



*Research and Documentation
Directorate*

RESEARCH NOTE

Nationality requirements in amateur athletics competitions

[...]

Subject: Member State sports federation rules on athletics in the European Union and certain specific rules on senior sport categories (over 30 and over 35 age groups)

[...]

December 2018

[...]

I. OVERVIEW

1. This research note provides an update on the information on Member State sports federation rules on athletics in the European Union to be found in the ‘Study on the equal treatment of non-nationals in individual sports competitions’ (pp. 139 to 142), carried out in 2010 for the European Commission by T.M.C. Asser Instituut,¹ and reports on certain specific rules on senior sport categories (over 30 and over 35 age groups).
2. This note focusses on the identification, in the national regulatory systems concerned, of any nationality requirements which apply to the participation of amateur sportsmen and women in athletics competitions, which requirements are presented in tabular form, following the same method of analysis and presentation as is used in the 2010 reference study, which is as follows:
 1. Sport without discriminatory provisions based on nationality;
 2. Unrestricted access to national championships;
 3. Unrestricted access to national competitions;
 4. Access subject to club membership and/or clearance from the federation to which the athlete belongs (licences, revocation, etc.); possible exemptions;
 5. Access to national championships but bar on establishing a national record;
 6. Access to national championships but bar on becoming a national champion;
 7. Access to national championships but bar on scoring points or receiving medals;
 8. Residence requirement for participation in competitions;
 9. Local and regional championships and competitions;
 10. No access to national championships;
 11. Specific provisions on the participation of foreign athletes over 30 years of age (Seniors/Masters);
 12. Regulations of the International Association of Athletics Federations (IAAF).
3. This note discusses the rules applicable in **Germany, Austria, Belgium, Cyprus, Denmark, Spain, France, Italy, Slovenia** and **Sweden**,² and is based on the

¹ See the study commissioned by the Commission on the equal treatment of non-nationals in individual sports competitions, December 2010, by T.M.C. Asser Instituut, Edge Hill University and Leiden University, p. 256, available at: http://edz.bib.uni-mannheim.de/daten/edz-b/gdbk/10/study_equal_treatment_non_nationals_final_rpt_dec_2010_en.pdf.

² The study carried out by T.M.C. Asser Instituut covered the sporting regulations of the 27 Member States of the European Union in 2010. After a swift review of 18 Member States, carried out in November 2018,

documents available mainly on the websites of the national athletics federations of the Member States reviewed.³ The data gathered for 2018 has been compared with the information initially contained in the annexes to the 2010 study.⁴ There have also been updates to the relevant texts of the International Association of Athletics Federations (IAAF).

A. METHODOLOGY

4. Many of the applicable texts, which are of a technical nature relating specifically to the field of sport, contain terminology the precise meaning of which and the relationship of which to other provisions do not necessarily accord with the usual legal, legislative or regulatory standards, which thus requires a considerable effort of interpretation of the relevant rules, which, in many cases, have not been harmonised and may even be fragmentary. In some cases, the authors of the present note have contacted the federations concerned directly, in order to obtain clarification.⁵
5. This state of affairs may largely be explained – as indeed the national experts consulted in 2010 noted – by the special nature of the rules in question, the sources of which, in the great majority of cases, are sporting federations generally having the status of associations, the rules created by which being, therefore, of a private-law nature and developed, in large part, autonomously. Consequently, care must be exercised in the use of the information garnered and comparing the various sets of rules, from a comparative law perspective, is often a complex matter.
6. In so far as concerns the format of the summary tables set out in the third part of this research note, where the texts identified were available in French they have been directly incorporated into the tables in their original form; where the texts were not available in French, the main points relevant to the criterion in question have been summarised.
7. In addition, in so far as concerns the categories used in the summary tables, by contrast with the annex to the initial 2010 study setting out the athletics sports reports (typology by category) (pp. 139 to 142), in which the criteria used appear to be alternatives (whereas, in fact, certain systems of rules are not so clear-cut and a single text may cover several hypotheses), the results for each of those categories must be understood as being complementary, which will make the material easier to understand and point up the relationships between general rules and possible exceptions.
8. As regards the methodology used in relation to the subject matter of this research, certain particular features should be noted. Athletics comprises mainly individual

it became apparent that there was limited or little access to the relevant regulations in almost half of the Member States considered. The Member States ultimately selected for the purposes of the present research note are those for which the relevant rules and regulations appeared accessible and sufficiently complete.

³ See the note from the Projects and Terminological Coordination Unit of 5 November 2018 ‘*Demande de recherche documentaire concernant la réglementation des fédérations sportives des États membres en matière d’athlétisme*’ (annex).

⁴ See the national multidisciplinary reports annexed to the Study on the equal treatment of non-nationals in individual sports competitions, December 2010, by T.M.C. Asser Instituut, Edge Hill University and Leiden University, available at: <http://suiivi2/generiqueServlet?typeServlet=FR&numFicheDe=13375>.

⁵ It is appropriate, from the outset, to point to the fact that, in the identification of the relevant rules of each of the national legal system studied, the same difficulties presented themselves as were initially encountered by the national experts consulted for the 2010 reference study (see in particular pp. 17 and 18). Particular difficulties arose in obtaining access to documentary sources, which were not always complete or even accessible at all, and thus their exhaustiveness remains in question.

sports and the present study is confined, as far as possible, to events in which the participant's performance is in an individual capacity and is recorded as such (events such as relay races, which are collective by nature are excluded). The boundary between individual sports and group sports is not, however, always clear in the texts and may in some cases create confusion: depending on the way in which events are organised in a given national competition or championship, some sporting performances may be individual but may at the same time be recorded by club, selection or team.

