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What Is Going on in Europe? Developments and Complexity in EU Sports Law

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The Court of Justice of the European Union's sports law jurisprudence is complex. This article argues that beneath this complexity lies a coherent framework of conditional autonomy. Sports governing bodies (SGBs) retain regulatory power when their rules serve legitimate objectives and satisfy proportionality requirements. The article traces this framework's evolution from near-complete SGB autonomy (*Walrave, Donà*) to landmark decisions establishing conditional autonomy (*Bosman, Meca-Medina*) and, more recently, to increasingly critical decisions (*Super League and ISU*). By examining the Court of Justice of the European Union's application of freedom of movement and competition law (including the sport-specific Wouters proviso), the article demonstrates that while conditions have grown more demanding, the fundamental framework remains consistent. The article also analyzes the Belgian Competition Authority's 2025 decision on the Union Cycliste Internationale's (hereinafter, UCI) technical gearing standards that illustrates how doctrinal complexity creates practical confusion for national authorities. This article provides practitioners, policymakers, and scholars with an accessible framework for navigating EU sports law, demonstrating that understanding conditional autonomy is essential to making sense of the body of case law.

Keywords: EU sports law, Court of Justice of the European Union, sports governing bodies, conditional autonomy, freedom of movement, antitrust law, proportionality, Wouters proviso, good governance

Introduction

As a former public servant at the Ministry of Culture's Office of Sport, I have found that the Court of Justice of the European Union (CJEU) is far removed from everyday affairs in EU member states. The CJEU's decisions are often perceived as abstract

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and vague.[1] Consider, for example, the following sentence from the *Super League* decision:

> Nor, a fortiori, does the present case involve either the rules which may have been adopted by FIFA and UEFA in respect of other activities, or the provisions of the FIFA and UEFA Statutes on the functioning, organisation, objectives or even the very existence of those two associations, it being observed, in that regard, that the Court has held previously that, whilst enjoying legal autonomy allowing them to adopt rules on, inter alia, the organisation of competitions in their discipline, their proper functioning and the participation of sportspersons therein (…).[2]

With more than 80 words, multiple embedded clauses, and the use of Latin, the reader is forgiven for not following the CJEU's reasoning. Even lawyers specializing in EU law must often read CJEU paragraphs multiple times to extract their meaning. It is a shame that the decisions of Europe's top court are not accessible because they have an enormous impact in Europe and beyond. Furthermore, the problem of inaccessibility may be even greater in EU sports law than in other areas of EU law. The specific nature of sports actors in Europe and the strong political interests of member states have led to very complex CJEU case law.

This article provides a framework and explains the CJEU's sports case law concerning the powerful private bodies regulating European sport, the sports governing bodies (SGBs). That means that it aims to provide practitioners and policymakers with a framework for understanding how EU law constrains sports governance. And, because EU sports law is a rapidly developing legal field, staying informed and knowing how to navigate the complex field is critical.

It is beyond the scope of this article to engage with all aspects of the CJEU's case law concerning SGBs. Therefore, because the case law concerning the governance activities of the SGBs is both the one the CJEU has engaged with the most, and because that line of case law is distinct from other activities, this article only engages with the CJEU's approach concerning the governance activities of SGBs when they set rules for sport.

Therefore, the article focuses on how the CJEU limits SGBs when they, for example, adopt rules concerning what equipment can be used to play the game, anti-doping, and how one qualifies to play in tournaments at the national and club levels. In other words, it focuses on the private rules of SGBs that lack explicit economic motivation

[1] As in most other places, European judges are overburdened, and the complexity of the EU poses significant challenges for national judges (*see* Pavone, 2022).

[2] *See* Case C-333/21, *European Superleague Company*, EU:C:2023:1011, para. 75

but may have indirect economic consequences for those who must adhere to them.[3] Thereby, the article does not focus on the purely commercial activities of SGBs, such as selling broadcasting rights, as discussed by Iñiguez (2025) in this journal.

The article argues that beyond the doctrinal complexity of the CJEU's case law, it is surprisingly straightforward. The CJEU's approach to SGBs' governance activities can best be described as conditional autonomy.[4] That essentially means that sports regulations that are necessary and proportionate to achieving a legitimate objective are permitted under EU law (e.g., anti-doping, health and safety rules) (Keane, n.d.; Weatherill, 2024a). In other words, the CJEU defers to SGBs if their rules impacting EU law have a legitimate purpose and are not excessive.

In order to make that argument convincingly, this article adopts the following structure and proceeds in three parts. The article will first describe the basic framework of EU law by addressing the most relevant rules and how these provisions leave the CJEU significant discretion. That section specifically focuses on antitrust, freedom of movement, and Union citizenship provisions. Understanding the basic framework and how the CJEU applies the rules is crucial to making sense of its sports case law. Next, the article describes how the CJEU has concretely applied the rules to SGBs. Then it addresses the practical consequences of the case law by examining the Belgian Competition Authority's (BCA) decision concerning the American company SRAM, which incorrectly applied the law. Finally, it addresses upcoming cases and future developments and concludes.

Legal Framework

Understanding how EU law constrains SGBs requires grasping a fundamental distinction in the EU legal order: between primary and secondary law. Primary law consists most importantly of the treaties themselves—the foundational texts establishing the EU and its core principles. Secondary law comprises legislation adopted by EU institutions based on the authority granted by the treaties.

For SGBs, primary law has proven far more consequential than secondary legislation. This is because certain treaty provisions have direct effect when they are clear, precise, and unconditional enough to create rights that individuals and companies can invoke directly before national courts. This direct effect is one of the

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[3] Also worth noting, the article does not engage in depth with the issue of decision-making and, more specifically, arbitration, as the CJEU dealt with in the recent Case C-600/23, *Royal Football Club Seraing SA v FIFA and Others*, EU:C:2025:617. Although arbitration is arguably also a governance activity, it is too complex to address in detail here. In EU sports law, it is somewhat of an outlier, not relevant to the long line of CJEU case law.

[4] Weatherill (2024a) and Maduro (2024) describe the approach as conditional autonomy.

EU's distinctive features, distinguishing it from typical international organizations where treaty obligations bind only states. [5]

Therefore, although the EU has the weakest form of competence in the Treaty on the Functioning of the European Union (TFEU) art. 6 and 165 to regulate sport, primary EU law influences SGBs.[6] In principle, the EU can only support, coordinate, or complement the actions of member states in the area of sport, and one would think that the EU has little to say about sport. However, in reality, primary EU law significantly impacts SGBs.

