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Právnická fakulta**

## **European Super League**

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Autor: Albert Jarovský

Konzultant: JUDr. Jan Exner, Ph.D.

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## **List of abbreviations**

EU – European union

TFEU - Treaty on the Functioning of the European Union

CJEU - Court of Justice of the European Union

ESL - European Super League

UEFA - Union of European Football Associations

FIFA - International Association Football Federation

URBSFA - Royal Belgian Football Association

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## Introduction

This paper aims to analyze the legal background of European Super League and its establishment in 2021, but also to present the opposing opinions and imposed sanctions by ESL two biggest enemies UEFA and FIFA. An analysis will be conducted on Advocate General Rantos Opinion, that foreshadows an expected decision of CJEU. Apart from legal analysis this paper aims to put ESL into context of European football and present possible outcomes of European football, as this outcome is necessary to consider, when discussing how should CJEU decide over ESL.

Should be UEFA and FIFA able to prevent an entry of a third party on European internal market? Is argumentation presented by UEFA regarding European Sport Model strong enough, so it can justify imposed sanctions and therefore can be considered as proportionate? Can health of players, securing the football calendar and etc. be ensured only by UEFA? All of these and other questions will be addressed in this paper.

The paper's structure is as follows. Section 1 introduce ESL and provide further details regarding its establishment. Section 3 analyze and provide constructive criticism of AG Rantos opinion. Section 4 present current situation regarding competitions in Europe. Section 5 provides with a conclusion.

# 1. Introduction of the Super League

## 1.1 Press release

Twelve of Europe's leading football clubs have today come together to announce they have agreed to establish a new mid-week competition, the Super League, governed by its Founding Clubs. AC Milan, Arsenal FC, Atlético de Madrid, Chelsea FC, FC Barcelona, FC Internazionale Milano, Juventus FC, Liverpool FC, Manchester City, Manchester United, Real Madrid CF and Tottenham Hotspur have all joined as Founding Clubs. It is anticipated that a further three clubs will join ahead of the inaugural season, which is intended to commence as soon as practicable.<sup>1</sup>

The announcement of the ESL in April 2021 caused significant controversy and outrage among fans, players, and governing bodies alike, due to the perceived elitism of the competition and its potential to undermine the existing football pyramid and domestic leagues. The ESL was ultimately suspended within days of its announcement, as a result of widespread public opposition and pressure from football authorities.

This is how it all begun. This watershed of European football emerged on April 18<sup>th</sup>, 2021 and since then the saga regarding one of the biggest turnovers in football still continues. But what is European Super League (“ESL”) in particular?

## 1.2 Characteristics of the ESL competition

ESL was created as an alternative to the existing UEFA Champions League and Europa League competitions, with the aim of generating more revenue for the participating clubs. *“I think they came up with the idea of adopting a franchise system for two reasons. One to achieve financial opportunity and to deliver a very large amount, that would plug the hole and deal with the current distress (April 2021 after COVID-19), but also facilitate the clubs going forward in the new system. The other side of the opportunity is obviously taking advantage of a business where you **don't have relegation** and you **can count on recurring income** and improves the capital value and that is where the opportunity came in.”<sup>2</sup>*

The league was set to feature 20 teams, with 15 of them being permanent members who could not be relegated from the league. The remaining five teams would have qualified

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<sup>1</sup> The Super League - Press Release. The Super League [online]. Available at: <https://thesuperleague.com/press.html>

<sup>2</sup> Graham Shear in The European Super League & The Legal Fallout Conference conducted by Law in Sport on 22 April 2021. Available at: <https://www.lawinsport.com/topics/sports/football/item/the-european-super-league-the-legal-fallout-experts-views>

for the competition based on their performance in their domestic leagues. The league was also going to have two groups of ten teams, with each team playing against the other teams in their group home and away.

The top three teams from each group would have qualified for the knockout rounds, with the fourth and fifth-place teams in each group playing in a two-legged playoff to determine the remaining two quarter-finalists. The competition was set to culminate in a single-match final, which would have been played at a neutral venue.<sup>3</sup>

The ESL's founding clubs argued that the competition would have provided a more exciting and financially lucrative competition than the current UEFA Champions League, which they argued had become predictable and lacked competitiveness.

### 1.3 UEFA, FIFA and European Union perspective

The proposed European Super League (ESL) was met with strong opposition from various football stakeholders, including UEFA, FIFA, and the European Union. UEFA strongly opposed the ESL, arguing that it would undermine the existing structure of European football and destroy the integrity of the sport. UEFA threatened to ban participating clubs from domestic leagues and international competitions, and their position was supported by many football associations, clubs, and fans across Europe.

FIFA also expressed concerns over the proposed league, mainly because it had the potential to disrupt the existing structure of football and undermine the FIFA-approved calendar of international competitions. FIFA argued that any new competition would have to be sanctioned by them and respect the existing structures of the sport. FIFA supported UEFA's opposition to the ESL and threatened to ban players from FIFA-approved competitions if they participated in the league.

Similarly, the European Union emphasized the importance of the pyramid structure of football and opposed the breakaway league. The European Parliament and Council rejected the creation of any Super League or similar projects that threatened the integrity of the sport and supported the principle of sporting merit and the pyramid structure of the football leagues. The EU sees the pyramid structure of football as a crucial part of the European

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<sup>3</sup> This system is very similar to Champions league (group stage, playoff rounds and single-match final at a neutral venue).



sporting model, which allows for fair competition and provides opportunities for all clubs to compete at the highest level.

The opinions demonstrate how much the relationship between the EU and UEFA/FIFA has transformed, providing a remarkable testament to this fact. Previously, the two parties were at odds during the Bosman<sup>4</sup> era, but they have since realized the advantages of cultivating a better relationship. They began to work together on policies, released joint statements, and established formal cooperation agreements since 2014. The recent Super League dispute marks another significant shift in this dynamic. The European Parliament and Council came to UEFA's aid by passing resolutions that opposed breakaway leagues and endorsed the pyramidal structure. In the ongoing legal proceedings, UEFA is not only defending itself but also using EU law as a basis for its argument for the first time. The European Union is now seen as a crucial source of support for the football pyramid rather than a threat.

