

As shall be in more detail elaborated on in the following chapters, sport is a unique phenomenon which helps to promote many important societal objectives. Pursuant to the Commission's White Paper on sport, sport is a dynamic and fast-growing sector with an underestimated macro-economic impact, and can contribute to the Lisbon objectives of growth and job creation. It can serve as a tool for local and regional development, urban regeneration or rural development. Sport has synergies with tourism and can stimulate the upgrading of infrastructure and the emergence of new partnerships for financing sport and leisure facilities. Despite the specific societal functions and features, it still is capable to trigger the application of different statutory provisions, whether as a result of a conduct of a single sportsman who for instance, intentionally harms his opponent during the course of a game or as a result of activities of sporting regulatory bodies. It needs to be noted in this regard that national legal systems do not usually address sport as such. Legal aspects of sporting activities and sporting organisation are dealt with by means of 'ordinary' statutory provisions applicable to a variety of legal relationships.

As regards the Member States of the European Union, there is an additional factor that needs to be taken into account, that being law of the European Communities. Even though the European Communities do not possess any express powers with regard to sport, its legal systems, may affect sport indirectly.

There has been a rather intensive development in this area in the last decade. The European communities, being aware of the importance of sport, have indisputably been providing support to sport in order to make it accessible to as many citizens as possible. At the same time however, even though sport primarily promotes non-commercial goals, it cannot be overlooked that professional sport bears manifest economic implications. This is exactly the point where provisions of EC Law start to apply in order to protect objectives set out in Art. 2 EC, primarily by setting forth rules which touch upon economic aspects of sporting conduct.

The main purpose of this Diploma Thesis is to analyse the relationship of law of the European Communities and its policies with activities and regulations of national and international sporting organisations. The thesis shall provide an overview of a

never-ending dispute concerning the extent of application of EC Law to sport as well as analyse application of the key provisions of the EC Treaty as regards sport.

The Thesis itself is divided into four main parts. The first one outlines main features characterising sport in Europe, such as its pyramid-like structure. For the purpose of a better understanding of this model of sporting organisation, the Thesis at the same time provides a comparison with the organisation of sport in the United States of America.

The second part analyses the relationship between sport and law of the European Communities in general and a formation of two advocacy coalitions, promoting two different approaches of the European Communities to sport.

This is followed by the third part which concentrates on the application of the free movement rules in the area of sport; free movement of workers, freedom of establishment and freedom to provide services in particular.

The last part deals with an impact of the European competition law rules on sport. The main emphasis is on the application of Articles 81 and 82. The chapter is complemented by an analysis of a recent case-law of the ECJ and the CFI.