9. It should also be noted that, in some cases, as an alternative to a bar on the participation of foreign athletes in events, a quota mechanism may apply to non-nationals, for example, when representing a club in an event, or when participating in qualifying rounds or in final rounds. Such cases were not covered by the initial typology used in the 2010 study and are subsumed under either point 2. 'Unrestricted access to national championships' or point 3. 'Unrestricted access to national competitions', depending on the case.
10. In some instances, foreign athletes may be allowed to take part in events, yet their performance will not be taken into account in the final ranking and they will be given a non-competition ranking (or 'outside ranking'). In other cases, specific events may be specially organised for amateur athletes who are not members of a club. Lastly, in addition to membership of the national federation (point 4) or residence requirements (point 8), some regulations may expressly stipulate membership of a foreign federation (this case is covered, in part, by the IAAF regulations cited in point 12 of the summary tables).
11. Finally, it should be noted that the classification of athletes as 'Seniors' varies in the systems studied. While in some systems, this class begins at 23 years of age (and the classification of 'Master', for example, will apply to the next age category), in other systems, the 'Seniors' category begins at 30 years of age, or even older. The details of each age classification are stated in the introduction to each national regulatory system studied (see Section C. Introductory notes on the national regulatory systems). Point 11 of the summary tables, which records the specific rules for this class of foreign athlete, has therefore been drafted on the basis of the age category potentially concerned (over 30 years of age), rather than on the basis of the title given, which may vary from one country to another (Seniors, Masters, Veterans, etc.). Provisions relating specifically to this class of athlete that may be relevant under other points (establishing a national record, becoming a national champion, receiving medals, residence requirements, etc.), including those that do not specifically relate to foreign athletes, are also summarised under point 11 of the tables.

B. THE MATTERS ANALYSED

12. First of all, the various systems of rules dealt with in this research note generally do not make any distinction between professional and amateur athletics (in particular, **Germany, Austria, Denmark and France**).

13. In so far as concerns the existence of nationality requirements which limit access for foreign athletes to athletics competitions, all of the systems of rules studied permit foreign athletes to participate in competitions, to one degree or another, and so none of them is completely closed. As regards the existence of general non-discrimination clauses (point 1), many of the national systems contain a reference to the principle of free access for all to the practice of athletics (**Cyprus, Denmark, Spain, France, Italy and Slovenia**).
14. As regards access to national championships (point 2) and national competitions (point 3), most of the systems of rules identified (with the exception of **Germany**, the country in question in the main proceedings) allow foreign athletes to participate, although certain mechanisms may apply (quotas: in particular, **Belgium, Denmark, Spain, France, Slovenia**; a prohibition on heats for competitors who have failed in a previous round: **Spain**); certain restrictions on the potential effects of the participation of foreign athletes may apply (in particular, **Austria, Belgium, Cyprus, Denmark, Spain, France, Italy, Slovenia**: see points 5 to 7), or foreign athletes may be required to meet certain conditions (see, in particular, points 4 and 8).
15. With the exception of certain limited events organised specifically for amateur athletes who are not members of a club (in particular, in **France and Belgium**), all the federations make access to national championships and national competitions conditional on membership of a club (point 4) recognised by the national federation or a regional federation (as to which it is necessary to consult the relevant federation), or, in the case of athletes not holding any kind of national membership, in some cases, on obtaining a special authorisation (**Germany, Spain**), which may also apply where the athlete holds a foreign club membership (in particular, **Germany, Cyprus, Spain and France**; see also the relevant remarks under points 2 and 3). Membership and participation in events are frequently subject to a requirement of residence in the country (point 8) (see **Austria, Cyprus, Spain, Italy, Slovenia, Sweden**), although that is not a requirement under the regulations applicable in **France and Belgium**.
16. In so far as national records are concerned (point 5), the vast majority of the systems of rules analysed expressly prohibit their being awarded to foreign athletes (**Germany, Austria, Belgium, Cyprus, Denmark, France, Slovenia, Sweden**). The position is much the same in so far as concerns becoming a national champion (point 6) (see **Germany, Belgium, Denmark, Spain, France, Italy, Slovenia**), although, here again, not all regulations deal with this matter explicitly (for example **Austria**). **Sweden** does, however, allow foreigners to become national champions (subject to the fulfilment of other conditions of participation). **Cyprus** also appears to allow this. In so far as concerns the awarding of points and medals to foreign athletes (point 7), while most of the regulations considered allow for points to be awarded (**Germany, Cyprus, Spain, France**), the rules in **Germany, Denmark, Spain, France and Slovenia** expressly provide that foreign athletes may not be awarded medals or a place on the podium (**Belgium**). Certain specific awards may be given to foreign athletes in **Spain and France**, but these appear to reward participation in events rather than performance in the strict sense. Lastly, while the regulations in **Cyprus** do not appear expressly to prohibit the award of medals to foreign athletes, they do not permit them to receive monetary prizes.
17. The rules in **Germany, Austria, Belgium, Spain, France, Italy and Sweden** all make provision, however, for the participation of foreign athletes in local and regional competitions (point 9).