More specifically, provisions of primary EU law regulating the internal market and Union citizenship affect SGBs.[7] When a case has an internal market angle, directly effective provisions of primary EU law concerning the internal market apply.[8] Furthermore, when SGB regulations affect the rights of Union citizens, the provisions of primary EU law concerning Union citizenship are relevant.[9] So far, primary EU law concerning the internal market (freedom of movement and antitrust) has by far impacted the governance of SGBs the most, and the CJEU has relied on Union citizenship provisions only in one case.

Primary EU law's impact on SGBs stems almost entirely from the CJEU's expansive interpretation. The CJEU has adopted a broad view of two critical concepts: what constitutes economic activity (triggering internal market law's application) and what constitutes a restriction (triggering review of potentially unlawful measures).

[5] Bobek (2014) provides a detailed overview of the principle of direct effect.

[6] Here, it is appropriate to elaborate on what constitutes a weak competence. Generally speaking, the EU can act (here, most importantly, by regulating specific areas and sectors) only where EU member states have explicitly given it the competence to do so (this is what is referred to as the principle of attribution). The EU's competences are divided into three categories based on the extent to which the EU can intervene in specific areas, when the EU has exclusive competence (article 3 TFEU) (only the EU can act). When the EU has a shared competence (article 4 TFEU), the Member States can act only if the EU has chosen not to act. Finally, the EU has competence to support, coordinate, or supplement the actions of the Member States (article 6 TFEU). In areas within that category, the EU may not adopt legally binding acts requiring Member States to harmonize their laws and regulations. Sport falls within the latter category, and because the EU has few avenues for intervention, it is considered weak.

[7] The evolution from a purely economic community to one with broader political aspirations is worth highlighting here to give the reader context. The EU has developed significantly from an exclusively economic cooperation among a few member states, as embodied in the Rome Treaty of 1957, to today. Where the EU legislator previously had competence only to regulate matters related to the internal market, the EU can now regulate much broader matters, for example, police cooperation and, to some extent, public health. This transition has clearly influenced the Court's case law. The Court has, for example, in the Commission v. Malta case set limits on how individuals can naturalize in member states without the EU having explicit competence to regulate naturalization in the Treaties (see Case C-181/23, *Commission v. Malta*, EU:C:2025:283).

[8] *See*, e.g., Case C-415/93, *Bosman and Others v UEFA*, EU:C:1995:463.

[9] *See* Case C-22/18, *TopFit and Biffi*, EU:C:2019:497.

Without these broad interpretations, most SGB governance rules would fall outside EU law's scope entirely.

Given that there is no clear definition of economic activity in EU law, defining what is and is not economic is effectively delegated to the CJEU, which has adopted a broad interpretation. The CJEU has broadly interpreted its jurisdiction and applied internal market law in most borderline cases. Essentially, the CJEU has taken advantage of the freedom to define its own jurisdiction left to it by the treaty drafters, who did not define in precise terms when internal market law applies.

As with economic activity, the CJEU has broadly interpreted the concept of a restriction. Consider the so-called Dassonville formula, where the CJEU sets out what it considers a restriction of the freedom of movement of goods: "*All trading rules enacted by Member States which are capable of hindering, directly or indirectly, actually or potentially, intra-Community trade are to be considered as measures having an effect equivalent to quantitative restrictions*."[10]

The CJEU's definition of a restriction in this context is quite expansive. Most rules can hinder trade, directly or indirectly. Moreover, that broad definition of a restriction on the freedom of movement of goods is relevant to other freedom of movement rights, not only to the freedom of movement of goods (Rosas & Armati, 2018, p. 210). As Barnard writes, speeding limitations are arguably trade restrictions under the freedom of movement rules (Barnard, 2013, pp. 81–90).

The CJEU has similarly taken advantage of the vague language of the relevant antitrust rules; EU judges must almost create law from a blank slate, as Frederick Schauer put it, like US lawyers engaging with antitrust (Schauer, 2009, p. 148). For example, in the *Super League* case (discussed in the next section), the CJEU found that there was a restriction by object and an abuse of a dominant position, simply because the Union of European Football Associations (UEFA) and Fédération Internationale de Football Association (FIFA) did not meet good governance standards.[11,12]

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[10] *See* Case C-8/74, Dassonville, EU:C:1974:82, para. 5.

[11] For context, the good governance criteria the Court imposed in the Super League decision were a framework for the prior approval rules governing new football competitions of FIFA and UEFA, which provided for substantive criteria and detailed rules to ensure transparency, objectivity, non-discrimination, and proportionality. FIFA and UEFA have updated their prior-approval rules following the Super League decision. However, as it stands, it seems unlikely that there will be new litigation before the Court to test if those rule changes comply with the Court's broadly formulated good governance criteria imposed in the Super League case. (see Case C-333/21, European Superleague Company, EU:C:2023:1011, paras. 248 and 255)

[12] American readers unfamiliar with EU law may not know that the "cartel provision" of EU law (article 101 TFEU) applies to agreements, decisions (by associations of undertakings), or concerted practices that, by their object or effect, actually or potentially prevent, restrict, or distort competition. Therefore, the Court distinguishes between restrictions by object and by effect. Significantly, both object and effect restrictions restrict competition. However, by object restrictions are generally considered more harmful; therefore, in-depth scrutiny of the harmful effects of

The CJEU also has significant freedom in deciding which restrictions on freedom of movement and antitrust can be justified. When it comes to restrictions on freedom of movement, the CJEU applies the notorious, vague principle of proportionality. The principle entails balancing the considerations behind the measure restricting EU law against those behind EU law itself, such as the creation of an internal market.[13] Of course, balancing the interests of the internal market in avoiding trade barriers against, for example, upholding pasta quality in Italy, is comparing apples and oranges, leaving the CJEU with discretion.[14]

The situation is similar concerning the justification of restrictions on competition. Scholars have described the provision justifying prima facie violations of the cartel provision, TFEU art. 101, as a veritable tower of Babel due to vague language and case law (Baarsma & Rosenboom, 2015). The CJEU therefore also has a critical and influential role in deciding what restrictions on competition are justified.

Of course, even though the CJEU has significant discretion in applying the law, that does not mean it can do whatever it wants. As Beck (2012, pp. 335–430) writes, the CJEU's behavior is somewhat predictable, inter alia, because it tries to justify its decisions in accepted legal terms, for example, by respecting precedent like other courts, and because it must take political considerations of member states into account, as the primary responsibility for enforcing its decisions lies with the member states.

