Sports Law, Policy & Diplomacy Journal



SLPD Institute

PRAVRI Pravni fakultet Faculty of Law Sveučilište u Rijeci University of Rijeka

SPORT&EU est 2005

Vol. 4 / No. 1 (2026)

UNIVERSITY OF RIJEKA, FACULTY OF LAW
Institute of Sports Law, Sports Policies and Sports Diplomacy &
Jean Monnet Chair in EU Sports Law, Policy & Diplomacy

in partnership with

Sports Law, Policy & Diplomacy Journal

ISSN (*Online*) 2975-6235

UDC 3:796
DOI https://doi.org/10.30925/slpdj

Vol. 4 **No. 1**

Rijeka, 2026

Co-funded by the European Union

Sports Law, Policy & Diplomacy Journal (SLPDJ)
Sports law policy dipl. j.
ISSN (*Online*) 2975-6235

UDC 3:796
DOI https://doi.org/10.30925/slpdj

Publisher
UNIVERSITY OF RIJEKA, FACULTY OF LAW
Hahlić 6, HR-51000 Rijeka, Croatia

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Graphics processing
Grafika Helvetica d.o.o., Rijeka

The journal is published twice a year (spring - summer issue: April - September and autumn-winter issue: October - December).

SLPD Journal is financially supported by
• University of Rijeka, Faculty of Law
• Ministry of Science, Education and Youth, Republic of Croatia & University of Rijeka, Croatia

Scientific papers published in the Sports Law, Policy & Diplomacy Journal (SLPD Journal) are indexed in: SURF (German Federal Institute of Sport Science - Bundesinstitut für Sportwissenschaft) database, Idrottsforum.org (Malmö University, Sweden), HRČAK (Portal of Croatian Scientific and professional journals) HeinOnline & ERIHPLUS (index containing bibliographic information on academic journals in the humanities and social sciences - SSH) & DOAJ.

 Sports Law, Policy & Diplomacy Journal

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CONTENTS

Editorial

EDITORIAL INTRODUCTION III

Articles

Silvija Mitevska & Marko Begović

SPORTS, GENDER, AND DIPLOMACY IN SOCIALIST YUGOSLAVIA 1-16

Tsjalle van der Burg

THE FAILURE OF THE CJEU AND THE COMMISSION TO SUPPORT FOOTBALL CONSUMERS, AND THE NEED FOR A EUROPEAN SPORTS ACT 17-27

Tomaš Gabriš & Jozef Greguš

DISPUTE RESOLUTION IN ESPORTS: IN SEARCH OF A SUPREME COURT FOR ESPORTS 29-43

Albert Tan Sin Hon

CONSTRAINT WITHOUT SUCCESSION: EXTERNAL LEGAL REVIEW AND RETAINED REGULATORY AUTHORITY IN INTERNATIONAL SPORT 45-60

Celia Marcen & Dominic Malcolm

THE CONTRADICTIONS OF GENDER EQUALITY IN ERASMUS+ SPORT: TOWARDS POLICY CONVERGENCE 61-81

EDITORIAL

EDITORIAL INTRODUCTION

Dear readers,

Welcome to the first issue of the fourth volume of the *Sports Law, Policy & Diplomacy Journal.* We are once again extremely delighted that our collaboration with the *Sport&EU Association* has enabled conference presenters to submit their contributions for publication in our Journal.

In this issue, we present five papers that demonstrate the great potential of this Journal. The first paper examines the topic of *Sports, gender, and diplomacy in socialist Yugoslavia,* while the second addresses *The failure of the CJEU and the commission to support football consumers, and the need for a European Sports Act*. The third paper focuses on e-sports and is entitled *Dispute resolution in esports: In search of a supreme court for esports*. The fourth paper holds the title *Constraint without succession: External legal review and retained regulatory authority in international sport*. Finally, we conclude this issue with a paper entitled *The contradıctıons of gender equalıty ın Erasmus+ sport: Towards polıcy convergence.*

Finally, we are pleased to 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 recently indexed in the Directory of Open Access Journals (DOAJ) adding it to our prestigious list composed of SURF (German Federal Institute of Sport Science–Bundesinstitut fur 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). We will continue with our mission of securing the journal's indexing in other relevant databases.

We invite all those interested in publishing with us, particularly early-career researchers, to submit an article. We are committed to supporting the contributions of young researchers and look forward to receiving your submissions and to supporting you at the starting point of your future careers.

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

ARTICLES

SPORTS, GENDER, AND DIPLOMACY IN SOCIALIST YUGOSLAVIA

SILVIJA MITEVSKA*
MARKO BEGOVIĆ**

UDC 305-055.2:796]
795-055.2(497.1)
DOI https://doi.org/10.30925/slpdj.4.1.1
Received on January 7, 2026
Accepted on February 10, 2026
Preliminary communication



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Abstract

This article examines the intersection of gender, power, and sport in socialist Yugoslavia from the post-Second World War period through the emergence of self-management, a transformative era across political, social, and cultural spheres. By situating sport within broader ideological, institutional, and diplomatic frameworks, the article highlights how it functioned both as a tool for nation-building and as a site of gendered inequality. Despite formal claims of inclusivity, women's participation remained constrained, reflecting persistent patriarchal structures in athletic and societal domains. The underrepresentation of women in sport corresponded to their marginalization in diplomatic arenas, as sporting success was leveraged to project Yugoslavia's international prestige and influence. Drawing on historical institutionalism, this paper illustrates how Yugoslavia's sport governance structures reproduced gender hierarchies, while also illuminating the socio-political contradictions of socialist modernization. The study integrates structural, cultural, psychological, and policy-related factors to provide an understanding of women's constrained roles in Yugoslav sport and diplomacy.

Keywords: Sports, Women, Gender, Diplomacy, Yugoslavia, Socialism.

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1. INTRODUCTION

Sport in socialist Yugoslavia, although initially adapted from Soviet models and primarily focused on mass participation, evolved into much more than a leisure activity. It became a crucial instrument of political, social, and cultural engineering. From the immediate postwar period to the rise of self-management, sport served multiple purposes. The Soviet-imported *physical education* programme was implemented with rigor from the outset, guided by three primary objectives established by the Party: first, to improve the health and physical strength of young people, thereby enhancing their productivity; second, to train cadres responsible for promoting sporting practices in villages and cities; and third, to showcase what was termed "ceremonial-propaganda," employing mass sport in political parades and other public displays to build national identity, reinforce unity, and cultivate the idealized "Homo Yugoslavenicus."[1]

The Party also sought to shape notions of masculinity, femininity, and sexuality through its sport policies. Insufficiently explored remains how both formal institutions and informal social practices conditioned behavior and reproduced social hierarchies within and through sport. This paper adopts a framework that considers not only formal rules but also the informal norms, customs, and expectations that influenced participation, leadership, and representation. It addresses the following questions: How did structural and institutional arrangements within Yugoslav sport reproduce gendered hierarchies, and to what extent did cultural and ideological norms define which sports were considered "appropriate" for women? By integrating these structural, cultural, and psychological dimensions, the paper situates women's experiences in sport within broader political, social, and international contexts, highlighting both opportunities and persistent constraints.

In order to locate the intersectoriality of these dimensions, it is important to observe institutional dynamics and women's involvement in governing bodies and decision-making processes from a historical perspective.[2] Historical institutionalism provides a framework to better grasp the interplay between formal regulatory mechanisms and institutional regimes and informal practices as products of wider political processes vis-à-vis the representation and participation of women as stakeholders.[3] Central to the research questions is how the established sport ecosystem has affected the position of women. To respond to this inquiry, it is necessary to examine how the governing structure of the sport ecosystem has evolved over time and the role of stakeholders in changing or sustaining this ecosystem. Therefore, this paper aims to locate the involvement of women within the Yugoslav sport diplomacy landmark, taking into account the organizational structure and how prior developments and decisions led to the formation of institutions that have been sustained over time by reproducing gendered hierarchies.[4] Driven primarily by political constellations and public service culture, institutions are products of social interactions that can be both formal and

1 Todor Bulja, "Zadaci i forme fiskulturne aktivnosti na pruzi," *Omladinska pruga*, no. 27 (November 7, 1946): 16

2 Marko Begović, "Athletes in Socialist Yugoslavia, 1945–1992", *The International Journal of the History of Sport* 38, no. 10-11 (2021): 1109–1121, https://doi.org/10.1080/09523367.2021.1973442.

3 Russell Hoye and Graham Cuskelly, 'Board Power and Performance Within Voluntary Sport Organizations,' *European Sport Management Quarterly 3*, no. 2 (2003), 103–119, https://doi.org/10.1080/16184740308721943.

4 Marko Begović, Mariann Bardocz-Bencsik, Carole A. Oglesby and Tamás Dóczi. "The Impact of Political Pressures on Sport and Athletes in Montenegro." *Sport in Society* 24, no.7 (2021): 1200–1216, https://doi.org/10.1080/17430437.2020.1738393.

informal. Institutionalization is shaped by power structure relations and rules adopted under the state monopoly.[5]

The historiographic methodology will be employed, which includes collecting and analyzing archival data primarily from the state archives across the former Yugoslavia. This data includes policy documents, analysis, interviews, and summarizing existing research. The methodological analysis follows a qualitative, theory-driven approach, following evidence in line with presented institutional regimes. The focus is on structural, cultural, psychological, economic, and diplomatic dimensions. This approach will enable a better understanding of how gender hierarchies were produced and occasionally challenged within the Yugoslav sport system.

2. SPORT, SOCIETY, AND IDENTITY POLITICS IN YUGOSLAVIA

As a global phenomenon, sport assumes varied meanings across national contexts and has played a significant role in processes of women's emancipation.[6] Within the domain of sports, where identity is closely intertwined with both individual and collective narratives, gender occupies a fundamental role. Much like identity constructions inform policies in ethnic conflicts, gender functions as a key framework guiding strategies, norms, and power relations within sport. Masculinity and femininity, as socially constructed concepts, regulate all aspects of life, including sports. Consequently, sport has functioned as a social space in which conventional assumptions and stereotypical perceptions of women were continuously constructed and reinforced.[7] The perception of men and women as opposing categories and expecting them to adhere to prescribed gender roles resulted in the systematic exclusion of women from sporting participation.[8]

In socialist Yugoslavia, sport enjoyed widespread popularity, serving as both a reflection of the wider social dynamics of the era and a lens through which the everyday experiences of its citizens were shaped. In the immediate post–Second World War era, sport and sport activities occupied a central position in the construction of Yugoslavia's physical culture and the institutionalization of its leisure practices. Sports were mainly divided into amateur and professional levels. Professional sports were organized through clubs and associations, with registered athletes competing at various levels. These athletes represented their clubs or the nation, but their role extended beyond competition as their performances also entertained the public and helped bring people together. In this way, professional sports combined athletic achievement with social and cultural engagement. On the other hand, amateur sports were organized in a completely different manner. [9]

5 Ibid, 4. For exercising variety of pressures see Paul J. DiMaggio and Walter W. Powell, "The Iron Cage Revisited: Institutional Isomorfism and Collective Rationality in Institutional Fields", *American Sociological Review 48*, no. 2 (1948): 147–160, https://www.jstor.org/stable/2095101.

6 Barbara L. Drinkwater, ed., *Women in Sport* (Oxford: Blackwell Science, 2000).

7 Ilse Hartmann-Tews, and Gertrud Pfister, *Sport and Women: Social Issues in International Perspective* (London and New York: Routledge, 2003).

8 Anita Muzek, "Olympics: Equality Instead of Medals: Media Coverage of Female Olympic Athletes in Yugoslav and Croatian Media during Four Summer Olympic Games over a Period of 40 Years" (Master thesis, Karl-Franzens-Universität Graz, 2018), 20, https://unipub.uni-graz.at/obvugrhs/content/titleinfo/2816420/full.pdf.

9 Igor Stanić, "*Sport za svakoga. Sportske aktivnosti radničke klase u Hrvatskoj od 1945. do početka 1960-ih*," *Historijski Zbornik* 69, no. 1 (2016): 121–140, https://hrcak.srce.hr/176648.

The Yugoslav communist movement was deeply rooted in what it often termed as "bourgeois sport,"[10] drawing upon existing organizational structures, cultural practices, and athletic models that predated the socialist state. In the Soviet Union, physical culture and sport were imagined to be national, serving the main goal of enhancing defensive skills, health, discipline, collective belonging, and integration of different nations into the Soviet state. [11] Rather than rejecting pre-war sporting traditions outright, the Yugoslav Party selectively adapted and reinterpreted them to fit its ideological project. The early stages of building socialism in Yugoslavia were not limited to legal or institutional reforms but involved actively mobilizing the population around the ideological vision of the state. Central to this process was cultivating loyalty to the ruling party, which functioned as the main conduit for implementing socialist policy. Established forms of physical culture provided a foundation for constructing a new socialist citizenship and collective identity. Namely, the first step in building socialism was attracting people to its ideology and the party that represented it.[12] By promoting sporting activities and investing in athletic infrastructure, the government aimed to instill a sense of pride and unity among citizens, thereby garnering support for their political ideologies.

During the 1950s and 1960s, a deliberate political initiative was undertaken to cultivate and institutionalize the concept of the 'Yugoslav youth' as a cohesive social and ideological category. The state aimed to promote and support the "general physical development and culture of the masses, both urban workers and rural populations, through the activities of communes, enterprises, and schools." Commonly referred to as *fizička kultura* (physical culture), this concept was framed as a way of life, reflecting the regime's strategy to regulate and shape citizens' leisure activities, encouraging participation in sports after school or work. Its significance was formalized in the 1963 constitution of the Socialist Federal Republic of Yugoslavia,[13] which explicitly defined the role of physical culture in everyday life.

The state's most celebrated sports were football and basketball, with athletes elevated as embodiments of national pride and placed at the center of public admiration and ideological narratives. Their sporting successes were mobilized to reinforce collective identity and unity within Yugoslavia's diverse social fabric. In this sense, sport functioned as a key instrument of cultural policy, contributing to the construction of the idealized "new Yugoslav body." As Bryan Turner's concept of the "somatic society" suggests—one in which the body becomes a central site of political and cultural meaning— [14]this bodily ideal was inherently gendered, privileging male athleticism and thereby reinforcing the exclusion of women from the most visible and symbolically powerful sporting arenas. As Simic wrote, this model of the ideal body later became a central feature of the conceptualized 'new Yugoslav man,' intended to serve as the cornerstone of the broader Yugoslav community. [15]

10 Dario Brentin and Dejan Zec, "From the Concept of the Communist 'New Man' to Nationalist Hooliganism: Research Perspectives on Sport in Socialist Yugoslavia", *The International Journal of the History of Sport* 34, no. 9 (2017): 713–728, https://doi.org/10.1080/09523367.2017.1413871.

11 Ivan Simić, "Gender Policies and Amateur Sports in Early Yugoslav Socialism," *The International Journal of the History of Sport* 34, no. 9 (2017): 848–861, https://doi.org/10.1080/09523367.2017.1402762.

12 Nikola Mijatov, *Sport u službi socijalizma: Jugoslovensko iskustvo 1945–1953* (PhD diss., Filozofski fakultet Univerziteta u Beogradu, 2019).

13 Ustav Socijalističke Federativne Republike Jugoslavije, 1963, available at http://mojustav.rs/wp-content/uploads/2013/04/Ustav-SFRJ-iz-1963.pdf (accessed December 20, 2025).

14 Mike Featherstone and Bryan S. Turner, *The Body and Society* (London: Sage, 1984), 1–6.

15 Ivan Simic, *Soviet Influences on Postwar Yugoslav Gender Policies* (Cham: Palgrave Macmillan, 2018). https://doi.

Tito highlighted sport as one of the methods to engage youth in his 1937 article *"SKOJ on a New Path."* From this perspective, the 1945 session of the Central Committee represents the final implementation of that idea, which dates back to the revolutionary years of the Kingdom of Yugoslavia.[16] Hundreds of sporting clubs and associations were created throughout the country, with sporting events such as football or boxing matches attracting huge crowds. Some of the popular sporting clubs, such as BSK and Jugoslavija from Belgrade,Građanski and HAŠK from Zagreb and Hajduk from Split, became pillars of local, regional, and even national cultural and political identification.[17] Professional, or "elite," sport gradually became a central focus in Yugoslavia, attracting increasing political attention and social significance. The Yugoslav Association for Physical Training framed physical education as the systematic cultivation of bodily activity, while sport more broadly was understood as a pervasive social practice deeply embedded in the daily lives of men, women, and children across both urban and rural areas. Professional sport, in particular, gained considerable political prominence in the 1970s and became even more significant during the 1980s.

Even though the Soviet leadership chose to avoid international sporting events, viewing them as capitalist and exploitative, and instead promoted a "proletarian" model of sport focused on collectivism and mass participation (with the Party in 1925 recognizing competition as a healthy habit), Yugoslav communists adopted and adapted Soviet ideas more rapidly than any other Eastern European country.[18] They blended these ideas with local traditions, a process that began during the early stages of the Second World War. Notably, Yugoslav communists organized sporting events within the first months of their uprising, with partisan men and women taking part in them.[19]

The communist founders of the second Yugoslav state appreciated sports as an effective political tool. [20] Yugoslav sport had played a significant role in the formation and strengthening of Yugoslav identity internally, while also aiming to function as a promotional and diplomatic tool in the international sporting arena. The statecraft believed that excelling in sports, especially achieving success in major international sporting events, was a powerful channel to promote a political system and social values.[21] In fact, some of the priorities set up by the newly formed ideologically rigid Fiskulturni Obred Jugoslavije (FOJ)[22] in 1945 were that sport should contribute to the reconciliation and the building of 'Brotherhood and Unity'

org/10.1007/978-3-319-94382-4.

16 Josip Broz Tito, Sabrana djela, tom treći, mart 1935 – novembar 1937 (Beograd: Izdavački centar "Komunist", 1983), 81–82, https://www.pisi.co.rs/h-content/uploads/2020/02/02-Josip-Broz-Tito-Sabrana-djela-Tom-tre-i-mart-1935-novembar-1937.-pisi.pdf.

17 Dejan Zec, "The Origin of Soccer in Serbia", *Serbian Studies: Journal of the North American Society for Serbian Studies 24*, no. 1 (2010): 137-159, https://dx.doi.org/10.1353/ser.2012.0014.

18 Ivan Simić, "Gender Policies and Amateur Sports in Early Yugoslav Socialism," *The International Journal of the History of Sport*, 34, no. 9 (2017): 848–861. https://doi.org/10.1080/09523367.2017.1402762.

19 Vladimir Dedijer, *Dnevnik: 1941–1944*, vol. 1/1, *Sabrana djela Vladimira Dedijera* (Rijeka; Zagreb: Liburnija; Mladost, 1981), 147.

20 Vjekoslav Perica, "United We Stand, Divided We Fall", *Balkan Idols: Religion and Nationalism in Yugoslav States*, 272-275, in Vjekoslav Perica, *Balkan Idols: Religion and Nationalism in Yugoslav States* (New York, 2002; online edn, Oxford Academic, 2003).

21 Andrei Antonie, Marko Begović, Simona Petracovschi, "Sport policy in Romania", *Sports Law, Policy & Diplomacy Journal* 2, *no.* 2 (2024): 17–35. https://doi.org/10.30925/slpdj.2.2.2.

22 Daut Jasanica, "Četrdeset godina Saveza za fizičku kulturu Jugoslavije," *Povijest sporta*, no. 66 (October–December 1985).

among the peoples of Yugoslavia.[23] It also stated that sport should improve the working ability and defensive capacity of the nation,[24] and fourthly that sport should affirm the positive achievements of the Yugoslav socialist transformation, especially by successfully participating in international sporting competitions.[25]

These objectives positioned sport far beyond a simple leisure activity and did not affect all citizens equally. The emphasis on constructing a Yugoslav "New Man" was not accidental but reflected the profoundly gendered assumptions integrated within socialist modernization. Although Yugoslav socialism formally promoted gender equality, the ideological and institutional structures of physical culture remained predominantly oriented toward male bodies, male athletic models, and traditionally masculine ideals such as strength, discipline, endurance, and public visibility. Sport became a stage on which the virtues of the socialist citizen were performed, and these virtues were overwhelmingly coded as masculine.

However, this newly created and modeled "body'' was not eroticized, neither in the Soviet Union nor in its Yugoslav imagination. It was rather presented as a machine, as a tool to drive industrialization, requiring discipline and refinement, with the Party serving as the guiding intellect behind.[26] Therefore, the ideological foundations and practical organization of sport in Yugoslavia generated a distinctly gendered problem, reflected in the ambivalent and often marginal position of women in the sporting sphere. Despite efforts to promote accessibility and availability of sports for all, women continued to face marginalization and exclusion from active participation and leadership roles within the sporting domain. In order to present a better understanding of the persistence and evolution of the role of gender in sport governance and its interplay with diplomacy, historical institutionalism as a theoretical framework will be employed.

Party authorities actively translated ideological expectations into practice by selecting individuals who conformed to prescribed physical ideals. Priority was given to young people perceived as strong, disciplined, and proportionate—often from rural backgrounds—with minimum height requirements set at 170 cm for men and 160 cm for women. These selected bodies were then mobilized in mass parades and public performances, where sport was transformed into a visual and symbolic instrument of political communication.[27] Such practices did not merely regulate physical participation but also shaped psychological dimensions of engagement, particularly for women. By institutionalizing narrow bodily norms and publicly valorizing specific physiques, the state influenced women's motivation, self-concept, and sense of belonging in sport, reinforcing perceptions of who was deemed "fit" or "appropriate" for athletic participation and possibly discouraging those who did not align with these ideals from sustained involvement.

23 Dejan Zec, Miloš Paunović, "Football's Positive Influence on Integration in Diverse Societies: The Case Study of Yugoslavia," *Soccer & Society* 16, no. 2–3 (2015): 236–237, https://doi.org/10.1080/14660970.2014.961387.

24 Miloš Nišavić, "Mere za razvitak sportova i učvršćivanje sportskih odbora" [Measures for the Development and Strengthening of Sport Associations], in *IV Plenum Centralnog odbora Fiskulturnog saveza Jugoslavije* [IV Plenum of the Central Committee of the Physical Culture Committee of Yugoslavia] (Belgrade: FISAJ, 1947), 27–31.

25 Miroslav Kreačić, *Sport u Jugoslaviji* [Sport in Yugoslavia] (Belgrade: Jugoslovenska knjiga, 1950), 102–104.

26 Ivan Simić, *Soviet Influences on Postwar Yugoslav Gender Policies* (Cham: Palgrave Macmillan, 2018), https://doi.org/10.1007/978-3-319-94382-4.

27 Alfred Rem, "Sportsko-medicinska zapažanja na takmičarima partizanskog marša," *Fiskultura*, no. 3–4 (1948): 164–176.

As indicated, the article builds on new institutionalism, concretely historical institutionalism, with the aim to explain the evolution of gender relations within the Yugoslav sport ecosystem and its capacity to shape diplomatic practices. Within the rules and customs that were evolving within the shifting nature of socialist practices in Yugoslavia, path dependencies reflected continuity and institutional predictability with the reproduction of elites through self-reinforcing mechanisms. The tectonic shifts between 1948 and 1953 represent a crucial moment not only for the consolidation of physical culture as a key sport concept, but rather as a key moment that integrated institutional arrangements and related expectations. The transition from a centralized Soviet approach to self-management as a sort of social experiment didn't change the prioritization of mass participation and the creation of Homo Yugoslavicus that would mark the ideological shift from Homo Sovieticus.[28] Consequently, institutional arrangements were reconstructed to nurture more decentralized governing bodies and decision-making processes.[29] The Tito-Stalin split, the creation of the Non-Alignment Movement, followed by the adoption of the Yugoslav Constitution that set up a normative foundation for gender equality. However, these formal regulatory regimes didn't override informal norms and customs, as institutional arrangements go beyond formal structures and remain key in shaping sport-related issues. That said, the central question here is how gendered hierarchies evolved within shifting political systems, especially as sport became a main battleground for internal dynamics as a product of unfinished or never-ending constitutional and socio-political reforms.[30] This is particularly why Yugoslavia represents a complex platform where sport, politics, and identity politics collided, whereas the politicization of the socio-political realm remained a joint determinant.