18. Finally, while all the systems of rules identified contain provisions relating to athletes in the over 30 and over 35 age categories (Seniors or Masters, depending on the country), it is only in **Denmark, Spain, Italy** and **Slovenia** that there are specific provisions for foreign athletes in these age categories.

[...]

GERMANY

The professional athletics association in Germany (Deutscher Leichtathletik-Verband; ‘the DLV’) is an association registered in accordance with Article 21 of the German Civil Code. The DLV has adopted regulations relating to athletics and to access to competitions for foreign athletes.

The German regulations on athletics (Deutsche Leichtathletik-Ordnung; ‘the DLO’) contains the majority of the rules referred to below. The DLO has been reformed a number of times, the last version entering into force on 1 January 2019.⁶

The general regulations for the German championships (Allgemeine Ausschreibungsbestimmungen für deutsche Meisterschaften; ‘the AADM’) contain special rules regarding the publication and organisation of the national championships. The option of specifying conditions for participation in the national championships different from those laid down in the DLO is provided for in Paragraph 5.2.3 of the DLO.

A reform of the AADM entered into force in 2017. Prior to that, foreigners domiciled in Germany were entitled, subject to certain conditions, to participate in national championships. Since the reform, only athletes of German nationality are allowed to participate fully, while foreign athletes may participate without ranking. A number of justifications were put forward for this reform (source: article posted online by the DLV on 22 November 2016).⁷ First of all, prior to the reform, circumvention of the conditions of participation was prevalent; in some cases, there was falsification of the date of joining a sports association or of an athlete’s date of birth. The reform was also consistent with the regulations in other countries, where the criterion of nationality is also decisive. In addition, the national championships are used to select athletes who will participate in international championships, which grant licences on the basis of nationality. The reform was therefore of assistance in the selection of the athletes participating in international championships. Finally, according to the DLV, the reform does not have a negative effect on the integration of foreign athletes, inasmuch as it relates only to the national championships. Foreign athletes remain free to participate in other competitions.

In parallel with the national federation, regional athletics associations adopt their own regional regulations. Divergence from the DLO is permissible. For example, the Nordrhein regional association imposes no nationality requirement for participation in the Nordrhein regional championships.⁸

The rules of the International Association of Athletics Federations (IAAF) are also a source of rules relating to athletics.

Lastly, it may be noted that, in Germany, the conditions governing the participation of foreign athletes are not determined by whether the athlete is an amateur or a professional, or by whether the athlete is participating in an individual capacity or as a member of a federation.

[...]

⁶ *A priori*, this last reform has no implications for the conclusions drawn [...]

⁷ Available at: <https://www.leichtathletik.de/news/news/detail/teilnahmeberechtigung-fuer-deutsche-meisterschaften-geaendert/>.

⁸ Available at: <https://lvnordrhein.de/content/3-wettkaempfe/6-meldungen/1-basisinformation/0-allgemeine-ausschreibungsbestimmungen-2018.pdf>.

AUSTRIA

In Austria, athletics at national level are organised by the Austrian professional athletics federation (Österreichischer Leichtathletik-Verband; ‘the ÖLV’). Pursuant to Paragraph 1(5) of the Federal Law relating to associations (Bundesgesetz über Vereine), the ÖLV is a federation within which several associations are joined in the pursuit of common interests. The ÖLV is thus a federation of all the Austrian athletics associations.

The ÖLV has adopted its regulations on athletics (Leichtathletikordnung des ÖLV; ‘the LAÖ’). These regulations have been revised, the newest version entering into force on 24 November 2018. Citations are from the new version.

In parallel with the national federation, regional athletics associations adopt their own regional regulations. *A priori*, these rules appear to correspond to the national rules. If, for example, the LAÖ applies the criterion of residence in Austria, the corresponding criterion at regional level in Styria will be residence in the *Land* of Styria.

It may be noted that, in Austria, the conditions governing the participation of foreign athletes are not determined by whether the athlete is an amateur or a professional, or by whether the athlete is participating in an individual capacity or as a member of a federation.

In national championships, there is a rule of discrimination on grounds of nationality, although there is a degree of flexibility in the case of residence in Austria. In other competitions, access appears to be more open.

[...]

BELGIUM

The organisation of sporting disciplines in Belgium

Athletics competitions in Belgium are organised in accordance with the rules laid down by sporting federations established in the form of non-profit associations. A sporting federation is an association of sports clubs that deals with both the organisation of sport for all and the organisation of sports at a high level.⁹ Since sport comes under the jurisdiction of the various communities in Belgium, the national athletics federation, which is the Ligue royale belge d’athlétisme (‘the LRBA’), was divided into two federations in 1978 in accordance with the language regimes of the various communities:

- the Vlaamse Atletiekliga (‘the VAL’), for the Flemish-speaking community, and
- the Ligue Belge Francophone d’Athlétisme (‘the LBFA’), for the French-speaking and German-speaking communities.

