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EDITORIAL

EDITORIAL INTRODUCTION

Welcome to the first issue of the third volume of the *Sports Law, Policy & Diplomacy Journal*. When we launched the Journal in early 2023, we stated that this would not be just a marathon, but an ultra-trail. We are extremely pleased to see the numerous submissions that have been sent from all around the world throughout the year, some of which are of exceptional quality and have successfully passed external double-blinded reviews, and they are featured in this issue.

This issue is an excellent representation of the potential of the Journal. We present five papers. The first paper focuses on the theoretical overview of Sports Law with an emphasis on specific Roman Law provisions, while the second paper concerns the development of sports policy in one specific and interesting country, the Republic of North Macedonia. We are extremely pleased to have two papers presented at the annual Sport&EU conference, organised this year at the University of Naples Federico II in Naples, Italy, on 30 June and 1 July. The papers deal with two highly interesting topics, one on sport facilities as drivers of environmental legacy and sustainability, while the second deals with the social analysis in the media coverage of sport. We conclude our issue with a paper that deals with a topic that is always interesting, as it is a review of doping in sports with a special focus on India.

The Sport&EU association, as a partner of the SLPD Journal, is of paramount importance due to its not just European but worldwide network of academics and practitioners, especially young scholars who are just starting their academic careers. The SLPD Journal will always have a special place for the good quality papers presented at the annual Sport&EU Conferences.

In the end, we must highlight that thanks to the quality work of the editorial board and the editors, as well as the overall quality of the papers, the Journal has been indexed in several databases. These include SURF (German Federal Institute of Sport Science - Bundesinstitut für Sportwissenschaft), Idrottsforum.org (Malmö University, Sweden), HRČAK (Portal of Croatian Scientific and Professional Journals), HeinOnline, and ERIHPLUS (an index containing bibliographic information on academic journals in the humanities and social sciences - SSH). Our goal is to continue on this path and have the Journal indexed in other relevant databases.

The current edition of this journal once again showcases the richness of sports-related scholarship both within and outside the EU. In the end, we invite all who would like to publish with us to please submit an article. We look forward to receiving it.

Vanja Smokvina, Richard Parrish & Borja Garcia Garcia
Editors-in-Chief

ARTICLES

THEORETICAL OVERVIEW OF SPORTS LAW WITH EMPHASIS ON SPECIFIC ROMAN LAW PROVISIONS

GOCE NAUMOVSKI*

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Abstract


This work aims to elaborate on examples of legal provisions regarding sport activities in ancient Rome, due to the scarcity of literature in this domain. The analysis is focused on various institutes related to sports activities, liability, gambling, and privileges of athletes (*reparatio damni, culpa, pecunium ludere, excusationes voluntariae*) found in Justinian's Digest and the Codex. Provisions from Byzantine legal sources, including the Codex Theodosianus, are also examined. A comparison between the *quod bonum et aequum* principle and the contemporary fair play is included. The applied methods include normative, comparative, and historical. Several conclusions are articulated concerning the importance of the Roman law framework for modern sports law challenges within the European legal context.

Keywords: Roman law, History of Sports Law, Justinian's Legislation, Lex Sportiva.

1. INTRODUCTION

Sport is a profoundly important compensatory phenomenon that is crucial to contemporary culture and has infiltrated numerous sectors. Huizinga formulated the concept of "*homo ludens*" (man, the player), which pertains to sport in a more expansive philosophical context. Every culture values competition in endurance, strength, and talent.

To initiate a discussion on the functions and significance of sport within the legal framework, it is essential to first examine the origin and definition of the term. Current discourse frequently utilizes the term "sport" for its numerous modern practical applications. The Latin origins (*disportō, āre*¹, or *deportō, āre*² meaning "to carry away") highlight recreation and leisure. The archaic Italian term "disportare," derived from medieval Latin, signifies "to have fun" or "to

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1 Du Cange, Charles Du Fresne, *Glossarium mediae et infimae latinitatis, éd. augm.* (Niort: L. Favre, 1883–1887), t. 3, col. 141.

2 Egidio Forcellini, *Totius Latinitatis Lexicon* (Padova, 1771), 73.

entertain.” Additionally, the Old French terms *deporter* and *desporter* (to amuse, to delight),³ along with the Middle English word *sporten* (to divert)⁴, are considered foundational to the contemporary term “sport.” The word “sport” remains prevalent and widely utilized today.

Sport is a multidisciplinary endeavor that captivates numerous scientific fields, including biology, psychology, sociology, law, medicine, and other natural and social sciences. Although defining sport can be challenging, Coakley provides a comprehensive definition, describing it as competitive activities that require vigorous physical exertion or the application of relatively complex physical skills by individuals whose engagement is driven by a blend of intrinsic and extrinsic motivations.⁵

Sport is furthermore defined as “free physical human activity oriented towards the development of psychophysical abilities.”⁶ Consequently, in most cases of theoretical discourse, sport is categorized into (1) elite sport (focused on achieving superior competitive results), (2) school sport (integrated into physical education curricula in schools, aimed at the development of children and youth), and (3) inclusive sport (recreation, characterized as an area involving participation in sports activities aimed at relaxation and recreation, health enhancement, or improvement of personal outcomes across all demographic segments)⁷. Recognizing the significance of sport for human health underpins the formulation and execution of health promotion initiatives that emphasize sport’s vital role in maintaining human health globally.⁸

Since antiquity, individuals have engaged in diverse sports, with victors emerging as heroes. Influenced by stringent religious beliefs and the perception of earthly existence as transient, physical death, sport was frequently viewed as a brutal form of exercise during the Middle Ages. In contemporary society, the traditional conception of sport as an educational social phenomenon has evolved to include games that foster character development both physically and spiritually.

The notion of contemporary sport is ambiguous, emphasizing the athlete rather than the activity itself. From a coach’s viewpoint, sport represents a lifestyle, while for athletes, it embodies a rigorous pursuit of victory or records. Unlike sociologists and social psychologists, who perceive sport as a means to fulfill desires during competitive encounters, sports enthusiasts are attracted to events due to the unpredictability of the competing teams’ outcomes. Additional challenges confronting modern sport include match-fixing, substance abuse, and athletes exploiting their positions for personal gain. To restore the positive attributes of sport as a structured endeavor, contemporary society must strive to prevent and combat negative behaviors. The standards of sports legislation serve as a crucial instrument in achieving this objective.

3 Frederic Godefroy, *Dictionnaire de l’ancienne langue française et de tous ses dialectes du IXe au XVe siècle, Tome deuxième* (Paris: Casteillon-Dyvis, F. Vieweg, 1883), 517, 634.

4 Simon Gardiner, John O’Leary, Roger Welch, Simon Boyes, and Urvasi Naidoo, *Sports Law* (London: Routledge, 2012), 13, <https://doi.org/10.4324/9780203180884>.

5 Jay Coakley, *Sport in Society: Issues and Controversies*, (New York: McGraw-Hill, 2021), 4-13.

6 Branislav Nešić, *Sportsko pravo* (Beograd: Sportska Akademija, 2020), 70.

7 Ibid, 71–72.

8 Bojan Jorgić. Marko Aleksandrović, Filip Mirić, Hristina Čolović and Lidija Dimitrijević, *Holistički pristup adaptiranoj fitičkoj aktivnosti* (Niš: Fakultet sporta i fizičkog vaspitanja Univerziteta u Nišu, 2020), 8.

2. SPORTS LAW AS A LEGAL FIELD AND ACADEMIC DISCIPLINE

Given the aforementioned characteristics, the legal regulation of sports has prompted the establishment of a specialized field known as sports law.⁹ This discipline is increasingly attracting interest from scholars in general and specifically within the field of legal theory, especially regarding the role of sports law in the legal system and its practical applications.

In this context, sports law has specific connections with the following legal domains: civil law (issues pertaining to sports property in general, specifically sports field ownership); commercial and corporate law (management of sports clubs); intellectual property law (industrial property and copyright, particularly concerning broadcasting rights); labor law (transfer and movement of athletes); criminal law (notably related to doping and offenses occurring at sporting events); public international law; private international law; and others.

The central inquiry facing legal scholars due to the aforementioned circumstances is whether sports law belongs to the private or public domain. Specifically, considering the extensive societal influence and public function of sport, does sports law pertain to public law,¹⁰ or is it categorized under private law due to the prominence of regulations arising from individual interests?¹¹ According to a third interpretation, sports law is a legal discipline *sui generis*, emphasizing its independent nature. This perspective underscores the field's multidisciplinary character and illustrates how both public and private law have shaped the development of sports law. This notion advocates for sports law as a distinct legal area that equally encompasses both public and private law. Legal scholarship further corroborates this assertion.

3. THE CONCEPT OF LEX SPORTIVA

Lex sportiva encompasses various definitions within contemporary sports legal science. The majority of sports law scholarship outlines that lex sportiva is a set of rules created by international organizations through contracts, meaning it gets its authority from national federations agreeing to follow it.¹²

The essence of this system, having a "judge-made sports law" dominant feature, is condensed in the decisions delivered by the Court of Arbitration for Sport (CAS), which have proliferated to the extent that a distinct set of principles and regulations has been established to govern sports.¹³

9 In contemporary science, there is a dilemma which of the two terms Sports law or Law in sports is more appropriate. The first term is generally used by legal science, while the second is present in sports sciences.

10 Goce Naumovski, "The Importance of Certain Roman Law Solutions for Contemporary Sports Law", *2nd FIEP Congress, Proceedings* (2004): 482.

11 It seems that the assertions deriving from the individual interest criterion given the private law definition has a theoretical foundation in the public and private law distinction provided in legal theory: *Publicum ius est quod ad statum rei Romanae spectat, privatum quod ad singulorum utilitatem pertinet* (Inst, 1.1.1, 2)

12 Nenad Djurdjevic, Miodrag Micovic, and Zoran Vukovic, *Ugovori u Sportu*, (Kragujevac: Pravni fakultet, 2014), 1-10.

13 Lorenzo Casini, "The Making of a Lex Sportiva by the Court of Arbitration for Sport", *German Law Journal* 12, no.5 (2011): 1317-1318, <https://doi.org/10.1017/S2071832200017326>.

Lex sportiva is expansively referred by Panagiotopoulos as a legal order that integrates state-adopted law and the regulations established by national and international entities governing organized sport¹⁴. Thus, it is characterized as non-national law that asserts direct and preferential application alongside national sports legal frameworks, serving as the quintessential law in the realm of sports.¹⁵ This simultaneously embodies lex sportiva regulations with an autonomous and global character.¹⁶

Because international arbitration is important, many experts believe that lex sportiva is the best way to develop a separate, worldwide sports law that includes rules from federations, traditions, and general principles.¹⁷

A comprehensive approach developed by Valero¹⁸ suggests that one of the most appropriate definitions of lex sportiva would be “*general principles of the regulations of sport shared by the sports community*.” In this case, the concept of lex sportiva would be easy to comprehend by sport participants appropriate to external entities, and relevant for sports disputes decision makers. With this determinant, lex sportiva principles would serve as a crucial instrument for standardizing sports legislation and safeguarding the essence of self-regulation from other influences.¹⁹ The characteristics of lex sportiva regarding its advantageous application closely resemble the benefits obtained from the implementation of the lex mercatoria idea in emerging legal spheres.²⁰

4. ROMAN LAW ORIGINS OF SPORTS LAW

Examining previous legal sources can significantly enhance the validation, evolution, and expansion of sports law as a distinct legal discipline. This stance encompasses various elements. The utilization of the historical method in the analysis of legal phenomena related to sports is particularly crucial, considering the essence of historical legal scholarship.

Investigating various historical legal and socioeconomic contexts is essential for deriving conclusions regarding contemporary sports law, encompassing ancient statutes,²¹ medieval jurisprudence, and modern legal history. As previously mentioned, a primary challenge lies

14 Dimitrios Panagiotopoulos, *Sports Law, Lex Sportiva & Lex Olympica* (Athens: Biblioedit, 2017), 105.

15 Loc cit.

16 Miloš Galantić, “Lex sportive —Origin and Meaning of the Term”, *Themes*, 39, edition 2 (2015): 559-577.

17 Frédéric Buy, Jean-Michel Marmayou, Didier Poracchia, and Fabrice Rizzo, *Droit du Sport* (Paris: LGDJ, 2015), 38.

18 Alfonso Valero, *In search of a working notion of Lex Sportiva*. Nottingham Trent University Repository (2014), 11-14, https://irep.ntu.ac.uk/id/eprint/21420/1/218313_1342.pdf.

19 Ibid.

20 The comparison between lex sportiva and lex mercatoria, regarding historical background and future challenges is elaborated by Kolev, see: Boris Kolev, “Lex Sportiva And Lex Mercatoria”, *The International Sports Law Journal* 1-2, (2008): 57-62.

21 For instance, the 1933 discovery of the Maenad, a diminutive bronze statue representing a dancer-adherent of Dionysus, in the heart of Tetovo exemplifies the importance of sport and dance, along with the governance of these pursuits, for contemporary Macedonian culture, illustrating its continuity from antiquity to the present. Its portrayal in a dancing posture is believed by numerous scholars to resemble the modern folk dance termed “Tresenica” from the Mariovo region, characterized by a 2/4-time signature. See: Katica Dimova, “Za tancot na Tetovskata Menada”. *Prilozi za istorijata na fizičkata kultura na Makedonija* Komitet za fizička kultura na SRM, 4 (1978):109-112.

in determining the positioning of sports law within the private law framework as an emerging discipline.

Mens sana in corpore sano (a sound mind in a healthy body)²² is a Roman proverb that best illustrates the importance of physical activity in ancient Roman civilization. Trigon, which resembles baseball or softball; harpastum, which resembles American football; pila (passing a ball to a person in the middle, trying to catch it); and expulsiu ludere, which is a variation of modern-day handball, were some of the most significant sports games. Wrestling was the most important individual sport. However, in addition to the gladiator contests, the chariot races, that took place at "Circus Maximus (the Great Circle)" in Rome, were one of the purported expressions of "panem et circenses (bread and games)." Since gladiators were individuals to whom a particular civic penalty—*capitis deminutio maxima*—was applied, i.e., they were denied their freedom and citizenship, making their position quite distinctive. Due to the lack of a humanistic component to the conflict, as well as the principles of *ius quod ad personas pertinet* (the law that refers to persons), it is hard to identify these individuals with free individuals who engage in sports.²³

This sufficiently justifies the examination of Roman legal texts governing athletic activities, especially since Roman law plays a crucial role in general sports law, as it constitutes the systematic foundation of contemporary private law in jurisdictions belonging to the Roman-Germanic legal family.²⁴

Roman caustics has produced various solutions pertinent to numerous circumstances indirectly associated with sports, rendering its significance noteworthy. Most of these options could be easily implemented by national legislatures without significant obstacles. The limited connection of these solutions to sports offers an opportunity to uphold philosophical principles aimed at preventing any form of abuse within the realm of sports.

Certain sports law scholars examine Gualazzini's notion of "certamina" (contest, conflict, rivalry, clash) within the context of Roman law.²⁵ This idea suggests that Roman law provides rules for competitions in legal documents, and each kind of sport has its own set of rules called *ordo certaminis*. The "ordo certaminis" delineates the obligations and entitlements of both organizers and competitors.²⁶

Scholars of Roman law have infrequently examined the legal stipulations concerning athletes' status and other sports-related issues in Ancient Rome throughout the three phases of the development of Roman state and law.²⁷ Nevertheless, an examination of various Roman legal sources reveals certain facts regarding the status of athletes and the regulations that were

22 Juvenal, 10.356.

23 Naumovski, "The Importance of Certain Roman Law Solutions for Contemporary Sports Law", 482.

24 Goce Naumovski, Mirjana Polenak-Akimovska, and Vasko Naumovski, "Roman Law and The Foundations of Contemporary Sports law: The Approach of Justinian's Legislation", *Research in Kinesiology* 39, no. 2 (2011): 197–200.

25 Andreu Camps Povill, and Joan Charles Buriel-Paloma, *Origin of Sports Law. Fundamental Principles of Sports Law. Tempus JEP Lectures and Summaries of the Intensive Course* (Sofia: National Sports Academy, 1998):1-20.

26 Loc cit.

27 Mario Amelotti, "La posizione degli atleti di fronte al diritto Romano", *Studia et Documenta Historiae et Iuris*, 32 (1955): 123–156.

(or were not) enforced in sporting contexts. The analysis of these historical solutions may enhance contemporary legal frameworks for sports.²⁸

An analysis of Justinian's legislation²⁹ indicates that legal complexities associated with sports were appropriately incorporated into the emperors' legislative initiatives, characteristic of post-classical Roman law. The solutions were primarily categorized into two groups: those concerning the status of athletes within Roman society and those pertaining to the regulation of sports events and their influence on daily life. The sources of Roman law have intricately connected both categories of solutions with remarkable sophistication and finesse.³⁰

The primary characteristic of the Digest is its presentation of specific cases as analyzed by classical jurisprudence. Consequently, the Digest aims to effectively implement and harmonize these institutions, thereby facilitating the successful realization of collective interests. In the realm of sporting events, the *reparatio damni* rule exemplifies this tendency. One provision of the Digest addresses the circumstances under which an athlete, such as a boxer or wrestler, may be absolved of liability for the death of an opponent during a public contest. This scenario pertains to the exemption from the rules governing claims for damages (*reparatio damni*), as established by *Lex Aquilia de damno*:³¹

Fig. 9.2.7.4 (Ulpianus 18 ad ed.):

Si quis in colluctatione vel in pancratio, vel pugiles dum inter se exercentur alius alium occiderit, si quidem in publico certamine alius alium occiderit, cessat aquilia, quia gloriae causa et virtutis, non iniuriae gratia videtur damnum datum. hoc autem in servo non procedit, quoniam ingenui solent certare: in filio familias vulnerato procedit. plane si cedentem vulneraverit, erit aquiliae locus, aut si non in certamine servum occidit, nisi si domino committente hoc factum sit: tunc enim aquilia cessat.

Where anyone in a wrestling match or in a wrestling and boxing contest or where two boxers are engaged, kills another; and he does so in a public exhibition, the Lex Aquilia will not apply, because the damage must be considered to have been committed for the sake of renown and courage, and not with the intent to cause injury. This, however, is not applicable to the case of a slave, since

28 In this study, regarding Justinian's legislation sources the redactions of Mommsen, Scott and Parr are used as the basis for the analysis: Theodor, Mommsen, *Iustiniani Digesta Retractavit Paulus Krueger* (Corpus Iuris Civilis: Berlin, 1908); Clyde Pharr, *The Theodosian Code and Novels and The Sirmondian Constitutions A Translation with Commentary, Glossary and Bibliography* (New Jersey: Princeton University Press, 1953); Samuel P. Scott, *The Code of Justinian* (Cincinnati: The Central Trust Company, 1932).

29 Justinian I (482–565), originally named Petrus Sabbatius and born in Tauresium (present-day Taor near Skopje), is a notable figure in the annals of legal and cultural heritage. His legal codification, known as *Corpus Iuris Civilis*, is esteemed as a significant advancement in the evolution of contemporary legal science, especially in private law.

30 Naumovski, Polenak-Akimovska, and Naumovski, "Roman Law and The Foundations of Contemporary Sports Law: The Approach of Justinian's Legislation", 197–200.

31 *Lex Aquilia de damno* is a source of old Roman law (enacted in 287 B.C.) for the purpose of regulation of compensation of damages, i.e., obligations deriving from torts. However, in the specific case, the death or the injury should have been done without intention and only because of "reasons of courage and glory." This provision had exclusive validity for persons that had the right to participate in such contests (persons that had at least status *libertatis*), but it also used to be applied for an injured son, if he was under *patria potestas*, although he was not a person *sui iuris*. *Lex Aquilia de damno* was applied, which means that the injurer was responsible for the damage, if the injured was wounded during his withdrawal from the fight. Such legal frame would allow the Roman judge to determine the truth and the degree of guilt of one of the fighters and by that to solve the matter.

freeborn persons are accustomed to take part in such contests, but it does apply where the son of a family is wounded. It is evident that if one party inflicts a wound while the other was retiring, the Lex Aquilia will be applicable; or if he kills a slave where there is no contest, unless this is done at the instigation of the master; for then the Lex Aquilia will not apply.

Certain sections of the Digest meticulously examine fatalities and injuries stemming from sporting events. If a ball strikes the hand of a barber shaving a slave during a game, resulting in the razor cutting the slave's throat, the barber is anticipated to be deemed negligent, as he is partially accountable for operating his business in a location where a ball is commonly played. Nevertheless, the individual being shaved also shares some culpability, having consented to be shaved in such a perilous environment.³²

Dig. 9.2.11 pr. (Ulpianus 18 ad ed.):

Item Mela scribit, si, cum pila quidam luderent, vehementius quis pila percussa in tonsoris manus eam deiecerit et sic servi, quem tonsor habebat, gula sit praecisa adiecto cultello: in quocumque eorum culpa sit, eum lege aquilia teneri. proculus in tonsore esse culpam: et sane si ibi tondebat, ubi ex consuetudine ludebatur vel ubi transitus frequens erat, est quod ei imputetur: quamvis nec illud male dicatur, si in loco periculoso sellam habenti tonsori se quis commiserit, ipsum de se queri debere.

Mela also says that if, while several persons are playing ball, the ball having been struck too violently should fall upon the hand of a barber who is shaving a slave at the time, in such a way that the throat of the latter is cut by the razor; the party responsible for negligence is liable under the Lex Aquilia. Proculus thinks that the barber is to blame; and, indeed, if he had the habit of shaving persons in a place where it is customary to play ball, or where there was much travel, he is in a certain degree responsible; although it may not improperly be held that where anyone seats himself in a barber's chair in a dangerous place, he has only himself to blame.

Only certain sports disciplines are involved in the debate over awards related to potential liabilities from sporting events. Awards were anticipated solely when the objective of the game was to exhibit valor. The legal term for these contests was "pecuniary games" (*pecunium ludere*):

Dig. 11.5.2.1 (Paulus 19 ad ed.):

Senatus consultum vetuit in pecuniam ludere, praeterquam si quis certet hasta vel pilo iaciendo vel currendo saliendo luctando pugnando quod virtutis causa fiat:

A Decree of the Senate forbids playing for money, except where the parties contend with spears, or by throwing the javelin, or in running, leaping, wrestling, or boxing, for the purpose of displaying courage and address:

Competing for monetary gain was prohibited in all other contexts. Athletes could obtain loans from the Digest, but repayment (with appropriate interest) was only obligatory upon their success:

32 Naumovski, Polenak-Akimovska, and Naumovski, "Roman Law and The Foundations of Contemporary Sports law: The Approach of Justinian's Legislation", 197-200.

Dig. 22.2.5pr. (Scaevola 6 resp.):

Periculi pretium est et si condicione quamvis poenali non existente recepturus sis quod dederis et insuper aliquid praeter pecuniam, si modo in aleae speciem non cadat: veluti ea, ex quibus conditiones nasci solent, ut " si non manumittas," " si non illud facias," " si non convaluero" et cetera. nec dubitabis, si piscatori erogaturo in apparatus plurimum pecuniae dederim, ut, si cepisset, redderet, et athletae, unde se exhiberet exerceretque, ut, si vicisset, redderet.

The price is for the risk incurred, and resembles the case where you are entitled to receive what you paid and something besides, under a condition (even though it be a penal one) which was not fulfilled, provided it does not depend upon chance; for instance, one from which personal actions are accustomed to arise, as, "If you manumit a slave, if you do not perform a certain act, if I do not recover my health," etc. There will be no doubt that if, in order to equip a fisherman, I give him a certain sum of money on condition that he will repay me if he makes a good catch; or if I furnish money to an athlete in order that he may exhibit himself and practice his profession; on condition that, if he is successful, he will repay it.

