the Irish diaspora globally, Gaelic games dominate the Irish team game landscape, both in terms of participation and mass spectatorship. The paper highlights a tension in media representations that endured and manifested in various ways in the period covered: from March 12<sup>th</sup> (when the Irish government announced the lockdown confirming the suspension of Gaelic games fixtures) and December 19<sup>th</sup> 2020, the date of the All-Ireland Gaelic football final, the conclusion of major elite level inter-county competitions in Gaelic Games. On the one hand there was an emphasis on the exceptional contribution of the Association and its members to Irish society. Unusually, by international standards, the GAA maintains an amateur ethos, such that even its elite level players are employed across, and thus represent, every sphere of Irish society. In the early phase of the lockdown the GAA featured strongly in a rhetorical discourse of national 'overcoming', through collective will, of the challenges posed by the virus to everyday life and sociality in Ireland. There was a strong emphasis on the members' involvement in voluntary charitable activities in assisting isolated elderly people, or in specific causes. These were depicted as both ends in themselves and indicative of a native sense of community and mutuality. When a further lockdown was imposed in early winter as virus incidence grew, the staging of the inter-county GAA championships was justified on the basis of their contribution to national morale and their coincidence with the centenary commemorations of key events in the Irish War of Independence, with which the GAA is closely linked.

On the other hand, media coverage of Gaelic games connected with how the pandemic served as an 'exposing force' (Mullally 2020) that highlighted hitherto neglected weaknesses and inequalities in other areas of Irish society (crucially, for example, a seriously under-resourced public health system after decades of neoliberal government, and virus 'super-spreading' events in private care homes, in industries dependent on inadequately protected migrant workers, and in cramped 'direct provision' centres for asylum seekers). Much as with national politics, the pandemic has also been an exposing force for both the uniqueness and strength of Gaelic games in Ireland, and their (perhaps related) vulnerabilities. Drawing on methods in critical discourse analysis this paper identifies seven thematic strands and patterns of dialogical engagement within clusters of selected national and local print, broadcast and related social media threads at key moments in the unfolding crisis for the GAA and its participants. These themes include

- The rhetoric of collective overcoming.
- An emphasis on GAA members' contribution, as workers, in frontline services, and community voluntarism.

- A tension between this optimistic, future orientated rhetoric, and evidence of the horrendous financial impact on the GAA.
- Tensions between the GAA's so-called 'runaway train' elite, quasi-professional inter-county level (despite its official amateur status) and the local club level
- Concerns regarding undisciplined post-match celebrations when club competitions resumed.
- Recuperation of cultural status in Winter 2020 through (a) the centenary commemoration of Bloody Sunday in November and (b) the rescheduled elite inter-county championships
- However, the foregrounding of the men's inter-county championships in the Autumn television schedules implicitly reproduced a gendered hierarchy within Gaelic games

**Keywords:** *Gaelic Games, Covid-19, Irish media, Critical discourse analysis*



# **IMPACT OF THE COVID-19 PANDEMIC ON THE MOST POPULAR RECREATIONAL SPORTS IN CROATIA – FOOTBALL, TENNIS AND RUNNING**

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This paper examines the impact of the COVID-19 pandemic on recreational sports in Croatia, i.e., football, tennis and athletics (namely running) during 2020 in Croatia. Football, tennis and running are very popular sports among recreational and amateur athletes. Sport is an important social phenomenon throughout the world and, consequently, in Croatia. It is often emphasized as the best promotor of healthy lifestyle and obesity prevention. During 2020, the pandemic had a major impact on the aforementioned sports and, through these sports, on society in general – at school, amateur, recreational or professional levels.

The consequences of the pandemic on this important social aspect in Croatia are examined through in-depth interviews with various stakeholders in sport and experts, as well as by means of the desk method. During 2020, the possibility of training was discontinued twice and the majority of recreational sport competitions were postponed. Besides the short-term effects, this paper also investigates mid-term and long-term impact of the pandemic on recreational sport. Furthermore, this paper examines the issue of justification of anti-epidemic measures, i.e., whether these measures are indeed proportional with the risks associated with playing football and tennis and looks into the legal aspect of the measures. The measures and recommendations of the Civil Protection Headquarters of the Republic of Croatia were adopted on the basis of the Law on Protection of Population Against Contagious Diseases and the Law on Civil Protection System. The paper provides an answer to the question as to whether the pandemic will have only temporary effects or it will permanently change our attitude towards recreational football, tennis and athletics (running) in Croatia.

**Keywords:** *COVID-19, Recreational sports, Football, Tennis, Athletics*

# **6<sup>th</sup> Session**

## **Governance and Autonomy in Global Sport**

# THE LIMITS OF PRIVATE TRANSNATIONAL POWER: THE FATE OF 'GOVERNANCE TRANSPLANTS' IN THE GLOBAL SOUTH

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This paper introduces the concept of 'governance transplants' to evaluate the impact that being part of the Olympic Movement has on internal sports governance and policy in Global South developing countries. The International Olympic Committee, as guardian of the Olympics transfers a very particular governance concept to those countries that join the movement. Although national governments enjoy some agency in 'translating' governance transplants, misfits and tensions persist. Such misfits might finally force private transnational regulators to waive enforcing their governance transplants. These ideas are empirically supported by case studies on the International Olympic Committee, which imposes the autonomy of sport as governance transplant on all of its members. Case studies from Botswana, Guatemala and Sri Lanka show that the governance transplant is translated according to national legacies. Moreover, persistent misfit poses the question of the prospect of governance transplants imposed by the Global North if the Global South gets a greater say in transnational governance.

**Keywords:** *Transnational private governance, Compliance, Governance transplants, International Olympic Committee, Global South*

## THE UNITED STATES, PUBLIC DIPLOMACY AND THE GOVERNANCE OF IRANIAN SPORT, 1953-1958

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This paper examines the short-lived 1950s American sport diplomacy campaign in Iran. It analyses the motives behind these policies, the initiatives employed and the extent to which US policymakers regarded them as a success. The piece illustrates how these sport diplomacy initiatives - centred on track, field, and other Olympic events - comprised a key facet of a broader public diplomacy campaign aimed at countering negative popular perceptions of the United States in the wake of its involvement in the August 1953 coup. Notable initiatives included the sending of former high-jumper David Albritton to coach Iranian athletes, inviting several US athletes to perform exhibits and the creation of a newspaper sports supplement. This sport diplomacy campaign, however, was fleeting. With no figure willing to replace Albritton after his 1957 return to Ohio, USIS figures in Iran increasingly relied on cultural initiatives to engage with the Iranian public.

This paper highlights three key elements that underpinned 1950s USIS sport diplomacy in Iran. First, sport diplomacy's primary function as a tool to strengthen elite-level US-Iran relations and to promote America to an increasingly US-sceptic public. These initiatives began as an offshoot of the broader 1950s USIS public diplomacy campaign in Iran. Cold War considerations undoubtedly motivated the agency, as well as their Embassy and State Department superiors. They feared that because of the August 1953 coup many Iranians were increasingly turning towards Soviet-inspired Communism. US policymakers were confident that sport's popularity and immovable presence in Iran's cultural life made it an effective means to engage with the country's public. Second, the role of key individuals in the making, shaping and implementation of these initiatives. David Albritton, for example, coached Iranian athletes, shaped the physical education curriculum, and organised visits from American sporting figures. In collaboration with *Kayhan's* editor Mostafah Mezbezadeh, moreover, he assisted in the publishing of the newspaper's sports supplement, *Kayhan Sport*. Third, the Iranian government's role in encouraging and facilitating American sport diplomacy. The Shah's close allies, most notably his aide de camp Manoucher Gharegozlou, were eager for Iran to be regarded by the international community as a modern, progressive nation. They sought to encourage Iranians to take greater interest in western sports to showcase their country's strength and prosperity to overseas audiences.

**Keywords:** *Sport diplomacy, US-Iran relations, Public Diplomacy, Soft power, Cold War*

# **7<sup>th</sup> Session**

## **Regulatory and Legal Challenges in Modern Sport Practice**

## **EMPLOYER (VICARIOUS) LIABILITY IN SPORT**

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This paper explores the legal framework and important case-law in the field of vicarious liability of clubs for the wrongs of (workers) in England and Croatia. In the first part of the paper the authors will explore the status of players and coaches and whether they are categorized as ‘employees’ for the purpose of vicarious liability. This will be evaluated by looking at key cases from Croatia and England. In the second part of the paper the authors will explore what wrongs of club employees are likely fall within the course of their employment. It briefly discusses the cases in which sports employers have been sued for the wrongs of their employees, and argues, in respect of English jurisdiction, in light of the UK Supreme Court Case in *Mohamud v WM Morrison Supermarkets plc* [2016] UKSC 11, that the field of sports employees’ activities, encompassed within the course of employment, is likely to be extended. It will posit that this is a concern in the light of the recent discovery that Ossett United, an English non-league, semi-professional club is not fully insured against this type of loss. It will conclude by comparing the position in England to the position in Croatia.

**Keywords:** *Sport, Liability, Employer, Employee, England, Croatia*

# **THE EMANCIPATION OF ELITE ATHLETES: A NEW CHALLENGE TO THE LEGITIMACY OF SPORT GOVERNING BODIES?**

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In recent years, athletes and players from different sports have increasingly articulated their discontent with decisions, structures and procedures of Sport Governing Bodies (SGBs). Threats to the dominant role of SGBs that have only been known from the professional team sports and leagues, like a professional representation outside the structures of the respective SGB or the unionization of players also evolved in semi-professional Olympic sports. Academic literature has identified diverse challenges in legitimizing the regulative and de facto power of Sport Governing Bodies. Strategies to increase or recover legitimacy differ according to the main source of legitimacy that each theoretical lens proposes. While the inclusion of athletes into decision-making structures is a solution proposed by most studies utilizing the various concepts of democratic legitimacy, the role of athletes as political actors remains largely under-conceptualized. The aim of this contribution is to examine the normative and empirical challenges to the legitimacy of SGBs which arise due to the emancipation of elite athletes, understood as ongoing efforts to strengthen their role as political actors through the creation of organizations that are located outside the traditional pillars of the Olympic Movement. The study builds on theories of democracy and legitimacy in multi-level polities, most notably those stemming from the study of the European Union and a framework for legitimacy in governance proposed by Schmelzle (2008).

It is shown that the emancipation of elite athletes poses both a normative and empirical challenge to the legitimacy of the Olympic Movement. The core argument is that athletes are increasingly approaching sport and its governance from a different angle than the long-established functional arguments for legitimacy. The emergence of new athlete-led organizations must be considered as a sign of an advancing integration of governance structures on “social-normative” (Schmelzle, 2008, p. 175) grounds. In developing a common cosmopolitan identity as “elite athletes”, it is argued that the athlete movement is growing to be a “demos” of the governance regime of sport. As such, purely output-oriented arguments will no longer be a legitimate answer to the “will of the people” and, as a consequence, more democratic structures are likely to evolve.

**Keywords:** *Athlete Movement, Legitimacy, Democracy, Emancipation, Olympic Movement*

# MACOLIN AND BEYOND: LEGAL AND REGULATORY INITIATIVES AGAINST MATCH MANIPULATION: PAPER SUMMARY

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As one of the most common types of sports fraud, match manipulation constitutes a significant threat to the integrity of sport. In response to that threat, governments and sports organisations have taken various initiatives, ranging from preventive to restrictive in nature. The aim of the research is to analyse the legal and regulatory framework currently in place to tackle match manipulation in sport. The paper shows that in recent years a fair amount of activity can be observed with regard to legislative and regulatory actions. For instance, over the past decade, a number of states have chosen to criminalise match manipulation by way of specific provisions as opposed to relying on different forms of incriminations of e.g. fraud and bribery. Similarly, action can be observed regarding national and international cooperation in relation to the topic of match manipulation. At national level, the creation of multi-stakeholder platforms, so-called national platforms, can be noticed, inspired by Article 13 of the Macolin Convention. Each national platform is nearly unique in its form, as there is no specification written in the Macolin Convention regarding the platforms' format. At an international level, cooperative initiatives have increased as well. For example, through the INTERPOL and Europol frameworks and through the creation of the Network of National Platforms (Group of Copenhagen) which brings together the coordinators of the various national platforms that were established. Last, sports organisations have increasingly updated their codes of ethics and disciplinary codes which include bases to take disciplinary action against match manipulators provided that they fall under the organisation's jurisdiction. In addition, these organisations have worked on their various reporting mechanisms and have taken initiatives to monitor betting markets. Some issues still remain, however. For instance, because states' criminal laws are not uniform, questions may be raised regarding coherence and visibility of these various criminal laws. Moreover, international cooperation in criminal matters may be hindered. Concerning national and international cooperation and information exchange between stakeholders, it can be observed that many of these initiatives are informal in nature and consequently mainly rely on the goodwill of the stakeholders involved.

