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Katarina Pijetlovic

EU Sports Law and Breakaway Leagues in Football



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For Mum

Preface

I am delighted to be able to contribute the first English-language book on the topic of the treatment of breakaway leagues under EU sports law. The book has been in preparation over a period of several years and there were some longer breaks in the research and in the writing. It was finally completed during this summer and reflects the law as it stood in August 2014.

Each chapter of this book addresses different but connected topics. As the reader moves through the chapters ‘the story’ progresses and incorporates increasingly complex legal analysis. The first two chapters introduce the subjects of sports law, EU sports law and policy, and the sporting industry with its specificities; the third chapter highlights the tensions and governance issues in European football amid breakaway threats by elite clubs; Chaps. 4 and 5 are the core of EU sports law and include a detailed analysis of the EU internal market and competition law as applied to legal issues in the sporting industry; Chap. 6 categorises sporting exceptions through the prism of convergence between the internal market and competition law and is the most significant contribution of this book to general EU law; and Chap. 7 analyses the legality of UEFA restrictive clauses and the behaviour of elite clubs under EU law. Whereas the first two chapters are suitable for anyone interested in the subject of sports law, the third chapter is of interest to sports lawyers, managers and journalists, and Chaps. 4–7 strongly focus on the legal technical aspects of the case law and are therefore aimed at sports law academics and practitioners.

My intention at all stages was to provide alternative viewpoints and novel perspectives in relation to what has already been said and written. Thus, the readers will find, for example, unique comments on the home-grown rule in the light of the 3 + 2 rule from the *Bosman* case, an original approach to categorising sporting exceptions through converging EU internal market and competition law analytical frameworks, proposals on the treatment of special responsibility of superdominant undertakings under Article 102 TFEU, and details of the 1998 Media Partners proposals which have not been published previously.

I am enormously grateful to those people who have supported and encouraged me during this project—thanks are due to David McArdle, Samuli Miettinen, Geoff Pearson, Ryan Gauthier and, most of all, to Daniel Lovric, who spent many days on a linguistic review of this book without asking a cent in return. Many thanks (hvala!) to my Serbian friend Mateja Sponza for his technical assistance in creating the illustrations that appear in Chaps. 5 and 6.

New York, August 2014

Katarina Pijetlovic

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Abbreviations and Acronyms

AVMS	Audio Visual Media Services
BSkyB	British Sky Broadcasting
CAD	Conditional Access Directive
CAS	Court of Arbitration for Sport
CCC	UEFA Club Competitions Committee
CJEU	Court of Justice of the European Union
CLFFP	Club Licensing and Financial Fair Play Regulations
CSR	Corporate Social Responsibility
DG	Directorate General
ECA	European Club Association
ECF	European Club Forum
EFL	European Football League
ENIC	English National Investment Company
EPFL	European Professional Football Leagues Association
FAPL	Football Association Premier League
FC	Football Club
FFP	Financial Fair Play
FIA	Fédération Internationale d'Automobile
FIBA	International Basketball Federation
FIFA	Fédération Internationale de Football Association
FIFPro	Federation Internationale Des Associations De Footballeurs Professionnels
FIGC	Federazione Italiana Giuoco Calcio (Italian Football Federation)
G14	Group of 18 Wealthiest Football Clubs in Europe
IOC	International Olympic Committee
MLB	Major League Baseball
MPI	Media Partners International Ltd.
NBA	National Basketball Association
NFL	National Football League
NHL	National Hockey League

PFSC	Professional Football Strategy Council
SSNIP	Small but Significant Non-transitory Increase in Price
TEU	Treaty on European Union
TFEU	The Treaty on the Functioning of the European Union
UEFA	Union des Associations Européennes de Football