

**Corte di giustizia, sentenza del 13 giugno 2019, causa C-22/18, *TopFit eV e Daniele Biffi c. Deutscher Leichtathletikverband eV*.**

*ABSTRACT: The 'TopFit and Biffi' judgment of the European Union Court of Justice establishes for the first time the right of amateur athletes to take part in national championships. By following a combined reading of Articles 18 (non-discrimination on the basis of nationality), 21 (free movement of EU citizens) and 165 TFEU (EU competence to support Member States' action in, inter alia, sport and education), the Court states that practising an amateur sport allows an EU citizen residing in a Member State other than the Member State of which he is a national to create or consolidate bonds with the society of the State to which he has moved, and in which he is residing. According to the Court, if Member States can legally limit the award of the title of national champion in a particular sporting discipline to a national of the relevant Member State and consider that nationality requirement to be a characteristic of the title of national champion itself, they have to comply with the principle of proportionality. In this regard, the Court recalls that a EU citizen, who is a national of another Member State and who has resided for a number of years in the territory of the Member State where a sports association, in which he runs in the senior category and in an amateur capacity, is established, cannot be prevented on the basis of his nationality from participating in the national championships in those disciplines in the same way as nationals. Nor can he be obliged to participate in them only 'outside classification' or 'without classification', without being able of progressing to the final and without being eligible to be awarded the title of national champion in the 'senior' category for that discipline, unless those rules are justified by objective considerations which are proportionate to the legitimate objective pursued, this being a matter for the referring court to verify.*

*Keywords: Freedom of movement of EU citizens and athletes – Amateurs – Non discrimination – Article 165 TFEU – Proportionality test – Social value of sport.  
Libera circolazione dei cittadini UE e degli atleti – Dilettanti – Non discriminazione – Art. 165 TFUE – Test della proporzionalità – Valore sociale dello sport.*

## **LO STATUTO GIURIDICO DELLO SPORTIVO DILETTANTE NELLA SENTENZA *TOPFIT eV E BIFFI* DELLA CORTE DI GIUSTIZIA**

di *Giacomo Gattinara\**

*Sommario:* 1. Introduzione – 2. Gli sportivi dilettanti come cittadini dell'Unione in libera circolazione – 3. La soggezione delle disposizioni adottate dalle associazioni sportive al diritto dell'Unione: una conferma rassicurante – 4. Le giustificazioni alle restrizioni alla libertà di circolazione degli sportivi dilettanti: delle importanti precisazioni applicabili anche agli atleti professionisti – 5. Conclusioni: l'ingresso degli sportivi dilettanti nel diritto dell'Unione e le sue possibili conseguenze giuridiche

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