**Keywords:** *Match manipulation, Macolin Convention, Criminal law, Stakeholder cooperation, Sports regulations*



# VAT CHARGEABILITY OF FOOTBALL AGENTS' COMMISSIONS IN EU LAW, INTO THE LIGHT OF THE EU-UK TRADE AND COOPERATION AGREEMENT

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The deregulation of the football agents industry has received ample criticism by academic scholars and practitioners. However, in the aspects that prevent the realization of a single market in the sector, may be included indirect taxation policies, specifically VAT.

The Paper examines the application of the VAT regime on football agents in the EU, in relation to their intermediation activity in the transfer of football players.

Building on the analysis of the case law of the ECJ, the opinions of the VAT Committee and the VAT legislative framework, the Paper addresses the legal definition of “*intermediary*” in relation to intermediation contracts in sport, taking into consideration the “*collectability*” and “*recovery*” of the VAT as well as the identification of the “*chargeable event*”.

The Paper opens with a general analysis of EU provisions governing the harmonization of indirect taxation policies, considering then the legal nature of “*sports agent*” as a whole, analyzing it into the light of the various definitions of “*intermediary*” and “*intermediation contract*” that EU law provides in various field; specific attention is dedicated to the “*conditions*” attached to the contract. Subsequently it focuses on the identification of the different typologies of intermediation contracts: mandate with or without representation and intermediation in favor of the club(s), the athlete, or both.

Thus, the paper examines the relevant case law of the ECJ and the decisions of the VAT Committee on the subject, mainly with reference to the analysis of the service provided (i.e. the intermediation), with reference to ancillary services provided by sports agent, by virtue of the intermediation contract, the eventual payment in installments of the intermediation commission and the eventual reverse charge.

The third part is dedicated to the analysis of the Withdrawal Agreement and the EU-UK Trade and Cooperation Agreement, as far as intermediation contracts stipulated by sports agents are concerned. It is then argued that both the WA and the TCA do not profoundly modify the current VAT system on the subject, considering that the theme of “*VAT taxation of provision of intermediation services*” keeps on being regulated by the already existing norms, first and foremost the VAT Directive. The most relevant academic articles on the subject are indicated.

In the conclusions, the paper states that it does not appear, at the present moment, that *Brexit* will negatively impact the system of value added taxation of the commissions perceived by the sports agents. This conclusion is formulated taking into considerations that: (1) in the sector of sports agency is already absent a specific general fiscal regulation at supranational level (being the sector already fragmented nationally); (2) the WA and the TCA expressly provide for the interpretation of their VAT provisions into the light of the relevant internal (EU and UK) sources of law and, it is argued, the interpretation given by the competent Courts, without intervening specifically on the subject of provision of intermediation services, that is, if and until the UK were to modify its legal regulation on the value added tax on (intermediation) services.

**Keywords:** *Sport Agent, Intermediation, Commission, VAT, Brexit*

# **8<sup>th</sup> Session**

## **Analysing Legal and Social Aspects of Sport Policy and Regulation**

# INFLUENCE OF EUROPEAN UNION COMPETITION LAW ON ORGANIZATION AND FINANCE OF PROFESSIONAL FOOTBALL

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Professional football clubs in European countries enjoying a wide organizational freedom, often opt for companies of capital function mostly as sports joint stock companies. As undertakings they have to comply with the EU competition law and submit to the rules of autonomous sports laws created by FIFA, UEFA and National football federation, as well as the rules of the national *ordre public*. Best sports results are achieved only by clubs, which – along with good organization, also have a stable financial and material basis. Financial stability of professional clubs must be based on their businesses and/or investments by private investors, not on public (budget) donations or sponsorships by other companies held by legal persons of public law. For clubs finance important are revenue from players transfers, TV broadcasting rights, European or National league redistribution, sales of tickets, club souvenirs and similar. Investing into football clubs is a profitable and lucrative business, generating profit that at least equals profit from alternative usages of invested capital. Article 101 of the Treaty on the Functioning of European union prohibits agreements between undertakings and concerted practices whose objectives are, or which have a positive effect on, the restriction or distortion of competition within internal market. Article 102 prohibits any abuse by one or more undertakings of a dominant position within internal market. The aim of paper is to elaborate the influence of that rules on the four elected aspects of organization and finance of football clubs: a) Transfer rules as means of maintaining of financial and competitive balance, b) Financial Fair Play, c) Third Party Ownership and d) limitations in regard of disposal of membership rights in clubs (control over multiple clubs through membership shares; multi-club ownership/team control).

**Keywords:** *Competition law, Financial stability, Professional clubs, Undertakings, Transfer rules*

## **SPORTS ARBITRATION AND EU COMPETITION LAW: EVOLUTION OF THE LOVE-HATE RELATIONSHIP**

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The mechanism of mandatory arbitration in sport has been largely criticised since the creation of the CAS. The forced nature of athletes' consent to arbitration, CAS's structural and functional links to SGBs (sports governing bodies), and very limited grounds to appeal against awards, have been the main arguments brought against this arbitral institution. The Swiss Supreme Court has confirmed on multiple occasions the legitimacy of the CAS in the light of Swiss law.

In recent years, competition law has come into the foreground becoming a frequently used tool for challenging decisions of sports federations and arbitral awards of the CAS. First, the German Supreme Court confirmed the legitimacy of the CAS putting a (temporary) end to the Pechstein saga. Later, the European Court of Human Rights rendered a now highly cited judgment in the Mutu and Pechstein case placing procedural uniformity and legal certainty above the disadvantages of the CAS setup.

At the same time, the European Commission's decision on the case of the Eligibility Rules of the International Skating Union (ISU) re-opened the discussion stating (in the context of fine setting) that the mandatory arbitration clause may be problematic when assessed in combination with other restrictive rules imposed by sports federations, such as eligibility regulations or sponsoring criteria, by reinforcing those restrictions.

This finding raises the question of the legality of mandatory arbitration clauses in the overall context of the SGBs' rule-making and decision-making policies. In other words, do sports federations bear additional responsibility to avoid restrictive policies because of their *a priori* stronger bargaining power and because of the existence of CAS as the exclusive appeal tool against those policies? This question remains even after the General Court rejected the arguments of the European Commission on mandatory CAS arbitration being an 'aggravating circumstance' to a restrictive rule.

In alignment with the reasoning of the European Court of Human Rights, the General Court considers that the specific nature of sport brings in the legitimate interests capable of justifying the CAS's peculiarities. But even taking into consideration that the CAS has a very strong and politically endorsed position, the judgment which gives the green light to overly restrictive dispute resolution rules precluding athletes from protecting their economic rights falls outside the major trend of pro-competitive decisions.

But, in reality, the trend persists: while formally agreeing with the advocates of the CAS system, the General Court actually has taken the issue to the next level stating that an affected athlete or another stakeholder could bring a competition-law-based action for damages resulting from a restrictive policy of an SGB before a national court, and thus, there is a way to challenge the system.

It is possible to assess this judgment from different perspectives: as an implicit agreement with the Commission, as the intention to safeguard the positions of EU law, as the "golden mean" solution in application to sport. In any case, competition law is reinforcing its role as a correction mechanism for SGBs' policies and is currently the best instrument to

safeguard the balance between the special needs in CAS arbitration and the protection of athletes' rights.

**Keywords:** *Competition law, Sports arbitration, Athletes rights, EU law, Sports governance*

# **A COMPARISON OF THE BREAKAWAY DEFUNCT INDIAN CRICKET LEAGUE AND THE PROPOSED EUROPEAN FOOTBALL SUPER LEAGUE**

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Breakaway sports leagues may be defined as such sports leagues that operate outside the rules and regulations of the concerned apex sport organisations and the statistical performances of players in such leagues do not count in the official records of the concerned sports. The term breakaway league has hit the headlines in recent times with the announcement of a European Super League by some of the biggest clubs in European football. The paper proposes to do a comparison of this proposed European Super League with another breakaway sports league – the now defunct Indian Cricket League, a breakaway cricket league in India, which was organised by the Zee Entertainment Enterprise for two seasons starting 2007.

The paper proposes a comparison of the two leagues through the approaches of the respective regulatory bodies of cricket and football (the International Cricket Council (ICC) and Board of Control for Cricket in India (BCCI), and FIFA and UEFA respectively) to the concerned breakaway leagues. The paper would examine the legal challenges faced by the breakaway leagues by looking at the relevant judgments of the Indian courts and the European Courts. The paper would then identify and analyse factors that led to the failure of the Indian Cricket League and would study how those parameters can be applied in the European context to envisaging the possible outcome of a European Super League, and on a wider scale, determine the factors that contribute to the success or failure of a breakaway league.

**Keywords:** *Breakaway League, European Super League, Indian Cricket League, Sports League, BCCI, UEFA*

# PHYSICAL ACTIVITY LEVELS IN SENIOR CITIZENS OF THE EUROPEAN UNION ACCORDING TO SOCIO-DEMOGRAPHIC VARIABLES AND GEOGRAPHIC SUBREGION

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*Research objectives.* Ageing of the European Union (EU) population is causing an increase in the political and scientific concern related to this group (Eurosaf, 2019). Even though physical activity for elderly people is beneficial (Hupin et al., 2015; McPhee et al., 2016), the European population is still insufficiently active (EU, 2017; Gomes et al., 2017; Sun et al., 2013). Some recommendations were postulated by the EU (2013) on health-enhancing physical activity (HEPA) referred to elderly people. For this reason, the aim is to determine the compliance level with the World Health Organization (WHO, 2010) recommendations about physical activity in senior citizens of EU according to sociodemographic variables and geographic subregion. Thus, the HEPA-related policies and actions at the EU may have a better implementation, referred to the group being studied.

*Methodology.* A representative sample of  $n = 7,983$  individuals aged 65 years or older from 28 EU countries (sub-sample of the Eurobarometer 472, wave 88.4) was analyzed. Frequency and average duration of walking, moderate and vigorous physical activity were assessed with a self-reported questionnaire. Participants were then classified as physically inactive and adequately active, based on the recommendations of WHO (2010). Rate ratios were calculated with confidence interval (95% CI), contingency tables in a Chi-square test and a logistic regression analysis (95% CI) assessing determinants of adequate levels of physical activity (compared to physical inactivity). Independent variables included: geographic subregion; age; education; area of residence; and difficulty in paying bills.

*Results.* The proportion of adequately active individuals was 55.5% (64.5% Northern, 63.4% Western, 44.5% Eastern and 41.4% Southern European subregions). In general in the EU, male gender, younger senior citizens, resident of rural areas, higher education level and ability to pay bills were associated with an adequate level of physical activity. The exceptions were: elderly people from Southern regions residents of rural areas are more active. There were no significant association according to residence area and the difficulty in paying bills in Western subregion, according to gender in Northern subregion and according to the gender and education in Eastern subregion.

*Discussion:* Almost a half of the elderly people in the EU do not follow the WHO (2010) recommendations, particularly in Southern and Eastern subregions, as well as women, elderly, low level of education, from rural areas and with greater financial hardships. Results

correspond to previous investigations. Therefore, the HEPA actions for implementation would appear to concentrate on these groups. It does not seem to be correctly done in accordance with Breda et al. (2018) who indicates that this is a sector which requires more investments.

**Keywords:** *Eurobarometer, Europe, exercise, older people, European Union*



# **9<sup>th</sup> Session**

## **The Social Dimension of Sport: Culture, Identity and Politics**

# CONCEPTIONS OF EUROPE AMONG FOOTBALL FANS

**Professor Alexander Brand**  
Rhine-Waal University

**Tobias Heck, Ph.D. student**  
Rhine-Waal University

**Dr. Regina Weber**  
Rhine-Waal University

**Professor Arne Niemann**  
University of Mainz  
Germany

Most contemporary analyses seek to understand how European identity is developed within special sections of societies, e.g. in the quality press or among politicised citizens. These approaches apply a narrow political understanding of Europe (and/or the EU). Against the backdrop of the growing discontent with Europe, with Brexit as its apex, and the known elite-mass split on European identity issues, it seems important to shift the focus towards non-elite areas and lifeworlds to understand how subtle identity formation takes place in the context of Europe.

The paper discusses how subliminal identity formation with regards to Europe takes place in the case of football fans. The work is based on qualitative content analysis of online discussions about player transfers and rivalry as well as an online survey among football fans in four countries: Germany, Austria, France and the United Kingdom (England). In addition, it also brings in select results of in-depth interviews with fans in different locations across Europe. Which different conceptions of Europe can be ascertained, and how are they related to the structural contexts, in which fans do follow their beloved club?

This research strategy hence provides access to conceptions of Europe in a decisively non-elite arena and allows connecting it to political attitudes of individuals. The Europeanisation of the lifeworld of football is well-advanced: Player markets, frequent European club competitions and European wide broadcasting of games have created a pan-European space. At the same time, football remains a field of mass interest, thus giving access to groups that are known to show rather little identification with Europe. The countries cover clubs in contexts that span from Eurosceptic to Eurofriendly publics. The relevance of football and its presence in mass media is high in all cases, while the sport has remained a working class imprint that shapes its audience.