These constraints create predictability within the CJEU's interpretive freedom. Nevertheless, the combination of broad jurisdictional assertions (economic activity, restrictions) and flexible justification frameworks (proportionality, competition law exemptions) gives the CJEU substantial latitude in sports cases.

The next section examines how the CJEU has exercised this discretion when reviewing SGB governance rules. As we will see, the CJEU has developed sport-specific doctrines—including the Wouters proviso and good governance requirements—that reflect its attempt to balance market integration objectives against sporting autonomy.[15]

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an act that restricts competition by object is unnecessary (for example, market division between horizontal competitors). In broad terms, the distinction between by-object and effect restrictions is comparable to the per se and rule-of-reason approaches in American antitrust law. However, with the notable difference that restrictions by object, unlike per se violations in American law, hypothetically can be justified under TFEU art. 101(3) if their harm to competition is outweighted by efficiency gains benefitting consumers.

[13] Sauter (2013) provides a comprehensive overview of the principle of proportionality.

[14] *See* Case C-90/86, *Zoni,* EU:C:1988:403 concerning that question.

[15] Lindholm (2023, pp. 460–466) elaborates on that legal approach.

The CJEU and Sports Governing Bodies

As stated in the introduction, the CJEU's approach to SGBs can best be described as conditional autonomy. That has been so since the CJEU's landmark ruling in the *Bosman* case in the mid-1990s.[16] Before *Bosman*, the CJEU had decided cases concerning SGBs. However, its strategy was to limit its jurisdiction to avoid engaging fully with the case's material aspects. The following describes the CJEU's strategy in its early case law (*Walrave and Donà* cases). Then, the section engages with more recent case law (*Bosman, Meca-Medina, Biffi*, and *Super League*) to illustrate the development of the CJEU's approach of conditional autonomy.

Pre-*Bosman*: The Early Case Law

Walrave and Donà

The *Walrave* decision is remarkable in many ways. Not only did the CJEU apply certain freedom of movement provisions horizontally for the first time, but it also, in practice, exempted an entire sector from the scope of internal market law for more than 20 years.[17]

The case concerned the Union Cycliste Internationale's (UCI) rules, which prohibited pacers from accompanying cyclists of other nationalities.[18] Because the UCI rules treated people differently based on their nationality, they were directly discriminatory and prima facie unlawful under community law. However, after finding that the relevant freedom of movement rules had a direct horizontal effect and applied to the private organization, the UCI, the CJEU did not strike them down. Instead, the CJEU found that it was for the referring Dutch court to decide if the rules concerned the composition of national teams and, therefore, were non-economic and irrelevant for EU internal market law, according to the CJEU. The case ended with Walrave and Koch declining to press for a judgment by the Dutch court because the UCI had allegedly threatened to withdraw paced cycle racing from the World Championships (Parrish, 2018, pp. 86–87).

The CJEU's reasoning in *Walrave* is surprising because it ignores the clear economic aspects of the particular case. When finding that the rules were non-economic and only concerned a "purely sporting interest," the CJEU ignored the economic reality. The two pacers, Walrave and Koch, paced cyclists for a living, and the UCI rules severely restricted their potential clientele.

16 *See* Case C-415/93, *Bosman and Others v UEFA*, EU:C:1995:463.

17 In this context, "horizontally" means that provisions directly give rights to private individuals enforceable before national courts that can be invoked against private actors such as the UCI.

18 Pacers mean individuals riding a scooter in front of track cyclists, providing them with strategic guidance and pacing.

Even the principal finding that the composition of national teams is not an economic question is unconvincing. Showing off your skills for your national team is a perfect opportunity to sign with a bigger team and get paid more. There are, in fact, countless examples of football players who have performed well, such as at the World Cup, and then signed with some of the biggest teams in the world.

In that light, the decision is surprising and the reasoning entirely unconvincing. Rarely does the CJEU ignore clear economic aspects of cases to limit its jurisdiction. In essence, the CJEU in *Walrave* chose to show restraint in asserting jurisdiction on a questionable premise—that specific rules adopted by SGBs do not concern economic activity.

The CJEU's approach in *Walrave* is quite defensive. Because Walrave and Koch paced for a living, it could easily have been found that there was a sufficient economic element in the case for the CJEU to apply jurisdiction. After all, the UCI rules significantly shrank their potential clientele. Therefore, the *Walrave* decision illustrates the CJEU's first cautious steps into the legal area. Furthermore, because the CJEU confirmed the decision in the *Donà* case concerning the commercialized Italian Serie A, EU law had no practical effect on sport until the *Bosman* case.

Therefore, while the post-*Bosman* case law can be described as conditional autonomy, the pre-*Bosman* case law may be described as a period of almost complete autonomy. In this period, SGBs did not have to fear intervention from the EU because they could effectively argue that most of their rules under the CJEU's case did not concern economic matters. And because Union citizenship was introduced only in the Maastricht Treaty in the 1990s, almost 20 years after the *Walrave* decision, the non-economic matters of the SGBs did not fall within the scope of primary EU law. As the next section shows, *Bosman* changed that.

Bosman and Post-*Bosman*

Bosman

The *Bosman* decision radically changed the relationship between sport and EU law, and it is important beyond sport, as the CJEU's most cited decision (Frese, 2022; Wold, 2022). It illustrates a much less cautious CJEU that not only found that UEFA's rules concerning the transfer market and the player composition of football teams were economic but also drew the consequences of that finding and struck down those rules because they restricted freedom of movement and could not be justified.

In short, the case concerned Belgian football player Bosman, who played for the club RC Liège under a contract that expired in June 1990. Nearing the contract's expiration date, RC Liegè offered a new contract with a much-reduced salary. Bosman rejected the offer and signed an agreement with the French club US Dunkerque. However, because RC Liegè did not issue a transfer certificate from the Belgian football federation, Bosman was excluded from the next season and could not play for any club. In other words, he could not transfer to another club because he was registered with and still tied to his old club within the transfer system. The national court also asked both about the compatibility of the transfer rules with internal market law and whether nationality clauses were legal under EU law, as they could potentially influence Bosman's future career.

The nationality clause required national football associations in the EU to limit the number of foreign players in a club's first team during a first-division match to three foreign players plus two "assimilated" players.[19] These nationality clauses were not that relevant for Bosman's situation. He was without a contract, and the possibility that those clauses could hamper his career, arguably, did not seem that high. Nevertheless, the CJEU took the opportunity to address whether they were lawful under internal market law (Van den Bogaert, 2010).

