

Research Article

BETWEEN AUTONOMY AND EU LAW: THE EUROPEAN SPORT MODEL IN THE ERA OF *LEX SPORTIVA*

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ABSTRACT

Background: *The formalisation of sports law within the European Union (EU) has progressively reshaped the governance of sport. From the landmark Walrave and Koch judgement (1974) to Article 165 TFEU, and most recently, the Diarra case, EU law increasingly interacts with the autonomous regulatory framework known as lex sportiva. This dual system reflects a balance between the EU's market-oriented legal order and the self-regulatory structures developed by international sports federations and consolidated through the Court of Arbitration for Sport (CAS). Within this framework, the European Sport Model, based on openness, solidarity, and a pyramid competition structure, faces mounting pressures from commercialisation and alternative regulatory models.*

Method: *The article employs a doctrinal legal methodology, supported by a contextual institutional analysis. It examines the Court of Justice of the European Union's (CJEU) case law, Article 165 TFEU, European Union (EU) competition law principles, and selected CAS jurisprudence. These primary sources are assessed alongside scholarly literature on lex*

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sportiva, the European Sport Model, and governance reform to evaluate the evolving relationship between EU law and transnational sports regulation.

Results and Conclusions: The analysis shows that EU sports law has developed towards a structured coexistence with *lex sportiva* rather than hierarchical control. CJEU jurisprudence confirms that sport is subject to EU law when constituting economic activity, while recognising its specific nature. *Lex sportiva*, reinforced by CAS arbitration, ensures regulatory coherence and practical harmonisation across jurisdictions. At the same time, the European Sport Model promotes solidarity and ethical governance but faces tension when confronted with scrutiny under competition law and increasing commercialisation. Good governance principles have emerged as a key mechanism for reconciling autonomy with accountability.

The European Sport Model and *lex sportiva* function in a complementary partnership. *Lex sportiva* operates as the primary regulatory framework, while the European Sport Model provides normative oversight rooted in EU values. Maintaining this balance is essential for ensuring transparency, fairness, and legal coherence in European sport.

1 INTRODUCTION

This article explores the dynamic interplay between European Sport Model and *lex sportiva*, focusing on how these elements converge to shape the legal framework of European sports, which in turn, as highlighted in the Revised European Sports Charter,¹ is a social, educational, and cultural activity based on voluntary choice that encourages contact between European countries and their citizens, and plays a fundamental role in the realisation of the aim of the Council of Europe by reinforcing the bonds between peoples and developing awareness of a European cultural identity. This relationship has been shaped by developments in EU law, especially following the Lisbon Treaty, as well as international sports regulations. A significant focus of the article is on the importance of good governance, which has become increasingly vital for ensuring transparency, accountability, and integrity within sports organisations. As demonstrated in recent scholarship, the intersection of *lex sportiva*, sports law, and governance remains underexplored, with good governance emerging as a key bridging concept among these domains.²

This article argues that the relationship between the European Sport Model and *lex sportiva* should not be understood as hierarchical, but as a form of structured coexistence, in which EU law provides normative constraints while *lex sportiva* ensures regulatory coherence. However, this coexistence remains legally fragile, particularly considering recent CJEU case law.

1 EPAS, *Revised European Sports Charter: Recommendation CM/Rec(2021)5* adopted by the Committee of Ministers on 13 October 2021 at the 1414th meeting of the Ministers' Deputies (Council of Europe Publishing 2022).

2 Marina Kamenecka-Usova and others, 'Research Patterns in Sports Law and Sports Governance: A Scopus Bibliometric Study' (2025) 7 *Frontiers in Sports and Active Living* 1590858, doi:10.3389/fspor.2025.1590858.

The article proceeds in three steps. First, it outlines the legal evolution of EU sports law and the emergence of *lex sportiva*. Second, it examines the European Sport Model as a normative and governance framework. Third, it analyses how these frameworks interact in practice through selected case law and governance principles, with illustrative reference to selected national systems.

2 METHODOLOGY

This research is based on the analysis of EU law, international sports regulations, and national legal frameworks governing sport. The study examines primary legal sources, including Article 165 of the Treaty on the Functioning of the European Union (TFEU),³ relevant judgements of the CJEU (notably Walrave and Koch, European Superleague Company, and Diarra), and regulatory instruments developed within the framework of *lex sportiva*, such as CAS jurisprudence, the Olympic Charter,⁴ and the World Anti-Doping Code.⁵ In addition, the article analyses policy and governance documents issued by European and international sports institutions, including EU Work Plans for Sport, the Study on the European Sport Model, and governance principles adopted by the IOC and Union of European Football Associations (UEFA). These documents are examined to assess the development of good governance standards in European sport.

To ensure methodological coherence, the selection of jurisdictions (France, Germany, Lithuania, Malta, and Latvia) is intended to provide a representative rather than exhaustive comparison of regulatory approaches within the European Sport Model. The jurisdictions were selected to reflect variation in legal traditions, regulatory density, and governance models: France represents a highly codified legislative framework, Germany illustrates a model characterised by organisational autonomy and soft governance mechanisms, while Lithuania, Malta, and Latvia provide examples of smaller EU Member States where sports governance structures are developing in interaction with EU law and international regulatory standards. The comparative analysis is, therefore, functional and illustrative rather than systematic, aiming to identify common governance patterns, regulatory divergences, and the degree of alignment with *lex sportiva* and EU good governance principles. This approach allows the study to highlight structural trends and regulatory convergence without attempting a comprehensive jurisdiction-by-jurisdiction legal comparison, which falls outside the scope of the present research.

3 Treaty on the Functioning of the European Union (TFEU, consolidated version) [2012] OJ C 326/47.

4 International Olympic Committee, *Olympic Charter: In force as from 23 July 2024* (IOC 2024).

5 World Anti-Doping Agency, World Anti-Doping Code (adopted 15 November 2021) <<https://likumi.lv/ta/lv/starptautiskie-ligumi/id/1967>> accessed 10 February 2026.

Given the doctrinal focus of the article, case law and national examples are used to demonstrate broader regulatory patterns rather than to provide an exhaustive case analysis. Accordingly, the methodological approach prioritises conceptual and doctrinal clarity over exhaustive comparative coverage.