The analysis shows that the many fans express transnational perspectives on football; distinctions between “us” and “them” are not predominantly national. Nevertheless, their self-understandings are complex, as fans across the continent tend to discursively construct Europe in quite different ways.

**Keywords:** *Europeanisation, Europe, Identity, Football, Fandom*

# A PROTEST CULTURE IN ITS OWN RIGHT? APPLYING SOCIAL MOVEMENT THEORY TO FOOTBALL FAN PROTESTS

**Assist. Professor Daniel Ziesche**  
Chemnitz University of Technology  
Germany

Football fan protests have been around in European football since the late 1990s in the wake of the massive transformational shifts the game experienced since then, spearheaded in England but later on adopted in other national contexts as well. The dissemination of Ultra-culture throughout European football fan cultures as of the mid 1990s has given fans a mouthpiece and made the curves more political. The different nature of the origins of the protests and their consecutive, nationally specific criticism and range of topics have not hindered the establishment of transnational networks and alliances over the past three decades, thereby bridging club rivalries and animosities between fan groups – in this regard especially Ultra-groups – in the pursuit of an encompassing “Against Modern Football” (AMF) agenda.

The paper shows that football fan protests feature many characteristics which set such protests apart from other forms of social and political protest and enable the creation of a distinct protesting culture. At the same time, many similarities between the AMF and more classical social movements can be found. Yet, the difficulty to pinpoint political allegiances and their differing socio-economic make-up mark the football protest movement as a special case within social movement (SM) research. As a general development, the paper illustrates how since the establishment of the AMF movement in Germany the scope of issues has widened from criticising ticket-prices and kick-off times towards a wider call for a profound renewal of the operating principles within the professional game in the past decade. This agenda and the issues addressed make the AMF relatable to movements outside the imminent field of football. Calls for a fair redistribution of the income generated, an increased regulation of the game by governing (and government) bodies and the inherent critique of free market capitalism find its resemblance in the anti-austerity movement and the alter-globalisation movement, for instance.

It is argued that after almost three decades, the movement has now reached the point where it might be in a position to make meaningful inroads into the decision making processes at different levels and thus shape the future of the national and European game(s). In order to do so successfully, the movement needs national social movement organisations which credibly represent large proportions of the active fan scenes but also find the support of the more consumption-oriented football follower. Also, a de-radicalization in tactics and repertoires can be noticed. As with other SMs, support by prominent public figures – preferably from within the field but also from the sphere of established politics – is needed to gain legitimacy to the level where it is no longer feasible for football authorities to deny access or a meaningful dialogue on eye-level.

In its explorative approach, the paper has shown that it is indeed fruitful to apply established social and protest movement theory to football fan protests and further research in this direction poses a rich field which will help to integrate football fan movement(s) into the wider field of social and protest movement research.

**Keywords:** *Fan politics, Social movements, Commodification, Ownership, Governance*

# **THE SOCIO-ECONOMIC IMPACT OF SOCIAL CAPITAL ON SPORT WITHIN THE PUBLIC SPORT STRATEGIC GOVERNANCE: THEORETICAL OVERVIEW OF THE CONCEPT – CASES OF THE BALTIC STATES**

**Sabine Rusmane, Ph.D. student**

Faculty of Business, Management and Economics, University of Latvia  
Latvia

Sport is a social institution that stems in a family circle, that allows to connect to a community and then further to a wider society. It turns into a social network with set norms and a particular level of trust and functionality that creates the social capital. It could be observed on a sport club, local, national, a particular sport or overall sport level of social engagement. Truth be told, it is more than just that. Sport sector brings people and businesses together and involves and tightly ties it to various other economic sectors, as it efficiently impacts the economy by creating new growth and development opportunities for both sport-related and non-related businesses. Namely, the role of sport is irreplaceable within the spectre of national economic growth, as well as regional development, and for the most part it is the involvement of all sport sector stakeholders that set the social capital theory efficiently in motion. There is no doubt that the social capital theory within various cultures, traditions and societies is explored differently, even when comparing the public sport governance systems of such small countries as Latvia, Lithuania and Estonia, where it proves its crucial part of community power and function. Despite being similar in their structures, the knots tied between public sport governance systems and social capital in these countries are found in different places.

In this short paper the author sets the objective to research and analyse the theoretical aspects of socio-economic impact of social capital on sport within the public sport strategic governance, as well as to carry out an overview comparative analysis of the three mentioned countries through the lenses of social capital dimensions and perspectives. To execute the set objective the following methods are going to be applied: content and comparative analysis method, synthesis and logical constructive analysis method.

The results of the research are going to be an overview analysis of the interconnection between the theoretical aspects of socio-economic impact of social capital on sport within the public sport strategic governance, as well as a performed comparative analysis with detected similarities and differences of the three Baltic countries. This in turn will allow to review the different ways social capital is integrated within public sport governance structures and what are the main socio-economic impacts.

These results will enable the author to further pursue and expand the topic within the theoretical, methodological and empirical framework of the doctoral thesis currently in development.

**Keywords:** *Social capital, Public sport governance, Sport governance, Socio-economic impact*

# **10<sup>th</sup> Session**

## **Equality and Diversity in and Through Sport**

# **CHILDREN AND SPORTS: THE RIGHT TO ENGAGE IN PLAY AND RECREATIONAL ACTIVITIES**

**Assist. Professor Sandra Winkler**

University of Rijeka, Faculty of Law  
Croatia

Every child has the right to play. Sports, therefore has a fundamental role in children's development and growth. Starting from Article 31 of the UN Convention on the Rights of the Child through numerous other international and supranational legal sources up to the national ones, many provisions define that children have the right to play sports with the purpose of developing his/her whole personality. Indeed, sports allows children to practice the exercise necessary for correct psychophysical development; it improves children's social inclusion and aims to offer equal opportunities to all children in the promotion of social life. In the same way, it is important to always bear in mind the best interest of the child. The aim of this paper is to investigate whether this standard of their best interest is respected in sports activities involving children.

Children's right to engage in play and recreational – sports – activities is a fundamental right of every child. It supposes also related rights, such as the right to rest, the right to health, as well as “the right not to become a champion at all costs.” Consequently, it is the parents' duty in the exercise of parental responsibility, as well as the trainers' responsibility to be aware that agonism is not always in the best interests of the child. Thus, the research will be carried out by examining the many charters, recommendations, and acts, which seek to raise awareness in the world of sport, particularly at the European level, of the fact that every child has the right to take part in sports regardless of the results and successes he/she can or wants to achieve. Finally, some reflections will be offered on the impact of the Covid-19 pandemic on children's right to engage in play and recreational activities.

**Keywords:** *Children's rights, Right to engage in play and recreational activities, Best interests of the child, Parental responsibility*

# THE PROTECTION OF MINOR ATHLETES IN SPORTS INVESTIGATION PROCEEDINGS

**Björn Hessert**

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Switzerland

The importance of internal sports investigations is often overlooked. Sports federations and anti-doping organisations have an increasing interest in investigating asserted sports rule violations in order to impose sanctions upon athletes (unless otherwise stated, the term ‘athlete’ also refers to other sportspersons, such as officials or referees) in breach of sports regulations. However, the gathering of intelligence may cause difficulties, because athletes involved may leave no trace of any wrongdoing. This problem arises not only in cases of manipulation of sports competitions or unethical behaviour (for example bribery, misappropriation of funds, sexual harassment or discrimination.), but also in regard with alleged anti-doping rule violations without positive doping tests (so-called non-analytical positive). To overcome these obstacles during the course of sports investigations, sports associations have incorporated measures into their frameworks for the purpose of gathering evidence, i.e. cooperation and reporting obligations. Athletes are subject to these obligations, which may include the duty to provide personal information upon request of the investigating sports authority. Any failure to comply with such a demand can lead to harsh sanctions of up to a lifetime ban. Cooperation and reporting obligations also have an impact on fundamental procedural rights of athletes, especially if criminal proceedings have been commenced against the athlete at the same time due to the criminalisation of sports-related misconduct. The aim of this article is to examine the legality of cooperation and reporting obligations in sports proceedings, taking into consideration the fundamental procedural rights of athletes as well as the interconnection between sports investigations and criminal procedures. In particular, it discusses whether the infringement of athletes’ basic procedural rights in the course of internal sports investigation proceedings is justified in order to achieve the pursued objective of investigating and prosecuting asserted sports rule violations. It concludes that compulsory provided evidence is disproportionate and, thus, incompatible with the fundamental rights of the alleged athlete guaranteed under Article 6 of the ECHR.

**Keywords:** *Cooperation and reporting obligations, Sports investigations, Sports proceedings, Interconnection between sports regulations and criminal law, Fundamental rights, The privilege against self-incrimination, Article 6 of the ECHR*

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# **THE EFFECT OF GIRLS' PRE-COLLEGE PARTICIPATION IN SPORTING ACTIVITIES ON GENDER-ROLE FLEXIBILITY AND THEIR ATTITUDE TOWARDS CULTURAL GENDER-BASED PROFESSIONAL EXPECTATIONS**

**Andréanne Desforges-Houle**

All England Lawn Tennis Club, Wimbledon  
UK

Despite recent efforts to tackle gender inequalities in developed countries, some areas require further attention and scrutiny in order for progress to be made. Such areas, which include sports and gendered-unbalanced professions such as science, mathematics and engineering, have been shown to be highly male-dominated as a result of gendered stereotypes and gender-role expectations which still keep women out of reach.

This study explores the potential associations between three areas; females' sport participation, gender-role flexibility and occupational segregation. More specifically, this research aims to examine the potential for sport participation to challenge stereotypical constraints faced by women and girls, especially in professional settings. Based on existing literature on females' sport participation, gender-role flexibility and occupational segregation, an online survey was distributed (N=500) and semi-structured interviews were conducted to assess whether associations between females' pre-college sport participation and gender-role flexibility exist. For the purpose of this study, females' pre-college sport participation is assessed with four elements: the number of hours of participation, participation in team sports, participation in competitive sports and participation in masculine sports.

An analysis of the combined methods demonstrates that only participation in masculine sports during childhood is associated with increased gender-role flexibility. However, the results indicate that the impact of stereotype threats appears to be reinforced in sports, whether girls participate in feminine or masculine sports. It is recommended that further research explores females' sport participation and gender-role flexibility via a longitudinal research approach to assess the evolution of gender-role flexibility over time, from primary school to career direction.

**Keywords:** *Sports, Gender-role flexibility, Occupational segregation, Gender equality, Gender-role expectations*



# **Panel I**

## **Sports Diplomacy – The role of Sport in International Relations**

### **Panel Chair**

**Professor Stuart Murray**

Bond University

Australia

### **Introduction**

This panel proposes to explore themes within the growing study of sports diplomacy, and aims to address its practical nature. The area of sports diplomacy has in recent years attracted a growing interest from academic scholars, looking to study the intersection between diplomatic efforts, traditionally perceived as state-centric, and the sport system, which operates according to universal values.

The Panel brings together expertise from academia and practice to present practical perspectives in the area of sports diplomacy. The first paper looks at the effect of International Sanctions over Sporting events, both in the context of international relations, and right of participation. The second paper examines the role of sportspeople as ambassadors in international relations. Finally, the third paper bridges the gap between academia and practice, by discussing examples of grassroots sports diplomacy.

## **SANCTIONS, DIPLOMACY AND SPORT**

**Professor Carmen Pérez González**

Universidad Carlos III de Madrid

Spain

International sanctions are centralized restrictive measures aiming to achieve State obedience to International Law. They are also essential tools in international relations. Since international sporting competitions are competitions between athletes in individual or team events and not between countries, the application of international sanctions in the sport arena has specific characteristics. A relevant number of examples can be taken into account. The sporting boycott of South Africa during the apartheid era has to be mentioned. In the same vein, UN Security Council Resolution 757, adopted in 2002, decided that all States should take the necessary steps to prevent the participation in sporting events on their territory of persons or groups representing the Federal Republic of Yugoslavia (Serbia and Montenegro). In this context, the aim of this presentation is to reflect on the role sports sanctions can play in international relations.

**Keywords:** *Sanctions, International relations, International law, International sporting competitions*

# **DIPLOMATS IN PINSTRIPES - UNIFORMS NOT SUITS & SNEAKERS NOT BROGUES: ATHLETES AS SPORTS' INFORMAL DIPLOMATS**

**Dr. Simon Rofe**

SOAS University of London  
UK

This paper addresses the role of sportspeople as ‘ambassadors’ and the extent to which they might be considered along a spectrum of ideal and informal. The paper’s title paraphrases Tom Zeiler’s award winning book ‘Ambassadors in Pinstripes: The Spalding World Baseball Tour and the Birth of the American Empire’ (2006). The coming together in Zeiler’s title and book of that most debated of roles - the ambassador; a commercial actor – the Spalding sporting goods company; and an expression of power in international affairs in an emerging American Empire; is revealing of the nexus at play in sport diplomacy (Murray 2018; Rofe 2018, Rofe 2016). This paper explores the extent to which sportspeople can be considered diplomats. It seeks to scrutinise the notion of ‘athlete diplomat’ / ‘sportsperson ambassador’ and proposes a taxonomy which asks whether sportspeople are diplomats by a) prowess b) cause c) or circumstance. An inclusive understanding of sportspeople is integral – as it is in diplomacy - across gender, ethnicity as well as professional/elite sport and participatory sport. Consideration of the complementary characteristics of sportspeople and diplomats begins the paper and Andrew Cooper’s work on ‘Celebrity Diplomacy’ provides a further dimension to this paper.

