

Judgment of the General Court, Case T-93/18, 16 December 2020

ABSTRACT: The General Court of the European Union has confirmed in its recent judgment that the eligibility rules of the International Skating Union (ISU), which penalized athletes participating in competitions not authorized by the ISU, infringe EU competition law, but the arbitration rules related the role of the Court of Arbitration for Sport (CAS) remain still valid.

The judgment is relevant from different perspectives, and not only for the sport of skating, but essentially for all sporting bodies and their athlete members across the world.

Firstly, quoting a latin phrase “repetita iuvant”, the judgment recalls that the sporting governing bodies (which often have a dual role as regulator and active organizer of events) can preserve or introduce a pre-authorisation systems for competing events, but these rules must be inherent and proportionate to their objectives, in compliance with the EU competition law.

Secondly, the General Court approved the compulsory arbitration rules as found in the rules of many sports governing bodies that automatically bring sports-related disputes to the CAS in Lausanne. This judgment will be seen as further confirmation of the legitimate role of the CAS as the body for sports adjudications.

It will be interesting to see whether the General Court’s ruling will be appealed to the Court of Justice. In the meantime, we could probably deduce that All’s Fair in Sport and Competition.

Keywords: Competition – Association of undertakings – Speed skating events – Decision finding an infringement of Article 101 TFEU – Regulations of a sports federation – Balance between competition law and the specific nature of the sport – Sports betting – Court of Arbitration for Sport – Guidelines on the calculation of fines – Scope of territorial application of Article 101 TFEU – Restriction of competition by object – Corrective measures.

**SHALL WE SKATE ON THE ICE?
YES, BUT FOLLOWING THE COMPETITION RULES**

by *Ilaria Sticchi**

Summary: 1. Background – 2. The result of Commission’s investigation – 3. Implications of the Commission’s decision – 4. The ISU’s appeal – 5. The main aspects of the General Court’s assessment – 6. Comments on the competition law perspective – 7. Conclusions on arbitration corner – 8. Final remarks

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