

WRITTEN QUESTION P-1123/04  
by Roy Perry (PPE-DE)  
to the Commission

Subject: Recourse to civil courts

The Fédération Internationale de Football Association's (FIFA) current Statutes (Regulations Governing the Application of the Statutes; Standing Orders of the Congress) prevent professional football clubs throughout the EU from having recourse to normal legal channels. Article 61 of FIFA's Statutes states that:

'Recourse to ordinary courts of law is prohibited unless specifically provided for in the FIFA regulations.

To ensure the foregoing, the Associations shall insert a clause in their statutes stipulating that their clubs and members are prohibited from taking a dispute to ordinary courts of law and are required to submit any disagreement to the jurisdiction of the Association, the appropriate Confederation or FIFA.'

According to the Statutes, should the clubs have a dispute with FIFA or other stakeholders involved in football, they must address their complaint to a special Court of Arbitration for Sports in Switzerland. Article 59 of FIFA's Statutes states:

'FIFA shall create an option for recourse to the Court of Arbitration for Sport, an independent arbitration tribunal with headquarters in Lausanne (Switzerland), to resolve any disputes between FIFA, the Confederations, Members, Leagues, Clubs, Players, Officials and licensed match agents and players' agents.'

Could the Commission clarify whether FIFA's Articles 59 and 61 are compatible with EU internal market principles and with EU law (for example, Article 81 of the Treaty establishing the European Community)?