3. GENDER, EMANCIPATION, AND SOCIAL CONSTRAINTS

Socialist Yugoslavia was very progressive when it came to women's issues. In the struggle for emancipation, sport was seen as a tool for women's empowerment, following the example set by the USSR.[31] To ensure women's more active participation in the new state, a specific organization was established: the Anti-Fascist Women's Front. In the spirit of the socialist revolution, Yugoslav women began their emancipation process vigorously. With the constitution of 1946, modeled after the Soviet system, women were granted the right to vote and to be elected. The new socialist government of Yugoslavia firmly believed in women's rights and the significant role women could play in the new socialist state.[32] However, while the new constitution enacted reforms that formally benefited women, it failed to address the patriarchal structures that still dominated Yugoslav households and the public sphere. [33]

28 Marko Begović, "Pathway in Developing Sport Ecosystem in Small States," *The International Journal of the History of Sport* 42, no. 12–13 (2025): 1492–1509, https://doi.org/10.1080/09523367.2025.2529356.

29 Marko Begović, "Athletes in Socialist Yugoslavia, 1945–1992," *The International Journal of the History of Sport* 38, no. 10–11 (July 24, 2021): 1109–21, https://doi.org/10.1080/09523367.2021.1973442.

30 Marko Begović, "Introduction: The History of Sport in the Balkans from the Sokol Movement to Physical Culture," *The International Journal of the History of Sport* 42, no. 9 (2025): 933–936, https://doi.org/10.1080/09523367.2025.2575591.

31 Nikola Mijatov and Sandra S. Radenović, "The Position of Women in Yugoslav and Serbian Sport: Idea, Reality and (Dis)Continuity," 2021, https://doi.org/10.2298/SOC2103570M.

32 Ibid.

33 Chiara Bonfiglioli, "Becoming Citizens: The Politics of Women's Emancipation in Socialist Yugoslavia," CITSEE Story, accessed at http://www.citsee.eu/citsee-story/becoming-citizens-politics-women's-emancipation-socialist-yugoslavia.

Sport also served as a vehicle for women's social emancipation,following the Soviet approach to physical culture. By the late 1920s, moderate physical activity was considered beneficial for women's endurance, physical development, and emotional well-being. The recommended sports were mostly individual, and women were explicitly discouraged from competing with men or pursuing sports as a vocation, reinforcing the belief that sport should strengthen women's bodies without challenging gender hierarchies. It was emphasized that a woman's involvement in sport must never be an end in itself, but always a means to an end. A woman should never attempt to match a man in sport, nor should she pursue sport as a vocation or strive for records. A woman should only engage in sport to the extent that it serves to strengthen her physical qualities. [...] In general, a woman should first consult a doctor before dedicating herself to any sport. [...] Demanding more from sport is harmful to a woman.[34]

Even though sport was formally open to both sexes, "experts" argued that women, being guided by their emotions, should not seriously compete with men in sports, as those who did risk becoming —mannish.[35] Initially, the sport accessible to women was Sokolstvo, which primarily involved performing calisthenic exercises. Gradually, women began to participate in other activities such as swimming, horseback riding, and athletics.[36]

Despite formal encouragement for women to engage in some sports, their participation was limited to socially sanctioned activities. Certain sports, such as football and wrestling, were discouraged for women by Soviet authors who argued that these sports could be harmful to women's reproductive health.[37] Medical experts of the time echoed this view, asserting that football is harmful to the female body and does not suit the spiritual and physical nature of women. Contemporary authorities emphasized that their aim was not to protect women from rough tackles, injuries, or disappointments on the field, but to safeguard their reproductive function. These bodily policies are thus closely intertwined with sport, shaping both access and limitations and reflecting prevailing beliefs about femininity, appropriate activities, and reproductive health.

Incorporating young women into sporting competitions served as an important measure of success for the Party's gender policies and victory over the traditional practices of peasant women.[38] Muslim women were particularly targeted, with articles describing young women who excelled in sports while also being productive workers. However, the constraints of a patriarchal society were not only imposed from the outside; often, women who had experienced oppression enforced these constraints themselves and oppressed, insisted on them and then passed them down to their descendants.[39] Even when the conditions for engaging in sport were met, there was a lack of motivation among women. Furthermore, in the regions of Eastern Serbia and Vojvodina, it was observed that women considered it "shameful to engage in physical education." In rural areas, the attitude went even further, with

34 *Zena i sport*, *Pravda* (Beograd), January 6, 1928, 14.
35 Stipica Grgić, "Kratka povijest ženskoga nogometa u Hrvatskoj/Jugoslaviji u međuratnom razdoblju," *Časopis za suvremenu povijest* 50, no. 3 (2018): 557–580, https://hrcak.srce.hr/213734.
36 Ibid.
37 James Riordan, *Sport in Soviet Society: Development of Sport and Physical Education in Russia and the USSR* (Cambridge: Cambridge University Press, 1980).
38 Milan Segedinac, "Na pruzi smo postali fiskulturnici," *Borba na Omladinskoj pruzi*, no. 27 (1947): 10.
39 Nikola Mijatov, *Sport u službi socijalizma: Jugoslovensko iskustvo 1945–1953* (Beograd: Filozofski fakultet Univerziteta u Beogradu, 2019), 130.

participation in sports being considered inappropriate for the upbringing of women.[40]

These patterns are reflected in participation statistics: women in sport were significantly lower in rural areas, such as Macedonia (9%) and the Kotor area in Montenegro (11%).[41] Additionally, the opportunity for elite female athletes in Yugoslavia between 1945 and 1953 to be engaged in leadership positions was missed. During this period, women's representation in leadership positions within Yugoslav sports organizations was extremely limited. Across a range of federations, the proportion of women leaders rarely exceeded 10%, with some exceptions: the Gymnastics Federation had 29% female officials, the Athletics Federation had 17%, and the Football and Mountaineering Federations had 9% each. Most other sports, including swimming, basketball, boxing, weightlifting, volleyball, rowing, tennis, and equestrian sports, had no women in leadership roles at all. Overall, women constituted only 4% of all officials across these organizations, highlighting the highly gendered and male-dominated nature of sports governance during this period. [42]

The limited representation of women in both participation and leadership reflected broader societal priorities and the constrained focus of institutions such as the Antifascist Women's Front (AFZ), which did not recognize the significance of sport in the struggle. In their educational efforts, they focused on literacy, which was justified by the reality of Yugoslavia at that time. Even when the cultural–educational "uplifting of women" expanded to include cinemas, theaters, exhibitions, and other activities, sports were not mentioned.[43] This also reflects the rural societal context, where physical labor dominated daily life, and any other physical activity was often equated with work. Secondarily, when women did participate in sport, their roles were subordinate, and key positions were reserved for men, a direct result of traditional views on women's roles that were typical of rural communities. The persistence of heteronormative ideologies compounded these challenges, as it was difficult for young women to continue participating in amateur sport after finishing school and entering employment, while also managing domestic responsibilities.[44] In other words, socialist constructions of masculinity never encompassed domestic labor, leaving women with a dual burden that constrained their engagement in physical culture.[45]

The tension between opportunity and restriction can be seen in the early development of women's football. The first women's football teams began to emerge in the territory of present-day Croatia in 1937–1938, with HŠK Zagreb establishing its women's football team at the end of 1937. Furthermore, the Yugoslav Women's Football Federation (JŽLNS) was formally established on June 14, 1938, initiated by HŠK Zagreb. However, the Federation faced criticism on two fronts: first, men temporarily led the organization, sparking debates in

40 AS, RZS 1945–1982, Okružni odbor FISAS-a, Pirot, "Izveštaj sekretarijata o godišnjem radu, 1946"; "Godišnja skupština Pokrajinskog odbora Fiskulturnog saveza Vojvodine, 1946."

41 Physical Culture Committee, *Report for Macedonia and Montenegro*, 1948.

42 Ibid

43 AJ, Fond 141, Antifašistički front žena (AFŽ), f. 1, *I Kongres AFŽ Jugoslavije*, Beograd, 1945; f. 3, *Izveštaj Izvršnog odbora Centralnog odbora AFŽ Jugoslavije Trećem kongresu AFŽ Jugoslavije*; f. 5, *Izveštaj o radu ženske organizacije uoči IV Kongresa AFŽ*.

44 Ivan Simić, "Gender Policies and Amateur Sports in Early Yugoslav Socialism," 848–861.

45 Angela Ocepek, "Položaj radne žene u vreme izgradnje socijalizma. Referat na IV Kongresu Antifašistične fronte žena Slovenije," November 15, 1952, Collection 141, Antifašistični front žena (AFŽ), box 36, Archives of Yugoslavia.

the press with some arguing that women should lead their own sports associations; second, broader societal and medical critiques emerged, warning that women engaging in physically demanding sports—especially team sports—could harm their health, development, or fertility. This case illustrates how gendered norms and bodily policies shaped both participation and leadership in women's sports during this period, reflecting the gendered hierarchy in sports leadership and the prevailing concerns about women's physical activity at that time.[46] These gendered norms extended beyond the sporting arena, permeating Yugoslav representation and diplomacy, where they constrained women's roles, reinforced male-dominated hierarchies, and shaped the expectations and opportunities available to female athletes in the country's international engagements.

4. SPORT AS DIPLOMACY AND A POLITICAL INSTRUMENT

Communist Yugoslavia emerged from World War II, aligned with the Soviet Union. In 1948, however, she was expelled from the Soviet bloc for refusing to accept Stalin's dictates. Since that time, her foreign policy has had one central objective: to maintain a middle position between the extremes of isolation and subjugation in the international arena.[47] Yugoslavia employed sports diplomacy not as an ad hoc activity, but as a strategic orientation resulting from the Tito-Stalin split and ideological repositioning. At a critical juncture, Yugoslavia adjusted its geopolitical goals and restructured its foreign policy towards non-alignment.[48] Internally, the sport ecosystem as an institution experienced more nominal changes. This led to the reproduction of bureaucracy to sustain new diplomatic functions focusing on international representation and event organization, marking the coexistence of institutional arrangements and the need for organizational adaptation. The balancing between mass sport participation and high-performance was rather limited, as sporting success was linked to state prestige and ideological superiority.[49] Consequently, it resulted in the form of path dependency, through carefully selected leadership and resource allocation, followed by symbolic narrative as part of the broader project of Yugoslav political identity. Therefore, high-performance sport was used not only as an internal political instrument, but more strategically as statecraft within diplomatic efforts implementing foreign policy priorities.

Sport developed alongside international relations, representing a prominent institution through which ideology was promoted and politics engaged.[50] Being good in sports, especially achieving success in major international sporting events, was considered a powerful channel to promote a political system and social values.[51] In this geopolitical context, sport became

46 "Potrebno je da se ženski sport uputi bezuslovnoj umerenosti i individualnom izboru," *Pravda* (Belgrade), January 6, 1939, 12–13.

47 Stephen Anderson, "Yugoslavia: The Diplomacy of Balance," *Current History* 56, no. 332 (1969): 212–244, http://www.jstor.org/stable/45312059.

48 Marko Begović, "Sports and Social Cohesion: The Case of the Western Balkans," *Current Issues in Sport Science* 10, no.1 (2025), 007, 1-16, https://doi.org/10.36950/2025.10ciss007.

49 Marko Begović, "Sport Governance in South-East Europe: From Socialist Self-Management to Post-Transition Politicization," in *The European Model of Sport: Myth or Reality*, ed. Borja García and Vanja Smokvina (London: Routledge, 2025), 140–152, https://doi.org/10.4324/9781032665153.

50 Đana Luša, *Sport, politika i diplomacija: analiza iz konstruktivističke perspektive* (Zagreb: Fakultet političkih znanosti, 2016), accessed December 20, 2025, https://www.researchgate.net/publication/317846969_SPORT_POLITIKA_I_DIPLOMACIJA_ANALIZA_IZ_KONSTRUKTIVISTICKE_PERSPEKTIVE.

51 James Riordan, "The Impact of Communism on Sport," *Historical Social Research / Historische Sozialforschung* 32, no. 1 (2007): 110–115, https://doi.org/10.12759/hsr.32.2007.1.110-115.

an essential tool of Yugoslav diplomacy and soft power. Tito doubled down on using domestic institutions—like sport—to strengthen internal cohesion,[52]viewing sport as a strategic tool to exercise soft power and promote the country's vision of democratic socialism. Sport was used as an instrument of diplomacy both regionally and internationally. The state leveraged multiple approaches to achieve these objectives. International representation through athletes and teams was emphasized to showcase the country's social and political ideals on the global stage. Hosting major international competitions and friendly matches also served to enhance Yugoslavia's visibility, prestige, and influence in international sporting networks. Participation in, or selective boycotts of, mega sporting events, such as the Olympic Games, was employed to signal ideological stances and align with diplomatic priorities. An example of this occurred during interwar Yugoslavia, when communist activists attempted to organize a boycott of the 1936 Olympic Games in Berlin, leading several prominent Yugoslav sportsmen to refuse participation for ideological reasons. In a bold gesture, there was even an attempt to extinguish the Olympic flame during the relay's passage through Yugoslavia.[53]

Yugoslavia was a sporting powerhouse, achieving notable success across multiple disciplines. The state invested in elite performances, so unsurprisingly around 75% of the sports budget was directed towards professional athletes, leaving a mere 25% for grassroots sports.[54] In football, the national team was twice European runner-up (1960, 1968), the under-20 squad won the 1987 World Cup, and *Crvena zvezda* Belgrade claimed the 1991 European Cup. In men's basketball, Yugoslavia won the 1980 Olympic gold, placed second in 1988, third in 1984, and captured three World Championship titles (1970, 1978, 1990), along with additional podium finishes.[55] Between 1920 and 1988, Yugoslavia won a total of 87 Olympic medals, including 26 golds. Their athletes excelled in wrestling, artistic gymnastics, and boxing. Leon Stukelj, from present-day Slovenia, won six medals in gymnastics, three of them gold. He was trailed by sprint canoeist Matia Ljubek from present-day Croatia, with four medals and two golds.[56]

The country's athletes performed admirably, especially in basketball, handball, and football. Successes at global tournaments helped challenge stereotypes of Balkan instability and showed that a non-aligned socialist country could produce world-class talent. The medals and trophies brought home were not just personal victories—they were political capital.[57] Representation at high-level positions was secured, with all members representing Yugoslavia in the International Olympic Committee (IOC) being male. From Svetomir Đukić (1918–1949) and Franjo Bučar (1920–1946) to Borislav Stanković (1988–2020), no women were appointed to these positions. This exclusively male representation highlights the highly gendered nature of sports governance in Yugoslavia, reflecting broader societal norms and

52 "Sport as a Tool of Propaganda and Unity in Tito's Yugoslavia," *Tito Ville* (blog), March 26, 2025, https://www.titoville.com/sport-as-a-tool-of-propaganda-and-unity-in-titos-yugoslavia/.

53 Dario Brentin and Dejan Zec, "From the Concept of the Communist 'New Man' to Nationalist Hooliganism: 713–728.

54 Davor Kovačić, "Nogometni profesionalci u udruženom radu," *Časopis za suvremenu povijest* 48, no. 1 (2016): 71, https://hrcak.srce.hr/160757.

55 Krzysztof Krysieniel, "Sports Rivalry as an Element of Political Conflict: The Case of Post-Yugoslav States," *Studia Środkowoeuropejskie i Bałkanistyczne* XXXII (2023): 137–150, https://doi.org/10.4467/2543733XSSB.23.008.18434

56 Olympedia, "Yugoslavia (YUG)," accessed April 21, 2026, https://www.olympedia.org/countries/YUG.

57 "Sport as a Tool of Propaganda and Unity in Tito's Yugoslavia," *Tito Ville*.

institutional barriers that limited women's participation in leadership roles within both national and international sports organizations.

Yugoslavia strategically hosted a series of major international sporting events to showcase its organizational capacity and elevate its international profile. Among these were the 1970 Men's Basketball World Championship, the 1976 UEFA European Football Championship finals, and the 1979 Mediterranean Games in Split. After reviewing interviews and paraphrased statements by political officials, along with the glorification of Tito and Yugoslav policy in newspaper reports, it becomes clear that the primary political objective of the Games was to consolidate Yugoslavia's international position in the Mediterranean at a time when, despite internal political discord, Yugoslavia was the only country capable of organizing such a sporting event.[58] At the event, political representation was prominent, serving as an informal venue for meetings between state presidents and high-ranking dignitaries.

Yugoslavia was also the first socialist country honored with hosting the Winter Olympics. [59] The 1984 Winter Olympic Games in Sarajevo were widely seen as a powerful expression of shared unity, as citizens from across Yugoslavia rallied behind the national team. The nation's inaugural Winter Olympic medal, earned by alpine skier Jure Franko, was celebrated widely and symbolyzed of collective pride and national unity. By hosting international events, Yugoslavia managed to utilize institutional conversion of sport infrastructure capacities deployed to amplify the country's global visibility, expand its ideological reach, and achieve foreign policy goals.

However, sporting events in Yugoslavia were not only sites of athletic achievement but also arenas for political manipulation. A particularly notable case was the *Crvena Zvezda* team, which was composed of athletes from multiple ethnic backgrounds, reflecting the diverse composition of the federation. Despite the team's inclusive and unifying nature, some political actors, particularly from Belgrade, sought to appropriate its sporting successes for nationalist agendas. By emphasizing selective narratives of victory, these actors framed athletic achievements in ways that reinforced particular ethnic or political identities, thereby instrumentalizing sport as a tool for political propaganda.

It can be concluded that sport has always been an integral part of state policy, being both influenced by it and, through its humane and ethical characteristics, influencing the national policy of the country.[60] The most direct evidence of political influence on the Mediterranean Games in Split is the statement of the then member of the Presidency of the Central Committee (CC) of the League of Communists of Yugoslavia and president of the Yugoslav Committee for the 8th Mediterranean Games, Stane Dolanc: "Today we live in a time when we must be fully aware that sport is also an integral part of politics, and that through sport – sometimes indirectly, sometimes even directly – it is possible to influence political developments."[61]

58 Jasenko Zekić, "Mediteranske igre u Splitu – odrazi političke dimenzije u tiskanim medijima," *Časopis za suvremenu povijest* 48, no. 1 (2016): 97–117, https://hrcak.srce.hr/160758.

59 Krzysztof Krysieniel, "Sports Rivalry as an Element of Political Conflict: The Case of Post-Yugoslav States".

60 "MIS jača mir i prijateljstvo," *Vjesnik*, September 3, 1979, 11; Skataretiko, "Drug Tito i Mediteranske igre," 195–200.

61 Ibid.

The Yugoslav example served as a successful roadmap for understanding how sport could be instrumentalized as a diplomatic tool and play an important part in foreign policy. However, women remained largely excluded from the practical dimensions of sports diplomacy, which continued to be a male-dominated practice. Sport served as a powerful means through which Yugoslavia engaged internationally while simultaneously strengthening national identity. Yet, despite its diplomatic unity, sports diplomacy overwhelmingly privileged men as women's participation remained limited due to persistent social and structural barriers. Consequently, Yugoslav sports diplomacy operated within integrated gendered hierarchies, despite the nominal project image of progressive socialism and gender equality.

5. CONCLUSIONS

Since antiquity, society has been divided into a public space where free men collectively develop the political economy and receive paid employment, versus the private sphere occupied by women and slaves, associated with physical aspects of life like reproduction, shelter, and food. [62] Gendered hierarchies are also observed in Yugoslav sport, rooted in long-standing societal structures that divide public and private spheres. Although socialism formally promoted women's empowerment, these norms persisted, restricting women to socially sanctioned activities and excluding them from team sports, leadership positions, and international representation. Medical discourses and societal expectations reinforced these limitations, prioritizing reproductive health over athletic achievement. Women's internalization of these norms also influenced their motivation and engagement, highlighting the psychological dimension of gendered participation. While many communists genuinely sought to advance equality, the Party's policies and ideologies reinforced idealized constructions of masculinity and femininity. These gendered norms extended into sports diplomacy, ensuring that men dominated leadership and the projection of Yugoslavia's international image. In this way, sport simultaneously reflected and reproduced societal hierarchies, constrained women's opportunities, and prepared men for leadership roles both domestically and globally.

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THE FAILURE OF THE CJEU AND THE COMMISSION TO SUPPORT FOOTBALL CONSUMERS, AND THE NEED FOR A EUROPEAN SPORTS ACT

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UDC 366:796.332
316.723:796
DOI https://doi.org/10.30925/slpdj.4.1.2
Received on January 30, 2026
Accepted on March 10, 2026
Original scientific paper

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Abstract

In its rulings on Bosman, Diarra, and the European Super League, the Court of Justice of the European Union has overlooked competition in consumer markets, to the detriment of football fans and small clubs. The European Commission has also been weak in enforcing competition law in football consumer markets. To rectify this, the Commission should apply competition law more rigorously. In the long run, a European Sports Act could further enhance consumer market competition, while also improving the sports ecosystem more broadly.

***Keywords*:** European Sports Act; Bosman ruling; Diarra ruling; European Super League ruling; Sports law; Sports economics.

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1. INTRODUCTION

In most national and European men's club professional football competitions, the competitive balance has decreased over the years. Matches between large and small clubs have become more predictable, and the number of clubs capable of winning prestigious prizes, such as a national title or the European Cup, has decreased. This reduces the satisfaction of football consumers (also referred to as football fans), and consequently decreases overall welfare.[1]

Too little competitive balance can, in principle, be a reason to change the league system so that strong European clubs play more games against other strong clubs. One of the options here is a European Super League.[2] However, there have been massive fan protests against the announcement of a (closed) Super League in 2021.[3] This raises the question of whether a Super League can truly benefit consumers. It has been argued that the answer can be as follows: if there are no further decreases in competitive balance, the traditional league system will probably generate more consumer satisfaction than a system with a Super League, even in the case of an open Super League. However, if competitive balance in the traditional system continues to decrease, the opposite may hold.[4]

This paper examines the role of the European Union (EU) in the fields of competitive balance and the league system. It starts by discussing three crucial rulings of the Court of Justice of the European Union (CJEU). Two of them concern the transfer system. It is argued that these two rulings are legally flawed and have negatively impacted small clubs and football consumers. The third ruling, the European Super League ruling, was simply a response to the narrow questions posed by the complainant, the European Super League Company. As a result, it has also harmed small clubs and football fans. It is then argued that the European Commission could have helped small clubs and football fans by applying competition law to football consumer markets; however, it has been inactive in this regard. It would be beneficial for the Commission to become more proactive in the near future. In the long run, a European Sports Act could further address the issues in the football sector mentioned above, while also

1 For these issues, see, e.g., Loek Groot, *Economics, Uncertainty and European Football* (Cheltenham: Edward Elgar, 2008); Nicolas Scelles, Aurélien François, and Nadine Dermit-Richard, "Determinants of competitive balance across countries: Insights from European men's football first tiers, 2006–2018," *Managing Sport and Leisure* 27, no. 3 (2022): 267-284, https://doi.org/10.1080/23750472.2020.1784036, Girish Ramchandani, Daniel Plumley, Sarthak Mondal, Robbie Millar, and Rob Wilson, "'You can look, but don't touch': competitive balance and dominance in the UEFA Champions League," *Soccer & Society 24*, no. 4 (2023): 479–491, https://doi.org/10.1080/14660970.2023.2194512; Antonio Avila-Cano, and Francisco Triguero-Ruiz, "On the control of competitive balance in the major European football leagues," *Managerial and Decision Economics 44*, no. 2 (2023): 1254–1263, https://doi.org/10.1002/mde.3745; Van der Burg, Tsjalle, "Competitive balance and demand for European men's football: A review of the literature," *Managing Sport and Leisure 31,* no. 1 (2026): 61–76, https://doi.org/10.1080/23750472.2023.2206815.

