



## 8<sup>th</sup> ASDS Sports Law Days 7-8 November 2018

The 8<sup>th</sup> ASDS Sports Law Days were organised by the ASDS (the Swiss Association for Sports Law) in co-operation with the SLA (Sport Lawyers Association), the AIAS (Italian Association of Sport Lawyers) and the BASL (British Association of Sport and Law). The Seminar was opened by ASDS President **Michele Bernasconi**, who welcomed all speakers and participants and underlined the importance of the traditional ASDS Sports Law Days.

Our guests from Italy opened the academic part of the Sports Law Days with a presentation by **Salvatore Civile** (President of AIAS) who talked about Net and Gross Amount in football-related contracts. Salvatore highlighted the importance of tax rates and gross and net amounts in football related employment contracts. Salvatore emphasised three key elements which should be addressed in any contract: Whether the respective sums are gross or net; where the taxes have to be paid and in the case of early termination of the contract whether the sums payable are again gross or net. Salvatore provided the audience with practical examples and reviewed also recent CAS and FIFA jurisprudence. One take home message of Salvatore is that the employer should be obliged to deliver tax certificates in a timely manner.



After a coffee break, perfect to reenounter ASDS friends, **Antonio Rigozzi** illustrated the recent national and international jurisprudence in sports-related matters. Starting with the latest *Mutu & Pechstein* decision rendered by the ECHR Antonio offered an interesting overview regarding the decision as well as the decision of the Cour d'appel de Bruxelles regarding *Doyen*. Finally, the speaker illustrated the *Seraing* case before the CAS and the Swiss Federal Tribunal.

The last presentation of the morning session was held by the UEFA Deputy General Secretary, **Giorgio Marchetti**, giving insights on UEFA Football Competitions. A challenging task within UEFA is to find a balance between the several stakeholders. So for example also to find a balance between game, sport and non-profit as well as entertainment, business and commercial success on the other side. The UEFA strategy for the Champions League goes from fixed appointments over a strong positioning in the market and the core identity as well as a thorough distribution in the media, a "less is more" commercial approach, and finally on-site implementation and an impeccable competition management.



The afternoon session started with an interesting panel discussion on the so-called "Russian doping saga". The top notch panel was composed of **Marjolaine Viret (chair)**, **Ernst König**, **Claude Ramoni** and **Jean-Pierre Morand**. One of the key statements of the discussions is that the system cannot be 100% safe: there are always a few per cents where you need trust and faith in the respective authorities. More regulation will not necessarily lead to better results because of the lack of possibilities to enforce them. "Is non-invitation a new sanction?" was another hot topic addressed by the panel, whereas issues around collective sanctions were discussed.

To conclude the afternoon session, **Martin Schimke** and **Bernhard Welten** gave their insights into the Pyeongchang jurisprudence of the CAS *ad hoc* division. The speakers gave interesting information about the work of the CAS *ad hoc* division, the timing issues as well as some media issues arising from some cases.

The Thursday morning session was opened by the panel moderated by **Michele Bernasconi** and composed of **Brent Nowicki**, **Massimo Coccia**, **Roy Vermeer** and **Daniel Ratushny** on the topic of salary caps vs financial fairplay and draft pick system vs transfer regulations. Regarding financial fairplay the panellists agreed that it cannot promote



competitiveness. Brent Nowicki offered an overview on the relevant salary cap rules in the North American sport system. Panellists addressed also issues of competitive balance and the difficulties caused in Europe by the different tax systems.

To end the 2018 Macolin seminar another fantastic panel composed by **Michel Besson**, **Kevin Carpenter**, **Paolo Lombardi**, **Giancarlo Sergi** and **Marcello Presilla** discussed issues relating to betting and sports. The discussion was led by ASDS board member **Olivier Ducrey**. To kick off the discussion, Michel Besson from the Swiss Federal Office of Justice gave an overview on the Swiss legislation on sports betting. The Panel offered the audience important insights on monitoring sports events 24/7 with mathematical programs and intelligence data as well as the collaboration between the institutions in case of an alert. Suspicious movements in the betting market are the trigger of such an alert and the respective investigation. The *war on match-fixing* is however very complex and it seems that there is no simple solution. The Panel agreed that education of athletes is an important part of this war against match-fixing.

After the concluding remarks by ASDS President **Michele Bernasconi**, the participants took off for the (for some a long) journey back home. The committee of the ASDS looks forward to the next Sports Law Days in Macolin 2020 and hopes that the collaboration with SLA, AIAS and BASL was only the start of a closer collaboration between the institutions.



Text by Daniele Simoniello, ASDS Secretary.