The LRBA still exists as Belgium’s (only) representative within the European Athletic Association (EAA) and the International Association of Athletics Federations (IAAF). However, its decision-making and managerial bodies comprise an equal number of appointees from each of the two community federations and its Joint Presidents are the respective Presidents of the VAL and the LBFA. It is for the community federations to adopt the sporting regulations applicable to competitions and championships within their respective

⁹ The authorisation and subsidising of these federations is governed by the Decree of 8 December 2006 on the organisation and subsidising of sports in the French-speaking community (*Moniteur belge*, 20 February 2007, p. 8 236) and the Decree of 10 June 2016 on the authorisation and subsidising of the organised sports sector (*Moniteur belge*, 11 July 2016, p. 43 218).

communities. Together (as the LRBA), they adopt the rules governing Belgian championships.

For the purposes of competitions (for both professionals and amateurs), athletes are divided into age categories, which are the same across the country. Athletes over 19 years of age fall into the Seniors category (20 to 35 years of age) or the Masters category (over 35). The Masters category may be further subdivided into various age groups (in increments of five years).

Both the VAL and the LBFA allow non-nationals, including nationals of other EU Member States, who have a right of residence to become members of their clubs.¹⁰ However, participation in competitions and championships for foreigners is subject to the rules laid down in the sporting regulations of the VAL, the LBFA or the LRBA.

Sources consulted

Only the VAL's sporting regulations ('the VAL regulations') were available in full,¹¹ and so the answers given in the summary table below are based principally on those regulations.

The LBFA has published some of the chapters of its sporting regulations ('the LBFA regulations') online, including a chapter on inter-club championships.¹² However, it is apparent from the actual results of competitions and championships that the rules governing the participation of foreigners in other events organised in accordance with the LBFA regulations seem to correspond to those laid down in the VAL regulations.

Given the unavailability of the full LRBA regulations, the information given in the tables is derived, in essence, from a document prepared in view of the 2018 Belgian championship ('the specific LRBA regulations').¹³

It appears that clubs have some degree of freedom regarding the rules governing participation in their local competitions. Generally, they are required to organise their competitions in accordance with the IAAF regulations, subject to specific provisions adopted by the LRBA, the VAL or the LBFA.

[...]

CYPRUS

The Cyprus Amateur Athletic Association ('the CAAA') is the association responsible for organising national athletics championships in Cyprus. The CAAA is a member of the Cyprus Sport Organisation ('CSO'), which comprises all national sports associations. Pursuant to Article 5(2)(κδ) of the Cyprus Sports Organisation Law (Law 41/1969), the CSO may, by decision, resolve any issue relating to the membership of foreign athletes of associations and

¹⁰ Article 6(1)(6) of the LBFA's internal regulations (2012 version) and Article 1(3)(4) of the VAL's internal regulations (2018 version).

¹¹ Sportreglementen jaargang 2019, available at: <https://www.atletiek.be/admin/storage/main/sportreglementen-2019-aanpassingen-in-rood.pdf>.

¹² Chapter VI of the LBFA regulations – Championnats intercercles Masters, available at: https://www.lbfa.be/web/sites/default/files/fichier/chapitre_vi_-_intercercles_masters_2018.pdf.

¹³ Specific regulations: access to final heats and the participation of foreign athletes, available at: https://www.lbfa.be/web/sites/default/files/fichier/cb_tc_2018_acces_finales_et_participation_athletes_etrangiers.pdf.

to their participation in national championships, in accordance with the rules of the various international sports associations.

Under Articles 2(9), 8(7) and 10(8) of the CAAA's statutes (as amended on 18 November 2017), the Board of Directors of the CAAA is to adopt, in general assembly, rules on, inter alia, issues relating to the registration of athletes with the association. However, there is no consolidated set of rules on the participation of foreign athletes in national athletics championships.

Given the absence of rules governing the matter at hand, the information given in the summary tables below is derived from a discussion held with the CAAA. Consequently, the information provided in the summary tables is not always supported by precise references ('No identified text').

The participation of foreign athletes in national championships is subject to the conditions appended to the CAAA's registration sheet, to the conditions published in each competition notice and to the conditions laid down in the IAAF's international regulations.

It follows that amateur athletics in Cyprus is relatively open to foreign participation, subject to a residence condition, as mentioned in the summary table below, at point 8.

[...]

DENMARK

The Danish Sports Confederation (Dansk Idrætsforbund) comprises various specialised sports federations, such as the Danish Athletics Federation (Dansk Atletikforbund). The Danish Sports Confederation is the national Olympic committee.

The Danish Sports Confederation has its own private-law rules which govern its activities.

Regulation VI, entitled 'Common provisions for championships of the Danish Sports Confederation', provides, in Article 6 thereof, that 'members of equivalent foreign specialised federations may – pursuant to a decision of the special organising federation – participate in individual championships or as a team in team championships, but may not be awarded the title of 'Danish champion' or receive medals in the championships of the Danish Sports Confederation.'

The Danish Athletics Federation also has its own private-law rules which govern its activities.

Section 9 of the rules of the Danish Athletics Federation, headed 'Entitlement to compete in events and switching clubs', Section 16, headed 'Foreign nationals in Danish championships', and Section 17, entitled 'Provisions relating to records', contain the rules cited in the summary tables below.

In the tables, 'DAF' means the Danish Athletics Federation, and 'DM' indicates the Danish championship.

The Seniors category is for athletes of 23 years of age and over, and the Masters category is for athletes of 30 years of age and over.

[...]

