

Editorial RDES 2026

SPORTS AUTONOMY IN EUROPE: BETWEEN REGULATORY FREEDOM AND ACCOUNTABILITY

How much autonomy should be granted to sports governing bodies is a question that continues to occupy courts, legislators and the world of organised sport. International and national sports federations make the rules of the game, organise competitions, regulate access to them, impose disciplinary sanctions and establish mechanisms for resolving disputes. A substantial degree of autonomy is therefore necessary for sport to function.

Twenty years after *Meca-Medina*, however, the debate has changed. The question is no longer whether sporting rules are subject to EU law. They clearly are. The more difficult question is how sports governing bodies may legitimately exercise their regulatory power.

Recent judgments of the Court of Justice, including *European Superleague Company*, *Diarra*, *Royal Football Club Seraing*, *FIGC and CONI*, *ROGON* and *RRC Sports*, address different aspects of sports governance. Yet they raise a common question: what legal constraints apply when private sporting organisations exercise powers that can substantially affect the rights and economic activities of athletes, clubs and other stakeholders?

From autonomy to accountability

Sports autonomy cannot mean immunity from ordinary law. At the same time, the application of general legal rules should take account of the characteristics that make organised sport possible. The debate has too often been presented as a choice between sporting autonomy and external intervention. That opposition is increasingly difficult to sustain.

The real issue is one of *accountable autonomy*.

Sports governing bodies need sufficient regulatory space to organise competitions, preserve sporting integrity, establish common rules and ensure their uniform application. At the same time, the exercise of that power must comply with the legal systems within which those rules produce effects.

This matters because, although sports governing bodies are formally private associations, their regulatory powers extend far beyond the internal affairs of an ordinary private association. Their rules may determine whether an athlete can compete, whether a club can participate in a competition, under what conditions a player may move from one employer to another, how agents may provide their services and how disputes are resolved.

The recent case law should be read against this background. *Diarra* confirms that legitimate sporting objectives, including contractual stability, do not give sports organisations an unlimited choice of the means used to pursue them. *Seraing* addresses the relationship between sports arbitration and effective judicial protection under EU law. *FIGC and CONI* brings the same issue into the national dimension, examining the relationship between sports justice and access to state courts. *ROGON* and *RRC Sports* show that similar questions arise when federations regulate economic actors, such as football agents, operating around organised sport.

These judgments do not deny the regulatory role of sports governing bodies. They require that this role be exercised within the limits imposed by EU law.

Who governs sport?

This brings us to the broader question: who governs sport today? The answer cannot simply be “the sports federations”. It would be equally inaccurate to suggest that courts or public authorities are taking over the governance of sport.

Sports governing bodies continue to perform the primary regulatory functions on which organised sport depends. Courts do not write the Laws of the Game, organise championships or design transfer systems. They require regulatory autonomy to be exercised in compliance with the applicable legal framework.

Autonomy and accountability should therefore not be treated as a zero-sum game. Accountability is not necessarily the opposite of autonomy. It can be one of the conditions for its legitimacy. Clear procedures, transparent and objective rules, proportionality and effective mechanisms of review can strengthen the authority of sporting regulation rather than diminish it.

Twenty years after *Meca-Medina*

Meca-Medina is often remembered for rejecting the idea that sporting rules may escape EU law merely because they are sporting in nature. Twenty years of subsequent case law have confirmed the importance of that proposition. The debate has now moved forward.

The central issue is no longer whether sport constitutes a separate sphere protected from legal scrutiny. The more useful question is how a system of predominantly private and transnational sports governance can operate legitimately within national, European and international legal orders.

Courts provide part of the answer. They scrutinise the objectives pursued by sports governing bodies, the means used to achieve them and the procedural safeguards available to those affected by their decisions. But courts can provide only part of the solution.

Sports governing bodies have the primary responsibility for ensuring that their regulatory systems comply with the law while remaining capable of governing their sports effectively. Public authorities should recognise their legitimate regulatory role while ensuring the protection of rights and compliance with mandatory legal rules.

The future of sports autonomy lies in a workable balance in which sports organisations retain the capacity to govern their sports while accepting the legal responsibility that comes with that power.

Perhaps, then, the question is no longer how much autonomy sport should have. The question is what kind of autonomy modern sport needs: autonomy that is effective, justified and accountable.

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The Editorial Board