## 2. LEGAL STANDINGS OF THE ADVOCATE GENERAL OPINION

The opinion of the Advocate General (AG) does not hold binding authority over the parties involved in a dispute or the Court of Justice of the European Union (CJEU). It is solely a recommendation, and the judges on the case may choose not to abide by it. The AG can consider wider range of issues relevant to the case, including international instruments and legal principles in non-EU countries. While non-binding, AG opinions carry significant weight, as around 65% of the time, the CJEU follows them closely. In about 25% of cases, the CJEU reaches the same conclusion based on different reasoning, while in only around 10% of cases does it disagree with the AG's opinion altogether.<sup>5</sup>

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<sup>4</sup> Judgment of 15 December 1995, Bosman, C-415/93, ECLI:EU:C:1995:463,

<sup>5</sup> A Summary Of The Advocate General Opinion In The European Super League Case - LawInSport. Expert commentary and analysis on the latest issues and legal developments in the world of sport - LawInSport [online]. Copyright © LawInSport Limited 2010 [cit. 07.04.2023]. Available at <https://www.lawinsport.com/topics/item/a-summary-of-the-advocate-general-opinion-in-the-european-super-league-case-2>

### 3. ANALYSIS AND CONSTRUCTIVE CRITICISM ON THE OPINION OF ADVOCATE GENERAL

*“...the very existence of the organizational structure of the modern game and the future of European football will turn on the answers given by the Court...”* with these words the Advocate General (“AG”) Rantos opened his AG Opinion, delivered on 15 December 2022, where he provides answers to six preliminary questions requested for a preliminary ruling from the Juzgado de lo Mercantil n.o 17 de Madrid (Commercial Court, Madrid, Spain).

The analysis will be carried out in three thematically linked parts, which will also address all the preliminary questions raised by the Court. Analysis consists of examination the European Sport Model, which is key part of argumentation by AG Rantos for UEFA and FIFA. Further consists from breaking down the prior approval rights, which is the strongest conferred powers to UEFA and FIFA. Last but not least discussed topic will consist in an assessment of possible abuse of a dominant position by UEFA and FIFA.

#### 3.1. European Sports Model

In 2009<sup>6</sup>, Article 165 TFEU was implemented into the Treaty of the EU, marking the first time that sport received a constitutional basis within the EU. The article highlights the EU's contribution to promoting European sports while recognizing the specific nature of sport, its voluntary structures, and its social and educational function.

##### 3.1.1. European Sports Model interpretation by AG Rantos

AG Rantos emphasized the importance of Article 165 TFEU, interpreting it as a **constitutional recognition of the "European Sports Model"**. This model is characterized by a pyramid structure, open competitions with promotion and relegation based on sporting merit, and a financial solidarity regime, with sports federations playing a key organizational role. However *“Art. 165 TFEU does not mention the European Sport Model.”*<sup>7</sup>

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<sup>6</sup> On the genesis of this provision, see Opinion of Advocate General Rantos Art. 29.

<sup>7</sup> Antoine Duval via Twitter on 15. 12. 2022 [online]. [cit. 08.04.2023] Available at <https://twitter.com/Ant1Duval/status/1603422490973589504>

The AG Rantos acknowledged that the European Sports Model is not static and that various sports models exist in Europe. However, he stressed that Article 165 TFEU is a standard for interpreting and applying EU competition and free movement law to regulatory rules in sport. This article is specific compared to the general provisions of Articles 101 and 102 TFEU, which apply to all economic activities.

The question regarding interpretation of European Sport Model is crucial for the whole opinion of AG Rantos as it rises to the surface many times while answering preliminary questions and also using as a justification for UEFA/FIFA policies regarding ESL. Therefore it is necessary to present different perspective on interpretation of Article 165 TFEU.

### 3.1.2. European Sports Model interpretation by AG Szpunar

This different view comes from AG Maciej Szpunar, First Advocate General at the CJEU, in his AG Opinion in case Case C-680/21 delivered on 9 March 2023, where he share his point of view on regulations of UEFA and National associations and their compliance with EU regulations regarding freedom of movement for workers. Given the very short time gap between those two AG opinions it can be perceived **AG Szpunar is trying to significantly correct the course of interpretation of Article 165 TFEU made by AG Rantos.**<sup>8</sup>

According to AG Szpunar this provision literal interpretation pertains only to the Union and not to public or private entities. The language used in the provision, such as "contribution," "promotion," "taking into account," "development," and "cooperation," is typically found in soft law. Additionally, Article 165 TFEU covers both professional and recreational sports, regardless of whether they are practiced in clubs or individually. Although the provision refers to the ordinary legislative procedure, it does not give the political institutions the authority to adopt legally binding acts under Article 288 TFEU. This makes Article 165(4) TFEU a "false legal basis", and it reflects a subject matter brought under EU policy without Member States granting any related legislative powers to the Union. This aspect is already reflected in Article 2(5) and Article 6(e) TFEU, where the Union's "competence" is not legislative but limited to supporting, coordinating, or supplementing the actions of the Member States in the area of sport.

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<sup>8</sup> Antoine Duval via Twitter on 10. 3. 2023 [online]. [cit. 08.04.2023] Available at <https://twitter.com/Ant1Duval/status/1634103020869787651>

The Systemic and teleological interpretation leads AG Szpunar to conclusion that regarding Article 165 TFEU within the structure of the TFEU, it should be noted that being located in Part Three, Title XII of the TFEU, Article 165 TFEU features among all other areas of Union policy. From the above-mentioned AG Szpunar inferred following.

Firstly, Article 165 TFEU does not have general application within the meaning of Part One, Title II of the TFEU.

Secondly, private bodies such as UEFA and URBSFA, when regulating collective gainful employment, are not implementing a Union policy, which is the responsibility of the Union legislature and those transposing, applying, and implementing secondary law. Instead, they seek to justify a restriction of a fundamental freedom by relying on a public policy objective. In this case, they are functionally comparable to a Member State seeking to justify a restriction of a fundamental freedom in order to promote another policy, which happens to fall within the area of sport. This is a case of negative integration.

Thirdly, UEFA and URBSFA are not responsible for implementing Union action under Article 165 TFEU. They are private bodies that exercise economic and regulatory functions.