In other words, the inclusion of such a clause in contracts underscores the exceptional caliber of Roman athletes.³³ The existence of financial assistance mechanisms illustrates the origins of contemporary sponsorship agreements.³⁴

Roman society granted athletes exceptional privileges and esteemed status. Various stipulations in Roman statutory law substantiate this assertion. Athletes who received a crown in the so-called sacred games were exempt from the guardianship obligation:

Dig. 27.1.6.13 (Modestinus 2 excus.):

Ulpianus libro singulari de officio praetoris tutelar is ita scribit: athletae habent a tutela excusationem, sed qui sacris certaminibus coronati sunt.

Ulpianus, in his Book on the Duties of the Praetor having Jurisdiction of Guardianship, writes as follows: "Athletes are entitled to exemption from guardianship, but only such as have been crowned in the Sacred Games."

Practically, this constituted a form of *excusatio voluntariae*, permitting qualified individuals capable of providing tutelage (guardianship) and engaged in "free professions" to evade the duty upon their request.

The Justinian's Code (Codex) explains the specific and unambiguous stance of state restrictions on sports activities and related issues while also restating the core remedies put forth in the Digest. An extension of the Digest's rule regarding guardianship, the fourth book of the Codex contains a separate titulus (fifty-fourth) dedicated to athletes, also known as "De Athletis (On Athletes)":

33 Henry, W. Pleket, "Greek sport and Greek athletes", *The International Sports Law Journal* 5/6, (2001): 4–5.

34 Naumovski, Polenak-Akimovska, and Naumovski, "Roman Law and The Foundations of Contemporary Sports law: The Approach of Justinian's Legislation", 197–200.

CJ.10.54.1: *Imperatores Diocletianus, Maximianus*

Athletis ita demum, si per omnem aetatem certasse, coronis quoque non minus tribus certaminis sacri, in quibus vel semel romae seu antiquae graetiae, merito coronati non aemulis corruptis ac redemptis probentur, civilium munerum tribui solet vacatio. DIOCL. ET MAXIM. AA. ET CC. HERMOGENI. *<A XXX >

It is the custom to exempt from civil duties those athletes who are proved to have won not less than three crowns in formal contests during their entire lives (one of which must have been obtained in Rome, or ancient Greece), and who have not been defeated, and deprived of their crowns by their competitors.

This provision contains the rule exempting athletes from all civic duties. However, the primary need for the rule's implementation was for the athletes to have won (bested) at least three official competitions in their lifetime. Rome or ancient Greece should have been the site of at least one of the crowns won. The systematization of conflicts in ancient Rome was the source of this explicit need. Pleket discusses this rule, similar to the one in the Digest, which ranks games into four types of "sacred, crown" games: the Olympic, Nemean, Pythian, and Isthmian Games, which were recognized and noted in Justinian's legislation.³⁵

Byzantine law, as a continuation of Roman law, has maintained the previously mentioned regulations. The rivalry between the "Blues" and the "Greens," the two principal factions in the quadrigae, alongside the Reds and Whites, underscores the profound importance of sports in the Byzantine Empire. Schrodtt asserts that in the realm of sports, particularly chariot racing and other competitions, "Byzantine circus factions were more than mere sporting associations" and "they embodied the political, religious, economic, and social divisions of the populace of Constantinople, forming an urban militia that significantly influenced the city's history."³⁶ This phenomenon has been widely recognized throughout the empire due to its institutionalization within the state administration, which was predominantly controlled by the Blues and Greens, resulting in the obsolescence of the Reds and Whites.³⁷ While venationes continued, new sports emerged, including the tyzkanion, a Persian tschougan, which is the precursor to modern polo.³⁸

In this context, of particular importance is the decree issued by Theodosius I (Theodosius the Great) in 399:

CTh.16.10.17:

De paganis, sacrificiis et templis: Ut profanos ritus iam salubri lege submovimus, ita festos conventus civium et communem omnium laetitiam non patimur submoveri. Unde absque ullo sacrificio atque ulla superstitione damnabili exhiberi populo voluptates secundum veterem consuetudinem, iniri etiam festa convivia, si quando exigunt publica vota, decernimus.

Just as We have already abolished profane rites by a salutary law, so We do not allow the festal

35 Henry, W. Pleket, "Greek sport and Greek athletes", 4-5.

36 Barbara Schrodtt, "Sports of the Byzantine Empire", *Journal of Sport History* 8, no. 3 (1981): 41.

37 Ibid., 48-49

38 Ibid., 52-55.

assemblies of citizens and the common pleasure of all to be abolished. Hence, We decree that, according to ancient custom, amusements shall be furnished to the people, but without any sacrifice or any accursed superstition, and they shall be allowed to attend festal banquets, whenever public desires so demand.

Another interesting point to consider is the (non)confirmed existence of a decree that forbids the Olympic Games, which remains a challenge for contemporary historians, particularly in light of the Theodosian Code (438), enacted under Theodosius II, which prohibited the prohibition of pagan activities, and the fact that the last Olympic Games occurred in 405 or 433.³⁹

5. CONCLUSION

The examination of concepts and issues regarding social phenomena in both ancient and contemporary contexts reveals philosophical parallels between the legal and athletic domains. A principal focus within Roman law is the evolution of legal principles in the period of *ius honorarium*, which contrasted with the earlier *ius civile antiquum* (strict and formal law). This period saw the reaffirmation of legal philosophy through the elevation of Greek thought, asserting that morality, law, and equity stem from human nature. The prevailing tenet of classical Roman law was *quod bonum et aequum est* (good and equitable). Consequently, law was defined as the “art of good and equal” (*ars boni et aequi*).

Therefore, the field of sports law has codified several principles that have been significant for both sports and legal (Roman) history. A. C. Povil and J. C. B. Paloma outline the following principles: (1) fair play, which includes athletes’ loyalty and honesty; (2) equality of contestants and conditions (prohibition of using illegal methods and substances); (3) prevention of discrimination based on gender, race, and other factors; (4) organizational autonomy of sports structures in relation to the state; and (5) unique sport federations, in which the one state-one federation principle is adopted.⁴⁰ The first three principles, with their profound philosophical undertones, undoubtedly align with the Roman legal tenet of “*quod bonum et aequum*.”

The historical provisions of sports activities examined above further demonstrate the universality of Roman law, especially regarding European legal unity. The trend of the “re-europeanization of European legal science” is likely to continue to manifest in European sports law due to the nature of the European *ius commune* and the adaptability of Roman law.⁴¹

In this context, the above analysis above has shown that for the societal goal of sport activities to be realized, it is essential that athletes, coaches, sports clubs managers, and other participants all possess the qualities of good faith, honesty, and equity. Ulpian’s maxim, “*luris praecepta sunt haec: honeste vivere, alteram non laedere, suum cuique tribuere*” (the precepts of the law are these: to live honestly, not to injure another, and to give to each one that which is his), is perhaps the best evidence for the eternal validity of equity in sports law theory and practice.

³⁹ *Loc cit.*

⁴⁰ Povil, and Paloma, “*Origin of Sports Law. Fundamental Principles of Sports Law*”, 1-20.

⁴¹ Reinhard Zimmerman, “*Roman Law and Harmonization of Private Law in Europe*”, Towards a European Civil Code (Nijmegen: Kluwer Law International, 2004), 21-23.

Subsequent research utilizing qualitative methods and analyzing additional historical sources, particularly from the medieval period, would enhance the theoretical framework. This, in conjunction with quantitative methods and empirical jurisprudence concerning contemporary legislation, would contribute to implementation of impartial and reliable scientific results in addressing the modern challenges of sports law.

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DEVELOPMENT OF SPORTS POLICY IN THE REPUBLIC OF NORTH MACEDONIA

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Abstract



In the Socialist Republic of Macedonia, physical culture was an integral part of cultural and social policies, dominantly structured, planned, and implemented by the public sector and closely aligned with the sports movement. With the decline of former Yugoslavia and the self-management system, North Macedonia aimed to develop a more autonomous sports system, transitioning from the interventionist model of organizing and financing sports (a model found in most post-socialist social systems) to a non-interventionist model (a model found in the classic capitalist social systems of Great Britain and the United States of America). This was perceived as an excellent opportunity for redefinition and improvement in all its segments: games, results, structure, and management. That said, this paper aims to provide an overview of the key phases of sports policy development.

Keywords: Republic of North Macedonia, Sports law, Macedonian sport, Legal status.

1. INTRODUCTION

North Macedonia emerged from the dissolution of Yugoslavia during the 1990s, undergoing a transition from a socialist-based to a market-based economy and a pluralization of the political system.¹ In sports, this transition marked an attempt to dismantle state-centric policy development toward a non-interventionist model to address a number of systemic challenges, including the financial sustainability of leading sports clubs. Despite efforts to adjust the legal framework and develop a new institutional framework, these challenges remained greatly unresolved.² In the familiar transitional environment with insufficient economic growth,

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1 Marko Begović, *Sports Policy and Politics in the Western Balkans* (London: Routledge, 2024), <https://doi.org/10.4324/9781003246992>.

2 Marko Begović, "The Development of Sport Policy in Montenegro," *International Journal of Sport Policy and Politics* 12, no. 2 (2020): 321–330, <https://doi.org/10.1080/19406940.2020.1719186>.

sports are still viewed as the most important side job. In general, it could be concluded that the country operates under the first model of local development, which is non-integrated and yields weak economic effects. This is indirectly indicated by observations and experiences from the current local development projects in several municipalities, which serve as initial support for decentralization and good governance in the country. Namely, it is known that the decentralization process in the Republic of North Macedonia started in 2005, granting municipalities new rights and obligations. Among other things, one of the main points of this process is local economic development, crucial for the sustainability of municipalities and a benchmark for the success of decentralization.

Sports organizations acquire their legal status by registering with the Central Registry of the Republic of North Macedonia, and following the Law on Associations and Foundations, which establishes the legal legitimacy of the organization and the acquisition of status as a legal entity. Additionally, compliance with the Law on Sports is required to regulate the conditions and procedures for sports activities, manage sports facilities owned by the Republic of North Macedonia, and address other important sports related issues.

For many years, as a relic of the past social system of regulation, the sports system was organized and developed with state aid. This interventionist way of financing, provided by the state or local authorities, has seemingly generated solid sports results for the public. Still, the majority of sports teams face financial collapse and serious organizational problems. For example, the women's handball club ŽRK Kometal - Gjorce Petrov, which became the European handball champion in 2002, no longer exists. Similarly, the football club Vardar, the largest sports brand in Macedonia, faces the same financial problems every year due to issues with management and functioning.

In the Republic of North Macedonia, there has always been a strong foundation for institutional solutions in sports including sports organizations federations, clubs and associations), eradication of corrupt activities in sports, solving the problem of personnel potential and the organizational structure of sports, its legal and systemic organization, as well as establishing a new management course in sports and sports organizations.³

The financing of sports is one of the basic tools for its efficient functioning and existence. Anyone who follows the developments in sports financing knows that for many years, as a relic of the past, the sports system in our country relied on significant appropriations by the state or local government towards sports.⁴ However, a few years ago, institutional efforts began to restructure the sports system from an interventionist to a non-interventionist model.

2. A HISTORICAL OVERVIEW OF THE DEVELOPMENT OF SPORTS POLICY IN THE REPUBLIC OF NORTH MACEDONIA

Departing from the concept of physical culture, the 1996 Law on Sports marked the first legislative effort to reduce centralist and interventionist concepts in sports. It allocated broader jurisdictions and appropriate competencies to the sub-national public sector, such as local

3 Ivan Anastasovski, and Lazar Nanev, *Sport in Society* (Skopje: GI GLOBAL, 2013), 11.

4 Lazar Nanev, Gordana Lažetić Ivan Anastasovski, and Fetai Fatime, *Voucher – A Way of Financing Sports or a Source of Corruption* (Skopje: Geostrategic Institute GLOBAL, 2022), 1.

communities and municipalities.⁵ The logic behind this legal solution aimed at decentralizing governance of the public sector in order to improve mass participation of young people in organized physical activity, increase the direct engagement of local communities in the development of sports infrastructure, and strengthen the autonomy of sports.⁶ However, in the familiar transitional environment with insufficient economic growth, sport is still viewed as the most important side job.

The decentralization process in the Republic of North Macedonia started in 2005, granting municipalities new rights and obligations. Among other things, one of the main focuses of this process is local economic development, which is crucial for the sustainability of municipalities and serves as a benchmark for the success of decentralization.

The development of sports in the Republic of North Macedonia is conditioned by a set of measures that must be implemented in education, fiscal policy, the legal system, financing, and international cooperation. The current situation in sports and sports organizations in our country is not up to par for several reasons. Firstly, there is inadequate management of sports federations. Secondly, sports facilities are in poor condition, and thirdly, the normative aspect plays an important role in the proper functioning of sports and sports organizations as a whole.

3. LEGAL FRAMEWORK (SPORT LAW) FOR THE DEVELOPMENT OF MACEDONIAN SPORTS OVER THE YEARS

Sports law is one of the newest branches of the legal system, determined by fundamental principles and specific normative solutions from constitutional, civil, criminal, and administrative law, among other branches of law.⁷ Due to this, the totality of sports law, with its modifiability, has led to the unification of the aforementioned segments into a separate systemic whole primarily driven by practical needs.

As a distinct branch of the legal system, sports law represents a systematized set of regulations within the sports system and activities. The science of sports law refers to a system of legal concepts related to sports, sports organizations, sports activities, athletes, sports infrastructure, and legal procedures concerning the exercise of rights in sports and the performance of sports activities.⁸ Since the early 21st century, the legal systems of states have recognized and accepted sports law and sports regulations, making it a social reality. The existing regulations that regulate the matter of sports in fact show that the state aims to protect and promote the values inherent in sports through legal regulation of sports and sports activities.

The sources of sports law are numerous. The internationalization of sports has made

5 Ivan Anastasovski, "Recommendation for development in sport in the Republic of North Macedonia", 2020, <https://respublica.edu.mk/blog/javen-interes/2017-10-03-09-48-22/>.

6 Marko Begović, "Sports and Social Cohesion: The Case of the Western Balkans," *Current Issues in Sport Science* 10, no. 1 (2025): 1-16, <https://doi.org/10.36950/2025.10ciss007>.

7 Ivan Anastasovski, and Lazar Nanev, *Sport and Law* (Skopje: UKIM, 2011), 61.

8 Michal Kralik, "Civil liability of sports participants for sports-related injuries in the Czech Republic," *Sports Law and Governance Journal* 1, no. 1 (2015): 1-7, <https://doi.org/10.53300/001c.6408>.

international law a crucial influence, dominating and being particularly emphasized in this area. In addition to the sources of sports law that are the result of the work of international organizations and legislative bodies of individual states, there are also numerous documents such as "general legal acts" from transnational-international non-governmental sports organizations and national sports organizations that adopt and prescribe sports rules. These rules include "rules for competition, rules for the organization, and conduct of sports competitions in individual disciplines," as well as sanctions for possible non-compliance with them.⁹

Alongside the numerous sources of sports law, the laws that regulate sports matters in a country are considered the most important sources of sports law. This is primarily because they are regulations adopted by the state, that is, the highest legislative body, and because these laws legally regulate the structure of the sports system within individual countries and prescribe the basic rights and obligations of the subjects of that system.

In addition, the laws that regulate sports within national borders represent basic sources of sports law, even though their provisions define sports as a public interest, prescribe provisions for both the governmental and non-governmental sports sectors within the sports system, and determine methods for financing the realization of the public interest in the field of sports.

A source of law in the formal sense of the word is a general legal act adopted in written form by a competent state body. Given the fact that sports law is a positive legal discipline, its sources are constitutional and legal regulations, as well as international documents.

3.1. THE MOST RELEVANT DOMESTIC AND INTERNATIONAL SOURCES OF LEGISLATION IN SPORTS IN MACEDONIA

Starting with the importance of individual domestic legal acts in sports law, domestic sources will be presented according to their significance of the legal acts in the context of sports law as the main and secondary sources.

The main domestic sources are:

- a) The Constitution of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 52/91) and Amendment XVII (Official Gazette of the Republic of Macedonia No. 91/01). The Constitution of the Republic of Macedonia, in the section on fundamental freedoms and rights of man and citizen, in Article 20, guarantees the citizens of the Republic of Macedonia the freedom of association to exercise and protect their political, economic, social, cultural, and other rights and beliefs.¹⁰ Within the framework of the realization of economic, social, and cultural rights, the Constitution of the Republic of Macedonia also emphasizes that the state encourages and supports technical culture and sports, which are fundamental for changing the position and role of the state and creating a completely

9 Goce Naumovski, Marija Ignjatovic, Dimitri Chapkanov, and Goran Stankovic, *Sports law in Macedonia* (Alphen aan den Rijn: Wolters Kluwer, 2023).

10 The Constitution of the Republic of Macedonia, Official Gazette of the Republic of Macedonia, no. 29 of 07.05.2002, with the amendments and supplements published in ("Official Gazette of the Republic of Macedonia" no. 66/04, of 01.10.2004, no. 81/08 of 7.07.2008, no. 18 of 14.02.2011 and no. 51 of 13.04.2011.

different value system and attitude towards sports. Additionally, under Amendment XVII, a guarantee is provided by which in local self-government units citizens directly or through representatives participate in decision-making on issues of local importance, especially in the areas of public services, urban and rural planning, environmental protection, local economic development, local financing, communal activities, culture, sports, social and child protection, education, and health care, and other areas determined by law. This indicates a new dimension of sports and the obligation of citizens to participate in sports activities, with the state creating legal assumptions for participation in sports.

- b) The Law on Sports (Official Gazette of the Republic of Macedonia No. 29/02) is a law that comprehensively regulates the entire area of sports law. It regulates the conditions and manner of performing sports activities to promote the public interest in sports within the jurisdiction of the Republic of Macedonia, municipalities, and the City of Skopje. The law also addresses the management of sports facilities owned by the Republic of Macedonia, municipalities, and the City of Skopje, as well as other issues of importance for sports. The Law on Sports attempts to comprehensively define what constitutes sports. According to this law, sports include activities that encompass all forms of sports activities for athletes of all ages, as well as sports and recreational activities for citizens. These activities are carried out by sports associations and other legal entities in the field of sports. Other legal entities, as defined by this law, include sole proprietors and trade companies registered to conduct sports activities, as well as legal entities that, in addition to being registered for activities in other fields, are also registered for performing sports activities.
- c) The Law on Associations and Foundations (Official Gazette of the Republic of Macedonia, No. 52/10). This law regulates the manner, conditions, and procedures for the establishment, registration, and termination of associations, foundations, unions, and organizational forms of foreign organizations in the Republic of Macedonia. It also covers the property they own, supervision, status changes, and the status of organizations of public interest. This law constitutes the basis for the formation of an association, which is the first step in establishing a sports organization, and it defines the entire procedure.

A. Secondary domestic sources

Secondary domestic sources are those that regulate individual sports areas but contain provisions of a sporting nature. They include:

- a) Statutes of sports federations and organizations,
- b) Rules for competition in individual sports,
- c) Disciplinary regulations, and
- d) Other acts adopted by sports federations and organizations.

B. International sources of sports law

International sources of sports law are, as a rule, international documents that are important for sports law and the possibility of their direct application.¹¹

Given their specificity, international documents adopted by international sports organizations are mandatory for sports federations and organizations. These include:

- 1. The International Convention against Doping in Sport, adopted on 19 October 2005,
- 2. Nordic Anti-Doping Convention of 1985,

11 Marko Begović, "Sports Law in Montenegro: Origins and Contemporary Development," *Entertainment and Sports Law Journal* 19, no. 1 (2021): 1-8, <https://doi.org/10.16997/eslj.912>.

3. The International Convention against Doping in Sport 2, prepared by UNESCO,
4. The Council of Europe Anti-Doping Convention and the Additional Protocol to the Council of Europe Anti-Doping Convention,
5. The Council of Europe Anti-Doping Convention 7, adopted in Strasbourg, 16 November 1989,
6. The International Convention against Doping in Sport, adopted on 19 October 2005 at the Paris Conference of the thirty-first General Session of UNESCO,
7. The European Union Action Plan to Combat Doping 2000-2004, adopted by the Council of Europe,
8. The European Charter on Sport, adopted by the Committee of Ministers of the member states of the Council of Europe,
9. The European Charter on Sport for All, adopted by the Committee of Ministers of the member states of the Council of Europe,
10. The EU Declaration on the Specific Characteristics of Sport and the Social Function of Sport in Europe,
11. Conclusions of the First EU Conference on Sport, in which the "European Model of Sport" was defined.

3.2. DEVELOPMENT AND SIGNIFICANCE OF SPORTS STANDARDS

Sport as a special social sphere, in which certain sports relations occur, is regulated by special sports regulations-sports standards. Sports rules are typically adopted by international or national bodies or institutions.

Sports law generally regulates the activities of two groups:

1. Firstly, it regulates the internal organization of all organizations and institutions to ensure the efficient provision of material, financial, personnel, and institutional resources, such as the legal status of athletes, doping rules, sponsorship, and organizational rules.
2. Secondly, it regulates issues related to sports activities and competitions, the duration of the competition, the number of players in various sports competitions, disciplinary sanctions, transfers within the sports market, and the establishment of standards or rules for each sport separately.

The first group can be described as sports rules in the broader sense of the word, which refer to the overall context of sports activities, including sports and other rules in a narrower sense that cover only the actual sports activities. Legal sports standards are binding on everyone, and compared to other standards established or recognized by the state, they always have a coercive and general nature.

Constitutional provisions, along with the Law on Sports and its amendments between 2004 and 2011, under the auspices of ratification of key conventions and related international standards, aimed to develop the North Macedonian model of sport in line with EU norms and standards. However, enforcement remained weak, as in other Western Balkan countries.¹²

12 Christos Anagnostopoulos, and Marko Begović. "Unpacking the Harmonization of National Anti-Doping Policy: A Collaborative Autoethnography Through the Lens of Institutional Entrepreneurship," *Journal of Global Sport Management*, (2025): 1–24, <https://doi.org/10.1080/24704067.2024.2443820>.

4. THE INSTITUTIONAL SETTING OF SPORTS SINCE THE INDEPENDENCE OF THE REPUBLIC OF NORTH MACEDONIA

In 1998, the then right-wing government decided to establish a Ministry of Sports by a decision of the Government.¹³ Archives in our country also show that indicate that in 2002, the left-wing government decided in the Assembly of the Republic of Macedonia (during that time) voting without a specific expert and scientific analysis, to downgrade the Ministry of Sports to the lowest level in the Agency for Youth and Sports.¹⁴

Despite facing challenges in a fragile economy, the Agency for Youth and Sports has managed to survive and fulfill the needs of both sports and young people. The institutional framework for sports has been in place since the independence of the Republic of North Macedonia. The Agency for Youth and Sports operated within our socio-political system of the Republic of North Macedonia from 2002 to 2024, demonstrating relatively successful professional activity in the field of sports.

During the development of Macedonian sports and several successful sports results in terms of club competitions and representative categories (national teams), a serious need arose to elevate the Agency to the level of the Ministry of Sports. This change occurred last year when the right-wing party VMRO-DPMNE gained a majority in power, which, by a decision in the Assembly of the Republic of North Macedonia, re-established the Ministry of Sports.