2 See, e.g., Thomas Hoehn, and Stefan Szymanski, "The Americanization of European football," *Economic Policy 14*, no. 28 (1999): 204–240, https://doi.org/10.1111/1468-0327.00048.

3 Henk Erik Meier, Borja García, Mara Konjer, and Malte Jetzke, "The short life of the European Super League: A case study on institutional tensions in sport industries," *Managing Sport and Leisure* 29, no. 3 (2024): 518–539, https://doi.org/10.1080/23750472.2022.2058071; John Welsh, "The European Super League debacle: Why regulation of corporate football is essential," *Soccer & Society* 24, no. 2 (2023): 172–189, https://doi.org/10.1080/14660970.2022.2054805. Note that a closed league is a league without relegation and promotion.

4 Hanno Beck, Aloys Prinz, and Tsjalle van der Burg, "The league system, competitive balance, and the future of European football," *Managing Sport and Leisure* 30, no. 1 (2025): 21–44, https://doi.org/10.1080/23750472.2022.2137056.

enhancing the broader sports ecosystem.

2. THE RULINGS ON THE TRANSFER SYSTEM

This section discusses the two main rulings of the CJEU on the transfer system: the 1995 Bosman ruling and the 2024 Diarra ruling. We start by addressing how these rulings have affected, or will impact, the competitive balance. Before these rulings, clubs could demand any transfer fee for all their players, including those whose contracts had expired. This system improved competitive balance for two reasons. First, the transfer fee payments led, on balance, to a redistribution of income from larger to smaller clubs. This enabled smaller clubs to hire better players.[5] Second, in principle, smaller clubs could retain their best talents for as long as they wanted (unless the player left professional football). For instance, Ajax Amsterdam, a relatively small club in Europe, could retain its homegrown talent, Johan Cruijff, until he was 26 years old. This enabled the club to win the European Cup three times from 1971 to 1973. In 1973, Ajax sold Cruijff to Barcelona for a record transfer fee, which allowed Ajax to improve their future squads after his departure.

In 1995, the Bosman ruling abolished transfer fees for out-of-contract players, allowing them to move freely to any club. Apart from eliminating transfer fees for out-of-contract players, the ruling also reduced transfer fees for under-contract players (compared to what would have occurred without the ruling), by creating pressure to sell players before their contracts expired. Indeed, it could be lucrative to sell players more than a year before their contracts ended, as the number of remaining contract years had a positive effect on the size of transfer fees.[6] Thus, *Bosman* reduced the redistribution of revenue among clubs. In addition, smaller clubs could no longer keep their best talents for extended periods. These factors contributed to the ruling reducing competitive balance. Ajax can serve as an illustration again. In May 1995, Ajax won the European Cup for the fourth time in history, with many young, home-grown top talents. In December 1995, the Bosman ruling was implemented. Soon after, many of Ajax's promising young talents departed for clubs that offered higher financial rewards. Ajax never won the European Cup again.

In 2024, the CJEU issued the Diarra ruling. Lassana Diarra had left his club, Lokomotiv Moscow, while still under contract. The FIFA transfer rules restricted him from finding a new club, and he contested the restrictions in court. Following proceedings in lower courts, the CJEU ruled in his favour.[7] The effects of *Diarra* on other under-contract players are not yet apparent, but their transfer fees are expected to be reduced. This will further reduce competitive balance.[8]

To sum up, *Bosman* has reduced competitive balance, and *Diarra* is likely to do the same. Since

5 See, e.g., Stephen Dobson, and John Goddard, *The Economics of Football, 2nd Edn.* (Cambridge: Cambridge University Press, 2011), https://doi.org/10.1017/CBO9780511973864.

6 Bernd Frick, "The football players' labor market: Empirical evidence from the major European leagues," *Scottish Journal of Political Economy* 54, no. 3 (2007): 422–446, https://doi.org/10.1111/j.1467-9485.2007.00423.x.

7 See, e.g., Mark James, "The Diarra case," *International Sports Law Journal* 24, no. 3 (2024): 205–207, https://doi.org/10.1007/s40318-024-00286-5.

8 Antoine Duval, "Football at a crossroads: Why the Diarra ruling marks a crucial turning point for football," *Verfassungsblog*, 25 October 2024, https://doi.org/10.59704/85a203867a37d7c6; Thomas Horton, Kat Pijetlovic, and Christopher Flanagan, "Diarra: Tout ou Rien," *Football Law (2024),* available at: https://www.footballlaw.co.uk/articles/diarra-tout-ou-rien-rstp-competition-cjeu.

less competitive balance leads to lower consumer satisfaction (see Section 1), this means *Bosman* has harmed, and *Diarra* is likely to harm, consumer satisfaction and, in relation to this, (total) welfare. This might have been acceptable if the rulings had been legally correct.

However, both rulings are flawed. Here, we discuss two legal shortcomings.[9] The first weakness is that the rulings have neglected competition in consumer markets. To explain this, let me begin by stating that competitive balance has declined over the years. This means, by definition, that the number of clubs that can win prestigious prizes has declined. Since many consumers like to watch, or even become fans of clubs that can win such prizes, a decline in the number of clubs that can win such prizes reduces the competition in consumer markets. This implies that the decrease in competitive balance has reduced consumer market competition.

This might not have been a big problem if the European consumer market were the only market in football, as even at present, there are still quite a few clubs that could win the highest European title one day. However, many consumers (also) like to watch, or become a fan of, a club from their own country. Thus, consumer markets in football are national markets to a large extent. Bayern Munich, for instance, is strongly competing with other German clubs for fans, making the German consumer market an essential market for the club. In this market, competition has been significantly reduced, with only a few German clubs currently capable of winning the German title or the European Cup. In many other countries, the number of clubs that can win prestigious prizes, or in other words, the number of top football suppliers, has also decreased. This has increased the market power of the remaining domestic suppliers of top football, enabling them to charge higher prices.

As argued above, *Bosman* has contributed to the reduction of competitive balance, and Diarra is likely to do the same. This implies that the rulings have reduced, or will likely reduce, competition in national consumer markets, leading to higher consumer prices. Unfortunately, the CJEU neglected this point in *Bosman* and *Diarra*.

So, what was the CJEU's argument? It argued that the transfer system violated the free movement law because it hampered the free movement of workers. Additionally, the transfer system violated competition law by frustrating competition among clubs for players.[10] This argument is not unreasonable by itself. However, the CJEU should have also considered the transfer system's positive impact on competition in consumer markets and weighed this against the adverse effects on the free movement of workers and competition in the labour market. Since it failed to do so, their rulings are flawed.

9 For these and other legal shortcomings, see (also) Tsjalle Van der Burg, "Why transfer fee systems improve market competition, and why the Bosman ruling was flawed," *International Sports Law Journal* 24, no. 2 (2024): 177–187, https://doi.org/10.1007/s40318-024-00271-y; Tsjalle Van der Burg, "The Diarra ruling is a flawed decision – and football fans will pay the greatest price," LSE EUROPP Blog (2024), available at: https://blogs.lse.ac.uk/europpblog/2024/10/08/the-diarra-ruling-is-a-flawed-decision-and-football-fans-will-pay-the-greatest-price/2.

10 See CJEU, Case C–415/93, *Union Royale Belge des Sociétés de Football Association and Others v Bosman and Others*, ECLI:EU:C:1995:463, and CJEU Case C–650/22, *Diarra Case*, ECLI:EU:C:2024:824. In the Bosman case, the Court did not investigate the argument about competition law seriously and provided no final verdict here, as it considered the argument about free movement convincing enough already.

In the Bosman case, the CJEU also used another argument. This concerned the possibility of making an exception to the free movement law for reasons of public interest, particularly the need for competitive balance. According to the CJEU, this need could justify granting an exception, provided the condition of proportionality was met. However, the transfer system did not meet this condition because alternative measures were available to improve competitive balance without harming the free movement of workers.

Now, it is clear that such alternative measures exist. For instance, the broadcasting revenues could be shared more equally among clubs. Thus, the CJEU's argument is sensible at first sight, at least. In relation to this, there could be a counterargument to the point I made earlier. It would go as follows: even if the transfer system improves competitive balance and, consequently, competition in consumer markets, there are alternative measures to improve competitive balance and consumer market competition that do not hinder free movement (or the competition among clubs for players). Therefore, it is preferable to use one or more alternative measures, as they improve competitive balance and consumer market competition without harming free movement (or the competition among clubs for players).

However, there is a problem with this counterargument, as well as with the CJEU's argument in Bosman: in practice, the football sector does not use alternative measures to a sufficient extent. The reason is that the large clubs oppose serious measures for improving competitive balance, as they want to win most of their matches themselves. Given their power (see also the next section), this means that serious measures are not feasible for UEFA and the national football associations. Unfortunately, the CJEU has neglected this problem. This is remarkable, since court rulings are supposed to concern reality and take into account what is feasible in practice.

An organisation that has the power to oppose the big clubs is the EU. Thus, it would have been sensible if, in 1995, the CJEU had asked the European Commission to regulate the football sector, and more specifically, to ensure that severe measures were introduced to improve competitive balance and competition in football consumer markets. If the Commission had complied with such a request, my criticism of the Bosman and Diarra rulings would have been rendered moot. However, nothing of this kind has happened. Therefore, the conclusion must be that the two rulings are fundamentally flawed.

This also means that the EU as a whole has failed to protect competition in consumer markets. Correcting this failure through new legislation would be a matter of justice. However, this will be discussed later in this paper. For now, the focus remains on enforcing existing laws.

3. THE EUROPEAN SUPER LEAGUE RULING

In 2023, the CJEU ruled on the European Super League in response to a complaint from the European Super League Company (ESLC). The ruling stated that UEFA protected its monopoly in the market for organising club competitions by raising obstacles for other competition organisers, such as ESCL, in a way that violated competition law.[11] The ruling will now reduce

11 See, e.g., Mark James, and Antoine Duval, "Another Bosman moment? The decisions of the Court of Justice of the European Union on 21 December 2023 and the future of transnational sports governance," *International*

these obstacles, making it easier to start a Super League.

As noted by the CJEU, the ruling was only a response to a complaint concerning the market for organising competitions, and did not comment on the "compatibility of the Super League project itself with . . . the TFEU Treaty."[12] In my view, the CJEU might have ruled less favourably for the Super League if other complaints had been brought to court, such as the complaint that the ESLC's Super League reduced competition in national consumer markets, thereby increasing consumer prices. More generally, in my view, any Super League would violate competition law because it reduces consumer market competition, and mere proposals for a Super League can also violate this law. This perspective will be further explained bellow, starting with a simple example.

Consider a Super League consisting of 40 clubs without relegation. In such a closed league, there would be several clubs without domestic rivals (e.g., a single club from Denmark). These clubs would then have a monopoly on top football in their domestic consumer market. In other words, the Super League would reduce the competition there. However, Art. 101(1) of the TFEU prohibits "all agreements between undertakings, decisions by associations of undertakings and concerted practices which . . . have as their object or effect the prevention, restriction or distortion of competition."[13] A Super League is based on an agreement among clubs, and professional football clubs are considered undertakings under the law. Therefore, the closed Super League mentioned above violates competition law.

Over the years, many different proposals for a Super League have been put forward.[14] In this context, it can be argued that any Super League would violate competition law. The reason is that any Super League reduces the competition in national consumer markets, as it reduces the number of domestic clubs that can offer European top football (by regularly participating in the Super League, the only European top competition). This enables Super League clubs to increase domestic prices, thereby raising revenues and profits. Thus, every Super League is based on an agreement among clubs that aims to reduce competition in consumer markets, violating competition law.[15]

Let us now discuss the proposals for a Super League, as opposed to the realisation of such a league. All proposals for a Super League over the last 30 years have posed a threat to UEFA competitions. In response, UEFA has been favoring big clubs most over the years.[16] For

Sports Law Journal 23, no 4 (2024): 405–408, https://doi.org/10.1007/s40318-024-00268-7.

12 CJEU, Case C–333/21, *European Superleague Company, SL v Fédération internationale de football association (FIFA) and Union of European Football Associations (UEFA) (European Superleague Company Case)*, ECLI:EU:C:2023:1011, para 80.

13 See Consolidated version of the Treaty on the Functioning of the European Union, Article 101, available at: https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12008E101:EN:HTML.

14 Katarina Pijetlovic, *EU Sports Law and Breakaway Leagues in Football* (The Hague: T.M.C. Asser Press, 2015), https://doi.org/10.1007/978-94-6265-048-0, Anthony Macedo, Marta Ferreira Dias, and Paulo Reis Mourão, "A literature review on the European Super League of football – Tracing the discussion of a utopia?" *International Journal of Sport Policy and Politics* 14, no. 3 (2022): 563–579, https://doi.org/10.1080/19406940.2022.2064895.

15 For the full argument, see Beck et al., "The league system."

16 Solberg, Harry Arne Solberg, and Chris Gratton, "Would European soccer clubs benefit from playing in a Super League?," *Soccer & Society* 5, no. 1 (2004): 61–81, https://doi.org/10.1080/1466097051233139100 4; Richard Parrish, and Samuli Miettinen, *The Sporting Exception in European Union Law* (The Hague: T.M.C. Asser Press, 2008); Macedo et al., "Literature review on the European Super League."

instance, UEFA allocates a large part of the Champions League's revenues to them, whereas a more equitable distribution of these funds would enable smaller clubs to strengthen their teams and, consequently, improve overall competitive balance.[17] The current format of UEFA competitions also helps larger clubs the most. For instance, UEFA altered the Champions League in 2024 in a way that will likely increase the revenues for these clubs, allowing them to further reinforce their teams.[18]

The above implies that the proposals for a Super League have contributed to a decrease in competitive balance, resulting in reduced competition in consumer markets. Big clubs have been actively supporting these proposals. Thus, the proposals can be regarded as agreements (or concerted practices) among big clubs that aim to reduce market competition, thereby violating competition law.

As noted above, the CJEU's 2023 Super League ruling has made it easier to establish a Super League. This will benefit larger clubs by allowing them to make more credible Super League threats, forcing UEFA to accommodate them further. This will further decrease competitive balance and, therefore, lower consumer satisfaction. Additionally, it will reduce competition in consumer markets, resulting in higher consumer prices. Both the reduced satisfaction and the increase in prices (which cause lower consumption levels) will negatively impact overall welfare.

In the long run, the decrease in competitive balance may reduce the attractiveness of the current league system to the point where a Super League, which can offer higher competitive balance due to its smaller number of participants, becomes a more appealing option for (most) consumers. Nevertheless, in that case, a league system with a Super League would likely still provide consumers with less satisfaction than the current system with the present (or recent) levels of competitive balance (see Section 1). At the same time, there would be less competition in consumer markets and higher consumer prices, which would also harm welfare. Such a situation would then be partly the result of the Super League ruling.

In short, the fact that the ruling has only addressed the questions brought to court by the complainant has harmed competition in consumer markets and (total) welfare.

4. THE EUROPEAN COMMISSION AND THE ENFORCEMENT OF COMPETITION LAW

The European Commission also has a responsibility for enforcing competition law. It can do so in response to specific complaints, but unlike the CJEU, it can also act on its own initiative. Thus, it could have investigated the Super League and the proposals (or threats) thereof, which, as argued above, violate competition law. Unfortunately, the Commission has done little in this field thus far.

Given the argument in the previous section, however, it would be reasonable for the Commission

17 Efe Ünsal, "How the UEFA Champions League divided Europe and harmed competitive balance within domestic leagues," *Soccer & Society 24*, no. 4 (2023): 492–508, https://doi.org/10.1080/14660970.2023.2194513.

18 Ramchandani, "Competitive balance and dominance in the UEFA Champions League."

to take action now. It could examine whether all or certain types of Super Leagues violate competition law. If, as previously argued, the answer is affirmative, it should declare (certain) Super Leagues illegal.

Proposals for Super Leagues, which are used to induce UEFA to favour the largest clubs, could also be deemed illegal. This would reduce the power of these clubs within UEFA, allowing for more support to be given to smaller clubs and improving competitive balance and consumer market competition. It would be reasonable for UEFA to attempt to reverse all reductions in competitive balance and market competition that have resulted from Super League proposals over the past 30 years. While it may be difficult to determine precisely how much more competitive balance is needed for such full compensation, UEFA can still head in the right direction.

In the member meetings of UEFA and national football associations, the representatives of the football associations of small countries and relatively small football clubs hold the majority of the votes. This means that if large clubs from big countries can no longer threaten to leave the UEFA competitions, democratic decision-making could lead to even more reductions in competitive balance than suggested above. Indeed, the principle of 'one member, one vote,' on which European sports are traditionally based, promotes competitive balance and consumer market competition. All in all, existing EU law allows, or even obliges, the European Commission to respond to Super Leagues and proposals thereof in a way that benefits consumer market competition, football consumers, small clubs, and welfare.

Regarding the transfer system, the powers of the European Commission are more limited. It cannot undo the Bosman and Diarra rulings, even though they reduce competition in consumer markets, harm welfare, and are legally flawed (as discussed earlier). This raises the question of how the EU can mitigate the adverse effects of these two rulings on competition in consumer markets and welfare. Could new legislation be helpful here? A broader perspective is needed to address this issue.

5. A EUROPEAN SPORTS ACT

Sports governing bodies (SGBs) traditionally have a lot of autonomy in organising their sports. However, their independence is constrained by the law. For instance, the CJEU has compelled the SGBs to modify certain aspects of their policies by applying EU competition and free movement law in several rulings, including those discussed above. Overall, however, the EU has had a limited impact on sport. The EU "rules only what may *not* be done, not what shall be done, and it does so only when a particular dispute happens to spill over to generate litigation."[19]

In earlier times, when SGBs were primarily responsible for setting the rules of the games, their autonomy was not a serious problem. At present, however, sports are commercialised, stakeholders' interests are considerable, and SGBs have multiple tasks. In this context, some serious issues have emerged. First, the governance of SGBs is far from ideal. For instance,

19 Stephen Weatherill, "Saving football from itself: Why and how to re-make EU sports law," *Cambridge Yearbook of European Legal Studies* 24 (2022): 4–23, https://doi.org/10.1017/cel.2022.3.

there is often inadequate representation of all stakeholders and insufficient transparency, and quite a few scandals have occurred. Second, there are issues with the sports themselves. In football, for instance, competitive balance is decreasing, the open league system is under threat, and the congested match calendar poses a risk to players.[20]

In this context, it has been argued that the role of the EU should no longer be solely reactive; instead, it should utilise the legislative powers conferred upon it by the TFEU, particularly Article 114 TFEU, to enact new legislation in the form of a European Sports Act.[21] In addition to this argument, it can be noted here that Article 114 aims to enhance the functioning of the internal market, which encompasses consumer markets. Thus, the decrease in competition in football consumer markets and the need for improved consumer protection may provide further support for the argument that Article 114 can serve as the legal basis for a Sports Act.

A European Sports Act could impose serious governance requirements on the SGBs. This could concern the decision-making, the representation of all stakeholders (including consumers and athletes), and patterns of accountability, among other things.[22] The present paper suggests that a key goal could be to enhance the democracy of football associations in a way that prevents a minority of members, comprising associations from large countries or large clubs, from dominating the majority.

The new legislation could also impose more substantive requirements. Several authors have suggested that the aim of the legislation could be to protect the traditional 'European Sports Model'. This model features a pyramidal structure, an open system of promotion and relegation, competitive balance, solidarity, and a grassroots approach, among other key elements.[23] More recently, however, it has been emphasised that this model is not perfect, especially because the governance model of traditional SGBs is weak in addressing some of the present-day problems. Therefore, it is better to base the new legislation on a 'European Vision of Sport,' which can still be (strongly) inspired by the European Sports Model. Based on this vision, a recent paper has presented a concrete proposal for a European Sports Act, suggesting that further discussion is needed.[24] The present paper proposes that such a discussion should pay serious attention to the question of which rules for improving competitive balance and competition in consumer markets should be included in, or stimulated by, the Sports Act.

A crucial question, however, is whether the EU is willing to take action. The Council of the European Union, the representatives of the Member States, the European Commission, and

20 Weatherill, "Saving football from itself"; Miguel Poiares Maduro, "Sports Governance after the Superleague Judgment: Going into Extra Time?" *International Sports Law Journal* 23 (2023): 482–490, https://doi.org/10.1007/s40318-024-00269-6; Welsh, "The European Super League debacle"; Jan Zglinski, "Reforming Football: What the EU Can Do," *German Law Journal* 26, no. 3 (2025): 520–545, https://doi.org/10.1017/glj.2025.25.

21 Jan Exner, Stephen Weatherill, and Jan Zglinski, "The European Sports Act: A proposal to improve sports governance through EU legislation," LSE Law, Society and Economy Working Papers (10/2025), https://dx.doi.org/10.2139/ssrn.5235136.

22 Exner et al., "The European Sports Act."

23 Weatherill, "Saving football from itself"; Poiares Maduro, "Sports Governance after the Superleague Judgment"; Zglinski, "Reforming Football." The term European sports model is used by many, but its exact meaning is often unclear. This paper uses the interpretation of the Council of the EU and representatives of the Member States, as given by Weatherill.

24 Exner et al., "The European Sports Act."

the European Parliament have all demonstrated good intentions.[25] However, no concrete action has been taken yet. Indeed, whether the EU is genuinely willing to help the sports seriously remains an open question. This paper has focused on one sport only, demonstrating that, to date, the EU has seriously harmed the interests of small football clubs and football consumers. This provides an additional reason for the EU to take serious action soon.

6. CONCLUSION

The CJEU and the Commission have not adequately protected competition in football consumer markets and the related interests of small clubs and football consumers. This failure can be partly rectified by the Commission applying existing competition law more rigorously in the near future. In the long term, a new European Sports Act can further address the problems of football discussed in this paper, while also enhancing the broader sports ecosystem.

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25 Exner et al., "The European Sports Act"; Weatherill, "Saving football from itself."

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DISPUTE RESOLUTION IN ESPORTS: IN SEARCH OF A SUPREME COURT FOR ESPORTS

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UDC 341.6:795
DOI https://doi.org/10.30925/slpdj.4.1.3
Received on February 23, 2026
Accepted on June 30, 2026
Preliminary communication



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Abstract

This paper provides a brief introduction to the current challenges in esports dispute resolution. The introduction to the paper provides a categorization of disputes arising within the industry, classifying them by game type and the relevant legal branches. Subsequently, the authors examine emerging alternative dispute resolution (ADR) methods, weighing their respective advantages and disadvantages. The article concludes with *de lege ferenda* proposals intended to inform legal practice. Finally, it introduces a new dispute resolution body, which was recently established by the Slovak Olympic and Sports Committee.

Keywords: Dispute Resolution, Esports, Alternative Dispute Resolution, Sports Arbitration Tribunal.

1. INTRODUCTION

The entertainment industry is a dynamic phenomenon that generates significant revenue and contributes substantially to both national and global economies. Within this sector, the esports and video game markets have experienced an unprecedented surge in interest—particularly during the COVID-19 pandemic, as global lockdowns prompted a search for new

The paper is an outcome of the grant project funded by the EU NextGenerationEU through the Recovery and Resilience Plan for Slovakia under the project No. 09I03-03-V04-00345.

