

Editorial

This issue is a partial outcome of the VEGA project “Sports market between the legal ideals and the economic reality”.

The 2021 special issue is dedicated to a so-far rather neglected topic in the journal, namely that of legal aspects of sports and sporting activities. This issue includes four papers that pay closer attention to four separate areas of sports law and sports policy. The paper by Tomáš Gábriš points to the fact that in Slovakia, in 2015, the Act on Sports introduced specific rules on sporting employment, which was to do away with those inflexibilities of the Labour Code that made the straightforward application of labour law onto sports impossible. Still, the sports sectors ignored the Act and continued with their practice of using contracts concluded under the Civil Code and Commercial Code, providing them with a larger scope of contractual freedom. This practice was approved by the 2020 amendment to the Act on Sports. Hence, a shift from social protection with limited contractual freedom to the broader scope of contractual freedom can be witnessed nowadays. This “compromise” can thus be seen as another legal experiment tested in sports.

Lukáš Lapšanský in his paper calls attention to the intervention of legislator into broadcasting rights in the context of competition law. Competition authorities (both European and Slovak) have successfully addressed the competition concerns brought by the strong wave of concentrations and agreements restricting competition in the TV sector since the turn of the millennium. The standardised “arsenal” of principles, conditions, criteria, parameters and procedures that was gradually built up in the application practice of the competition authorities proved in principle sufficient for grasping the competition challenges linked to this problem, the author concludes.

Another sector of sports regulation is addressed by Martin Mancoš – namely that of sports policy and sports diplomacy of the European Union. He considers it important to explore the individual possibilities of using sport in foreign policy, public diplomacy, and the field of external relations. Recent advancements in the development of sports diplomacy and the use of sport as a tool in foreign policy suggests that cooperation in the field of sport only rarely represents a part of agreements between the EU and non-member countries. This paper aims to identify references to sport and cooperation in the field of sport in the various agreements between the European Union and non-member countries. However, Martin Mancoš concludes that the absence of references on cooperation in sport in the agreements between the EU and non-member countries is not an obstruction for cooperation in the mentioned area. There are many tools and means through which such cooperation between various actors from EU Member States and non-Member countries can take place.

Finally, Mateusz Stankiewicz presents the problem of dispute resolution in sports – namely the possibility of opting-in for the domestic tribunal under the FIFA Regulations on Status and Transfer of Players. The importance of creating the domestic independent and fair tribunals is beyond question and national federations should be encouraged to reform its dispute resolutions systems in order to match the criteria set by FIFA. Such efforts can be noticed particularly in Poland where in recent years two reforms of the dispute resolution system came to life in 2020 and 2021.

Our legal journal, *Právny obzor*, hereby proves that despite being the oldest continuously published legal journal in Slovakia, it is flexible enough to cope with the current trends and topics. That is also the secret of its longevity – constantly bringing topical issues to the attention of expert public.

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Editor-in-Chief of the Special Issue