It is relatively easy to see how both the transfer rules and nationality clauses restricted the freedom of movement. The transfer rules, for example, prevented Bosman from playing at all, with no fault of his own. He was entirely in his former employer's hands due to the transfer system. Such a clear restriction of the freedom of movement is difficult to justify, and the CJEU was nearly compelled to strike down those rules to avoid accusations of sports exceptionalism. Furthermore, the CJEU was compelled to strike down the nationality clauses because they effectively divided the internal market into certain geographical areas.

Consequently, the CJEU did not hesitate to strike down the rules. However, although the CJEU found that the rules were illegal under EU law, the *Bosman* decision also signaled that the CJEU would act somewhat leniently toward SGBs in future cases. The CJEU signaled that in a subtle way by finding that the directly discriminatory nationality clauses could be justified by a legitimate interest not explicitly stated in the treaty provisions.[20]

Normally, measures that discriminate on the basis of nationality can only be justified by certain legitimate interests set out in the treaty provisions; for example, TFEU art. 45(3) states that restrictions on the freedom of movement of workers can be justified by public policy, public security, or public health. However, the CJEU nevertheless found that although UEFA's nationality clauses directly discriminated, they could be justified in principle by the maintenance of the traditional link between each club and its country, the creation of a pool of players for the national team, and the maintenance of a competitive balance between clubs (these must all be qualified as judicially created overriding requirements in the general interest).[21]

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[19] Assimilated players were foreign players who continuously played with a national association for five years.

[20] The distinction between direct and indirect discrimination is significant for justification (for an overview, see Maliszewska-Nienartowicz, 2014; Weatherill, 2017, pp. 99–122)

[21] See Case C-415/93, *Bosman and Others v UEFA*, EU:C:1995:463, paras. 121–137.

Therefore, the CJEU, by departing from its general framework under freedom of movement law, illustrated that if there is a good reason for accepting sports rules as justified, it is ready to do so. To this day, that is the approach the CJEU has maintained, and in cases following *Bosman*, including the *Meca-Medina* case analyzed in the following section, the CJEU seemed to cement it even beyond freedom of movement law.

Meca-Medina

Even though the *Meca-Medina* case concerned antitrust law, it confirmed the conditional autonomy approach adopted in *Bosman*. The case was decided about 10 years after *Bosman* in 2006 and concerned two swimmers who had tested positive for a banned substance. Therefore, the international SGB for swimming, World Aquatics (WA), suspended the swimmers for four years under WA's and the IOC's anti-doping rules (WA had implemented the IOC's anti-doping rules).[22]

The swimmers complained to the Court of Arbitration for Sport (CAS) about the suspension, but the CAS rejected their arguments. Then, they filed a complaint with the Commission, arguing that the doping rules restricted competition in the internal market and violated TFEU art. 101 and 102. The Commission rejected the complaint, and the General Court upheld that decision, finding that IOC and WA did not engage in economic activity and consequently rejected jurisdiction.

Unlike the General Court, the CJEU applied jurisdiction on appeal by finding a sufficient economic element. That was in itself an important finding; however, perhaps the most important aspect of the decision was the introduction of the Wouters proviso in sport, a doctrine that the CJEU had applied in an antitrust case concerning private rules by an association of lawyers prohibiting certain forms of cooperation with accountants.[23]

The Wouters proviso serves as a caveat under which some restrictions imposed by private regulators on competition fall outside the scope of antitrust rules if they are proportionate. The proviso, therefore, resembles the CJEU's approach under freedom of movement law. As Weatherill (2024b) writes, the Wouters proviso allows the CJEU to permit restrictions of competition on broader grounds than set out in EU antitrust law, potentially justifying activity beyond what can be justified under TFEU art. 101(3)—it is an approach functionally equivalent to that applied to free movement law by the Court in and since *Cassis de Dijon* where the Court, broadly speaking, found that non-discriminatory restrictions on the freedom of movement of goods could be justified by legitimate interests not explicitly set out in the EU treaties.[24]

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[22] *See* Case C-519/04 P, Meca-Medina and Majcen v Commission, EU:C:2006:492.

[23] *See* Case C-309/99, Wouters and Others, EU:C:2002:98.

[24] *See* Case C-120/78, Rewe-Zentral AG v Bundesmonopolverwaltung für Branntwein (Cassis de Dijon), EU:C:1979:42

In practice, the CJEU's use of the proviso means that, where it applies, it can conduct a broad assessment of whether a particular restriction of competition is justified. An assessment that might even be broader than if the CJEU relied only on TFEU art. 101(3), where restrictions on competition, although the provision's scope is far from clear (as alluded to earlier), may be narrower compared to the freedom of movement law.

In *Meca-Medina*, the CJEU relied on the Wouters proviso to find that the anti-doping rules were proportionate and did not violate EU antitrust law (paragraph 55 of the decision). Thereby, the CJEU demonstrated that although it was keen to apply jurisdiction as a matter of principle, it was willing to accept the reasons provided by SGBs for restricting the application of internal market law if they, like anti-doping provisions, had merit. As seen, the approaches to freedom of movement and antitrust law are similar. Moreover, as the next section shows, even outside of EU internal market law, the CJEU has applied a similar approach.

Biffi

In the *Biffi* case concerning the non-economic EU Union citizenship provisions, the CJEU showed that, given the opportunity, it would engage in a light proportionality test of rules of sports governing bodies. The case concerned an Italian citizen who lived in Germany for several years, Biffi. Biffi wanted to compete in the national championship for recreational athletes in Germany, having been an excellent amateur athlete and a track and field coach. However, the rules of Germany's national sports governing body prevented non-German citizens from competing in the national championships. The question was whether the nationality discrimination that the CJEU found made the exercise of the right to freedom of movement less attractive for Union citizens, could be justified by a legitimate interest, and was proportionate.

In short, the CJEU applied a somewhat cautious balancing test. It found that the total non-admission of foreign EU citizens was disproportionate; however, it was for the referring court to decide if other, less extreme measures (e.g., allowing Biffi to participate without the opportunity to win) were proportionate.[25] In other words, the CJEU found that outright banning foreigners from participating in national championships was disproportionate, but that the referring court had wide discretion in deciding how foreigners could be included. As seen, the CJEU only sets a minimum standard for the proportionality test by outlawing a complete ban on foreigners. That decision-making mirrors the CJEU's approach when applying the economic rules, as illustrated by the *Meca-Medina* and *Bosman* decisions.