Fourthly, while the political institutions of the European Union can proclaim a European Sports Model, this does not mean that the functions of the EU institutions are outsourced to UEFA or URBSFA in any way.

***“Fifthly, UEFA and the URBSFA cannot obtain a blank cheque for the purposes of restrictions on the fundamental freedom of Article 45 TFEU by reference to Article 165 TFEU. Restrictions of this fundamental freedom by entities such as UEFA and the URBSFA must be appraised like all other restrictions, according to standard principles.”<sup>9</sup>***

Article 165 TFEU, according to AG Szpunar in case C-680/21, serves two purposes: firstly, to identify an overriding reason in the public interest as a ground of justification for a restriction of Article 45 TFEU, and secondly, to provide guidance on what constitutes an acceptable proportionality test throughout the Union.

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<sup>9</sup> AG Szpunar Opinion, art. 54

### 3.1.3. Author's point of view

As from the author's point of view Article 165 TFEU should not be interpreted as European Sport Model has constitutional recognition, because out of the genesis of this Art. it seems like Member states didn't want to confer new powers to Union, rather they wanted to promote sport's educational and social function in the primary law. Author also finds it difficult to find the concept of European Sport Model withing Article 165 TFEU as it was done by AG Rantos. As was very well pointed out by AG Szpunar, when TFEU uses words such as "contribution," "promotion," "taking into account," "development," and "cooperation," usually it concerns soft law. Also the systematic placement of Article 165 TFEU must be taken into account, where AG Rantos seems to omit this fact.

## 3.2 Prior approval rights

### 3.2.1 Second question regarding requirement of prior approval in UEFA and FIFA statutes

In order to consider prohibitions in Article 101(1) TFEU, there must be three conditions fulfilled. *"A decision by an association of undertakings must be capable of affecting trade between Member States and have as its 'object or effect' the prevention, restriction or distortion of competition within the internal market."*<sup>10</sup> *"An agreement must have as its 'object or effect' the restriction of competition."*<sup>11</sup>

The statutes of an international sports federation, including the provisions in question in the main proceedings, can be considered as "decisions by associations of undertakings" under Article 101(1) TFEU and there is no doubt that such decision can have an effect on the competition within the internal market.

ESL challenged UEFA and FIFA's requirement for third parties to obtain prior authorization for organizing a European competition on the basis of EU competition laws. The AG Rantos confirmed that a mere conflict of interest is not an issue, but the exercise of regulatory functions in the presence of conflict of interest can pose a problem if the governing body favors its own events over those of rival organizers. To prevent abuse of the regulatory

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<sup>10</sup> See judgment of 14 January 2021, *Kilpailu- ja kuluttajavirasto* (C-450/19, EU:C:2021:10, paragraph 20).

<sup>11</sup> See judgment of 2 April 2020, *Budapest Bank and Others* (C-228/18, EU:C:2020:265, paragraph 33 and the case-law cited).

function in the prior authorization system, legal parameters<sup>12</sup> should be embedded in the system, such as objective, non-discriminatory, proportionate criteria that are transparent and known in advance. In anticipation of the Court's judgement UEFA already issued a set of detailed criteria for authorization of international competitions and the accompanying circular letter.

However, the AG Rantos emphasized that only independent competitions which themselves comply with the legitimate objectives that are pursued by a sports federation can benefit from the principles, and any rule that is restrictive must prove that the restriction is necessary to achieve legitimate objectives in public interest and that it is proportionate to the attainment of such objectives. The objectives of the prior authorization system invoked by UEFA and FIFA seek to ensure the openness of competitions, protect the health and safety of players, guarantee solidarity and redistribution of revenue, and avoid a "dual membership" scenario that would risk weakening UEFA's and FIFA's position on the market.

*"From the perspective of competition law, an undertaking (or an association of undertakings such as UEFA) cannot be criticized for attempting to protect its own economic interests, in particular in relation to such an "opportunistic" project that would risk weakening it significantly. The prior approval system also constitutes "an essential governance mechanism for European football" in order to ensure, first, the uniform application of the rules of that sport and, secondly and more specifically, compliance with common standards between the various competitions. AG took the view that the non-recognition by FIFA and UEFA of an essentially closed competition such as the ESL could be regarded as inherent in and proportionate to the pursuit of legitimate objectives."*<sup>13</sup>

"...only a specific analysis of the exercise of the discretion held by UEFA could establish whether its use of that discretion has been discriminatory and inappropriate in order to demonstrate anticompetitive effects."<sup>14</sup>

From author's point of view there is no need for a specific in-depth analysis of the exercise of discretion, if the appropriate documents, regarding approval of other competition outside the scope of UEFA, were not published in the time of ESL being established. At this point it is

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<sup>12</sup> See *Motosyklistiki Omospondia Ellados NPID v Elliniko Dimosio (MOTOE)*, *International Skating Union v. European Commission (ISU)*, *Ordem dos Técnicos Oficiais de Contas v. Autoridade da Concorrência (OTOC)*.

<sup>13</sup> PIJETLOVIC, Katarina, *A Summary Of The Advocate General Opinion In The European Super League Case* - LawInSport. Expert commentary and analysis on the latest issues and legal developments in the world of sport - LawInSport [online]. Copyright © LawInSport Limited 2010 [cit. 09.04.2023]. Available at: <https://www.lawinsport.com/topics/item/a-summary-of-the-advocate-general-opinion-in-the-european-super-league-case-2>

<sup>14</sup> AG Rantos opinion, art. 72

necessary to emphasize the fact, that UEFA subsequently published those documents, after ESL representatives had pointed out on this issue. UEFA *modus operandi* suggests that they were aware of their prior approval anticompetitive effects and yet they had done nothing about it. The only way, in author's perspective, to secure that there are no anticompetitive effects regarding prior approval, is to endorse those powers of prior approval to an independent third party and set out clear and predictable criteria for establishing new competitions outside UEFA. On the other hand, as AG Rantos aptly noted in Art. 74 – 77 of his opinion, these prior approval restrictions only apply to those clubs, who wishes to stay competing in UEFA competitions. As UEFA and FIFA are private entities, there is no obligation for third parties to attain permission from them in order to set up own different competition outside the UEFA/FIFA structures. From authors point of view obtaining permission from UEFA/FIFA is important for sanctions<sup>15</sup>, that would be eventually imposed by UEFA/FIFA and national associations.