**Keywords:** *Sports Diplomacy, Sportspeople, Ambassadors, Celebrity Diplomacy*

# SPORTS PARADIPLMACY IN SMALL NATIONS, SUBSTATES AND REGIONS - PRACTICAL INSIGHTS FROM WALES

## **Gavin Price**

Independent expert focused on sports diplomacy and cultural relations at Bond University (Australia) and Counsel Ltd (UK)

Australia; UK

As a growing field of practice for governments and other actors, sports diplomacy can be defined as the strategic use of sport to build relationships and amplify profile, policy and attractiveness as a place to invest or study in, trade with, or visit. The term encapsulates a more inclusive method of policy formulation: governments, non-state actors and sports organisations working together for win-win outcomes (Murray, 2018; Murray & Price, 2020). As a separate but interlinked construct, paradiplomacy refers to the international activities and foreign policy capacities of substate political units, sometimes including cities but, more commonly, referring to regional governments (Jackson, 2018).

Most sports diplomacy work has focused on sovereign nations, with only limited attention paid to substate administrations such as Catalonia, Scotland or Quebec, who all engage in trade, tourism and cultural relations, but rarely deploy their sporting assets as a global engagement tool. Substates could be regarded as outliers in sports diplomacy terms considering supranational regimes like the EU and UN, and individual sportspeople, clubs, sports' governing bodies and multinational brands, all engage in sports diplomacy. This gap in literature and practice is the crux of this presentation. If sports diplomacy works well at the sovereign and supranational levels and at various other levels of non-state actor involvement, could it be successfully adapted to a substate setting through a sports paradiplomacy approach (SPD)?

As a practical mechanism through which to explore this question, this presenter delivered research into the soft power potential of Welsh sport for the British Council Wales, culminating in the launch of the research report, *Towards a Welsh sports diplomacy strategy* (co-authored with Stuart Murray, 2020). Validating this research, in November 2020 the Welsh Government published its *International Relations through Public Diplomacy & Soft Power 2020-2025 Action Plan*, which included a designated policy stream for Welsh sports diplomacy. This paper provides a working definition of a new diplomatic sub-category of SPD and translational resource for other actors to learn from Wales, as the first substate nation to embark on the implementation of a comprehensive SPD strategy.

**Keywords:** *Sports paradiplomacy (SPD), Small Nations, Substates, Regionalism, Wales*

# **Panel II**

## **Sport talents - Ethical Approach and Importance of Biological and Relative Age**

### **Panel Chair**

**Assoc. Professor Dražen Čular**

University of Split, Faculty of Kinesiology

European Institute for Talents, Education, Research & Development

Einstein, Craft for Research, Development, Education, Trade and Services

Croatia

### **Introduction**

Undeniably, elite sport today enjoys great social popularity. Events such as the Olympic Games or world championships record very high ratings. Athletes in some sports make enormous amounts of money. Elite sport has become an important, if not the most important global segment of the entertainment industry. Countries and/or individuals invest a lot of money in elite sport, and the participants are oriented towards achievement of top results. On the top of the pyramid are the most successful (there are few), on the bottom are the least successful. Can you imagine an ethically positively oriented system which would enable more children to utilize their personal potential (giftedness) and develop their talent to the fullest possible extent? Unfortunately, in Croatia (and other countries), such a system has not yet been established. The panel chair and two of the members of this panel were involved in the Process of establishing the Croatian National Sports Program, and many projects and scientific researches connected with the topic of talent detection and development. The Panel Chair is also the Author and Principal investigator on the Croatian Science Foundation Project (HRZZ IP-2020-02-3366) Biological, chronological and relative age in establishing the Croatian sports talent system. The Project is recognized by the National Sports Council as a strategic sports project and the first step in the process of establishing the Croatian National Sports Talent System. This panel proposes to explore the future policies and possibilities of talent detection, identification, orientation, and monitoring, considering ethical background to enable full development of sports potential in as many children as possible.

## NATIONAL SPORTS PROGRAM (2019-2026)

### **Measure 3.2.2, Activity: Identify young sports talents and include them in development programs based on the criteria. Measure 3.41, Activity: to design a proposal of the national model of sports talent detection**

**Dr. Krešimir Šamija**

**Dr. Martina Jeričević**

Ministry of Tourism and Sport  
Croatia

The Croatian National Sports Program (2019-2027) represents the basic planning and development act governing the development and improvement of the sports system in the Republic of Croatia. The NSP is adopted by the Croatian Parliament at the proposal of the Government of the Republic of Croatia for a period of eight years, setting out the development objectives for sports, the measures and activities necessary for the implementation of these objectives, the responsible authorities and executors of the development and the control measures for its implementation. In the future, we envision Croatia as a country of great sports results and a country whose citizens live a healthy and active life. In order for this vision to come to fruition, actions of all stakeholders in the sports system need to be clearly defined, synchronized and directed towards the achievement of set objectives. The NSP encompasses the following: programs creating conditions for sports activities in the educational system, programs creating conditions for achieving high-level results in international competitions, and programs creating conditions for recreational sports of all citizens of the Republic of Croatia, in view of protecting and improving their health. Important areas of the NSP are: defining sports management, creating conditions to stimulate investments into sports as well as transparent and purposeful spending of funds, maintenance of sports facilities through a creation of a network of sports facilities and construction and maintenance of sports facilities, as well as encouraging and regulating of education of professional personnel, care of athletes, and providing conditions for recreational sports activities in order to protect and improve the health of the citizens of the Republic of Croatia. Special objective 3.4. of the NSP: To increase the application of scientific methods in the area of athletes' care and top sports results includes activities of defining centers of athletic excellence and designing a proposal of the national model for detection of sports talents, which is also the topic of this panel.

**Keywords:** *Strategic planning, Sports result, Healthy and active life, Sports excellence centers, Sports talents*

# IMPORTANCE OF ETHICAL APPROACH IN SPORT TALENT DEVELOPMENT

**Professor Zoran Grgantov**

University of Split, Faculty of Kinesiology  
Croatia

Sport should be available to every child. Paying membership fees in sports clubs makes it difficult for children from poor families to access sports. This reduces the number of children included in the sports system. For children who train in sports clubs, talent identification and development (TID) system often employs a pyramidal structure whereby at each stage of the system the number of places available decreases and the support provided within the program increases. In this way, only the children who are declared talented are allowed to continue playing sports, and most other children are prevented from doing so. From this it is obvious that the TID system in sport favors elite referenced excellence in which the ultimate goal is winning at the highest level possible and success is measured against others. Other important motives of children for sports, such as personal referenced excellence and participation for personal wellbeing, are not recognized and encouraged enough. Furthermore, the TID process is often carried out unprofessionally and superficially, disregarding the dynamics and multidimensionality of talent as well as the importance of biological, relative, and training age in predicting future performance level. In most cases, TID research and practice have attempted to differentiate unidimensional (anthropometric and physical) characteristics between elite, sub-elite and non-elite players using cross-sectional designs. In cross-sectional designs young athletes are compared at specific time-points in order to identify player characteristics that may help predict future performance in adulthood. Instead of cross-sectional designs, a more appropriate method may be to retrospectively, or prospectively, track player characteristics into adulthood in order to better understand the factors that contribute to future performance. It should also be taken into account that the development of sports talent is inherently multi-dimensional, influenced by numerous physical, technical, tactical, and psychological factors.

**Keywords:** *Sports talents, Ethics, Identification, Orientation, Development*

# **BIOLOGICAL, CHRONOLOGICAL AND RELATIVE AGE IN ESTABLISHING THE CROATIAN SPORTS TALENT SYSTEM (HRZZ-IP-2020-02-3366)**

## **Assoc. Professor Dražen Čular**

University of Split, Faculty of Kinesiology  
European Institute for Talents, Education, Research & Development  
Einstein, Craft for Research, Development, Education, Trade and Services  
Croatia

## **Matej Babić, Ph.D. Student**

European institute for Talents. Education, Research & Development  
Croatia

Sports talent identification implies identification of the gifted, so as to achieve their fullest potential, often neglecting biological and relative age. Project objectives are: 1) To strengthen Croatian potential of sports talent development by connecting: national federations, local community, coaches, and scientific institutions; 2) To investigate the correlation of biological and relative age with results; 3) To generate new knowledge on the usefulness of the instrument for assessing biological age and skeletal muscle contractile properties; 4) To strengthen awareness on the importance of biological age in the process of sports talent development. On a sample of athletes ( $n > 480$ ), registered by national federations ( $n = 5$ ), data on gender, achieved results, training, representative and health status will be collected. Relative age will be based on date of birth. Biological age will be assessed by: a) somatic maturity assessment method, b) analysis of IgG glycosylation, which changes with age, and c) by method of assessing skeletal maturity of subjects' left hand. Muscle contractile properties will be analyzed by the TMG method. The usefulness of the applied methods will be analyzed on a sample of Croatian athletes divided into three subsamples: a) delayed, b) average, and, c) advanced growth. The Chi-Square test will be used to test the significance of differences in the proportions of successful and less successful athletes. The contribution of different predictors of success will be assessed by employing advanced statistical regression models. Project activities should result in: a) testing the existence of the RAE effect, b) testing the usefulness of the applied instruments on a sample of young Croatian athletes. It is to be expected that the application of the Project results in practice will contribute to: the reduction of wrong selection, the reduction of the level of sport dropouts, the establishment of the Croatian national sports talent system.

**Keywords:** *Bone age, Detection, Selection, Talents, Maturation, Ageing, DNA, Glycans, Peak height velocity*



## RELATIVE AGE EFFECT IN CROATIAN TAEKWONDO COMPETITORS AT CADET LEVEL

**Matej Babić, Ph.D. Student**

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Croatia

The aim of the study was to identify the existence of relative age effect (RAE) in Croatian taekwondo competitors at cadet level. The sample of participants included 259 competitors of the Croatian Cadet Taekwondo Championship 2015, born between 2000 and 2003. The sample was divided into two groups according to competitive success: medal winners ( $n=72$ ) and other competitors ( $n=187$ ). The applied  $\chi^2$  test did not identify RAE according to the month of birth, whereas significant RAE ( $p=0.01$ ) was determined according to the criterion of competitive success. Based on the results, it can be concluded that such a trend may lead to errors in selection in younger categories, thus, the age span allowed for competition should be revised and possibly reduced, or competitors should be divided into more age categories, which would enable a more equal competition and reduce the effect of age on competitive success.

**Keywords:** *Taekwondo, Age category, Relative age, Competitive success*

# **Panel III**

## **The Future of Agent Regulation in World Football**

### **Panel Chair**

**Professor Richard Parrish**

Edge Hill University

UK

### **Introduction**

This panel proposes to explore the future of agent regulation in world football. During the course of 2020, FIFA will draft new agent regulations replacing the 2015 Regulations on Working with Intermediaries (RWWI). Three of the papers in this panel each examine one discrete proposal for reform, namely, working with minors, the introduction of a mandatory fee cap and a return to a licensing system. The fourth paper contextualises these issues by exploring the operation of football agents in Croatia and Italy. The panel chair and three of the members of this panel were involved in a study for the EU exploring the regulation of agents. The Erasmus+ funded study, 'Promoting and Supporting Good Governance in the European Football Agents Industry' reported its findings in December 2020.

## **AGENTS AND MINORS**

**Professor Carmen Pérez González**

Universidad Carlos III de Madrid

Spain

The aim of the presentation is twofold. First, it will examine some recent initiatives regarding the protection of minor in sports. In particular, it will take into account the recommendations contained in the EU Council Conclusions on safeguarding children in sports (adopted in November 2019) and in the thematic study of the UN Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material on the sale and sexual exploitation of children in the context of sports (adopted in December 2019). Second, it will consider which measures should be introduced in order to guarantee that the legal framework regulating the work of agents with minors meets the international human rights standards.

**Keywords:** *Minor athletes, Human rights protection, Exploitation, International standards*

# AN ASSESSMENT OF FIFA'S PROPOSED AGENT FEE CAP UNDER EU LAW

**Dr. Andrea Cattaneo**

Edge Hill University

UK

Under the 2015 FIFA RWWI, FIFA recommended that national associations adopt a 3% cap on agents' commissions. The market largely ignored this recommendation. In 2019, FIFA agreed the principles of a reform package on agent regulation and have decided to implement a mandatory cap. A number of agent bodies have indicated their willingness to challenge this. This paper explores the venues through which a cap can be challenged and the merits of such arguments, specifically under EU law.