The new Ministry of Sports is still in the process of formation and internal reorganization, so it is too early to draw any conclusions about its professional functioning. An interesting point to note in this paper, focused on the overall development of Macedonian sports, is that the Republic of North Macedonia has not yet developed or adopted a state Strategy for sports.

It is also very important to emphasize that the development of sports in the Republic of North Macedonia is conditioned by a system of measures that must be implemented in education, fiscal policy, the legal system, financing, and international cooperation. The current situation in sports and sports organizations in our country is not up to par for several reasons.

However, it is also a fact that the situation with sports and sports organizations (associations, clubs, federations) in the Republic of North Macedonia is alarming, as they are in a survival phase. Despite the successes achieved by the Macedonian national teams, especially in team sports and city sports teams, there are still many areas that need improvement for the situation in sports and its overall organization to reach a higher level.

The basic points that should be included in a future Strategy for sports and for improving the functioning of sports organizations in our country are as follows:

1. Massification, i.e., raising the desire among our citizens for sports and its organization
2. Working with new, young talents who will be able to affirm themselves through sports, but also help them to develop effectively,
3. Continuous education and co-education of professional staff involved in sports and the

¹³ Anastasovski, Nanev, *Sport in Society*, 31.

¹⁴ Loc cit.

sports system in the Republic of Macedonia,

4. Permanent organization of debates and conferences on sports and sports organizations,
5. Active engagement at all levels (social, ethnic, gender, etc.).

It is a fact that sports, as well as their basic units, sports organizations, play a significant role in our socio-political system, i.e., through their organization and functioning, as well as the sports results that have been generated, contribute to the affirmation of our country. Therefore, despite the series of reforms that have been undertaken over the years in institutions related to sports and sports organizations, the results have not been satisfactory. This lack of progress hinders the overall development of sports, the building of top athletes, and with it, quality sports clubs and organizations.

As the political constellation has been unstable, the public sector in North Macedonia, namely both the previous state authority (Agency for Youth and Sports) and the current one (Ministry of Sports), is facing cyclical restrictions, reproduction of bureaucracy, and a lack of adequate policy planning. This is not unique to North Macedonia, as many countries in the Western Balkans are experiencing a similar developmental path where governance is shaped by party politics lacking evidence-based approaches and plural policy networks.

5. SYSTEMIC STRUCTURE OF SPORTS AND SPORTS ORGANIZATIONS IN THE REPUBLIC OF NORTH MACEDONIA

Each sports organization has established its own system of organization and functioning, starting from its basic base, through clubs, associations, national sports organizations, to international sports federations, and the International Olympic Committee. The Law on Associations and Foundations serves as the legal basis for the legitimacy of the organization and the acquisition of the status of a legal entity, with the organizations acquiring the status of a legal entity by entering it in the register maintained by the Central Registry of the Republic of North Macedonia.

The registration and acquisition of the status of an organization for performing sports activities in the Republic of North Macedonia is carried out according to the Law on Sports, which has been in force since 2002 with the amendments and supplements of 2004, 2008 and 2011. This law regulates the conditions and manner of performing sports activities, the management of sports facilities owned by the Republic of Macedonia, and other important sports related issues. Although in terms of its content, the law is the first document that fully regulates sports matters, there is still a real need for its improvement.

The general interest that exists among the sports public inevitably imposes the need for its revision and the establishment of a new modern approach to organizing sports entities, which will lead to the development and advancement of sports, resulting in top-notch results. Sport, within the meaning of this law, is an activity that encompasses all forms of activities for athletes of all ages, as well as sports and recreational activities for citizens.

5.1. THE INFLUENCE OF SPORT ON LEGAL NORMS

Regarding the very relationship between sports and legal standards, which influence sports relations, in theory, there is a distinction between:

1. Sports activities in the narrow sense.
2. Sports activities in the broader sense.

This division is semantically defined by the division of sports rules listed above.

Under sports activities in the narrow sense, the so-called rules of the game, mostly consisting of sports standards, are regulated, which ensures the autonomy of sports. Certainly, this autonomy is not absolute; in other words, there are areas where the law must intervene.

Indirect intervention can occur, such as in cases of the aforementioned responsibilities when sports injuries occur, and when it is transferred to regular courts for criminal prosecution, claims for damages within the framework of civil law, etc.

As an adaptation of sports activities in a narrower sense, "in practice we encounter cases of mutual penetration of sports and legal regulations."

The ideal situation would be one in which a certain legal standard defines sports regulations and ensures the autonomy of sports organizations. However, it is also of particular importance to strengthen the legal possibility for judicial review of decisions made by sports organizations, i.e. the establishment of a legal institutional mechanism that will examine the legality of their decisions in order to reinforce the rule of sports law and uphold the principle of "legal sports legal standards."

The Republic of North Macedonia partially embodies this concept, as most sports organizations exist as civil associations within the framework of the Law on Citizens' Associations and Foundations, which provides judicial protection only for precisely listed cases. That said, there is currently no judicial protection regarding the legality of decisions made by the organs and bodies of sports organizations, as special extreme cases that violate legality and integrity of sports work can lead to circumstances of de-legitimization of the entire legal system.

Sports is not outside the legal system; it has ensured its autonomy, but it must only seek autonomy within the bounds of constitutionality and legality of the decisions made by its subjects. Any illegal decision cannot produce any sports effects. In sports science, the need for a rapid resolution of sports disputes in theory has always led to a discussion on the appropriate level of intervention and the right to autonomy. Therefore, the solution to this conflict is sought in sports arbitration as a model of voluntary submission of a request for settlement, which is characterized by its rapid resolution of disputes. Despite the possibility for conflict, we are convinced that the right to judicial protection should in no case be limited or denied.

5.2. MODEL OF LEGAL REGULATION OF SPORTS

In sports science, there is a growing dilemma of the existence of the Law as an instrument for regulating sports relations, as well as the linguistic considerations that come into play when connecting sports and law. In legal literature, there are legal opinions that justify the use of only the designation "sports law" or "sports and law." Their argument lies in the fact that it is always for the application of certain legal disciplines, such as civil law, labor law, competition law, etc. If the author of a sports-legal text decides on one or another variant, it will always be critical for the readers to define their boundaries. According to the positivist approach, it is acceptable to unify all legal aspects of relations in the world of sports and apply general legal principles in the sports world.

On the other hand, formal sources of law include standards of a general nature that can be applied in the field of sports, as well as laws of a general nature. They contain legal standards that are specifically related to sports.

Legal issues arising in sports relations extend to all major legal areas, such as labor law, criminal law, civil law, and business law. Therefore, it is possible to divide and adapt them into a separate act to form a coherent system.

The way in which the state regulates relations that arise in sports and in connection with sports activities, as well as the measures of legal protection provided by the state in sports, depends primarily on whether the state has opted for the so-called interventionist or non-interventionist legal model, most often the legal regulation of the matter in the field of sports.

The interventionist model of legal regulation in sports means that in a particular state, the sports matter and the entire sports system, along with its basic elements that make up that system in terms of structure and competencies, are regulated to the greatest extent by legal norms prescribed by the state within the framework of a special Law on Sports.

In contrast, in the case of the non-interventionist model of legal regulation of sports matters, the legal regulation of matters in the field of sports, the regulation of the structure of the sports system, the legal protection of sports relations, and sports activities is only partial, and the legal norms relating to sports are found mainly within the framework of special laws, arranged in other regulations, which regulate other human activities (education, culture, health care, social protection, citizens' associations, etc.). The choice of the state to choose the model is not only a matter of conducting public policy in the field of sports, but also a matter of legal technique. However, the determination of states for the non-interventionist model does not imply a lack of interest in sports or abandonment of the matter by the state. Under this model, sports activities are not spontaneous, lawless, or legally uncertain. Instead, within the framework of the non-interventionist model, the rights and obligations of sports entities, as well as the realization of sports activities related to them, are based on the system of rules that prescribe the legal norms adopted by the state for various segments and areas of social life. From our point of view, both models, whether interventionist or non-interventionist, have their advantages and weaknesses, and the position whether and which model is better cannot be built based on an abstract-theoretical level, without prior consideration of the needs of the state, the influence of numerous social circumstances, and the traditions that exist in

individual legal systems within the framework of the functioning of the state.

However, the advantage of the interventionist legal model, which implies legal regulation of sports, over the non-interventionist legal model is evident in the fact that by adopting a special law regulating sports, the state reliably communicates a message to the public and its citizens. This message emphasizes that sport is a social activity for all citizens and enjoys full protection within the legal order of the country, highlighting that sport represents a special state interest of a public character.

Each sports organization has established its own legal system for organization and functioning, starting from its foundational base, through clubs, associations, national sports organizations, to international sports federations and the International Olympic Committee.

To be able to understand the organization and functioning of sports in the Republic of North Macedonia, it is necessary to comprehend the movements that occur within clubs and membership, then the acquisition of the legal entity status, and the status of being a legal subject for performing sports activities, association and various forms of organization, as well as the process of exercising rights and obligations.

5.3. THE CONCEPT OF A SPORTS ORGANIZATION - SPORTS CLUB IN THE REPUBLIC OF NORTH MACEDONIA

The sports clubs are the basic unit of a sports organization. There are several definitions of a sports club in the world literature. The same source states that the goals of a sports club are:

- a) to involve interested individuals or groups in new types of activity,
- b) to maintain and improve the ability of members,
- c) to develop leadership skills,
- d) to provide members with conditions for developing positive interpersonal relationships, and
- e) to promote respect for diversity.

Unlike the approach to defining sports clubs, domestic sources, unfortunately, still define sports clubs as non-profit organizations, with a distinct character and affiliation to the non-governmental/civil sector. However, this does not mean that the club is a non-governmental organization, i.e., its connection to the non-governmental sector is found exclusively in the fact that the state cannot be in any way a founder, member, or part of the structures of the sports club.

Such rules are established by the Olympic Charter and the statutes of all international sports organizations, which, without exception, prohibit any political influence in the field of sports. In our country, there have been instances where certain institutions are formed, with founders being local structures, local authorities, or higher political bodies, which give such institutions the authority to act in sports clubs, plan, organize, implement, monitor, and record sports programs, which is in line with international sports acts. In this way, politics seeks to have a direct influence, which, under the auspices of facility management, implements sports programs, taking occasional or permanent budgetary funds that can be directed to the clubs.

6. SYSTEM FOR DETERMINING THE LEGAL STATUS OF SPORTS ORGANIZATIONS IN THE REPUBLIC OF NORTH MACEDONIA

The Law on Associations and Foundations is only the basis for the legal legitimacy of an organization and the acquisition of its status as a legal entity, with the Organizations acquiring the status of a legal entity by entering it in the register kept by the Central Registry of the Republic of North Macedonia.

The registration and acquisition of the status of an organization for performing sports activities in the Republic of North Macedonia is carried out according to the Law on Sports, which has been in force since 2002 with the amendments and supplements of 2004, 2008, and 2011. It regulates the conditions and manner of performing sports activities, the management of sports facilities owned by the Republic of North Macedonia, as well as other issues of importance for sports. Although in terms of its content, the law is the first document that fully regulates sports matters, there is still a need for further improvements.

The general interest that exists among the sports public inevitably imposes the need for its revision and the establishment of a new modern approach to the organization of all sports entities, which would lead to the development and advancement of sports and the achievement of top results. Sport, within the meaning of this law, is an activity that encompasses all forms of sports activities for athletes of all ages, as well as sports and recreational activities for citizens.

Sports activities are carried out by:

1. Sports associations and
2. Other legal entities in the field of sports.¹⁵

Other legal entities include:

- a) A sole proprietor, and
- b) A legal entity that, in addition to being registered for performing activities in another field, is also registered for performing sports activities.

The performance of the sports activity is defined in such a way that, in order to fulfill the needs for engaging in activities and protecting the rights and interests in the field of sports, citizens can freely and voluntarily associate and establish sports associations, under the conditions and in the manner determined by law, unless otherwise determined by this law. The law also defines what constitutes a sports club, as the basic unit of the sports association for the performance of the sports activity.

Thus, a sports club is considered a sports association, i.e., a trade company that performs sports activities. The sports club, as a legal entity registered as a sports association of citizens, may establish a limited liability company or a joint-stock company to perform sports activities for the performance of its goals, interests, and activities, as well as for the financing of its functions determined by the statute.

¹⁵ The Constitution of the Republic of Macedonia.

In order to transform a sports association into a higher form of association, the law provides the possibility for a sports club, registered as a citizens' association, to cease operating as a citizens' association and to register as a trade company for the performance of sports activities, but after the prerequisites in accordance with the law have been met. The decision to dissolve a sports club as a citizens' association and reestablish it as a trade company, in compliance with the law, is made by the Assembly of the sports club with a two-thirds majority vote of the total number of members of the Assembly present.

The decision must be accompanied by:

- a) An act on the regulation of the rights and obligations of athletes who are members of the sports club.
- b) An act regulating the rights and obligations of employees of the sports club.
- c) A report on the audit of the annual calculation by an authorized institution.
- d) A report by an authorized appraiser on the estimated value of the club.
- e) Data and evidence on the right to ownership, disposal, use, and management of real estate.
- f) A list of interested legal and natural persons who will apply to be founders of the sports club as a trade company, along with a proposal for a program from the interested founders.

6.1. LEGAL STATUS OF SPORTS ORGANIZATIONS IN THE REPUBLIC OF NORTH MACEDONIA

Sports organizations acquire their legal status by entering it in the register maintained by the Central Registry of the Republic of North Macedonia, and by the Law on Associations and Foundations, which is the basis for the legal legitimacy of the organization and the acquisition of the status of a legal entity, and by the Law on Sports, which regulates the conditions and manner of performing sports activities, the management of sports facilities owned by the Republic of North Macedonia, as well as other issues of importance for sports, is acquired by an organization for performing sports activities.

Sports organizations are independent in the management, determination, and achievement of the goals and activities determined by their statute in accordance with the Constitution and the law.

Their work is public and is carried out through transparent publication of the statutes and other acts of the organization in accordance with the statute of the organization.

A sports organization can be founded by natural persons and legal entities, with a minimum of five founders, of which three of the founders must have a place of residence or residence, i.e., headquarters within the territory of the Republic of North Macedonia.

A sports organization is founded by a founding assembly, during which an act of establishment, a program, a statute, and the bodies of the organization are adopted.

In order to acquire a legal entity status and meet the conditions for registration in the central register, the organization adopts an act of establishment.

The act of establishment of the organization contains:

- a) the name, seat, and address of the association,
- b) the names, addresses, or seats, and unique identification number of the founders of the association, and
- c) the objectives of the association.

The act of establishment or a part thereof may be changed, if the founders have expressed their will to do so during the registration process. One of the conditions for acquiring the right to register in the central register is the adoption of a Statute of the sports organization.

According to the law, the statute regulates:

- a) The name and seat.
- b) The objectives of the association.
- c) The activities by which the objectives are achieved.
- d) The manner of deciding on membership, exclusion, and termination of membership in the association.
- e) The rights, obligations, and responsibilities of the members.
- f) The type of bodies and their composition, the manner of election and dismissal, the duration of the mandate of the members in the bodies, and the manner of decision-making, representation by law.
- g) The manner of acquiring and disposing of funds.
- h) The manner of adopting financial and other reports.
- i) The manner of achieving transparency and accountability in the work.
- j) The manner of adopting, amending, and supplementing the statute.
- k) The manner of deciding on status changes and termination of the association.
- l) The manner of adopting plans and programs.
- m) The treatment of funds and/or property in the event of termination of the association.

The statute of the association/organization may also regulate:

- a) The sign and symbol of the association.
- b) The internal organizational forms (subsidiaries, branches, etc.).
- c) The manner of adopting other acts.
- d) Conflict of interest.
- e) The manner of resolving disputed issues, and
- f) other issues of importance to the work of the association.

In its internal structure (see below Figure 1), according to the Statute, which is the subject of the agreement, the sports organization/club must have the following bodies:

1. Assembly, which is the highest body of the association and is composed of all members who have shown a desire to actively participate in the work of the sports organization. The statute may determine the manner of representation of the members of the association in the assembly of the association, through their elected representatives, (Ass);
2. Management/Executive Board – elected by the assembly (MEb);
3. Supervisory Board elected by the assembly with precisely defined competencies (SB);
4. President, (Pr);
5. One or more vice presidents (VPs);
6. Secretary General/Director, (SG/D).

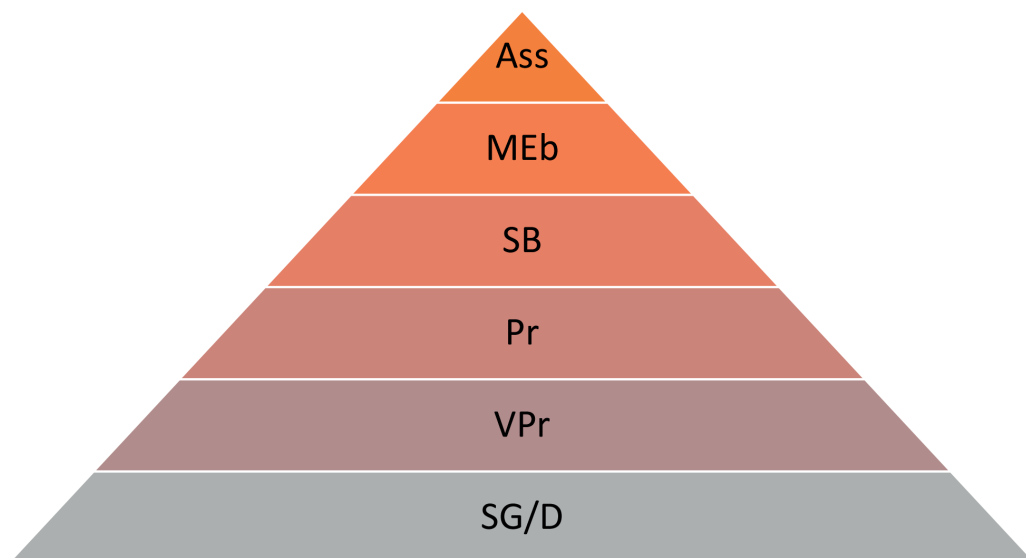


Figure 1. A view of its internal structure according to the Statute, which is the subject of the agreement, the sports organization/club

7. FINANCING OF SPORTS IN THE REPUBLIC OF NORTH MACEDONIA OVER CERTAIN PERIODS

The financing of sports is one of the basic tools for its efficient functioning and existence. Those who follow developments regarding the financing of sports know that for many years, as a relic of the past, the sports system in our country was built based on serious capitation by the state or local government towards sports.

A few years ago, institutional activity began to restructure the sports system from an interventionist to a non-interventionist model. This approach was seen as an opportunity to redefine it and improve the basic segments of the sports system: play, results, structure, and management. This extremely interventionist (socialist) way of financing sports seemingly generated solid sports results for the public, but still, a larger percentage of sports teams financially collapsed and had serious organizational problems.

For these reasons, changes were undertaken in the legal part, which referred to tax relief when donating financial resources to the sports system. A system was established that allowed the state, through the institutions responsible for sports, to begin issuing tax exemption vouchers as a way to financially support sports federations and clubs.

7.1. SYSTEM OF SPORTS VOUCHER

Every legal entity in the field of sports, i.e. sports organizations, sports federations, sports clubs, athletes in individual and team sports, practically from the first day of 2019, will be able to receive additional assistance with the “sports vouchers” project offered by the Government of the Republic of North Macedonia and for which six million euros have been allocated from the budget, which are intended as an additional investment for the development of sports for the coming year.

The Government of the Republic of Macedonia suggests that every legal entity will be able to use the tax incentives it has provided, which are within the framework of up to 50 percent of the funds that companies have to pay to the Public Revenue Office based on profit tax. With this, the Government assumes that the six million euros provided will represent a good starting point in the area of investments for the development of sports, which would increase in the coming years according to the possibilities and funds that will be available to us to help sports in the Republic of Macedonia.

The amendments to the law stipulate that the allocation of these significant financial resources will be subject to control by an appropriate expert body within the Agency for Youth and Sports. However, appropriate criteria or categorizations are also stipulated for the allocation of the so-called “sports vouchers,” which will be controlled by the Government of the Republic of North Macedonia through state institutions that have jurisdiction over financing and donations in sports, namely the Ministry of Finance - Public Revenue Office, the Ministry of Justice, and the Agency for Youth and Sports, especially from the aspect of completing the documentation and issuing sports vouchers to sports federations and sports clubs (collective and individual). The Government determines the actual values and the conditions for allocating these additional funds, separated from the state budget as outlined in the law itself.

With the new amendments to the Law on Profit Tax, financial donations to sports federations, the Macedonian Olympic Committee, and sports clubs are now exempt from tax. This tax exemption officially started with the fiscal year 2017. To exercise the right to tax exemption for donated financial resources to sports clubs, clubs need to compete in a national system of competitions with an organized league and have a registered and active youth school. For donations to a maximum of one sports club in the calendar year that does not participate in an organized national league, the taxpayer has the calculated tax reduced by the amount of the given donation, but up to a maximum of 5 percent of the calculated tax.

The new Law on Profit Tax also exempts financial donations for the benefit of active athletes. A taxpayer who donates financial funds to active athletes in Olympic sports and who acquire such status according to the conditions and criteria prescribed in the Law on Sports, with the funds deposited into a special purpose account, will have their calculated tax reduced by the amount of the donation, up to a maximum of 10 percent of the calculated tax. For donations to active athletes in non-Olympic sports, the calculated tax is reduced by the amount of the donation, not more than 5 percent.

The funds from the tax incentive will be used for salaries, allowances and bonuses of athletes and the coaching staff based on the club's regulations, which are submitted in writing to the

national sports federation, organization of travel and stay of the sports club or active athlete in the country and abroad for competitions or preparations, rental or construction of halls or fields for competition, payment for the rental of business space for the sports club (not exceeding 10 percent of the funds received annually), repayment of a loan for the purchase of the club's premises (not exceeding 20 percent of the funds received annually). If premises for the sports club are purchased with these funds, they may not be mortgaged (except for a mortgage to the bank for the purchase or construction of the facility itself) and may not be alienated for at least 15 years from the date of their purchase. The funds may also be used for travel expenses related to participation in professional seminars, conferences and training, and upon prior decision of the governing body of the national sports federation, registration fees and membership fees in international bodies of which they are members, purchase of equipment and supplies, payment of utility costs for national sports federations and sports clubs, health care, pension and disability insurance and compensation for insurance against the consequences of an accident and risks for active athletes, as well as the organization of international competitions in the Republic of Macedonia.

The manner of using these funds will be determined through a Rulebook adopted by the official who manages the state administration body responsible for matters in the field of sports, with prior consent from the Government of the Republic of Macedonia.

The law prohibits the National Sports Federation, the Macedonian Olympic Committee, sports clubs or active athletes from returning, on any grounds, the funds with which the commercial company participates in financing the sports entities in the same commercial company or in a commercial company with which there is a capital or managerial affiliation, or is owned or managed by a person in a family relationship up to the second degree with a person from the commercial company, including costs for goods and services. The funds used by the commercial company to finance the sports entities are subject to an audit at least once in three years by the State Audit Office. Illegal use of these funds is subject to liability in accordance with the provisions of the Criminal Code.

Finally, due to the corrupt nature of the financing model and the criminal proceedings initiated for embezzlement of public funds against 11 officials from the Ministry of Sports, and the failure of the way Macedonian sports were financed, the state has made a new decision starting in 2025. This decision replaces the sports voucher with a model that involves subsidizing Macedonian sports. This measure has only been in effect for two months, so it is too early to draw any conclusions about its implementation in practice. Therefore, it is advisable to wait a year after its implementation and distribution of finances to sports clubs to assess their functionality and their sports results.