SPAIN

Under Spanish law, the Real Federación Española de Atletismo (Royal Spanish Athletics Federation; ‘the RFEA’) ¹⁴ is the national sports body that establishes the regulations relating to athletics. These regulations are amended annually for each season in accordance with the requirements of the IAAF regulations. They comprise two sets of rules, one governing competitions (which lays down the general and specific rules relating to Spanish competitions and championships) and the other relating to the issue of sporting licences (the Regulation on federation licences 2018-2019).

In so far as concerns foreign participation in Spanish competitions and championships, both the (autonomous) regional athletics federations and other sports bodies are required to remove any hindrance or restriction preventing foreigners legally resident in Spain from participating in the ‘*non-professional sporting activities*’ which they organise. ¹⁵ To that end, sports bodies are required to amend any provisions that may hinder the participation or create a restriction on the participation of foreigners in competitions and championships. ¹⁶

Generally, the Regulation on federation licences 2018-2019 provides that, in order to participate in sporting activities or official competitions at national level, foreigners must be in possession of a federation licence issued by the RFEA. ¹⁷ Foreigners who fulfil the necessary conditions, in accordance with that regulation, may be regarded as ‘athletes’. ¹⁸

Individuals may apply directly for a licence or apply through an (autonomous) regional athletics federation ¹⁹ depending on geographical location or the individual’s legal place of residence.

In so far as the classification of athletes is concerned, in accordance with Article 38 of the Regulation on federation licences 2018-2019, for each season, athletes are classed in the following categories (men and women): Masters, Seniors, Under 23s, Under 20s, Under 18s, Under 16s, Under 14s, Under 12s, Under 10s, Under 8s. As regards the Masters and Seniors classifications, athletes are classed according to age:

- Seniors: athletes who, in the course of the year, will reach the age of 23 or over;
- Masters: from 35 years of age onwards.

In the event that all Under 23s categories and/or Seniors and/or Masters compete together, the regulations for each competition must provide both for rankings in each category and for an ‘absolute’ ranking. ²⁰

¹⁴ The RFEA is a private-law body having legal personality whose activities cover all of Spain. It comprises (autonomous) regional federations, sporting clubs and other interested groups which promote, practice or contribute to the development of sport (Law 10/1990 of 15 October 1990 on the regulation of sport, ‘Spanish Sports Federations’, Article 30 and the statutes of the RFEA).

¹⁵ Article 32(2) of Law 10/1990 of 15 October 1990 on the regulation of sport, and the second additional provision of Law 19/2007 of 11 July 2007 on combating violence, racism, xenophobia and intolerance in sport.

¹⁶ Second addition provision, point (2) of Law 19/2007 of 11 July 2007 on combating violence, racism, xenophobia and intolerance in sport.

¹⁷ Article 1 of the Regulation on federation licences 2018-2019. See also Article 7(5) of Royal Decree 1835/1991 of 20 December 1991 on Spanish sports federations and Article 16 of the RFEA’s statutes.

¹⁸ Article 3 of the Regulation on federation licences 2018-2019.

¹⁹ Article 2 of the Regulation on federation licences 2018-2019.

²⁰ Competition regulations, general regulations, (A) rules on participation, point 12.

Finally, special rules for the national championships in the Masters category are laid down in the competition regulations.

[...]

FRANCE

The rules which apply to athletics in France are adopted by the Fédération Française d'Athlétisme (the French Athletics Federation; 'the FFA'), which is an association governed by the Law of 1 July 1901 (as a non-profit body) and its object is to 'organise, develop and supervise the practice of athletics in all forms, to organise the training of all involved in the sport, to protect the moral and material interests of French athletics and to ensure the representation of French athletics internationally' (Article 1(1) of the FFA's statutes).²¹

The federation groups the athletics sports associations (the 'clubs') affiliated to it (Article 2 of the FFA's statutes), responsible for organising and developing the practice of athletics and/or organising athletics events (Article 3 of the FFA's statutes). The FFA is affiliated to the International Association of Athletics Federations (IAAF) and the European Athletic Association (EEA). As such, it 'recognises, approves, applies, observes and complies with the current statutes, rules and regulations of the IAAF²² and the EEA, and any amendment thereto, provided that it is not contrary to French law' (Article 1(10) of the FFA's statutes).

The FFA issues individual athletics licences (Article 11 of the FFA statutes), which are required in order to participate in the operations of the FFA and in athletic sporting activities (Article L.131-6 of the Code du Sport (Sports Code)). Licences, issued in the name of a club, qualify their holder for that club (Article 2(2)(1) of the FFA's General Regulations).²³

The FFA has adopted a body of applicable texts, including the General Regulations, a charter of ethics and duties and numerous sports and technical texts relating to the organisation of competitions annually, and thus to the participation of foreign athletes in such competitions, subject to certain conditions, whether the athlete is licensed by the FFA or licensed by another national federation.

Each year, the FFA draws up a national calendar of competitions for the following events (Article 3(2)(1)(1) of the FFA's General Regulations):

- Championships, criteriums, French Cup and challenges;
- Selection events for the formation of teams;
- *Rencontres* (or matches);
- Track meets, including meets organised by clubs (*meetings*);
- Open competitions in which unlicensed athletes and athletes holding a participation licence may compete.

²¹ Available at: <http://www.athle.fr/asp.net/main.html/html.aspx?htmlid= 24>.