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forms of digital leisure. Today, the popularity of esports rivals that of traditional sports (albeit the direct link between esports and sports is not generally accepted), particularly among younger demographics, making it an increasingly attractive destination for large-scale corporate investment.

Despite this growth, the professionalization of the industry has created a complex web of legal relationships that remains inadequately addressed by national, international, and EU law. This regulatory lag is further complicated by the transnational nature of the industry, which often involves stakeholders across different continents. Consequently, a regulatory vacuum exists across both private and public law.

Key legal ambiguities include the classification of esports performance (whether as a sporting activity, artistic performance, or entrepreneurship) and the uncertain status of professional players as either employees or independent contractors. This uncertainty extends to the legal regime of player contracts, social security protections, health and safety standards, and collective bargaining. Furthermore, the industry faces challenges regarding the status of esports organizations, the dominance of game developers (publishers), the legalities of streaming, and integrity issues such as match-fixing and doping (both physiological and technical). Additionally, concerns persist regarding hate speech at public events, data privacy, the protection of minors, and the intricate web of intellectual property rights.

Overarching all these challenges is the need for effective dispute resolution. Traditional venues, such as national courts or general arbitration boards, often lack the technical expertise required for this niche sector. Consequently, there is a growing demand for specialized alternative dispute resolution mechanisms that guarantee industry-specific knowledge.

2. DISPUTES ARISING FROM ESPORTS AND VIDEO GAMES

Within the esports and video game sector, one can identify a diverse range of disputes.[1] For the purposes of this paper, these disputes are classified into the intellectual property-related disputes, contract-related disputes, and market-related disputes. The scope of each category is outlined below. Of these three categories, disputes involving the infringement of intellectual property (IP) rights are currently the most prevalent, specifically those regarding copyrights, licensing, and industrial property rights.

Additionally, the industry frequently faces specific sporting-related disputes arising from match-fixing and "technical doping" – where players gain an unfair competitive advantage through unauthorized hardware or software modifications. This area of disputes falls outside the scope of this paper, which rather focuses on legal disputes, i.e., disputes arising from the breach of generally binding law or legally enforceable contractual obligations, rather than on "fair play disputes," which are governed by the internal, autonomous rules ensuring the equality of opportunities and competitive balance in the competitions.

1 Cf. Lau Kok Keng, Edina Lim, and Yong Yi Xiang, "Legal and Regulatory Issues in Video Gaming and Esports (Part 1)", available at: https://law.nus.edu.sg/trail/legal-and-regulatory-issues-in-videogaming-esports-p1/ (accessed December 10, 2025), See also Lau Kok Keng, Edina Lim, and Yong Yi Xiang, "Legal and Regulatory Issues in Video Gaming and Esports (Part 2)", available at: https://law.nus.edu.sg/trail/legal-and-regulatory-issues-in-videogaming-esports-p2/ (accessed December 10, 2025).

Still, even with respect to legal disputes, given the technical complexity and broad scope of these issues, traditional litigation is often prohibitively time-consuming, costly, and inefficient for the parties involved. Consequently, the industry has actively sought to develop specialized venues and methods for Alternative Dispute Resolution (ADR). Some experts propose a bifurcated approach, separating different categories of disputes into specialized resolution tracks to account for their unique characteristics. However, our view is that such a fragmented strategy carries the risk of procedural multiplicity, forcing parties to initiate several parallel proceedings before different bodies—particularly in complex cases that involve overlapping legal issues. Therefore, we advocate the establishment of a unified worldwide dispute resolution system. Nevertheless, these attempts have been unsuccessful thus far.

2.1. COPYRIGHT AND OTHER IP RIGHTS-RELATED DISPUTES

Among the most frequent legal conflicts in the sector are those involving copyright and other intellectual property (IP) rights. In the rapidly evolving worlds of esports and video games, IP protection requires constant vigilance. The scope of copyrightable subject matter is broad, encompassing the narrative elements of video games, their unique gameplay mechanics (often protected as know-how), character names, and the audio-visual content generated through streaming and influencer promotions. Consequently, copyright serves as the foundational legal pillar alongside other forms of industrial property protection.

Given that most esports events and video games are broadcast live or shared via digital platforms, unauthorized online transmission represents the most prevalent form of infringement. This streaming content generally falls into two categories: real-time live streams and on-demand video (VOD), both of which present distinct challenges for rights holders.[2] One of the most widely utilized copyright enforcement mechanisms is the Content ID system, which automatically detects the unauthorized use of protected material within videos and streams, enabling the rapid removal of infringing content. These platform-based monitoring tools flag potential violations, alerting the legal teams of event organizers to suspected infringements. Effective enforcement, however, necessitates seamless technical cooperation between tournament organizers and the digital platforms broadcasting the stream.

This cooperation relies on the real-time exchange of data. A prime example is YouTube's copyright management system, which underwent significant updates in 2019. YouTube employs a 'three-strike' policy that escalates penalties with each successive offense: an initial infraction may result in the loss of advertising revenue, while a third offense culminates in video removal and the permanent termination of the infringer's account. This framework empowers rights holders to file formal DMCA or copyright complaints, prompting immediate investigation by the platform.[3]

The engagement of the fan community as a tool for IP enforcement represents a highly unconventional departure from traditional copyright protection strategies. While a vast,

2 Martin Maties (ed.), *Esport – Recht. Beratungs- und Anwendungswissen. Stichwort Kommentar*. 1. Auflage. (Baden – Baden: Nomos Verlagsgesellschaft, 2023), 855.

3 Marc Ederman, Thomas A. Baker, John T. Holden, and Rebecca Rosenthal, *Esports and the Law* (Chicago: American Bar Association, 2022), 41.

undefined audience typically presents an increased risk of infringement, strategic positioning by developers can transform this community into a proactive line of defense. Through brand loyalty and engagement, fans often become the first to identify and report illegal streams or pirated assets. This 'crowdsourced' enforcement creates a collective front against infringement, built primarily on the fidelity of the player base.

Beyond community-led efforts, the judiciary continues to grapple with novel IP challenges, as seen in the notable California litigation between choreographer Kyle Hanagami and Epic Games. Hanagami—renowned for his work with artists such as Britney Spears and Justin Bieber—sued the developer in 2022, alleging that the 'It's Complicated' emote in Fortnite illegally copied his copyrighted choreography.

While U.S. District Judge Stephen Wilson initially dismissed the case, ruling that the sequence of movements did not qualify for protection, the Ninth Circuit Court of Appeals subsequently overturned that decision. The appellate court criticized the lower court's reduction of complex choreography to a series of individual 'poses,' emphasizing that copyright analysis must remain consistent across different art forms and recognize the creative expression inherent in choreographed sequences.[4]

Another significant category of litigation involves disputes between game developers and members of the music industry. These typically arise from the unauthorized use of copyrighted compositions or lyrics—often utilized as slogans, jingles, or background music—without the explicit consent of the rights holders. Beyond copyright, the esports and video game sector relies heavily on trademarks, logos, and industrial designs. Game titles are frequently registered as word marks, while distinctive visual elements or unique audio cues are protected as figurative or sound trademarks.

A compelling legal question remains whether game mechanics are better suited for copyright protection or design rights. The latter can be obtained relatively quickly and cost-effectively, covering everything from hardware (keyboards and headsets) to Graphical User Interfaces (GUIs). Furthermore, developers often seek patent protection for unique technological innovations. This is particularly prevalent in the development of advanced motion-capture technologies, which track player movements and translate them into in-game actions. By patenting these processes, developers safeguard their R&D investments against replication by competitors, securing a strategic advantage in a high-stakes market.

Infringement across these IP categories frequently results in litigation, particularly regarding game imitations. A landmark example is the General Court of the European Union's ruling in Case T-700/18 (October 10, 2019). The dispute concerned a likelihood of confusion between a new EU trademark application for 'DUNGEONS' (filed by Kalypso Media Group GmbH for goods in Classes 9, 28, and 41) and the earlier 'DUNGEONS & DRAGONS' mark owned by Wizards of the Coast LLC. Although the applicant argued that the EUIPO Board of Appeal had erred in assessing the public's level of attention and the distinctive character of the marks, the General Court dismissed the action in its entirety. The court upheld the earlier findings of the EUIPO Opposition Division and the Board of Appeal, confirming that the high degree of

4 "LITARB", www.esportlegal.news (not available anymore) (accessed August 25, 2025).

similarity between the signs created a genuine risk of consumer confusion.[5]

In contrast, the General Court of the European Union, in Case T-491/22, affirmed that no likelihood of confusion existed between two competing figurative marks. The dispute involved an EU trademark application for a 'happy' spherical figure—characterized by wide-open eyes, a top hat, straight arms, and short legs—and an earlier mark featuring a one-eyed, slightly deformed character with one arm bent and the other resting on a cane. The Court concluded that the signs were visually distinct when viewed as a whole. In this instance, the applicant, Zitro International Sàrl, sought the annulment of the Fourth Board of Appeal's decision (Case R 2005/2021-4). However, both the EUIPO Opposition Division and the Board of Appeal had previously rejected the opposition. The General Court ultimately dismissed the action, finding no grounds for confusion between the two characters, as their specific design elements were clearly defined and visually disparate.[6]

These judicial decisions underscore that the esports and video game industries possess significant potential for intellectual property disputes.

2.2. CONTRACT-RELATED DISPUTES

The performance of professional esports players within teams is frequently built upon the same factual and legal foundations as that of traditional professional athletes.[7] However, for individual athletes who train independently and utilize their own hardware, alternative contractual arrangements, such as freelancer agreements or pure sponsorship contracts, remain a common alternative.[8]

In this context, the Paris Court of Justice issued a groundbreaking decision on 27 March, 2024, with significant implications for esports labor relations. By reclassifying an esports player's service agreement as an employment contract, the court signaled a fundamental shift in how professional relationships are regulated within this rapidly evolving sector. This ruling underscores the urgent need for a clearer application of labour law within the digital entertainment industry and potentially establishes a precedent for future jurisdictional disputes regarding player status.[9]
Aside from the labour law status of gamers, currently, a substantial volume of litigation involves disputes between players and their respective clubs, teams, or leagues over the unpaid bonuses and other contractually mandated benefits. The sector presently lacks uniform standards for player contracts, as well as harmonized rules for player protection and dispute resolution. While some organizations have issued internal regulations to standardize contracting procedures, the majority lack a formal framework. Consequently, many professional player contracts contain highly lopsided provisions, such as clauses

5 CJEU, Case T-700/18, *Kalypso Media Group GmbH, v European Union Intellectual Property Office (EUIPO)*, available at: https://curia.europa.eu/juris/document/document.jsf?text=&docid=218927&doclang=EN (accessed August 25, 2025).
6 Annual Review of European Trademark Law, *Review* 114 (2023): 438.
7 Johannes P. Francken, Nepomuk Nothelfer and Philipp Schlotthauer, "Der Arbeitnehmer im professionellen eSport," *Neue Zeitschrift für Arbeitsrecht* (2019): 865–870.
8 Maties, *eSport – Recht – Politik, Praxis und Wissenschaft im Dialog*, 162.
9 Leonid Shmatenko, "Tribunal Judiciaire de Paris: Rethinking the Esports Employment Contract", available at: https://esportslegal.news/2024/04/22/tj-paris-esports-employment-contract/ (accessed August 25, 2025).

allowing for the imposition of fines or the unilateral reduction of salaries when a player is 'benched' and replaced. Other contentious provisions include position-change clauses and non-competition agreements, which frequently spark litigation.[10] Ultimately, these provisions create a significant imbalance of power between players and organizations, serving as a primary catalyst for legal conflict.

2.3. ESPORTS MARKET-RELATED DISPUTES

Another prevalent form of litigation involves misleading advertising, a marketing tool frequently utilized to boost the popularity and profitability of the entertainment industry. Some advertising campaigns are comparative in nature, employing false or distorted information to gain an unfair competitive advantage. Most often, these discrepancies concern gameplay fidelity and features. It is a common phenomenon for developers to promote a video game with specific qualitative characteristics that the final product simply does not possess.

Furthermore, streaming platforms and operators often employ 'bait-and-switch' tactics to attract new users. They may advertise 'free' benefits that are either unilaterally canceled post-registration or revealed to be conditional upon undisclosed requirements, such as completing extensive marketing questionnaires. Failing to provide adequate notice of these conditions constitutes deceptive advertising.

Disputes also arise when operators guarantee consumers specific in-game rewards for reaching certain levels, only for those rewards to be functionally unattainable. These advantages are often tied to conditions that an average player could not reasonably fulfill without purchasing 'pay-to-win' boosters or microtransactions. Finally, misleading advertising may involve the promotion of a game's narrative or plot, which, upon release, proves to be significantly at odds with the advertised reality.

3. ALTERNATIVE DISPUTE RESOLUTION IN ESPORTS AND VIDEO GAMES

The unique characteristics of esports and video game disputes necessitate a tailored approach to conflict resolution—a need that is increasingly met by Alternative Dispute Resolution (ADR) mechanisms. ADR has emerged as a robust alternative to traditional litigation across all economic sectors, and the field of (e)sports is no exception.

The most prominent example in the sporting world is arbitration before the Court of Arbitration for Sport (CAS) in Lausanne. Other established avenues include general commercial arbitration and mediation. Furthermore, specialized expert centers are rapidly emerging to address the nuances of the digital arena; a prime example is the WIPO Arbitration and Mediation Center, which focuses on the intersection of technology and intellectual property.

Due to their specialized personnel and industry-specific frameworks, these commissions and centers offer parties distinct procedural and material advantages over national courts. The following section outlines these advantages while detailing the specific ADR methods currently available within the esports ecosystem.

10 Dieter Frey (ed.), *eSport und recht. Handbuch*. 1. Auflage. (Baden – Baden: Nomos, 2021): 191.

3.1. ADVANTAGES OF ALTERNATIVE DISPUTE RESOLUTION

Alternative Dispute Resolution (ADR) offers several distinct advantages over traditional litigation, making it a flexible and attractive forum for the complex world of esports. These mechanisms facilitate swift resolutions characterized by high levels of technical expertise. This section examines the primary benefits of ADR, focusing specifically on arbitration.

Neutrality and Independence. The foremost advantage is the neutrality of the adjudicating body, which encompasses both personal and institutional independence. Personal independence ensures that the roster of arbitrators consists of industry experts—specialists in esports and video game law—who possess no personal or proprietary interest in the outcome. To further bolster neutrality, these rosters typically include international experts. Institutional independence guarantees that the body operates autonomously, free from the material or financial influence of the parties involved.

Procedural Unity and Efficiency. Another significant advantage is the unitary nature of the proceedings. In arbitration, parties typically agree to resolve their disputes through a single-instance procedure. While they may opt for a multi-instance (appellate) structure, the expertise and moral standing of the arbitrators generally render an appeal stage unnecessary. This stands in stark contrast to traditional litigation, where the availability of ordinary and extraordinary remedies often leads to protracted delays. Furthermore, resolving disputes before a single international body, regardless of the parties' home jurisdictions, enhances legal predictability and ensures the consistent application of law, thereby promoting legal certainty.

Confidentiality. Confidentiality remains a cornerstone of ADR. Unlike national court proceedings, which are governed by the principle of public hearings and accessible judicial decisions, arbitration is inherently private. This obligation of secrecy is often the decisive factor for entities wishing to protect sensitive commercial data or brand reputation from public scrutiny.

Finality and Enforcement. The finality of arbitral awards is a direct consequence of the single-instance nature of the proceedings. By entering arbitration, parties commit to a binding and authoritative resolution. If a decision does not automatically constitute an enforceable title (such as a legally recognized document for execution), parties may utilize alternative enforcement mechanisms to ensure compliance. Examples include termination clauses that allow for the severance of all contractual ties with a non-compliant party, or publication clauses. Under the latter, the prevailing party may publish the case outcome at the losing party's expense if the latter fails to respect the decision. Such a 'reputational penalty' effectively leverages the loss of confidentiality to compel adherence to the award.[11]

Particularly in non-European legal systems—most notably in Asia—the breach of moral, ethical, or gentlemen's agreements carries direct consequences for future business relations.

11 Lars Thiess, and Vitorio Dimov, "Alternative Dispute Resolution in esports – The Riot Games Dispute Resolution System in Detail", available at: https://haerting.de/en/insights/alternative-dispute-resolution-in-esports-the-riot-games-dispute-resolution-system-in-detail/ (accessed August 25, 2025).

Consequently, it is often more advantageous for a losing party to honor an adjudicatory decision voluntarily, even in instances where the ruling does not technically constitute an enforceable title under national law. In these contexts, the preservation of commercial reputation and the ability to secure future contracts act as powerful informal enforcement mechanisms.

Nevertheless, in the vast majority of cases, the decisions of arbitral bodies fall under the 1958 United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the New York Convention). This treaty ensures that arbitral awards are recognized with the same legal force as the judgments of national courts, generally without requiring a *de novo* examination of the merits. By virtue of this Convention, enforceability is guaranteed across all signatory states. This provides parties with the assurance that a decision will be directly enforceable in the jurisdiction where the counterparty is domiciled, effectively neutralizing the challenges posed by jurisdictional plurality and competing legal systems.

3.2. THE FIRST ATTEMPT AT AN ARBITRATION BODY IN ESPORTS – ACES OF WESA

Numerous entities within the esports ecosystem have gradually been established to serve as global umbrella organizations for national federations, including the offer to resolve disputes before specialized expert panels. One such body to implement its own adjudicatory authority was the World Esports Association (WESA), founded in 2016.[12] WESA established the Arbitration Court for Esports (ACES), which was designed to be the industry's first specialized arbitral tribunal.[13] However, despite its pioneering status, ACES failed to achieve widespread industry acceptance. Its tenure ultimately ended alongside its parent organization, following a resolution by its general assembly on 16 February, 2025, WESA entered liquidation and was subsequently wound up.[14]

3.3. CURRENTLY ACTIVE ESPORTS FEDERATIONS AND THEIR DISPUTE-RESOLUTION MECHANISMS

Despite the dissolution of WESA, several competing entities continue to vie for global representation of the esports sector. The least known among these is the International Federation of Esports (IFES), headquartered in India,[15] however, its public documentation currently lacks any specific framework for dispute resolution. In contrast, the Global Esports Federation (GEF)[16] explicitly stipulates in its Constitution that any disputes fall under the jurisdiction of the Court of Arbitration for Sport (CAS) in Lausanne.[17] Similarly, the International Esports Federation (IESF)[18] recognizes the adjudicatory competence of CAS

12 "World Esports Association", available at: https://en.wikipedia.org/wiki/World_Esports_Association (accessed August 25, 2025).

13 Ryan Boonstra, "Player 3 Has Entered the Game: Arbitration Comes to the eSports Industry," *Arb. L. Rev.* 10, no. 1 (2018): 118-103, available at: https://insight.dickinsonlaw.psu.edu/arbitrationlawreview/vol10/iss1/4/ (accessed August 25, 2025).

14 "Mutation World ESports Association (WESA), Zug, neu World ESports Association (WESA) in liquidation", available at: https://www.shab.ch/shabforms/servlet/Search?EID=7&DOCID=HR02-1006274891 (accessed August 25, 2025).

15 "International Federation of eSports", available at: https://ifes.in/ (accessed August 25, 2025).

16 "Global Esports", available at: https://www.globalesports.org/ (accessed August 25, 2025).

17 "Resources: Constitution", available at: https://www.globalesports.org/resources (accessed August 25, 2025).

18 "International Esports Federation", available at: https://iesf.org/about-us/ (accessed August 25, 2025).

within its Statutes. Finally, the Esports World Federation (EWSF)[19] takes a different approach, recommending that its members utilize the alternative dispute resolution (ADR) services provided by the Philippine Dispute Resolution Center. This diversity of venues underscores the lack of a singular, unified judicial authority within the global esports landscape.[20]

3.4. THE ATTEMPT AT SPECIALIZATION: WIPO ARBITRATION AND MEDIATION CENTER

Given its pivotal role, the WIPO Arbitration and Mediation Center (the WIPO Center) merits separate consideration. It provides time- and cost-efficient Alternative Dispute Resolution (ADR) options—including mediation, arbitration, expedited arbitration, and expert determination—enabling private parties to resolve domestic and cross-border commercial disputes centered on intellectual property (IP) and technology. Furthermore, the WIPO Center is the global leader in domain name dispute resolution under the WIPO-designed Uniform Domain Name Dispute Resolution Policy (UDRP).

Over the years, the WIPO Center has adjudicated numerous cases involving video games and esports. These disputes typically encompass a broad range of IP-related issues, including branding (e.g., trademark usage in logos or merchandising), copyright (e.g., narrative storylines, gameplay mechanics, music, user-generated content, and the broadcasting of esports events), and design rights (e.g., product packaging). Additionally, the Center handles patent disputes involving hardware such as consoles, VR headsets, and accessories, as well as conflicts involving trade secrets, R&D agreements, technology transfers, and software licensing.[21]

To facilitate access to these services, the WIPO Center provides a series of model arbitration clauses[22] that entities can incorporate directly into their commercial contracts and internal regulations. The Center also maintains a curated roster of neutrals—including arbitrators and mediators—who are recognized experts in IP law. This list includes specialists from both academia and legal practice, covering diverse fields such as technology, international law, and marketing.

3.5. THE UNIFICATION ATTEMPT: INTERNATIONAL GAMES AND ESPORTS TRIBUNAL (2025)

A prominent example of a specialized arbitral body is the International Games and Esports Tribunal (IGET),[23] established as a non-profit joint initiative by the Esports Integrity Commission

19 "Esports World Federation", available at: https://eswf.games/ (accessed August 25, 2025).

20 "PDRCI", available at: https://pdrci.org/.(accessed August 25, 2025). It has a number of sports accredited arbitrators: https://pdrci.org/arbitrators-sports-accredited/ and specific rules for sports arbitration and sports mediation: https://pdrci.org/sports-rules/ (accessed August 25, 2025).

21 Leandro Toscano, Oscar Suarez, and Alexia Gkoritsa, *Resolving Video Games and eSports Disputes: How Can WIPO's Alternative Dispute Resolution Options Help?,* available at: https://www.wipo.int/en/web/wipo-magazine/articles/resolving-video-games-and-esports-disputes-how-can-wipos-alternative-dispute-resolution-options-help-56293 (accessed August 25, 2025).

22 "Future Disputes: WIPO Arbitration Clause", available at: https://www.wipo.int/amc/en/clauses/arbitration/ (accessed August 25, 2025).

23 "International Games & Esports Tribunal", available at: https://www.iget.gg/ (accessed August 25, 2025).

(ESIC)[24] and the World Intellectual Property Organization Arbitration and Mediation Center (WIPO AMC).[25] The tribunal's primary mandate is to safeguard the integrity of esports by overseeing the prevention, investigation, and prosecution of all forms of competitive malpractice, including match-fixing and doping. This initiative aligns with the cooperation between ESIC and the International Olympic Committee (IOC)—specifically the IOC's Olympic Movement Unit on the Prevention of the Manipulation of Competitions (OM Unit PMC).[26] Through a formal letter of intent, these organizations have committed to exchanging information and best practices in the fight against corruption, with IGET serving as the primary mechanism for implementing ESIC's enforcement obligations.

IGET maintains a dedicated panel of arbitrators and mediators who possess specialized knowledge of both the technical and legal frameworks of the gaming industry. This dual expertise enables the Tribunal to resolve a broad spectrum of conflicts, ranging from integrity-related infractions and player contract disputes to complex intellectual property issues and commercial disagreements regarding tournament organization rights. With the inauguration of IGET, the former ESIC Independent Appeals Panel was dissolved and its jurisdiction transferred to the Tribunal. Consequently, all appeals and disciplinary proceedings previously handled under ESIC's codes are now to be adjudicated under IGET's authority, following an update to the ESIC Disciplinary Procedure rules to reflect this transition.[27]

The collaboration between ESIC and WIPO AMC in creating this joint international tribunal serves as clear evidence that the commitment to maintaining integrity within the esports and video game sector is being pursued with rigorous institutional oversight.

