



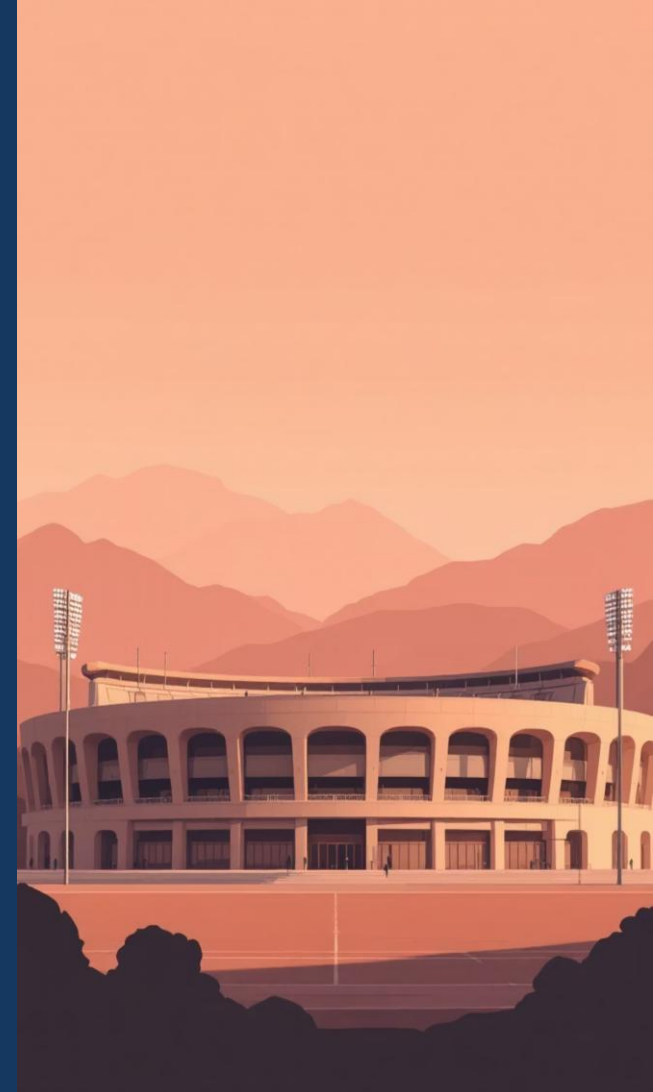
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The Impact of Recent ECJ and ECtHR Case Law on Sports Arbitration

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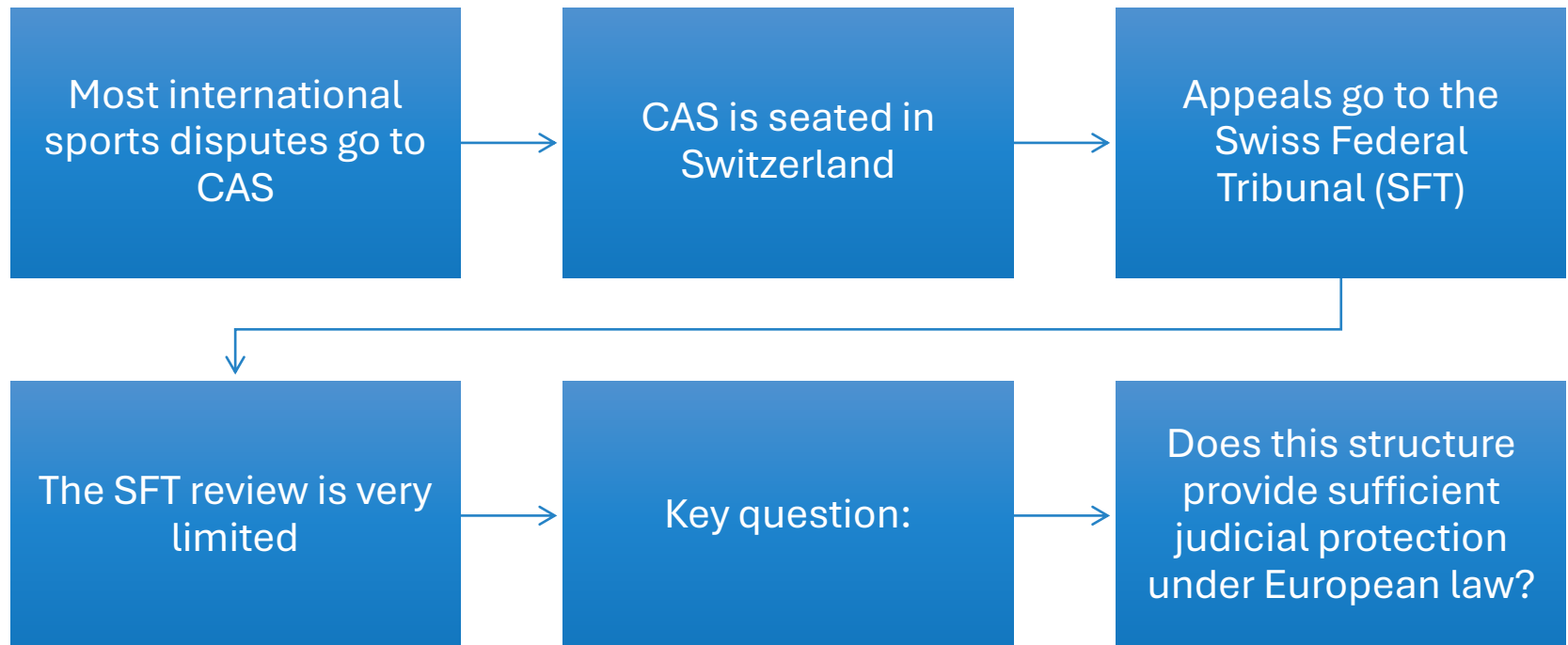
17 March 2026