8. RECOMMENDATIONS FOR REGULATING THE SPORTS SYSTEM IN THE REPUBLIC OF NORTH MACEDONIA

The above points to the need for enhanced participation of the civil sphere and political representation to improve the basic conditions for the promotion and development of sports through cooperation. The current legislation is largely inadequate, and the solution lies in adopting a new modern European law on sports and creating a separate chapter for sports in the state budget. Recommendations for potential future sports legislation can be drawn from

foreign legislation and international documents, and the experience of athletes.

In conclusion, the state, through the Law on Tax Relief or the so-called "sports vouchers," seeks to stimulate new investments for the development of sports in the Republic of North Macedonia, where economic entities will be motivated through sports vouchers to find their interest in investing in sports, regardless of whether it is at the local or national level.

Several observations are possible for inspiration, which can lead to reform changes.

1. First, a clearly defined status of civil associations in the sphere of physical culture of the state is crucial. "Sports, sports and tourist associations develop their activities by the concept of the development of physical culture and participate in its implementation based on their interests and needs." Since the role of physical culture is an important factor in health, education, work efficiency, humanization of the lives of citizens, and also in the field of international relations.
2. Secondly, the design of a special state fund of sources of income specially designed for the support of sports is essential, which may be compensation for the moral rights of athletes, betting, and games of chance, or copyright.
3. Thirdly, the formation of scientific, economic, health, and other conditions for the development of physical culture and the promotion of the activities of civil associations and other persons working in this area is necessary.
4. Fourthly, sources of financing are possible:
 - a) from the state budget funds in the amount of at least 0.5 percent of its annual volume of state budget funds;
 - b) income from games of chance and other similar games;
 - c) funds for associations of citizens working in the field of sports;
 - d) income from advertising;
 - e) donations;
 - f) loans to legal entities;
 - g) self-administration of regions and municipalities.
5. Fifthly, regulating issues of accreditation of training facilities in the field of sports and the requirement of proficiency in the performance of specialized activities undertaken by coaches, trainers, or referees;
6. Sixthly, access to public subsidies, which corresponds to state supervision of their activities;
7. Seventhly, establishing sports arbitration.

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SPORT FACILITIES AS DRIVERS OF ENVIRONMENTAL LEGACY AND SUSTAINABILITY

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Abstract

As is known, the European Union plays an active part in defining the objectives of the 2030 Agenda and the Paris Agreement. Through the 2019 Green Deal, it assigns primary importance to environmental protection, placing sustainability among the pillars of the 2019-2024 and 2021-2027, gathering initiatives on climate change, energy production from renewable sources and transitioning to a zero-emission economy.


A crucial role within these objectives shall be attributed to the EPBD. The revised Energy Performance of Buildings Directive (EU/2024/1275) entered into force in all EU countries on 28 May 2024 with the goal to increase the rate of renovation in the EU, particularly for the worst-performing buildings in each country.

Among the different categories of buildings, sport facilities must be taken into consideration. The EPBD includes sports facilities as part of the buildings covered by its regulations, aiming to improve energy efficiency and reduce greenhouse gas emissions.

This research will analyse these issues. Beginning with the bad practice example set by Italy, it will focus on the long-term infrastructure impact, community engagement, and resource management. These three themes will form the core of the research, examined at the EU level and internationally. From an international perspective, particular attention will be given to the Kazan Action Plan and its aim to link sport policy development to the 2030 Agenda of the United Nations.

Throughout the research, the conclusion will assess whether the final result of a real environmental legacy can be achieved through better regulation and harmonisation or by extending existing rules on sports facilities. The aim is to explore and better define the importance of regulating the so-called post event use.

Keywords: Sport, Facilities, EU Law, International Law, Sustainability, Environment, Football, Stadium.

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1. GENERAL CONSIDERATIONS

The intersection between sports infrastructure and environmental sustainability has emerged as a critical area of inquiry in recent years. As climate change accelerates and global sporting events grow in scale and frequency, sports facilities are increasingly scrutinized not only for their functionality but also for their ecological footprint. These structures, which range from local gyms to Olympic stadiums, consume vast amounts of energy and materials, often leaving behind underutilized “white elephants” and posing serious challenges in terms of environmental legacy.¹ At the same time, however, they hold untapped potential as catalysts for green innovation, urban regeneration, and community engagement.

The European Union plays an active part in defining the objectives of the 2030 Agenda² and the Paris Agreement.³ Through the 2019 Green Deal,⁴ it assigns primary importance to environmental protection, placing sustainability a key pillar of its initiative for 2019-2024 and 2021-2027. These initiatives focus on climate change, energy production from renewable sources, and the transition to a zero-emission economy.

A crucial role within these objectives shall be recognised by the EPBD⁵. The revised Energy Performance of Buildings Directive (EU/2024/1275) entered into force in all EU countries on 28 May 2024 and helps increase the rate of renovation in the EU, particularly for the worst-performing buildings in each country. Nevertheless, EPBD includes sports facilities as part of the buildings covered by its regulations, aiming to improve energy efficiency and reduce greenhouse gas emissions.

This paper begins by framing the concept of environmental legacy within the broader discourse on sustainable development and sport policy. It argues that sport facilities should not be viewed merely as temporary venues for performance but rather as long-term public

- 1 Krystian Zawadzki, “Social perception of technological innovations at sports facilities: justification for financing ‘white elephants’ from public sources? The case of Euro 2012 Stadiums in Poland.” *Innovation: The European Journal of Social Science Research* 35, no. 2 (2022): 346–366, <http://dx.doi.org/10.1080/13511610.2021.1937070>; Juliette Davis, “Avoiding white elephants? The planning and design of London’s 2012 Olympic and Paralympic venues, 2002–2018.” *Planning Perspectives* 35, no. 5(2019): 827–848, <https://doi.org/10.1080/02665433.2019.1633948>; Inna Mitrofanova et al., “Drivers of the Regional Economic Growth and the Problem of ‘White Elephants’ of the Russian Olympic Megaproject ‘Sochi 2014’,” *Mediterranean Journal of Social Sciences* 6, no. 4 (suppl. 2)(2015): 267–276, <http://dx.doi.org/10.5901/mjss.2015.v6n4s2p267>; Jens Alm et al., “Hosting Major Sports Events: The Challenge of Taming White Elephants,” *Leisure Studies* 35, no. 5(2014), 564–582, <http://dx.doi.org/10.1080/02614367.2014.994550>; Roy Panagiotopoulou, “The Legacies of the Athens 2004 Olympic Games,” *Contemporary Social Science* 9, no. 2(2014): 173–195, <http://dx.doi.org/10.1080/21582041.2013.838297>.
- 2 UNGA Resolution A/RES/70/1: “Transforming our world: the 2030 Agenda for Sustainable Development,” adopted on 21st October 2015, https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf.
- 3 The Paris Agreement was adopted during the 21st session of the Conference of the Parties within the United Nations Framework Convention on Climate Change (UNFCCC), on 12th December 2015.
- 4 European Commission, “Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions – The European Green Deal,” adopted on 11th December 2019, Com (2019) 640 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52019DC0640>.
- 5 Directive (EU) 2024/1275 of the European Parliament and of the Council of 24 April 2024 “on the energy performance of buildings.” OJ L, 2024/1275, 08.05.2024, <http://data.europa.eu/eli/dir/2024/1275/oj>.

assets capable of contributing to climate goals and social cohesion.

This research will analyse these issues. Beginning with the bad practice example set by Italy, it will focus on the long-term infrastructure impact, community engagement and resource management. These three themes will form the core of the research, examined at the EU level, but also internationally. From this perspective, a particular attention will be given to the Kazan Action Plan⁶ and its aim to link sport policy development to the 2030 Agenda of the United Nations.

Throughout the research, the conclusion will assess whether the final result of a real environmental legacy can be achieved through better regulation and harmonisation or by extending existing rules on sport facilities. The aim is to explore and better define the importance of regulating the so-called post event use, as a decisive factor in ensuring that the legacy of sport infrastructure is not only symbolic, but concrete and lasting.

2. THE EUROPEAN PERSPECTIVE: THE EUROPEAN GREEN DEAL AND THE EPBD DIRECTIVE (EU/2024/1275)

The European Green Deal represents the cornerstone of the EU's strategy to achieve climate neutrality by 2050. Although sport is not explicitly addressed within its core pillars, the principles of environmental transition, energy efficiency, and social inclusion directly impact how sport infrastructure is planned and managed. The 2024 revision of the Energy Performance of Buildings Directive plays a central role in this context. While primarily focused on residential and commercial buildings, the directive sets a regulatory framework that can and should be extended to public sport facilities. These facilities which often represent some of the most energy-consuming and underperforming assets in municipal inventories.

In essence, the European Green Deal is the European Union's overarching strategy to achieve, climate neutrality by 2050, promoting a just and inclusive transition across all sectors of the economy.

While the sport sector is not explicitly mentioned among its main pillars, its objectives—energy efficiency, carbon neutrality, circular economy, and sustainable urban development—are directly relevant to the planning, construction, and renovation of sport facilities, which often represent energy-intensive and environmentally impactful public assets.⁷

6 UNESCO, Kazan Action Plan, SHS/2017/PI/H/14, adopted by The Ministers meeting at the "Sixth International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport (MINEPS VI)," held in Kazan on 13-15th July 2017, <https://unesdoc.unesco.org/ark:/48223/pf0000252725>.

7 Ahmet Atalay and Biruta Švagždienė, "Sustainable Environment Problems Arising from Sports Facilities," *Laisvalaikio tyrimai*, 1, no. 21(2023): 1-15, <http://dx.doi.org/10.33607/elt.v1i21.1311>; Éva Bácsné-Bába, Gergely Ráthonyi, Christa Pfau, Anetta Müller, György Norbert Szabados, and Mónika Harangi-Rákos, "Sustainability-sport-physical activity," *International journal of environmental research and public health* 18, no. 4(2021): 1455, <https://doi.org/10.3390/ijerph18041455>; Sheila Nguyen and Charyl Mallen, "Major sport facilities and environmental sustainability," in *Sport and environmental sustainability*, ed. by Greg Dingle, Cheryl Mallen (London: Routledge: 2020): 86-103, <http://dx.doi.org/10.4324/9781003003694-5>; Susana Lucas, and Manuel Pinheiro, de la Cruz Del Río Rama, "Sustainability Performance in Sport Facilities Management," in *Sports management as an emerging economic activity: trends and best practices*, ed. by Marta Peris-Ortiz, José Álvarez-García, and María de la Cruz Del Río-Rama (Cham: Springer, 2017): 113-138, <http://dx.doi.org/10.1007/978-3->

Within this broader context, the Energy Performance of Buildings Directive (EPBD), recently revised as EU/2024/1275, plays a central regulatory role. The directive mandates that all new buildings must be zero-emission buildings (ZEB) by 2030, and it strengthens requirements for deep renovation of the existing building stock, especially those with the lowest energy performance.⁸ Key instruments introduced or reinforced by the directive include Energy Performance Certificates (EPCs), national building renovation plans, and minimum energy performance standards (MEPS). While sport facilities are not always the primary focus of these policies, they fall under the scope of public buildings and are thus directly affected by national implementation strategies.

Despite their importance, sport facilities have often been overlooked in national and local energy transition plans. They are frequently excluded from targeted funding schemes, lack tailored energy benchmarks, and are rarely integrated into urban sustainability frameworks. Yet, they represent significant potential: due to their size, usage patterns, and visibility, they can serve as flagships of sustainable transformation, combining technological innovation (e.g., solar panels, green roofs, water reuse systems) with public engagement.⁹

The challenge lies in bridging the policy gap between the ambitions of the Green Deal and the specific needs of the sport sector. In this regard, municipalities, sports federations, and national governments are called to act more decisively, using the EPBD as a legal lever to promote the renovation and energy transition of sport infrastructure. This alignment is crucial not only to reduce emissions and operational costs, but also to ensure that public investments in sport serve a broader environmental and social legacy.¹⁰

The author highly recommends referencing the EPBD. In fact, even if the EPBD Directive

319-63907-9_8; Charyl Mallen et al., "Environmental sustainability in sport facility management: A Delphi study," *European sport management quarterly* 10, no. 3(2010): 367-389, <https://doi.org/10.1080/16184741003774521>.

- 8 For a general view of EPBD, see: Monika Dulian, "Revision of the Energy Performance of Buildings Directive—Fit for 55 package," *EU Legislation in Progress* 19, no. 01(2024); Carmen Maduta, Daniele D'Agostino, Sofia Tsemekidi-Tzeiranaki, Luca Castellazzi, Giada Melica, and Paolo Bertoldi, "Towards climate neutrality within the European Union: assessment of the energy performance of buildings directive implementation in member states," *Energy and Buildings*, 301(2023): 113716, <https://doi.org/10.1016/j.enbuild.2023.113716>; Andreas H. Hermelink, Arnold Bruhin, Kjell Bettgenhäuser, and Bernhard von Manteuffel, "The EU Energy Performance of Buildings Directive – Key Regulation for a Carbon-Neutral Building Stock by 2050. Regulation (EU), 2021(1119)", (2021).
- 9 Alan Latham and Jack Layton, "Social infrastructure and the public life of cities: Studying urban sociality and public spaces," *Geography Compass* 13, no. 7(2019), <http://dx.doi.org/10.1111/gec3.12444>; Gabor Kozma, Karoly Teperics, and Zsolt Radics, "The changing role of sports in urban development: A case study of Debrecen (Hungary)," *The International Journal of the History of Sport* 31, no.9(2014): 1118-1132, <http://dx.doi.org/10.1080/09523367.2013.865119>; Harry H. Hiller, "Post-event outcomes and the post-modern turn: The Olympics and urban transformations," in *The impact and evaluation of major sporting events*, (2013): 5-20, <http://dx.doi.org/10.1080/16184740601154458>.
- 10 Scholars strongly debated upon Environmental legacy related to sport facilities, but never linked it to the EPBD, see: Robin Kietlinski, "A Strong, Sustainable Legacy: The Environment and Japan's Winter Olympics," in *The Olympic Winter Games at 100*, ed. by Heather L. Dichter, Sarah Teetzel, (London: Routledge, 2023), 322-339, <https://doi.org/10.4324/9781032623207>; Timothy B. Kellison, and Jonathan M. Casper, "Environmental legacy of mega sport events," in *Legacies and Mega Events*, ed. by Ian Brittain, Jason Bocarro, Terri Byers, Kamilla Swart (London & New York: Routledge, 2023, 135-156, <http://doi.org/10.4324/9781315558981-9>; Becca Leopkey, Milena M. Parent, "Olympic Games legacy: From general benefits to sustainable long-term legacy," *The International Journal of the History of Sport* 29, no.6(2012): 924-943, <http://doi.org/10.1080/09523367.2011.623006>.

(EU/2024/1275) does not explicitly mention sports facilities, these buildings are clearly encompassed in the broader categories of non-residential and, in many cases, public buildings addressed throughout the text. As such, sport infrastructure is indirectly but significantly impacted by several key provisions of the directive.

Firstly, Article 7¹¹ mandates that all new buildings, including non-residential ones, must meet zero-emission building (ZEB) standards by 2030. This requirement applies to newly constructed sport facilities, whether publicly or privately owned, ensuring they align with the EU's climate neutrality objectives.

Additionally, Articles 5 and 8¹² address major renovations and stipulate that buildings undergoing significant upgrades must comply with updated energy performance requirements. Given that many public sport facilities across Europe are aging and energy-intensive, these provisions will be crucial in guiding their future retrofitting efforts.

One of the most impactful measures is set out in Article 9¹³, which introduces Minimum Energy

11 See: "Article 7 – New buildings

1. Member States shall ensure that new buildings are zero-emission buildings in accordance with Article 11:

(a) from 1 January 2028, new buildings owned by public bodies; and

(b) from 1 January 2030, all new buildings;

Until the application of the requirements under the first subparagraph, Member States shall ensure that all new buildings are at least nearly zero-energy buildings and meet the minimum energy performance requirements laid down in accordance with Article 5. Where public bodies intend to occupy a new building that they do not own, they shall aim for that building to be a zero-emission building.

2. Member States shall ensure that the life-cycle GWP is calculated in accordance with Annex III and disclosed in the energy performance certificate of the building:

(a) from 1 January 2028, for all new buildings with a useful floor area larger than 1 000 m²;

(b) from 1 January 2030, for all new buildings.

3. The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend Annex III to set out a Union framework for the national calculation of life-cycle GWP with a view to achieving climate neutrality. The first such delegated act shall be adopted by 31 December 2025.

4. Member States may decide not to apply paragraphs 1 and 2 to buildings for which building permit applications or equivalent applications, including for change of use, have already been submitted by the dates pursuant to paragraphs 1 and 2.

5. By 1 January 2027, Member States shall publish and notify to the Commission a roadmap detailing the introduction of limit values on the total cumulative life-cycle GWP of all new buildings and set targets for new buildings from 2030, considering a progressive downward trend, as well as maximum limit values, detailed for different climatic zones and building typologies.

Those maximum limit values shall be in line with the Union's objective of achieving climate neutrality.

The Commission shall issue guidance, share evidence on existing national policies and offer technical support to Member States, at their request.

6. Member States shall address, in relation to new buildings, the issues of optimal indoor environmental quality, adaptation to climate change, fire safety, risks related to intense seismic activity and accessibility for persons with disabilities. Member States shall also address carbon removals associated to carbon storage in or on buildings."

12 Specifically, the link between Article 8 and Article 5 is due to the first one mentioned, see: "Article 8 – Existing buildings

1. Member States shall take the necessary measures to ensure that, when buildings undergo major renovation, the energy performance of the building or the renovated part thereof is upgraded in order to meet minimum energy performance requirements set in accordance with Article 5 in so far as technically, functionally and economically feasible [...]."

13 In this case, what is important is the introduction of limits given by the first paragraph, see: "1. Member States shall establish minimum energy performance standards for non-residential buildings which ensure that those buildings do not exceed the specified maximum energy performance threshold, as referred to in the third subparagraph, expressed by a numeric indicator of primary or final energy use in kWh/(m².y), by the dates specified

Performance Standards (MEPS) for non-residential buildings. Member States are required to identify and progressively renovate the worst-performing segment of their building stock – specifically, the lowest 16% by 2030, increasing to 26% by 2033. Many older sport venues, particularly those built in the mid-20th century and never renovated, are likely to fall within this threshold, making them a target for mandatory energy upgrades.

The directive also supports this transition with enabling tools. Article 12 introduces Building Renovation Passports,¹⁴ designed to provide tailored roadmaps for stepwise renovation, while Article 18 encourages the development of “one-stop-shops”¹⁵ offering technical and administrative support for building owners. Sport facility managers, often lacking specialized energy expertise, can greatly benefit from such mechanisms.

Another relevant provision is found in Article 17, paragraph 15,¹⁶ which prohibits financial incentives for installing stand-alone fossil fuel boilers as of 1 January 2025, unless explicitly approved under specific exemptions. This rule will directly influence the heating systems of many older sport facilities, steering them towards renewable or hybrid solutions.

Taken together, these provisions demonstrate that, despite the absence of any explicit reference, sport facilities are implicitly embedded in the regulatory framework of the EPBD. Their classification as non-residential and often public buildings places them squarely within the directive’s scope. However, this implicit inclusion risks being overlooked at the national level, especially in contexts where sport infrastructure is not considered a strategic priority for environmental reform.

It is therefore essential that national renovation plans and local authorities recognize and act upon this regulatory applicability, treating sport venues not as exceptions but as opportunities to showcase the energy transition in action: highly visible, socially relevant, and symbolically powerful.¹⁷

in the fifth subparagraph.”

- 14 About Building Renovation Passports, see: Gabriela Barbosa, “Implementation of building renovation passports for low-income households in Portugal” (Doctoral dissertation (2024)); Jens Lundgren, “Towards Zero Emission Buildings: A Holistic Guide for Homeowners through EPBD Compliance and the Renovation Passport Framework”, (2024), <https://lup.lub.lu.se/student-papers/record/9163715/file/9163729.pdf>; Alberto Calvo, and Angel Sicilia, “Fostering sustainable renovation: Enhancing building Renovation Passport through large-scale retrofitting evaluation,” in *RE-DWELL Conference*, (2024): 65.
- 15 About “one-stop-shops,” see: Rolando Biere Arenaset al., “One-stop-shops and energy rehabilitation offices.” *Management to Boost Energy Retrofit in Spanish Residential Buildings Stock*, (2025), <https://upcommons.upc.edu/handle/2117/430736>.
- 16 See: “15. From 1 January 2025, Member States shall not provide any financial incentives for the installation of stand-alone boilers powered by fossil fuels, with the exception of those selected for investment, before 2025, in accordance with Regulation (EU) 2021/241, Article 7(1), point (h)(i), third indent, of Regulation (EU) 2021/1058 and with Article 73 of Regulation (EU) 2021/2115 of the European Parliament and of the Council.”
- 17 Brian P. Soebbing, Chad S. Seifried, and Patrick Tutka, “If You Rebuild It, Will They Come? The Impact of Renovated Sports Facilities on Total Revenue and Attendance,” *Journal of Sport Management* 37, no. 2(2023): 116–128, <https://doi.org/10.1123/jsm.2022-0101>; Anna Pawlikowska-Piechotka, “Sport facilities and their social meaning – in the past and present,” *Sport i Turystyka. Środkowoeuropejskie Czasopismo Naukowe* 4, no. 2(2021): 125–136, <https://doi.org/10.16926/sit.2021.04.14>; Gil Fried, Matthew Kastel, “Managing Sport Facilities,” *Human Kinetics*, (2020).

3. THE INTERNATIONAL PERSPECTIVE: SPORT AND SUSTAINABILITY IN THE GLOBAL AGENDA AND THE KAZAN ACTION PLAN

Building on the European regulatory framework, it becomes evident that the sustainable transformation of sport facilities is not solely a regional concern but also resonates strongly at the global policy level.

In fact, the role of sport in promoting sustainability is increasingly recognized within the international community, not merely as an instrument of education and inclusion, but also as a sector with tangible environmental responsibilities, particularly in terms of its infrastructure.

The 2030 Agenda for Sustainable Development, adopted by the United Nations in 2015, identifies sport as “*an important enabler of sustainable development.*”¹⁸

While no individual Sustainable Development Goal (SDG) is dedicated solely to sport, its intersections with SDG 11 (Sustainable Cities), SDG 12 (Responsible Consumption), and SDG 13 (Climate Action) are directly relevant to the lifecycle of sport infrastructure. These goals highlight the need to rethink how physical spaces, such as sport venues and facilities, are conceived, constructed, operated, and integrated into broader ecological and urban systems.

A more focused effort can be seen in the Kazan Action Plan, endorsed by UNESCO in 2017. This policy document offers a roadmap for aligning sport with the SDGs,¹⁹ emphasizing the importance of sustainable, accessible, and inclusive sport facilities as a foundation for equitable and environmentally sound sport systems. It explicitly calls for the integration of sport into urban development strategies, encouraging evidence-based investments that reduce ecological impact while maximizing social benefits.

Introducing a more operational and climate-specific dimension, the Sport for Climate Action Framework, launched by the United Nations Framework Convention on Climate Change (UNFCCC)²⁰ in 2018, urges sport organizations and stakeholders to commit to a set of principles aimed at reducing the sector's environmental footprint. These principles include making systematic efforts to promote climate responsibility, reduce greenhouse gas emissions, and advocate for broader climate awareness. While initially tailored to professional sport bodies

18 See point 37 of Declaration within UNGA Resolution A/RES/70/1 (“Transforming our world: the 2030 Agenda for Sustainable Development”).