3.6. AN ATTEMPT WITH A PARTIAL SCOPE: THE ARBITRATION PLATFORM OF RIOT GAMES (2024)

In addition to the general ADR platforms discussed above, several specialized mechanisms have been introduced for specific titles and leagues. A notable recent example is the arbitration platform launched by Riot Games[28] across its EMEA (Europe, the Middle East, and Africa)[29] esports portfolio. This dedicated system is designed to resolve disputes involving unpaid wages, bonuses, prize money, and transfer disagreements for League of Legends and VALORANT players and teams.[30]

The initiative aims to provide an independent forum that fosters 'healthy, professional esports

24 "Esports Integrity Commission", available at: https://en.wikipedia.org/wiki/Esports_Integrity_Commission (accessed August 25, 2025).
25 "Alternative Dispute Resolution", available at: https://www.wipo.int/amc/en/ (accessed August 25, 2025).
26 "The International Olympic Committee and the Esports Integrity Commission Announce Historic Collaboration", available at: https://www.lawinsport.com/topics/news/item/the-international-olympic-committee-and-the-esports-integrity-commission-announce-historic-collaboration (accessed August 25, 2025).
27 "International Games and Esports Tribunal: a collaboration between WIPO and ESIC", available at: 2025, https://esic.gg/international-games-and-esports-tribunal/ (accessed August 25, 2025).
28 "Riot Games", available at: https://en.wikipedia.org/wiki/Riot_Games (accessed August 25, 2025).
29 "League of Legends EMEA Championship", available at: https://en.wikipedia.org/wiki/League_of_Legends_EMEA_Championship (accessed August 25, 2025).
30 "Dispute Resolution for Riot Games' Esports (EMEA)", available at: https://competitiveops.riotgames.com/en-US/dispute-resolution-emea (accessed August 25, 2025).

ecosystems' while promoting 'contractual stability and integrity.' The procedure is governed by a closed panel of 14 arbitrators, with the law firm Martens Rechtsanwälte overseeing the selection process to ensure the court remains operationally separate from Riot. Furthermore, a Legal Aid Fund was established to assist parties who would otherwise be unable to afford the costs of arbitration.

To maximize efficiency, the procedure is primarily written, typically allowing for only one formal submission per party. Notably, decisions are issued *ex aequo et bono* (based on equity and justice). This allows arbitrators to bypass the strict enforcement of contractual terms if such an application would yield an unfair or inequitable result, applying general principles of justice instead.

However, this Riot's proprietary mechanism has raised significant legal concerns regarding competition law and the potential abuse of a dominant market position. Although the system is theoretically voluntary, the company's objective to integrate arbitration clauses into more than 80% of its contracts within a few years could practically eliminate alternative venues. Given Riot's immense market influence, such standardization may effectively restrict access to other forums. Furthermore, the company's indirect influence over the closed list of arbitrators and its control over the Legal Aid Fund have sparked debate regarding the true impartiality of the system.[31]

3.7. NATIONAL ATTEMPTS: AN EXAMPLE OF THE SPORTS ARBITRATION TRIBUNAL OF THE SLOVAK OLYMPIC AND SPORTS COMMITTEE (2025)

Following the precedent set by Thailand—where the Thailand Arbitration Center (THAC) was established under the Arbitration Center Act 2550 (2007) to handle esports matters—other nations are adopting similar localized models.

Within the European Union, the challenge of sports dispute resolution became a priority for the Slovak Republic. The Slovak Act on Sports (2015) initially mandated that national sports associations establish internal bodies for disciplinary proceedings and dispute resolution. While this originally included even specialized panels for doping cases, that agenda was later centralized under a committee established by the Ministry of Tourism and Sports to ensure the necessary level of technical and legal expertise.

However, maintaining these internal bodies by national federations proved practically and financially unsustainable for many national associations. Consequently, the Slovak Olympic and Sports Committee (SOSC) advocated for the creation of a centralized dispute resolution authority in the sports sector. This led to a significant amendment to the Act on Sports, effective as of 1 July, 2025, which authorized the SOSC to establish a unified body to provide first-instance and appellate dispute resolution services for associations choosing to submit to this body.

Under this new legislative framework, the SOSC, together with the Ministry of Sport, enacted the Statutes of the Sports Arbitration Tribunal (SAT) in September 2025. While modeled

31 Thiess, "Alternative Dispute Resolution in esports".

after international sports and commercial arbitration frameworks, the SAT was not formed as a 'court of arbitration' in the strict sense under the Slovak civil law. Because Slovak law currently restricts traditional arbitration to civil and commercial matters solely—excluding labour disputes and disciplinary sanctioning—the SAT derives its legal authority directly from the Act on Sports. This statutory basis, supported by state funding, ensures its institutional stability.

It is now incumbent upon individual national associations and other entities—possibly including esports associations, which are not yet formally recognized as national sports associations in Slovakia— to decide whether to maintain their own internal structures or delegate the respective competences to the SAT. Enforcement of SAT awards is thereby to be guaranteed either through the federations' remaining disciplinary bodies or via specialized enforcement mechanisms established at the SAT level—including fines and suspension mechanisms.

Nevertheless, the SAT explicitly recognizes the possibility for parties to seek a review of its awards by the Court of Arbitration for Sport (CAS) in Lausanne. While it yet remains to be seen whether CAS will affirm its jurisdiction over disputes decided by SAT, the SAT's statutes clearly position CAS as the final adjudicatory instance, aligning Slovak domestic practice with the global sports law (and esports law) ecosystems. At the same time, there is also the possibility to have the SAT decision reviewed by national courts, which can never be entirely excluded. However, this should only materialize in cases of serious breaches of due process by the SAT.

3.8. CERTAINTY INSTEAD OF FAILING ATTEMPTS? THE COURT OF ARBITRATION FOR SPORT IN LAUSANNE

Having discussed general arbitration mechanisms and specialized dispute resolution bodies - some of which raise concerns regarding impartiality - we now turn to the established best practices of the Court of Arbitration for Sport (CAS). As traditional sports principles are increasingly translated into the digital arena, the CAS model serves as a vital source of inspiration for esports ADR as well.[32] It might also act as the actual supreme court in the esports ecosystem.[33]

he jurisdictional reach of CAS into esports is currently being tested by the Bahrain Esports Federation (BESF). The dispute stems from a controversial refereeing decision during the EA Sports FC tournament at the Asian Games. After Bahrain's Abdulaziz Faqeehi seemingly secured a victory against South Korea's Kwak Jun-hyok, a technical referee unexpectedly ordered a replay of the deciding set following a protest by the Korean player.

The BESF alleged several procedural failures: the absence of a referee during the match, a

32 See Heiko Heidenreich, Christian Brandt, Geoff Dickson, and Markus Kurscheidt, "Esports Associations and the Pursuit of Legitimacy: Evidence from Germany," *Front. Sports Act. Living* 4 (2022): 869151, https://doi.org/10.3389/fspor.2022.869151.

33 Cf. Serkan Kaya, Eda Şahin-Şengül, and Aybüke Keskin, "The elephant in the room: A global mechanism for E-Sport disputes," *Computer Law & Security Review* 57 (2025):106128, https://doi.org/10.1016/j.clsr.2025.106128. The authors rather plead for automatic online dispute resolution mechanism (smart dispute resolution).

lack of transparent reasoning for the replay, and the isolation of the Bahraini player from his coach while his opponent maintained full access to support. Most significantly, the BESF raised allegations of a conflict of interest, noting that the technical director overseeing the match was a South Korean national.[34] This appeal could be a landmark case for CAS. The tribunal should not only decide the merits of the refereeing decision, but also tackle foundational legal questions, such as the legal subordination of esports to traditional sports frameworks and the validity of esports-specific arbitration clauses.

Unfortunately, since no more information has been published on the fate of this case, it seems that CAS has not been given the chance to expressly decide on the respective issues.

4. CONCLUSIONS

The esports and video game industry is a rapidly evolving global sector with a substantial economic footprint. As with any complex market, disputes are an inherent byproduct of its intricate legal relationships. These conflicts are typically multidisciplinary. Resolving them requires not only legal acumen but also specialized expertise in technology, software development, design, marketing, and international trade. Furthermore, the cross-border nature of the industry inevitably leads to a "conflict of laws," where multiple jurisdictions overlap.

To address these challenges, various Alternative Dispute Resolution (ADR) mechanisms have emerged, with arbitration being the most prominent. The increasing plurality of market stakeholders has led to the development of highly specialized, private arbitration platforms, such as the proprietary system established by Riot Games. Simultaneously, industry-wide collaboration is gaining momentum, exemplified by the International Games and Esports Tribunal (IGET)—a joint initiative between the Esports Integrity Commission (ESIC) and the WIPO Arbitration and Mediation Center.

The prevailing trend is the shift toward an autonomous dispute resolution system. This model relies on expert-led adjudication by arbitrators possessing high moral and professional standing. The enforceability of these decisions is secured either through membership-based "loyalty" principles within organizations or through the New York Convention. The former often proves more efficient, especially when the ADR mechanism—such as the Slovak Sports Arbitration Tribunal (SAT)—operates as a specific expert body rather than a traditional arbitral tribunal.

Finally, there is still the possibility of CAS taking over the supreme authority in the world of esports just like it has done in the case of traditional sports. International federations such as the IESF are recognizing CAS, and at least in the doping-related cases where IESF is a WADA signatory, the final authority is undoubtedly the CAS. Should, in the future, CAS affirm its jurisdiction over esports in general, the internal diversification and creation of specialized 'esports panels' within CAS might soon follow. We contend that this represents the optimal

34 Mahammad Safarli, "Are esports 'sports' enough? Bahrain dispute raises questions about CAS' jurisdiction," available at: https://www.lawinsport.com/topics/item/are-esports-sports-enough-bahrain-esports-dispute-raises-questions-about-cas-jurisdiction (accessed August 25, 2025). See also Geoff Berkeley, ""Bewildered" Bahrain file CAS appeal over esports controversy at Asian Games", available at: https://www.insidethegames.biz/articles/bahrain-cas-appeal-esports-controversy (accessed August 25, 2025).

model for international ADR in the sector. By positioning CAS as the supreme appellate instance, the industry can foster legal certainty and develop a uniform body of case law, mirroring the successful evolution of traditional sports law over the past decades.

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CONSTRAINT WITHOUT SUCCESSION: EXTERNAL LEGAL REVIEW AND RETAINED REGULATORY AUTHORITY IN INTERNATIONAL SPORT

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UDC 349:796
DOI https://doi.org/10.30925/slpdj.4.1.4
Received on July 17, 2026
Accepted on August 12, 2026
Preliminary communication



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Abstract

External courts increasingly alter sporting decisions without assuming responsibility for the consequences that follow. They reopen forums, intensify supervision of compulsory arbitration, confine an award's domestic effects, require individual proportionality, or invalidate unframed federation discretion. Such interventions are often described as transfers of power, yet this description obscures the decisional work that remains after judgment. This article develops a functional account of institutional constraint without succession. Through an examination of *Pechstein*, *Semenya*, *International Skating Union*, *Royal Football Club Seraing*, *FIGC and CONI*, and *NADA Austria and Others*, it asks who is responsible for making the next operative decision, which parts of that decision have been moved elsewhere, and how much legally meaningful choice remains. *European Superleague* and *FIFA v BZ* further test this account in circumstances where judicial scrutiny reaches the substance of sports regulation. The cases reveal a decision remainder composed of such matters as rule selection, fact-finding, legal classification, remedy, implementation, and responsibility for renewed illegality. External review may control one of these functions without acquiring the regulatory role as a whole. Institutional succession should therefore be found only where responsibility for completing the next operative decision moves. Between retained autonomy and judicial takeover lies a more common arrangement: the sports body remains the first-order decision-maker,

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while courts or other supervisory authorities control validity, review intensity, legal effects, remedies, or timing. The inquiry turns on what remains to be decided, by whom, and with how much genuine choice.

Keywords: International Sport Governance; Sports Arbitration; Effective Judicial Protection; Article 6 ECHR; EU Sports Law; Regulatory Authority; Legal Classification; Institutional Succession.

1. THE PROBLEM OF SUCCESSOR AUTHORITY

A court may defeat a sporting rule without becoming its author. That tension now recurs across international sport. National courts, the European Court of Human Rights, and the Court of Justice have scrutinised the making of sporting decisions, the review of compulsory arbitral awards, the domestic effect of those awards, and the criteria by which federations exercise regulatory power. Their interventions can reopen a forum, suspend a sanction, require an individual assessment, or deny an award legal effect in a Member State. Yet the federation may still remain the body responsible for drafting the replacement rule or deciding the remitted matter.

The usual language of power transfer obscures this division. It rightly captures the loss of institutional shelter, but rarely specifies what has changed hands. A claimant who secures a hearing gains a right; the bench remains elsewhere. A national court may disapply an award without taking over the federation's regulatory office. The opposite error is also possible. Formal competence becomes a thin description when another institution controls the legal classification, holds an effective veto, or leaves only one lawful outcome.

The question is therefore not exhausted by asking who won the litigation. After external review, who must act next? That inquiry identifies the institution that must assemble the record, hear the parties, select and interpret the governing norm, classify the facts, choose among lawful alternatives, give reasons, implement the result, and answer for renewed illegality. Those responsibilities may remain with a sports body whose freedom has been sharply narrowed. They may also be divided among the federation, the arbitral body, a national court, and a supervisory authority.

Two familiar legal ideas sharpen the point. Hohfeld's account of legal power separates an athlete's claim-right from authority to alter the governing normative position.[1] Dworkin's conception of discretion describes the space left to a decision-maker once legal standards have done their work.[2] Together they explain how decisional responsibility can remain while choice contracts. Neither, however, fully identifies which institution bears responsibility for completing a legally operative decision.

1 Wesley Newcomb Hohfeld, "Some Fundamental Legal Conceptions as Applied in Judicial Reasoning," *The Yale Law Journal* 23, no. 1(1913): 30–32, 44–58, https://doi.org/10.2307/785533.

2 Ronald Dworkin, *Taking Rights Seriously* (London: Duckworth, 1977), 31.

That task requires attention to the internal structure of legal justification. A conclusion is not justified merely because it follows formally from stated premises. The relevant facts must be proved, the governing rule must be valid or acceptably interpreted, and the legal classification that connects fact to norm may itself be contested. Logic can test implication and consistency, but it cannot by itself select the legally relevant premise, value, or policy. Compulsory sports arbitration adds an institutional question because the body reviewing transnational sporting power performs a public accountability function, not merely a private dispute-resolution service.[3] External review may therefore settle one premise while leaving the rest of the decision elsewhere: CAS may retain the facts, the Court of Justice may fix the EU-law rule, a national court may control classification and remedy, and the federation may still have to choose the successor policy.

Effective control need not follow formal office. A court may invalidate, suspend, disapply, or require reconsideration, and each power can determine the practical result without drafting the rule. Legal classification may be decisive even when the facts stand. Interim relief may preserve a career interest; delay may destroy it. On this account, asking who still holds the pen risks mistaking nominal authorship for real control.

The objection is sound, but it shows that authority can be divided rather than that formal responsibility is irrelevant. The useful object of inquiry is the decision remainder: the work that remains legally necessary after the reviewing body has spoken. A judgment may eliminate options, prescribe a standard, reserve a question of classification, or require a remedy. What survives may range from substantial policy choice to mechanical implementation.

Constraint without succession describes the position in which external law narrows that remainder while the original institution remains legally responsible for completing it. Functional reassignment occurs when a necessary component of the decision, such as legal classification, interim protection, or control over domestic effect, is transferred to another institution. Complete succession requires more. It occurs only when the original regulator is removed from the relevant decision and another body becomes legally responsible for making it, rather than merely reviewing, vetoing, or conditioning it.

This distinction matters because negative authority and positive office are not interchangeable. A court with a veto may determine what cannot lawfully be done, yet still lack the competence, evidence, or institutional mandate to formulate what should replace it. Conversely, a federation may retain formal authorship while another institution has already settled the decisive criterion. The operative part and reasons of the judgment must therefore be read in light of the task returned to the original decision-maker.

There are institutional reasons not to treat every successful challenge as succession. International federations often possess technical knowledge, rule-making continuity, and

3 Antoine Duval, "Revisiting the Independence of the Court of Arbitration for Sport: Separating Powers in Transnational Sports Governance," *The International Sports Law Journal* (2026), sections 1 and 3.1, https://doi.org/10.1007/s40318-026-00346-y. On the distinction between material acceptability, formal validity, and the choice of legal premises, see Eveline T. Feteris, *Fundamentals of Legal Argumentation: A Survey of Theories on the Justification of Judicial Decisions*, 2nd ed. (Dordrecht: Springer, 2017), 24–26, 31–33, https://doi.org/10.1007/978-94-024-1129-4; Susan Haack, "On Logic in the Law: 'Something, but not All'," *Ratio Juris* 20, no. 1(2007): 23–25, https://doi.org/10.1111/j.1467-9337.2007.00330.x; Robert S. Summers, "Logic in the Law," *Mind* 72, no. 286(1963): 254–258, https://doi.org/10.1093/mind/LXXII.286.254.

the capacity to coordinate a sport across jurisdictions. Courts are generally better placed to police legality than to design competition formats, eligibility categories, transfer systems, or anti-doping administration. Expertise and uniformity, however, cannot justify unframed discretion, especially where a federation combines regulatory and commercial roles or where arbitration is compulsory. Retained office is defensible only when the surrounding legal order supplies adequate criteria, reasons, independence, and effective review.

The focus on the decision remainder also prevents confusion between the beneficiary of review and its institutional addressee. An athlete may secure a right whose correlative duty falls on an arbitral institution, a national court, or a data controller. A preliminary ruling fixes the governing interpretation of EU law while leaving the facts and remedy to the referring court. These are not peripheral qualifications. They determine whether the claimant has obtained a route, protection of an interest, a remedy, or authority over the decision.

The authorities are purposive, as they mark different entry points for external law: the public hearing, state supervision of compulsory arbitration, the treatment of arbitral facts, competition-law limits on federation discretion, prior review of disciplinary sanctions, and preventive data-protection relief. Throughout, judicial holdings are kept separate from procedural history, arbitral findings, party statements, institutional announcements, and authorial inference. In preliminary-ruling proceedings, the Court of Justice states the law; the national court applies it to the dispute. The legal cut-off is 17 July 2026.[4]

The discussion begins with compulsory sports arbitration, where the route and intensity of review are themselves contested, and then turns to EU cases in which courts supervise federation rules and disciplinary decisions more directly. The final section asks when accumulated constraint becomes displacement and proposes a functional test for answering that question.

2. COMPULSORY SPORTS ARBITRATION AND EXTERNAL JUDICIAL CONTROL

2.1. PECHSTEIN

Claudia Pechstein's dispute did not produce one controlling judgment. It unfolded across sports arbitration, Swiss set-aside proceedings, German civil litigation, Strasbourg review, constitutional remittal, and settlement. In 2009, the International Skating Union imposed a two-year anti-doping suspension. The Court of Arbitration for Sport dismissed Pechstein's appeal and the German federation's related appeal; the Swiss Federal Supreme Court rejected the ensuing challenge.[5] The later German

4 The purposive corpus consists of the authorities examined in sections 2–4. The legal cut-off includes the Court of Justice judgments delivered on 14 and 16 July 2026. Sources published after 17 July 2026 have not been used to alter the law stated in the article.

5 *Claudia Pechstein v International Skating Union and Deutsche Eisschnelllauf-Gemeinschaft v International Skating Union*, CAS 2009/A/1912 and CAS 2009/A/1913, award of 25 November 2009, https://jurisprudence.tas-cas.org/search?details=00000983-0000-0000-0000-000000000000; Swiss Federal Supreme Court, Judgment 4A_612/2009 of 10 February 2010, https://www.bger.ch/ext/eurospider/live/de/php/aza/

proceedings concerned damages and the arbitration agreement. They did not reopen the doping merits.

In 2016, the German Federal Court of Justice accepted CAS as a genuine arbitral tribunal and upheld the arbitration agreement. Its assessment of the compulsory clause found no abuse of market power sufficient to invalidate the agreement. Once the ISU invoked the arbitration objection, the damages claim was inadmissible. The award itself was not considered binding on the domestic court by recognition or *res judicata*; this issue became irrelevant following the successful objection.[6]

Strasbourg approached consent from the athlete's perspective. Pechstein could arbitrate or abandon her professional livelihood, which made the proceedings compulsory for the purposes of Article 6. On the evidence before it, the European Court of Human Rights rejected the challenge to CAS independence and impartiality. The public-hearing complaint succeeded. Pechstein had asked for a hearing, and the dispute warranted public scrutiny. Article 6 was violated, but the anti-doping rule, the medical merits, and the domestic damages claim remained undecided.[7]

The German Federal Constitutional Court later reopened the domestic route. In June 2022, it held that the Federal Court of Justice had given insufficient constitutional weight to public proceedings and access to justice. It set aside the 2016 judgment and returned the case for continued adjudication; damages and causation remained open.[8] The litigation ended by settlement in March 2025. The ISU's announcement referred to later medical testing indicating a mild form of dehydrated hereditary stomatocytosis. That account belonged to the settlement statement, not to a judicial finding reached after contested expert evidence.[9]

Pechstein separates four matters that accounts of judicial intervention often collapse: access to a forum, the procedural quality of that forum, determination of the sporting merits, and the remedy in the civil claim. Strasbourg altered the second. Karlsruhe restored the first and returned responsibility for the civil action to the German courts. Neither institution decided whether the original anti-doping finding was correct, and neither acquired the ISU's rule-making office. The successor question therefore had a different answer for each object of decision.

The dates disclose a further limit of formal analysis. Strasbourg identified the procedural defect in 2018; Karlsruhe reopened the civil route four years later; settlement came in 2025.

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http/index.php?highlight_docid=aza%3A%2F%2F10-02-2010-4A_612-2009&lang=de&type=show_document&zoom=YES. The award numbers, date, and subsequent Swiss proceedings are also recorded in Court of Arbitration for Sport, *CAS Bulletin 2023/1*, 15, n. 7.

6 Bundesgerichtshof, Judgment of 7 June 2016, KZR 6/15, BGHZ 210, 292, ECLI:DE:BGH:2016:070616UKZR6.15.0, paras. 14, 22–39, 42–70, especially paras. 47–48, 61, 64–65, https://www.bundesgerichtshof.de/SharedDocs/Entscheidungen/DE/UebrigeSenate/KartS/2015/KZR___6-15.pdf?__blob=publicationFile&v=1.

7 *Mutu and Pechstein v Switzerland*, Applications nos. 40575/10 and 67474/10, Judgment of 2 October 2018, paras. 95, 113–15 (compulsory arbitration), 149–159 (independence and impartiality), 175–183 (public hearing), https://hudoc.echr.coe.int/eng?i=001-186828.

8 Bundesverfassungsgericht, Order of 3 June 2022, 1 BvR 2103/16, ECLI:DE:BVerfG:2022:rk20220603.1bvr210316, paras. 32, 42–53, especially paras. 44, 52, https://www.bundesgerichtshof.de/SharedDocs/Entscheidungen/DE/UebrigeSenate/KartS/2015/KZR___6-15.pdf?__blob=publicationFile&v=1.

9 International Skating Union, "ISU Statement - Claudia Pechstein Case," 4 March 2025, https://www.isu.org/news/isu-statement-claudia-pechstein-case/.

