

Key sports law cases and developments to watch in 2018

22 JANUARY 2018

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Global head of sports Luca Ferrari and Federico Venturi Ferriolo address key sports law cases and developments to watch in 2018 and their potential implications.

The resilient struggle between the International Basketball Federation (FIBA) and Euroleague Commercial Assets (Euroleague) on the control of the European professional basketball games is no news to many. The conflict, including legal disputes, over the past years has gone particularly white-hot when FIBA announced the creation of Basketball Champions League.

The legal battle started in February 2016 when Euroleague filed a complaint with the European Commission (EC) against FIBA for abuses of dominant position under Article 102 TFEU. An argument made by Euroleague is that FIBA Europe exerted pressure on national federations by threatening their participation rights in international competitions were they to continue to allow national clubs to take part in Euroleague competitions.

This year, due to the intensification of the FIBA's games, its calendar apparently clashes in time with the Euroleague's competition schedules, meaning that Euroleague players would be unable to attend national competitions. As a consequence, during the first window of qualification for the 2019 FIBA World Cup, the majority of players playing in Euroleague refused to join their national teams. It is now crucial for EC to take a stance.

EC has a record of ruling over sports disputes. Most recently, it has found that International Skating Union (ISU) rules imposing severe penalties on athletes participating in speed skating competitions that have not been authorised by the ISU, are in breach of EU antitrust law and the ISU had to change those rules.

Bearing these events in mind, 2018 looks set to bring a solution to this row and have the EC propose a viable response to the complaints regarding this dispute. As competition schedules inevitably mount up, the imminent question has already been put before the EC by many MEPs, *'what urgent steps or measures does the Commission plan to take to put a stop to actions such as [the FIBA/Euroleague dispute] which, if they materialise, will adversely impact the development of national teams across Europe?'*

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