

CJEU ADVOCATE GENERAL ISSUES NON-BINDING ADVISORY OPINION – UEFA HAS RESPONSIBILITY TO OPEN ACCESS FOR NEW COMPETITIONS

- Advocate General Rantos states that dominant position leads to “special responsibility” borne by UEFA to not unduly deny authorisation of new competitions
- Opinion establishes important restrictions on UEFA’s conduct in any authorisation process
- A22 believes that the 15 judges of the Grand Chamber will go substantially further and provide the opportunity for clubs to manage their own destiny in Europe
- Opinion is advisory only and is non-binding on judges of the CJEU

Madrid, December 15, 2022 – In the case of *European Super League Company v UEFA/FIFA*, Athanasios Rantos, Advocate General of the Court of Justice of the European Union (CJEU), today delivered his non-binding advisory opinion. He stated that UEFA is the dominant, even monopolistic organiser of all major European club competitions and bears a “special responsibility” to ensure no third parties are unduly denied access to the market.

AG Rantos stated that the conditions of access to the market must be clear, objective and as detailed as possible so that organisers of third-party competitions are able to comply with them. For any third-party organisers who fulfil these conditions, the federation in question should not refuse access. In particular, UEFA may not take into account their own self-interest in any authorisation process.

Finally, the clubs and players concerned must also be able to know in advance the conditions under which they can participate in third-party events and the sanctions which might be incurred. Due to their deterrent effect, sanctions must also be sufficiently clear, predictable and proportionate to limit any risk of arbitrary application.

Bernd Reichart, CEO of A22 Sports Management, said: “The opinion of the Advocate General is one step in an ongoing case, and we are pleased with the recognition of the right of third parties to organise pan-European club competitions. The Advocate General made clear that UEFA has a monopolistic position which comes with important responsibilities for enabling third parties to act freely in the market. However, we believe the 15 judges of the Grand Chamber who are entrusted with the responsibility to examine this case, will go substantially further and provide the opportunity for clubs to manage their own destiny in Europe.”

A22 is a co-claimant in the case against UEFA/FIFA. In expectation of a final judgement of the CJEU in Spring 2023, A22 initiated an extended dialogue with a comprehensive group of football stakeholders in October 2022. The aim is to facilitate the development of a sustainable sporting model for European club competitions that reflects the long-term and mutual best interests of fans and the broader football community.

This stakeholder dialogue is necessary to prepare for all potential outcomes in the continuing legal process. Following the final judgement of the CJEU, football clubs must be prepared to take their interests back into their own hands and support a governance and competition structure that is fully compliant with EU law and principles.

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About A22 Sports Management

A22 Sports Management is a company that was formed to sponsor and assist in the creation of the European Super League. In its advisory capacity, A22 focuses on the overall structure, operating and financial aspects of the potential new competition.

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