3 LEGAL EVOLUTION OF SPORTS LAW IN THE EU

Before the Lisbon Treaty came into effect on December 1, 2009, the EU had no explicit powers in the realm of sports and its governance.⁶ However, sports-related economic activities gradually fell within the scope of EU law, as demonstrated by the 1974 *Walrave and Koch* case.⁷ The Court has consistently taken the view that, insofar as it constitutes an economic activity, sport falls within the scope of the Treaty and sporting practices must comply with its rules.⁸ This turning point marked the beginning of a more formalised role for sports within the EU, as outlined in Article 165 of TFEU that stipulates that the EU “shall contribute to the promotion of European sporting issues, while taking account of the specific nature of sport, its structures based on voluntary activity and its social and educational function”, and, pursuant to Article 165(2), EU action shall be aimed at “developing the European dimension in sport, by promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and by protecting the physical and moral integrity of sportsmen and sportswomen, especially the youngest sportsmen and sportswomen.”⁹

The evolution of sports law in the EU represents a fascinating case study in the interaction between the orthodox rules governing the market-making project and the rules, formally sourced in private organisations, which underpin the global regime of sports governance. The EU’s law does not compete with sport’s own ‘internal law’; instead, it permits its conditional autonomy. In fixing the nature of those conditions, the institutions of the EU, primarily the CJEU and the Commission, have been forced to develop a concept of legitimate sports governance despite the absence of any directly relevant material in the Treaty itself.¹⁰ As highlighted by the Advocate General’s Opinion in Case C-333/21 *European Superleague Company*, Article 165 TFEU gives expression to the ‘constitutional’ recognition of the ‘European Sports Model’, which is characterised by a

6 Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community (signed 13 December 2007) [2007] OJ C 306/1.

7 Case 36/74 *BNO Walrave and LJN Koch v Association Union Cycliste Internationale, Koninklijke Nederlandsche Wielren Unie and Federación Española Ciclismo* (CJEU, 12 December 1974) ECLI:EU:C:1974:140.

8 Stephen Weatherill, *European Sports Law* (2nd edn, Springer 2013).

9 TFEU (n 3) arts 165, 165(2).

10 Weatherill (n 8).

series of elements applicable to a number of sporting disciplines on the European continent, including football.¹¹

The EU's involvement in the social aspects of sport tends to be cautious, as García suggests. As a result, the EU has chosen to focus on overseeing and subtly guiding the governance structures of European sports, particularly in ensuring their alignment with EU law.¹² The EU's approach to sport can be likened to parenting a teenager who enjoys a high level of independence and strives to distance themselves from parental oversight. While the parent watches from afar, they sometimes try to guide specific areas of the teenager's life that are especially important to align with the family's values. These efforts are sometimes effective, but at other times encounter resistance.

While EU law establishes the external legal framework within which sport operates, it does not function in isolation. The internal regulatory logic of sport is simultaneously shaped by transnational norms developed within *lex sportiva*, which must therefore be examined in parallel.

4 THE FRAMEWORK OF LEX SPORTIVA

This section contributes to the overall argument by examining *lex sportiva* as a transnational regulatory framework that operates alongside EU law in shaping sports governance.

The convergence of European law and *lex sportiva* offers significant opportunities and challenges, impacting the governance of sport across the EU. According to D. Panagiotopoulos,¹³ international sports activities have developed alongside the state, giving rise to a unique body of international sports law known as *lex sportiva*, which is adhered to by national federations. These sports institutions exclusively regulate relationships within the framework of *lex sportiva*. While these rules are not directly incorporated into domestic law, national bodies and federations must align their regulations with national law in accordance with the standards set by international federations. In this way, *lex sportiva* is integrated into a country's national sports law, allowing its provisions to be applied without conditions. More importantly, perhaps, Duval et al. explicitly state that, rather than being a genuinely self-regulating, fully autonomous

11 Case C-333/21 *European Superleague Company, SL v FIFA and UEFA* (CJEU, 21 December 2023) ECLI:EU:C:2023:1011.

12 Margaret Groeneveld, Barrie Houlihan and Fabien Ohl, *Social Capital and Sport Governance in Europe* (Routledge 2012).

13 Dimitrios P Panagiotopoulos, 'Aspects of Sports Law & Lex Sportiva' (*RIU Austral*, April 2013) <<https://riu.austral.edu.ar/bitstream/handle/123456789/2792/Aspects%20of%20Sports%20Law.pdf?sequence=1&isAllowed=y>> accessed 10 February 2026.

transnational legal construct, *lex sportiva* operates in intimate connection with the legal and political contexts in which it is grounded.¹⁴

Casini, in his fundamental and remarkable work “*The Making of a Lex Sportiva by the Court of Arbitration for Sport. Lex Sportiva: What is Sport Law?*”¹⁵ discusses the distinct nature and evolution of sports law, drawing on other scholars’ views as well. He highlights that sports law is unique because it is not only international but also non-governmental, setting it apart from other forms of law.

It operates globally, at both the international and domestic levels, and directly influences private actors. For instance, the Olympic Charter functions as a private yet constitution-like document that all states comply with,¹⁶ and the World Anti-Doping Code provides a framework that harmonises anti-doping policies across sports organisations and public authorities.¹⁷

Casini emphasises the normative dimension of global sports law, which has emerged as a comprehensive system of rules produced and enforced by various sporting regulatory bodies. These norms are not limited to transnational standards set by entities like the International Olympic Committee (IOC) and International Federations (IFs), which operate as private contractual orders. They also include “hybrid” public-private norms approved by the World Anti-Doping Agency (WADA) and international legal instruments such as the United Nations Educational, Scientific and Cultural Organization’s (UNESCO) Convention against doping in sport. This global sports law is highly heterogeneous, involving norms established by both central institutions, such as the IOC, IFs, and WADA and national bodies such as national Olympic committees and national anti-doping organisations. A key player in this system is the Court of Arbitration for Sport (CAS), founded in the 1980s, which has become a pivotal actor in the development of global sports law.

Over the past two decades, the CAS has become increasingly significant, issuing numerous decisions that have led to the development of a body of law specific to sports, commonly referred to as *lex sportiva*. This “judge-made” sports law is comparable to *lex mercatoria* (merchant law) and *lex electronica* (electronic law), reflecting its status as a transnational legal framework. Despite its growing acceptance, the existence of *lex sportiva* is not universally recognised. In 2001, the Frankfurt Oberlandesgericht notably ruled that *lex sportiva* does not exist as an independent legal system separate from

14 Antoine Duval, Alexander Krüger and Johan Lindholm (eds), *The European Roots of the Lex Sportiva: How Europe Rules Global Sport* (Hart 2024) doi:10.5040/9781509971473.

15 Lorenzo Casini, ‘The Making of a Lex Sportiva by the Court of Arbitration for Sport’ in Robert CR Siekmann and Janwillem Soek (eds), *Lex Sportiva: What Is Sport Law?* (ASSER Press 2012) 149, doi:10.1007/978-90-6704-829-3_8.

16 Jean-Loup Chappelet and Brenda Kubler-Mabbott, *The International Olympic Committee and the Olympic System: The Governance of World Sport* (Routledge 2008) 53.

