

Streszczenie w jęz. angielskim

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The International Football Federation (FIFA) and the Union of European Football Association (UEFA) are international organizations established to popularize and promote football – respectively worldwide and in Europe. Formally, these organizations were established and function as associations under civil law of Switzerland based in the Swiss Confederation.

*Prima facie*, it seems that – as a rule, *de jure* – they fulfill the prerequisites for being recognized in the international space as legal entities of domestic law operating under international private law taking their location into account. Moreover, the legal and organizational FIFA's and UEFA's structure is supplemented, in the thematically rich legal literature, by assigning these international football organizations to the category of international non-governmental organizations (NGO). World football organization and European football organization, from the point of view of international law, have legal capacity i.e., rights and obligations and respectively, in the case of FIFA, the capacity to act and, in case of UEFA, the capacity for limited action. The above-mentioned characteristics grant both organizations legal-international subjectivity in the context of application of common law. However, it should be emphasized that in the case of international football organizations, these competences will be complemented by basic norm-setting privileges creating the internal-legal order and emphasizing the leading role and nature of FIFA and UEFA. Monopoly and organizational autonomy are the key mechanisms that allow the described football organizations to act sovereignly in the area of international law worldwide and in Europe. The functional independence of the world and European football system, created by FIFA and UEFA, towards third parties is reinforced and defined by the minimum and maximum limits of the organization's autonomy. In this area, it is by no means about self-governance in relation to other international governmental or non-governmental organizations, which, by the way, include FIFA and UEFA, but especially in relation to independent countries where local football associations are active members of the world and European football organization, which are the basic element creating the global and European football system. A mixed interpretation of international common law and football world law, supplemented by European football law, constitute the actual status of FIFA and UEFA in legal-international terms. This hybrid property of both entities is also strengthened by the fact that although according to the common law FIFA and UEFA are legal independent entities then, in terms of global football law, the

European football organization is fully subordinate to its global counterpart. Besides, UEFA's full subordination to FIFA is a fragment of a larger legal and organizational architecture of the hierarchical pyramid system of global football for which the world football organization is responsible. Its elements are created by members of FIFA and UEFA, i.e. national football associations along with a whole range of stakeholders, i.e. football clubs, players, officials, club officials, coaches, football referees, transaction intermediaries (player managers), match agents. The functional internal-federal loyalty of the world football system is perpetuated by the voluntary accession of its members, i.e. national football associations. The act of accession of national football associations to FIFA and European national football associations to UEFA (as a rule, it obliges the territorial criterion) creates a direct obligation of FIFA and UEFA members, i.e. national football associations to strictly comply with the widely understood established norms of the world and European football organization.

Moreover, FIFA and UEFA impose the obligation to comply with these rules also on the listed stakeholders of their members by creating an instrument of indirect obligation. One of the fundamental, absolutely required duties of members and stakeholders is "voluntary coercion" to use the jurisdiction of FIFA and UEFA and the principle of supremacy of world football law established by a world and European football organization and adjudication in this subject area by their judicial authorities above common, national and international law.

In any case, these conditions do not limit the activities of FIFA and UEFA, *a contrario*, such circumstances stimulate the continuous development the world and European football system, both horizontally and vertically in many domains: formal and legal, social, cultural, technological, medical and health, educational and economic. Among other things, the consequence of this is a huge increase in the popularity of football evenly around the world, including Europe, since three billion nine hundred million football fans and about two hundred and sixty five million people actively practicing this form of physical activity (professional, amateur or recreational). FIFA and UEFA have built the necessary apparatus to secure their activity with legislative and executive powers, including administrative powers, supported by judicial authority. The characteristic elements of this apparatus of the world and European football organization have been indicated and described in depth in this dissertation. The legal-organizational structure of FIFA and UEFA has been supplemented with exegesis of normative acts of the world and European football organization, such as the statute, various types of codes and regulations, and lower-level legal norms. Moreover, in this dissertation in detail and meticulously was presented the jurisdictional system of the judiciary apparatus and the procedure for resolving disputes in FIFA and UEFA judicial bodies. Also listed is the scope

and level, in terms of the local jurisdiction, of cooperation, mutual relations and functions between the world football organization, the European football organization and the European Union and its bodies. Areas of joint activities undertaken between these entities have been identified and defined. Cases pending before the judicial authorities of the European Union and based in Europe have been highlighted and described, i.e.: the Court of Justice, the predecessor of the Court of Justice of the European Union, the European Court of Human Rights or the Court of Arbitration for Sport, which affected the world or European football system or in which FIFA or UEFA were participants. Precedents and exceptional cases justified by substantive aspects relevant to the scope of world and European football matters were particularly highlighted. In addition, this monograph demonstrated the powers of FIFA and UEFA regarding the conclusion of agreements with sovereign states (*ius contrahendi, ius tractatum*), maintaining diplomatic and consular relations with them (*ius legationis*), appearance and participation before international tribunals, entitlement to privileges similar to diplomatic and consular immunities in the form of the so-called "*FIFA family*" and "*UEFA family*" or bearing full responsibility for damage caused to other parties.

The monograph also indicated the formal and legal basis of relations between FIFA and UEFA with national football associations, with particular emphasis on the Polish Football Association. The above-mentioned characteristics of the description of the world and European football organization justify the fact that although formally FIFA and UEFA are not entities of international law, despite the fact that such competences are *expressis verbis* conferred on other international non-governmental organizations, such as the International Committee of the Red Cross (ICRC) and the International Olympic Committee (IOC), in the sense of their actual powers, by virtue of written customary law, they acquire the status in the context of FIFA an entity of public international law, and in the context of UEFA, due to its full functional and organizational dependence on FIFA as well as the formal territorial limitation of its activity to Europe, it obtains the status of entity of public international law.

At the same time, this dissertation causes, on a *de lege ferenda* basis, the need to redefine the term state in the future. Because in the legal-international sphere in the modern era of widespread globalization and commercialization, it can be noticed that the actual status of the importance of FIFA or UEFA has clearly increased, primarily due to the financial potential and the effect of agency, as well as the high volume of values related to widely understood image issues, in other words, having attributes related to the so-called *soft power*. Therefore, the status of both organizations can be compared with a sovereign state.