

## BALANCING GAME INTEGRITY AND PLAYER MOBILITY: ATHLETES' RIGHTS IN THE EU LEGAL ORDER

Maria SHAAO<sup>1</sup>, Andreea PARSEGHIAN (FERARU)<sup>1</sup>, Mirela SHAAO<sup>2</sup>

<sup>1</sup>University of Craiova, Doctoral School of Social Sciences and Humanities, Craiova, Romania

<sup>2</sup>University of Craiova, Faculty of Physical Education and Sport, Craiova, Romania

\*Corresponding author: mariashaao@yahoo.com

<https://doi.org/10.52846/46.2025.1.3>

**Abstract:** The balance between the autonomy of sports governing bodies and the protection of athletes' rights has long been a central issue of the European Union (EU) law and institutions. The Court of Justice of the European Union (CJEU) has progressively clarified that while the sport domain enjoys a certain degree of autonomy under Article 165 of the Treaty on the Functioning of the European Union (TFEU), it is not exempt from the application of EU law and principles – particularly Treaty rules on competition (Articles 101-102) and EU internal market rules (especially Article 45 – free movement of workers). The recent CJEU case C-650/22 [Federation Internationale de Football Association (FIFA) v BZ] reaffirms that sporting rules and regulations must respect the principles of proportionality, transparency, non-discrimination and freedom of movement.

The analysis reveals a gradual transition from respecting the autonomy of sports organisations to carefully scrutinising their rules in light of EU fundamental rights and freedoms, subjecting them to a stricter legal control focused on protecting athletes' rights. Starting with the *Bosman* case (C-415/93) and refined in *Meca-Medina* (C-519/04 P), the Court established that sporting rules with economic effects must comply with EU law. Later cases, such as *International Skating Union* (C-124/21 P), *European Superleague Company* (C-333/21) and *Royal Antwerp* (C-680/21) reinforced the principles of transparency and proportionality in sports governance. Case C-650/22 further consolidates these principles, confirming that fair competition and game integrity must coexist with athletes' rights. Thus, these rulings define clear limits on rules restricting athletes' rights, including access to competition or professional opportunities.

**Keywords:** Court of Justice of the European Union; rights protection; sports law.

### Introduction

The relationship between the autonomy of sport and the European Union (EU) law has evolved into one of the most dynamic fields of modern sports governance. While Article 165 of the Treaty on the Functioning of the European Union (TFEU) recognises the specific nature of sport, the Court of Justice of the European Union (CJEU) has consistently held that “sporting activities are subject to the EU Treaties whenever they constitute economic activities” (as stated in Case C-415/93). Over the last decades, the Court has developed a rich body of case law – beginning with *Bosman* (C-415/93) and refined in *Meca-Medina* (C-519/04 P), *International Skating Union* (ISU, C-124/21P), *European Superleague Company* (C-333/21) and *Royal Antwerp* (C-680/21) – that defines the limits of sports federations' regulatory power, and safeguards the rights of athletes as workers and market participants (Schettino & Coni, 2025).

The most recent decision, *FIFA v BZ* (Case C-650/22) represents the peak of this jurisprudential evolution. The Court examined FIFA's transfer regulations imposing joint and several liability and transfer restrictions on players who terminate

their contracts “without just cause” (as noted in Case C-650/22). By treating these rules as potential infringements of Article 45 TFEU (freedom of movement for workers) and Articles 101-102 TFEU (competition law), the CJEU reaffirmed that sporting rules are not immune from EU law when they affect the economic freedom or professional mobility of athletes. The judgment highlights that legitimate sporting objectives – such as contractual stability or game integrity – must be pursued through proportionate, transparent and non-discriminatory means.

Through a doctrinal analysis and examination of the relevant case law, this paper argues that the Court has progressively built a consistent framework in which athletes' rights, fair competition and the governance responsibilities of sports federations are interpreted in a complementary manner. The paper focuses on the application of Articles 45, 101 and 102 TFEU in the field of sport, with the aim of exploring how the balance between the autonomy of sport and athletes' fundamental rights has evolved within the EU legal order.

In pursuit of this objective, relevant CJEU cases were analysed and compared with Case C-650/22 to trace the gradual refinement of the Court's approach to the protection of athletes' freedoms

and to the limits of sports governing bodies' self-regulation under EU law.

### **Judgment of the CJEU in Case C-650/22**

The judgment delivered by the Court of Justice of the European Union in case C-650/22 clarifies the relationship between the autonomy of sport, athletes' rights and EU internal market law.

