

The Particularity of Sports Law

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Sports Law is defined as the legal framework that regulates the organization, functioning, and governance of sports activities within a country.

This regulatory aspect of the definition does not deny that this branch of law is at the crossroads of employment law, agency, anti-trust, contracts law, criminal law and human rights, among many other legal disciplines.

Yet, sports law is not a compilation of rules that one can necessarily master by mastering its civil, commercial, administrative and criminal law components. Indeed, the international bodies that organize sports, such as the International Olympic Committee (“IOC”) or the Fédération Internationale de Football Association (“FIFA”), have developed unique arbitral tribunals to resolve most of the disputes in sports law (I), which in turn has encouraged the emergence of specific legal principles applicable in sports law: the “lex sportiva” (II).

I. Unique arbitral tribunals

Most international sports organizations are established as associations in Switzerland to benefit from the freedom granted by the Swiss law to organize and regulate their discipline in the absence of a specific Swiss sports law: hence, Switzerland is considered a global hub for sports law, hosting the FIFA, the IOC, and the Union of European Football Associations (“UEFA”), among other influential sports organizations.

Aiming for specialized, uniform, confidential and quick proceedings, arbitration was the natural choice to resolve most of the sports disputes: therefore, the sports organizations (namely the IOC) established the Court of Arbitration for Sport (“CAS”) in 1984, also based in Switzerland.

CAS resolves disputes when the parties select it by consent: indeed, many standard agreements with athletes include an arbitration clause designating CAS.

CAS may also be designated through the consent of members of a federation when its statutes refer the disputes to CAS by way of appeal (such as article 57 of the FIFA Statutes whereby appeals against final decisions passed by FIFA’s legal bodies and against decisions passed by confederations, member associations or leagues must be lodged with CAS).

Moreover, CAS’ jurisdiction can be retained through the consent to compete in international competitions which may entail the choice of CAS as the arbitral tribunal selected for the disputes pertaining to such competitions (such as the current final competition of the FIFA World Cup 2026, since articles 1 and 2 of the arbitration rules for the final competition provide for the resolution by arbitration of any disputes covered by Article 50 of the FIFA Statutes, insofar as they arise during and in connection with the final competition of the FIFA World Cup 26 between 11 June and 19 July 2026, through an ad hoc division of CAS).

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As for the arbitral awards rendered by these unique arbitral tribunals, they have the particularity of being enforced by the relevant federation (for instance, the suspension of an athlete for a temporary period), making their enforcement by national courts often unnecessary.

II. Lex sportiva

With unique arbitral tribunals and arbitrators who are experts in sports or sports law, it was normal that a set of general principles applicable to sports law (the *lex sportiva*) quickly emerged.

One of the most famous of these principles is the “field of play doctrine” pursuant to which an arbitral tribunal may not review, interfere with or second-guess a decision obtained on the field by application of the rules of the game by referees or umpires, unless the decision was rendered in bad faith or arbitrarily.

Another principle is the equal treatment among all clubs within a league, association or governing body, ensuring that all clubs are treated equally to participate in competitions regardless of their size or financial means.

With expert arbitrators and counsels, short deadlines particularly in proceedings before ad hoc divisions of CAS specifically created for international events such as the Olympic games or the World Cup, heightened public interest and media scrutiny, the particularity of sports law is destined to develop and increase.