²² Article 3(7)(1) of the FFA's General Regulations, which concerns the participation of athletes belonging to foreign federations in events organised by the FFA, refers to the former Articles 12(3) to 12(6) of the IAAF's regulations, now identified as referring to Rule 4 of the IAAF's 2018 regulations.

²³ The FFA's General Regulations also make provision for the issue of '*titres de participation*' (participation licences) for certain events (cross-country, road races, mountain races, nature races, obstacle races, with the exception of all championships) for individuals who are not otherwise licensed (Article 2(4)). It does not appear that participation licences are used as a means of managing the participation of unlicensed foreign athletes.

With the exception of a few very specific provisions (transfers of licenced athletes between clubs), the relevant FFA texts, including those relating to participation in events, make no distinction between professional and amateur athletes.

In France, the Senior category (or ‘Elite’ category, for certain events) covers athletes of between 23 and 39 years of age, and the Masters category athletes of 40 and over who, in some competitions, may compete for the title in the Senior or Elite categories. The summary table below sets out, in point 11, the specific provisions relating to Seniors and Masters competitions taken from the national competition regulations for the winter period, 1 November 2018 to 15 April 2019. The regulations for national summer competitions in 2018 contained the same type of specific provisions for Seniors and Masters for other types of event. There are no specific provisions for foreign Senior or Masters athletes.

Depending on the event, the technical texts adopted by the FFA in relation to the organisation of various athletics competitions provide for the registration of athletes for individual competitions by club or by club team, resulting in individual rankings and, depending on the event, also club rankings, which sum up the individual performances of the club team. Under these regulations and according to the event, a limited number of foreign athletes may be stipulated.

It may also be noted that where reference is made to a ‘foreigner’, an express distinction is not necessarily drawn between foreign athletes holding a French licence and foreign athletes holding a foreign licence and participating in an event organised in France under the *aegis* of the FFA.

It should also be noted that the only precise definition of ‘foreign’ athlete identified (leaving aside the reference to the IAAF regulations made in Article 3(7)(1) of the FFA’s General Regulations) is to be found in the criteria listed in the General Regulations in relation to ‘team’ competitions: ‘In all age categories, athletes are regarded as foreign if their licence does not state that they hold French nationality’ (Article 3(2)(1)(5)). Finally, contrary to the statement in Article 11(3) of the FFA’s statutes, the General Regulations (in the version of 11 June 2018) no longer contemplate foreigners ‘residing in France’, but instead refer to foreigners solely with reference to past performance, without any specific residence criteria (Article 2(1)(4) of the FFA’s General Regulations).

[...]

ITALY

The information set out in the summary tables below is drawn from the texts governing the activities of the Italian Athletics Federation (the Federazione Italiana di Atletica Leggera; ‘FIDAL’). More specifically, the rules reported in the tables are drawn, first, from the FIDAL general regulations adopted in July 2016 by the Italian National Olympic Committee (the Comitato Olimpico Nazionale Italiano; ‘CONI’) and FIDAL’s federal statutes of January 2015, which contain the general rules applicable to athletics. However, these regulations refer, for the purpose of illustrating the specific rules which govern sporting competitions, to a whole series of specific texts adopted each year concerning (i) the provisions on membership and transfers, (ii) FIDAL’s general provisions in relation to activities, and (iii) FIDAL’s provisions relating to the organisation of track events. For the purposes of this research note, reference will therefore be made to ‘FIDAL’s 2018 provisions on membership and transfers’, to ‘FIDAL’s 2019 general provisions on activities’ and to ‘FIDAL’s 2019 provisions on the

organisation of sporting events – track events’.

As regards, more specifically, the definitions adopted at national level of particular relevance to this research note, Article 10 of FIDAL’s general regulations defines amateurs as a class of sportsmen and women who practise a sport for recreational purposes and who may participate in a limited number of sporting events, provided that they produce a medical certificate and are members of FIDAL (for which purpose they may, by contrast with athletes, register directly, without being a member of a club or sports association affiliated to FIDAL). In accordance with Article 5(2)(c) of FIDAL’s federal statutes, the term ‘athlete’ applies solely to sportsmen and women who are members of an association affiliated to FIDAL and who practice a professional or non-professional sporting activity. Article 1(2)(e) of FIDAL’s general regulations defines foreign athletes as all athletes possessing citizenship other than Italian citizenship, that category therefore including nationals of other EU Member States and nationals of third countries.

As regards, more generally, the definition of sporting activity in the field of athletics, Article 1(3) of FIDAL’s federal statutes merely distinguishes between (i) the practice of sports by amateurs, (ii) the non-professional practice of sports, and (iii) professional sporting activity (albeit no further information is given regarding the distinctions between these three types of sporting practice).

In so far as concerns, inter alia, the general principle governing the participation of foreign athletes in athletics competitions in Italy, Article 9(2) of FIDAL’s general regulations provides that the societies affiliated to FIDAL may grant licences to all EU citizens, without limitation. In addition, Article 11(17) of the general regulations provides that such affiliation entitles the foreign athlete to participate in all authorised federal competitions with the same rights and obligations as Italian athletes, subject to any restrictions laid down in the specific regulations pertaining to individual sporting events.

As regards the restrictions laid down in the specific regulations referred to above, reference should be made to the summary tables below for an explanation of the specific rules governing the participation of foreign athletes in the international, national, regional and provincial competitions organised by FIDAL.