The case arose from a dispute between FIFA and the professional footballer BZ (Diarra), who challenged FIFA's Regulations on the Status and Transfer of Players (RSTP). After BZ unilaterally terminated his contract with a club, FIFA applied provisions that made the player and his new club 'jointly and severally liable' to pay compensation to the former club (in cases where the contract was terminated without just cause), allowed sanctions against that club and prohibited the issue of an International Transfer Certificate (ITC) while a contractual dispute remained pending (as stated in Case C-650/22).

Based on the request from the Court of Appeal of Mons (Belgium) under Article 267 TFEU, the CJEU had to determine whether "the harm which BZ consider[ed] he [had] suffered, by being prevented from exercising his activity as a professional footballer during the 2014/2015 season, [had had] its cause in wrongful conduct by FIFA and the URBSFA", based on the application of rules that infringe Articles 45 and 101, as stated in paragraph 41 of Case C-650/22. Essentially, the Belgian court asked whether these rules were compatible with provisions regarding freedom of movement of workers and agreements which restrict competition within EU through the preliminary ruling procedure (European Union, 2024).

According to its case law, the CJEU stated once again that "in so far as it constitutes an economic activity, the practice of sport is subject to the provisions of EU law applicable to such an activity", a fact which was first mentioned in the Bosman case (C-415/93) and reiterated in case C-333/21 European Superleague Company (paragraph 75 of the case).

Also, as noted by the referring court and within the CJEU judgement, "those rules must be regarded, in the light of [the Bosman case], as being restrictive of both the freedom of movement of workers and competition" (paragraph 42 of Case C-650/22). By creating unpredictable financial risks, potential sporting bans and administrative obstacles to registration, they effectively deterred clubs from employing players involved in contractual disputes and prevented

athletes from exercising their right to work in another Member State. Following the analysis of Article 17 of the RSTP, the CJEU stated that the rule laid down in that article "constitutes a restriction on the employment of players", to the disadvantage of players and the clubs seeking to recruit them, "particularly because the amount of [the] compensation [...] is generally not known at the time when the parties concerned wish to enter into an employment contract" (paragraph 42 of Case C-650/22). Moreover, according to the same article, "the new club is to be presumed to have induced the player to commit a breach of the employment contract with his or her former club", a situation which "exposes that new club, in certain cases, to a sporting sanction". Also, the same provisions set out a restriction on the former club "by prohibiting the national football association to which [that club] belongs from issuing an ITC for the player if there is a dispute between the former club and that player arising from an early termination of the employment contract" in the absence of a mutual agreement (paragraph 42 of Case C-650/22).

While the Court recognised legitimate objectives such as contractual stability, team integrity and regularity of competitions, it still found the FIFA rules disproportionate. As stated in paragraph 80, the rules in question directly affect the professional activity of players by regulating their employment contracts and working conditions. They also condition athletes' participation in competitions – the core of their economic activity – on compliance with specific requirements, as mentioned in case C-680/21 Royal Antwerp Football Club. Moreover, because team composition is a fundamental element of the competitions in which professional football clubs participate – and since those competitions constitute an economic activity – rules such as those at issue, whether concerning players' employment contracts or transfers, must be regarded as directly influencing both the conditions under which that activity is carried out and the competition between participating clubs (as mentioned in case C-680/21 Royal Antwerp Football Club and paragraph 81 of Case C-650/22).

Moreover, the criteria for calculating compensation were vague, the automatic presumption that the new club induced the breach lacked justification, and the prohibition on issuing ITCs deprived players of any professional activity for extended periods (paragraphs 103-105, 110-113 of Case C-650/22). So, these provisions went

far beyond what was necessary to maintain “contractual stability and the stability of football teams and, more broadly, preserving the integrity, regularity and proper conduct of sporting competitions”, as stated in both paragraphs 43 and 98 of the same case.

Under Article 45 TFEU, the Court concluded that such restrictions on workers’ mobility are incompatible with EU law unless proven strictly necessary and proportionate. When a rule adopted by a sporting association is alleged to restrict the freedom of movement of workers or to constitute an anticompetitive agreement, its qualification as such must “be based on a specific assessment of the content of that rule in the actual context in which it is to be implemented” (paragraph 85). Moreover, Article 45, which has a direct effect, prohibits any measure – whether based on nationality or applied irrespective of it – that places EU nationals at a disadvantage when seeking to pursue an economic activity in another Member State by preventing or discouraging them from leaving their home country (paragraph 86 of the case).