In the examination of the disciplinary regime laid down by UEFA in the assessment of an anticompetitive object or effect in Art. 83 - 84 AG Rantos suggest: *“In the present instance, the disciplinary measures which appear to have been envisaged by UEFA, including threats of sanctions made against participants in the ESL, are liable to close off the market for the organization of football competitions in Europe to a potential competitor, since that competitor would risk being denied both the participation of the clubs necessary to organize a sporting competition and the access to a ‘resource’: the players.”* From author's point of view it is exactly what has happened in the ESL case. FIFA also published press release stating that all players, who will be taking part in ESL, will be banned from international football. At the current situation it can be easily inferred that ESL clubs would risk being denied access to the players, because all participating ESL players would risk international football ban and especially in football the national competition such as FIFA World Cup and EURO tournament are for most of the players the biggest achievements there are to obtain. Therefore author is convinced that agreement has its effect of restriction the competition. **With respect of the above-mentioned the author is convinced that Art. 101(1) TFEU should be interpreted as precluding the provisions of the FIFA and UEFA Statutes concerning the system of prior approval.**

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<sup>15</sup> Assuming that in case of ESL obtaining a permission, UEFA/FIFA would not have opportunity to impose sanctions, as this would not violate their statutes.

### *Application of the ancillary restraints doctrine to the rules at issue*

To fall outside the scope of Article 101(1) TFEU, the restrictions caused by the UEFA rules at issue must be inherent in the pursuit of legitimate objectives and proportionate to those objectives, AG Rantos therefore considers the application of ancillary restraints doctrine<sup>16</sup> to the rules at issue. AG also provides deplete interpretation on how ancillary restraints doctrine, which was initially developed in the context of ‘purely’ commercial agreements, should be implemented in sports related issues.

AG Rantos considers in first place whether the objectives pursued by the contested UEFA (and FIFA) rules are legitimate, before considering, secondly, whether the measures adopted by that federation are inherent in and proportionate to those objectives.

*“...it cannot be disputed that most of the objectives invoked by UEFA and FIFA stem from the ‘European Sports Model’ and are therefore expressly covered by primary EU law and, in particular, Article 165 TFEU, with the result that their legitimacy cannot be contested.”* To the legitimacy of objectives persuaded by UEFA and FIFA, AG Rantos presents connection with European Sports Model and considers it as sufficient to state: *“that their legitimacy cannot be contested.”* To the issue of European Sports Model interpretation see chapter 3.1. From author’s point of view it is simply not enough to refer to Art. 165 TFEU with legitimation of the objectives pursued by the UEFA rules as it would require more voluminous reasoning for such invasive rules to be found legitimate. *“The same is true, more specifically, of the rules that seek to ensure the openness of competitions, to protect the health and safety of players and to guarantee solidarity and the redistribution of revenue.”* It cannot be argued with AG Rantos, that protection of health<sup>17</sup> and safety of players is legitimate objective as well as to ensure the openness of competitions and to guarantee solidarity and the redistribution of revenue, but as I would like to point out below about the latter two objectives, UEFA is failing to reach both of them.

*“The prior approval system therefore appears to constitute an essential governance mechanism for European football in order to ensure, first, the uniform application of the rules of that sport and, secondly and more specifically, compliance with common standards between the various competitions. Such a system also makes it possible to ensure the coordination and*

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<sup>16</sup> See AG Rantos opinion, art. 87 – 92.

<sup>17</sup> Can we really speak about protection of players health and safety by UEFA/FIFA, if players in UEFA and FIFA football calendar are playing 50+ games/year?



*the compatibility of football match and competition calendars in Europe.*” From authors perspective the objectives such as an uniform application of rules and compliance of standards between different competitions are not proportionate to restrictions of competition consisting of prior approval powers. As AG Rantos correctly pointed out in art. 97 that sports can operate on different sports models other than the European Sports Model, therefore author is of the opinion that such strong instrument, as prior approval right is, should be supported by a larger justification, otherwise it may be considered disproportionate to its objectives. AG Rantos in his opinion does not deal in any way with other concepts of football structure, other than by pointing his finger on art. 165 TFEU or stating that other options are available, but then again turn his interest back to European Sports Model. At this point there would fit a comparative analysis of different model of football structure in order to see, whether strong instruments, such as prior approval, are really necessary to maintain the only possible option of European football model.

#### *The inherence of the sanctions*

In assessing these restrictions, AG Rantos relies on several bases regarding ESL such as following<sup>18</sup>: *“However, such a competition does not appear consistent with the principle governing European football, under which participation in competitions is based on ‘sporting merit’ and the results achieved on the pitch.”* Again AG Rantos is pointing out on Art. 165 TFEU, which is, from authors perspective, at least questionable. AG Rantos is referring in this point to fact, that there would be a semi-closed competition, from which would benefit clubs participating more than clubs not participating.<sup>19</sup> As it will be more detailed discussed in chapter 4, one may say, that there already is a semi-closed Super league called Champions league.

*“The guaranteed revenue from permanent participation at the highest level may be regarded as a significant competitive advantage in financing the acquisition and the remuneration of new players, which is a decisive parameter of competition.”* This article is strongly linked with the previous one, because nowadays the gap between rich and other clubs, created by longstanding participation in UEFA Champions league, is constantly increases, as AG aptly points out in art. 103. Salary cap in Formula 1 or NHL can be an

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<sup>18</sup> AG Rantos opinion, Art. 101 – 110.

