

**REMODELLING SPORTS AUTONOMY LIKE THE
“SHAPE OF WATER”
THE RELATIONSHIP BETWEEN ORDINARY AND
SPORTS SYSTEMS**

by *Michele Colucci** and *Durante Rapacciuolo***

ABSTRACT: The paper reviews the outcome of a worldwide comparative analysis of the football disciplinary rules of the international, regional and national associations. In doing so, the authors adopt an original and fruitful approach in reviewing also the legal grounds of the private law systems which sustain the legality of the football domestic disciplinary codes. They have focused the searching light on the notion of sports autonomy and the way it changes over the time and over the various places worldwide. The result of their work is amazing: like the shape of water the autonomy remodels its contours according to the nature and conditions of the international and national ordinary law systems, within which the autonomous sports associations operate.

The paper aims to uphold the reality of a double notion of autonomy: a political one and a legal one. The political recognition of the sports associations' autonomy has produced an absolute concept of autonomy of sports institutions, which appear like entities well beyond the legal reach of the State legal order.

However, the jurisprudential notion of sports autonomy renders thoroughly the reality of the relationship between the public law order and the private law order of the sports associations.

Indeed, the consistent and settled case law of ordinary justice has showed the limits of the legal autonomy the football and sports associations enjoy. The relative notion of that autonomy is the result of a number of rulings, which have scrutinised the football activities with the lens of the relevant ordinary law rules, concluding for a paradoxical quasi rejection of that autonomy, whenever the sporting activities are like any other economic activities.

Keywords: Football - Sports Associations – Autonomy – Specificity – ordinary law – private law rules – football disciplinary regulations

SUMMARY: 1. The Autonomy of Sports Associations – 2. Putting the Autonomy of Sports Associations in context – 3. The scope of the autonomy of sports Associations – 4. The relationship between sports law and ordinary law systems – 5. Towards the Harmonisation of rules and procedures? – Conclusions

* Scientific Director of the Sports Law and Policy Centre (SLPC). E-mail: info@colucci.eu.

** Editor in chief of the *Rivista di Diritto ed Economia dello Sport* and Former Official of the European Union Commission. E-mail: duranterap@gmail.com.