

# *UEFA and the European Super League in the face of a possible judicial battle*

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## **Body**

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The launch of a private European Super League project can lead UEFA and the twelve founding clubs of the new competition into a battle that is both legal and political, with great implications for the continent's sport.

Who will go to court? With what arguments and with what chances of winning the process?

- Where are we? -

For Antoine Duval, a specialist in European sports law at the *Asser Institute* in The Hague, "we entered a 'curious war', with the two fields digging their trenches awaiting legal attacks to come."

In an email sent to FIFA and UEFA on Monday, the Promoters of the Super League claimed to have already launched "a process before the competent courts to ensure the smooth establishment and operation of the competition".

The idea is to disable in advance the retaliation of the two instances, which threatened as long as January to exclude dissidents from their competitions, leaving out, for example, the players taking part in the new private tournament from The Euro and World Cup.

But the Super League does not need which national or European judge it has attended: it is only content to ensure that UEFA and FIFA threats are "illegal" and cause "irreparable harm."

The latter formula, a key criterion of emergency procedures, seems consistent with "a demand for an injunction, which would allow the Super League to obtain from a national court an interim blockade of UEFA sanctions", Duval explains to the AFP.

- Are threats legal? -

In its offensive, the European Super League may rely on the December 2020 judgment of the Court of Justice of the European Union concerning the International Skating Federation (ISU), which limits the actions of sports courts to preserve their monopoly.

ISU jurisprudence "allows UEFA to defend its competitions" by invoking two "legitimate objectives", Duval analyses: the "protection of its calendar", in frontal competition with that of the new Super League, and the "preservation of its redistributive model".

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Anticipating these arguments, the Super League states that it "does not aim to replace the Champions League or Europa League" and promises "solidarity payments", two points that will be toughly debated.

But while UEFA's or domestic leagues' response may be described as legitimate, it will have to be "proportional to the objectives," warns Katarina Pijetlovic, a law researcher at the University of Manchester.

"If sanctions against clubs (e.g. exclusion from domestic leagues) are sufficient to rule out the threat, then punishing players would not be necessary," he explains to the AFP.

- Can UEFA go to justice? -

The European court, which will consult its legal advisers on Tuesday, also has a weapon: it can attack the founding clubs for "illegal entente" on the basis of anti-executive laws, either through a lawsuit before the European Commission or an action for compensation before a national court.

"The Super League aims to distribute revenue among its members and exclude other potential participants from this business opportunity; therefore, yes, it is an entente," confirms Antoine Duval, ingesting that "an important puzzle for the European Commission is coming."

- Will the political arena be reached? -

On Monday night, British sports minister promised to do "everything possible" to block the Super League, including the path of legalization over competition.

More broadly, "one of the side effects" of the implosion of European football "could be to fully rethink its regulation, putting states into that game," Duval estimates.

Paris or Berlin - whose clubs are currently on the sidelines of the project - or London could thus ask for the opinion of the competition authorities or seek European ways to consolidate UEFA's monopoly, explains the jurist.

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