<sup>19</sup> Compare how is money distributed from ECL in chapter 4. It can be inferred from this that the participating clubs benefit significantly more than the clubs that do not participate.

inspiration for football all over the world. This salary cap cannot be exceeded, otherwise there are draconian sanctions. Both Formula 1 and NHL are fully closed competition. Football financial fair play was an unsuccessful attempt for something similar to above-mentioned salary caps, but from recent history there are examples of massive spending without any severe sanctions imposed.<sup>20</sup>

*“...such a competition would essentially prevent the participation of teams from most European countries, since it would be limited to participants from a restricted number of countries, and this also might well run counter to the ‘European’ dimension of the sports model enshrined in Article 165 TFEU.”<sup>21</sup> Is not it already happening in UEFA Champions league?*

#### *The proportionality of the prior approval scheme and of the sanctions provided for by the UEFA rules*

In the respect of prior approval and imposed sanctions author shares the view of the referring court that *neither the prior approval procedure nor the procedure for the imposition of sanctions is governed by ‘objective, transparent and non-discriminatory’ criteria.* AG Rantos to the proportionality of the prior approval scheme *“...even if the criteria established by UEFA were not to satisfy the criteria<sup>22</sup> of transparency and non-discrimination, this would not mean that a third-party competition running counter to legitimate sporting objectives should be authorized and that UEFA’s refusal to authorize such a competition could not be justified.”* AG Rantos basically surrender on argumentation regarding criteria for establishing different competition and shifts to vague “sporting objectives” as a last way out for UEFA.

To the proportionality of the system of sanctions author share the view of AG Rantos that *a decision that consists in punishing players who do not appear to have engaged in any misconduct vis-à-vis the UEFA rules and whose involvement in the creation of the ESL does not seem to have been established would indicate a wrongful and excessive application of those rules and can be regarded as disproportionate.*

On the other hand it cannot be at one with AG Rantos regarding the sanctions again ESL clubs. *By contrast, the sanctions targeted at football clubs affiliated to UEFA, in the event of participation in an international competition such as the ESL, may appear proportionate given,*

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<sup>20</sup> e.g. masive spendings by Manchester City or Paris Saint Germain and following proceeding with both clubs.

<sup>21</sup> AG Rantos opinion, Art. 104.

<sup>22</sup> Criteria stated in the Court’s case-law deriving from the judgments in MOTOE and in OTOC.

*in particular, the role played by those clubs in the organization and the creation of a competition which, for the reasons set out in points 102 to 105 of AG Rantos Opinion, do not appear to comply with the fundamental principles structuring how European football is organized and operates.* Again AG Rantos brings up the European Sports Model and art. 165 TFEU.

As from authors perspective sanctions against ESL clubs cannot be considered proportionate if the prior approval documents were not published, clubs are being threatened by banning their players from international football and their role in the football structure isn't to be responsible for organizing football in Europe. From authors point of view AG at this point argues like if big clubs in Europe are responsible for managing football in Europe.

In the light of the foregoing considerations, I propose that the Court's answer to the second question referred for a preliminary ruling should be that **Article 101 TFEU must be interpreted as precluding Articles 22 and 71 to 73 of the FIFA Statutes and Articles 49 and 51 of the UEFA Statutes.**

### 3.2.2 First question regarding stipulation of prior approval requirement in UEFA and FIFA statutes

#### Article 102 TFEU

*“Any abuse by one or more undertakings of a dominant position within the internal market or in a substantial part of it shall be prohibited as incompatible with the internal market in so far as it may affect trade between Member States.”*

First of all it is necessary to highlight the fact that *UEFA holds a dominant position (if not a monopoly) on that market, since it is the sole organizer of all major interclub football competitions at European level and therefore has ‘special responsibility’ for the purpose of Article 102 TFEU, lies specifically in their obligation to ensure, when examining requests for authorization of a new competition, that third parties are not unduly denied access to the market.* AG Rantos apart from suggesting that analysis arising from doctrine of ancillary restraint can also apply in this manner, examines briefly two issues specific to the application of Article 102 TFEU to the rules established by UEFA and FIFA.

### *The issue of 'preventing conflicts of interests' in the light of Article 102 TFEU*

At first it is necessary to state that *the mere fact that a sports federation perform the tasks both of regulator and of organizer of sporting competitions does not entail in itself an infringement of EU competition law*. AG Rantos is not satisfied with the ESL suggesting to *split up the regulation of the sport, the organization of competitions and its commercial exploitation*, but on the other hand provides no relevant argumentation regarding different approaches other splitting up those two functions. AG in this regard proposes sports federations to establish an approval procedure for third-party competitions by identifying pre-defined approval criteria in an objective and non-discriminatory manner. As it was discussed above there wasn't established any objective and non-discriminatory approval criteria and UEFAs *modus operandi* suggests that they were aware of this fact for the entire time. At second AG approves UEFA and FIFA approach to the *pursuit of economic objectives* and from authors point of view to maintain monopoly on the market, which is arguable. AG is basically suggesting that UEFA and FIFA can use all available instruments in order to maintain monopoly. The monopoly which was entrusted to them in the beginnings of European football and they have done anything to deserve it. At third AG again show his concerns regarding *separation of the 'regulatory' and the 'commercial' activities* and its impacts on European Sports Model.

### *Application of the 'essential facilities' doctrine*

*One specific issue raised in the context of analysis of the first question referred for a preliminary ruling is that of the potential relevance, for the purpose of analyzing the prior approval and participation rules established by FIFA and UEFA in the light of Article 102 TFEU, of the case-law of the Court on 'essential facilities' deriving from the judgment in Bronner.*<sup>23</sup>

AG Rantos disagree with application of essential facilities doctrine in this case for several reasons. In summary of his arguments he suggest that *if there is no legal obstacle capable of preventing the clubs participating in the ESL initiative from setting up and organizing freely their own competition, outside the UEFA and FIFA ecosystem, creation of a league such as the ESL does not require reproduction of the existing UEFA infrastructure*. AG is of view that *the UEFA and FIFA 'ecosystem' cannot be regarded as an 'essential facility' and that the*

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<sup>23</sup> For further explanation see art. 138 of AG Rantos opinion.

*application of this doctrine in the present case should therefore be rejected.* From authors perspective the service in itself is indispensable to carrying on ESL business, inasmuch as there was no actual or potential substitute in existence for that service. It is the access to the player resources and sanctions imposed on ESL clubs they would have to carry if they would like to start a breakaway league and not wish to established an alternative league within the current UEFA pyramid system as it was intended. Therefore it is on point, from authors point of view, to apply doctrine of essential facilities on the UEFA and FIFA ecosystem.