It is worth noting here that it is the ‘Provisions on membership and transfers’ adopted by FIDAL in 2018 that give the definitions of the various categories of athlete: the Senior classification thus covers, in Italy, sportsmen and women of 23 years of age or over, the class of Master 35 (for those between 35 and 39), Master 40 (for those between 40 and 44), Master 45 (for those between 45 and 49), Master 50 (50 to 54) and so on, in five-year increments, up to Master 95 (95 years of age and over).

[...]

SLOVENIA

It may immediately be noted that, in Slovenia, one of the general principles governing sport is that there must be no discrimination on grounds of nationality. However, that principle solely concerns residents in the Republic of Slovenia.²⁴

As regards athletics more specifically, the Athletic Federation of Slovenia (the Atletska zveza

²⁴ Article 3(1) of the Zakon o športu (Law on sports, *Official Journal of the Republic of Slovenia*, No 29 of 9 June 2017).

Slovenije, ‘the AFS’) is a private-law federation whose members are the individual clubs active in the various athletic disciplines. The AFS is also a member of the International Association of Athletics Federations (IAAF).²⁵

In accordance with its statutes, the AFS carries on various activities including the organisation of athletics competitions.²⁶ The criteria for participation in athletics competitions are determined by the AFS’s committee of experts.²⁷ While the AFS attends to the organisation of competitions for athletes, there is a specific association entrusted with the organisation of competitions for Senior athletes (the Seniors Athletics Association, ‘the SAA’). According to the definition adopted by the SAA, which is based on relevant international texts, a Masters athlete is a man or woman who is a member of an association recognised by European Masters Athletics (EMA) or by World Masters Athletics (WMA) and is aged, in the year in which the competition is organised, 35 or over (‘a Masters athlete’).²⁸ The SAA is also a member of EMA and WMA,²⁹ the international Masters athletics associations whose statutes lay down the definition of a Masters athlete.

However, despite the fact that there are different regimes for athletes and for Masters athletes, as described in detail in the summary tables below, there are certain similarities between the two regimes, in so far as concerns the participation of foreign athletes and foreign Masters athletes in championships and competitions.

The general regime for athletes

There is a general regime for competitions in Slovenia which applies to all athletes, including foreign athletes. Each year, the AFS adopts the general rules which apply to the participation of athletes in all of the competitions organised. For the purposes of the present research note, reference is made to the manual for the 2018 athletics season, which includes the general rules for participation in competitions for the year 2018 (the general regime)³⁰ and those which relate to SAA competitions (the special regime).³¹

The general regime addresses two categories of foreign athlete: those residing permanently in Slovenia who possess an authorisation from the Ministry of the Interior and are members of a club, and foreign athletes who do not reside permanently in Slovenia, who may participate in certain national championships, albeit to a limited extent.

The special regime for Masters athletes

A special regime exists for foreign Masters athletes, which addresses, more specifically, the possibility of receiving medals at certain running competitions. It is expressly provided that foreign Masters athletes participating in certain running races may receive medals. However, it appears that that is not the case in national championships.

²⁵ Article 2 of the Statut Atletске zveze Slovenije (the AFS’s statutes).

²⁶ Article 9, second paragraph, point 3, of the Statut Atletске zveze Slovenije.

²⁷ Article 39, third paragraph, of the Statut Atletске zveze Slovenije.

²⁸ See the Priročnik za atletsko sezono 2018 (2018 season manual): Splošne določbe prvenstvenih tekmovanj (general provisions relating to competitions), p.21. Available at: http://slovenska-atletika.si/wp-content/uploads/2018/01/2_Splosne-dolocbe.pdf.

²⁹ See: <http://european-masters-athletics.org>.

³⁰ The title in Slovenian is ‘Splošne določbe prvenstvenih tekmovanj’ (General competition rules). Available at: http://slovenska-atletika.si/wp-content/uploads/2018/01/2_Splosne-dolocbe.pdf.

³¹ The title in Slovenian is ‘Tekmovanja združenja atletskih veteranov’ (Seniors Athletics Association Competitions). Available at: http://slovenska-atletika.si/wp-content/uploads/2018/01/8_Veterani.pdf.

Conclusion

In Slovenia, the principle prohibiting discrimination on grounds of nationality applies to sport. As regards, more specifically, the participation of foreign athletes in competitions, a distinction between national championships and other competitions is made both in the general regime and in the special regime. Whilst, with regard to the first category of athletes is concerned (Seniors), it is not possible to receive medals or to become a national champion, there does not appear to be any such limitation applicable to the second category of athletes (Masters). The rules which apply to athletics competitions expressly recognise the term 'Masters athlete' and create a specific regime for such athletes which, in so far as foreign Masters athletes participating in running races are concerned, is broadly similar to the general regime for the participation of foreign athletes in competitions. The regulations of the athletics associations do not appear to draw any distinction between professional athletes and amateurs with regard to participation in competitions. In this regard, therefore, there appears to be a certain similarity between the general and special regimes.

Lastly, it is possible for foreign athletes to acquire, subject to certain conditions, Slovenian nationality by way of a special naturalisation procedure.³² This might also be available to foreign Masters athletes, which would make it possible for them, after naturalisation, to participate in competitions in the same way as Slovenian nationals.

[...]