17 Paul David, *A Guide to the World Anti-Doping Code: A Fight for the Spirit of Sport* (CUP 2008) 7.

state law.¹⁸ CAS's influence in the formation of global sports law is multifaceted. First, it applies general legal principles to sports institutions and has also developed specific sports law principles known as "principia sportiva" (principles of sport). Second, CAS plays a crucial role in interpreting sports law, thereby influencing and shaping the rule-making activities of sports organisations. Finally, CAS contributes significantly to the harmonisation of global sports law, serving as a supreme court in a global network of legal review mechanisms. For example, decisions made by national anti-doping panels can be appealed to CAS, positioning it as a central authority in ensuring coherence and consistency in sports law worldwide.¹⁹

A high-profile case worth mentioning in this regard is Carolina Kostner's. Carolina Kostner, an Italian figure skater and multiple medallist, became involved in a doping scandal in 2012 linked to her then-partner, Alex Schwazer, an Olympic race-walking champion. On July 30, 2012, when a Doping Control Officer (DCO) came to her home to test Schwazer, Kostner misled the officer by falsely stating Schwazer was not there. Schwazer later tested positive for erythropoietin (EPO) before the 2012 London Olympics, leading to a broader investigation. Kostner admitted her actions violated the Italian Anti-Doping Rules, specifically Articles 2.8 and 3.3, which prohibit complicity in doping and non-cooperation with anti-doping authorities. As a result, the Italian Anti-Doping Tribunal initially banned her from competition for sixteen months. In March 2015, Kostner and the Italian National Anti-Doping Tribunal (CONI) appealed to the CAS. Kostner sought to have her ban annulled, while CONI sought to extend it to two years. A settlement was reached in October 2015, with CAS extending the ban to twenty-one months but backdating it to April 1, 2014, allowing Kostner to return to competition on January 1, 2016.²⁰ The case attracted widespread media attention due to Kostner's prominence as an athlete and highlighted issues of sports liability related to complicity and misleading doping officials.

In summary, Casini's work illustrates how the evolution of sports law, particularly through the role of CAS, has shaped a global legal framework that is both complex and increasingly essential to the governance of international sport. It is important to note that in countries

18 "[E]ine von jedem staatlichen Recht unabhängige lex sportiva gibt es nicht". See, Casini (n 15).

19 *ibid*

20 'Prosecutor's Office Refers Carolina Kostner, Demands 4 Years and 3 Months Disqualification' (*Italian National Olympic Committee*, 28 November 2014) <<https://www.coni.it/en/news/prosecutor-s-office-refers-carolina-kostner-demands-4-years-and-3-months-disqualification.html>> accessed 10 February 2026; Tejaswini Ranjan, 'Carolina Kostner settled dispute with WADA and Italian NADO : Eligible to Compete in 2016' (PLAwYERed, 6 October 2015) <<https://plawyered.wordpress.com/2015/10/06/carolina-kostner-settled-dispute-with-wada-and-italian-nado-eligible-to-compete-in-2016/>> accessed 10 February 2026; 'Events - Figure Skating' (*Carolina Kostner: official site*, 2026) <<http://www.carolina-kostner.it/it/>> accessed 10 February 2026.

with comprehensive national sports laws, such as Latvia, Lithuania, and France,²¹ these laws are generally drafted without direct reference to *lex sportiva*. As a result, sports regulation in these countries operates under two parallel systems: national legislation and sports federations' regulations, with *lex sportiva* integrated through international federations. In addition, the normative frameworks set by the IOC and WADA also play a significant role in shaping sports governance at the national level.

However, the interaction between these regulatory layers cannot be fully understood without considering the European Sport Model,²² which provides the institutional and normative context within which both EU law and *lex sportiva* operate.

5 EUROPEAN SPORT MODEL

This section contributes to the overall argument by examining the European Sport Model as the normative and organisational framework that structures sport in Europe.

The EU Work Plan on Sport 2021-2024 highlights the European Sport Model as a central issue and directs the European Commission to examine the impact of closed sports competitions on the system of organised sport, taking into account the unique characteristics of sport and the challenges faced by European sport organisations and federations. In line with this, the Directorate-General for Education, Youth, Sport, and Culture (DG EAC) commissioned a Study on the European Sport Model. The study aimed to provide a deeper understanding of the changes affecting the model by mapping the evolution of sport governance, finances, and practices across different regions and sports over time. It also sought to analyse how the model is adapting to varying conditions across EU Member States.²³

The European Sport Model emphasises the key principles of how sport is organised across Europe, particularly within competitive and organised sports. Key features include:

1. A *pyramid structure* that integrates sports from grassroots to international levels, led by sports federations.

21 Law of the Republic of Latvia on Sports 'Sporta Likums' (adopted 24 October 2002) [2002] Latvijas Vēstnesis 165 <<https://www.vestnesis.lv/ta/id/68294-sporta-likums>> accessed 10 February 2026; Law of the Republic Lithuania no I-1151 'On Physical Education and Sport' of 20 December 1995 (amended 14 May 2015, Law no XII-1722) <<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/a69875e0e9da11e59b76f36d7fa634f8?jfwid=2r1mca2o>> accessed 10 February 2026; French Sports Code 'Code du sport' (amended 1 January 2026) <https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT00006071318/2026-01-01> accessed 10 February 2026.

22 'The European Sport Model' (European Commission: Sport, 2026) <<https://sport.ec.europa.eu/sport-in-the-eu/the-european-sport-model>> accessed 10 February 2026.

23 James Sennett and others, *Study on the European Sport Model: A Report to the European Commission* (Publications Office of the EU 2022) doi:10.2766/28433.

2. *Open competition* based on promotion and relegation, distinguishing it from closed models such as those in North America (e.g., Major League Soccer).
3. *Solidarity mechanisms* that redistribute funds from elite to grassroots levels, ensuring equitable development across all tiers.
4. *Autonomy* of sports federations, balanced with accountability and good governance practices.
5. Heavy reliance on *volunteers*, crucial for running clubs and events across various sports.

As stated in the *Study on the European Sport Model – A Report to the European Commission*, challenges such as commercialisation, internationalisation, and the rise of closed competitions threaten these principles. Stakeholders recognise the need to maintain solidarity and transparency while adapting to trends such as increased digitalisation, sustainability, and the evolving role of volunteers. The study also underscores the need for collaboration between the public and private sectors to sustain grassroots efforts and ensure that sport remains a public good.²⁴

Ross states that most of the world uses governance models formalised by the EU's European Sport Model. Also observing that national sports federations' governing documents typically state their mission at very high levels of generality. Even today, governance is typically structured around a 'democratic' model that, as David Trodden observes, reflects the origins of English sport as a private leisure activity with clubs and federations serving their members' interests. National Federations tend to be governed by representatives of various stakeholders, who often act in the parochial interests of those they represent.