In the light of the foregoing considerations, I propose that the Court's answer to the first question referred for a preliminary ruling should be that **Article 102 TFEU must be interpreted as precluding Articles 22 and 71 to 73 of the FIFA Statutes and Articles 49 and 51 of the UEFA Statutes.**

### 3.2.3 Sixth question regarding prior approval rights as a restriction of fundamental freedoms

It is established case-law<sup>24</sup> that the prohibitions on impeding the fundamental economic freedoms outlined in the TFEU are applicable not only to public regulations and measures that can be attributed to the Member States, but also to private regulations or measures, such as regulations or practices implemented by sports federations. In other word the autonomy of sports associations cannot authorize them to restrict the enjoyment of fundamental freedoms.

Considering the discretion entrusted to UEFA that allows it to manage entry to the market according to its own established criteria, the regulations on prior approval and participation introduced by the federation may be seen as being liable to restrict, first, Articles 49 and 56 TFEU on the freedom of establishment and the freedom to provide services of undertakings wishing to enter the market for the organization of sporting competitions. Those regulations could adversely affect the ability of organizers of alternative international football competitions, like ESL, to use the services of professional football clubs, who have hired or are considering hiring the players, knowing that they cannot do so without FIFA or UEFA's approval of the international competitions they intend to arrange and promote.

In the light of the foregoing considerations, I propose that the Court's answer to the sixth question referred for a preliminary ruling should be that **Articles 49 and 56 TFEU are to be**

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<sup>24</sup> See judgment of 13 June 2019, TopFit and Biffi (C-22/18, EU:C:2019:497, paragraph 39 AG Rantos opinion and the case-law cited).

**interpreted as precluding Articles 22 and 71 to 73 of the FIFA Statutes and Articles 49 and 51 of the UEFA Statutes as constituting a restriction contrary to freedom of establishment and the freedom to provide services of undertakings.**

### 3.3 Abuse of a dominant positions by UEFA/FIFA

#### 3.3.1. Third question regarding UEFA and FIFA threats of sanction on clubs and players participating in ESL

Joint analysis of sanctions imposed both on clubs and players was conducted in the first two preliminary questions above so I will limit myself to suggesting how the court should rule on this issue. In the light of the foregoing considerations, I propose that the Court's answer to the third question referred for a preliminary ruling should be that **Articles 101 and 102 TFEU must be interpreted as prohibiting FIFA, UEFA, their member federations or their national leagues from issuing threats of sanctions against clubs and players.**

#### 3.3.2. Fifth question regarding qualification of UEFA and FIFA for exception in Art. 101 and 102 TFEU

Author, contrary to AG Rantos, concludes that Articles 101 and 102 TFEU have been infringed by UEFA and FIFA restrictions. However, established case-law follows that the burden of proof falls on the party accused of breaching the competition regulations to demonstrate that their conduct meets the requirements for being considered covered by Article 101(3) TFEU or that it is objectively justified based on the provisions of Article 102 TFEU. It should be noted that, in the current situation, the preliminary questions were issued without prior consultation with FIFA or UEFA, thus preventing them from presenting evidence and arguments related to whether the conditions in question were met in the specific circumstances of this case. From authors perspective UEFA and FIFA restrictions are not eligible for the attainment of these objectives and from wider perspective eliminate competition on the market and therefore even if UEFA and FIFA had the opportunity to present evidence in favor of their interests, author is convinced that they would be unable to provide them.

In the light of the foregoing considerations, I propose that the Court's answer to the fifth question referred for a preliminary ruling should be that **Articles 101 TFEU and 102 TFEU**

**should not be interpreted as meaning that UEFA and FIFA restrictions on competition qualify for the exception laid down therein.**

### 3.3.3. Fourth question regarding original ownership of all rights emanating from competitions

The Court is requested to make a decision on the compatibility of FIFA's regulations related to the exploitation of sports rights with Articles 101 and 102 TFEU through the fourth question referred for a preliminary ruling. From authors perspective the answer to this question has two different outcomes regarding on how ESL wants to run their business and that's inside the structure of UEFA or rather outside the structure as a breakaway league. If we will examine the latter possibility it is clear to agree with AG Rantos as he aptly pointed out that: *"Moreover, a private body could under no circumstances regulate, on the basis of its own rules, the conduct of other private bodies that are independent of it. The organizers of such a competition (ESL) would be free, in principle, to exploit the rights arising from that competition as they wish without any intervention from UEFA."* If ESL would like to operate within the structure of UEFA, it cannot be argued that UEFA is the only legitimate body to exploit the rights arising from all competitions, therefore it is crucial how any agreement between the ESL and UEFA, regarding exploitation of rights, would be set up.

**In the light of the foregoing considerations, I propose that the Court's answer to the fourth question referred for a preliminary ruling should be that Articles 101 and 102 TFEU must be interpreted as not precluding Articles 67 and 68 of the FIFA Statutes.**

## 4. CURRENT SITUATION REGARDING UEFA COMPETITIONS OR IS THERE ALREADY A SUPER LEAGUE?

### 4.1 Current system of the UEFA Champions League

The current format of the UEFA Champions League was introduced in 1992, replacing the previous European Champion Clubs' Cup, which had been running since 1955. The Champions League format has evolved over the years, with changes to the number of teams participating, the number of rounds, and the qualification criteria. However, the basic structure of the tournament has remained the same, with a group stage followed by knockout rounds and a final. The current format has been in place since the 2003-04 season, with some minor modifications made in subsequent years.

There are 55 national associations gathered under UEFA. Top teams from each of the 55 associations first division are able to qualify for this millionaire competition. There are over 800 clubs in first divisions, which has the possibility to qualify and enjoy the biggest price money income out of any other competition in Europe. Even though there is this large number of clubs only 147 different club<sup>25</sup> has participated in 30 years of this Champions League format.