**Keywords:** *FIFA RSTP, Reform, Agents, Cap*

## **AGENT REGULATION AND A RETURN TO A LICENSING SYSTEM**

**Maximillian Seltsmann, Research Associate**

German Sport University, Cologne  
Germany

Traditionally, football agents have required a license to operate. Certain qualitative requirements, such as passing an examination, were required to obtain this license. In 2015, FIFA dispensed with this system and with this, ‘delicensed and deregulated’ the system. This caused concern regarding the quality of the services provided by ‘unqualified’ agents. In its 2019 reform package, FIFA has signaled that a licensing system will return. This paper assesses some of the issues that will need to be considered for licensing to successfully return and it explores a range of alternative models for regulating agents.

**Keywords:** *FIFA RSTP, Reform, Agents, Licence*

## AGENTS IN CROATIA AND ITALY: A COMPARATIVE STUDY

**Hrvoje Čabraja**

ISDE; NK Lokomotiva Zagreb

Croatia

The paper examines the interrelationship between clubs, players and agents in Croatian football and suggests improvements in the regulations. For most football clubs in Croatia, transfer money is the only source of revenue. They are, therefore, inclined to turn to talent production as the way to survive. It means that clubs' transfer policy is not based on sporting goals but rather on financial ones. Even though this runs counter to the ideal of fair sporting competitions, clubs' financial condition does not allow any other way. Agents soon recognized the environment and started using it for their benefit. At the same time and as opposed to the neighbouring Italy, Croatian Federation sets minimum standards for agents to be able to offer their service. Based on the findings of the project 'Promoting and Supporting Good Governance in the European Football Agents Industry', a comparison will be made between Croatian and Italian regulations, a carbon copy of FIFA Regulations on Working with Intermediaries with a system that introduced its licensing procedure. Finally, the FIFA reform package on football agents and its applicability to the Croatian system will be analysed.

**Keywords:** *Football agents, FIFA regulations, Licensing system, Croatia, Italy*

# Authors' bio

## **Adam Pendlebury**

Adam Pendlebury is a Senior Lecturer in Law at Edge Hill University and coordinator of Edge Hill's Centre for Sports Law Research. His Sports Law research interest is in the regulation of misconduct, the regulation of injuries and the interaction between sport and the criminal law. He has published in peer reviewed journals, given papers at international conferences and helped organise a number of high profile Sports Law conferences. Adam is on the editorial board of LawinSport. Adam previously lectured at the University of Central Lancashire, designing the Sports Law course and has been a regular guest lecturer on UCFB's Sports Business and Sports Law degree. Away from the lecture theatre or conference hall, Adam is a massive Wigan Athletic football supporter, is a committee member of the Supporters Club and contributes to their fans' podcast.

## **Alexander Brand**

Professor of Political Science/International Relations at Rhine-Waal University. He studied Political Science, Philosophy and Media/Communication Science at the Technical University Dresden, the University of Leipzig and the New School for Social Research (Graduate Faculty), New York City. He received his PhD from TU Dresden's Faculty of Philosophy on the question of how to conceptualize the intricate relationship of mass media and international relations. Afterwards, he moved on to the department of Political Science at the Johannes Gutenberg University in Mainz where he worked as a senior lecturer and post-doctoral researcher. Together with Arne Niemann, he has been acting as Principal Investigator in the research project "The identity effect of Europeanised lifeworlds: Becoming European through football" (EUFOOT sponsored by the German Research Association, 2018-21).

## **Andréanne Desforges-Houle**

Andréanne Desforges-Houle has a Master's Degree from Birkbeck College (UCL) in Sports Management, Governance and Policy. Most of her graduate research focused on the challenges faced by women in sports and the associated societal implications. She currently works for the All England Lawn Tennis Club (Wimbledon) in community sports development. She is also a guest lecturer at AMOS Sport Business School (London) on the topic of gender in sport.

## **András Varga**

András Varga is an associate lecturer at the National University of Public Service, Department of European Studies (Hungary). He holds a Ph.D. in political science and two MA degrees in law and international studies. His main research areas are the issue of legitimacy and democracy in the EU and political culture. He is also an official next to Hungarian Volleyball Federation.

### **Andrea Cattaneo**

Dr. Andrea Cattaneo is a Senior Lecturer in Law at Edge Hill University. He has worked on EU-funded projects exploring the regulation of football agents within the EU and the development of the EU's sports diplomacy strategy. He has published a number of works in the area of EU Sports Law, and has co-authored the monograph 'EU Sports Law', published by Wolters Kluwer in 2020. Dr. Cattaneo is a member of the Centre for Sports Law Research and of the Board of Sport&EU.

### **Angel Luis Clemente Remón**

Angel Luis Clemente Remón has a Bachelor of Science in Physical Activity and Sports, with the second national award for a university career, a Master's Degree in Management of Organizations and Installations of Physical Activity and Sports, and a PhD from the University of Alcalá (Spain). He is currently a PhD Assistant Professor at the University of Alcalá and a member of the research group on sports management and training at the same university. His line of studies is oriented towards social and organizational research in physical activity and sport, especially in groups of the elderly and the field of physical exercise in companies. He has participated in several international conferences, published scientific articles in indexed journals and research projects.

### **Borja García**

Borja García is a Senior Lecturer in Sport Management and Policy at Loughborough University (UK). He is one of the founding members of Sport&EU, and has been the association's executive director since its foundation in 2005. Borja's research expertise focuses on EU sport policy, the governance of global sport and the political activism of football supporters.

### **Carmen Pérez**

Carmen Pérez has written extensively in the area of International and EU sports law, anti-doping and the protection of athletes' fundamental rights. She has over 15 years of experience working with international and multidisciplinary teams. She has been the project leader of Spanish national projects on the role of sport in EU Law and has been a project partner of an Erasmus + funded project focused on football agents (2018-2019). She is now a project partner of two Erasmus+ funded projects focused on EU Sport diplomacy. Between 2005 and 2014 Carmen Pérez served as Member of the Spanish Committee on Sport Discipline (Spanish Sports Council). Since August 2018, she is the President of the Disciplinary Committee of the Royal Spanish Football Association (Real Federación Española de Fútbol). Between September 2015 and July 2016, she served as Member of the High-Level Group on Sport Diplomacy of the European Commission. She is the Chair Holder of the UNESCO Chair ELIS (Education Linkage through International Sports) in Sport diplomacy and development of a human rights culture through sport established in 2021 at Universidad Carlos III de Madrid.



### **Cristian Jura**

Professor of Public International Law, Christian University „Dimitrie Cantemir”, Bucharest. Arbitrator, Court of Arbitration for Sport, Lausanne. Member of the Appeal Commission of the National Anti-Doping Agency, Romania. Member of European Commission against Racism and Intolerance – ECRI of the Council of Europe in respect of Romania. Promoter of the ECRI General Policy Recommendation No.12 - Combating racism and racial discrimination in the field of sport. Member of the Romanian Delegation at The United Nations Commission on International Trade Law (UNCITRAL) Working Group II - Arbitration and Conciliation / Dispute Settlement.

### **David McArdle**

David McArdle is Head of Stirling Law School at the University of Stirling, Scotland. He currently teach Labour Law and European Sports Law and his research projects concern responses to concussion and other sports-related injuries, from both employment law and personal injury perspectives.

### **Daniel Ziesche**

Daniel Ziesche, Dr. phil., is Assistant Professor at the Chair of British and American Social and Cultural Studies, Chemnitz University of Technology. Based within the field of political and cultural sociology, he has worked extensively on football governance, fan representation, activism and ownership as well as questions of institutional legitimacy in English and German football. Recent publications include *Lower League Football in Crisis: Issues of Organisation and Legitimacy in England and Germany* (Palgrave 2020). His post-doctoral project focusses on social movements, protest cultures and emotional politics.

### **Darius Wainwright**

Darius Wainwright is a lecturer in the Department of History at the University of Reading and a Guest Teacher in the London School of Economics' International History Department. Darius' research focuses on US public diplomacy. His PhD – to be published by Palgrave Macmillan – analysed British and American cultural diplomacy in Iran in the 1950s. He has also written an article on US sport diplomacy, to be published in the *International Journal for the History of Sport*. Darius is currently researching the US, Iran and the 1939 and 1964 New York World Fairs.

### **Dražen Čular**

Dražen Čular is Associate professor of Sport and Physical Education Science at the Faculty of Kinesiology, University of Split (Croatia). He is the founder and science adviser at the European Institute for Talents, Education, Research and Development and former Director of the Croatian Institute for Kinesiology and sport. Dražen published more than 100 sport-related scientific articles in conferences Proceedings and top scientific journals. He is the author of 5 University textbooks, and the Leader & Principal investigator on more than 20 projects (5 of

them are talent-connected). He is a member of the Croatian National Council for sport, former member of assembly at the Croatian Olympic Committee and member of the Executive Board at the Split Federation of Sports.

### **Gavin Price**

Gavin Price is an independent expert focused on sports diplomacy and cultural relations at Bond University (Australia) and Counsel Ltd (UK) and co-author of the British Council's research report: Towards a Welsh sports diplomacy strategy. Gavin's current PhD studies explore sports paradiplomacy in small nations and draw upon a career spanning the UK, Australian and EU public sectors and a teaching and research affiliation to SOAS, University of London.

### **Helena Koren**

Helena Koren, MA, is a psychologist employed in Croatian Institute of Public Health. She has a demonstrated history of working in education and training in occupational health, as well as experience in psychosocial risk prevention, workplace stress management and mental health promotion. Her professional and scientific interests are diverse and include new and emerging topics in the area of occupational health and safety, OSH education and training, health literacy and work ethics.

### **Henk Erik Meier**

Henk Erik Meier is a professor for the social sciences of sport at the Institute for Sport and Exercise Sciences at the University of Münster (Germany). His research interests include the history, politics and economics of sport with a strong focus on the impact of Europeanisation.

### **Hrvoje Čabreja**

General Secretary for the academy at the Croatian top tier football club Lokomotiva Zagreb. Member of the Zagreb Football Association Appeal Committee and the Registrations Committee. International Sports Law Master from ISDE, Madrid and MA in EU Policy from the University of Zagreb (Croatia).

### **Igor Lukšič**

Professor Igor Lukšič, Ph.D., is a doctor of political science and full professor of political science at the University of Ljubljana, Faculty of Social Sciences, Slovenia. He was Head of the Department of Political Science (1997-1999), Vice-Dean (1999-2001) and Dean (2001-2003) of the Faculty of Social Sciences. He is engaged in the study of political theory, the history of political ideas, political systems and the analysis of individual policies.

## **Ivona Čulo**

Ivona Čulo graduated from the Faculty of Humanities and Social Sciences and Faculty of Political Sciences, University of Zagreb. She is currently a PhD candidate in the "Media and Communication" program at the University North, and she is lecturing journalism at University North and personal PR at Edward Bernays First College of Communication Management in Croatia. Ivona has more than 20 years of publishing experience. After leaving Chief Executive Officer position in Adria Media Zagreb in 2018, Ivona is fully committed to her career at the University and to her own media company MixerMedia.

## **Jack Anderson**

Jack Anderson is Professor and Director of Sports Law Studies at the University of Melbourne. He is a member of World Athletics' Disciplinary Tribunal, the integrity unit of the International Hockey Federation, International Tennis Federation's Ethics Commission and a member of the National Sports Tribunal of Australia.

## **Jacob Kornbeck**

Jacob Kornbeck is a civil servant of the European Union, a former member of the European Commission's Sport Unit (2001-14) and an external lecturer at the German Sport University in Cologne. He is a co-author of the White Paper (2007) and the Communication (2011) on Sport and the author of various books, articles and book reviews in the fields of sports law and policy, as well as social policy and social work. Jacob is the Book Review Editor of the European Journal of Social Work (Routledge) (2004-) and a member of the Board of the Journal of Data Protection and Privacy (Henry Stewart) (2018-).

## **Jan Exner**

Jan Exner is a Ph.D. researcher and a lecturer at the Faculty of Law of the Charles University in Prague. In his research, he focuses on the proportionality of sanctions for doping and the role of anti-doping education. He is also interested in the intersection of EU law and sporting rules, particularly those governing sporting nationality. On top of his research, he has been working with the Czech Olympic Committee and the Fédération Internationale de Natation (FINA).

## **Janez Vodičar**

Associated professor Janez Vodičar, Ph.D., is a former international biathlon union vice president responsible for sport, member of ORIS group at IOC, coach and director of team. He is an associated professor at the University of Ljubljana, Faculty of sports, Slovenia. He is the Head of Institute for sport and member of NOC commission.

## **Jürgen Mittag**

Jürgen Mittag, Professor of Sport and Politics at the German Sport University Cologne and Head of the Institute for European Sport Development and Leisure Research; holder of a Jean Monnet Chair. Main research interests: Sport politics and policy, European integration, political parties and associations.