The next, and final, decision this section analyzes is the *Super League* decision, a recent, high-profile case that, in a way, brings together all the sports case law described. The case was a preliminary reference, and given the specific questions

[25] *See* Case C-22/18, *TopFit and Biffi*, EU:C:2019:497, para. 67.

the national court wanted clarified, the CJEU had the opportunity to clarify how both freedom of movement and antitrust rules apply to issues concerning sports governance.[26]

Super League

The analysis would not be complete without mentioning the *Super League* decision.[27] The case garnered massive media attention in Europe and beyond, with a record number of member states intervening, underscoring its significant political importance. The article analyzes the decision because it illustrates the current state of EU sports law, including both freedom of movement and antitrust law, in a Grand Chamber decision. The case is rightly referred to as a landmark ruling by numerous commentators. In its decision, the CJEU settled many questions about EU sports law, for example, narrowing the scope of the Wouters proviso and streamlining that line of case law with a more standard application of antitrust law.

The case concerned the prior approval rules of FIFA and UEFA. Prior approval rules are regulations that require a State or private entities to approve new market entrants for various reasons, such as ensuring they meet a specific professional standard. FIFA and UEFA's sanctions entailed that clubs and players risked sanctions if they played in tournaments that had not received approval from those SGBs.[28] Concretely, some of the biggest and most famous football clubs in Europe had attempted to form their own (breakaway) league, the European Super League, as an alternative to the most important club tournament in Europe, the Champions League.

When UEFA and FIFA learned of the plan to form a new league, they imposed harsh sanctions, targeting athletes and clubs that sought to participate in the new regime. Those sanctions included, inter alia, excluding players from all tournaments organized by FIFA and UEFA. That would mean those players could not represent their country on the national team because FIFA and UEFA organize the European Championship and the World Cup, respectively.

The problem from an antitrust perspective was that the SGBs effectively shut down a potential new competitor by dissuading athletes and clubs from joining the new tournament, which could have competed with the Champions League. After all, no athlete or club would risk playing in the new tournament if they potentially faced harsh sanctions. However, not only were the prior approval rules and related sanctions problematic from an antitrust perspective, but so were the rules themselves. Because those private rules evidently made it less attractive to form a new tournament and

[26] Unlike Iñiguez (2025), who wrote in the February edition of the *Journal of Legal Aspects of Sport*, the following does not focus on the part of the case concerning broadcasting rights but only on the part concerning sports governance.

[27] *See* Case C-333/21, *European Superleague Company*, EU:C:2023:1011.

[28] *See* Case C-333/21, *European Superleague Company*, EU:C:2023:1011, paras. 3-22

play under that new regime, the prior-approval rules and sanctions also restricted the freedom of movement of workers and service providers.

The European Super League initiated proceedings before the Commercial Court of Madrid, including requests for protective measures against sanctions from FIFA and UEFA. The Spanish court referred questions to the CJEU, asking whether the prior approval rules and related sanctions are compatible with both antitrust and freedom of movement law.

The CJEU found that because the prior approval rules and sanctions were too discretionary, they constituted restrictions by object under TFEU 101, rules that, by their very nature, infringed TFEU 102, and even unjustifiable restrictions of the freedom of movement.[29] More specifically, the CJEU required in *Super League* that when having prior approval rules, the framework for those rules had to meet good governance standards as seen in the following: "*a framework of substantive criteria which are transparent, clear and precise (...). Those criteria must be suitable for ensuring that such a power is exercised in a non-discriminatory manner and enabling effective review.*" [30]

In other words, the CJEU turned the assessment of whether there is a restriction by object (plus abuse of a dominant position and restriction of the freedom of movement) into a sort of good governance test. This finding is surprising, as the Advocate General (AG) in the case concluded that some discretion was warranted within the prior approval framework.[31, 32]

The CJEU also found that the Wouters proviso is inapplicable to restrictions by object and to abuses that, by their very nature, infringe TFEU art. 102.[33] That means that the CJEU established a precedent in sports cases when applying antitrust law, first assessing whether a restriction is by effect or by object. If it finds that there is no by object restriction or by its very nature art. 102 abuse, it applies the Wouters proviso and conducts a proportionality test. The *Super League* case is therefore a significant doctrinal development. After the decision, SGBs can rely on the Wouters

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[29] *See* Case C-333/21, *European Superleague Company*, EU:C:2023:1011, paras. 148 (on TFEU art. 102), 178 (on TFEU art. 101), and 243–257 (on the freedom of movement); Lindholm (2023, pp. 460–466) provides a detailed analysis of how the Court turned the issue into a good governance test.

[30] *See* Case C-333/21, *European Superleague Company*, EU:C:2023:1011, para. 134.

[31] American readers may not know that the Advocate General is a person who suggests how the Court should decide particular cases before the Court decides the case. The Advocate General's suggestion (referred to as an opinion) is not binding on the Court; however, it is usually followed and can give important insights into the Court's reasoning.

[32] *See* Opinion of Advocate General Rantos in Case C-333/21, *European Superleague Company*, EU:C:2022:993, paras. 73 and 85.

[33] *See* Case C-333/21, *European Superleague Company*, EU:C:2023:1011, paras. 184–185.

proviso only in more limited situations, and the CJEU effectively equated the normally more economic assessment of whether there is a restriction of competition with a good governance test in situations concerning prior approval rules.

This article argues that the CJEU's approach can be described as conditional autonomy. One might wonder how the CJEU's focus on good governance fits that argument; however, I would argue that it actually fits quite well with that description. The CJEU's focus on good governance criteria is arguably a way of deferring to the SGBs and member states.

Indeed, paragraph 253 of the *Super League* decision provides a detailed description of the considerations that might justify the prior approval rules' restriction on freedom of movement and their compatibility with competition law.[34] The CJEU approves the so-called European sports model, the sports governance model in Europe, as a public-interest consideration in principle that might justify prior-approval rules. Therefore, if there ever is a Super League (II) case and UEFA and FIFA review their framework for prior approval rules, making it less discretionary, which can easily be done, proportionality will likely be more directly at the heart of the case. My best guess is that the CJEU will not be too strict in its proportionality assessment, given its dicta suggesting that the European sports model can justify the rules.

At this point, the readers may be excused if they are confused. The case law is not straightforward. To make the case law more tangible and shed light on the practical consequences of doctrinal complexity, the next section examines a recent decision by the BCA in a case concerning the American company, SRAM.

