

Application of EU Law in International Sports Arbitration

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Abstract

The aim of this thesis is to explore and analyse the possibilities for individual athletes of how to defend their rights with help of EU law. The premise of this thesis is the closed system of sports governing bodies and of further procedure at Court of Arbitration of Sports with the possibility to appeal to the Swiss Federal Tribunal is not always sufficient to protect rights of individual athletes.

The author of this master's thesis first claims that if there is a decision in the international sports arbitration (decision of a sports governing body and then the one of CAS), an individual athletes should be able to seek the remedies through EU law. Secondly, two options of how to proceed in such case are provided. The author analyses each of them, especially by referring to the most significant judgements of the CJEU. The author also provides her opinion on both possible ways as well as on approach of sports governing bodies and of the Commission.

The structure of this master's thesis is as follows. It first deals with the procedure in the international sports arbitration – which is the procedure before particular sports governing bodies followed by the appeal procedure at CAS. Then, it dives into the relationship between *lex sportiva* and EU law by exploring the evolution of the CJEU case-law which gives implications for the main topic. The main part of the thesis deals with the two procedures individual athletes can pursue once he or she receives an arbitral award in sports arbitration – first of them is filing a complaint with the Commission for violation of EU law provisions and second of them is taking the case to a national court and claiming the compensation for alleged violation of EU competition law with the expectation that a national court will request a preliminary ruling from the CJEU.

The thesis shows that nowadays neither of these ways can be perceived too optimistically, at the same time, once the case gets to the CJEU, it is submitted that individual athletes have decent chance to succeed in their case. Moreover, the author observes a tendency of the CJEU as well as of the Commission in the direction pro-EU law approach in the sports disputes.