If we take a look from the English perspective, the numbers are even more striking. *“Since 2000 there have been 84 Champions league qualifying slots for English football and they have gone to teams outside of the ESL six (meaning six English ESL founding members) on four occasions. Three of those were in the early days of 21st century.”*<sup>26</sup>

### 4.2 UEFA money distribution channels

The main objective of UEFA (Union of European Football Associations) is to promote and develop football across Europe, while also ensuring that the sport is played fairly and with integrity. UEFA seeks to achieve this objective by organizing and overseeing competitions, promoting good governance and financial stability in football, and investing in the development of the sport at all levels, from grassroots to professional. Additionally, UEFA aims to foster unity and solidarity among its member associations, while promoting diversity and inclusivity in football. Ultimately, UEFA's goal is to ensure that football continues to thrive in

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<sup>25</sup> Out of this list most of the clubs (around 2/3) participated just a few times (e.g. 1 – 4 times) and their appearance in group stages can be considered in 30 years history as “lucky”. This fact shows that UEFA is failing to reach its objective to ensure the openness of competitions.

<sup>26</sup> Christopher Anderson in The European Super League & The Legal Fallout Conference conducted by Law in Sport on 22 April 2021. Available at: <https://www.lawinsport.com/topics/sports/football/item/the-european-super-league-the-legal-fallout-experts-views> .



Europe, both on and off the pitch, and that the sport remains a positive force for social and cultural development in the region.

The UEFA main objectives are achieved through redistribution of money, that is being raised by UEFA from various sources. Below is a list of the main distribution channels.

1. Merit-based distribution: UEFA distributes a portion of the revenues generated by its competitions to participating clubs based on their performance. For example, in the Champions League and Europa League, clubs receive money based on their progress through the competition.
2. Market pool distribution: UEFA also distributes a portion of the revenues generated by its competitions to participating clubs based on the value of the TV rights in their home country. This is known as the market pool distribution.
3. Solidarity payments: UEFA redistributes a portion of its revenues to smaller clubs and national associations through solidarity payments. These payments are intended to help promote the development of football across Europe.
4. Financial Fair Play penalties: UEFA's Financial Fair Play regulations allow the organization to distribute fines and other penalties to clubs that do not comply with the rules. These penalties are designed to promote financial stability and fair competition.
5. Youth and development programs: UEFA provides funding for youth and development programs across Europe, in order to help promote the long-term growth and sustainability of the sport.
6. UEFA EURO: UEFA distributes money to national associations that participate in its EURO tournament based on factors such as the size of the association and the performance of its national team in the tournament.
7. UEFA Women's EURO and Women's Champions League: UEFA also distributes money to national associations and participating clubs through its women's tournaments.
8. UEFA Nations League: UEFA distributes money to national associations that participate in its Nations League tournament based on factors such as the size of the association and the performance of its national team in the tournament.

Without any questions it is clear that most money from UEFA is flowing from the first two channels that depends on each years progress in UEFA competitions. The more successful you are one season, the more money you will receive for the next season. If you take into account that only 147 different clubs participated for almost 30 years of existence<sup>27</sup>. There are only 35 different clubs, that have more than 10 group stage appearances. If we go further, there are only 10 clubs, which have 20 and more appearances and therefore can be considered as “permanent” members. An inference can be drawn that ECL is a privileged club, where it is almost impossible, without massive long-term investments<sup>28</sup>, to join.

To demonstrate above-mentioned fact, we can analyze how are the money, arising from all European competitions including UEFA Champions League, UEFA Europa League and UEFA Europa Conference League and the 2022 UEFA Super Cup, distributed<sup>29</sup> to participating and non-participating clubs in 2022/2023.

The gross revenue from the 2022/23 UEFA Champions League, UEFA Europa League and UEFA Europa Conference League and the 2022 UEFA Super Cup is estimated to be €3.5bn.

Of the estimated gross amount of €3.5bn, €323m will be deducted to cover estimated organizational/administrative costs relating to the competitions, 3% (€105m) will be set aside for qualifying round payments and **4% (€140m) will be set aside for non-participating clubs in the UEFA Champions league**. An additional amount of €10m will be allocated to the UEFA Women’s Champions League distribution scheme. Of the resulting net revenue of €2.92bn, 6.5% (€190 m) will be reserved for European football and remain with UEFA, and the other **93.5% (€2,73 bn) will be distributed to the participating clubs in the UEFA Champions league**.

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<sup>27</sup>Official Champions league statistic is held from 1992/1993 season. Available at:

[https://www.uefa.com/MultimediaFiles/Download/EuroExperience/competitions/Publications/02/28/56/88/2285688\\_DOWNLOAD.pdf](https://www.uefa.com/MultimediaFiles/Download/EuroExperience/competitions/Publications/02/28/56/88/2285688_DOWNLOAD.pdf)

<sup>28</sup> E.g. progress of Paris Saint-Germain FC from 2011 after enormous financial boost from Qatar Sports Investment (QSI).

<sup>29</sup> UEFA Circular, No. 47/2022, Distribution to clubs from the 2022/23 UEFA Champions League, UEFA Europa League and UEFA Europa Conference League and the 2022 UEFA Super Cup. Available at: [https://editorial.uefa.com/resources/0277-158b0bea495a-ba6c18158cd3-1000/20220704\\_circular\\_2022\\_47\\_en.pdf](https://editorial.uefa.com/resources/0277-158b0bea495a-ba6c18158cd3-1000/20220704_circular_2022_47_en.pdf)

### 4.3 Decreasing competitive balance between clubs

***The increasing differences in revenues lead to increasing differences in expenditures on players, which, in turn, lead to increasing differences on the pitch in many (but not all) national and international competitions The main advantage of a closed ESL is the improved competitive balance, as compared to the present competitions.***<sup>30</sup>

The Champions League is set to undergo changes in 2024, which includes an increase in the number of games and additional spots for larger clubs. This could lead to more games between large clubs, but the revenue distribution has yet to be determined and could potentially favor the larger clubs, further reducing competitive balance. Based on the assumption that competitive balance improves under the current system to the point where the ESL no longer holds a significant advantage, it can be inferred that the closed ESL would not offer many advantages over existing competitions and would, in fact, decrease fan welfare by failing to improve competitive balance.<sup>31</sup>

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<sup>30</sup> Hanno Beck, Aloys Prinz & Tsjalle van der Burg (2022) The league system, competitive balance, and the future of European football, *Managing Sport and Leisure*, DOI: 10.1080/23750472.2022.2137056 [online]. [cit. 07.04.2023]. Available at: <https://www.tandfonline.com/doi/full/10.1080/23750472.2022.2137056?scroll=top&needAccess=true&role=tab>

<sup>31</sup> Hanno Beck, Aloys Prinz & Tsjalle van der Burg (2022).