SWEDEN

The official Swedish rules relating to athletics competitions, for amateurs in particular, are laid down by the Svenska friidrottsförbundet (Swedish Athletics Association, 'the SFIF') and are set out in the 'rule book' for 2018.³³ The SFIF is a non-profit association unconnected with any public authority. There is no specific legislation governing non-profit associations in Swedish law. Such bodies, which play a very important role in Swedish society, are to a large extent free to formulate their own statutes as they see fit, provided that they do not infringe any binding rules or legislation. In so far as the association in question is not entrusted with any public administrative tasks, it is, as a general rule, accepted that non-profit associations are not required to observe democratic principles in the way in which they operate.³⁴

The SFIF establishes the rules relating to athletics competitions on the basis of the relevant regulations of the International Association of Athletics Federations (IAAF).³⁵

The general rule is that, in order to participate in an athletics competition in Sweden, it is necessary for the participant to represent an association that is a member of the SFIF. However, foreign participants in possession of a competition authorisation issued by their national federation may take part in national competitions.³⁶ That does not, however, apply to national and regional championships.

That said, individuals not of Swedish nationality may, subject to certain conditions, obtain

³² Article 13 of the *Zakon o državljanstvu Republike Slovenije* (Law on Slovenian nationality, *Official Journal of the Republic of Slovenia*, No 24/07).

³³ Available at: <http://www.friidrott.se/docs/regelboken2018.pdf>.

³⁴ Hemström, C., *Organisationernas rättsliga ställning. Om ekonomiska och ideella föreningar*, Norstedts juridik, 8th edition 2011, p. 39.

³⁵ Chapter B, point 2.2.2, of the 2018 rule book.

³⁶ Chapter D, point 1.3.1, of the 2018 rule book.

authorisation to represent a Swedish association that is a member of the SFIF.³⁷ The rules governing such authorisations impose a requirement of residence in Sweden as a condition of participation in national competitions.

Athletes are grouped into various categories according to age, including Masters ('Veteraner') from 35 years of age onwards.

[...]

INTERNATIONAL ASSOCIATION OF ATHLETICS FEDERATIONS (IAAF)

The IAAF's rules governing the organisation of international competitions, in force with effect from 1 November 2017, are contained in the 'Competition Rules 2018-2019'.

In accordance with Rule 2.7 of that document, federations affiliated to the IAAF may authorise the organisation of national competitions, and foreign athletes may participate in those competitions, subject to compliance with Rules 4.2 and 4.3. No athlete may participate in any national athletics competition if he is ineligible to participate under the rules of the IAAF, of the host federation or of the national federation to which he is affiliated.

Under Rule 4.1, no athlete may take part in an international competition unless he or she (a) is a member of a club affiliated to a member federation, or (b) is personally affiliated to a member federation, or (c) has otherwise agreed to abide by the rules of a member federation, or (d) has been granted special eligibility by the Council to compete in that international competition as a neutral athlete (an athlete who is granted special eligibility by the Council to compete in one or more international events in an individual capacity and who satisfies at all relevant times any conditions to such eligibility specified by the Council) and, in the case of competitions at which the IAAF is responsible for doping control, has signed an agreement in a form set by the IAAF by which he or she agrees to be bound by the rules and regulations and to submit all disputes he or she may have with the IAAF or a member federation to arbitration in accordance exclusively with these rules.

In accordance with Rule 4.2, a member federation may require that no athlete or club affiliated to the member federation may take part in an international athletics competition in a foreign country or territory without the member federation's written approval. In such a case, no member federation hosting a competition is to allow any foreign athlete or club of the member federation to take part without producing such permit certifying that the athlete or club is eligible and permitted to compete in the country or territory concerned.

Under Rule 4.3, no athlete aged 18 or over (on 31 December 2017) who is affiliated to a national federation may be affiliated to another member federation without previous authorisation from his federation of origin, if the rules of the latter require such authorisation. Even then, the national federation of the country or territory in which the athlete resides cannot enter any athlete's name for competitions in another country or authorisation territory without previous authorisation from the national federation of origin.

In all the cases under this rule, the national federation of the country or territory in which the athlete resides is to send a written request to the athlete's national federation of origin, and the latter is to send a written reply to that request within 30 days. If the response of the athletes' national federation of origin is not received within the 30-day period, the

³⁷ However, if the individual in question cannot become domiciled, despite having stayed in Sweden for a long period, the SFIF may still grant an authorisation to represent a Swedish association (see Chapter D, point 1.4.1, of the 2018 rule book).

authorisation is deemed to have been given. In the event of a negative response to a request for authorisation under this rule, which must be supported by reasons, the athlete or the national federation of the country or territory in which the athlete resides may appeal against the decision to the IAAF.

The summary table below sets out, at point 12, the original text of Rules 2 and 4 of the IAAF competition rules 2018-2019.

Finally, it may be helpful to add that Rule 5 concerns the conditions which athletes must fulfil in order to represent a member federation in a representative national international competition, and thus concerns the rules which seek to ensure a real link between an athlete and the country he or she is representing, but not the conditions which national athletics federations may impose on the participation of foreign athletes in international, national, regional and provincial competitions which they host in their own territory.³⁸

[...]

³⁸ Rule 5 was amended by the IAAF Council, with immediate effect, on 27 July 2018. It lays down (i) the principles which govern the eligibility of athletes to represent a member federation in representative national competitions and (ii) the conditions under which an athlete who has represented a member federation in a representative national competition may then switch to represent a different member federation.