

Resumé (Summary)

Sport in general and football especially is an important part of the European culture. Football is a social and cultural phenomenon and the most popular sport worldwide; it is easily accessible for everyone who is keen on participating either as a player or a supporter. On one hand it has important social, educational and cultural functions, on the other hand in the last few decades it has been more and more becoming a business where astronomic sums of money fluctuate. For all these reasons football has a specific position.

Football is specific from the point of view of its regulation as well. There are three levels of regulation. The first level means autonomous regulation by football bodies situated in different levels of football pyramid which regulate all matters related to football. On the top of the football pyramid are situated UEFA and FIFA, European and world's governing football bodies. The second level of regulation means regulation of football by national law in each state. And since football has become an important economic activity there is a third level of regulation which means regulation by the European law.

I chose this third level - regulation of football in the European law as the topic of my thesis. I had various reasons to do so. Firstly, I like football and I play it in the team. Secondly, since I have read the ECJ's ruling in Bosman case I started to be interested in this area. And thirdly, this topic is very interesting and has not been comprehensively described in the Czech legal environment, yet.

The thesis is composed of four main chapters. Before I started to write about the regulation of football in the European law, I found important to describe the European football model in the first chapter, its functioning and pyramidal structure, division of powers among football bodies and other important aspects inherent to the European football model. Because only if we understand how European football operates then we are able to consider the influence of the European law on the football sector.

Chapter two examines sources of the European law relevant to the regulation of football. There is no reference to sport in the European primary law; therefore EC is not competent to adopt legislation with the explicit aim of regulating football. But the EC Treaty contains provisions that exert a broad control over the functioning of the whole economy and since it is clear that the practice of professional and semi-professional

football constitutes an economic activity and sport or football is not exempted from the jurisdiction of the Treaties; that means football is subject to community law. In this state of law judgments of the CFI and ECJ have become the most important source of law. Namely the ECJ provides on case by case basis the interpretation of the European law as to the question of compatibility of legislation adopted by football bodies with certain provisions of the EC Treaty mostly in the area of free movement of workers and competition law.

Chapter three and its divisions follow the line of the main judgments of the courts of the EC. The importance of these judgments was already mentioned, so this chapter is the largest. The text devoted to the most important cases is subdivided into three smaller parts about factual background, legal grounds of the case and commentary on the judgment. Some cases the Commission was dealing with in the area of competition law were mentioned as well.

In chapter four I strove to evaluate critically outcomes of the judgments and present the situation in the existing area. I also tried to present the three main possible directions for the future in the existing area. Then the concluding part follows.

The main aim of my thesis is to describe in detail and well arranged way the issue of regulation of football in the European law. However the situation is really complicated and it is not possible to propose universal solution. I tried after considering all relevant information to propose at least general solutions.