

Abstract in English

A Comparison of the Legal Status of Professional Football Players in Germany, Italy, the United Kingdom and the Czech Republic

The thesis is, above all, a response to the still largely unresolved situation regarding the Czech legal regulation of the activities performed by professional sportspeople practising the so-called team sports. According to many opinions, it appears highly likely that professional sporting activity fully meets the legal definition of “dependent labour” which should be performed solely within labour relationships in accordance with the labour code; however, the contemporary practice is vastly different. The overwhelming majority of professional sportspeople and their clubs enter into so-called innominate contracts governed by the civil code; this approach has been explicitly found permissible by the Supreme Administrative Court within its stable case-law.

On the one hand, such practice provides the flexibility that is much needed in professional sports and is also financially beneficial for both sides. On the other hand, however, it denies sportspeople of the legal protection they would enjoy as employees. This is why there have recently been gradually intensifying calls suggesting that the *status quo* is unsatisfactory and unsustainable; this conclusion seems to be increasingly supported by the requirements set mostly by international sports organisations.

The thesis strives to find a possible solution to the aforementioned problem by using a comparative approach. It attempts to find inspiration, above all, in the legal and factual situation in three developed Western European countries – Germany, Italy and the United Kingdom; the focal point of its interest is the situation regarding football as the world’s most popular and most widespread team sport. The principal part of the thesis thus consists of a detailed and complex analysis of the particular aspects of professional football players’ legal status in the aforementioned countries; this is further complemented by a brief insight into European law and into internal regulations of the worldwide football federation, FIFA. All of these findings are contrasted with the current situation in the Czech Republic.

The final part of the thesis then provides a short overview of the previously mentioned information and, most importantly, a detailed reflection on the possible forms of the future Czech legal regulation of professional sporting (not only footballing) activity. In the first place, it reaches the conclusion that professional sportspeople should acquire the employee status

which has been enjoyed by their counterparts in all the examined Western European countries for decades.

However, due to the specific nature of professional sports, it appears almost unimaginable that the legal relationships between sportspeople and their clubs could be entirely governed by the strict regulation of the labour code. Therefore, the thesis attempts, with regard to particular Czech needs and conditions, to propose a certain form of adaptation of the Italian approach which is based on the existence of special legislation that governs and regulates certain aspects of the labour relationships of professional sportspeople differently from the general labour law. However, while the Italian example provides the most fitting model for the future Czech system, the solutions of many particular issues could also be based on the German or British regulation.

Moreover, the final part of the thesis also lists the provisions of the labour code whose application could cause practical problems in the field of professional sports and which should therefore be modified by the future special Czech legislation.

The primary goal of the thesis is to offer a certain contribution to the ongoing debate regarding the future regulation of the legal relationships between professional sportspeople and their clubs in the Czech Republic, as well as to demonstrate that the Czech legislators could definitely benefit from finding inspiration in the approaches to this field taken by other countries.