19 On the strong existing link between sport and sustainability in light of Kazan Action Plan, see: Thomas Wanner, and Katja Siefken, “Harnessing Sport for Sustainable Development Goals and Climate Action: A Vanuatu Case Study,” in *Towards a Pacific Island Sociology of Sport: Seeking New Horizons*, ed. by Yoko Kanemasu (Leeds: Emerald Publishing Limited: 2024), 205–224, <https://doi.org/10.1108/s1476-285420240000022011>; Kazem Hozhabri, Claude Sobry, and Rahim Ramzaninejad, *Sport for Sustainable Development: Historical and Theoretical Approaches* (Cham: Springer 2022), <https://doi.org/10.1007/978-3-031-06489-0>.

20 Devon Boyle, *Nature Sports Signatories of the United Nations Sports for Climate Action Framework: A Thematic Analysis* (Ontario: Brock University, 2025), <https://brocku.scholaris.ca/bitstreams/dc843d03-08fe-4f49-bbe4-385d19deb5d6/download>; Rebecca Schmidt, “The Carbon Footprint of the Games – International Climate Change Law and the Olympics,” *AJIL Unbound*, no. 114(2020): 362–367, <https://doi.org/10.1017/aju.2020.71>; Henk Harmsen, *Effectiveness of UNFCCC in Addressing Climate Change* (Nairobi: University of Nairobi, 2018), <https://doi.org/10.13140/RG.2.2.20733.46560>. In this last contribute, the author affirms that “*countries (shall) collectively implement sufficient voluntary emission reduction measures*” referring to “green-houses.” This could be read, in a broader sense, as a reference to sport facilities too.

and event organizers, the framework's *ethos* is equally applicable to the design and operation of local and municipal sport facilities, which, although often modest in scale, represent a substantial share of the sector's built environment and energy use.

Crucially, sport facilities are not neutral spaces. As energy-intensive public buildings,²¹ they bear a disproportionate weight in municipal carbon footprints, particularly older structures built without sustainability standards. Yet they also hold unique potential as flagships of green transition. Unlike schools or administrative offices, sport venues are highly visible and symbolically charged, capable of engaging citizens and catalyzing public awareness around environmental issues.

Despite this, the implementation gap between international aspirations and local policy remains substantial. Declarations like the Kazan Plan and the Sport for Climate Action Framework are non-binding and often lack the follow-up mechanisms necessary to drive concrete infrastructure reform. Without national alignment, sport facilities risk being excluded from climate financing schemes and green recovery strategies, especially in contexts where sport is treated as a cultural or recreational luxury rather than a strategic lever of sustainability.

Therefore, aligning international frameworks with European legal instruments, such as the already analysed EPBD, offers a valuable opportunity. By anchoring sport infrastructure policy in both binding regulation and global normative *consensus*, public authorities can ensure that the transition toward sustainability is not only technically achievable but also politically and socially legitimate. Sport venues, when designed or renovated with this dual perspective, become more than compliant buildings: they become living symbols of a climate-conscious and, moreover, community-oriented future.

4. THE ITALIAN CASE: FROM A “BAD PRACTICE EXAMPLE” TO A CREDIBLE FOUNDATION FOR HOPE

While European and international frameworks provide robust guidance for embedding sustainability into sports infrastructure, Italy serves as a cautionary tale of how policy fragmentation, underfunding, and a lack of strategic vision can undermine these ambitions. Despite its rich sporting tradition and strong architectural heritage, Italy has struggled to align its sports infrastructure policies with contemporary environmental and social standards.²²

21 See, for example: Mariam Elnour, Fodil Fadli, Yassine Himeur, Ioan Petri, Yacine Rezgui, Nader Meskin, and Ahmad M. Ahmad, “Performance and energy optimization of building automation and management systems: Towards smart sustainable carbon-neutral sports facilities,” *Renewable and Sustainable Energy Reviews*, no. 162(2022): 112401, <https://doi.org/10.1016/j.rser.2022.112401>. In that contribute it is explained that “Sports facilities (SFs) consume massive energy given their unique demand profiles and operation requirements.”

On the same issue see: Liz Wanless, Chad S. Seifried, and Tim Kellison, “Renewable Energy Source Diffusion in Professional Sport Facilities,” *Journal of Sport Management* 38, no. 1(2024): 40–52, <https://doi.org/10.1123/jsm.2023-0081>; Paola Artuso, and Adriano Santiangeli, “Energy Solutions for Sports Facilities,” *International Journal of Hydrogen Energy* 33, no. 12(2008): 3182–3187, <https://doi.org/10.1016/j.ijhydene.2007.12.064>.

22 On the condition, status, and age of football stadiums in Italy, see: Valentina Puglisi, and Luca Baiardi, “Sports Facilities: The Transition from the “Cost System” Model to the “Revenue System” Model,” *IOP Conference Series: Materials Science and Engineering* 471, no. 2(2019): 22037, <https://doi.org/10.1088/1757-899X/471/2/022037>.

One of the most emblematic failures lies in the neglect and deterioration of public sport facilities, particularly those built between the 1960s and 1980s. Many of these structures are now outdated in terms of energy efficiency, structurally obsolete, and not in line with modern urban planning principles. Maintenance backlogs, unclear ownership responsibilities, and inconsistent funding mechanisms have left municipalities unable (or unwilling) to undertake necessary renovations. In numerous cities, sport venues continue to operate with outdated heating systems, poor insulation, and no integration of renewable energy sources, resulting in high operating costs and significant environmental impacts.²³

A prime example of this systemic failure is the Stadio Flaminio in Rome. Initially designed in the late 1950s by Pier Luigi and Antonio Nervi as a bold, modernist experiment in concrete elegance, the Flaminio was once a cultural and sporting landmark. Yet, today it stands abandoned, closed since 2011, deteriorating, fenced off, and neglected.²⁴ Its decline is not simply the result of structural obsolescence or financial constraints, but also a failure of governance and imagination.

What truly marks the Flaminio case as paradigmatic is the absence of a long-term legacy strategy and the disconnection from its urban and social context. The stadium was never effectively reintegrated into the evolving needs of the city or its communities. No participatory processes were launched to repurpose²⁵ it for public use, no adaptive reuse vision was pursued, and no coordinated efforts emerged between state, city, sports federations, and heritage protection bodies. The *inertia* that followed its closure reflects a broader Italian difficulty in conceiving sport infrastructure as a living, evolving urban asset, rather than a one-off event platform.

Moreover, the Flaminio was a prime candidate to become a flagship of sustainable renovation, combining architectural preservation with green innovation and community engagement. Instead, its decay has become an indictment of missed opportunities and fragmented responsibilities. Its story illustrates how, in the absence of strong institutional coordination, cultural vision, and civic involvement, even iconic facilities are doomed to irrelevance.

This lack of community ownership and forward-looking legacy planning is a recurring weakness in the Italian model. Sport venues are very often treated as isolated objects, rather than integrated pieces of urban life capable of producing long-term social, environmental, and economic value.

23 Ginevra Balletto, Francesco Sechi, Giuseppe Borruso, Martina Sinatra, Italo Meloni, and Gianfranco Fancello, "Mobility and land-use system in the sport mega-events: The case of the Cagliari stadium (Sardinia, Italy)," *European Transport/Trasporti Europei*, 93 (2023): 11, <https://doi.org/10.48295/ET.2023.93.4>.

24 Francesco Romeo, "Critical Notes on Practical Fallouts of the Stadio Flaminio Conservation Plan," in *Planned Conservation of 20th-Century Architecture: Research in Italy and Brazil*, ed. by Davide Del Curto, Simona Salvo (Cham: Springer, 2024), 91–102, https://doi.org/10.1007/978-3-031-67818-9_7; Alekos Diacodimitri, Maurizio Giodice, Francesco Romeo, and Marco Balsi, "Developing Critical Knowledge of Twentieth-Century Cultural Heritage via Massive Survey: The Case of the Conservation Plan of the Stadio Flaminio in Rome," in *Digital Modernism Heritage Lexicon*, ed. by Cristiana Bartolomei, Alfonso Ippolito, Simone Helena Tanoue Vizioli (Cham: Springer, 2022), 1291–1317, https://doi.org/10.1007/978-3-030-76239-1_57.

25 On a comparative way based on repurposing old facilities, see the differences with Bologna's Dall'Ara Stadium: Ahmad Abdel Karim, *Il recupero e la rifunzionalizzazione degli stadi storici: vincolo o opportunità? I casi dello stadio Dall'Ara di Bologna e Flaminio di Roma* (Bologna: University of Bologna, 2021).

Nonetheless, recent developments offer a degree of cautious optimism.²⁶ The current Minister for Sport has acknowledged the strategic importance of regenerating Italy's stadiums and public facilities. In the context of the 2026 Mediterranean Games in Taranto, his ministry has promoted the idea of legacy-oriented planning, with attention to sustainability, public utility, and urban revitalization. While these intentions still require structural backing and clear implementation paths, they represent a potential turning point: provided lessons from the Flaminio and similar failures are truly absorbed.

5. TOWARD INTERNATIONAL “GOOD PRACTICE” MODELS

In the comparative landscape of sustainable sport infrastructure, several international experiences demonstrate how clear regulatory vision, inter-institutional coordination, and long-term planning can transform sport facilities into levers for environmental innovation and civic engagement. These “good” models offer policy-relevant insights for jurisdictions still struggling to embed sustainability and legacy in the management of their sport assets.

A paradigmatic case is that of the United Kingdom, particularly, in the framework of the London 2012 Olympic and Paralympic Games. The legal architecture of the Games was exceptional in its inclusion of environmental legacy objectives, articulated through a set of binding and programmatic documents, such as the London Olympic Games and Paralympic Games Act 2006²⁷ and the Sustainable Development Strategy for the London 2012 Olympic Games.²⁸

These documents were followed by the Planning Policy Guidance (PPG) documents and Supplementary Planning Guidance (SPG) issued by the Greater London Authority and local boroughs, which reinforced legacy obligations at the municipal level. Additionally, the ongoing role of the London Legacy Development Corporation (LLDC), a statutory body tasked with managing the long-term use, transformation, and community integration of Olympic venues, further solidified the commitment to maintaining the legacy of the games.

The Queen Elizabeth Olympic Park, which now hosts a variety of public sport facilities, housing, and cultural spaces, stands as a testament to the capacity of legal instruments to embed life-cycle sustainability, post-use planning, and community-centered redevelopment.²⁹

Crucially, the UK's regulatory ecosystem views sports infrastructure not as an isolated sector,

26 On that optimistic view, see: Mattia Manni, Valentina Coccia, Andrea Nicolini, Guido Marsegli, and Alessandro Petrozzi, “Towards Zero Energy Stadiums: The Case Study of the Dacia Arena in Udine, Italy,” *Energies* 11, no. 9(2018): 2396, <https://doi.org/10.3390/en11092396>.

27 Specifically, ACT 2006 CHAPTER 12: *An Act to make provision in connection with the Olympic Games and Paralympic Games that are to take place in London in the year 2012; to amend the Olympic Symbol etc. (Protection) Act 1995; and for connected purposes* of 30th March 2006. That document established the Olympic Delivery Authority (ODA) with statutory powers over planning and construction, including sustainability mandates.

28 Through which it was introduced binding environmental performance standards on venue design, energy use, water efficiency, and biodiversity

29 Zoe H. Pollock, *Multiple Parks in One?: Social Sustainability of the Queen Elizabeth Olympic Park, London—Cohesion, Inclusion, and Economic Regeneration* (Georgia: University of Georgia, 2024), <https://openscholar.uga.edu/record/2287/files/PollockZoeMA.pdf>; Kofi Agyekum-Kwatiah, *The sustainability side of the Queen Elizabeth Olympic Park as an urban city development project* (2018; Simona Azzali, “Queen Elizabeth Olympic Park: An Assessment of the 2012 London Games Legacies,” *City, Territory and Architecture* 4 no. 1(2017): 11, <https://doi.org/10.1186/s40410-017-0066-0>.

but as a component of spatial and environmental planning, governed by the broader legal *corpus* such as the Town and Country Planning Act 1990,³⁰ the Environmental Protection Act 1990,³¹ and subsequent updates like the Planning Act 2008³² and Environment Act 2021.³³

In Germany, a more decentralized but equally robust framework is in place. Municipalities are empowered by federal legislation³⁴ to access climate funds for the renovation of public buildings, including sport facilities. The Kommunalrichtlinie acts as the primary financial and procedural channel, integrating minimum energy performance standards, life-cycle assessments, and green procurement rules. Notably, technical guidelines such as the DIN V 18599³⁵ standard are applied to sport buildings to ensure consistency in energy evaluation and retrofitting.

The Nordic countries further enrich this comparative picture. In Norway, public sport facilities are subject to national climate adaptation plans and are increasingly built using bio-based materials and passive energy systems, in line with the TEK17 Building Code. In Finland, the

30 Specifically, ACT 1990 CHAPTER 8: *An Act to consolidate certain enactments relating to town and country planning (excluding special controls in respect of buildings and areas of special architectural or historic interest and in respect of hazardous substances) with amendments to give effect to recommendations of the Law Commission of 24th May 1990.*

31 Specifically, ACT 1990 CHAPTER 43: *An Act to make provision for the improved control of pollution arising from certain industrial and other processes; to re-enact the provisions of the Control of Pollution Act 1974 relating to waste on land with modifications as respects the functions of the regulatory and other authorities concerned in the collection and disposal of waste and to make further provision in relation to such waste; to restate the law defining statutory nuisances and improve the summary procedures for dealing with them, to provide for the termination of the existing controls over offensive trades or businesses and to provide for the extension of the Clean Air Acts to prescribed gases; to amend the law relating to litter and make further provision imposing or conferring powers to impose duties to keep public places clear of litter and clean; to make provision conferring powers in relation to trolleys abandoned on land in the open air; to amend the Radioactive Substances Act 1960; to make provision for the control of genetically modified organisms; to make provision for the abolition of the Nature Conservancy Council and for the creation of councils to replace it and discharge the functions of that Council and, as respects Wales, of the Countryside Commission; to make further provision for the control of the importation, exportation, use, supply or storage of prescribed substances and articles and the importation or exportation of prescribed descriptions of waste; to confer powers to obtain information about potentially hazardous substances; to amend the law relating to the control of hazardous substances on, over or under land; [...] and for purposes connected with those purposes of 1st November 1990.*

32 Specifically, ACT 2008 CHAPTER 29: *An Act to establish the Infrastructure Planning Commission and make provision about its functions; to make provision about, and about matters ancillary to, the authorisation of projects for the development of nationally significant infrastructure; to make provision about town and country planning; to make provision about the imposition of a Community Infrastructure Levy; and for connected purposes of 26th November 2008.*

33 Specifically, ACT 2021 CHAPTER 30: *An Act to make provision about targets, plans and policies for improving the natural environment; for statements and reports about environmental protection; for the Office for Environmental Protection; about waste and resource efficiency; about air quality; for the recall of products that fail to meet environmental standards; about water; about nature and biodiversity; for conservation covenants; about the regulation of chemicals; and for connected purposes of 9th November 2021.*

34 See the *Gesetz zur Förderung von Klimaschutzprojekten in sozialen, kulturellen und öffentlichen Einrichtungen: The Act to Promote Climate Protection Projects in Social, Cultural, and Public Institutions* constitutes the so-called Municipal Guideline (Kommunalrichtlinie) within the framework of the National Climate Protection Initiative. This guideline supports municipalities and local stakeholders in the implementation of climate protection measures. The Municipal Guideline is issued by the Federal Ministry for Economic Affairs and Climate Action (BMWK) and promotes both strategic and investment-related measures aimed at reducing greenhouse gas emissions

35 Hans Erhorn, Johan de Boer, Stefan Wössner, Klaus Höttges, and Hans Erhorn-Kluttig, *DIN V 18599: The German holistic energy performance calculation method for the implementation of the EPBD* (Crete, 2007).

Act on Public Procurement and Concession Contracts³⁶ and the National Sports Facilities Strategy³⁷ provide a governance framework that connects environmental targets with public investment and land use policy.

These international examples demonstrate that it is not only possible, but also legally and institutionally feasible, to align sport infrastructure with long-term environmental and social goals. Yet, the Italian case highlights a significant structural gap: in the absence of a dedicated regulatory framework, sport facilities remain peripheral to national climate and urban agendas.

For this reason, a stronger and more explicit normative impulse from the European level becomes not just desirable, but necessary. While directives such as the EPBD (EU/2024/1275) already provide a foundational framework, their indirect applicability to sport infrastructure risks marginalization unless further clarified and supported by sector-specific implementation guidelines. A more binding and integrated European strategy, possibly within the framework of the Green Deal or a future Sport and Sustainability Action Plan, could serve as both a legal lever and political catalyst, encouraging national governments to incorporate sport infrastructure into climate renovation plans, funding mechanisms, and performance standards.

Only through this vertical alignment of legal norms (from EU to national and local levels) can the sector transition from exception to exemplar, unlocking its full potential as a driver of public sustainability, innovation, and legacy.

6. FINAL REFLECTIONS: COMMUNITY, SUSTAINABILITY AND LEGACY AS KEY DIMENSIONS

The preceding analysis has highlighted how sport facilities represent not only physical infrastructures but pivotal arenas where environmental, social, and legal dimensions intersect. To transform these spaces into true catalysts for sustainable development, three interconnected principles must be prioritized: community engagement, environmental sustainability, and the establishment of a lasting legacy.

Firstly, community involvement is essential.³⁸ Sustainable sport infrastructure cannot be imposed top-down as mere technical or regulatory compliance. Instead, it requires active participation from local populations, sports organizations, and civil society to ensure that facilities respond to genuine needs and foster inclusive access. The failure of cases like

36 Specifically, ACT 1397/2016, which makes provision with respect to competitive tendering of procurements and concession contracts by the state and municipal authorities and other contracting entities, implementing EU legislation in this field.

37 Marjukka Mikkonen et al., "Sport policy in Finland," *International Journal of Sport Policy and Politics* 14, no. 4(2022): 715–728, <https://doi.org/10.1080/19406940.2022.2127837>.

38 Community involvement is essential not only in terms of Post-event use, but also as a way of granting a social and economic return, see: Lifei Wang, Yue Dai, Lingyun Han, and Zhen Xu, "Optimizing Urban Resource Efficiency: A Scenario Analysis of Shared Sports Facilities in Fostering Sustainable Communities in Nanjing, China," *Journal of Cleaner Production*, 468(2024): 143082, <https://doi.org/10.1016/j.jclepro.2024.143082>; Larissa E. Davies, Peter Taylor, Girish Ramchandani, and Elizabeth Christy, "Measuring the Social Return on Investment of Community Sport and Leisure Facilities," *Managing Sport and Leisure* 26, no. 1–2(2021): 93–115, <https://doi.org/10.1080/23750472.2020.1794938>; John Grieve, and Emma Sherry, "Community Benefits of Major Sport Facilities: The Darebin International Sports Centre," *Sport Management Review* 15, no. 2(2012): 218–229, <https://doi.org/10.1016/j.smr.2011.03.001>.

Rome's Flaminio Stadium underscores the consequences of neglecting community voices and disregarding post-event uses, resulting in derelict, underutilized assets.

Secondly, environmental sustainability must be embedded in every phase³⁹ from design and construction to operation and eventual decommissioning or repurposing. This entails adherence to strict energy performance standards, integration of renewable technologies, circular material use, and climate resilience. Legal frameworks, both at the European and national levels, should incentivize and enforce these criteria, making sustainability a non-negotiable standard rather than an optional goal.

Finally, legacy must be conceived as a multidimensional concept that encompasses social inclusion, economic viability, and cultural continuity, going beyond mere environmental metrics.⁴⁰ Legacy governance demands transparent planning, monitoring mechanisms, and long-term stewardship to ensure that investments in sport infrastructure generate enduring benefits for communities and the environment.

Only by weaving these three pillars into an integrated legal and policy approach can sport facilities become flagships of sustainable transformation: symbols of a society that values health, environmental stewardship, and overall well-being.

The European Union, through its Green Deal and related directives, is uniquely positioned to provide the normative backbone for this transformation. Yet, the success of these initiatives hinges on the ability and willingness of national and local actors to translate these principles into practice, fostering collaboration across sectors and embedding sport facilities into wider urban sustainability strategies.

In conclusion, moving forward requires a holistic vision and committed governance, where legal instruments serve not only as regulatory constraints but as enablers of innovation and community empowerment. This is the foundation upon which a credible environmental legacy can be built in order to elevate sport facilities from isolated structures into vibrant, sustainable, and inclusive public assets.

39 Melanie Paterson and Sharon Ward, "Roundtable Discussion: Applying Sustainability Legislation to Events," *Worldwide Hospitality and Tourism Themes* 3, no. 3 (2011): 203–209, <https://doi.org/10.1108/17554211111142167>.

40 Ryan Gauthier, "Major Event Legislation: Lessons from London and Looking Forward," *The International Sports Law Journal* 14, no. 1–2 (2014): 58–71, <https://doi.org/10.1007/s40318-013-0034-0>.

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SOCIAL ANALYSIS IN THE MEDIA COVERAGE OF SPORT

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Abstract

The range of sport-related topics that become news has considerably expanded over the past few decades, including a notable increase in the coverage of off-field subjects. Yet media coverage tends to focus on a small number of topics, few when compared to the variety of sport-related matters worth attention. The paper explores whether the press coverage of sports reflects the *full* extent of the sporting phenomenon. More specifically, it assesses the place for social analysis in the media coverage of sport. Sport impacts society in multiple ways. How frequently and in what ways are these impacts covered by the media? A new taxonomy of 21 topics and 131 subtopics of social relevance to media sport was developed for the purposes of this investigation. The new taxonomy, intended for use to examine any type of media, was tested on a sample of Italian print newspapers. Data on the coverage of the social dimension of sport were collected, using the new taxonomy, through the content analysis of 6,501 newspaper pages from five different artificial timeframes and a combined period of 28 days, spanning from September 2018 to April 2020. The sample included both general-interest and sports newspapers, allowing for the additional analysis of coverage differences based on the type of press. Although the importance of the research endeavour was on defining the tool (taxonomy) rather than the results of the test, the analysis of the selected corpus yielded preliminary findings worth sharing on how news media cover the social aspects of sport. The newly developed taxonomy, or matrix, lays the foundations for further research in various directions, including examining the social analysis of sport in digital and audiovisual media, non-daily news reporting, long-form journalism, the local press, citizen journalism, and other journalistic ecosystems.

Keywords: Sports journalism, Sports, Media, Social analysis.

1. INTRODUCTION

In recent decades, the journalistic coverage of sport has steadily expanded to include off-field subjects like economics, politics, and the internationalisation of sports. Nonetheless, beneath the surface of this expanded coverage, the media tend to address a relatively limited number of topics. For example, the public gets to know everything about the wealthiest sports and

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clubs, the transfer market, athletes supported by powerful sponsors, as well as gossip-worthy stories. What about the rest? Does media coverage fully capture the sporting phenomenon? It is neither surprising nor deontologically reprehensible to capitalise on the economic value embedded in sports and athletes. The emphasis on sport as entertainment is also justified: sport does provide a healthy distraction for both participants and spectators. The point is that sport is more than that. Sport reveals trends about questions that are apparently far from the game, relating for example to commerce, inequality, religion, digitalization and more.¹ Through sport, people from different generations come together around a shared passion for the same team. Sport influences personal development, for it helps build discipline and perseverance, with role models contributing to the development of citizenship, especially in young people. Sport can also be a powerful tool for promoting health and social inclusion in developing countries. The fun aspect of sport, dismissed by some critics as superficial or of light impact, is what attracts people from diverse backgrounds and contributes to its social significance. The fact that sport is also recurrently exploited to spread negative values, like racism or violence, only further highlights its pervasive influence in contemporary society.