A public-hearing right may be legally weighty and practically late, because the competitive interest that made the dispute urgent may have expired by the time the route is restored. Remedial timing can redistribute practical control even when the merits remain formally untouched.

The settlement interrupted rather than completed the successor chain. It cannot be read backwards as a merits judgment, and the later medical account cannot establish what CAS or the German courts would have found on a fully contested record. External review reopened decision-making, but the parties ended the case before an ordinary court supplied the final answer. Source status matters precisely because an institutional narrative is otherwise too easy to complete after the event.

2.2. SEMENYA

In the case of Semenya, the reviewing court confronted the adequacy of state supervision after a full arbitral process, rather than the absence of a hearing at its outset. Caster Semenya and Athletics South Africa challenged the 2018 Eligibility Regulations before CAS. The majority accepted discrimination on grounds of legal sex and innate biological characteristics, yet held the differential treatment necessary, reasonable, and proportionate to fair competition in the female category. Its conclusion carried substantial reservations. The panel recorded uncertainty over implementation, possible side effects, the strict-liability consequences for an athlete unable to maintain the prescribed threshold despite good-faith compliance, and the limited evidence of actual advantage in the 1,500 metres and mile. It also separated its adjudicative task from the federation's responsibility for operating the regime.[10]

The Swiss Federal Supreme Court reviewed the award under Article 190(2) of the Federal Act on Private International Law. The statutory grounds confined its jurisdiction, and the court proceeded on the facts found by CAS. It left open whether the prohibition of discrimination could be invoked against a private entity in the form argued. A definitive answer was unnecessary, it held, because the CAS majority had weighed the competing interests and reached a result that was neither untenable nor unreasonable. The appeals therefore failed.[11]

The 2023 Chamber judgment found violations, but its referral to the Grand Chamber prevented it from becoming final. The Grand Chamber's judgment of 10 July 2025 rested on Article 6. Swiss review of the award supplied the jurisdictional link for that provision; the complaints under Articles 8, 13, and 14 were inadmissible for lack of such a link. Compulsory arbitration, structural imbalance, and the fundamental rights engaged required a 'particularly rigorous

10 *Mokgadi Caster Semenya v International Association of Athletics Federations and Athletics South Africa v International Association of Athletics Federations*, CAS 2018/O/5794 and CAS 2018/O/5798, award of 30 April 2019, paras. 547–548, 556, 620–626, especially paras. 622–625, https://jurisprudence.tas-cas.org/search?details=00000742-0000-0000-0000-000000000000. Paragraph 623 describes the evidence of actual advantage in the 1,500 metres and mile as "sparse"; the award elsewhere records a paucity of evidence concerning some effects of enhanced testosterone levels.

11 Federal Act on Private International Law of 18 December 1987 (Switzerland), SR 291, art. 190(2), https://www.fedlex.admin.ch/eli/cc/1988/1776_1776_1776/en; Swiss Federal Supreme Court, Joined Cases 4A_248/2019 and 4A_398/2019, Judgment of 25 August 2020, consid. 5.2.1–5.2.2 and BGE 147 III 49, consid. 9.4–9.6, 9.8.3, https://www.bger.ch/ext/eurospider/live/de/php/aza/http/index.php?highlight_docid=aza%3A%2F%2F25-08-2020-4A_248-2019&lang=en&type=show_document&zoom=YES.

examination.' The Federal Supreme Court's limited scrutiny fell short, especially given the reservations recorded in the award. The award and eligibility regime remained in place. Strasbourg addressed the quality of Swiss judicial review; it supplied no replacement rule.[12]

The distinction between a standard of supervision and a first-order regulatory norm is central. The Grand Chamber did not prescribe an eligibility category, an evidential threshold, or a medical protocol. It changed the legal conditions under which Switzerland could accept the arbitral settlement as adequately reviewed. The immediate decisional remainder therefore lay with the Swiss legal order: any renewed judicial determination would have to decide what the reservations in the award meant for the lawfulness and durability of the result.

World Athletics remained the author of eligibility regulation and later adopted Eligibility Rule 3.5 with separate implementation regulations. The materials show continued federation rule-making. They do not establish that the Grand Chamber caused the later changes.[13] The regulatory remainder remained with World Athletics, while the supervisory remainder lay with Switzerland. CAS retained the adjudicative position assigned by the sports framework, but the legal security of its award could no longer depend on a form of state review that treated the narrowness of its own jurisdiction as a sufficient answer.

The better reading is therefore divided control without succession. Particularly rigorous examination is not a merits appeal, and the Grand Chamber did not become the regulator. Yet the standard is not merely procedural decoration. If its application reveals a decisive defect, World Athletics may retain formal competence while losing the practical ability to preserve the former arrangement. The reviewing court can determine whether the settlement survives in law, even though it writes neither the eligibility rule nor the arbitral award.

The Grand Chamber's phrase must remain tied to its reasons. Compulsory arbitration, structural imbalance, and the rights at stake justified the required intensity. The judgment did not announce a uniform appellate standard for every CAS award. Its narrower force is that a state may not allow limited review to neutralise the features that make arbitration both compulsory and consequential. *Semenya* thus relocates the adequacy of supervision, not the general office of sports regulation.

2.3. ROYAL FOOTBALL CLUB SERAING

The pressure point in *Royal Football Club Seraing* was the domestic legal effect of a compulsory CAS award within the European Union. The club entered two agreements with an investment company. On 30 January 2015, it transferred 30 per cent of the economic rights relating to three players for EUR 300,000; on 7 July 2015, it transferred 25 per cent of the rights

12 *Semenya v Switzerland*, Application no. 10934/21, Chamber Judgment of 11 July 2023, paras. 200–202, https://hudoc.echr.coe.int/eng?i=001-226011; *Semenya v Switzerland* [GC], Application no. 10934/21, Judgment of 10 July 2025, paras. 136–154, 195–209, 224–238, and operative provisions, https://hudoc.echr.coe.int/eng?i=001-244348.

13 World Athletics, *Regulations for the Implementation of Eligibility Rule 3.5 (Male and Female Categories)*, approved 23 July 2025, effective 1 September 2025, amended 2 December 2025; World Athletics, *Eligibility Rules*, rule 3.5, approved 2 December 2025 and effective immediately. See World Athletics, "Book of Rules," accessed 17 July 2026, https://worldathletics.org/about-iaaf/documents/book-of-rules.

relating to a fourth player for EUR 50,000. FIFA disciplinary proceedings and compulsory CAS arbitration followed under rules restricting third-party ownership.[14]

Belgian law gave an arbitral award *res judicata* effect between the parties and probative value against third parties. The Court of Justice accepted that EU law does not invariably require a direct action against a sports award. Indirect review will suffice only if a Member State court asked to give effect to an imposed award can test it against EU public policy. That authority includes the interpretation of the relevant EU rules, the legal consequences that follow, and, where appropriate, the legal classification of facts already established and assessed by the arbitral tribunal.[15]

The last power carries much of the judgment's institutional weight. Fact-finding and legal classification are distinct parts of a decision. A national court may accept that the transactions occurred as CAS found, yet decide that EU competition or free-movement law gives them a different legal character. Classification is the bridge between the established record and the governing norm. Control of that bridge can determine the result as surely as authority to hear evidence afresh.

Review must also be capable of producing legal consequences. Within its jurisdiction, the national court must be able to seek a preliminary ruling, grant interim protection, award damages, order unlawful conduct to cease, and disapply national rules that would otherwise give binding or evidential effect to an inadequately reviewed award.[16] The Court of Justice neither annulled the award nor decided the national claim. It required Member State law to preserve a forum with authority to perform the necessary EU-law work.

Seraing therefore disaggregates the arbitral product into at least three institutional objects: the factual record, its EU-law classification, and the domestic legal effect attached to the resulting award. CAS may remain responsible for the first within the sports dispute, while the Member State court controls the latter two for purposes of EU law. An award can survive as a transnational sporting determination yet fail to operate as an unquestionable premise in national proceedings.

This is especially important for non-parties. Domestic rules on *res judicata* and evidential effect convert a private adjudicative product into a premise of state adjudication. EU law prevents that conversion from insulating a compulsory award that escaped adequate Member State review. FIFA remains responsible for future third-party ownership regulation, but neither FIFA nor CAS can insist that the award's classification and effects pass untouched into a Member State. This is functional reassignment of legal effect, not succession to the federation's general regulatory office.

14 Judgment of 1 August 2025, *Royal Football Club Seraing v FIFA and Others*, C-600/23, EU:C:2025:617, paras. 22–24, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62023CJ0600. Paragraph 22 records the agreement of 30 January 2015 concerning three players; paras. 23–24 record the agreement of 7 July 2015 concerning a fourth player.

15 *Royal Football Club Seraing*, paras. 60–100, especially paras. 76, 86, 100.

16 *Royal Football Club Seraing*, paras. 101–124, especially paras. 102–107, 120, 122–124.

3. JUDICIAL CONTROL OF FEDERATION RULES AND DECISIONS

3.1. INTERNATIONAL SKATING UNION

International Skating Union concerned a federation that regulated, sanctioned, organised, and commercially exploited competitions in the same market. Skaters who entered unauthorised events faced severe eligibility penalties. The Court of Justice upheld the finding that the prior-authorisation and eligibility rules restricted competition by object. The defect lay not only in their substance. The ISU's powers lacked clearly defined, objective, transparent, non-discriminatory, and proportionate criteria, leaving an economically interested regulator with unframed discretion.[17]

The arbitration provisions required more exact treatment. Neither the Commission nor the Court treated arbitration as an independent infringement of Article 101 TFEU, and the judgment did not find that CAS as an institution violated the right to a fair hearing. The problem arose from the conjunction of unframed federation power and an exclusive arbitral route that impeded effective competition-law review. Articles 101 and 102 TFEU form part of EU public policy. Review of an imposed award must be able to reach them. Proceedings confined to the Swiss Federal Supreme Court could not perform that function within the EU judicial system, and the absence of adequate protective measures reinforced the anticompetitive arrangement.[18]

The Court left room for prior authorisation. The ISU could design a compliant system, but it could no longer combine commercial self-interest, criteria-free discretion, and an arbitral route that insulated EU public policy. The judgment is therefore best understood as meta-regulation of the federation's office. It did not decide which competitions should be authorised. It prescribed the legal qualities of the criteria, procedure, and review through which that decision could validly be made.

This is a substantial loss of authority even though the successor rule remained the ISU's responsibility. The federation retained first-order choice over sporting design, evidence, and administration. It lost the capacity to define the limits of its own discretion or the reach of external review. Formal authorship survived, but the legal architecture governing that authorship moved outside the federation.

3.2. FIGC AND CONI

The joined proceedings in *FIGC and CONI* arose from temporary professional bans imposed on two directors of a football club following findings concerning false financial and accounting statements. Once the sports justice system had been exhausted, the ordinary administrative court could award compensation for an unlawful sanction, but could neither annul nor suspend it. The Court of Justice therefore confronted two questions at once: what substantive

17 Judgment of 21 December 2023, *International Skating Union v European Commission*, C-124/21 P, EU:C:2023:1012, paras. 125–157, especially paras. 133–135, 143, 157, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62021CJ0124.

18 *International Skating Union v European Commission*, paras. 184–204, 221–229, especially paras. 188, 193–194, 198, 221, 223–229.

standards could govern the discipline, and where an effective remedy had to be found.[19]

Rules protecting financial and accounting compliance may serve the proper conduct of sporting competitions. The national court must still ask whether those rules pursue that objective consistently and systematically. Sanctions require transparent, objective, non-discriminatory, and verifiable criteria, applied to the individual case and open to effective review. The more difficult issue was institutional: which body had to possess the power to intervene before the ban had run its course?

The Court answered conditionally. A court that establishes an infringement must ordinarily be able to provide an effective remedy, including annulment or suspension where necessary. An ordinary court limited to damages may still satisfy EU law if the last-instance sports-justice body qualifies as a court or tribunal with the required guarantees. Its existence, composition, and organisation must be established by law. It must be independent and impartial, perform a genuine judicial function, respect the rights of the defence, and conduct effective prior review. If no sports body meets those conditions, the ordinary court must supply the missing protection.[20]

The allocation follows institutional properties rather than labels. A body situated within sports justice may retain adjudicative and remedial responsibility if it actually performs the judicial function EU law requires. If it does not, the ordinary court acquires the missing power. The Court of Justice supplied the legal test, while the referring court must determine whether the national structure satisfies it in practice. The private sporting order cannot conclusively define the adequacy of its own remedial architecture.

A temporary professional ban may be substantially spent before damages are granted. Compensation cannot preserve the position that suspension or annulment might have saved. Remedial competence is therefore not an accessory to the underlying decision. The institution able to prevent the sanction from exhausting itself shares practical control of its legal effect, even if the federation retains disciplinary rule-making.

3.3. NADA AUSTRIA AND OTHERS

In *NADA Austria and Others* concerned Austrian rules requiring online publication of a sanctioned athlete's name, discipline, infringement, sanction, and duration. The Grand Chamber held that the processing fell within EU law and the General Data Protection Regulation. A doping violation and sanction are not automatically health data. They may become so where the named substance or method, along with other information, can reveal physical or mental health; the referring court had to make that assessment.[21]

19 Judgment of 16 July 2026, *FIGC and CONI (ZD and MI v Federazione Italiana Giuoco Calcio and Others)*, Joined Cases C-424/24 and C-425/24, EU:C:2026:602, paras. 16–19, 42–80, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62024CJ0424.

20 *FIGC and CONI*, paras. 81–121, especially paras. 87–92, 98–110, 113–121, and operative ruling 2.

21 Judgment of 14 July 2026, *NADA Austria and Others (AR and Others v Österreichische Datenschutzbehörde and Others)*, C-474/24, EU:C:2026:579, paras. 41–73 and operative rulings 1–2, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62024CJ0474; Regulation (EU) 2016/679 (General Data Protection Regulation), Arts. 2, 5, 6, 9, 10, 77, https://eur-lex.europa.eu/eli/reg/2016/679/oj/eng.

The Court did not reject category-based publication in principle. Publication may deter doping, and legislation may identify categories in which it is generally justified. Online dissemination nevertheless creates a grave interference: the material may reach an unlimited audience, be copied elsewhere, and remain accessible after removal from the original site. Where predefined criteria fail to secure proportionality in the individual case, the controller must be able to balance before publication. The gravity of the violation, the athlete's profile, and the publication period may matter. A period extending manifestly beyond the athlete's career may be disproportionate.[22]

Article 10 GDPR did not govern because the sanctions were disciplinary, rather than criminal, for that provision. Article 77 nevertheless permits a complaint before publication where specific indications show that publication is imminent or likely in the near future.[23] The athlete gains preventive access to the supervisory authority. Control of publication does not pass to the athlete.

The judgment exposes two linked decisions: whether publication is proportionate and whether it may occur before review. The controller remains responsible for the first application of the statutory scheme, including individual balancing when the categories do not secure proportionality. The supervisory authority acquires an *ex ante* gatekeeping function capable of preventing dissemination before the harm becomes difficult to reverse.

This is authority over timing rather than succession to the publication office. Yet timing is not secondary where internet disclosure can be copied, indexed, and retained beyond the original site. A remedy confined to later erasure may leave the legally protected interest largely spent. *NADA Austria*, like *FIGC and CONI*, shows that effective protection may require intervention before a nominally temporary or reversible act becomes practically irreversible.

4. WHEN DOES CONSTRAINT BECOME DISPLACEMENT?

The cases expose the central difficulty that an institution can exercise decisive control without acquiring the federation's office. Annulment, disapplication, interim relief, mandatory legal classification, and exacting proportionality review may remove outcomes from the regulator's lawful reach. A court with an effective veto can be more powerful in practice than the body required to draft again. Yet a veto ordinarily determines what may not stand, rather than who must construct and defend the successor arrangement.

EU sports law has long denied economically significant sporting rules any categorical exemption. *Bosman* brought transfer and nationality rules within free movement; *Meca-Medina* required attention to context, objective, and proportionality.[24] *European Superleague* and *FIFA v BZ* show how far that substantive control can reach without transferring the regulatory office.

22 *NADA Austria and Others*, paras. 74–107, especially paras. 86, 96, 100–06, and operative ruling 3,

23 *NADA Austria and Others,* paras. 108–120, 123–139, especially paras. 119–120, 135, 139, and operative rulings 4–5.

24 Judgment of 15 December 1995, *Union royale belge des sociétés de football association ASBL v Bosman*, C-415/93, EU:C:1995:463, paras. 87, 92–104, 115–137, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:61993CJ0415; Judgment of 18 July 2006, *Meca-Medina and Majcen v Commission*, C-519/04 P, EU:C:2006:492, paras. 27, 42–45, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62004CJ0519.

European Superleague concerned prior approval, participation, and sanctions in a market where FIFA and UEFA also organised and commercially exploited competitions. The Court of Justice did not condemn prior authorisation as such. It held that the powers at issue abused Article 102 TFEU and restricted competition by object under Article 101 because no substantive criteria or detailed procedures secured transparent, objective, non-discriminatory, and proportionate exercise. Article 56 likewise precluded the unframed regime.[25] FIFA and UEFA still had to devise replacement arrangements. They could not reproduce the discretionary structure the judgment had condemned.

FIFA v BZ addressed compensation after a player's termination without just cause, the new club's joint and several liability, sporting sanctions, and the withholding of an international transfer certificate during the dispute. Subject to verification by the referring court, several features appeared to go beyond, and in places far beyond, what contractual stability and the regularity of competitions required. The Court also treated the rules as a restriction of competition by object, leaving Article 101(3) to the national proceedings.[26] FIFA retained responsibility for revision, but important elements of the old mechanism had fallen outside the lawful range.

A disciplined successor inquiry begins by identifying the exact object of decision rather than the institution in the abstract. It then asks which body is under a legal duty to act, which matters the reviewing judgment has conclusively settled, what evidential and normative choices remain, which institution can make the result effective, and who is responsible for inaction or renewed illegality. The answers may differ for the general rule, the individual application, the arbitral award, its domestic effect, and the interim remedy.

The extent of the decision remainder is more important than the number of formally available options. Several drafting routes may all lead to the same legal outcome. Conversely, a closely reasoned judgment may prohibit central features of the former scheme while leaving genuine choices about scope, evidence, procedure, transition, and enforcement. If only mechanical execution remains, review approaches substitution even without a formal change of title. If substantial normative choices survive, retained responsibility is more than administrative residue.

Negative control should therefore be distinguished from positive regulatory office. Courts in *International Skating Union*, *European Superleague*, and *FIFA v BZ* removed unlawful structures and criteria from the available range, but did not assume responsibility for designing the next system. The federations retained the burden of selecting a lawful means, explaining it, administering it, and defending it against renewed challenge. That burden is a legally significant form of authority, not a ceremonial privilege.

Other cases reassign a component that is necessary to the result. *Seraing* reserves EU-law classification and domestic legal effect to the Member State court. *FIGC and CONI* conditionally

25 Judgment of 21 December 2023, *European Superleague Company*, C-333/21, EU:C:2023:1011, paras. 133–152, 154–179, 182–209, 244–257, especially paras. 152, 178–179, 209, 257, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62021CJ0333.

26 Judgment of 4 October 2024, *FIFA v BZ*, C-650/22, EU:C:2024:824, paras. 75–113, 134–149, especially paras. 97, 104, and the operative rulings, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62022CJ0650.

place annulment and suspension with the ordinary court when sports justice lacks the required qualities. *Semenya* makes sufficiently rigorous state supervision part of the legal acceptability of compulsory arbitration. *NADA Austria* gives preventive review temporal force. These interventions do not transfer the general rule-making office, but they do distribute the powers through which a sporting decision becomes legally operative.

The emerging pattern may be described as publicization without institutional succession. Sporting bodies remain first-order regulators, while public institutions control the legal standards, review intensity, classification, remedial capacity, and timing that determine whether private decisions can operate within domestic and EU legal orders. Public law enters the governance structure without nationalising it. The result is neither autonomous private ordering nor judicial management of sport, but a divided architecture in which no single institution possesses every component of the decision.

Technical knowledge, transnational coordination, and continuity may support leaving first-order rule-making with federations. Compulsory participation, market power, commercial conflicts, fundamental rights, and potentially irreversible sanctions or disclosures support stronger public control. The cases do not resolve that balance through a single formula. They require the federation's retained expertise to operate inside standards of legality that it cannot define for itself.

Complete succession should consequently be reserved for the point at which another institution becomes legally responsible for the next operative decision. It is clearest where legislation vests the function in an independent public authority, or where a judgment substitutes the governing rule and removes the federation from reconsideration. Nothing in this corpus goes that far for a general sporting rule. No court or claimant becomes wholly responsible for the successor regulatory regime.

The cases instead occupy different positions within retained responsibility and functional reassignment. *Pechstein* alters forum and procedure while leaving the sporting merits and anti-doping office elsewhere. *NADA Austria* reallocates preventive timing. *International Skating Union*, *European Superleague*, and *FIFA v BZ* sharply narrow lawful regulatory design. *Seraing* relocates classification and domestic effect. *FIGC and CONI* conditionally relocate remedial power. *Semenya* leaves World Athletics as regulator but makes the adequacy of state supervision capable of determining whether the arbitral settlement is legally durable.

Claims of transferred power should therefore identify the function, the institution that now controls it, and the work left to the original regulator. The answer may be retained responsibility, functional reassignment, conditional displacement, or complete succession. This method prevents formal competence from masquerading as vindication, but also prevents every successful challenge from being misdescribed as judicial takeover.

5. CONCLUSION

External law has stripped international sports governance of much of its former insulation. Decisions once treated as matters for sport alone are now subject to public hearings, more demanding state review, EU public policy, prior remedies, and individual proportionality. The

significance of that development lies not simply in a larger judicial role, but in the redistribution of the components through which a sporting decision acquires legal force.

The central question remains who must make the subsequent operative decision. In most of the authorities examined here, a sports body still had to write the successor rule or decide the remitted matter. That responsibility carried real work: selecting evidence, interpreting the governing standards, making policy choices within the lawful range, giving reasons, implementing the result, and answering for renewed illegality. Retained responsibility was therefore neither unchanged autonomy nor a merely formal title.

External review can settle one premise or relocate one function without absorbing the whole office. *Pechstein* separates access, procedure, merits, and remedy. *Semenya* distinguishes the standard of state supervision from first-order eligibility regulation. *Seraing* divides fact-finding from EU-law classification and domestic effect. *FIGC and CONI* make remedial authority depend on institutional adequacy. *NADA Austria* shows that control of timing may determine whether protection is effective at all.

The result is publicization without institutional succession. Private regulators continue to govern, but they do so within a denser arrangement of judicial supervision, public-law standards, and remedial exposure. Courts and supervisory authorities may hold decisive powers over validity, classification, legal effect, and timing, while the federation retains the duty to formulate and administer the first-order rule. Authority is divided before office changes hands.

Institutional succession should therefore be claimed only when responsibility for completing the relevant decision moves. Hence the more accurate question is how much of the decision remains, where each necessary function is located, and whether the original body retains genuine normative choice. The holder of the pen matters, but only after asking which parts of the page have already been written elsewhere.

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THE CONTRADICTIONS OF GENDER EQUALITY IN ERASMUS+ SPORT: TOWARDS POLICY CONVERGENCE

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UDC 349:796-055
DOI https://doi.org/10.30925/slpdj.4.1.5
Received on August 12, 2026
Accepted on August 29, 2026
Preliminary communication



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Abstract

Gender equality has become an increasingly prominent priority within European Union sport policy, yet little is known about how this agenda has evolved in Erasmus+ Sport projects over time. This study examines the longitudinal development of gender equality across the complete population of Erasmus+ Sport projects funded between 2014 and 2025 (N = 2,693). A documentary research design combined quantitative content analysis with qualitative thematic analysis to identify gender-related projects, examine changes in their thematic orientation, and analyse patterns of national participation. To facilitate cross-national comparison, a Gender Specialisation Index (GSI) was developed and compared with countries' scores on the Global Gender Gap Index (GGGI).