Also, even if FIFA acts as an association of undertakings whose rules can restrict competition, Article 101(1) TFEU “prohibits all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition within the internal market” (paragraph 115 of the same case). However, the Court held that these transfer rules limited clubs’ liability to employ players and therefore amounted to a restriction of competition by their very nature. Eventually, no exemption under Article 101 (3) TFEU could be applied unless all four conditions for efficiency gains were met – something FIFA had not established.

This ruling marks a significant affirmation of athletes’ economic and fundamental rights within the EU legal order. It reinforces that sports governing bodies, through autonomy, must respect EU law when their rules have economic effects. By subjecting FIFA’s transfer system to proportionality and competition-law review, the Court advanced a model of “proportional autonomy” – understood as a balance between independence and EU legal oversight - ensuring that game integrity coexists with players’ mobility, fair access and dignity as workers.

## Discussions

The CJEU held that FIFA’s rules restricted both the freedom of movement for workers and competition among clubs. By deterring clubs from hiring players involved in contractual disputes and by suspending their right to work through transfer-certificate bans (stipulated in their regulations), the rules produced effects similar to a ‘no-poaching agreement’ between undertakings (CJEU Press Release No 172/24). The Court accepted contractual stability as a legitimate aim but found the measures disproportionate, noting vague compensation criteria and excessive sanctions. As mentioned by Sternheimer, Ongaro, Cisneros and Kasoulis of Morgan Sports Law (2024), the CJEU clarified that “compensation must be calculated in accordance with the applicable national law, and that any other applicable criteria must be objective and must genuinely advance the legitimate aims of FIFA, rather than merely preserving the financial interests of clubs”. Therefore, FIFA’s system was incompatible with TFEU (Articles 45 and 101), as it went beyond what was necessary to achieve its sporting objectives (L&E Global, 2024).

The foundation of this line of reasoning lies in *Bosman* (Schettino & Coni, 2025). This idea is supported by the International Federation of Professional Footballers (FIFPRO - which also supported Bosman’s legal challenge to the transfer rules): “the claim by Jean-Marc Bosman against FIFA transfer regulations also hinged on the freedom of movement of workers in the European Union” (FIFPRO World Players’ Union, 2025). As noted by Duval (2024), “Diarra stems from the effects of Bosman on football’s labour market and its transnational regulation”. The same author also stated that “it is because of Bosman that football players started to move in great numbers around the globe and that a transnational labour market (and transfer market) consolidated” (Duval, 2024). The Court first stated that professional athletes are workers under Article 45 TFEU and that transfer fees and nationality quotas unlawfully restricted their mobility. Therefore, this case established two principles: EU law applies to sport “whenever it constitutes an economic activity”; and restrictions on player movement must be objectively justified and proportionate (as stated in the *Bosman* case C-415/93). Likewise, C-650/22 reiterated these principles: FIFA’s transfer system, just like the former transfer rules in *Bosman*, was deemed unlawful because it created economic barriers that hindered players’ professional mobility (Chanda & Bordoloi, 2024; Schettino & Coni, 2025).

Furthermore, *Meca-Medina* expanded Bosman's logic by holding that even rules pursuing purely sporting aims fall within EU law when they have economic effects (as stated in the *Meca-Medina* case C-519/04 P). The Court introduced a structured proportionality test: a rule must pursue a legitimate objective, be essential to achieving that aim, and not go beyond what is necessary. This analytical framework supports C-650/22. The Court applied *Meca-Medina*'s test to FIFA's rules, recognizing contractual stability as legitimate but concluding that automatic joint liability, financial penalties and transfer bans exceeded what was proportionate. Hence, C-650/22 can be seen as the modern application of the *Meca-Medina* proportionality standard to employment and transfer regulations (Schettino & Coni, 2025).

In *International Skating Union* (ISU), the CJEU confirmed that sports federations exercising both regulatory (setting the rules) and commercial (organizing and commercially benefiting from the events it also regulated) powers are subject to Articles 101-102 TFEU. Lifetime bans on skaters participating in unauthorized competitions were found to restrict competitions because ISU's dual role created a conflict of interest (as stated in the *International Skating Union* case C-124/21 P). The Court required objective, transparent and non-discriminatory authorization procedures. Case C-650/22 mirrors this logic: FIFA's transfer regulations, adopted by an organization combining regulatory and economic roles, likewise failed the transparency and proportionality standards. Both cases reinforce that autonomy does not confer immunity – sports bodies must design rules compatible with EU law. The *European Superleague* decision further developed the principles of good governance and market access in sport (Schettino & Coni, 2025). The Court accepted that preserving competitive balance is a legitimate aim but ruled that UEFA's and FIFA's prior-authorization systems infringed competition law when they lacked clear and objective criteria (as noted in the *European Superleague Company* case C-333/21). Similarly, in *FIFA v BZ*, the transfer restrictions were condemned for producing exclusionary effects and preventing clubs from recruiting players – “these rules significantly restrict the ability of clubs to compete for access to top-level players and aim to prevent competition across the EU”, as mentioned by Özsü (2024) of the law firm Erdem & Erdem. Both judgments highlight the CJEU's demand for transparency and procedural fairness as essential elements of lawful sporting regulation.