Practical Consequences: The Belgian Competition Authority

The BCA's decision in the *SRAM* case illustrates the practical consequences of the CJEU's complex case law (Autorité belge de la Concurrence, 2025; Belgian Competition Authority, 2025). In that decision, the BCA (an institution that, together with the other National Competition Authorities and the EU Commission, is tasked with enforcing EU antitrust law) had to decide whether to adopt interim measures to prevent a potential violation.[35] As the analysis shows, the BCA does not interpret the CJEU's sports case law correctly.

The case arose because the UCI in June 2025 announced the adoption of a new technical standard that limited the maximum gear ratio in professional road

[34] *See* Case C-333/21, *European Superleague Company*, EU:C:2023:1011, para. 253

[35] After this article was finalized, the UCI's appeal against the BCA's interim measures was dismissed by the Market Court (Brussels Court of Appeal) in its judgment of May 20, 2026; the merits investigation remains ongoing. As the judgment involved only a limited review of interim measures, it does not affect the legal assessment in this section.

cycling events. These new standards would be tested in a Chinese bike race in the fall of 2025. Because SRAM's current products did not meet the new standards' requirements, teams using SRAM equipment were at a disadvantage compared to teams using other systems. Therefore, SRAM initiated an action before the BCA seeking interim measures to halt the implementation of the new standards. The BCA granted the interim measures because it found a risk of unjustified restrictions of competition and of abuse of a dominant position. However, its investigation on the merits is ongoing.

The BCA's decision may ultimately have been correct; however, its reasoning is flawed. The result may have been correct because, as a public authority charged with enforcing vague rules, the BCA has significant discretion. However, that does not mean that the reasoning is on point. I would argue that the BCA does not quite justify its decision in the correct legal terms.

The first questionable aspect of the reasoning is the BCA's reliance on the CJEU's case law on prior approval rules in a case involving the equipment that may be used in the sport. The second point that the BCA does not get right is not distinguishing between restrictions by effect and object.

Regarding the first point, the BCA found that competition was restricted because the process for adopting the new gearing standards did not meet good governance criteria, as in the *MOTOE, ISU*, and *Super League* cases.[36] That is clear because paragraphs 159–188 of the decision outline the procedure by which the UCI adopted the rules on gearing. Essentially, the BCA uses the *Super League* and *ISU* cases to find that there is a restriction of competition that may violate the TFEU art 101, and it relies on similar considerations to find that there was an abuse of a dominant position in paragraphs 228–237 of the decision.

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[36] For context, the *MOTOE* case concerned the national SGB for motorcycling in Greece, which had been granted the right to approve motorcycling races by the Greek state. Therefore, under Greek law, consent/approval was needed before new entities could arrange motorcycling competitions. That created an obvious conflict of interest because the national SGB for motorcycling itself organized motorcycling races. The Court found that it was illegal for the Greek state to put the Greek national SGB in a position to approve its direct competitors without that power being made subject to restrictions, obligations, and review (Case C-49/07, *MOTOE v Elliniko Dimosio*, EU:C:2008:376, para. 53).

The *ISU* case concerned the international SGB of ice skating, the International Skating Union (ISU). The ISU had rules requiring events competing against its own to be approved by it. If athletes competed in non-approved events, they could lose their eligibility to compete in ISU-arranged events (virtually all ice-skating events) for a specific period or permanently. Concretely, athletes complained about their loss of eligibility after competing in non-approved tournaments. Like in the *MOTOE* case, the Court, essentially, found that the prior approval rules were illegal because they were not subject to restrictions, obligations and review (Case C-124/21, *International Skating Union v. Commission*, EU:C:2023:1012, para. 144).

That reasoning focusing on good governance is incorrect because, so far in sport, the CJEU has only emphasized good governance criteria in cases concerning prior approval rules and less emphatically in cases concerning the sanctioning powers of SGBs.[37] Even outside of EU sports law, the CJEU only tends to focus on good governance in cases concerning prior approval rules. For example, in *Analir, OTOC*, and *GB-Inno-BM*, as well as *Greenham and Abel*, the CJEU imposed similar good governance criteria to those in *MOTOE, ISU*, and *Super League*.[38] In all those cases,

[37] In the *Diarra* case, concerning a football player who was sanctioned by FIFA for breach of contract (the next section elaborates more on the content of the case), the Court found that: "*while it is permissible for an association such as FIFA to provide for sanctions to be imposed in the event of a breach of the rules which it adopts, provided that those rules and the sanctions intended to ensure compliance therewith are justified by the pursuit of a legitimate objective in the public interest, such sanctions can be accepted only on condition that they are determined within a framework of criteria that are transparent, objective, non-discriminatory and proportionate (..)*" (Case C-650/22, *BZ v FIFA*, EU:C:2024:824, para. 111) Therefore, it is clear that the Court imposes good governance criteria in the context of prior approval rules and sanctions.

[38] For context, the *Analir* case concerned, briefly, Spanish public administrative prior approval rules for maritime cabotage (the transport of goods or passengers between two ports or locations within the same country). Under those rules, undertakings that wanted to provide maritime cabotage services had to apply to the Spanish authorities for authorization. Undertakings that had to apply complained that the prior approval rules restricted their freedom to provide services, specifically the EU regulation harmonizing the sector (Regulation No 3577/92), in an unjustified manner. The Court found, inter alia, that the scheme could only be justified if it is "(..) based on objective, non-discriminatory criteria which are known in advance to the undertakings concerned, in such a way as to circumscribe the exercise of the national authorities' discretion, so that it is not used arbitrarily." (Case C-205/99, *ANALIR and Others*, EU:C:2001:107, para. 38).

The *OTOC* case involved a professional association for accountants that was legally required to mandate its members to undertake training to ensure their abilities. If members did not undergo the training, they could face sanctions such as a fine, suspension, or removal from the association. OTOC offered the mandatory training itself, but could also approve training for other actors (training bodies). This meant that its members could undergo training in other regimes and avoid sanctions, leading to an apparent conflict of interest. The Court also emphasized good governance criteria by drawing an analogy with the *MOTOE* case (Case C-1/12, *Ordem dos Técnicos Oficiais de Contas*, EU:C:2013:127, para. 91).

The *GB-Inno-BM* case concerned a Belgian public undertaking responsible for establishing and operating the public telephone network in Belgium, while selling telephone equipment and granting type approval for telephone equipment it did not supply. In other words, it had the power to decide which telephones, that it did not sell itself, could be connected to the public telephone network. Given that it was itself an active market player while simultaneously granting competitors market access, there was a conflict of interest. The Court stressed interdependence by finding, inter alia, that "(..) the granting of type-approval must be carried out by a body which is independent of public or private undertakings offering competing goods or services in the telecommunications sector." (Case C-18/88, *RTT v GB-Inno-BM*, EU:C:1991:474, para. 26).

a public or private body effectively had to approve a market entrance.