This paper argues that while today's media coverage of sport is extensive and growing, it should broaden its scope to more frequently address the social impacts of sport. This claim involves *regular* reporting on the social matters of sport, rather than just feature articles or the occasional coverage of attention-grabbing scandals. Stories that describe the social dimension of sport hardly ever make the headlines, regardless of their relevance. The suggested approach implies a (re-)definition of what sports journalism is about, which does not necessarily entail a transformation but rather a reaffirmation of its essence. Journalism, including sports journalism, serves a social function or it is not journalism.

2. RESEARCH QUESTIONS

This paper raises three main research questions:

- RQ1: How relevant is social analysis to sports journalism? It is important not to make assumptions regarding this matter, as it directly influences the core purpose of sports journalism.
- RQ2: Are there any significant differences in the coverage of the social dimension of sport between the general-interest and sport-specialised press? This aspect is widely overlooked in academic literature due to the absence of sport-specific newspapers in key countries.
- RQ3: Is it realistic to expect that the mass media of the 21st century, affected by the economic repercussions of a rapidly changing media landscape, will cover sport social aspects on a regular basis?

3. RELEVANT THEORETICAL PERSPECTIVES

This study is primarily grounded in classical gatekeeping theory applied to media studies, which serves as its primary interpretative framework. To assess the role of social analysis

1 Michael Serazio, *The Power of Sports: Media and Spectacle in American Culture* (New York: New York University Press, 2019).

in press coverage of sport, we must first examine the topics that journalists allow through the metaphorical “gate.” As described by Shoemaker and Vos, gatekeeping is “the process of culling and crafting countless bits of information into the limited number of messages that reach people each day [and] the center of the media’s role in modern public life.”²

Additional paradigms that may serve as auxiliary explanatory frameworks include public journalism, i.e. the approach that emerged in the U.S. in the 1990s and started “where citizens start, allowing new coverage to reflect their concerns” – as this reflects this study’s concern with the social dimension in sports reporting.³ And the business-focused literature on corporate social responsibility (CSR), although CSR studies applied to the media industry are quite rare. In his book *Social Responsibilities of the Businessman*, which is widely considered the foundational work for CSR studies, Howard Bowen described CSR as “the obligations of businessmen to pursue those policies, to make those decisions, or to follow those lines of action which are desirable in terms of the objectives and values of our society.”⁴ According to Painter-Morland and Deslandes, most scholarly publications on the media’s CSR focus on how media organisations report on the corporate social responsibility of other organisations.⁵ In other words, based on Grayson’s categorisation, they focus on corporate responsibility *in* the media as opposed to the corporate responsibility *of* the media.⁶

4. A NEW TAXONOMY

Prior to examining the media coverage of the social dimension of sport, it is necessary to clearly define this dimension and its scope. The notion of “social dimension” can be utterly elusive unless we establish a distinctive analytical framework to circumscribe it. A new classification system, or taxonomy, was created to categorise potential areas for social analysis in media sport. In practical terms, the new taxonomy is a list of topics and subtopics that describe the sport’s social aspects. This broad analytical framework is meant to highlight as many socially relevant issues in sport reporting as possible. The taxonomy is intended for use to examine any type of media.

The first step towards the formation of this taxonomy was creating an inventory of the themes that occur most frequently in commonly used textbooks offering a sociological analysis of sport. The sport sociology textbooks were purposely chosen to include both *recent* books, published or revised after 2010, and *classics* in the sociology of sport. Furthermore, some of the selected books were written by single authors, while others were anthologies gathering contributions from different experts and perspectives. Both types of books were potentially

2 Pamela J. Shoemaker and Tim P. Vos, *Gatekeeping Theory* (New York: Routledge, 2009), 1.

3 Jay Rosen et al., *Public Journalism: Theory and Practice — Lessons from Experience*, Occasional Paper (Kettering Foundation, 1997), 8. On public journalism, see also: Davis ‘Buzz’ Merritt, *Public Journalism and Public Life: Why Telling the News Is Not Enough*, 2nd ed. (Mahwah, NJ: Erlbaum, 1998); Jay Rosen, “Public Journalism: A Case for Public Scholarship”, *Change* 27, no. 3 (1995): 34–38; and Jay Rosen, *What Are Journalists For?* (New Haven, CT: Yale University Press, 1999).

4 Howard R. Bowen, *Social Responsibilities of the Businessman* (New York: Harper and Row, 1953), 6.

5 Mollie Painter-Morland and Ghislain Deslandes, “Reconceptualizing CSR in the Media Industry as Relational Accountability”, *Journal of Business Ethics* 143, no. 4 (2017): 665–679, <https://doi.org/10.1007/s10551-016-3083-0>.

6 David Grayson, *Corporate Social Responsibility and the Media*, Paper (Doughty Centre for Corporate Responsibility, Cranfield School of Management, UK; co-published with Centrum für Corporate Citizenship Deutschland, 2009).

relevant to the study.⁷ Anthologies, while lacking cohesion compared to textbooks, present the additional advantage of covering a wide range of themes, which is of particular interest when mapping out these themes.⁸

The 12 recent sport sociology textbooks are:

- Defrance, Jacques. *Sociologie du Sport*. 6th edition. Paris: La Découverte, 2011.
- Digel, Helmut. *Sociological Aspects of Modern Sports*. Aachen: Meyer & Meyer Sport, 2013.
- Eitzen, D. Stanley, ed. *Sport in Contemporary Society: An Anthology*. 10th edition. New York: Oxford University Press, 2015.
- Giulianotti, Richard, ed. *Routledge Handbook of the Sociology of Sport*. London; New York: Routledge, 2015.
- Karen, David, and Robert E. Washington, eds. *Sociological Perspectives on Sport: The Games Outside the Games*. 1st edition. London; New York: Routledge, 2015.
- Craig, Peter, ed. *Sport Sociology*. 3rd edition. Los Angeles: Sage, 2016.
- Houlihan, Barrie, and Dominic Malcolm, eds. *Sport and Society*. 3rd edition. Thousand Oaks, CA: Sage Publications, 2016.
- Woods, Ron. *Social Issues in Sport*. Third edition. Champaign, IL: Human Kinetics, 2016.
- Coakley, Jay J. *Sports in Society: Issues and Controversies*. 12th edition. New York, NY: McGraw-Hill Education, 2017.⁹
- Jarvie, Grant, James Thornton, and Hector Mackie. *Sport, Culture and Society: An Introduction*. 3rd edition. London; New York: Routledge, 2018.
- Duret, Pascal. *Sociologie du Sport*. 4th edition. Paris: Presses Universitaires de France/Humensis, 2019.
- Delaney, Tim, and Tim Madigan. *The Sociology of Sports: An Introduction*. 3rd edition. Jefferson, North Carolina: McFarland & Company, Inc., Publishers, 2021.

The two sport sociology classics are:

- Edwards, Harry. *Sociology of Sport*. Homewood, Ill: Dorsey Press, 1973.
- Dunning, Eric. *Sport Matters: Sociological Studies of Sport, Violence, and Civilization*. London; New York: Routledge, 1999.

For the purposes of the inventory, “recurring themes” were those to which the respective author(s)/editor(s) had dedicated at least one specific section of their book – an entire chapter or part, clearly identified as such in the table of contents.

7 While meeting relevant study criteria, book selections necessarily remain arbitrary and incomplete since additional authors, languages, publication periods, etc. could always be included for review. The author of the present paper has also later published a sport sociology textbook, in Italian: Rosarita Cuccoli, *Fondamenti di Sociologia dello Sport* (Verona: Qui Edit, 2024).

8 David J Leonard, “Book Review: Sports in Society: Issues and Controversies, The Sociology of Sports: An Introduction, Sport in Contemporary Society: An Anthology, Sociological Perspectives on Sport: The Games Outside the Games and Sociology of North American Sport”, *International Review for the Sociology of Sport* 51, no. 1 (2016): 114–119, <https://doi.org/10.1177/1012690215617759>. Leonard has provided his own review of sport sociology textbooks. It includes, among others, Coakley’s (2017), Delaney and Madigan’s (2015), Eitzen’s (2015), and Karen and Washington’s (2015) books, which were also used for the purposes of the thematic inventory described above.

9 By the time of writing, Coakley’s book has reached its 14th edition, released in July 2025.

The recurring themes identified as such in the selected sport sociology textbooks formed a preliminary inventory. This inventory was then combined with themes from the European Union (EU)'s *White Paper on Sport*.¹⁰ Section 2 of the White Paper specifically describes "The societal role of sport." The list obtained was further refined with elements from the author's direct experience in the sports and journalism sectors.¹¹

The resulting taxonomy (Table 1) comprises 21 sport-related Topics and 131 Subtopics of social relevance:

Table 1: Analytical categories for social analysis in the media coverage of sport

TOPICS (Sport and/or ...)	SUBTOPICS
Charity	Charitable initiatives and contributions from athletes
	Charitable initiatives and contributions from sports organisations
Corruption	Bribes for the allocation of sports mega-events
	Conflicts of interest at the top
	Kickbacks for player transfers
	Match-fixing to a draw or a fixed score
	Money laundering through sponsorship and advertising arrangements
	Referee match rigging
Development cooperation	Tax havens
	Construction and management of sport infrastructures in developing countries
	Intercultural dialogue
	Job creation in developing countries
	Peacebuilding through sport
Disability	Barriers to participation
	Competitions
	Opportunities for participation
	Physical activity for disabled kids at school
	Unified sport

10 European Commission, "White Paper on Sport", European Commission, COM/ /0391 final 2007, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52007DC0391>.

11 Details of the author's academic and professional paths can be found in the Afterword and associated footnote.

Doping	Animal doping
	Banned drugs
	Bans and disqualifications of results
	Blood doping
	Law-enforcement
	Prevention
	Side effects (short- and long-term)
	State doping
Education	Athletes as role models / Inspirational
	Character development
	Child and youth development
	Coaching
	College sports ¹²
	Dual career training
	Moral values in sport
	Physical education at school
	Prevention of juvenile delinquency
	Sport and failure ¹³
Environment	Impact on the nature of elite and recreational sport
	Mobility: transportation and commuting to and from sports facilities
	Sports facilities: design, construction, and management
	Sportswear and equipment: sourcing, production, product lifecycle

¹² "College sports" is included in this taxonomy in connection with its social rather than economic impact.

¹³ "Sport and failure" was deliberately singled out as a separate subtopic, as opposed to considering it part of "Character development" (another subtopic within Education), to stress its importance and to challenge what Sheppard has described as the hegemonic discourse of "a world obsessed with winning, power, prestige, privilege, and various other articulations of success". Samantha N. Sheppard, "Introduction to 'Sport and Failure'", *Journal of Sport and Social Issues* 43, no. 4 (2019): 267, <https://doi.org/10.1177/0193723519840505>

Fandom	Camaraderie
	Fan violence
	Fans' solidarity
	Identity
	Nationalism
	Political tribalism
	Stress relief
	Tickets to sports events: availability and prices
	Traditions and connections through school, alma mater, district, hometown, state, country
Gambling	Addiction
	Illegal gambling
	Match-fixing for gambling purposes
	Organised crime
	Policy and regulatory issues
Gender and sexuality	Cheerleaders
	Equal prize money
	Homophobia
	Intersex athletes
	Pay gap
	Sexism
	Sexual abuse
	Sexual harassment
	Transgender athletes
	Women's access to leadership positions
	Women's access to sport
Globalisation	Elite migrant athletes
	Evolving geography of sports
	Global audiences
	Internationalisation of club ownership
	Internationalisation of teams and leagues

Governance of sports organisations	Corporate social responsibility (CSR) policies
	Fan relationship management
	Image of sport
	Self-regulatory measures
	Sports development
	Transparency and integrity
	Women's access to governance
Health and lifestyles	Ageing
	Alcohol abuse
	Animal welfare
	Children's physical development
	Diseases associated with sport
	Eating disorders
	Fitness
	Injury ¹⁴
	Lifestyle (sedentary vs. active)
	Nutrition
	Obesity
	Overtraining
	Painkiller abuse
	Psychological and mental health
	Public health
Hosting sports events	City and country promotion
	Forced displacement of locals
	Housing gentrification
	Jobs
	Legacy
	Tourism
	Urban renewal
Illegal equipment	Equipment that may harm opponents
	Technology doping
	Unauthorised substances on clothing, person, or equipment

¹⁴ Excluding the reporting of specific match-related injuries.

Labour rights	Exploitation of underage players
	Internationalisation of athletes' careers and contracts
	Labour rights at sporting infrastructure projects
	Moral and sexual harassment of athletes
	Trafficked players
Racism	Cyber-racism (sport-related)
	Discrimination and exclusion from decision-making roles
	Display of racist banners and symbols
	Racial abuse from other players
	Racist chants and insults
	Sports initiatives against racism
Religion	Neutrality of sport
	Religious signs in actions and clothing
	Sport as religion
Social integration and socialisation	Availability of sports facilities
	Elderly citizens
	Intercultural integration
	Migrants
	Poverty and social mobility
	Refugees
Violence	Athletes' domestic violence
	Athletes' violence on the pitch
	Emotional abuse by coaches
	Hazing
	Terrorism
Volunteering	Community sport development
	Disadvantaged neighbourhoods
	Non-profit sport
	Youth volunteering at sports events

5. TESTING THE NEW TAXONOMY

The new taxonomy, or matrix, was immediately put to the test to analyse the social analysis of sport in a sample of Italian print newspapers. As pointed out by Horky et al., “in addition to live reporting and despite declining circulation over the past several years, sports reporting in newspapers remains one of the most relevant areas of sports communication.”¹⁵ The choice of print had no direct connection with the purposes of the study, which focused on the *content* (the message), not the medium.¹⁶ The focus on print newspapers obviously leaves a vast field of research unexplored for future studies. Italy provided an ideal case study due to the presence, unlike most other countries, of a strong and diversified specialised sports press: three national newspapers specifically devoted to sports. This feature allowed for the additional comparison of sport’s social analysis by type of press.

The data on the coverage of the social dimension of sport were collected through the content analysis of a corpus of newspapers covering five different artificial timeframes over a combined artificial period of 28 days, spanning from September 2018 to April 2020 (see Table 2). The total number of pages reviewed amounted to 6,501. The six sampled newspapers included Italy’s general-interest newspapers with the largest circulation when content analysis began, in February 2020 (*Corriere della Sera*, *la Repubblica*, and *La Stampa*), and all Italian sports newspapers (*La Gazzetta dello Sport*, *Corriere dello Sport – Stadio*, and *Tuttosport*).¹⁷ The five periods for content analysis were purposefully chosen to include: one so-called “neutral” period, characterised by the absence of major events, in sport or elsewhere, which would otherwise heavily interfere with the news selection process; and four periods when events did offer, in principle, a perfect reason for sport-related social analysis – for example the Special Olympics World Summer Games or sport during the COVID-19 pandemic. Given the impossibility of examining the media coverage of any topic in its entirety, the choice of the five sampled periods aimed to obtain a “reasonably representative sample of material [meaning] a sample which is not skewed or biased by the personal preferences or hunches of the researcher, by the desire to ‘prove’ a particular preconceived point, or by insufficient knowledge of the media and their social context”.¹⁸

In content analysis, text is broken down or “coded” into categories, whose occurrence and frequency is then counted to draw tentative conclusions about the text itself in relation to the object of the study. The methodological tool used for the analysis was the new matrix presented in Table 1, namely a “codebook” of themes deemed relevant to assess social analysis in the press coverage of sport. The units of analysis, which in media content analysis means what is being counted, were the media items in the sampled newspapers that covered sport social aspects as defined in the matrix.

15 Thomas Horky et al., “The Toy Department Has Grown Up: The 2021 International Sports Press Survey (ISPS) in Comparison to the 2011 Survey”, *Journalism and Media* 6, no. 2 (2025): 81, <https://doi.org/10.3390/journalmedia6020081>.

16 Reference is clearly made here to Marshall McLuhan’s famous slogan “The medium is the message” in *Understanding Media: The Extensions of Man*, first published in 1964. McLuhan suggested that the communication medium, more than the messages it carries, should be the focus of study.

17 Circulation ranking for *Corriere della Sera*, *la Repubblica*, and *La Stampa* based on the average total circulation figures (print + digital replica, Italy and abroad) for February 2020 certified by ADS - Accertamenti Diffusione Stampa (<https://www.adsnotizie.it>).

18 Anders Hansen et al., *Mass Communication Research Methods* (London: Palgrave/Macmillan, 1998), 102–103.

Table 2: Sampled dates for the newspaper content analysis

Data set	Period	Event	Newspapers
(1)	29 September – 5 October 2018	Neutral = no major events (sporting or other)	<ul style="list-style-type: none"> • Corriere della Sera • la Repubblica • La Stampa • La Gazzetta dello Sport • Corriere dello Sport – Stadio • Tuttosport
(2)	13–22 March 2019	Special Olympics World Summer Games	<ul style="list-style-type: none"> • Corriere della Sera • la Repubblica • La Stampa • La Gazzetta dello Sport • Corriere dello Sport – Stadio • Tuttosport¹⁹
(3)	11 April 2019	Clashes between football fans before Ajax–Juventus in Amsterdam on April 10, 2019.	<ul style="list-style-type: none"> • Corriere della Sera • la Repubblica • La Stampa • La Gazzetta dello Sport • Corriere dello Sport – Stadio • Tuttosport
(4)	6–7 October 2019	Fans' pilgrimage to show support for Siniša Mihajlović, the coach of Bologna FC 1909.	<ul style="list-style-type: none"> • Corriere della Sera • la Repubblica • La Stampa • La Gazzetta dello Sport • Corriere dello Sport – Stadio²⁰
(5)	23–30 April 2020	Cancellation of most sporting events and activities worldwide due to the COVID-19 pandemic.	<ul style="list-style-type: none"> • La Gazzetta dello Sport

6. PRELIMINARY FINDINGS ON SOCIAL ANALYSIS IN MEDIA SPORT

The importance of the research endeavour laid more in the definition of the analytical tool (the taxonomy) than the results of the test from content analysis. The primary contribution of the study is the taxonomy itself, which can pave the way for multiple uses and further research, as later outlined in this paper. Meanwhile, the analysis of the selected corpus yielded a series of preliminary findings about social analysis in media sport.

The content analysis of the sampled newspapers showed that:

¹⁹ Incomplete series for Tuttosport that only covered the March 20–22 timeframe.

²⁰ *Tuttosport* is not included in data set (4) because copies of the newspaper for this dataframe were not available at the time of the analysis.

- a. Both general-interest and sports newspapers engage in the social analysis of sport (27% of the pages reviewed in the neutral period) and certainly consider it relevant (RQ1), although it could be argued that social analysis deserves more space. Evaluating whether this proportion was low or high, sufficient or insufficient, was not an immediate test objective.
- b. Under ordinary circumstances (neutral period), social analysis is more present in the general press (41% on average) than in the sports press (12% on average), reflecting the natural vocation of the general press to cover a more diverse range of subjects and the different facets of society, including when reporting on sport (RQ2).²¹ In contrast, sport-specific newspapers appear to need the wakeup call of a specific event to include social analysis in their coverage, despite the fact that sport is their core business.
- c. In non-neutral periods, that is, when editors have more freedom to select the topics that become news, the general press and sports press do not display any significant differences in their coverage of the social aspect of sport. The clearest example of their similarity was evident in the lack of coverage of the 2019 Special Olympics World Summer Games, a sporting event of undisputable social relevance. The press manifested virtually no interest in the event, whether in general-interest or sports newspapers. Combining the findings from both types of newspapers, only two minor relevant media items were identified during the entire ten-day period sampled for the analysis: a short article about a quarter of a page long in *La Gazzetta dello Sport* and a photo with a five-line caption in *Repubblica*.²²
- d. In general-interest newspapers, the social analysis of sport was found *outside* of the "Sport" section in nearly half (42.6%) of the cases under review. The breakdown between sport and non-sport sections suggests that the editors of the general press cannot really make up their mind about whether or not the social analysis of sport is actually part of "sports journalism." Should we hypothesise that social analysis is considered somehow too high to mingle, at least on a regular basis, with the usual content of the sports pages, which more typically focus on results and entertainment?
- e. In general-interest newspapers, outside of the Sport section, the social analysis of sport can be found in variety of sections, which may range from general news to local news, international news, leisure, weekly features, and more. Content analysis did not identify any particular pattern in the selection of non-sport sections for covering the social

21 The presence of social analysis is calculated as the proportion of the pages reviewed (the representative sample) that display the characteristic under examination (the presence of relevant media pieces), based on the new taxonomy, in the sampled period.

22 It should be noted that things have improved in this respect since then. For example, the 12th edition of the Special Olympics World Winter Games, which took place in Turin from 8 to 16 March 2025, was promoted through a series of advertising spots broadcast on national Italian television channels – not dedicated sports channels, but generalist ones with a much wider audience. Nearly 500 media outlets representing 47 countries registered to attend Turin 2025. On March 18, shortly after the end of the Games, Italian sports newspaper *Tuttosport* published a full-page article about Special Olympics Motor Activity Training Program (MATP) skier Samuele Tron and his father Andrea, who is also his coach. For more information on the media coverage of this event and the progress it represented, see Rosarita Cuccoli, "The Media Coverage of the Special Olympics World Winter Games Turin 2025", *Sport et Citoyenneté*, 22 April 2025, <https://www.sportetcitoyennete.com/en/articles-en/the-media-coverage-of-the-special-olympics-world-winter-games-turin-2025>.

dimension of sport.

- f. Sports newspapers are quintessential “hero factories.” Based on the content analysis of the sampled newspapers, they appear to be much more interested in inspirational stories from athletes than general-interest newspapers. During the sampled neutral period, which is the most revealing of the general patterns in the gatekeeping logics of the news selection process, the Subtopic labelled in the matrix (Table 1) as “Athletes as role models/Inspirational” appeared in 17 media items in sports newspapers compared to only 3 in general-interest newspapers.
- g. Some subject areas from the taxonomy appeared to be neglected by both general-interest and sport-specialised newspapers. Those areas were: Corruption, Gambling, Illegal equipment, Labour rights, Religion, and Volunteering. What is *not* covered by the press is often as revealing as what is covered, perhaps even more revealing. Except for Volunteering, which is of comparatively limited interest to readers, every other entry in the list of the missing topics may constitute, in one way or another, “inconvenient news” that most journalists, except for some virtuous exceptions, prefer not to cover.

One of the artificial timeframes for content analysis – timeframe (5) in Table 2 – occurred during the COVID-19 pandemic in April 2020. The taxonomy, devised before the outbreak of the pandemic, proved sufficiently complete to contemplate even an extraordinary event of that magnitude since it already comprised a pertinent subtopic: “Public health.” Content analysis for this specific period, which only involved *La Gazzetta dello Sport*, revealed that “Public health” issues, almost exclusively related to COVID-19 and how the world of sport was handling them, were by far the most recurrent subject in the newspaper’s coverage, accounting for nearly half (47.3%) of the media items of social relevance in the sample. The dramatic events of the pandemic helped pave the way for broader reporting on sport, or at least greater awareness of certain off-the-pitch issues. The pandemic dictated an abrupt shift in sports coverage towards health and safety issues. As dramatic as it was, the pandemic was an opportunity and a reminder for sports journalists that serious stories are also part of the job.²³ The challenge now is to transform that expanded attention into ordinary practice.