## **Karmen Bradvica-Kelava**

Karmen Bradvica-Kelava, MD, is a medical doctor, a final year resident in Occupational and Sports Medicine employed in Croatian Institute of Public Health, Division for Occupational Health. She has practical experience in occupational disease recognition, workability assessment, education in occupational health and also in epidemiology during COVID-19 pandemic. Her scientific interests include occupational cancer, respiratory and musculoskeletal diseases, biomedical ethics and education in occupational health.

## **Karolina Skrzypczyk**

Karolina Skrzypczyk, LL.M. (Heidelberg) is attorney-at-law and works at the Polish Football Association in Poland.

## **Kolinda Grabar-Kitarović**

Mrs. Kolinda Grabar-Kitarović is an International Olympic Committee Member since 2020 and is a Member of Future Host Commission for the Games of the Olympiad (2020-). Mrs. Grabar-Kitarović has an impressive diplomatic and political experience, just to highlight that she was President of the Republic of Croatia (2015-2020); NATO, Assistant Secretary General for Public Diplomacy (2011); Ambassador of the Republic of Croatia to the USA (2008); Croatian Minister of European Integration (2003) and Croatian Minister of Foreign Affairs and European Integration (2005) and led Croatia's negotiation process on accession to the European Union and NATO until 2008. Mrs. Grabar-Kitarović holds a Bachelor's degree in English and Spanish and Literature, Faculty of Philosophy, University of Zagreb (1993); Master's Degree in International Relations, University of Zagreb (2000) and completed doctoral studies at the University of Zagreb, currently working on PhD thesis in International Security Studies. She was a Fulbright scholar, pre-doctoral research in International Relations and Security Policy, George Washington University, USA (2002-2003); Luksic Fellow in Senior Managers, Government Executive Programme, JFK School of Government, Harvard University (2009) and Visiting scholar, Johns Hopkins University, Washington DC (2011).

## **Krešimir Šamića**

Krešimir Šamića is a Doctor of Social Sciences in Field of Kinesiology and from early age attached to sport. In earlier stage he was an amateur football player in Croatian leagues, later he became a football coach and he also worked as a Professor of Physical Education (PE) in high school. Last 14 years he has been working for Ministry of education, science and sport and Central State Office for Sport and today for Ministry of tourism and sport (Director General

for Sport, Directorate – General for Sport). He published a considerable number of textbooks, scripts and scientific papers and was a member of working parties for making acts and other documents in the field of sport. Last four years as a Deputy state secretary he was a leading coordinator for National sport program, first Croatian sports strategy, which was adopted in 2019. in Croatian Parliament.

### **Marija Bubaš**

Marija Bubaš, MD, Ph.D., is Occupational and Sports Medicine specialist employed as Head of Division for Occupational Health and Assistant Director-General for Occupational Health at Croatian Institute of Public Health. Special interests include evidence based practice, quality and effectiveness of education and training in Occupational and Sports Medicine, work and sports ability assessment as well as return to work and sports in chronic medical conditions.

### **Marin Galić**

Marin Galić graduated in journalism from the Faculty of Political Science, and completed his postgraduate scientific studies at the Faculty of Economics, University of Zagreb. He has been a journalist for many years (from 1990 to 2014) and has performed numerous journalistic and editorial jobs. Since 2015 he has been working as a manager in the sales, marketing and public relations sectors, and since October 2018 he has been the Executive Director of the Croatian Tennis Association, at a time when the Croatian national tennis team won the oldest and most prestigious competition "Davis Cup". "(Lille, 2018). He defended his doctoral dissertation at the Faculty of Philosophy, University of Zagreb in 2018. He was elected to the associate title and to the position of postdoctoral fellow at the Department of Journalism and Media Production.

### **Marina Milaković**

Marina Milaković, MD, is final year resident in Occupational and Sports Medicine programme employed in Croatian Institute of Public Health, Division for Occupational Health and a Kinesiology PhD student at Faculty of Kinesiology, University of Zagreb. Her professional and scientific interests include occupational and work related musculoskeletal disorders, sports related injuries and illness as well as biomedical ethics and education in occupational and sports safety and health.

### **Marko Ilešič**

Marko Ilešič, Doctor of Law (University of Ljubljana, Slovenia); specialism in comparative law (Universities of Strasbourg and Coimbra); judicial service examination; Professor of Civil, Commercial and Private International Law; Vice-Dean (1995-2001) and Dean (2001-04) of the Faculty of Law at the University of Ljubljana; author of numerous legal publications; Honorary Judge and President of Chamber at the Labour Court, Ljubljana (1975-86); President of the Sports Tribunal of Slovenia (1978-86); President of the Arbitration Chamber of the Ljubljana Stock Exchange; Arbitrator at the Chamber of Commerce of Yugoslavia (until 1991) and

Slovenia (from 1991); Arbitrator at the International Chamber of Commerce in Paris; Judge on the Board of Appeals of UEFA and FIFA; President of the Union of Slovene Lawyers' Associations (1993-2005); member of the International Law Association, of the International Maritime Committee and of several other international legal societies; Judge since 11 May 2004 and President of Chamber at the Court of Justice of the European Union.

### **Marko Ivkošić**

Marko Ivkošić, Assistant professor at Faculty of Law University of Split, Department of Company and Trade Law (Croatia). He published thirty scientific articles in the field of Company Law, Trade Law and Sport Law. He is an arbitrator at the Croatian Chamber of Commerce and member of Scientific Council for Government Administration, Judicature and the Rule of Law of Croatian Academy of Science and Arts.

### **Matej Babić**

Matej Babić is Master of Kinesiology and young scientist from the Faculty of Kinesiology, University of Split (Croatia). He participated as student and professor coordinator in several scientific and professional projects („Sport against violence and exclusion“ and „Sport include, problems exclude“). Also, he is the founder, president and coach of the Kickboxing club Borac Požega, and is a member of assembly of the Croatian kickboxing federation.

### **Mateja Vodiškar**

Mateja Vodiškar, MA, is a doctoral student at the University of Ljubljana, Faculty of Social Sciences, Slovenia. Her main research topics are sports facilities in the European Union and sport participation. In her doctoral dissertation she is researching the coordination of sports policies at the EU level within the case study of sports infrastructure and population participation in sport.

### **Maximilian Seltmann**

Maximilian Seltmann is research associate and PhD researcher at the Institute of European Sport Development and Leisure Studies at the German Sport University Cologne (GSU). His research conceptualizes and analyzes athletes as political actors in the governance of sport. He holds a B.A. in Sport Management and Communication (2016) and a M.A. in International Sport Development and Politics (2019) from the German Sport University Cologne. He currently is the Programme Coordinator of the M.A. International Sport Development and Politics and coordinates an [Erasmus+ Project on the Employment Relations of Athletes in Olympic Sports in Europe](#).

### **Michele Colucci**

Michele Colucci is a member of the FIFA Dispute Resolution Chamber and of the FIFPRO Dispute Committee. He is co-founder and Honorary President of the Italian Sports Lawyers Association ([www.avvocatisport.it](http://www.avvocatisport.it)).

### **Pavel Glos**

Pavel Glos is a Ph.D. student at Palacky University in Olomouc, Czech Republic and a junior associate in ARROWS advokátní kancelář s.r.o. in Czech Republic.

### **Pawan Mathur**

Pawan Mathur is a Senior Researcher at the International Institute for Non-Aligned Studies, Delhi, India. He also writes articles on sports for New Delhi Times. Pawan holds a PhD in European Studies from Centre for European Studies, Jawahar Lal Nehru University New Delhi, India, with the topic of Doctoral Thesis: European Union Citizenship and an Emerging European Identity.

### **Regina Weber**

Regina Weber is a post-doctoral researcher at Rhine-Waal University and coordinator of the EUFoot project from June 2018 to May 2021. She studied Political Science and History at RWTH Aachen, Charles University in Prague and the University of Potsdam and received her PhD from the University of Duisburg-Essen with a work on the motives and behaviour of young members in ageing catch-all parties. Her research interests cover European identity, political activism, and the behaviour of individuals in changing organisational contexts. Regina is further interested in the development of social science methodology, covering both qualitative and quantitative approaches. She previously held positions as senior advisor at the Hans-Böckler-Stiftung in Düsseldorf and as adjunct lecturer at the University of Duisburg-Essen and RWTH Aachen University.

### **Richard Parrish**

Professor Richard Parrish is Jean Monnet Chair of EU Sports Law and Policy at Edge Hill University (UK) where he is Director of the Centre for Sports Law Research. He led two EU funded projects, one examining the regulation of football agents (2018-2019), the other exploring the development of an EU sport diplomacy strategy (2019-2021). Professor Parrish has advised the EU institutions on the development of its EU sports policy, having sat as a member of the European Commission's Group of Independent European Sport Experts (2010) and as a member of EU Commission's High-Level Expert Group on Sport Diplomacy (2015-16). He has authored a number of EU studies for the Commission and Parliament and he was Specialist Advisor to the House of Lords Inquiry 'Grassroots Sport and the European Union'. His most recent book, *Sports Law in the European Union*, (2020), is co-authored with Andrea Cattaneo.

## **Roland Naul**

Roland Naul, Prof. Dr., professor emeritus of sports science and sports education at the University of Duisburg-Essen; Director of the Willibald Gebhardt Research Institute Münster. Main research interests: Physical education and children's, youth and school sport in Germany and the EU.

## **Rusa Agafonova**

Rusa Agafonova is a PhD candidate at the University of Zurich, Switzerland. Her doctoral thesis focuses on the interaction of sports law and competition law, and its implications on sports governance. More particularly, her research studies the exclusivity clauses in the regulations of the sports governing bodies, such as those existing in the eligibility, sponsoring, and dispute resolution rules.

## **Sabine Rusmane**

Sabine Rusmane is a PhD student at the Faculty of Business, Management and Economics of the University of Latvia. Obtained her Master's degree in Social Sciences in European studies with thesis topic being "Latvian public sport governance assessment within the framework of European Union's sport dimension". Before that, obtained both a professional Bachelor's and Master's degree in Translation from the University of Applied Sciences of Ventspils. Currently, Sabine is a Senior Expert at Research and Innovation Policy and Support Unit within Research Funding Programme Department of the State Education Development Agency of the Republic of Latvia, with 8-year work experience at one of the Big4 Consulting companies and in translation.

## **Sandra Winkler**

Sandra Winkler is an Assistant Professor at the Chair of Family Law of the Faculty of Law, University of Rijeka (Croatia). In 2009 she received her PhD degree in Law from the Faculty of Law, University of Verona (Italy). She was awarded a research grant at the Max Planck Institut für ausländisches und internationales Privatrecht in Hamburg (Germany) on several occasions. Since November 2019 she is Vice-Dean for International Affairs at the Faculty of Law in Rijeka. Her research interests include Family Law and European Family Law. She was a Visiting Professor at the Faculties of Law in Verona, Trieste, Camerino and Trento.

## **Simon Rofe**

Dr J. Simon Rofe is Reader in Diplomatic and International Studies in the Centre for International Studies and Diplomacy, at SOAS University of London: and was the School's Head of Digital Learning 2016-20 and has been Programme Director for the MA Global Diplomacy since 2012, following a role in the London Organising Committee of the Olympic Games (LOCOG) in 2012. Simon helped to co-found the field of Sports Diplomacy and has shared counsel with numerous national and international bodies, governments and other stakeholders such as Ministries of Foreign Affairs, Embassies, National Governing Bodies,



International Sporting Federations, National Olympic Committees, Anti-Doping Organisations, global media organisations and athlete advocacy organisations (further details available on request). He is the author and editor of a numerous books and articles including: 'Sport and Diplomacy: Games within Games', (Manchester: Manchester University Press / USA Oxford University Press 2018) and 'The Untold Story of FIFA's Diplomacy and the 1966 World Cup: North Korea, Africa and Sir Stanley Rous'.

### **Sladjana Petkovic**

Sladjana Petkovic is a senior European youth expert and UN Youth Consultant with 15+ years of professional experience in managing and conducting qualitative research, country-specific and comparative policy analyses, as well as Europe wide studies to inform an innovative knowledge-based approaches to youth policy and youth work development in Europe and Central Asia. Sladjana holds M.Sc. in Psychology and Joint European Master in Comparative Local Development. She is specialized in Developmental Youth Work and Social Education and The Local Government and Public Service Reform.

### **Slaven Dobrić**

Since 2007 he is a member of the Management Board for operations of Allianz Zagreb d.d. After graduating from the Faculty of Law in Zagreb, in 1995 he began his professional career in the law office, and in 2000 he moved to Allianz Zagreb d.d. He has participated in numerous professional presentations at the "Insurance Days", and in cooperation with the Croatian Society of Court Experts, he has presented on the topic of insurance regulations and insurance fraud. Slaven Dobrić completed his postgraduate studies in civil law in 2004 and received a master's degree in law. From 2003 to 2007, he was an authorized conciliator on the lists of the Croatian Chamber of Commerce, the Croatian Employers' Association and the Croatian Insurance Bureau, and a member of expert working groups in the field of insurance.