European Handball Court of Arbitration



Background: The CAS–SFT Structure



The *Seraing* Case (ECJ)



FIFA prohibited
third-party
ownership (TPO)



Rule challenged
before CAS →
upheld



Appeal to the SFT
→ dismissed

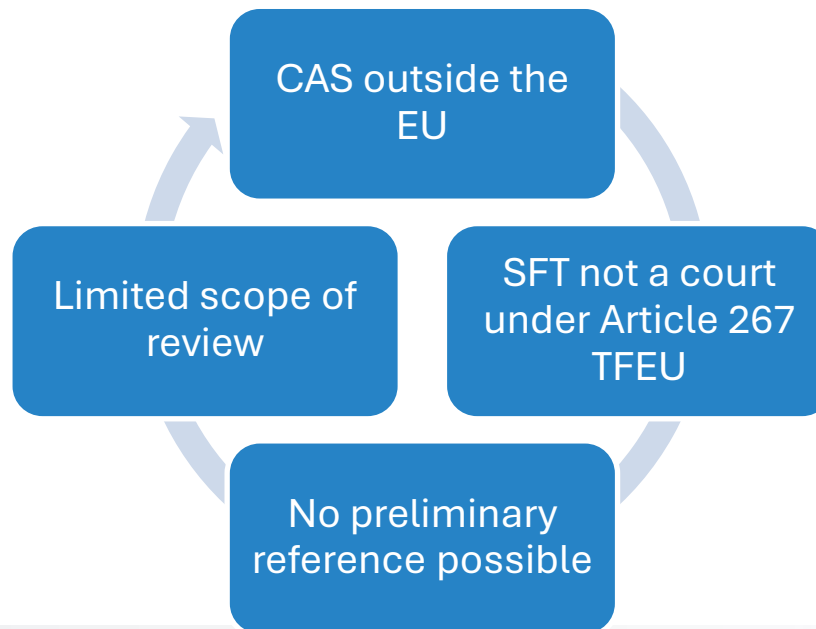


Case later reached
EU national courts
→ ECJ reference

Core Issue in *Seraing*

- Can a CAS award have binding effect if no EU court reviewed compliance with EU competition law?

Structural problem:



What the ECJ Held

EU law must remain fully effective

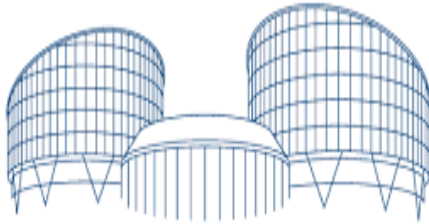
Effective judicial protection must be guaranteed

EU courts must be able to review EU competition law issues

CAS–SFT review cannot block EU judicial control.



The *Semenya* Case (ECtHR)



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Concerned World Athletics
DSD regulations

Challenge before CAS →
dismissed

Appeal to the SFT →
dismissed

Case brought against
Switzerland before ECtHR



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Core Issue in *Semenya*



Did Switzerland provide sufficient judicial review of the CAS award?



Limited scope of SFT review



Serious discrimination allegations



Compulsory nature of CAS arbitration

What the ECtHR Held



States must ensure effective protection of Convention rights



Judicial review must be sufficiently thorough



The SFT's review was insufficient in this case



Problem lies with scope of SFT review.

Common Structural Problem

Both cases highlight:

- Mandatory CAS arbitration
 - Concentration of review in Switzerland
 - Limited judicial control
-
- Risk: EU law and human rights may not receive effective review.



Outcome

- Sports arbitration is not abolished
- CAS as an institution is not rejected

But the CAS–SFT structure does not always provide

- a complete and binding resolution
- when EU law or fundamental rights are at stake.

Sports autonomy operates within European legal limits.



Impact of *Seraing* and *Semenya* on ECA (EHF) Arbitration – Seat: Austria



- **Less “absolute finality”**: Even if ECA awards are called final, Austrian courts must be able to review them properly.
- **Stronger EU law control (*Seraing*)**: Courts must check that awards respect EU law (e.g. competition, free movement).
- **Stronger fair-trial guarantees (*Semenya*)**: Arbitration must offer real fairness (independence, equality of arms, proper reasoning).
- **More court scrutiny in Austria**: Because the seat is Austria (EU + ECHR state), national courts have responsibility to ensure effective judicial protection.
- **Bottom line**: ECA arbitration must be procedurally robust and legally well-reasoned, as court review in Austria is becoming more meaningful.