7. TOWARDS A WIDER RANGE OF SPORTS NEWS?

Content analysis using the new taxonomy focused on legacy media, i.e. an industry with economic imperatives. To what extent can these media outlets be expected to regularly cover the social dimension of sport, considering the difficulties they are already encountering in a rapidly changing media landscape? (RQ3) According to McEnnis, the idea that “worthy journalism does not sell and is simply produced for reputation and prestige” is still mainstream among sports desks.²⁴ In fact, multiple arguments support the business viability of social analysis in the press coverage of sport. In the highly competitive media landscape of the 21st century, where sporting news is immediately available on hundreds of media platforms and largely for free, mainstream media need to differentiate themselves from other information sources. They could use social analysis to do so and ultimately, to continue to be needed.

²³ Simon McEnnis, *Disrupting Sports Journalism* (London: Routledge, 2022).

²⁴ *Ibid.*, 151.

Sports journalists are ideally positioned to examine the broader picture of sport and the range of social issues associated with it. Furthermore, there is an audience for this type of coverage. The London 2012 Paralympic Games, which benefited from unprecedented media attention, proved the existence of a larger-than-expected market for “sport at large.” In the United Kingdom, the host country of that edition, one in four TV viewers watched Paralympic coverage on Channel 4 every day during the Games, marking a 251% increase from the Beijing 2008 Paralympics.²⁵ Incidentally, the role of the media is to raise public awareness of social issues regardless of, or especially when the public is not aware of them, rather than simply replicating what the public already gets and expects. Journalism cannot act as a mere marketing machine that caters to consumer surveys.

A more systematic coverage of the socially relevant aspects of sport could also help overcome the long-standing issue of sports journalism lacking credibility compared to other supposedly “more serious” types of journalism. Over time, derogatory epithets have been used to describe sports journalism and its actors, such as the “toy department” of the newsroom, “fans with typewriters”, “cheerleaders”, etc.²⁶ An expanded focus on the social aspects of sport can positively influence how sports information is received within the profession and could attract a larger number of readers and advertisers.

8. RELEVANCE OF FINDINGS AND AVENUES FOR FUTURE RESEARCH

The new taxonomy is primarily designed for use by the academic community. Researchers in communication sciences, media literacy, sport sociology and other adjacent disciplines can use it to identify and investigate the social dimension of media sport. Meanwhile, other categories like journalists and media executives may also find it useful in their daily activities. Journalists could draw on it to expand the news coverage of sport as a broader social phenomenon. At the industrial level, media executives could use the taxonomy as a template to explore the wider business potential of sports coverage. In his seminal book *Journalism and Society*, British communication theorist Denis McQuail highlighted the coexistence of theory and practice in journalism and remarked that “some form of theory inevitably develops out of the wider interaction of journalists and their social environment, especially as journalism becomes more complex and more significant in its potential consequences”.²⁷

The present study lays the foundations for further research in various directions. The new taxonomy can be used to examine the social analysis of sport in digital and audiovisual media, non-daily news reporting, local press, long-form journalism, citizen journalism, other journalistic ecosystems (beyond the Italian case study), and more. In addition, while content analysis was privileged over field work and ethnography in testing the new matrix, future research may complement this approach with methods including surveys and interviews.

25 International Paralympic Committee, “No. 13: Channel 4 Creates a Blueprint for Commercial Paralympic Broadcasting”, 19 December 2012, <https://www.paralympic.org/blog/natalia-dannenberg-digital-revolution>.

26 For a summary and discussion of the derogatory epithets that have been used over the years, by both journalists and academics, to describe sports journalism, see Rosarita Cuccoli, *Sports Journalism in Society* (Bologna: Bologna University Press, 2025), sect. 3.1, <https://doi.org/10.30682/9791254775424>.

27 Denis McQuail, *Journalism and Society* (Los Angeles: Sage, 2013), 5.

9. AFTERWORD

The complete results of the study, condensed in this conference paper, can be further explored in a recently published book by the same author: Cuccoli, Rosarita. *Sports Journalism in Society*. Bologna: Bologna University Press, 2025. The approach of this study reflects the author's fifteen-year journey examining the role and responsibility of sports journalism in society, within both professional and academic settings.²⁸ As such, it combines academic expertise with professional experience beyond traditional academia. It is expected to contribute to both research and the practical application of knowledge, notably within a journalistic environment and the media industry at large.

28 Rosarita Cuccoli served as the Secretary General of the International Association of Sports Newspapers (IASN), part of the World Association of Newspapers (WAN), from 2008 to 2011. The World Association of Newspapers (WAN) would later become WAN-IFRA as of July 2009 following its merger with IFRA, and was also renamed the World Association of News Publishers, its current name. For over 15 years, she has collaborated with Sport et Citoyenneté, the European think tank that studies sport's societal impact. Sport et Citoyenneté was established in Brussels in 2007, just a few weeks after the adoption of the European Commission's *White Paper on Sport*. Since 2012, she has taught sport and journalism sociology at European business schools and universities. This adds to her ongoing activity as a journalist for international sport-business publications.

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A REVIEW OF DOPING IN SPORTS: INDIA AND THE WORLD

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Abstract

Doping is a critical facet within the realm of competitive sports that have garnered substantial attention from athletes, researchers, and sports organizations alike. This research paper delves into the intricate relationship between doping and sports injuries, examining the legal and ethical challenges arising from their interplay. The objective is to critically analyze the multifaceted dimensions of this complex issue and provide insights into potential legal frameworks and ethical considerations. The paper begins by briefly exploring the prevalence and consequences of sports injuries, highlighting their impact on athletes' physical well-being, career prospects, and overall societal perception of sports. It further investigates the factors contributing to these injuries, including the role of intense competition, inadequate safety measures, and technological advancements that push athletes to their limits. Next, the paper shifts its focus to doping in sports, investigating the various forms of performance-enhancing substances and methods employed by athletes. It examines the ethical implications of doping, such as the unfair advantage it creates, potential harm to athletes' health, and the erosion of the fundamental principles of fair play and sportsmanship. The research then delves into the existing legal framework governing sports injuries and doping. It critically analyzes international regulations and national laws, emphasizing the challenges faced in effectively enforcing anti-doping measures and ensuring athlete safety. Moreover, it explores the role of sports governing bodies, athletes' unions, and the judiciary in addressing these issues. Furthermore, the paper highlights key cases and legal disputes related to sports injuries and doping, discussing their implications for athletes, sports organizations, and legal systems. It examines the principles of liability and accountability, considering the responsibilities of athletes, coaches, medical personnel, and sports authorities in preventing injuries and curbing doping practices. Lastly, the research paper provides recommendations to address the legal and ethical challenges posed by sports injuries and doping. It proposes potential strategies to strengthen anti-doping measures, enhance athlete safety, and strike a balance between fair competition and protecting athletes' health. By examining the existing legal framework and proposing practical recommendations, it aims to contribute to the ongoing discourse on safeguarding the integrity of sports while prioritizing athlete's well-being.

Keywords: Sports injuries, Doping, Athlete, Fair play, Ethical challenges.

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1. INTRODUCTION

Sports encompass a diverse array of physical pursuits aimed at elevating not only physical fitness and mental well-being but also forging social bonds and attaining triumphs in the arena of competition. Engaging in sports, whether informally or within the structured frameworks of organized sports, wields the remarkable power to sculpt the very core of one's character, particularly when it comes to the most competitive levels of play. Professionals and athletes in their respective sports are frequently challenged to perform at their best. The impetuses driving this unwavering commitment span a spectrum, ranging from individual pride and national prestige to the ascent of one's career trajectory. In professional sports, circumstances often arise where athletes need to surpass their body's ordinary limits to gain a competitive advantage. In contact sports, setbacks like injuries need proper attention before participating in events. This pursuit entails harnessing one's physiological potential to the utmost, sometimes steering individuals towards the employment of banned substances or ethically questionable methods, all with the intent of amplifying performance or expediting recovery from injuries. In Beckmann's sports dictionary, the term "doping" is defined as the utilization of substances that enhance performance, resulting in the athlete achieving a higher level of capability than they would typically attain.¹

The first official definition was propounded by the European Committee Council in 1963, which stated, "Doping represents the use of substances or physiological mediators, which are not normally present in the human body, introduced as an external aid to increase the athletes' performance during a competition."²

In 1999, the International Olympic Committee (IOC) established the World Anti-Doping Agency (WADA) in Lausanne, Switzerland. WADA's mission revolves around fostering, coordinating, and overseeing the battle against substance abuse in sports. It has played an engaged role in shaping regulations and offering directives concerning prohibited substances within the realm of professional sports. Additionally, WADA has introduced mandatory testing through random sampling methods during competitive sports. Mirroring the principles of WADA, India instituted the National Anti-Doping Agency (NADA) to address similar concerns at a national level.

2. HISTORY OF DOPING AND ITS EVOLUTION

Doping has been a widespread practice throughout history, with instances dating back to ancient times. In Norwegian mythology, Bufotenin, a substance found in frog skin or certain species of Amanita mushrooms, was mentioned as a substance that could enhance physical strength.³ During Ancient Greek times, experts provided athletes with different substances to enhance their physical abilities. This was widely accepted, and there is no concrete evidence to dispute the notion that these prohibited substances were explicitly banned. Likewise, during

1 Robert Alexandru Vlad, Gabriel Hancu, Gabriel Cosmin Popescu, and Ioana Andreea Lungu, "Doping in Sports, a Never-Ending Story?" *Advanced Pharmaceutical Bulletin* 8, no. 4(2018):529-534, <https://doi.org/10.15171/apb.2018.062>.

2 Loc. cit.

3 The History and Cultivation of Amanita Mushrooms, <https://dreamershrooms.com/history-and-cultivation-of-amanita-mushrooms>.

the Roman Empire, there are references to gladiators using substances to enhance their strength. Even racing horses were administered various mixtures of substances intended to boost their speed and endurance.⁴ The first instance of the dangers of doping in modern sports occurred when Tom Hicks passed away due to consuming a combination of cognac and strychnine during the Saint Louis marathon in 1904. In 1928, the International Athletics Federation (IAF) took the pioneering step of prohibiting doping in athletic competitions. Subsequently, anti-doping testing was implemented in 1960.⁵

In India, doping in sports started on a large scale prior to the 1982 Asiad Games. With India as the host nation, the pursuit of medals evolved into a matter of elevated status. At the forefront of endorsing drug misuse were the Bulgarian weightlifting mentors. They openly furnished Indian lifters with hazardous substances. However, doping's influence extended beyond weightlifting, infiltrating the realm of athletics. Major (retd.) Joginder Singh, a two-time Asian gold medalist intricately involved in the '82 Asiad team's training, noted how Indian athletes during the 1982 games passionately embraced drug use in their training camps. At that juncture, jests circulated that these athletes were smashing records fueled by substantial drug consumption, all while evading scrutiny. Astonishingly, it wasn't until the year 2000 that the initial significant incident came to light. The push for Olympic doping tests gained momentum. The 1972 Olympic Games in Munich marked the inaugural instance of formal supervision over conventional substances. Anabolic steroids were the pioneering substances subjected to control during the 1976 Olympics in Montreal, leading to disqualifications and forfeiture of medals for numerous athletes. These developments prompted the International Olympic Committee (IOC) to declare that doping test results must be publicly disclosed during the competitions.⁶ In the 1980s, fueled by scientific and technological advancements, novel methods emerged to trigger doping in sports. The Anti-Doping campaign surged as controls extended beyond competitions. The Olympic Games experienced their inaugural high-profile doping controversy with Ben Johnson, the renowned Canadian 100m sprinter hailed as the world's fastest man, facing a two-year suspension for testing positive for anabolic steroids.⁷ Doping was employed as a means to achieve global acknowledgment for the Communist-led administration of East Germany (GDR - German Democratic Republic). Under a tightly structured framework, founded on the principles of secrecy, substances were systematically provided to athletes throughout the country. Following the fall of the Iron Curtain, revelations of systematic doping practices in the GDR came to light. The pursuit of medals and the unethical exploitation of sports as a propaganda tool for national superiority had allowed anti-doping efforts to progress, often disregarding athletes' health and well-being.

4 Andrea A. Conti, "Doping in sports in ancient and recent times." *Med Secoli* 22, no. 1-3(2010):181-190, <https://pubmed.ncbi.nlm.nih.gov/21560989/>.

5 Shepherd and Wedderburn, "Sports law: the history and development of anti-doping rules," <https://shepweedd.com/knowledge/sports-law-history-and-development-anti-doping-rules>.

6 IOC, "Fight Against Doping," <https://www.olympics.com/ioc/fight-against-doping>.

7 James Montague, CNN, "Hero or villain? Ben Johnson and the dirtiest race in history," <https://edition.cnn.com/2012/07/23/sport/olympics-2012-ben-johnson-seoul-1988-dirtiest-race>.

3. SUBSTANCES AND METHODS USED IN DOPING

3.1. ERYTHROPOIETIN (EPO)⁸

Erythropoietin (EPO), a natural peptide hormone, originates in the human body, primarily from the kidneys. It prompts the bone marrow to elevate red blood cell production. Athletes use EPO injections to raise red blood cell count and thus enhance aerobic capacity. However, misusing EPO poses significant health hazards, including thickening of the blood that escalates the risk of fatal conditions like heart disease and stroke. EPO has also been associated with athlete fatalities.

3.2. CERA⁹

CERA, an advanced version of EPO known as Continuous Erythropoiesis Receptor Activator, represents the third generation. Due to its extended half-life, CERA requires less frequent administration. Athletes employ CERA not only for quicker recovery but also to elevate their oxygen-carrying capacity, thus enhancing endurance.

3.3. ANABOLIC STEROIDS¹⁰

Anabolic steroids mimic testosterone, a hormone produced in the male testes and, to a lesser extent, in female ovaries. Elevating their levels in the bloodstream aids athletes in augmenting muscle size and strength, while purportedly reducing body fat and post-injury recovery time. These steroids can also trigger aggression, along with causing issues such as high blood pressure, acne, liver function abnormalities, menstrual cycle disruptions, reduced sperm production, male impotence, kidney failure, and heart disease. Notable examples encompass testosterone, stanozolol, boldenone, nandrolone, and clostebol.

3.4. HUMAN GROWTH HORMONE¹¹

Human growth hormone (hGH), also known as somatotropin or somatotrophic hormone, is a naturally occurring hormone produced and released by cells in the anterior pituitary gland situated at the brain's base. hGH's primary function in body growth is to stimulate the liver and other tissues to produce insulin-like growth factor IGF-1, which spurs the generation of cartilage cells, leading to bone growth. This hormone also significantly impacts muscle and organ growth, thereby enhancing athletic performance. Notable reported side effects of hGH misuse include diabetes in susceptible individuals, exacerbation of heart conditions, muscle

8 United States Anti-Doping Agency, Blood Doping and EPO: An Anti-Doping FAQ, <https://www.usada.org/spirit-of-sport/education/blood-doping-epo-faq/>.

9 Nicolas Leuenberger, Séverine Lamon, Neil Robinson, Sylvain Giraud, and Martial Saugy, "How to confirm C.E.R.A. doping in athletes' blood?" *Forensic Sci Int.* 213, no. 1-3(2011):101-103, <https://doi.org/10.1016/j.forsciint.2011.07.053>.

10 Michael R. Graham, Bruce Davies, Fergal M. Grace, Andrew Kicman, and Julien S. Baker. "Anabolic Steroid Use." *Sports Medicine* 38, (2008):505–525. <https://doi.org/10.2165/00007256-200838060-00005>.

11 Martial Saugy, Neil Robinson, Christophe Saudan, Norbert Baume, Lidia Avois, and Patrice Mangin, "Human growth hormone doping in sport." *British Journal of Sports Medicine* 40, suppl. 1 (2006): i35-i39, <https://doi.org/10.1136/bjism.2006.027573>.

and joint discomfort, hypertension, cardiac issues, abnormal organ growth, and accelerated osteoarthritis.

3.5. DIURETICS¹²

Diuretics are frequently employed as a cover to hide other prohibited substances, but they also aid athletes in shedding weight. This can be potentially advantageous in sports that require specific weight categories for qualification, such as boxing and weightlifting. This type of doping is widespread in these disciplines. Commonly used diuretics include furosemide, bendroflumethiazide, and metolazone.

3.6. BLOOD DOPING¹³

Blood doping is categorized into two types: autologous and homologous. Autologous blood doping involves transfusing one's own stored, refrigerated, or frozen blood. Homologous blood doping entails transfusing blood from another person with the same blood type. With the advent of effective EPO detection methods, there has been a recent resurgence in blood transfusion-based doping. A homologous blood transfusion test was introduced during the 2004 Athens Olympic Games. The World Anti-Doping Agency (WADA) leads in developing "biological passports" that track an athlete's blood and biological data over time. Moreover, WADA funds research to devise a test for autologous transfusions.

3.7. INSULIN¹⁴

Insulin heightens muscle glucose uptake and supports muscle glycogen formation and storage. Athletes might utilize it for endurance-demanding events. It is also abused alongside growth hormones or anabolic steroids to enhance muscle growth. Misuse causes severe hypoglycemia, resulting in cognitive impairment, seizures, unconsciousness, and in severe cases, brain damage or death.

3.8. GENE DOPING¹⁵

WADA defines gene doping as the introduction of nucleic acids or sequences, along with normal or altered cells. Medical gene therapy's progress has opened doors for potential cheaters to genetically enhance physical abilities. Though practical instances are uncertain, gene doping theoretically could amplify muscle growth, blood production, endurance, oxygen distribution, and pain tolerance. Presently, no tests can detect gene doping.

12 Amy B. Cadwallader, Xavier De La Torre, Alessandra Tieri, and Francesco Botrè. "The abuse of diuretics as performance-enhancing drugs and masking agents in sport doping: pharmacology, toxicology and analysis." *British Journal of Pharmacology* 161, no. 1(2010):1-16, <https://doi.org/10.1111/j.1476-5381.2010.00789.x>.

13 Carsten Lundby, Paul Robach, and Bengt Saltin, "The evolving science of detection of 'blood doping'." *British Journal of Pharmacology* 165, no. 5(2012):1306-1315, <https://doi.org/10.1111/j.1476-5381.2011.01822.x>.

14 Mario, Thevis, Andreas Thomas, and Wilhelm Schänzer, "Insulin" in *Doping in Sports: Biochemical Principles, Effects and Analysis. Handbook of Experimental Pharmacology*, vol 195, eds. Detlef Thieme, and Peter Hemmersbach (Berlin, Heidelberg: Springer, 2010), 209-226, https://doi.org/10.1007/978-3-540-79088-4_10.

15 Mehmet Unal, and Durisehvar Ozer Unal. "Gene Doping in Sports." *Sports Medicine* 34, (2004):357-362, <https://doi.org/10.2165/00007256-200434060-00002>.

4. CASES OF DOPING - INDIA AND THE WORLD

4.1. EAST GERMANY SYSTEMATIC DOPING – THE 1970S AND 1980S¹⁶

In pursuit of demonstrating communism's superiority, the East German government opted to administer athletes with performance-enhancing substances, primarily steroids. Athletes observed bodily changes but had little autonomy within an authoritarian system. Suspicions arose when the East Germany women's swimming team secured 11 out of 13 medals in the 1976 Montreal Olympics. It was later revealed that there was a systemic doping program involving around 9,000 athletes. While those responsible were tried and convicted, athletes suffered lifelong health issues like cancer and infertility as a consequence of the doping scheme.

4.2. BEN JOHNSON – 1988

During the 1988 Seoul Olympics, Canadian sprinter Ben Johnson clinched gold in the 100m, setting a new world record and outperforming his American rival, Carl Lewis. Subsequent testing detected the steroid stanozolol in Johnson's system, leading him to relinquish his gold medal to Lewis. After failing another drug test in 1993, Johnson received a lifetime suspension. His case shed light on the widespread use of doping beyond the Communist bloc, spanning the entire athletics realm.

4.3. DIEGO MARADONA - 1994

Diego Maradona, the celebrated Argentine soccer icon, who led his team to triumph in the 1986 World Cup, tested positive for five distinct ephedrine variants during the 1994 World Cup. He had previously faced a 15-month suspension in 1991-92 due to cocaine use. Despite his dedication, losing 26 pounds to prepare for the World Cup and showcasing his skills with a goal and assist in the opening round, Maradona's career came to a halt following this incident. Although he played on for a few more years, he never represented Argentina again.

4.4. THE FESTINA AFFAIR – 1998¹⁷

During a border inspection near Belgium, specifically in Lille, a French town, authorities uncovered a collection of performance-enhancing substances, including amphetamines, erythropoietin, and steroids, constituting the Festina Affair. This scandal unfolded amidst and following the 1998 Tour De France, tainting professional cycling. Subsequent police inquiries led the team's manager and doctor to confess to the doping regimen. As a result, the team was ultimately ejected from the race. This controversy notably contributed to the establishment of the World Anti-Doping Agency in 1999, shaping the landscape of anti-doping efforts.

16 Domhnall Macauley, "Doping in sport—a warning from history", *BMJ* 335 (2007): 618, <https://doi.org/10.1136/bmj.39343.402766.68>.

17 Jeremy Whittle, "Twenty Years on the Festina Affair Casts a shadow over Tour De France", *The Guardian*, July 3, 2018, <https://www.theguardian.com/sport/2018/jul/03/tour-de-france-festina-affair>.

4.5. SEEMA PUNIA – 2000

Seema Punia, dubbed the “millennium child,” marked India’s initial prominent doping case. The discus thrower secured gold at the 2000 World Junior Championships in Chile, only to lose the medal due to a positive test for the stimulant pseudoephedrine. Given the absence of established regulations at the time, she received a warning and evaded a ban. Despite this setback, Punia rebounded impressively, clinching podium finishes in subsequent Commonwealth and Asian Games in the following decades.

4.6. ANDREAS KRIEGER¹⁸

Heidi Krieger, a former East German female shot-putter, was subjected to systematic anabolic steroid doping by East German officials in the 1980s and 1990s. The doping started at age 16, resulting in visible male attributes by the time she was 18. In 1997, Krieger underwent gender confirmation surgery and changed the name to Andreas. This case garnered significant attention, prompting other athletes to publicly address the doping legacy in East Germany for the first time.

4.7. LANCE ARMSTRONG - 2012

Lance Armstrong, the American cyclist, clinched seven consecutive Tour de France victories from 1999 to 2005. His triumphs brought him fame, which was further elevated by his survival of cancer. Despite suspicions of steroid use, no conclusive evidence emerged. In 2012, the U.S. Anti-Doping Agency accused Armstrong of using performance-enhancing substances. He chose not to challenge the charges, resulting in the forfeiture of his Tour de France titles and a cycling ban. In October, the agency issued a report labeling Armstrong as part of “the most sophisticated, professionalized and successful doping program that sport has ever seen.”

4.8. INDIAN WEIGHTLIFTERS BAN – 2015

One of the nation’s most significant doping controversies unfolded as the Indian Weightlifting Federation temporarily suspended 21 weightlifters due to their positive tests for prohibited substances across multiple events. In the same year, Punjabi thrower Ketki Sethi faced an eight-year ban following her second positive doping test during a national meet in Patiala, transpiring within a brief time frame.

4.9. PRITHVI SHAW – 2019¹⁹

Star Indian cricketer Prithvi Shaw faced an eight-month suspension upon testing positive for terbutaline, a banned substance present in cough syrups. Similarly, another Indian cricketer, Yusuf Pathan, received a five-month ban after testing positive for terbutaline during a domestic

18 Jere Longman, “Drug Testing; East German Steroids’ Toll: ‘They Killed Heidi’”, *The New York Times*, January 26, 2004, <https://www.nytimes.com/2004/01/26/sports/drug-testing-east-german-steroids-toll-they-killed-heidi.html>.