In contrast, the North American model is characterised by highly successful commercial major leagues, operated as for-profit businesses through joint ventures controlled by professional club owners. For example, Major League Baseball (MLB), the National Basketball Association (NBA), the National Football League (NFL), and the National Hockey League (NHL) are often collectively known as the "Big Four" sports leagues. These leagues represent the richest professional club competitions in their respective sports globally. Other notable leagues include Major League Soccer (MLS) and the Canadian Football League (CFL).²⁵ According to Ross, to address a past match-fixing scandal and to facilitate innovation despite minority-owner opposition, the owners grant significant authority to the league's chief executive, known as the Commissioner, to act in the sport's best interests.

24 *ibid*

25 'Major pro Sports Teams Ranked by Market Size' (*Sports Media Watch*, 26 October 2018) <<https://www.sportsmediawatch.com/nba-market-size-nfl-mlb-nhl-nielsen-ratings>> accessed 10 February 2026.

Unlike the European model, North American professional leagues do not heavily invest in grassroots sports. This role is partly filled by local government recreation departments and by the often profitable organisation of interscholastic and intercollegiate sports. Additionally, youth sports are largely privatised, with participants or their parents paying substantial fees to private organisations that run recreational competitions.²⁶

The following concerns can be identified from García's analysis of the European Sports Model:

1. *Pyramidal structure and monopoly of governing bodies*: The European model is criticised for its reliance on a pyramidal, monopolistic, and hierarchical structure that confers excessive control on governing bodies. This system allows these bodies to maintain their regulatory power and position, which can be seen as reinforcing institutionalised relationships and power dynamics rather than promoting inclusiveness.
2. *Tensions between professional and amateur sports*: European sport has a history of conflicts and tensions between professional and amateur levels, posing governance challenges. The strong link between amateur and professional sports, while politically appealing, has often been used by sports organisations to defend their interests.
3. *Challenges to the socio-cultural vision*: The socio-cultural view of sport within the European model, which emphasises grassroots and non-commercial aspects, is regarded as somewhat idealistic. Critics argue that it fails to adequately address the commercial and economic realities of sport, especially at the professional level.²⁷
4. These issues illustrate the inherent complexity and diversity of structures within the European sports governance system, as outlined in the European Sport Model, where various stakeholders and competing interests complicate efforts to achieve uniform governance. A delicate balance between “development of the European dimension in sport” and “conditional autonomy”.

The tensions identified within the European Sport Model become particularly visible when examining how these principles are applied in practice through the interaction between EU law and *lex sportiva*.

26 Stephen F Ross, *Advanced Introduction to Global Sports Law* (Edward Elgar Publishing 2021).

27 Groeneveld, Houlihan and Ohl (n 12).

6 THE ROLE OF LEX SPORTIVA IN EUROPEAN SPORTS GOVERNANCE

This section contributes to the overall argument by analysing how the interaction between EU law and *lex sportiva* is operationalised in practice within European sports governance.

European governance, as a term, refers to the European Union's management of the exercise of public authority through a network of institutions, states, and non-state actors within a complex, multi-level system. It is characterised by the decentralisation of normative authority (values, ethics, laws) and steering capacity (the ability to enforce rules and policies).

At its core, European governance involves:

- Normative Dispersal: Managing the diversity of values and legal interpretations across member states. The EU is not a homogeneous entity but a coalition of countries with differing traditions of justice and democracy. The EU's governance must accommodate these differences through overlapping legal frameworks and constitutional orders.
- Capacity-Based Dispersal: Sharing governance responsibilities with a wide array of actors, such as national governments, independent agencies, private entities, and civil society. The EU lacks a hierarchical command structure like that of a nation-state and instead relies on a networked approach to enforce its rules and policies across jurisdictions.

This governance system moves away from top-down, centralised control, reflecting a collaborative and often decentralised exercise of power, where both authority and responsibility are dispersed. This creates a unique political framework that must balance various sources of power, manage diverse national interests, and ensure the effective implementation of shared rules across member states. Hence, "European governance" describes the EU's complex, multi-layered approach to public administration and lawmaking, in which power is shared and contested among a wide range of actors, institutions, and levels of governance.²⁸

An intriguing concept in the realm of sports and its governance in the EU is "reflexive governance." A governance model that, according to Lenoble and Maesschalck, involves establishing institutions and processes that facilitate learning for actors within a domain not only about policy options but also about their own interests and preferences.²⁹

Therefore, reflexive governance means making governance systems flexible, adaptable, and open to learning. It understands that modern challenges are complex and aims to solve them through processes that include everyone, encourage participation, and allow for self-reflection. This approach is designed to be responsive to new information, changing values, and uncertainties.

28 Mark Dawson, *The Governance of EU Fundamental* CUP 2017) 2-4, doi:10.1017/9781107707436.

29 Emma Lantschner, *Reflexive Governance in EU Equality Law* (OUP 2021) 52.

In the EU, reflexive governance is evident in how policies are developed through continuous consultation with member states, citizens, and experts, and adapted in response to feedback and changing political landscapes (e.g., environmental policies). The reflexive governance model is essential for addressing sport-related matters. The European Sport Model should continue to evolve through collaboration and consultation with major sports governing bodies, such as the Fédération Internationale de Football Association (FIFA), UEFA, and national Olympic committees, to ensure it accurately reflects the practical realities of sport at both the professional and grassroots levels.

Lex sportiva plays a vital role in maintaining consistency in global sports governance, particularly as international private bodies like the IOC, FIFA, International Tennis Federation (ITF), World Athletics (formerly IAAF), International Basketball Federation (FIBA), International Ice Hockey Federation (IIHF), and others enforce their own regulations. The EU's stance on *lex sportiva* grants sports organisations a degree of conditional autonomy under Article 165 of the TFEU. However, this autonomy is subject to EU law, which requires sporting institutions to establish governance structures that align with European legal principles, as discussed above.

According to Duval et al., international sports governing bodies (SGBs) such as the WADA, FIFA, and the IOC engage in transnational governance by implementing their private regulations. Additionally, private dispute resolution bodies, particularly the CAS, hold near-exclusive authority to resolve disputes arising from this private governance system. The CAS not only interprets the rules of SGBs but also helps define general principles of sports law through its rulings.³⁰

The CJEU also plays a critical role in shaping sports governance within the EU.