However, I can see why the BCA would be tempted to require good governance criteria in this case. The UCI has a partnership with SRAM's most significant competitor, Shimano, and Shimano was unaffected by the UCI's rule changes, meaning a conflict of interest was brewing. Therefore, good governance criteria seem a good fit, like in the *Super League* and *ISU* cases, where SGBs had to approve the market entrance of their own potential competitors (see Union Cycliste Internationale, 2025).

Furthermore, as the BCA finds, the chapter on standardization agreements in the Commission's Horizontal Guidelines is arguably relevant (the BCA decision's paragraphs 159–174) because the *SRAM* case concerns the standardization of products and has exclusionary effects. These guidelines explicitly address how procedural deficiencies in standard-setting can constitute restrictions; however, they do so in a not entirely clear way.

Nevertheless, the fact remains that the CJEU has not imposed good governance criteria outside of cases concerning prior approval rules and rules on sanctions. Instead, it has engaged in balancing either through the principle of proportionality in the context of freedom of movement or through the Wouters proviso (if it finds a restriction by effect) in the context of antitrust law. Outside of cases concerning prior approval rules and sanctions, it has not used good governance criteria to address whether there is a restriction by effect or object. Therefore, by overemphasizing good governance, the BCA seems to place greater weight on the Commission's Horizontal Guidelines, which arguably impose good governance standards during the adoption of sector-specific standards, than on the case law itself. For these reasons, I find that the BCA's extensive focus on good governance and the procedure for adopting the new rules does not follow the case law.

The second point the BCA does not get right is its failure to distinguish between restrictions by effect and by object. From paragraphs 189–196 of the BCA's decision, it is clear that the BCA does not distinguish between restrictions by effect and by object. It finds that, given the time sensitivity of the case, it is not necessary to make the distinction. Then it goes on to address the proportionality of the new gearing

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Finally, the *Greenham and Abel* case concerned French administrative prior-approval rules prohibiting the marketing of foodstuffs with added nutrients (vitamins and minerals) without prior authorization. The Court stated generally that prior approval rules, such as the French, could be justified if applicants could apply for authorization within a good governance compliant procedure (the process had to be readily accessible and completed within a reasonable time, and open to challenge before the courts), and if refusal to authorize the marketing of the products was genuinely necessary to protect public health (Case C-95/01, *Greenham and Abel*, EU:C:2004:71. paras. 35-36).

rules by investigating whether there is a legitimate object justifying the restriction in paragraphs 189–196 of the *SRAM* decision.

It is true that the case is time-sensitive; however, because it is well settled that the Wouters principle applies only when there is a restriction by effect, it matters doctrinally that the BCA does not distinguish between a restriction by effect or object. Since the Wouters proviso simply does not apply when there is a restriction by object, it does not make sense that the BCA assesses proportionality without making the distinction between a restriction by effect or object.

At the very least, the BCA should have clarified its awareness of the fact that proportionality and the Wouters proviso are only relevant in the case where there is no restriction by object. That is even more the case because the entire investigation by the BCA points toward a restriction by object where the proviso does not apply. After all, in *MOTOE, Super League*, and *ISU*, the CJEU found that there were restrictions by object and abuse of dominant positions due to non-compliance with good governance standards. The BCA similarly finds that competition is restricted due to a lack of respect for good governance in the *SRAM* case.

So, as seen, the BCA's decision does not correctly follow the CJEU's precedents. It overemphasizes good governance and the prior-approval line of case law, while failing to recognize the necessity of distinguishing between a restriction by effect and by object. These questionable aspects are less the fault of the BCA, which had to make a quick decision on a time-sensitive issue, than the CJEU, whose case law concerning sports law is overly complex. The fact that a competent organization like the BCA did not get it right also illustrates how organizations with less expertise might be even more confused.

Overall Developments and Tendencies

The purpose of this section is to give the reader a short overview of the recent developments in the field, the tendencies, and the possible future developments. The section does not describe everything in complete detail but aims only to give an idea of where the field is and where it may be heading. Therefore, only the most significant developments are mentioned. It is safe to say that EU sports law is moving fast these days. Recently, the CJEU has reached several decisions concerning sport. Notably, most of these decisions have been decided by the CJEU's Grand Chamber, illustrating their importance.

The field really took off in December 2023, when the CJEU decided three sports cases on the same day. Those were the previously mentioned *Super League, ISU,* and *Royal Antwerp* cases. The cases, mostly the *Super League*, attracted widespread media attention across Europe. The case also attracted political attention, with 26 EU member states signing a declaration condemning the European Super League after the decision, and the European Parliament passing a resolution on the case as late as November 2025 (see International Olympic Committee, n.d.).

The cases were important because they shed light on many questions concerning the relationship between sport and EU law. However, they were also of broader importance for EU law, as the CJEU made many findings relevant beyond the field's scope. In *ISU*, it found, for example, that dispute resolution through arbitration before the CAS, which is frequently used, can reinforce antitrust law violations because individuals are denied effective review.[39] That point is relevant beyond EU sports law. It relates to a long line of case law on the relationship between arbitration and the preliminary reference procedure, including, inter alia, *EcoSwiss, Achmea*, and Komstroy.[40]

Following those three landmark decisions from December 2023, the CJEU followed those decisions up and decided the *Diarra* case about a year later. That case concerned a prominent French football player who breached his contract with his team. Consequently, he had to pay draconian compensation under FIFA rules (EUR 10.5 million). The CJEU found that FIFA's rules on compensation to clubs in the event of a breach of contract were illegal under both freedom of movement and antitrust law (for an expert overview, see Weatherill, 2024c; for a critical economic assessment, see van der Burg, 2024).[41] The case consequently led to a rethink of the transfer rules, less contractual stability, and more player movement. The case, in other words, had direct consequences for how football is played worldwide.

The most recent sports-related case decided by the CJEU is the *Royal Football Club Seraing SA* case, decided in May 2025, concerning the finality of CAS arbitration awards.[42] The case was also notably decided by the CJEU's Grand Chamber. In that case, the CJEU found that courts in EU member states must be able to scrutinize arbitral awards in sport and that national law that reflects the principle of res judicata is illegal. That decision seriously undermined the finality of CAS arbitration awards. However, like the *ISU* case, it was also relevant beyond EU sports law and concerned the relationship between arbitration and the preliminary reference procedure.