The findings show that the proportion of gender-related projects increased from 7.3% during the 2014–2020 programming period to 13.2% in 2021–2025. Beyond this quantitative growth, the programme showed a gradual broadening and rebalancing of thematic priorities, with women's participation remaining predominant while leadership and governance gained relative importance and gender equality became increasingly articulated with broader objectives related to inclusion and education. Geographical analyses revealed no significant relationship between national gender equality performance and countries' specialisation in gender-related Erasmus+ Sport projects, suggesting that participation cannot be explained solely by domestic gender equality contexts.

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The study argues that Erasmus+ Sport should be understood not only as a funding programme but also as a governance instrument through which European gender equality priorities are disseminated across diverse national contexts. By combining longitudinal documentary analysis with a comparative analytical framework, the article provides the first systematic assessment of the evolution of gender equality within Erasmus+ Sport and contributes to broader debates on European sport policy, gender governance, and policy convergence.

Keywords: Erasmus+ Sport, Gender equality, European sport policy, Sport governance, Policy governance, Europeanisation.

1. INTRODUCTION

Gender equality has long been embedded in the normative architecture of the European Union. What began as a principle of equal pay in the Treaty of Rome gradually evolved into a broader commitment to equality between women and men across employment, social policy, access to goods and services, decision-making, and public life. The Treaty on the Functioning of the European Union (TFEU) consolidated this shift through Article 8, which requires the Union, in all its activities, to aim to eliminate inequalities and promote equality between women and men.[1] More recently, the European Commission's Gender Equality Strategy 2020–2025 framed gender equality as part of a wider "Union of Equality," combining targeted action with gender mainstreaming across all EU policy fields.[2]

Sport has become one of the policy arenas in which this broader commitment to equality is increasingly visible. Since the entry into force of Article 165 TFEU, the European Union has acquired a specific competence to support the promotion of sport-related issues while taking into account the specific nature of sport, voluntary structures, and its social and educational functions.[3] This legal basis has allowed the EU to develop a distinctive sport policy agenda in which sport is not treated merely as an economic activity, but also as a social, educational, and political instrument. Previous research has shown that the EU's understanding of the "specific nature of sport" remains complex and contested, but also that European sport policy has progressively linked sport to broader public objectives such as inclusion, fairness, integrity, education, social cohesion, and good governance.[4]

1 European Union, "Consolidated Version of the Treaty on the Functioning of the European Union, Article 8," *Official Journal of the European Union* C 326 (2012): 53. https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12012E/TXT:en:PDF.

2 European Commission, A Union of Equality: Gender Equality Strategy 2020–2025, COM(2020) 152 final (Brussels: European Commission, 2020). https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0152.

3 European Union, "Consolidated Version of the Treaty on the Functioning of the European Union, Article 165," *Official Journal of the European Union* C 326 (2012): 120-121, https://eur-lex.europa.eu/eli/treaty/tfeu_2012/art_165/oj/eng.

4 Jack Meredith, and Borja García, "To Be or Not to Be Specific? Understanding EU Institutions' Definition of the Specific Nature of Sport", *Sports Law, Policy & Diplomacy Journal* 1, no. 1 (2023): 17-44, https://doi.org/10.30925/slpdj.1.1.2.

Within this framework, gender equality in sport has moved from a relatively narrow concern with participation towards a more complex policy agenda. Women's participation in sport has improved in many contexts, yet women remain underrepresented in leadership, coaching, officiating, management, and decision-making positions.[5] This imbalance is not simply a matter of numerical representation. It reflects deeper organisational and cultural dynamics within sport governing bodies, including gendered recruitment practices, masculine leadership norms, unequal access to networks, and the persistence of informal barriers to positions of power.[6] As a result, gender equality in sport has increasingly been addressed not only as a question of access to sport, but also as a matter of governance, representation, organisational change, and democratic legitimacy.

European policy documents mirror this evolution. The 2007 White Paper on Sport and the Pierre de Coubertin Action Plan helped establish sport as a field of EU intervention, while subsequent EU initiatives placed increasing emphasis on equality, inclusion, and good governance.[7] The Council conclusions on gender equality in sport, the work of the European Institute for Gender Equality, and the recommendations of the High-Level Group on Gender Equality in Sport have further expanded the agenda. The latter identified six key areas for action: participation, coaching and officiating, leadership, social and economic aspects of sport, media coverage, and gender-based violence.[8] This development illustrates a broader policy transition: gender equality in sport is no longer confined to women's access to sporting practice, but is increasingly connected to the transformation of sport organisations and the distribution of power within them.

Erasmus+ Sport occupies a particularly relevant position in this process. As a funding programme, it translates EU policy priorities into concrete transnational projects. The programme does not merely reflect existing policy discourses; it also helps disseminate them through partnerships, training activities, educational tools, awareness campaigns, events, and capacity-building initiatives. In the 2014–2020 programming period, gender appeared in Erasmus+ Sport primarily through equal opportunities, social inclusion, and gender equality in sport. In the 2021–2027 period, however, the programme adopted a stronger horizontal architecture based on inclusion and diversity, digital transformation, environmental sustainability, and participation in democratic life.[9] This shift potentially changed not only the number of gender-related projects funded, but also the ways in which gender equality was understood and operationalised.

5 Corinne Zurmühle, Michaël Mrkonjic, and Andreas Christoph Weber, "The Evolution of Gender Representation in the Decision-Making Positions of Sport Governing Bodies in Switzerland", *Sports Law, Policy & Diplomacy Journal* 1, no. 2 (2023): 9-34, https://doi.org/10.30925/slpdj.1.2.2.

6 Larena Hoeber, and Sally Shaw, "What Do You Mean It Hasn't Worked Out Yet? The Paradoxes of Women in Sport Governance Research", in *Research Handbook on Sport Governance*, edited by Mathieu Winand and Christos Anagnostopoulos (Cheltenham: Edward Elgar Publishing, 2019), 397-411, https://doi.org/10.4337/9781786434821,

7 Commission of the European Communities, *White Paper on Sport*, COM(2007) 391 final (Brussels: Commission of the European Communities, 2007), https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52007DC0391.

8 European Commission, Directorate-General for Education, Youth, Sport and Culture, *Towards More Gender Equality in Sport: Recommendations and Action Plan from the High Level Group on Gender Equality in Sport* (Luxembourg: Publications Office of the European Union, 2022), https://doi.org/10.2766/10036.

9 European Commission, *Erasmus+ Programme Guide 2026* (Brussels: European Commission, 2025), https://erasmus-plus.ec.europa.eu/resources-and-tools/documents-and-guidelines/erasmus-programme-guide-2026,

Despite the growing policy relevance of this topic, to date, no study has examined the longitudinal evolution of gender equality across the complete population of Erasmus+ Sport projects. Existing research has examined gender representation in sport governance, the impact of quotas and other policy instruments, and the role of education in challenging gender stereotypes among younger generations.[10] Other studies have analysed the specificity of sport, the European sport model, and the governance challenges facing European sport.[11] However, there remains a lack of longitudinal evidence on how EU-funded sport projects have incorporated gender equality, how their thematic focus has changed between programming periods, and which countries and transnational networks have driven this agenda.

This article addresses that gap through a longitudinal analysis of 2,693 Erasmus+ Sport projects funded between 2014 and 2025. It identifies projects with an explicit gender dimension, compares their evolution across the 2014–2020 and 2021–2027 programming periods, and analyses changes in thematic focus, coordinating countries, and patterns of European cooperation. In doing so, the article asks the main research question: How has gender equality evolved within Erasmus+ Sport projects from 2014 to 2025?

The article argues that several contradictions mark the evolution of gender equality in Erasmus+ Sport. On the one hand, the programme increasingly promotes gender equality as a transversal European value. On the other hand, many projects continue to address gender through specific target groups, especially women and girls. Similarly, while the agenda has shifted from participation to leadership, governance, and education through sport, gender-related projects are not necessarily concentrated in the countries with the highest levels of gender equality. Instead, some countries with more pronounced gender inequalities appear as active participants in this policy field. This opens up an important interpretative tension: Erasmus+ Sport may operate as a mechanism of policy convergence and norm diffusion, but it may also enable forms of symbolic alignment with European values that risk becoming a form of pink-washing, whereby organisations or governments publicly embrace equality discourses without necessarily achieving equivalent levels of substantive institutional transformation.

The literature on Europeanisation and policy transfer offers one possible explanation. European programmes have long been recognised not only as financial instruments but also as mechanisms through which common policy priorities, governance models, and institutional practices are disseminated across Member States and associated countries.[12]From this perspective, Erasmus+ Sport may facilitate processes of institutional learning by encouraging organisations to adopt European policy priorities, develop new governance practices, and

10 Gillian Renfree, Beth Burgess, and Vanessa Jones, "Educating Generation Z about Issues Relating to Gender Equality in the Governance and Leadership of Sport in the UK", in *Gender Equity in UK Sport Leadership and Governance*, edited by Philippa Velija and Lucy Piggott (Bingley: Emerald Publishing Limited, 2022), 217-232, https://doi.org/10.1108/978-1-80043-206-220221013,

11 Jean-François Brocard, and Nathalie Alaphilippe, "The European Sport Model: A Model to Defend", *Sports Law, Policy & Diplomacy Journal* 1, no. 2 (2023): 1-7, https://doi.org/10.30925/slpdj.1.2.1,

12 Claudio M. Radaelli, "The Europeanization of Public Policy", in *The Politics of Europeanization*, edited by Kevin Featherstone and Claudio M. Radaelli (Oxford: Oxford University Press, 2003), 27-56, https://doi.org/10.1093/0199252092.003.0002; Tanja A. Börzel and Thomas Risse, "Conceptualizing the Domestic Impact of Europe", in *The Politics of Europeanization*, edited by Kevin Featherstone and Claudio M. Radaelli (Oxford: Oxford University Press, 2003), 57-80, https://doi.org/10.1093/0199252092.003.0003,

participate in transnational knowledge networks.[13] The relatively high participation of several Southeastern European countries may therefore reflect active efforts to accelerate institutional modernisation and strengthen organisational capacities through European cooperation rather than simply reproducing existing national policy contexts.[14]

By examining these contradictions, the article contributes to three areas of scholarship: EU sport policy, gender and sport governance, and policy convergence through funding programmes. Its contribution is both empirical and conceptual. Empirically, it provides the first systematic longitudinal analysis of gender-related Erasmus+ Sport projects across two programming periods. Conceptually, it shows how EU sport funding can act as a vehicle for the diffusion of gender equality norms, while also revealing the political ambiguities involved in projecting equality through transnational sport projects.

2. METHODS

2.1. RESEARCH DESIGN

This study adopted a longitudinal documentary research design, combining quantitative content analysis with qualitative thematic analysis to examine the evolution of gender equality within Erasmus+ Sport projects funded by the European Commission between 2014 and 2025.

Document analysis is a well-established qualitative research method that enables the systematic examination and interpretation of documentary sources in order to identify patterns, meanings, and policy developments over time.[15] When combined with content analysis, it provides a robust framework for analysing large documentary datasets and tracing changes in policy priorities, institutional practices, and thematic orientations.[16]

The qualitative component of the study followed an inductive thematic coding approach, allowing categories to emerge progressively from the project documentation rather than being imposed *a priori*. Such an approach is particularly appropriate when analysing policy evolution and identifying emerging thematic trends across large collections of textual material.[17]

Accordingly, Erasmus+ Sport projects were considered the unit of analysis through which the implementation and evolution of the European Union's gender equality agenda could be examined. The combination of quantitative and qualitative techniques enabled both the measurement of changes in the prevalence of gender-related projects and the interpretation of broader transformations in their thematic orientation.[18] This combination follows a

13 Börzel and Risse, "Conceptualizing the Domestic Impact of Europe".
14 David P. Dolowitz and David Marsh, "Learning from Abroad: The Role of Policy Transfer in Contemporary Policy-Making", *Governance* 13, no. 1 (2000): 5-23, https://doi.org/10.1111/0952-1895.00121,
15 Glenn A. Bowen, "Document Analysis as a Qualitative Research Method", *Qualitative Research Journal* 9, no. 2 (2009): 27-40, https://doi.org/10.3316/QRJ0902027,
16 Klaus Krippendorff, Content Analysis: An Introduction to Its Methodology, 4th ed. (Thousand Oaks, CA: SAGE Publications, 2018).
17 Philipp Mayring, *Qualitative Content Analysis: Theoretical Foundation, Basic Procedures and Software Solution* (Klagenfurt, 2014), http://nbn-resolving.de/urn:nbn:de:0168-ssoar-395173.
18 Margrit Schreier, *Qualitative Content Analysis in Practice* (London: SAGE Publications, 2012).

sequential explanatory logic, in which quantitative trends informed the subsequent qualitative interpretation.[19]

2.2. DATA SOURCE

The database comprised all Erasmus+ Sport projects funded by the European Commission between 2014 and 2025. Project information was obtained from the official Erasmus+ Project Results Platform, including project titles, abstracts, programme year, action type, coordinating organisation, coordinating country, and partner organisations. Coordinating and participating countries were retained as separate variables in order to capture complementary dimensions of countries' involvement in gender-related Erasmus+ Sport projects.

Following data cleaning and the removal of duplicate records, the final database consisted of 2,693 unique Erasmus+ Sport projects, representing the complete population of funded projects during the study period. Consequently, no sampling procedure was required.

The analysis distinguished between the two programming periods: Period 2014–2020 (n= 1,175 projects); Period 2021–2025 (n= 1,518 projects). Although the current Multiannual Financial Framework extends until 2027, only projects published by the European Commission up to December 2025 were available at the time of data collection.

2.3. SELECTION STRATEGY

The identification and classification of gender-related projects was carried out using a three-stage document coding procedure.

Firstly, the titles and abstracts of the 2,693 projects were systematically reviewed to identify explicit references to gender and closely related concepts. The initial review included terms referring to women and girls, gender equality, leadership, equal opportunities, discrimination, inclusion, diversity, empowerment, sexual orientation and gender identity, as well as gender-based discrimination or violence. Subsequently, a second, broader review was carried out to identify projects in which gender-related objectives might be integrated into wider equality or inclusion agendas.

Secondly, all candidate projects were reviewed on the basis of their full title and project summary to assess the substantive relevance of the gender dimension. Projects were included where gender constituted a primary objective or a substantive secondary dimension explicitly integrated into the target population, activities or policy orientation of the project. Projects were excluded where gender-related terminology appeared only incidentally (for example, as a demographic characteristic within a general description of participants). The application of these criteria resulted in a final dataset of 287 gender-related projects: 86 from the 2014–2020 programming period and 201 from the 2021–2025 period.

Thirdly, the 287 selected projects underwent inductive thematic coding to identify their main

19 John W. Creswell and Vicki L. Plano Clark, Designing and Conducting Mixed Methods Research, 3rd ed. (Thousand Oaks, CA: SAGE Publications, 2017).

policy focus. The categories were developed through iterative reading and comparison of the project titles and summaries, and were progressively consolidated into five dominant themes: (1) women's participation; (2) women's leadership and governance; (3) education and capacity-building; (4) inclusion and diversity; and (5) combating discrimination and social transformation. As individual projects could address more than one theme, each was assigned to a main category based on its predominant objective, rather than simply on the presence of certain keywords. Women's participation encompassed projects focusing primarily on access to, involvement in, or continued participation in sport and physical activity; women's leadership and governance encompassed leadership roles, management, coaching, refereeing and decision-making; 'education and capacity-building' encompassed projects focusing primarily on training, curricula, skills, awareness-raising and educational resources; 'inclusion and diversity' covered projects that integrated a gender perspective within broader agendas of diversity, intersectionality, or sexual orientation and gender identity; and 'combating discrimination and social transformation' included projects that primarily addressed discrimination, stereotypes, harassment, violence, abuse or discriminatory social norms.

To ensure consistency in the final classification, cases where there was potential for overlap were reviewed in the light of these operational definitions and assigned according to the project's predominant stated objective. This procedure made it possible to apply the thematic categories consistently across both programming periods and subsequently to compare them using frequencies and percentages.

2.4. DATA ANALYSIS

The analysis combined descriptive, comparative, and correlational techniques. Descriptive statistics were first used to examine the annual and period-specific prevalence of gender-related projects within the overall Erasmus+ Sport portfolio. The two programming periods (2014–2020 and 2021–2025) were compared using both absolute frequencies and relative proportions.[20]

The thematic classification developed through the qualitative content analysis was subsequently quantified to examine changes in the substantive orientation of gender-related projects across the two programming periods. For each of the five thematic categories, frequencies and percentages were calculated separately for 2014–2020 and 2021–2025. Percentages were calculated relative to the total number of gender-related projects within each programming period (n= 86 and n= 201, respectively), allowing changes in the relative thematic composition of the portfolio to be distinguished from the overall increase in the number of gender-related projects.

To examine whether countries' engagement in gender-related Erasmus+ Sport projects was associated with their broader national gender equality context, data from the Global Gender Gap Index (GGGI) published by the World Economic Forum were incorporated into the analysis. The GGGI is one of the most widely used international indicators for assessing gender equality and enables systematic comparisons across countries. Unlike indices limited

20 Andy Field, *Discovering Statistics Using IBM SPSS Statistics*, 5th ed. (London: SAGE Publications, 2018).

to European Union Member States, the GGGI includes both EU and non-EU countries, making it particularly appropriate for analysing Erasmus+ Sport, which involves Member States as well as associated and candidate countries. The index evaluates gender gaps across four dimensions: Economic Participation and Opportunity, Educational Attainment, Health and Survival, and Political Empowerment, generating a composite score ranging from 0 (complete inequality) to 1 (full gender parity).[21] Scores from the 2025 Global Gender Gap Report were used to represent each country's level of gender equality at the time closest to the end of the study completion.

Coordinating and participating countries were analysed separately. Coordination was treated as an indicator of project leadership and relative specialisation, whereas participation was used to capture countries' broader involvement in transnational cooperation.

Furthermore, to facilitate meaningful comparisons between countries with different levels of participation in Erasmus+ Sport, a Gender Specialisation Index (GSI) was developed (Equation 1). The GSI was calculated by dividing the proportion of gender-related projects among all Erasmus+ Sport projects coordinated by each country by the corresponding proportion for the programme as a whole (10.7%). A GSI value above 1 therefore indicates that gender-related projects represent a higher share of a country's coordinated Erasmus+ Sport portfolio than the programme-wide average, whereas a value below 1 indicates a lower relative specialisation. This normalisation allows cross-national differences in gender-related project coordination to be distinguished from differences in countries' overall levels of participation in Erasmus+ Sport.

Equation 1. Gender Specialisation Index formula

$$GSI_i = (G_i/T_i) / (G/T)$$

GSI_i = Gender Specialisation Index for country i
G_i = number of gender-related Erasmus+ Sport projects coordinated by country i
T_i = total number of Erasmus+ Sport projects coordinated by country i
G = total number of gender-related Erasmus+ Sport projects (287)
T = total number of Erasmus+ Sport projects (2,693)

To avoid distortions caused by countries coordinating only a very small number of Erasmus+ Sport projects, the Gender Specialisation Index was calculated only for countries coordinating at least 20 projects during the study period. The GGGI served as an external contextual indicator against which the Gender Specialisation Index (GSI) was compared to explore whether national engagement in gender-related Erasmus+ Sport projects reflected existing levels of gender equality or broader processes of European policy convergence.

The association between countries' GGGI scores and their GSI values was assessed using Spearman's rank-order correlation. Spearman's coefficient was selected because the analysis involved a relatively small cross-national sample and the distribution of GSI values

21 World Economic Forum, *Global Gender Gap Report 2025* (Geneva: World Economic Forum, 2025), https://www.weforum.org/publications/global-gender-gap-report-2025/,

was markedly uneven, with several countries showing substantially higher specialisation scores than the remainder of the sample. The non-parametric approach therefore avoided assuming normality or a linear relationship between the two indicators.

The qualitative component consisted of an inductive thematic analysis of the projects previously identified as gender-related. Following the principles of qualitative content analysis, projects were iteratively coded according to their principal objectives, target groups, and policy orientation until stable thematic categories emerged. Particular attention was paid to identifying shifts in policy discourse between the two programming periods, especially the transition from women's participation towards leadership, governance, inclusion, and educational objectives.

Finally, the quantitative and qualitative findings were integrated through a comparative longitudinal approach to interpret how changes in funded projects reflected the broader evolution of European gender equality policies in sport. Such triangulation enhances the validity of documentary research by combining numerical trends with contextual interpretation.

3. RESULTS

3.1. THE EVOLUTION OF GENDER EQUALITY WITHIN ERASMUS+ SPORT (2014-2025)

Of the 2,693 Erasmus+ Sport projects funded between 2014 and 2025, 287 (10.7%) explicitly incorporated gender equality as either a primary or a substantive secondary objective. However, important differences emerged between the two programming periods (Table 1). During the 2014–2020 Multiannual Financial Framework, only 86 of the 1,175 funded projects (7.3%) addressed gender equality. In contrast, the proportion almost doubled during the 2021–2025 period, when 201 of 1,518 projects (13.2%) included an explicit gender dimension.

Table 1. Evolution of gender-related Erasmus+ Sport projects by programming period

Programming period	*Total projects*	*Gender-related projects*	*Percentage*
2014–2020	1,175	86	7.3%
2021–2025	1,518	201	13.2%
Total	2,693	287	10.7%

These findings indicate a substantial increase in the visibility of gender equality within Erasmus+ Sport following the introduction of the 2021–2027 programme. Although projects explicitly addressing gender still represent a minority of the overall portfolio, their relative weight increased by almost six percentage points between the two programming periods, suggesting that gender has become a significantly more prominent priority within Erasmus+ Sport.

Overall, the results reveal a clear upward trend in the incorporation of gender-related objectives into Erasmus+ Sport projects over the last decade, reflecting the growing

importance assigned to gender equality within the programme's policy framework.

The annual distribution further illustrates this growth, although the pattern was not linear. Gender-related projects represented 2.2% of all Erasmus+ Sport projects in 2014 (n= 1), compared with 18.4% in 2025 (n= 66), the highest annual proportion observed during the study period. Intermediate years showed some fluctuation, including a decline from 12.3% in 2022 to 9.5% in 2023, followed by an increase to 13.5% in 2024 and 18.4% in 2025. Overall, the annual pattern supports the broader increase observed between the two programming periods while also showing that this development was not uniform across individual funding years (Figure 1).

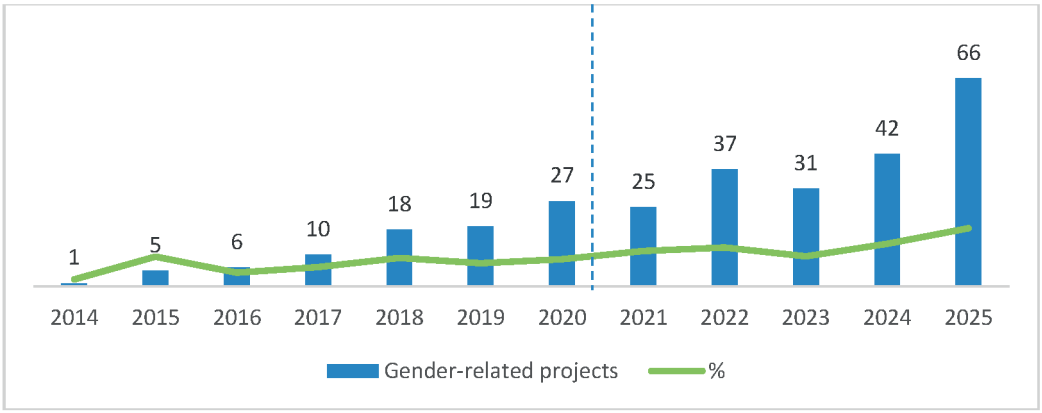


Figure 1. Evolution of gender-related Erasmus+ Sport projects: Total and percentage of funded Erasmus+ Sport projects with an explicit gender dimension, 2014–2025. Source: Erasmus + Sport Results Platform.