19 Deepak Natarajan, “The Curious Case of Terbutaline, the Drug Behind Cricketer Prithvi Shaw Ban”, *The Wire*, August 2, 2019, <https://thewire.in/health/prithvi-shaw-terbutaline-anti-doping-wada-anabolic-steroids>.

match in 2017. These incidents prompted the BCCI to intensify its anti-doping efforts, focusing on awareness and control. Notably, the Prithvi Shaw case triggered a sequence of events leading to the BCCI's shift in stance, eventually aligning with WADA's regulations.

4.10. RUSSIA OLYMPIC BAN 2021-2022

In 2016, the former head of Moscow's anti-doping lab publicly exposed a government-led effort to supply Russian athletes with performance-enhancing drugs and mask their usage during the 2014 Sochi Olympics. By December 2019, due to manipulated reports from the Moscow lab, WADA imposed a four-year suspension on Russia for major sports events, which was later reduced to two years by the Court of Arbitration for Sport in 2020. Russian athletes were allowed to participate in the 2021 and 2022 Olympics, though not under the Russian flag or anthem.

5. ANTI-DOPING ORGANISATIONS: THE LEGAL FRAMEWORK

5.1. WADA²⁰

WADA, established in 1999 following the Festina Scandal, is a prominent global independent body that spearheads the battle against doping in sports. Endorsed by the International Olympic Committee, WADA is tasked with coordinating, regulating, and overseeing anti-doping efforts. It is financed by both international sports bodies and governments. WADA's pursuits encompass scientific research, education, capacity building, and ensuring adherence to the World Anti-Doping Code. The overarching goal is to unify anti-doping rules across sports and nations, annually cataloging banned substances and methods for athletes.

5.2. UNESCO - INTERNATIONAL CONVENTION AGAINST DOPING IN SPORTS²¹

Crafted in 2003 and ratified in 2005 (implemented in 2007), UNESCO's International Convention Against Doping in Sport stands as a cornerstone of global athletic integrity. This seminal agreement orchestrates cohesion among guidelines, regulations, and anti-doping laws, ushering athletes into a realm of parity and justice. Flexibility resonates within its core, empowering governments to enact its tenets. By embracing anti-doping research, nurturing education initiatives, and fortifying doping controls, member states pledge allegiance to the spirit of sport. Through this convention, a symphony of international cooperation resounds, safeguarding athletes and preserving sports' noble ethos. Not merely a gesture, this framework breathes life into the World Anti-Doping Code, bestowing governments with jurisdiction to confront doping's nuanced challenges. Beyond the stadium lights, the convention's reach unfurls, encapsulating a pledge for enduring fairness in the realm of athletics.

20 World Anti Doping Agency (WADA), <https://www.wada-ama.org/en>.

21 UNESCO, International Convention Against Doping in Sports (2005), <https://www.unesco.org/en/convention-against-doping-sport>.

5.3. COURT OF ARBITRATION FOR SPORTS (CAS)²²

In 1984, the Court of Arbitration for Sport found its headquarters in Lausanne, Switzerland. By adhering to the 2009 World Anti-Doping Code, all signatories, spanning from Olympic federations to national committees, conceded to CAS jurisdiction for anti-doping infractions. In 2016, CAS judges, versed in Olympic doping cases, took the reins from the IOC disciplinary commission, fortifying the fight for fair competition.

5.4. NADA²³

Established in 2009, the National Anti-Doping Agency (NADA) takes the helm in India's battle for clean sports. Tasked with orchestrating, overseeing, and fostering doping control initiatives, NADA aligns its strategies with the global edicts of the World Anti-Doping Agency. It stands not only as an enforcer but also as an educator, harmonizing with fellow anti-doping bodies and kindling research and awareness. Empowered by the Union Government, NADA's collective includes scientific minds and Indian Olympic Association representatives, united not only to sanction but also to enlighten, ensuring athletes are conscious of inadvertent prohibited substance use.

6. EMPOWERING CLEAN SPORTS: INDIA'S NATIONAL ANTI-DOPING BILL, 2022

In a landmark move, India joined the ranks of nations with its own anti-doping legislation in August of last year. Designed to curb doping, the bill forbids athletes and support personnel from engaging in doping practices. Crucially, it lends legal authority to bodies like the National Anti-Doping Agency (NADA) and the National Dope Testing Laboratory (NDTL)²⁴, enabling the expansion of testing facilities.

Alarming statistics underscore the gravity of doping in India. In 2019, over 150 athletes failed doping tests, with bodybuilders constituting a significant portion. Notably, India ranked third globally for doping violations in 2021, trailing only Russia and Iran²⁵. High-profile incidents, like Commonwealth Games hopeful Aishwarya Babu's recent test failure, emphasize the pressing need for stringent measures.

The bill aspires to provide timely justice to athletes while fostering collaboration among agencies in the fight against doping. It exemplifies India's commitment to international clean sports standards and establishes an independent anti-doping adjudication mechanism. A National Board for Anti-Doping in Sports will oversee regulation and compliance, ensuring the agency's effectiveness. Existing infrastructure, like the National Dope Testing Laboratory,

22 WADA, Court of Arbitration for Sport, <https://www.wada-ama.org/en/anti-doping-partners/court-arbitration-sport>.

23 National Anti Doping Agency (NADA) New Delhi, https://cbcindia.gov.in/code_list/national-anti-doping-agencynadanew-delhi/.

24 National Dope Testing Laboratory, <https://ndtlindia.com/>.

25 Aryan Madhavan, Doping, Legal Service India, August 12, 2023. <https://www.legalserviceindia.com/legal/article-3936-doping.html#:~:text=The%20National%20Anti%2DDoping%20Agency,all%20its%20forms%20in%20India.>

will be pivotal, and new testing facilities might emerge under central government guidance.

7. ANTI-DOPING IN INDIA: ISSUES AND CHALLENGES

7.1. INSTANCES OF VIOLATIONS AGAINST ANTI-DOPING REGULATIONS

NADA has conducted rigorous testing on more than 40,000 athletes, aiming to uncover breaches of anti-doping regulations. This effort has led to the identification of 1206 athletes who, according to NADA guidelines, have transgressed these rules. India's consistent unfavorable rankings in Anti-Doping Regulation Breaches (ADRBs), as documented by WADA, underline its ongoing challenges. In 2018, Russia (144 ADRBs), Italy (132 ADRBs), and France (114 ADRBs) secured the top positions in doping violations, with India closely trailing in fourth place with 107 ADRBs. Reflecting on 2017, India held responsibility for the fourth-highest count of ADRBs (57), while for the preceding three years (2015-2017), India consistently ranked third in ADRBs. Unwillingness or inability to provide a sample resulted in numerous athletes violating NADA Regulations. Despite the absence of comprehensive empirical evidence regarding unintentional doping's scope in India, prevalent anecdotal accounts and commentary strongly highlight its widespread nature. This is often linked to a lack of awareness or the inadvertent consumption of banned substances through nutritional supplements or medications.

7.2. UNVEILING INDIA'S DWINDLING TESTING TRENDS

In August 2019, NDTL's WADA accreditation was suspended due to non-compliance with the ISL and its technical documents, forcing all dope tests to be evaluated abroad, and incurring significant expenses for NADA. This was particularly burdensome given India's large population. However, the testing results were inadequate. Strangely, the number of athletes tested by NADA dropped notably from 5,162 samples in 2015 to 2,831 samples in 2016, even though 2016 was an Olympic year. Over time, athlete testing increased, reaching 4,004 samples in 2019. Yet, the COVID-19 outbreak in 2020 severely hampered testing efforts, with only 1,186 tests conducted throughout the year. Consequently, the percentage of athletes with positive adverse analytical findings (AAFs) surged, contrasting sharply with the global average. In 2019, the positive AAF rate was 5.6%, escalating to 4.6% in 2020. The apparent connection between reduced testing frequency in India, the rise in AAF percentages, and a decline in athletes testing positive for banned substances may suggest a complex situation. It could actually signify a higher likelihood of athletes evading detection.

7.3. UNVEILING NDTL'S SUSPENSION AND FLAWED TESTING PRACTICES

The National Dope Testing Laboratory (NDTL) in New Delhi suffered a significant setback when WADA suspended its accreditation in August 2019 due to consistent failure in aligning testing procedures with the International Standard for Laboratories (ISL). Despite repeated warnings, NDTL's failure to rectify its practices led to this downfall. An independent disciplinary committee's recommendations highlighted substantial non-compliance with ISL standards, leading to the suspension. NDTL's isotope ratio mass spectrometry (IRMS) sampling method faced particular objections. Inadequate standard operating procedures and a poorly managed quality control team further exacerbated the issues. A stark example highlighted the issue:

six tests initially labeled as negative Adverse Analytical Findings (AAFs) were retested at a WADA-accredited lab in Montreal, revealing positive results. This led to suspensions for six Indian athletes, showcasing NDTL's deficiencies. False positives worsened the situation, causing unjust suspensions.

7.4. ANTI-DOPING DISPUTES

In the context of anti-doping disputes, procedural issues are a significant concern. The Anti-Doping Disciplinary Panel (ADDP) has faced criticism for issuing flawed decisions multiple times. A consistent pattern emerges as both ADDP and ADAP consistently hand down four-year penalties to athletes who test positive for specific substances outside of competitions. Interestingly, this type of Anti-Doping Rule Violation (ADRV) typically carries a maximum suspension of two years. However, NADA can extend this term if it can prove that the athlete intentionally used the banned substance for performance enhancement. These inconsistencies in rule interpretation are not limited to India, but extend internationally. The Anti-Doping Code outlines minimum procedural safeguards, including an athlete's right to a fair, impartial, and independent hearing, access to legal representation, a cost-effective and accessible hearing process, and timely conflict resolution. In contrast, countries like the UK and New Zealand have consistently updated their sports dispute resolution procedures, while India has yet to do so. Although many athletes have the right to appeal to the CAS, Indian athletes rarely exercise this right. Surprisingly, out of 1206 recorded ADRVs in India, only 14 cases have reached the CAS. Strikingly, all but one of these instances were initiated by WADA's appeals. This situation has led to claims that the fact that only one Indian athlete has sought recourse at the CAS could be seen as evidence of issues with access to justice in the anti-doping dispute resolution framework.

7.5. INADVERTENT DOPING AND EDUCATION: A CRUCIAL NEXUS

In sports, the shadow of inadvertent doping looms over athlete integrity and competition purity. A 2022 Indian study exposed a pivotal facet of this issue, highlighting the vital link between education and inadvertent doping. Focused on elite athletes, the study examined how anti-doping education influenced awareness and conduct. Surprisingly, only 38.1% of the 181 surveyed athletes engaged in anti-doping education sessions by NADA or their federations, held in training camps or institutes. These sessions aimed to cultivate a profound comprehension of doping risks. This mosaic of insights unveiled a stark distinction between informed athletes and those oblivious to doping intricacies. A significant 67.4% of respondents displayed familiarity with NADA and WADA, yet only superficially. Moreover, 53.6% exhibited fragmented awareness of anti-doping suspension consequences—hinting at comprehension without grasping the gravity. The study's zenith showcased a contrast between athletes attending anti-doping education and those abstaining. Attendees reported amplified understanding of doping risks—a transformative enlightenment beyond competition. It underlines education's power. In a realm of split-second decisions and athleticism, the line between inadvertent and intentional misconduct is thin. The findings demand a paradigm shift—prioritizing anti-doping education for athletes. Education must become a fundamental pillar, not a choice. Amid the complexities of fair play, this study echoes: knowledge thwarts inadvertent doping; a rallying call to embolden athletes, fortify integrity, and elevate sportsmanship.

8. ADDRESSING SHORTCOMINGS IN THE NATIONAL ANTI-DOPING BILL

The National Anti-Doping Bill of 2021 is a crucial step towards maintaining the integrity of sports and upholding the principles set forth by the World Anti-Doping Agency (WADA). However, a comprehensive analysis reveals certain shortcomings that need immediate attention to ensure the effectiveness of the bill.

8.1. SAFEGUARDING NADA AUTONOMY

One of the cornerstones of effective National Anti-Doping Organizations (NADOs) is their autonomy from external influences. As per WADA guidelines, NADOs are entrusted with the responsibility of preserving the purity of sports through rigorous adherence to anti-doping regulations. Nevertheless, the provisions within the National Anti-Doping Bill 2021 may fall short in safeguarding the independence of the National Anti-Doping Agency (NADA) from potential pressures, both from the central government and national sports organizations. This vulnerability threatens the impartiality of NADA's functions, including athlete testing, violation evaluations, and penalty imposition under the WADA Code.

8.2. TRANSPARENT QUALIFICATIONS FOR DIRECTOR GENERAL

Another aspect that requires attention pertains to the qualifications and appointment of the Director General of NADA. While the Bill designates that the central government will appoint the Director General, it lacks clarity regarding the specific qualifications and experience necessary for this pivotal role. The omission of these qualifications within the Bill itself necessitates further elaboration through subsequent Rules. By explicitly defining these prerequisites, the government can ensure a transparent and merit-based selection process for this significant position.

8.3. ENSURING DIRECTOR GENERAL'S INDEPENDENCE

An issue of concern arises from the central government's authority to remove the Director General based on reasons of misconduct, incapacity, or unspecified grounds. The ambiguity surrounding the latter category not only raises questions about the criteria for removal but also grants considerable discretion to the central government. This discretion, coupled with the lack of specification, could potentially compromise the Director General's independence. Stricter guidelines within the Bill are essential to prevent undue interference and maintain the agency's integrity.

8.4. CLARIFYING THE ROLE OF VICE-CHAIRPERSONS

To maintain consistency and clarity within the structure of the National Board for Anti-Doping in Sports, a specific concern needs to be addressed. The composition of the Disciplinary Panel, responsible for determining consequences for anti-doping rule violations, includes a Chairperson, four Vice-Chairpersons, and ten members. However, the Bill fails to specify which of the four Vice-Chairpersons will assume responsibility for forming hearing panels in the absence of the Chairperson. Clear designation of this role is vital to ensure smooth proceedings and effective decision-making.

8.5. EXPERTISE IN DISCIPLINARY AND HEARING PANELS

The composition of the hearing panel is pivotal for fair evaluations of anti-doping violations. WADA guidelines underscore the importance of collective expertise in legal matters, science, medicine, and sport, alongside anti-doping experience. Regrettably, the Bill falls short in mandating anti-doping experience for members of the hearing panels. Incorporating this requirement would enhance the panel's credibility and effectiveness in upholding anti-doping regulations.

8.6. CRITERIA FOR DISMISSAL OF DISCIPLINARY AND HEARING PANEL MEMBERS

In accordance with WADA directives, a fair process for addressing anti-doping rule violations is mandated. This requires hearing panel members to serve their full term, except for valid reasons such as legal incapacity, involvement in doping or criminal activities, or failure in prescribed duties.

The proposed Bill establishes the National Board for Anti-Doping in Sports, which includes a Disciplinary Panel for handling rule violations and an Appeal Panel for reviewing decisions. The Board has the authority to remove members from both panels based on specified grounds, although these criteria are not detailed in the Bill. This discretion could potentially affect the panels' independent functioning. While the Bill outlines grounds for removal of National Board members (such as conviction and misuse of position) and their hearing rights, it lacks a similar provision for members of the Disciplinary and Appeal Panels.

9. SUGGESTIONS TO IMPROVE ANTI-DOPING SCENARIO

9.1. ENSURING THE AUTONOMY OF NATIONAL ANTI-DOPING ORGANIZATIONS

The autonomy of NADOs serves as a safeguard against the specter of external influences that might compromise the integrity of anti-doping endeavors. Financial, political, and commercial pressures can encroach on the pursuit of unbiased and effective anti-doping strategies. By ensuring NADOs' independence, we insulate them from such pressures, empowering them to make decisions rooted solely in the interests of protecting athletes' health and upholding the sanctity of sports.

9.2. REVAMPED ANTI-DOPING TESTING STRATEGIES

Elevating the landscape of testing protocols against doping in India necessitates a comprehensive and collaborative approach, engaging an array of stakeholders: sports entities, governmental bodies, athletes, and the scientific community. To effectively combat this issue, a multifaceted strategy involving advanced medical techniques, state-of-the-art technology, and ingenious methodologies is imperative. Presently, the exigency demands substantial investments in contemporary doping control laboratories, equipped with cutting-edge apparatus and technology to yield testing that is not only more precise but also more efficient. This endeavor should emphasize adherence to global benchmarks, obtaining accreditation from entities like WADA to ensure international standards are met. Embracing avant-garde analytical techniques, including mass spectrometry and gas chromatography will

empower the identification of even the faintest traces of illicit substances. A holistic Athlete Biological Passport (ABP) initiative, meticulously tracing an athlete's biological indicators over time encompassing blood and urine profiles, stands as a pivotal tool to unearth anomalies hinting at potential doping. The ABP system should be a dynamic entity, undergoing periodic enhancements in line with emerging scientific insights. Fostering global partnerships with anti-doping agencies and research institutions is paramount; the synergy facilitates the exchange of knowledge, optimal methodologies, and resource optimization. Participation in international proficiency tests serves as a litmus test for the precision and reliability of testing methodologies. Investment in pioneering research geared towards devising novel approaches for the identification of nascent doping agents and methodologies is non-negotiable. Vigilance regarding advancements in anti-doping science should drive regular refinements in the testing protocols, keeping the methods at the vanguard of scientific progress.

9.3. STRICTER PENALTIES THAT ARE CONSISTENT ACROSS ALL JURISDICTIONS

Implementing stricter penalties that are consistent across all jurisdictions within the guidelines of the World Anti-Doping Agency (WADA) can be an effective strategy to combat anti-doping violations in sports.

A tiered system of penalties based on the severity of the doping violation can be implemented. For example: Tier 1 would cover minor violations with unintentional substance use, Tier 2 would address significant violations with intentional substance use, and Tier 3 would include aggravated violations involving multiple substances or systematic doping schemes. Consistency in sanctions is crucial. Ensuring that penalties are consistent across all jurisdictions can prevent athletes from seeking lenient jurisdictions for reduced penalties. This also prevents the Anti-Doping Disciplinary Panel from making erroneous decisions.

9.4. IMPROVED WHISTLEBLOWER MECHANISM

Implementing robust measures can establish a comprehensive whistleblower framework aimed at fostering a culture of reporting pertinent information to effectively counter instances of anti-doping violations. These measures encompass various essential aspects: Firstly, prioritizing Anonymity Protection entails setting up secure and confidential channels that allow individuals to submit valuable information about doping violations without revealing their identities. Secondly, ensuring Legal Protection becomes vital in safeguarding whistleblowers from any form of retaliation or harassment, both within and outside the sports community. To ensure the credibility of the system, the establishment of Independent Oversight plays a pivotal role. This entails creating an impartial body or organization responsible for receiving and investigating whistleblower reports. It's crucial that this body maintains no affiliations with sports organizations to eliminate potential conflicts of interest. Clear Reporting Channels are necessary for enhancing accessibility, which includes setting up a variety of avenues such as online platforms, hotlines, and dedicated email addresses that facilitate the reporting process for whistleblowers. Providing Expert Support is equally essential, granting whistleblowers access to legal and psychological assistance to help them navigate potential emotional distress or legal challenges stemming from their actions. Introducing a Rewards System could serve as an incentive, offering financial rewards or protection against sanctions for whistleblowers who provide crucial information, even if they themselves were involved

in doping. Educational efforts encompass Training and Awareness, targeting athletes, coaches, and other stakeholders to emphasize the significance of whistleblowing, elucidate the protections in place, and elucidate the process for reporting doping violations. Prompt Investigations are integral in preserving the system's credibility. Each whistleblower report should be swiftly and comprehensively investigated. Building Public Trust involves regularly communicating the successes achieved through the whistleblower mechanism. This not only bolsters confidence in the process but also acts as a deterrent to potential wrongdoers. Transparency is key throughout the investigative process, balancing openness with the need to respect the whistleblower's anonymity. This practice showcases the thoroughness and seriousness with which reports are treated. A system of Oversight and Accountability must be established to continually assess the effectiveness of the whistleblower framework and institute necessary refinements over time. This iterative process ensures its long-term viability and impact.

9.5. ENCOMPASSING THE ENTIRE SPORTING SPECTRUM

It is imperative that the legislative framework extends its reach beyond the confines of high-profile sports and transcends the boundaries of competitive tiers. Inclusive of disciplines ranging from the most celebrated to the lesser-known, and from the echelons of professionalism to the grassroots of amateurism, the legislation must cast a wide net. The rationale behind this expansiveness lies in the recognition that the scourge of doping, like an insidious undercurrent, can infiltrate even the most remote corners of sporting involvement. By casting its protective mantle over all sports and levels, the legislation stands as a beacon of equitable ethics. It ensures that athletes, regardless of their chosen endeavor or their standing on the competitive ladder, are provided with a level playing field that is devoid of the taint of performance-enhancing substances. This inclusivity is not merely a matter of bureaucratic necessity; it symbolizes a steadfast commitment to upholding the ideals of fair play, where victory is determined by skill, dedication, and passion, rather than by chemically-fueled shortcuts.

9.6. MAINSTREAM LEGISLATIVE INCORPORATION OF “BOOSTING”

In the realm of para-sports, where resilience and determination converge in extraordinary displays of athletic prowess, the imperative to address the burgeoning threat of boosting—encompassing doping practices and strategies aimed at exploiting physical conditions such as spinal cord injury—assumes paramount significance. The call to include these practices, rooted in their potential for grave health risks such as Autonomic Dysreflexia, within the ambit of the main legislative framework governing para-sports stands not only as a protective measure against unfair advantages but also as a testament to the profound commitment to the health and equitable competition of para-athletes.

9.7. FOSTERING A CULTURE OF PREVENTION

Beyond immediate relief, a holistic approach champions a culture of prevention—an ethos that endeavors to thwart injuries before they take root. The utilization of opioids, although offering respite from pain, can inadvertently perpetuate the cycle of injury by masking warning signs. By prioritizing preventive measures such as proper training techniques, personalized

conditioning, and mindful recovery, athletes can proactively reduce the likelihood of injuries, thus circumventing the need for strong painkillers. An integral component of this evolution is the education of athletes themselves. Empowering athletes with knowledge about the potential dangers of opioids and the interconnected risks of doping fosters a sense of agency over their own health. Understanding that the choices they make today can reverberate in their athletic careers and personal lives, athletes are more likely to gravitate toward alternatives that align with their long-term goals. The tapestry of holistic pain management is woven with an array of approaches that extend beyond the confines of traditional medicine. Integrative techniques, including physical therapy, acupuncture, massage, and mindfulness practices, are gaining prominence as viable alternatives to opioids. These approaches offer multifaceted benefits, from reducing pain and inflammation to enhancing mental resilience—rendering them instrumental in not only pain management, but also in bolstering overall athletic performance.

10. CONCLUSION

This paper underscores that combatting doping requires a multifaceted approach that combines legal rigor, medical understanding, and strategic ingenuity. By addressing the legal framework, exploring the interface between injuries and doping, and proposing pragmatic strategies, this paper contributes to the ongoing discourse on safeguarding the integrity of sports. Only through sustained collaborative efforts, driven by a commitment to uphold the spirit of competition, can the global sports community effectively curtail the scourge of doping and uphold the values that underpin the world of athletics.

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