In *Royal Antwerp* (C-680/21), the Court assessed the Belgian Football Association's home-grown player rule under Article 45 TFEU. It held that the measure restricted free movement but could be justified if it genuinely promoted youth training and if it was proportionate (as stated in the *Royal Antwerp* case C-680/21). This complements *FIFA v BZ*: both involve employment-related restrictions on players, yet *Royal Antwerp* accepted a limited justification whereas *FIFA v BZ* rejected FIFA's system as excessive. Together they trace the boundary between legitimate sporting objectives and unlawful restraints on rights (Schettino & Coni, 2025).

The Court has progressively defined the limits of autonomy of sport. The modern approach is one of qualified and proportional autonomy – federations may regulate sport, but only within the boundaries set by EU law. The *Bosman* case introduced the principle, the *Meca-Medina* case provided the analytical test, *ISU* and *Superleague* cases supplied procedural safeguards, the *Royal Antwerp* case clarified the extent to which mobility restrictions are legally permissible, and *FIFA v BZ* consolidated these elements in the employment and transfer context. The outcome is a strong jurisprudential framework where athletes' economic freedoms and rights coexist with legitimate governance objectives (Chanda & Bordoloi, 2024; FIFPRO World Players' Union, 2025).

On a related but more football-focused note, Chanda and Bordoloi (2024), citing Parrish, also mentioned that “player mobility and safety must be core principles of football's regulatory structures”. Moreover, the same authors noted that “to its credit, FIFA [...] addressed these issues in its revised criteria for the RSTP, reducing the list of criteria for clubs. However, effective monitoring mechanisms are still required to ensure continued protection of these rights” (Chanda & Bordoloi, 2024).

### Conclusions

The comparative analysis of *FIFA v BZ* with *Bosman*, *Meca-Medina*, *ISU*, *Superleague* and *Royal Antwerp* reveals a clear and deliberate trajectory in the CJEU's jurisprudence. The Court has moved from the initial recognition of athletes' mobility rights in *Bosman* to a more comprehensive regime of rights-based accountability for sports governing bodies. Each decision has reinforced the message that the autonomy of these bodies must operate within the legal boundaries of the EU internal market.

FIFA v BZ consolidates this evolution since “the results of such an unbalanced system were clear: clubs in the football industry regularly terminated contracts, whereas players almost never terminated contracts” (FIFPRO World Players’ Union, 2025). As stated by James (2024), “a side effect of the judgment could be a strengthening of specific contractual terms”. By invalidating those rules that imposed disproportionate financial and sporting sanctions on players and clubs, the Court reaffirmed that contractual stability cannot be pursued through measures that compromise the freedom to work, fair competition or equal access to professional opportunities. Together, the cases establish a model of qualified or regulatory autonomy: sports organisations retain self-governance but remain accountable to EU law when their decisions violate EU law. The principles established through EU law, especially the principle of proportionality, serve as a bridge between integrity of competition and protection of athletes’ rights (Chanda & Bordoloi, 2024).

From a wider policy perspective, the CJEU’s approach reinforces that athletes are not merely participants in sport but workers and right-holders under the EU legal order. Their professional mobility and procedural guarantees form part of the broader European framework of fundamental rights. The FIFA v BZ judgement, read in the light of its predecessors, marks an important step towards athlete-centred governance model – one that preserves the autonomy and integrity of sport while ensuring that its regulatory structures remain transparent, proportionate and consistent with the principles of the EU internal market.