In its recent ruling in the *European Superleague Company* case, the CJEU found that the rules of FIFA and UEFA, which require prior approval for inter-club competitions such as the Super League, violated EU law because they conflicted with competition law and the freedom to provide services.³¹ This decision highlights the ongoing tension between sports governing bodies and EU law, particularly in areas related to competition. This is also confirmed by the sensational case of footballer Lassana Diarra, a decision (*décision préjudicielle*) of the CJEU dated October 4, 2024.³²

The *Diarra* case revolves around a significant ruling by the CJEU regarding football transfer rules:

Lassana Diarra, a professional footballer, had his contract with Lokomotiv Moscow terminated in 2014. He sought to join Belgian club Sporting du Pays de Charleroi but was unable to do so because FIFA's transfer framework created regulatory

30 Duval, Krüger and Lindholm (n 14).

31 Case C-333/21 (n 11).

32 Case C-650/22 *FIFA v BZ* (CJEU, 4 October 2024) ECLI:EU:C:2024:824.

obstacles that prevented the transfer from being completed, citing rules requiring him to pay compensation to his former club.

FIFA's regulations mandated that players who terminate their contracts without just cause must compensate their former clubs. Additionally, any new club signing such a player would also be liable for this compensation.

The CJEU ruled that these FIFA rules violated EU law by impeding the free movement of professional footballers. The court likened these restrictions to "no-poach agreements", which are generally illegal under EU competition law. The judges stated that while some restrictions might be justified, FIFA's rules were not essential or necessary and imposed significant legal and financial risks on players and clubs.

This ruling challenges the foundational aspects of how player transfers are regulated in football, potentially allowing greater freedom for players to move between clubs without facing heavy financial penalties.

Following the ruling, FIFA indicated it would review the decision, which only questioned specific paragraphs of its transfer rules. Final decisions regarding Diarra's compensation claims will be made by a Belgian tribunal.³³

This case underscores the ongoing tensions between sports governance and EU laws concerning the free movement of workers and competition.

One of the ongoing challenges in European sports governance is aligning national sports laws and regulations in countries without a solid sports law (e.g., Germany) with *lex sportiva*, while ensuring compliance with EU standards. Achieving this requires close cooperation between national governing bodies, international federations, and EU regulators. In turn, the collaboration between EU soft law on sports and national regulations creates a comprehensive and supportive framework for sports governance, improving the efficiency and fairness of sports administration.³⁴

Currently, in countries like Latvia, the influence of *lex sportiva* extends only to the national level, through the harmonisation of international sports federation norms with those of national sports federations.

These regulatory tensions highlight the need for governance mechanisms that reconcile autonomy with accountability, bringing the concept of good governance to the forefront of European sports regulation.

33 *ibid*

34 Marina Kameņeckā-Usova and others, 'Latvian Sports Regulation in Transition: Navigating Historical Evolution and Contemporary Development Trends' (2024) 13(4) *European Journal of Sustainable Development* 437, doi:10.14207/ejsd.2024.v13n4p437.

7 GOOD GOVERNANCE IN SPORTS

This section contributes to the overall argument by examining good governance as a key mechanism for addressing the structural tensions between EU law and *lex sportiva*.

Governance encompasses the institutions, systems, "rules of the game", and other elements that shape political and economic interactions, influencing how decisions are made and resources allocated. Implicit in this concept is the idea that good governance is a desirable attribute of political systems, while poor governance presents challenges that countries must address.³⁵ Hence, good governance constitutes well-structured and transparent processes of organisations' functioning and decision-making.³⁶ Thus, in the bundle of good things that have come to be understood as good governance, institutional qualities are often combined with expectations for the promotion of particular kinds of policies.³⁷

The concept of *good governance* has gained significant importance in the world of sports regulation. Mataija claims that a key turning point was the IOC's introduction of the "Basic Universal Principles of Good Governance" in 2009. These principles were adopted by all member associations under the IOC's Code of Ethics. They provide a blueprint for what is expected from sporting bodies in terms of governance. These principles are:

1. Vision, mission, and strategy: Organisations should have clear values and objectives, such as promoting sport, ensuring fairness, and encouraging solidarity.
2. Structures, regulations, and democratic processes: Governance structures must include transparent rules for leadership, elections, and decision-making. This also includes clear terms of office, conflict-of-interest rules, and fair review procedures.
3. Competence, integrity, and ethical standards: Organisations should maintain high standards of professionalism, competence, financial monitoring, risk management, and ethics.
4. Accountability, transparency, and control: Transparency in operations is essential, especially in finances, with internal controls and clear accountability between different governance levels.
5. Solidarity and development: Resources and revenues should be allocated fairly, with a focus on development and equitable distribution of benefits.

35 Merilee Grindle, 'Good Governance: The Inflation of an Idea' (Working Papers 202, Center for International Development at Harvard University 2010) <<https://dash.harvard.edu/handle/1/4448993>> accessed 10 February 2026.

36 Marina Kamenecka-Usova, 'Good Governance in National Sports Organizations: The Need for the Internal Dispute Resolution Procedures' (2022) 14(1-2) *International Sports Law Review* Pandektis 141.

37 Grindle (n 35).

6. Athletes' involvement: Athletes must have a role in governance, with their protection and rights, including anti-doping measures, being a priority.
7. Relations with governments: While cooperation with governments is encouraged, sports bodies should maintain autonomy in their governance.³⁸

Another notable document on good governance is the EU Work Plan for Sport 2011-2014, specifically XG GG – Deliverable 2: Principles of Good Governance in Sport³⁹ (EU Work Plan for Sport), which outlines the following key principles of good governance in sports:

1. Clarity of Purpose: Sports organisations should have clear objectives and a strategic vision that aligns with long-term goals and is communicated transparently.
2. Code of Ethics: A code of ethics should guide conduct within the organisation, promoting integrity, fairness, and transparency across all levels of participation.
3. Stakeholder Involvement: Effective engagement with stakeholders, including athletes, coaches, and supporters, is essential. Stakeholders should have a voice in decision-making processes.
4. Democratic Processes: Decision-making should be democratic, ensuring fair representation, regular elections, and clear roles for leadership positions, with procedures to manage conflicts of interest.
5. Accountability and Transparency: Sports bodies should ensure transparency in financial matters, internal controls, and decision-making, while implementing mechanisms for oversight and accountability.
6. Inclusivity and Diversity: Organisations should promote inclusivity and ensure diversity in leadership roles, offering opportunities across gender, race, and other social factors.
7. Management Efficiency: Clear management structures, task delegation, and regular performance monitoring should be in place to ensure the organisation's effectiveness.
8. Judicial Procedures: Organisations should establish fair and impartial judicial or disciplinary procedures to address rule or ethical violations.