### **Stuart Murray**

Stuart Murray is an Associate Professor in International Relations (Bond University, Australia), Global Fellow of the Academy of Sport (University of Edinburgh), and an Associate Editor of the journals *Diplomacy & Foreign Policy* and the *Journal of Public Diplomacy*. The author of thirty-two peer-reviewed publications, Stuart recently published *Sports Diplomacy: origins, theory and practice* (Routledge), the first, major book on the role sport plays in international diplomacy. He is also the Founding Director of the Sports Diplomacy Alliance, a global institution that regularly advises governments, non-state actors and sportspeople on how to harness the power of sport for positive outcomes.

### **Surbhi Kuwelker**

Surbhi Kuwelker is a qualified lawyer, having previously worked as federation counsel, judicial clerk to a Supreme Court Justice and law firm associate. She is currently based in Switzerland where her doctoral research focuses on sports disciplinary disputes and rights.

## **Tobias Heck**

Research associate at Rhine-Waal University. Recently graduated with distinction in Urban and Cultural Geography, M.Sc. at Radboud University Nijmegen, Tobias Heck is a prospective scientist and joined the EUFOOT team in April 2021. His geographical research interests involve gentrification studies, studies on subcultures and socio-spatial transformation processes. Within the field of Political Science, Tobias is fascinated with studies on identity formation, social cohesion and tourism induced urban conflicts.

## **Václav Stehlí**

Václav Stehlík, LL.M., Ph.D. is an associate professor of EU law and Jean Monnet Chair holder in EU law. His research focuses especially on the EU judicial system, EU internal market, EU migration law and the human rights protection. His research outcomes were published in several books and in a number of articles. He participated in numerous national and international conferences. At present he serves as the Dean of the Faculty of Law, Palacky University in Olomouc, Czech Republic.

## **Vanja Smokvina**

Vanja Smokvina obtained his Ph.D. from the European Law Faculty in Nova Gorica (Slovenia) in 2012 with the thesis 'Free movement of sportspeople and the specificity of labour law status of sportspersons in the EU'. He is an Assistant Professor and Head of the *Centre for Sports Law, Sport Policies and Sport Diplomacy* at the Faculty of Law, University of Rijeka (Croatia). Smokvina is also a visiting research associate at the Centre for Sports Law Research at the Edge Hill University (UK), Court of Arbitration in Sport (CAS) Arbitrator, member of the Scientific Committee of the UEFA Football Law Programme and Arbitrator of the Court of Arbitration of the Croatian Football Federation.

## **Vesna Tomljenović**

Vesna Tomljenović, University of Rijeka, B.A. 1979; University of Zagreb, L.L.M. 1984, S.J.D. 1996; University of Rijeka, Faculty of Law, Assistant professor (1980-1998), Associate professor (2003-2009), Professor (2009-2013); University of Rijeka, Faculty of Economics, Assistant professor (1990-2013); President of the Croatian Comparative Law Association (2006-2013); Judge at the General Court since 4 July 2013.

## **Víctor Jiménez Díaz-Benito**

Víctor Jiménez Díaz-Benito is a PhD in Physical Activity and Sports Sciences and a specialist in teaching and research in the field of the organization of physical activity and sports. He is a professor at the Faculty of Health at the Camilo José Cela University. He is a member of the Group for Psychosocial Research in Sports at the Polytechnic University of Madrid. His research interests focus on studying the entire organizational cycle on different types of population, analyzing the barriers and demands associated with the practice of physical activity in the most discriminated social groups for this practice, examining the influence of the active

lifestyle and working conditions on the determinants of health and critically interpret the theory of the organization of physical activity and sport. He has been a speaker at several international conferences and some of the studies in which he has collaborated have appeared published in indexed scientific journals.

### **Zoran Grgantov**

Zoran Grgantov is a full professor at the Faculty of Kinesiology in Split (Croatia). He performed his duties as a head of the Department of Kinesiology of Sport and vice-dean for research within the previously mentioned higher education institution. He was co-author on three different university textbooks and assumed proceedings book editor responsibilities on three international scientific conferences entitled Contemporary Kinesiology in 2012, 2015, and 2018. As a researcher he participated in research projects entitled Anthropological Models in Sport, Relations of Team Performance Characteristics in Volleyball, and Measuring Motor Skills in Kinesiology. He managed an expert team of the Faculty of Kinesiology in Split within the SEECCEL project entitled Developing Entrepreneurial Societies in the Western Balkans and Turkey and was a team member on the project entitled Development of Occupational Standards, Qualification Standards and Master Degree Study Programmes in Kinesiology. He is currently a team member on the Erasmus+ projects Sport Against Violence and Exclusion, and Better Incorporation of Good Governance Principles for Better Volleyball Success.

# Conference Programme



**5<sup>TH</sup> RIJEKA EU SPORTS LAW, POLICY & DIPLOMACY DAYS**

***University of Rijeka, Faculty of Law***

***Sports Law, Sports Policy and Sports Diplomacy Centre***

***Sport & EU Association***

**&**

***The International Sports Law Journal***

**Organize**

**15<sup>th</sup> Sport & EU Conference**

**Under the auspices of**



**REPUBLIC OF CROATIA  
Ministry of  
Tourism and Sport**

**14<sup>th</sup> – 17<sup>th</sup> June 2021 (Virtually in Rijeka & Opatija)**

**Online via**



Webex Meetings

# 15<sup>th</sup> Sport & EU Conference

14<sup>th</sup>-17<sup>th</sup> June, 2021 (Rijeka & Opatija – Croatia ONLINE)

## Day 1: 14<sup>th</sup> June 2021

**9:30 – 10:00 (CET time, 8:30 - 9:00 UK time) Registration**

**10:00 (CET time, 9:00 UK time)**

**Opening Ceremony:**

Moderator: Assist. Prof. dr. Vanja Smokvina (University of Rijeka, Faculty of Law; Sports Law, Sports Policy and Sports Diplomacy Centre)

- Prof. dr. Richard Parrish (Edge Hill University, UK, Sport&EU Honorary President)
- Prof. dr. Johan Lindholm (Umeå University, Sweden; International Sports Law Journal Editor-in-Chief)
- Prof. dr. Vesna Crnić-Grotić (University of Rijeka, Faculty of Law, Dean, Croatia)
- Prof. dr. Snježana Prijić-Samaržija (University of Rijeka, Rector, Croatia)
- Mr. Zdravko Ivanković (Head of the Department of Sports and Technical Culture City of Rijeka)
- Mr. Vojko Braut (Deputy Head of the Primorje-Gorski kotar County)
- Dr. Krešimir Šamija (Director General for Sport, Ministry of Tourism and Sport, Croatia)

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**10:30 (CET time, 9:30 UK time) Special Guest: Key-note speech (30 min + QA 15 min)**  
**Mrs. Kolinda Grabar-Kitarović (IOC Member)**

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**Break 15 min**

**11:30 (CET time, 10:30 UK time) – 12:30 (CET time, 11:30 UK time)**

**1<sup>st</sup> session: *The Integrity and Governance of Sport***

**Chair: An Vermeersch (Ghent University, Belgium)**

**Dr. David McArdle (Head of Stirling University Law School, Scotland)**

*Anti-Doping, Interpretive Instruments and Convention Law*

**Marina Milaković, Helena Koren, Karmen Bradvica-Kelava, Dr. Marija Bubaš (Croatian Institute of Public Health, Croatia)**

*Research Ethics in Sports Science*

**Jan Exner (Ph.D. student, Charles University, Czech Republic)**

*Sanctioning Framework of the World Anti-Doping Code 2021: A Proportionate Response to Doping?*

**Lunch Break 30 min**



# 15<sup>th</sup> Sport & EU Conference

14<sup>th</sup>-17<sup>th</sup> June, 2021 (Rijeka & Opatija – Croatia ONLINE)

13:00 (CET time, 12:00 UK time) – 14:15 (CET time, 13:15 UK time)

2<sup>nd</sup> session: Sports Governance & Anti-Discrimination

**Chair:** Prof. dr. Cristian Jura ('Dimitrie Cantemir' Christian University, Rumania; CAS Arbitrator)

Prof. dr. Nenad Hlača (University of Rijeka, Faculty of Law, Croatia)

*Transgender Athletes in Sport*

Ekain Zubizarreta (Institut des Sciences sociales du Politique, UMR 7220, Paris, France, Research group APPGP ("Análisis de las políticas públicas y de la gestión pública"), UNAL University, Bogotá, Colombia), Madeleine Pape (Institute of Sports Sciences and the Gender Studies Center, University of Lausanne, Switzerland)

*Sport Governance: Resistance and Change in Gender Eligibility Regulation*

Karolina Skrzypczyk (LL.M., Heidelberg; attorney-at-law, Jagiellonian University, Poland)

*Broadcasting Rights in Women's Football* **SHORT PAPER**

Break 15 min

14:30 (CET time, 13:30 UK time) Special Guest: Key-note speech (30 min + QA 15 min)

Prof. dr. Siniša Petrović (University of Zagreb, Faculty of Law, Croatia; CAS Arbitrator)

*Too much ado about the Superleague? And what about Grassroots Sports?*

15:15 (CET time, 14:15 UK time) – End of the Day 1 of the Conference

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EURO 2020: 15:00 (CET time, 14:00 UK time): match *Scotland v Czech Republic*



# 15<sup>th</sup> Sport & EU Conference

14<sup>th</sup>-17<sup>th</sup> June, 2021 (Rijeka & Opatija – Croatia ONLINE)

## Day 2: 15<sup>th</sup> June 2021

9:45 (CET time, 8:45 UK time) Warm-up for the 2<sup>nd</sup> day

10:00 (CET time, 9:00 UK time) – 11:00 (CET time, 10:00 UK time)

### Panel I: Sports Diplomacy – The Role of Sport in International Relations

Panel Chair: Prof. dr. Stuart Murray (Bond University, Australia)

- Prof. dr. Carmen Pérez González (Universidad Carlos III de Madrid, Spain): *Sanctions, Diplomacy and Sport*,
- Prof. dr. Richard Parrish (Edge Hill University, UK): *Towards an EU Sport Diplomacy Strategy*
- Gavin Price (Independent sports diplomacy and cultural relations expert at Bond University (Australia) and Counsel Ltd): *Small Nations with Large Sporting Footprints: Example of Sports Paradiplomacy*

Break 5 min

11:05 (CET time, 10:05 UK time) – 12:05 (CET time, 11:05 UK time)

### Panel II: Sport Talents - Ethical Approach and Importance of Biological and Relative Age

Panel Chair: Assoc. Prof. dr. Dražen Čular (University of Split, Faculty of Kinesiology; Croatia; European Institute for Talents, Education, Research & Development; Einstein, Craft for Research, Development, Education, Trade and Services)

- Dr. Krešimir Šamija; Dr. Martina Jeričević (Ministry of Tourism and Sport, Croatia): *NATIONAL SPORT PROGRAM (2019.-2026.)*, Measure 3.2.2, Activity: *Identify Young Sports Talents and Include them in Development Programs Based on the Criteria*,
- Prof. dr. Zoran Grgantov (University of Split, Faculty of Kinesiology, Croatia): *Importance of Ethical Approach in Sport Talent Development*,
- Assoc. Prof. dr. Dražen Čular, Matej Babić (University of Split, Faculty of Kinesiology, Croatia): *Biological, Chronological and Relative Age in Function of Establishing of Croatian National Sport Talents System (HRZZ-IP-2020-02-3366)*
- Matej Babić (University of Split, Faculty of Kinesiology, Croatia): *Relative Age Effect in Croatian Taekwondo Competitors at Cadet Level*

Break 10 min

12:15 (CET time, 11:15 UK time) – 13:30 (CET time, 12:30 UK time)

3<sup>rd</sup> session: *Sport Policy, Governance and Integrity in Europe*

Chair: Rui Alexandre Jesus (Autonoma Academy, University of Lisbon, Portugal)

Prof. dr. Jack Anderson (Melbourne Law School, University of Melbourne, Australia, CAS Arbitrator)  
*Is the European Court of Human Rights as an Effective Remedy for Sporting Disputes?*





# 15<sup>th</sup> Sport & EU Conference

14<sup>th</sup>-17<sup>th</sup> June, 2021 (Rijeka & Opatija – Croatia ONLINE)

**Prof. dr. Cristian Jura ('Dimitrie Cantemir' Christian University, Rumania, CAS Arbitrator)**  
*Less Known Instruments for Combating Hate Speech in Sport: ECRI's GPR 12, GPR 12 AND NCCD*

**Surbhi Kuwelkar (Qualified Lawyer; Ph.D. student, University of Neuchâtel, Switzerland)**  
*CAS Jurisprudence on DSD Regulations - Future of Binary Classification in Sport*