## References

- Case C-415/93, *Judgment of the Court of 15 December 1995: Union royale belge des sociétés de football association and Others v Bosman and Others*. The Court of Justice of the European Union. <https://curia.europa.eu/juris/showPdf.jsf?text=&docid=99445&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=21085>
- Case C-519/04 P, *Judgment of the Court of 18 July 2006: David Meca-Medina and Igor Majcen v Commission of the European Communities*. The Court of Justice of the European Union. <https://curia.europa.eu/juris/document/document.jsf?text=&docid=57022&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=5260695>
- Case C-124/21 P, *Judgment of the Court of 21 December 2023: International Skating Union v Commission*. The Court of Justice of the European Union. <https://curia.europa.eu/juris/document/document.jsf?text=&docid=280763&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=8669795>
- Case C-333/21, *Judgment of the Court of 21 December 2023: European Superleague Company*. The Court of Justice of the European Union. <https://curia.europa.eu/juris/document/document.jsf?text=&docid=280765&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=867150>
- Case C-680/21, *Judgment of the Court of 21 December 2023: Royal Antwerp Football Club*. The Court of Justice of the European Union. <https://curia.europa.eu/juris/document/document.jsf?text=&docid=280764&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=8671542>
- Case C-650/22, *Judgment of the Court of 4 October 2024: FIFA*. The Court of Justice of the European Union. <https://curia.europa.eu/juris/document/document.jsf?text=&docid=290690&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=30753079>
- Chanda, S., & Bordoloi, A. (2024). Breaking Boundaries: The Diarra Case and Its Ripple Effects on FIFA Regulations and Player Transfers. *Journal of Sports Law, Policy and Governance*, 5 (1), 1–15. [https://www.researchgate.net/publication/390468754\\_Breaking\\_Boundaries\\_The\\_Diarra\\_Case\\_and\\_Its\\_Ripple\\_Effects\\_on\\_FIFA\\_Regulations\\_and\\_Player\\_Transfers](https://www.researchgate.net/publication/390468754_Breaking_Boundaries_The_Diarra_Case_and_Its_Ripple_Effects_on_FIFA_Regulations_and_Player_Transfers)
- Court of Justice of the European Union. (2024, October 4). *Football: some FIFA rules on international transfers of professional footballers are contrary to EU law* [Press release No 172/24]. <https://curia.europa.eu/jcms/upload/docs/application/pdf/2024-10/cp240172en.pdf>
- Duval, A. (2024, October 25). Football at a Crossroads. Why the Diarra Ruling Marks a Crucial Turning Point for Football. *Verfassungsblog on Matters Constitutional*. <https://verfassungsblog.de/football-at-a-crossroads/>
- European Union. (2024). Preliminary ruling proceedings – recommendations to national courts. *EUR-Lex Website*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=legisum:l14552>
- FIFPRO World Players’ Union. (2025, May 22). The Lassana Diarra judgement explained: What does it mean for footballers? *FIFPRO Football Players Worldwide*. <https://www.fifpro.org/en/articles/2025/05/the-lassana-diarra-judgement-explained-what-does-it-mean-for-footballers>
- James, M. (2024) The Diarra case. *The International Sports Law Journal*, 24, 205–207. <https://doi.org/10.1007/s40318-024-00286-5>
- L&E Global. (2024, October 29). *EU: Game Changer: CJEU Declares FIFA’s Player Transfer Rules Unlawful*. L&E GLOBAL Employers’ Counsel

Worldwide. <https://leglobal.law/2024/10/29/eu-game-changer-cjeu-declares-fifas-player-transfer-rules-unlawful/>

Schettino, A., & Coni, A. (2025). The Football Transfer System Under EU Judicial Scrutiny: FIFA Called Offside Once Again in the Diarra Case. *Eurojus*, 2, 237–257. <https://rivista.eurojus.it/wp-content/uploads/pdf/Diarra-Case.pdf>

Sternheimer, W., Ongaro, O., Cisneros, B., Kasoulis, S., (2024, October 7). *Diarra vs FIFA's RSTP – Bosman 2.0?* Morgan Sports Law. [https://www.morgansl.com/en/latest/lassana-](https://www.morgansl.com/en/latest/lassana-diarra-fifa-rstp-transfer-system-illegal-cjeu-bosman)

[diarra-fifa-rstp-transfer-system-illegal-cjeu-bosman](https://www.morgansl.com/en/latest/lassana-diarra-fifa-rstp-transfer-system-illegal-cjeu-bosman)

Treaty on the Functioning of the European Union - consolidated version. October 26, 2012. *Official Journal of the European Union*, C326. [https://eur-lex.europa.eu/legal-](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT)

[content/EN/TXT/?uri=celex%3A12012E%2FTXT](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT)  
Özsü, E. (2024, October 31). *Landmark Decision of the European Court of Justice on Football: Lassana Diarra Case.* Erdem & Erdem. <https://www.erdem-erdem.av.tr/en/insights/landmark-decision-of-the-european-court-of-justice-on-football-lassana-diarra-case>