These principles aim to promote effective, ethical, and transparent governance within sports organisations while ensuring accountability to stakeholders. The EU work plan elaborates on

38 Mislav Mataija, 'False Friends: Proportionality and Good Governance in Sports Regulation' in Antoine Duval, Alexander Krüger and Johan Lindholm (eds), *The European Roots of the Lex Sportiva: : How Europe Rules Global Sport* (Hart Publishing 2024) 191, doi:10.5040/9781509971473.ch-008.

39 Expert Group "Good Governance", *Deliverable 2: Principles of Good Governance in Sport* (EU Work Plan for Sport, European Commission (EAC/Sport) 2013) <https://ec.europa.eu/assets/eac/sport/library/policy_documents/xg-gg-201307-dlvrbl2-sept2013.pdf> accessed 10 February 2026.

organisational structures, democratic processes, and decision-making bodies in greater detail. However, it does not emphasise solidarity and development as prominently as the Basic Universal Principles of Good Governance, where these concepts are fundamental. The Basic Universal Principles also place greater emphasis on athlete involvement, whereas the EU work plan addresses this aspect only indirectly. Overall, the EU work plan has a broader scope and often includes more specific details, particularly regarding operational practices such as performance monitoring and ethical governance. While both sets of principles align closely with most core tenets, they differ slightly in focus and detail.

A prime example of a sports organisation that illustrates the importance of effective governance in ensuring the proper functioning of its governing bodies is UEFA. Notably, during its Congress in Helsinki on April 5, 2017, UEFA introduced a specific Article making ethics and good governance a statutory objective of the organisation, among other amendments discussed. European Commissioner for Education, Culture, Youth and Sport, Tibor Navracsics, offered positive remarks on these important reforms, noting that governance failures have damaged the reputation of sports, with football being particularly susceptible, though not exclusively affected. Due to its immense popularity, football faces heightened scrutiny. Navracsics emphasised that transparency, accountability, and stakeholder involvement are central to good governance principles, and stressed that regaining public trust is essential for sport to maintain its central role in society.⁴⁰ Additionally, as emphasised by UEFA regarding the roles of the President and Board/Executive Committee members, a system of "*checks and balances*" is essential to prevent an excessive concentration of power in a single individual, while also ensuring that appropriate measures are in place to maintain continuity in the work of these bodies.⁴¹

In the case of UEFA, it acts as an umbrella organisation that promotes the right model of good governance to its members and supports the implementation of its good governance principles at the national level, also through the "Good Governance Principles for UEFA Member Associations".⁴² Also, the 2022 "*Arrangement for Cooperation*"⁴³ between the European Commission and UEFA highlights good governance in sport as a condition for maintaining the autonomy of sports organisations, as Mataija points out. Overall, this cooperation agreement reinforces the joint commitment to driving positive social change

40 Mark Chaplin, 'European Commissioner Welcomes UEFA Reforms' (UEFA, 6 April 2017) <<https://www.uefa.com/insideuefa/about-uefa/news/0238-0f8e4fe1f2cc-77d21b664e65-1000--european-commissioner-welcomes-uefa-reforms/?referrer=%2Finsideuefa%2Fabout-uefa%2Forganisation%2Fcongress%2Fnews%2Fnewsid%3D2455627>> accessed 10 February 2026.

41 Kamenecka-Usova, 'Good Governance' (n 36).

42 UEFA, 'A Guide to UEFA's Good Governance Reform' (Law in Sport, 17 January 2019) <<https://www.lawinsport.com/topics/features/item/a-guide-to-uefa-s-good-governance-reform>> accessed 11 February 2026.

43 European Commission Decision on the adoption of the Arrangement for Cooperation between the European Commission and the Union of European Football Associations (UEFA) (C(2022) 3721 final, adopted 9 June 2022) <<https://sport.ec.europa.eu/news/european-commission-and-uefa-sign-third-cooperation-agreement>> accessed 10 February 2026.

and upholding the European sports model. The partnership, originally signed in 2014, focuses on EU priorities such as climate action, equality, and social inclusion, leveraging football's visibility to promote these goals. The agreement also emphasises the protection of the European sports model, which promotes solidarity by reinvesting professional competition revenue into grassroots development. UEFA's initiatives, such as supporting the EU Green Deal and promoting healthy lifestyles through campaigns, further highlight its commitment to European values and objectives.

The EU itself has pushed for better governance in sports. The European Commission has backed the development of the *Principles for Good Governance in Sport*, which many sports organisations have pledged to follow. Similarly, the Council of Europe and UNESCO are working on their own governance initiatives. In some countries, governments have required sports bodies to adopt good governance codes as a condition for receiving public funding.⁴⁴

It is important to highlight that most good governance documents place strong emphasis on judicial procedures. Judicial and disciplinary processes within sports organisations are considered vital to good governance, as an effective judicial system is expected to include a dispute-resolution mechanism capable of delivering swift, efficient conflict resolution. However, in Latvia, well-developed and established internal dispute resolution systems within national sports federations remain rare. The combined influence of EU policies and international sports organisations provides optimism for future improvements in achieving adequate governance standards.

In conclusion, the push to establish good governance in EU sports is driven by two main sources: EU soft law and influential international sports organisations like UEFA and the IOC. Both sources underscore the critical importance of internal dispute resolution procedures in maintaining effective governance in sports organisations. It is also essential to recognise the global impact of the IOC on all members of the Olympic movement, whereas UEFA's policies primarily affect national football federations.

In practice, however, when assessing the good governance in national sport organisations, it should be noted that the effectiveness of management and governance structures in sports organisations is shaped by several key factors, including the fragmentation within these organisations, inconsistent long-term funding in the sports industry, and the lack of a systemic approach in financial models and sports infrastructure development. Strengthening these governance structures is crucial to promoting transparency, accountability, and ethical management. A key improvement would be the establishment of a stable, long-term funding model for the sports industry, where priority sports are identified and supported by a centralised organisation.⁴⁵

44 Mataija (n 38).

45 Marina Kamenecka-Usova, Ilona Lejniece and Karina Zalcmāne, 'Hosting Large Sports Events Sustainably: A Contemporary Administrative and Economic Evaluation' (2024) 13 *European Journal of Sustainable Development* 609, doi:10.14207/ejsd.2024.v13n3p609.

7.1. Good Governance in Sports Regulations:

Analysis of France, Germany, Lithuania, Malta, and Latvia

This subsection illustrates how good governance principles are implemented in practice across selected European jurisdictions, providing concrete examples of the broader governance dynamics discussed above.

Table 1 below provides an overview of the legislative and governance frameworks concerning sports law and good governance across five European countries: France, Germany, Lithuania, Malta, and Latvia. It highlights several key aspects, including national sports laws, applied governance principles, regulations of National Olympic Committees (NOCs) and anti-doping agency guidelines.