While these figures demonstrate a clear quantitative increase in gender-related projects, they do not reveal whether the meaning of gender equality within Erasmus+ Sport has also changed. This question is particularly relevant given the policy reforms introduced in the 2021–2027 Erasmus+ programme, in which gender equality became increasingly embedded within the horizontal priority of inclusion and diversity, alongside the programme's other horizontal priorities of digital transformation, environmental sustainability, and participation in democratic life. If these changes influenced project design, one would expect not only an increase in the number of gender-related projects but also a transformation in the ways gender equality was conceptualised and operationalised. The following section therefore examines the thematic evolution of gender-related projects across the two programming periods.

3.2. THEMATIC EVOLUTION: FROM PARTICIPATION TO GOVERNANCE

The thematic analysis revealed both continuity and changes in the substantive focus of Erasmus+ Sport projects relating to gender across the two programming periods. Women's participation remained the most significant thematic category in both periods, but its relative share fell from 38.4 per cent of gender-related projects in 2014–2020 to 32.3 per cent in 2021–2025. At the same time, women's leadership and governance increased from 17.4 per

cent to 22.4 per cent, representing the most evident change in the thematic composition of the portfolio (Table 2).

Table 2. Evolution of the thematic orientation of gender-related Erasmus+ Sport projects

Thematic category	*2014–2020 n (%)*	*2021–2025 n (%)*	*Total n (%)*
Women's participation	33 (38.4%)	65 (32.3%)	98 (34.1%)
Women's leadership and governance	15 (17.4%)	45 (22.4%)	60 (20.9%)
Education and capacity building	13 (15.1%)	28 (13.9%)	41 (14.3%)
Inclusion and diversity	14 (16.3%)	35 (17.4%)	49 (17.1%)
Anti-discrimination and social transformation	11 (12.8%)	28 (13.9%)	39 (13.6%)
Total	86 (100%)	201 (100%)	287 (100%)

During the 2014–2020 programming period, most projects focused on increasing women's participation in sport and promoting equal opportunities for women and girls. Key themes included access to sport, women's participation, empowerment and awareness-raising initiatives aimed at reducing gender inequalities in sport. Representative projects addressed issues such as encouraging girls' participation in sports traditionally dominated by men, promoting women's coaching, and supporting female athletes through educational and networking activities. This emphasis is reflected in the thematic breakdown, in which women's participation represents the largest category for the period (33 projects; 38.4 per cent), followed by women's leadership and governance (15; 17.4 per cent), inclusion and diversity (14; 16.3 per cent), education and capacity-building (13; 15.1 per cent), and the fight against discrimination and social transformation (11; 12.8 per cent).

By contrast, projects funded under the 2021–2027 programme adopted a broader conception of gender equality. Whilst participation remained an important objective, increasing attention was paid to women's leadership, governance, decision-making and organisational change in sport. Women's participation remained the most significant thematic category (65 projects; 32.3 per cent), but its relative share fell by approximately six percentage points compared with the 2014–2020 period. In contrast, women's leadership and governance rose from 17.4 per cent to 22.4 per cent (45 projects), representing the most marked shift in the thematic composition of the portfolio. Gender equality was progressively integrated into broader priorities relating to inclusion, diversity, democratic participation and social innovation.

The analysis also highlighted a diversification in the objectives of the projects. Whilst previous initiatives tended to focus primarily on women and girls as the main beneficiaries, more recent projects increasingly targeted sports organisations, regulatory bodies, coaches, educational institutions and local communities. Consequently, gender equality was no longer framed exclusively as a matter of access to participation in sport, but also as a matter of institutional transformation and good governance. This diversification is also reflected in the continued

presence of projects focusing on inclusion and diversity (17.4 per cent in 2021–2025) and on combating discrimination and social transformation (13.9 per cent), alongside a greater emphasis on leadership and governance.

The educational dimension also remained evident throughout both programming periods. The Erasmus+ Sport programme supported initiatives that used sport as a means of developing cross-cutting skills, promoting inclusive values and challenging gender stereotypes amongst young people. Education and skills development accounted for 15.1 per cent of gender-related projects in the 2014–2020 period and 13.9 per cent in the 2021–2025 period, indicating continuity rather than a substantial increase in their relative importance. In this regard, sport was also conceived not only as a focus of gender policy, but as a broader educational tool through which equality, citizenship and social inclusion could be promoted.

Overall, the thematic evolution observed across the two programming periods suggests a gradual broadening from a relatively narrow conception of gender equality, centred on participation, towards a more comprehensive and governance-oriented approach, encompassing leadership, organisational change, inclusion and education. This evolution should not be interpreted as a replacement of participation-oriented approaches (which remained the most important thematic category in both periods), but rather as a shift in the relative balance of priorities. In this regard, the findings suggest an increasing link between gender equality in sport and the use of sport as a tool to promote gender equality through sport (Table 3).

Table 3. Evolution of the thematic orientation of gender-related Erasmus+ Sport projects.

Perspective	*2014–2020*	*2021–2025*
Focus	Participation	Leadership & governance
Policy objective	Equality in sport	Equality through sport
Target	Women and girls	Sport organisations and society
Role of sport	End in itself	Vehicle for inclusion and education

3.3. GEOGRAPHICAL EVOLUTION OF GENDER-RELATED ERASMUS+ SPORT PROJECTS

The geographical distribution of gender-related Erasmus+ Sport projects also changed substantially between the two programming periods, revealing a broader territorial diversification of the programme's gender agenda.

During the 2014–2020 programme, the coordination of gender-related projects was largely concentrated in a relatively limited number of countries, particularly Italy and France, followed by Austria, the United Kingdom, and Spain. Although several Southern and Eastern European countries participated as partners, comparatively few acted as project coordinators.

The 2021–2025 period was characterised by a broader geographical distribution of project coordination. Italy remained the leading coordinating country, increasing from 27 to 43 gender-related projects, while several Southern and South-Eastern European countries became more prominent as project coordinators. Spain increased from 5 to 21 projects, Serbia from 1 to 15, Portugal and Slovenia from 1 to 10 each, Greece from 2 to 9, and Türkiye from 2 to 7. Cyprus, which had not coordinated any gender-related projects in the first period, coordinated six in 2021–2025. Conversely, some countries that had been relatively prominent in 2014–2020 did not follow this pattern. Austria declined from five to three coordinated projects, while the absence of the United Kingdom in 2021–2025 reflects its withdrawal from the Erasmus+ programme following Brexit rather than a change in its relative engagement with gender-related projects (Table 4).

Table 4. Top coordinating countries in gender-related Erasmus+ Sport projects by programming period.

Rank	*Country*	*2014-2020 (n)*	*2021-2025(n)*	*Total (n)*
1	Italy	27	43	70
2	Spain	5	21	26
3	France	9	11	20
4	Serbia	1	15	16
5	Netherlands	3	11	14
6	Croatia	4	8	12
7	Portugal	1	10	11
7	Slovenia	1	10	11
7	Greece	2	9	11
10	Türkiye	2	7	9

The broader participation data reinforce the geographical expansion observed in project coordination. While 23 countries coordinated at least one gender-related project in 2014–2020, compared with 34 in 2021–2025, the number of countries involved in gender-related projects, whether as coordinators or participating partners, increased from 39 to 45. Transnational cooperation was extensive in both periods, with 81 of 86 projects (94.2%) involving more than one country in 2014–2020 and 199 of 201 (99.0%) in 2021–2025. These results indicate that the geographical expansion of gender-related Erasmus+ Sport activity extended beyond project leadership to broader participation in transnational consortia.

To assess countries' relative specialisation in coordinating gender-related projects, the national share of gender-related projects was compared with the programme-wide share of 10.7% using the GSI. Among countries coordinating at least 20 Erasmus+ Sport projects during 2014–2025, 11 recorded a GSI above 1, indicating an above-average concentration of gender-related projects within their coordinated portfolios. Serbia recorded the highest

relative specialisation (GSI = 1.92), followed by Cyprus (1.76), the Netherlands (1.62), North Macedonia (1.62), and Italy (1.49). Spain also showed above-average specialisation (1.23), whereas Germany was close to the programme average (1.01) (Table 5).

Table 5. Countries with above-average Gender Specialisation Index (GSI) in Erasmus+ Sport project coordination, 2014–2025.

Rank	*Country*	*Total Sport projects*	*Gender related projects*	*Gender-related share (%)*	*GSI*
1	Serbia	78	16	20.5	1.92
2	Cyprus	32	6	18.8	1.76
3	Netherlands	81	14	17.3	1.62
4	North Macedonia	29	5	17.2	1.62
5	Italy	442	70	15.8	1.49
6	France	131	20	15.3	1.43
7	Austria	56	8	14.3	1.34
8	United Kingdom	37	5	13.5	1.27
9	Spain	199	26	13.1	1.23
10	Portugal	97	11	11.3	1.06
11	Germany	74	8	10.8	1.01

Note: The GSI compares the proportion of gender-related projects among all Erasmus+ Sport projects coordinated by a country with the overall programme average (10.7%). A value above 1 indicates above-average relative specialisation. To reduce instability associated with very small national project portfolios, the analysis was restricted to countries coordinating at least 20 Erasmus+ Sport projects during 2014–2025. The table reports countries with GSI > 1.

The results reveal that the countries coordinating the largest number of gender-related projects are not necessarily those displaying the highest levels of specialisation. While large Erasmus+ beneficiaries such as Italy and Spain occupy leading positions in terms of absolute numbers, several medium-sized countries achieve comparatively higher levels of specialisation once overall programme participation is taken into account. This finding suggests that gender has become a particularly prominent thematic priority within specific national Erasmus+ ecosystems rather than simply reflecting the size of national participation in the programme.

The results suggest that gender equality has progressively diffused, moving beyond its initial concentration in Western Europe towards a more geographically diversified pattern of leadership involving Southern and South-Eastern European countries.

While the geographical expansion of gender-related projects demonstrates a broader territorial diffusion of the programme, it does not explain whether there is a relationship between engagement in Erasmus+ Sport gender equality programmes, and existing levels of gender equality. The following section therefore explores the relationship between national participation in gender-related Erasmus+ Sport projects and broader indicators of gender equality across Europe.

3.4. GENDER EQUALITY, NATIONAL CONTEXTS, AND POLICY CONVERGENCE

The geographical distribution of gender-related Erasmus+ Sport projects raises an important question regarding the relationship between national gender equality performance and participation in European gender initiatives.

At first sight, one might expect countries with higher levels of gender equality to coordinate a larger proportion of gender-related Erasmus+ Sport projects. However, the results suggest a more complex pattern. Although countries such as Italy, France, and Spain occupy prominent positions in both absolute numbers and relative specialisation, several countries displaying comparatively lower levels of gender equality (such as Serbia and North Macedonia) also emerge among the most specialised coordinators of gender-related projects. Conversely, several European countries that consistently achieve high scores in international gender equality rankings are comparatively less visible within the Erasmus+ Sport gender landscape. This indicates that participation in gender-related projects does not necessarily mirror the degree of gender equality already achieved at the national level.

To facilitate interpretation, countries were grouped into four analytical profiles according to their position relative to the median GGGI value and the programme-average level of specialisation (GSI= 1) (Figure 2). The resulting distribution reveals considerable heterogeneity. Countries with comparatively high GGGI scores and high GSI values include France, Spain, Germany, the Netherlands and the United Kingdom, whereas Serbia, Cyprus, North Macedonia, Italy and Austria combine comparatively lower GGGI scores with higher levels of specialisation in gender-related project coordination. Conversely, countries such as Finland, Sweden, Ireland and Denmark combine comparatively high gender equality scores with relatively low GSI values. A fourth group, including Türkiye, Hungary, Romania, Greece and Croatia, records comparatively lower values on both dimensions.

These profiles should not be interpreted as evidence of causal relationships between national gender equality and engagement with Erasmus+ Sport. Rather, they show that relative specialisation in gender-related project coordination does not simply reproduce countries' broader gender equality performance. The presence of countries with comparatively lower GGGI scores but relatively high GSI values is compatible with the possibility that European cooperation programmes may contribute to processes of policy learning, diffusion and convergence. However, the project-level data analysed here do not allow us to determine the motivations underlying national patterns of engagement or the extent to which participation produces institutional change.

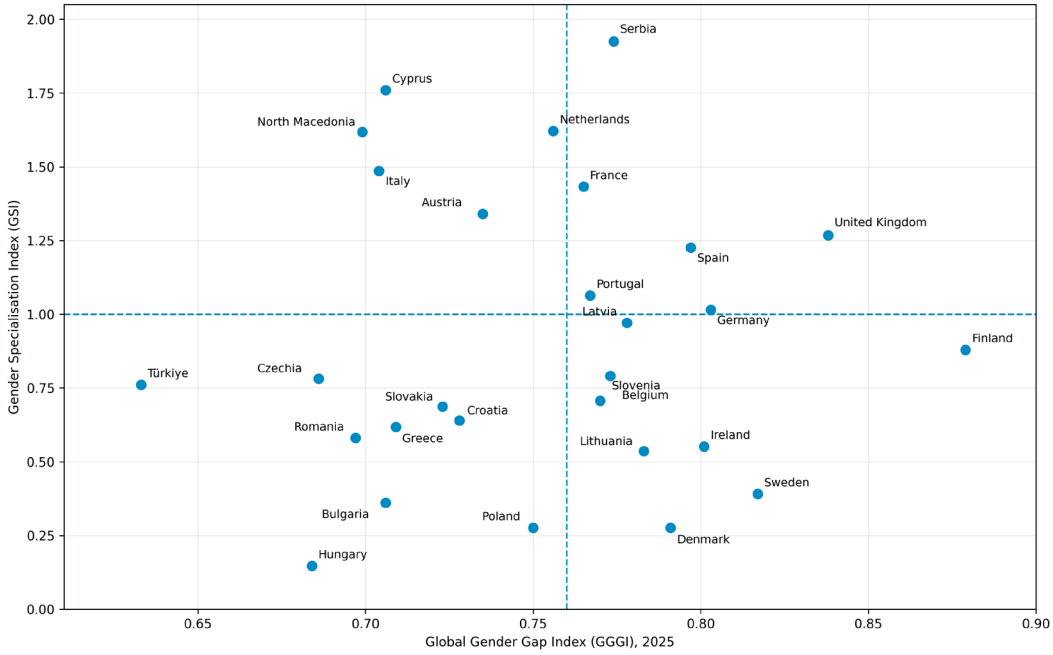


Figure 2. Relationship between the Global Gender Gap Index (GGGI, 2025) and the Gender Specialisation Index (GSI, 2014–2025).

These findings should therefore be interpreted as evidence of an evolving European policy landscape in which transnational cooperation contributes not only to project implementation but also to the circulation of governance models and equality-related policy agendas. Therefore, the results suggest that Erasmus+ Sport may reflect not only existing gender equality outcomes but also national aspirations towards European policy convergence.

Whether these patterns reflect genuine processes of institutional transformation or more symbolic forms of alignment with European gender equality agendas is discussed in the following section.

3.5. EMERGING PATTERNS OF POLICY ENGAGEMENT

Spearman's rank-order correlation showed no statistically significant association between countries' GGGI scores and their relative specialisation in coordinating gender-related Erasmus+ Sport projects ($\rho = 0.04$, $p = .859$, $n = 28$). This indicates that, within the analytical sample, higher levels of gender equality were not systematically associated with either greater or lower relative specialisation in gender-related project coordination.

The analytical typology presented in Figure 2 nevertheless identified distinct national profiles. Countries combining relatively high levels of gender equality with above-average project specialisation (including France, Spain, the Netherlands, the United Kingdom and Germany) represent one profile. Conversely, several countries displaying comparatively lower levels of

gender equality, such as Serbia, Cyprus, North Macedonia, Italy and Austria, also demonstrated above-average specialisation in gender-related Erasmus+ Sport project coordination. Finally, several countries characterised by comparatively high gender equality scores showed below-average levels of specialisation in gender-related projects.

These contrasting patterns suggest that participation in Erasmus+ Sport reflects more than existing national gender equality outcomes alone. Instead, they point towards different forms of engagement with European policy priorities, providing the basis for the interpretations developed in the following discussion.

4. DISCUSSION

The findings of this study demonstrate that gender equality has acquired an increasingly prominent position within Erasmus+ Sport since the programme was launched in 2014. However, the most notable development is not simply the increase in the number of gender-related projects but the gradual evolution of the policy agenda reflected in these projects. The comparison between the 2014–2020 and 2021–2027 programming periods shows that gender equality has progressively shifted from being understood primarily as an issue of participation and equal opportunities towards a broader conception encompassing leadership, governance, organisational change, and education. This evolution closely mirrors the broader trajectory of European Union gender policy, particularly following the adoption of the Gender Equality Strategy 2020–2025, the strengthening of gender mainstreaming across EU programmes and the recognition of inclusion and diversity as one of the four horizontal priorities of Erasmus+.[22] Rather than developing independently, Erasmus+ Sport appears to have evolved in parallel with wider institutional changes in European gender policy, reinforcing previous research highlighting the growing strategic role of sport within broader European social policies.[23]

Beyond this quantitative growth, the results reveal a more profound conceptual transformation. During the first programming period, gender-related projects were predominantly concerned with increasing women's and girls' participation in sport, improving access to sporting opportunities and reducing traditional barriers to participation. In contrast, projects funded after 2021 increasingly focused on leadership, governance, decision-making processes, and organisational culture within sport organisations. At the same time, sport itself became progressively framed not only as a domain in which equality should be achieved, but also as a vehicle through which wider objectives relating to inclusion, citizenship, education, and social innovation could be pursued. This transition reflects broader developments identified in the literature on sport governance, where gender equality has increasingly been linked to institutional reform, organisational diversity, and inclusive leadership rather than participation

22 European Commission, *A Union of Equality*; European Commission, Directorate-General for Education, Youth, Sport and Culture, *Towards More Gender Equality in Sport*; European Commission, *Erasmus+ Programme Guide 2026*.

23 Larena Hoeber, "Exploring the Gaps between Meanings and Practices of Gender Equity in a Sport Organization", *Gender, Work & Organization* 14, no. 3 (2007): 259-280, https://doi.org/10.1111/j.1468-0432.2007.00342.x; Agnes Elling, Jorid Hovden, and Annelies Knoppers, eds., *Gender Diversity in European Sport Governance* (London: Routledge, 2019), https://doi.org/10.4324/9781315115061,

alone.[24] In this sense, the findings suggest a shift from promoting gender equality in sport towards promoting gender equality through sport, extending the social function assigned to sport within European policy frameworks.

The geographical analysis provides an equally significant contribution. Contrary to what might be expected, no statistically significant relationship was observed between countries' overall gender equality performance and their degree of specialisation in gender-related Erasmus+ Sport projects. Countries such as France, Spain, and the United Kingdom combine comparatively high levels of gender equality with substantial specialisation in gender-related project coordination, whereas Serbia, Cyprus, and North Macedonia display similarly high levels of project specialisation despite comparatively lower positions in international gender equality rankings. These findings indicate that participation in Erasmus+ Sport cannot be interpreted simply as a reflection of existing national gender equality outcomes.

The findings are broadly consistent with the theoretical perspective outlined in the introduction, which conceptualises Erasmus+ Sport not merely as a funding programme, but also as a mechanism through which European policy priorities and governance models are disseminated across national sport systems. From this perspective, the geographical patterns observed may reflect ongoing processes of Europeanisation and institutional learning rather than simply reproducing existing national gender equality contexts.[25]

Nevertheless, the findings also invite a more cautious interpretation. While Europeanisation and institutional learning provide convincing explanations for the observed patterns, participation in gender-related projects may also fulfil symbolic functions. International cooperation increasingly constitutes an important source of political legitimacy, organisational visibility, and international recognition. Consequently, active engagement in gender-related Erasmus+ Sport projects may simultaneously communicate alignment with European values, independently of the pace at which broader structural changes occur within domestic sport systems. This interpretation resonates with wider debates concerning symbolic compliance and forms of pink-washing. While the present study does not provide evidence allowing such interpretations to be confirmed, and project-level data cannot establish the motivations of participating organisations or national governments, the observed patterns highlight the need to distinguish between formal engagement with European equality agendas and the long-term institutional changes required to achieve meaningful gender equality within national sport systems.

5. CONCLUSIONS

Taken together, these findings suggest that Erasmus+ Sport should be understood not merely as a funding programme but also as a governance instrument through which European policy priorities are translated into organisational practices, negotiated across national contexts and disseminated through transnational cooperation networks. Whether these processes ultimately produce substantive institutional transformation or, in some cases, primarily

24 Hoeber, "Exploring the Gaps between Meanings and Practices of Gender Equity"; Elling, Hovden, and Knoppers, *Gender Diversity in European Sport Governance*.

25 Radaelli, "Europeanization of Public Policy"; Börzel and Risse, "Conceptualizing the Domestic Impact of Europe"; Dolowitz and Marsh, "Learning from Abroad".

reinforce symbolic alignment with European gender equality agendas remains an open question that deserves further empirical investigation.

The findings of this study have two broader implications. First, they reinforce the view of Erasmus+ Sport as an instrument of European governance rather than merely a funding programme, highlighting its contribution to the diffusion of policy agendas, organisational learning and institutional change. Second, they raise important questions regarding the motivations underpinning countries' engagement with European gender initiatives. While the observed patterns are compatible with processes of Europeanisation and policy convergence, they also invite further investigation into the extent to which participation may, in some contexts, represent symbolic alignment with European equality agendas. Distinguishing between substantive institutional transformation and symbolic commitment remains an important challenge for future research.

Beyond its substantive findings, this study also makes a methodological contribution. By combining longitudinal documentary analysis, quantitative content analysis, and qualitative thematic analysis across the complete population of Erasmus+ Sport projects funded between 2014 and 2025, it offers one of the first comprehensive assessments of the evolution of gender equality within the programme. Furthermore, the development of the Gender Specialisation Index (GSI) provides a standardised indicator for comparing countries with different levels of Erasmus+ Sport participation, while the analytical typology proposed in Figure 2 offers a useful framework for interpreting different national patterns of engagement with European gender priorities. Although exploratory in nature, this approach may facilitate future comparative analyses of other Erasmus+ priorities and contribute to a broader understanding of how European funding programmes shape policy implementation across diverse national contexts.

Overall, the results suggest that Erasmus+ Sport has evolved into an increasingly strategic instrument for advancing European gender equality objectives. Understanding how these policy priorities are translated into organisational practices (and whether they ultimately generate lasting institutional change) constitutes a promising avenue for future research on European sport policy and governance, given that such future research would benefit from a more detailed qualitative analysis.

More broadly, the findings invite researchers to reconsider Erasmus+ Sport not only as a funding mechanism but also as a policy instrument through which European priorities are translated into organisational practices across diverse institutional contexts. Understanding how these processes operate beyond gender equality and across other horizontal priorities of Erasmus+, represents a promising avenue for future comparative research.

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Sports Law, Policy & Diplomacy Journal **4, no. 1 (2026)**

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Pravni fakultet Faculty of Law
Sveučilište u Rijeci
University of Rijeka

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SPORT&EU est 2005

Co-funded by the European Union

ISSN (Online) 2975-6235