**Prof. dr. Jürgen Mittag (Deutsche Sporthochschule Köln, Jean Monnet Chair, Institute of European Sport Development and Leisure Studies, Germany); Prof. dr. Roland Naul (Westfälische Wilhelms-Universität (WWU) Münster, Willibald Gebhardt Institute (WGI) Münster and Conseil Européen des Recherches en Éducation Physique et Sportive (CEREPS) Luxembourg)**  
*Observer, Facilitator, or Co-Player? The European Parliament and the Parliamentary Dimension of European Sport Politics*

**Break 10 min**

**13:40 (CET time, 12:40 UK time) – 14:40 (CET time, 13:30 UK time)**

**4<sup>th</sup> session: Sport Policy and Politics in Central and Eastern Europe**

**Chair: Assist. Prof. Vanja Smokvina (University of Rijeka, Faculty of Law, Croatia)**

**Assoc. Prof. András Varga (Faculty of Public Governance and International Relations, National University of Public Service, Budapest, Hungary)**  
*Sport as a Mean of Legitimacy in Hungary*

**Mateja Vodiškar (Faculty of Social Sciences, University of Ljubljana, Slovenia), Prof. dr. Igor Lukšič (Faculty of Social Sciences, University of Ljubljana, Slovenia), Assoc. Prof. dr. Janez Vodičar (Faculty of Social Sciences, University of Ljubljana, Slovenia) SHORT PAPER**  
*Importance of Sports Facilities in Slovenia and the EU*

**Pavel Glos (Ph.D. student, Palacky University in Olomouc, Czech Republic), Assoc. Professor Václav Stehlík (Palacky University in Olomouc, Czech Republic),**  
*The Exclusion of Sports Clubs from the Junior Hockey Competition – the Case from the Czech Republic in the Perspective of EU Competition Law PAPER PUBLISHED – ISLJ*

**Prof. dr. Tomáš Gábriš (Trnava University in Trnava, Faculty of Law, Slovak Republic)**  
*The Status of Professional Players between Self-Employed and Employee Status: State of the Art in Slovakia and in East-Central Europe PAPER PUBLISHED – Faculty of Law in Rijeka Journal*

**Lunch Break 40 min**



# 15<sup>th</sup> Sport & EU Conference

14<sup>th</sup>-17<sup>th</sup> June, 2021 (Rijeka & Opatija – Croatia ONLINE)

15:20 (CET time, 14:20 UK time) – 16:20 (CET time, 15:20 UK time)

5th session: *COVID-19 and its Impact on Sports*

Chair: An Vermeersch (Ghent University, Belgium)

Prof. dr. Roland Naul (Westfälische Wilhelms-Universität (WWU) Münster, Willibald Gebhardt Institute (WGI) Münster and Conseil européen des recherches en éducation physique et sportive (CEREPS) Luxembourg), Jacob Kornbeck, European Commission (Youth Unit) Brussels, Belgium (acting in a private capacity), and German Sport University Cologne, Germany), Sladjana Petkovic (Unicef Montenegro and EU-Council of Europe Youth Partnership Pool of European Youth researchers (PEYR)

*Young Europeans as Covid-19 Couch Potatoes? Physical Activity/Physical Education Rollback Caused by Covid-19-related Developments*

Dr. Seán Crosson (NUI Galway, Ireland), Dr. Marcus Free (Mary Immaculate College, University of Limerick, Ireland)

*Gaelic Games, Irish Media and the Covid-19 Pandemic's 'Exposing Force' in Ireland*

Dr. Marin Galić, (Faculty of Political Science, University of Zagreb, Croatia), Slaven Dobrić, M.Sc. (Allianz Hrvatska d.d., Zagreb, Croatia), Ivona Čulo, BA (University North, Croatia)

*Impact of the Pandemic on the Most Popular Recreational Sports in Croatia – Football, Tennis and Running*

Break 10 min

16:30 (CET time, 15:30 UK time) – 17:15 (CET time, 16:15 UK time)

Special Guest: Key-note speech (30 min + QA 15 min)

Prof. dr. Marko Ilešič (Court of Justice of the EU, Luxemburg)

*Sports in the Hands of Regulations and Judges*

17:15 (CET time, 16:30 UK time) – End of the Day 2 of the Conference

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# 15<sup>th</sup> Sport & EU Conference

14<sup>th</sup>-17<sup>th</sup> June, 2021 (Rijeka & Opatija – Croatia ONLINE)

EURO 2020: 18:00 (CET time, 17:00 UK time): *match Hungary v Portugal*

## Day 3: 16<sup>th</sup> June 2021

9:45 (CET time, 8:45 UK time) Warm-up for the 3<sup>rd</sup> day

10:00 (CET time, 9:00 UK time)

Special Guest: Key-note speech (30 min) + QA (15 min)

Prof. dr. Michele Colucci (FIFA DRC, Member)

*FIFA Regulations on Status and Transfer of Players: The Way Ahead*

Break 15 min

11:00 (CET time, 10:00 UK time) – 12:00 (CET time, 11:00 UK time)

6<sup>th</sup> session: Governance and Autonomy in Global Sport

Chair: Dr. Leanne O'Leary (Edge Hill University, UK)

Prof. dr. Henk Erik Meier (University of Münster, Germany), Dr. Borja García García (Loughborough University, UK)

*The Limits of Private Transnational power: The Fate of 'Governance Transplants' in the Global South*

Dr. Darius Wainwright (London School of Economics, UK; University of Reading, UK)

*The United States, Public Diplomacy and the Governance of Iranian Sport, 1953-1958*

Break 15 min

12:15 (CET time, 11:15 UK time) – 13:30 (CET time, 12:30 UK time)

7<sup>th</sup> session: Regulatory and Legal Challenges in Modern Sport Practice

Chair: Assist. Prof. Sandra Winkler (University of Rijeka, Faculty of Law, Croatia)

Adam Pendlebury (Edge Hill University, UK), Assist. Prof. Vanja Smokvina (University of Rijeka, Faculty of Law, Croatia)

*Employer (Vicarious) Liability in Sport?*

Maximilian Seltmann (Research Associate German Sport University Cologne, Germany)

*The Emancipation of Elite Athletes: A New Challenge to the Legitimacy of Sport Governing Bodies?*



# 15<sup>th</sup> Sport & EU Conference

14<sup>th</sup>-17<sup>th</sup> June, 2021 (Rijeka & Opatija – Croatia ONLINE)

**Louis Vandercruysse (PhD. candidate, Ghent University, Belgium), Prof. dr. An Vermeersch (Ghent University, Belgium), Prof. dr. Tom Vander Beken (Ghent University, Belgium)**

*Macolin and Beyond: Legal and Regulatory Initiatives Against Match Manipulation*

**Dr. Niccolò Emanuele Onesti (Università degli Studi di Milano – Bicocca, Italy)**

*VAT Chargeability of Football Agents' Commissions in EU Law, Into the Light of the EU-UK Trade and Cooperation Agreement*

**Lunch Break 30 min**

**14:00 (CET time, 13:00 UK time) – 15:00 (CET time, 14:00 UK time)**

**8<sup>th</sup> session: Analysing Legal and Social Aspects of Sport Policy and Regulation**

**Chair: Dr. Andrea Cattaneo (Edge Hill University, UK)**

**Assist. Prof. Marko Ivkošić (University of Split, Faculty of Law, Croatia)**

*Influence of European Union Competition Law on Organization and Finance of Professional Football*

**Rusa Agafonova (PhD candidate at the University of Zurich, Switzerland)**

*Sports Arbitration and EU Competition Law: Evolution of the Love-Hate Relationship*

**Dr. Pawan Mathur (Senior Researcher at the International Institute for Non-Aligned Studies, Delhi, India)**

*A Comparison of the Breakaway Defunct Indian Cricket League and the Proposed European Football Super League* **SHORT PAPER**

**Dr. Ángel Luis Clemente Remón (University of Alcalá, Spain), Marta Agnieszka Panufnik (University of Alcalá, Spain), Professor Víctor Jiménez Díaz-Benito (University of Camilo José Cela, Spain), José Antonio Santacruz Lozano (University of Alcalá, Spain)**

*Physical Activity Levels in Senior Citizens of The European Union According to Socio-Demographic Variables and Geographic Subregion* **SHORT PAPER**

**15:00 (CET time, 14:00 UK time) – End of the Day 3 of the Conference**

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# 15<sup>th</sup> Sport & EU Conference

14<sup>th</sup>-17<sup>th</sup> June, 2021 (Rijeka & Opatija – Croatia ONLINE)  
EURO 2020: 15:00 (CET time, 14:00 UK time): match Finland v Russia

## Day 4: 17<sup>th</sup> June 2021

9:45 (CET time, 8:45 UK time) Warm-up for the 4<sup>th</sup> day

10:00 (CET time, 9:00 UK time) – 11:00 (CET time, 10:00 UK time)

**9th session: The Social Dimension of Sport: Culture, Identity and Politics**

**Chair: Dr. Seán Crosson (National University of Ireland Galway, Republic of Ireland)**

**Prof. dr. Alexander Brand (Rhine-Waal University, Germany), Tobias Heck (Rhine-Waal University, Germany), Regina Weber (Rhine-Waal University, Germany), Prof. dr. Arne Niemann (University of Mainz, Germany)**

*Conceptions of Europe Among Football Fans*

**Assist. Prof. Daniel Ziesche (Chemnitz University of Technology, Germany)**

*A Protest Culture in Its Own Right? Applying Social Movement Theory to Football Fan Protests*

**Sabine Rusmane, (Ph.D. student Faculty of Business, Management and Economics, University of Latvia, Latvia)**

*The Socio-Economic Impact of Social Capital on Sport Within the Public Sport Strategic Governance: Theoretical Overview of The Concept – Cases of The Baltic States* **SHORT PAPER**

Break 15 min

11:15 (CET time, 10:15 UK time)

**Special Guest: Key-note speech (30 min + QA 15 min)**

**Prof. dr. Vesna Tomljenović (General Court, Court of Justice of the EU, Luxemburg)**

**State Aid Granted to Professional Football Clubs**

*EC / Fútbol Club Barcelona*

Break 15 min

12:15 (CET time, 11:15 UK time) – 13:15 (CET time, 12:15 UK time)

**10th session: Equality and Diversity in and Through Sport**

**Chair: Dr. Borja García García (Loughborough University, UK)**

**Assist. Prof. dr. Sandra Winkler (University of Rijeka, Faculty of Law, Croatia)**

*Children and Sport: The Right to Engage in Play and Recreational Activities*

**Björn Hessert (LL.M., University of Melbourne, Australia; Attorney-at-law, Research Assistant of Prof. Ulrich Haas at the Chair of Procedural and Private Law, University of Zurich, Zurich, Switzerland)**



# 15<sup>th</sup> Sport & EU Conference

14<sup>th</sup>-17<sup>th</sup> June, 2021 (Rijeka & Opatija – Croatia ONLINE)

The Protection of Minor Athletes in Sports Investigation Proceedings PAPER PUBLISHED – ISLJ

**Andréanne Desforges-Houle (Birkbeck College – UCL, UK)**

*The Effect of Girls' Pre-College Participation in Sporting Activities on Gender-Role Flexibility and Their Attitude Towards Cultural Gender-Based Professional Expectations*

Lunch Break 30 min

**13:45 (CET time, 12:45 UK time) – 15:00 (CET time, 14:00 UK time)**

## Panel III: The Future of Agent Regulation in World Football

Panel Chair: Prof. dr. Richard Parrish (Edge Hill University, UK)

- **Hrvoje Čabraja (FC Lokomotiva, Croatia):** Agents in Croatia and Italy: A Comparative Study,
- **Maximilian Seltmann (Research Associate German Sport University Cologne, Germany):** Agent Regulation and A Return to a Licensing System
- **Dr. Andrea Cattaneo (Edge Hill University, UK):** An Assessment of FIFA's Proposed Agent Fee Cap Under EU Law
- **Prof. dr. Carmen Pérez González (Universidad Carlos III de Madrid, Spain):** Agents and Minors

Break 10 min

**15:10 (CET time, 14:10 UK time)**

**Special guest: Key-note interview (30 min + Open floor discussion 15 min)**  
**Julien Zylberstein (Chief of Governance & Stakeholder Affairs, UEFA)**

**16:00 (CET time, 15:00 UK time) – Concluding remarks and Closure**

- Dr. Borja García García (Loughborough University, UK; Sport & EU Executive Director)

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**EURO 2020: 15:00 (CET time, 14:00 UK time): match *Ukraine v North Macedonia***



# 15<sup>th</sup> Sport & EU Conference

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## Conference organisation and programme Committee

Assistant Professor Vanja Smokvina, Ph. D.  
University of Rijeka, Faculty of Law; SLPD Centre – Croatia, *president*

Professor Richard Parrish, Ph. D.  
Edge Hill University, Centre for Sports Law Research – UK

Dr. Borja García García, Ph. D.  
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