## 5. CONCLUSION

This paper has analyzed Opinion of AG Rantos regarding ESL as well as investigated background consisted of showing structure of UEFA competitions from different perspective, which is from authors point necessary to understand the whole issue regarding ESL, but above all understand the motivations and expectations behind ESL.

Arguments provided in this work suggest, that UEFA and FIFA should not have the possibility to neither restrict access of a third party or impose sanctions on a third party as it is, from authors perspective, in contrary with the law of European Union.

As it was mentioned above, the competitive balance between clubs is decreasing, therefore to maintain welfare in European football is necessary, from authors point of view, an open discussion between UEFA and ESL on improving the current structure and developing more just money-distribution system.

At the end of the day, it is about competition in the market of fans attention span, where inferior products are marginalized and eventually driven out of the market. If there will be no changes in the current UEFA structures, author is afraid that it is only a matter of time, when some other Super league will emerge and succeed. However, UEFA pyramid model can be reformed and can generate more welfare than any Super League system.<sup>32</sup>

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<sup>32</sup> Hanno Beck, Aloys Prinz & Tsjalle van der Burg (2022).

## LIST OF SOURCES

### 1. Case-law

Judgment of 15 December 1995, Bosman, C-415/93, ECLI:EU:C:1995:463.

Opinion of Advocate General Szpunar delivered on 9 March 2023, C-680/21, ECLI:EU:C:2023:188.

Opinion of Advocate General Rantos delivered on 15 December 2022, C-333/21, EU:C:2022:993.

Judgment of 14 January 2021, Kilpailu- ja kuluttajavirasto, C-450/19, EU:C:2021:10.

Judgment of 2 April 2020, Budapest Bank and Others C-228/18, EU:C:2020:265.

Judgment of 1 July 2008, MOTOE, C-49/07, EU:C:2008:376.

Appeal Case before the General Court T-93/18, International Skating Union v Commission, Case C-124/21 P.

Judgment of 28 February 2013, OTOC, C-1/12, EU:C:2013:127.

Judgment of 13 June 2019, TopFit and Biffi, C-22/18, ECLI:EU:C:2019:497.

### 2. Internet sources

The Super League - Press Release. The Super League [online] [cit.07.04.2023].

Available at: <https://thesuperleague.com/press.html>

Graham Shear in The European Super League & The Legal Fallout Conference conducted by Law in Sport on 22 April 2021.

Available at: <https://www.lawinsport.com/topics/sports/football/item/the-european-super-league-the-legal-fallout-experts-views>

A Summary Of The Advocate General Opinion In The European Super League Case - LawInSport. Expert commentary and analysis on the latest issues and legal developments in the world of sport - LawInSport [online]. Copyright © LawInSport Limited 2010 [cit. 07.04.2023].

Available at <https://www.lawinsport.com/topics/item/a-summary-of-the-advocate-general-opinion-in-the-european-super-league-case-2>

Antoine Duval via Twitter on 15. 12. 2022 [online]. [cit. 08.04.2023]

Available at: <https://twitter.com/Ant1Duval/status/1603422490973589504>

Antoine Duval via Twitter on 10. 3. 2023 [online]. [cit. 08.04.2023]

Available at: <https://twitter.com/Ant1Duval/status/1634103020869787651>

PIJETLOVIC, Katarina, A Summary Of The Advocate General Opinion In The European Super League Case - LawInSport. Expert commentary and analysis on the latest issues and legal developments in the world of sport - LawInSport [online]. Copyright © LawInSport Limited 2010 [cit. 09.04.2023].

Available at: <https://www.lawinsport.com/topics/item/a-summary-of-the-advocate-general-opinion-in-the-european-super-league-case-2>

Christopher Anderson in The European Super League & The Legal Fallout Conference conducted by Law in Sport on 22 April 2021.

Available at: <https://www.lawinsport.com/topics/sports/football/item/the-european-super-league-the-legal-fallout-experts-views>

Official Champions league statistic handbook. Available at:

[https://www.uefa.com/MultimediaFiles/Download/EuroExperience/competitions/Publications/02/28/56/88/2285688\\_DOWNLOAD.pdf](https://www.uefa.com/MultimediaFiles/Download/EuroExperience/competitions/Publications/02/28/56/88/2285688_DOWNLOAD.pdf)

UEFA Circular, No. 47/2022, Distribution to clubs from the 2022/23 UEFA Champions League, UEFA Europa League and UEFA Europa Conference League and the 2022 UEFA Super Cup. [online] [cit.07.04.2023].

Available at: [https://editorial.uefa.com/resources/0277-158b0bea495a-ba6c18158cd3-1000/20220704\\_circular\\_2022\\_47\\_en.pdf](https://editorial.uefa.com/resources/0277-158b0bea495a-ba6c18158cd3-1000/20220704_circular_2022_47_en.pdf)

Hanno Beck, Aloys Prinz & Tsjalle van der Burg (2022) The league system, competitive balance, and the future of European football, *Managing Sport and Leisure*, DOI: 10.1080/23750472.2022.2137056 [online]. [cit. 07.04.2023].

Available at:

<https://www.tandfonline.com/doi/full/10.1080/23750472.2022.2137056?scroll=top&needAccess=true&role=tab>

### **3. Legal documents**

Treaty on the Functioning of the European Union (TFEU).

### **4. Artificial Intelligence**

For writing this academic paper Artificial Intelligence (AI) was used in the form of ChatGPT. AI was used especially for research work and summarizing large texts. All outcomes were deep-checked and verified from authorized resources. AI was not used in the analysis of AG Rantos opinion. AI was used with the knowledge of the Statement on the Use of Artificial Intelligence in Teaching at Masaryk University. This statement is supported also by MFF CUNI, as there is not, at the time of publishing this paper, no statement directly from Faculty of Law CUNI neither Charles University. Available at: <https://chat.openai.com/gpt>