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Advocate General's Opinion in Joined Cases C-424/24 and C-425/24 | FIGC and CONI

Advocate General Spielmann considers that EU law precludes legislation that does not allow national courts to annul unlawful sporting sanctions

The competent courts must be able to annul such sanctions and grant, where appropriate, interim measures which ensure the effectiveness of the judgment that will be given in the case

These cases concern ZD and MI, a former chairman and a former administrator of Juventus F.C. (a professional football club), who were sanctioned by the Italian Football Federation (FIGC) ¹ for having participated in a system of artificial capital gains that allowed their club to declare greater profits and assets than they had in reality. After an initial acquittal, the sports disciplinary proceedings were reopened based on evidence communicated by the Italian Criminal Prosecutor's Office. A prohibition on carrying on any professional activity in Italian football for two years was then handed down by the Federal Court of Appeal of the FIGC, and was extended worldwide by the International Federation of Association Football (FIFA). The Italian Sports Guarantee Board of the Italian National Olympic Committee (CONI), the supreme court in the field of sports justice, subsequently upheld the decision.

The individuals concerned have challenged these sanctions before the Regional Administrative Court of Lazio, which is the referring court. That court states that it is required, under national legislation, to declare inadmissible any action seeking to annul or suspend a sports disciplinary sanction. Indeed, if it were to find such a disciplinary sanction to be unlawful, it could only award financial compensation, and not annul the sanction. The Italian court is therefore asking the Court of Justice whether that system is compatible with EU law, in particular with regard to the right to effective judicial protection. Furthermore, it asks the Court whether legislation allowing sports justice bodies to impose on the manager of a sports club a sanction prohibiting him or her from exercising any professional activity in Italian football for two years is compatible with the free movement of people and free competition.

In his Opinion delivered today, **Advocate General Dean Spielmann proposes that the Court declare that the EU rules on the free movement of persons do not preclude** national legislation that allows the imposition of sanctions such as a two-year prohibition on exercising any professional football activities, **provided that such legislation can be justified by the protection of the integrity of sporting competitions and are based on criteria that are transparent, objective, non-discriminatory and proportionate**. Furthermore, he is of the opinion that competition rules do not preclude such a system. There is no evidence to suggest that individual sanctions against directors of sports clubs may distort competition or lead to an abuse of dominant position.

However, Advocate General Spielmann is of the view that **EU law precludes legislation that does not allow national courts to annul unlawful sporting sanctions**. Those courts must be able to annul such sanctions and, where appropriate, grant interim measures to ensure the effectiveness of the judgment that will be given in the case.

He states that the recognition of the autonomy of sports law cannot deprive litigants of the effective judicial protection provided for by EU law.

Lastly, the Advocate General notes that the answer he suggests is based on the premiss that the review by the Italian administrative courts is the only review carried out by 'courts or tribunals' within the meaning of EU law on the legality of

sports disciplinary sanctions, which is a matter for the referring court to verify. If, however, it were found that one of the sports justice bodies could be classified as a 'court or tribunal', the Italian legislation would not be incompatible with the right to effective judicial protection.

NOTE: The Advocate General's Opinion is not binding on the Court of Justice. It is the role of the Advocates General to propose to the Court, in complete independence, a legal solution to the cases for which they are responsible. The Judges of the Court are now beginning their deliberations in this case. Judgment will be given at a later date.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the Opinion is published on the CURIA website on the day of delivery.

Press contact: Jacques René Zammit ☎ (+352) 4303 3355.

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¹ The FIGC is an association governed by private law which has its registered office in Italy. Its purpose is to promote and regulate professional and amateur football in that Member State. It is a member of the International Federation of Association Football (FIFA) and of the Union of European Football Associations (UEFA).