

**IL CASO “CAMILA GIORGI”:
CORTE FEDERALE D’APPELLO VS. COLLEGIO DI GARANZIA
DELLO SPORT, OSSIA IL TESSERAMENTO COSCIENTE E
VOLONTARIO CONTRO LA PRESUNZIONE DI TESSERAMENTO**

di *Pier Antonio Rossetti**

ABSTRACT: The Italian tennis player, Camila Giorgi, was called up by the Manager Corrado Barazzuti for the event of FED CUP Spain-Italy in April 2016. She replied negatively and communicated with a simple e-mail “the non-acceptance of the convocation” without adducing any particular reason.

The FIT Federal Court of Appeal annulled the disqualification imposed on the tennis player by the Federal Court in first instance because, at the time of the contested facts, she was not “registered” with the Italian Federation and, therefore, she was not subject to sports jurisdiction.

According to the Appeal ruling, it did not matter whether Camila Giorgi was contractually committed to become a member of the Italian Tennis Association, because the fulfilment of that contractual obligation did not fall within the areas subject to the sports jurisdiction, but within those subject to ordinary jurisdiction.

The CONI sport’s warranty College, in third and final instance, struck the appeal decision down, considering that an operational relationship with the Federation for organizational aspects or for sports activities may qualifies as sort of membership.

KEYWORDS: FIT – Registration – Sports jurisdiction – Disqualification – Appeal – Contractual fulfilment – Ordinary jurisdiction – Good standing with national association.

SOMMARIO: 1. Introduzione – 2. Tesseramento e vincolo di giustizia: l’interpretazione “tradizionale” della Corte d’Appello Federale – 3. Inadempimento di un’obbligazione contrattuale e potere sanzionatorio federale – 4. Tesseramento di fatto nel calcio: divieto di applicazione analogica nel tennis – 5. Giurisdizione sui soggetti “non più tesserati” – 6. Soggetti non tesserati e norme antidoping – 7. La decisione delle Sezioni Unite del Collegio di Garanzia: distinzione tra tesseramento e rilascio della tessera – 8. Forme e modalità di tesseramento in altre Federazioni – 9. Tesseramento e convocazione in nazionale – 10. Conclusioni

* Avvocato del Foro di Lodi, *Studio Legale Rossetti*, Melegnano – Milano. Corso di Perfezionamento in Diritto e Giustizia Sportiva “*Lucio Colantuoni*” presso Università Statale di Milano. E-mail: rossetti@rossettistudiolegale.it.