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[39] *See* Case C-124/21, *International Skating Union*, EU:C:2023:1012, paras. 184–204.

[40] For context, *EcoSwiss, Achmea*, and *Komstroy* all, in a nutshell, concerned the relationship between arbitration and EU law. More specifically, the Court, roughly speaking, identifies problems with arbitration from the perspective of EU law because it excludes the jurisdiction of regular courts. The Court indicates that this may be problematic under the Treaty on the European Union art. 19 on effective judicial protection, inter alia, because judges cannot refer questions to the Court under the preliminary reference procedure under TFEU art. 267 when issues are resolved through arbitration (see Case C-126/97, *Eco Swiss China Time Ltd v Benetton International NV,* EU:C:1999:269; Case C-284/16, *Slovak Republic v Achmea BV*, EU:C:2018:158; and Case C-741/19, *Republic of Moldova v Komstroy LLC*, EU:C:2021:655).

[41] *See* Case C-650/22, *BZ v FIFA*, EU:C:2024:824

[42] *See* Case C-600/23, *Royal Football Club Seraing v FIFA and Others*, EU:C:2025:617.

In both the *Royal Football Club Seraing SA* and the *Diarra* cases, it is fair to say that the CJEU took a critical stance. I find that the more critical attitude of EU institutions toward SGBs is nowhere more clearly expressed than by the AG in the *Royal Football Club Seraing SA* case. The AG begins her analysis by stating the following:

> For better or worse (to continue in the spirit of the opening quote), sport today is organised as an autonomous system in which sports organisations, sometimes very influential and wealthy, exercise regulatory powers. That is certainly the case in football, with FIFA as its top regulatory organisation. To take part, clubs and athletes must comply with FIFA's rules.[43]

Therefore, the trend is clearly more scrutiny and less autonomy of SGBs of the EU. It will be interesting to see how the CJEU decides future sports cases to see whether it will continue that trend. At the time of writing (December 2025), three decisions are pending before the CJEU in which the AG has already given his opinion. These three cases concern the regulation of player agents and so-called no-poach agreements in football, in which clubs agreed not to hire players from one another who had terminated contracts due to COVID-19.[44]

In his opinion, the AG has overall applied the framework set out, inter alia, in the *Super League* decision, in which the Wouters proviso applies only to by-effect restrictions of competition. The AG adhered to the overall framework for deciding sports cases in his opinions, but they were at the same time notably critical of the sports rules scrutinized. The AG found, for example, in *RRC Sports GmbH v FIFA* that some rules regulating the behavior of agents are restrictions by object. If the CJEU follows the AG in those cases, it will certainly fit the overall trend.

These recent developments reveal an evolution in conditional autonomy: while SGBs retain rule-making authority, the conditions they must satisfy to earn judicial deference have become increasingly demanding. The CJEU now subjects SGB justifications to more rigorous scrutiny. Conditional autonomy persists as the framework, but the balance is shifting—the 'conditional' requirements grow more stringent while the 'autonomy' correspondingly narrows.

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[43] *See* Opinion of Advocate General Ćapeta in Case C-600/23, *Royal Football Club Seraing v FIFA and others*, EU:C:2025:24, para. 38.

[44] *See* Opinion of Advocate General Emiliou in Case C-133/24, *CD Tondela – Futebol, SAD, et al. v Autoridade da Concorrência*, EU:C:2025:364; Opinion of Advocate General Emiliou in Case C-209/23, *FT, RRC Sports GmbH v Fédération internationale de football association* (FIFA), EU:C:2025:362; and Opinion of Advocate General Emiliou in Case C-428/23, *ROGON GmbH & Co. KG, MVI Management GmbH, DC v Deutscher Fußballbund e.V. (DFB),* EU:C:2025:363.

Conclusion

This article has argued that the CJEU's sports case law is both doctrinally complex and straightforward. The CJEU's approach is characterized by "conditional autonomy," in that it permits sports regulations that are necessary and proportionate to legitimate objectives. That means that despite doctrinal complexity, the framework is surprisingly straightforward in practice.

The article has traced this evolution from near-complete SGB autonomy before *Bosman*, through the emergence of conditional autonomy (*Bosman, Meca-Medina*), to increasingly rigorous scrutiny following the December 2023 decisions. While the CJEU now examines SGB rules more critically—particularly regarding good governance and procedural safeguards—the fundamental framework remains conditional autonomy. SGBs still retain regulatory power; they must simply earn it through legitimate objectives and proportionate means.

Knowing that, despite doctrinal complexity, the CJEU's approach can be described as conditional autonomy, and that it is willing to consider possible justifications for sports governance rules that restrict primary EU law, is valuable both for European and American jurists who engage with EU sports law. The BCA's decision concerning SRAM and the UCI clearly illustrates that EU sports law is relevant beyond Europe, and knowing that the CJEU's approach is characterized by conditional autonomy allows one to see through the complexity and focus resources on the most critical aspect, the potential justification of sports governance rules.

Of course, it is not enough to only focus on justification. It is also necessary to apply the correct legal terms, such as distinguishing between a restriction by object and an effect restriction, and applying the Wouters proviso correctly. Indeed, the BCA's arguable misreading of the CJEU's case law illustrates that point. However, the BCA can be excused due to the complexity of the law and the time sensitivity of the case.

Nevertheless, it is a shame that the case law has become so complex, especially the CJEU's application of antitrust law, when the most important element in both freedom of movement and Union citizenship, as well as in antitrust law, is justification. I agree with Vedder (2024) that some of that complexity could easily be remedied. For example, instead of applying the Wouters proviso, the CJEU could conduct its balancing of sports interests against competition interests under TFEU art. 101(3), which has been done several times previously (Brook, 2022). That would be a quick fix, instantly reducing doctrinal complexity.

However, given the CJEU's established precedents and institutional inertia, significant doctrinal simplification appears unlikely in the near term. Practitioners, policymakers, and national authorities must therefore work with the law as it exists. The key is recognizing that beneath doctrinal complexity lies a coherent framework: conditional autonomy. SGBs retain regulatory power when their rules serve legitimate objectives and satisfy proportionality requirements—increasingly subject to procedural safeguards ensuring transparency and non-discrimination.

For the public servants and national judges who must apply this law, understanding conditional autonomy provides an accessible lens through which to engage with EU sports law. The doctrine may be complex, but the principle is clear: sporting autonomy is conditional, not absolute. That clarity, the CJEU has consistently provided.

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