Table 1. Comparative Overview of Sports Law, Governance Principles, Olympic Governance, and Anti-Doping Frameworks in Selected European Countries

Country	National Sports Law	Governance Principle	National Olympic Committee (NOC)	Anti-Doping Agency & Relevant Rules
France	Code du Sport – federations, in coordination with the professional leagues they have created, draw up a charter of ethics and professional conduct	Ethical charter defined by decree after consulting the National Olympic Committee	Strategic plan for sustainability and governance	Agence Française de Lutte contre le Dopage: Adheres to World Anti-Doping Code, strict governance principles
Germany	No specific national sports law; governance guided by DOSB (Olympic Sports Confederation)	Strong governance guidelines from DOSB; sustainability and ethics focused	DOSB ensures ethical practices and sustainability measures	Nationale Anti-Doping Agentur Deutschland: Implements World Anti-Doping Code, good governance emphasis
Lithuania	Law on Physical Education and Sport outlines transparency, democratic governance	Law specifies governance principles: objectivity, continuity, accountability	NOC follows strategic plan for Olympic governance and adherence to international norms	Antidopingo Agentūra: Follows World Anti-Doping Code, promotes good governance

Country	National Sports Law	Governance Principle	National Olympic Committee (NOC)	Anti-Doping Agency & Relevant Rules
Malta	Sports Act emphasises ethics, doping prevention, environmental responsibility	Principles like ethics, doping prevention, and environmental concern	NOC promotes governance, youth education, and ethics	National Anti-Doping Organization: Implements national rules, aligned with World Anti-Doping Code
Latvia	Sports Law emphasises democratic structures, transparency, sustainability, and stakeholder collaboration	Law includes good governance principles: democratic management, transparency, fairness	NOC follows Olympic and sports movement's universal governance principles	Latvijas Antidopinga Birojs: Implements World Anti-Doping Code, promoting ethics and good governance

To put the comparative elements outlined above in context, the subsequent analysis examines the relevant statutory provisions, regulatory frameworks, and policy documents underpinning sports governance and anti-doping compliance in each country.

a) National Sports Law

France: Federations, in coordination with the professional leagues they establish, are responsible for creating a charter of ethics and professional conduct, aligned with the principles outlined in Article L. 141-3. They also establish an independent ethics committee to ensure the charter's enforcement. This committee monitors compliance with ethical standards and professional conduct rules, and with measures to prevent conflicts of interest, and refers cases to appropriate disciplinary bodies when necessary.⁴⁶ This reflects France's emphasis on structured ethical guidelines in sports governance.

Germany: A dedicated sports law act on sports law is absent, but references to governance and ethics can be found in organisational statutes, such as those of the German Olympic Sports Confederation (DOSB).⁴⁷

46 French Sports Code (n 21) s 3.

47 DOSB, *Good Governance Regularien (Deutscher Olympischer Sportbund*, 18 July 2024) <<https://www.dosb.de/ueber-uns/good-governance-im-dosb>> accessed 10 February 2026.

Lithuania: Section 4 of the Law on Physical Education and Sport outlines principles of physical education and sport, including equality, fair play, objectivity, and accountability.⁴⁸ There is no explicit reference to good governance.

Malta: Sports governance is regulated by the Sports Act (Chapter 455) Article 2.1.6, which emphasises promoting ethics, combating doping, and fostering environmental responsibility in sports.⁴⁹

Latvia: Article 3 of the Sports Law highlights the principle of good governance, specifically focusing on democratic management structures, clear objectives, and effective regulation, establishing the country's priority on transparency and accountability in sports organisations.⁵⁰

b) National Olympic Committees (NOCs)

The role of NOCs in promoting good governance and ethical principles is outlined for several countries:

France and Germany focus on developing sustainability and good governance measures that align with the principles of the Olympic movement.⁵¹ Lithuania and Latvia reference their NOCs' adherence to global standards of good governance, emphasising strategic planning and ethical governance in sports administration.⁵² Malta emphasises the role of its Olympic Committee in promoting governance, ethics, and fair play.⁵³

All five NOCs are members of the Association of National Olympic Committees (ANOC), whose strategic plan 2021-2024, Section 11, specifies the implementation of effective sustainability measures to protect the environment and promote good governance practices across all ANOC's projects and activities.⁵⁴

48 Law of the Republic Lithuania no I-1151 (n 21) s 4.

49 Laws of Malta, ch 455 'Sports Act' (2002) <<https://legislation.mt/eli/cap/455/eng/pdf>> accessed 10 February 2026.

50 Law of the Republic of Latvia on Sports (n 21).

51 Comité National Olympique et Sportif Français (CNOSF), *Statuts du CNOSF* (adopted 9 March 2017, amended 2022) arts 2 (II)(A)(2), 16. <<https://cnosf.franceolympique.com/api/media/sites/default/files/2025-04/Statuts%20CNOSF%202022.pdf>> accessed 10 February 2026; DOSB (n 47).

52 International Olympic Committee, *Etica* (IOC Ethics Commission 2018) <<https://ltok.lt/api/assets/2f08b44f-f05d-422c-bf6b-56144c0838c5/Tok%20Etika%202018>> accessed 10 February 2026; LNOC, *Statute of the Lithuanian National Olympic Committee* (2021) art 2.2.4 <<https://ltok.lt/api/assets/46c1d394-c899-47e4-9416-07c529209f72/Ltok%20I%CC%A8statai>> accessed 10 February 2026.

53 Maltese Olympic Committee, *Statute of the Maltese Olympic Committee* (approved 7 October 2020) art 3.1.6 <<https://nocmalta.org/wp-content/uploads/2021/09/MOC-STATUTE-APPROVED-7.10.2020.pdf>> accessed 10 February 2026.

54 Association of National Olympic Committees, 'ANOC Strategic Plan 2021-2024' <<https://www.anocolympic.org/wp-content/uploads/2021/11/2021-11-ANOC-Documents-ANOC-Strategic-Plan-FINAL-wide.pdf>> accessed 13 January 2025.

c) Anti-doping Measures

Good governance principles also intersect with anti-doping regulations. The countries included in the table align with the World Anti-Doping Code, ensuring that national sports organisations adopt and enforce anti-doping measures that reflect international best practices.

All five countries have either specific sections in their national laws or regulations on anti-doping, reflecting a governance structure aimed at sports integrity and compliance with the World Anti-Doping Code, ensuring that their national sports bodies adhere to global standards for combating doping.⁵⁵

The above can be summarised as follows. France demonstrates a strong commitment to ethical governance through its federations and independent ethics committees. While Germany lacks a specific sports law, it incorporates governance principles within organisational statutes. Lithuania, Malta, and Latvia, though varied in approach, emphasise ethics and governance, with Latvia particularly highlighting good governance principles in its Sports Law.

All NOCs, including those from France, Germany, Lithuania, Malta, and Latvia, adhere to global governance standards and align with the principles outlined in the Olympic movement's strategic plans. Additionally, all five countries comply with the World Anti-Doping Code, ensuring that good governance extends to anti-doping regulations, which are integral to promoting fairness and integrity in sports.

A comparative reading of these frameworks demonstrates that, while national regulatory intensity varies, all jurisdictions converge toward governance standards shaped by EU policy and international sports regulation, particularly in integrity, transparency, and anti-doping compliance.

55 French Sports Code (n 21) s 2; Nationale Anti Doping Agentur Deutschland, *Nationaler Anti-Doping Code 2021* (NADA 2020) <https://www.nada.de/fileadmin/nada/SERVICE/Downloads/Regelwerke/2021_Nationaler_Anti-Doping_Code_2021.pdf> accessed 10 February 2026; Lietuvos Antidopingo Agentūra, *Lietuvos Antidopingo Agentūros Antidopingo Taisyklės* (approved 2 October 2020) <http://lengvoji.lt/wp-content/uploads/2021/01/LAA2021_antidopingo_taisykl%C4%97s.pdf> accessed 10 February 2026; National Anti-Doping Organisation of Malta, 'Anti-Doping Regulations' (2021) <https://maltahandball.com/wp-content/uploads/2023/02/Malta-Sports-Act-Cap.-455-Anti-Doping-Regulations-2021_compressed.pdf> accessed 10 February 2026; Resolution of the Cabinet of Ministers no 661 'Nacionālie Antidopinga Noteikumi' (adopted 28 September 2021) <<https://likumi.lv/ta/id/326512-nacionalie-antidopinga-noteikumi>> accessed 10 February 2026.

8 CONCLUSION

The convergence of the European Sport Model and *lex sportiva* represents both an opportunity and a challenge. While the EU carefully balances its regulatory oversight with sports' autonomy to ensure fairness and openness, tensions persist, especially when addressing issues such as competition law and governance structures. Key challenges include aligning the governance of professional and amateur sports and reconciling national laws with the transnational scope of *lex sportiva*.

Good governance is vital to the future of sports in Europe, with the European Commission and international sports organisations like UEFA driving reform efforts. As sports continue to globalise and commercialise, the need for a transparent, fair, and democratic governance system becomes more critical to maintain the integrity of the European Sport Model and its alignment with *lex sportiva*.

The contribution of this article lies in demonstrating that the European Sport Model and *lex sportiva* should not be understood as competing regulatory systems, but rather as interacting governance layers within a pluralistic legal order. In this complementary yet asymmetrical relationship, *lex sportiva* serves as the primary regulatory mechanism, while the European Sport Model provides normative orientation within EU law.

More specifically, from a legal perspective, the interaction between *lex sportiva* and EU law does not establish a strict hierarchy but rather a conditional relationship, where autonomy is preserved insofar as it complies with EU internal market principles. CJEU case law, particularly in areas of competition and free movement, demonstrates that this balance remains contested. This creates a structurally unstable coexistence, requiring stronger governance mechanisms to ensure both legal certainty and respect for sport-specific characteristics.

In this context, good governance emerges as a critical point of convergence between *lex sportiva* and European sports governance. While *lex sportiva* provides the regulatory substance through transnational rules and adjudicatory practices, good governance principles translate these norms into organisational standards, ensuring transparency, accountability, and procedural fairness at both international and national levels. As such, good governance functions as a practical mechanism through which the conditional relationship between autonomy and legal oversight is stabilised, aligning private regulatory authority with public law expectations.

This conceptualisation contributes to ongoing debates on the autonomy of sport by framing EU-*lex sportiva* interaction as a legally conditioned form of governance pluralism, in which good governance serves as the key integrative mechanism.

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АНОТАЦІЯ УКРАЇНСЬКОЮ МОВОЮ

Дослідницька стаття

МІЖ АВТОНОМІЄЮ ТА ЗАКОНОДАВСТВОМ ЄС: ЄВРОПЕЙСЬКА СПОРТИВНА МОДЕЛЬ В ЕРУ LEX SPORTIVA

Марина Каменецька-Усова*, Лайне Донане та Еліна Грейне

АНОТАЦІЯ

Вступ. Формалізація спортивного права в межах Європейського Союзу (ЄС) поступово змінила управління спортом. Від знакового рішення у справі Вальрейва та Коха (1974) до статті 165 ДФЄС і, найновішої справи Діарра, право ЄС дедалі більше взаємодіє з автономною регуляторною системою, відомою як *lex sportiva*. Ця подвійна система відображає баланс між ринково-орієнтованим правовим порядком ЄС та саморегульвними структурами, розробленими міжнародними спортивними федераціями та консолідованими через Спортивний арбітражний суд (CAS). У цих межах європейська спортивна модель, що базується на відкритості, солідарності та пірамідальній структурі змагань, стикається зі проблемою комерціалізації та альтернативних моделей регулювання.

Методи. У статті використовується доктринальна правова методологія, підкріплена контекстуальним інституційним аналізом. Розглядається практика Суду Європейського Союзу (CJEU), а також стаття 165 ДФЄС, принципи конкурентного права ЄС та вибрана судова практика CAS. Ці первинні джерела оцінюються разом з науковою літературою в сфері *lex sportiva*, європейською спортивною моделлю та

реформою управління для оцінки розвитку взаємозв'язку між правом ЄС та транснаціональним регулюванням спорту.

Результати та висновки. Спортивне право ЄС розвивалося в напрямку структурованого співіснування з *lex sportiva*, а не ієрархічного контролю. Судова практика CJEU підтверджує, що спорт підпадає під дію права ЄС, якщо він становить економічну діяльність. Водночас CJEU визнає специфічний характер спорту. *Lex sportiva*, розроблений CAS, забезпечує регуляторну узгодженість та практичну гармонізацію між юрисдикціями. Водночас європейська спортивна модель сприяє солідарності та етичному управлінню, але стикається з проблемами під час перевірки відповідно до конкурентного права та зростанням комерціалізації. Принципи належного управління стали ключовим механізмом для узгодження автономії з підвітністю.

Європейська спортивна модель та *lex sportiva* функціонують у взаємодоповнювальному партнерстві. *Lex sportiva* діє як основна регуляторна база, тоді як європейська спортивна модель забезпечує нормативний нагляд, що ґрунтується на цінностях ЄС. Підтримка цього балансу є важливою для забезпечення прозорості, справедливості та правової узгодженості в європейському спорті.

Ключові слова: європейська спортивна модель, *lex sportiva*, управління спортом, належне управління.