

The Evolution of Sports Law in Spain

According to José Juan Pintó Sala, partner at Pintó Ruiz & Del Valle, sports law in Spain has evolved and will be probably evolving in a significant manner in the forthcoming years. The set of rules applicable at today's date clearly reflect the trend to professionalisation of sport in the country, especially in the area of football. Both the State and the Autonomous Regions, each of them within the scope of their respective competences, have created a legal environment tending to reinforce legal certainty and descending to the details and specificity of sports.

Of the critical legal issues faced by sports industries in the region, Mr Pintó Sala explained: "There are many of these issues – the sport industry and the sports legal framework are not still as mature as other areas in our jurisdiction – but if we had to highlight some of them, we would say that financial control of sports entities and the fight against match fixing and doping would be the most relevant. There is determined intention on the part of the authorities and associations to eradicate the financial collapse that took place in some sports, and to foster the transparency and fair play in competitions."

Reflecting on the last two years, Mr Pintó Sala said of changes to legislation and the effects of companies: "Probably the most significant change has to do with the exploitation of audiovisual rights in the world of football after the Real Decreto-ley 5/2015. The imposition of a centralised system of commercialisation of these rights, which is performed by the Spanish Football League or the Spanish Football Federation depending on the competition involved, will imply a more equitable distribution of revenues arising out of the audiovisual rights exploitation among the clubs, reducing the differences between the most powerful and less wealthy clubs, and aiming at equalling the competition."

He added that the economic crisis importantly affected the sports regulations, not only to those enacted by the authorities, but also to the internal rules of sports associations. "The mistakes of the past should not be repeated, and thus the current regulations tend to avoid that clubs' indebtedness reaches inadmissible levels or that the bankruptcy proceedings are used in an inappropriate manner," he said. "The new environment, in which the sports stakeholders are 'healthier', financially speaking, has of course implied changes in the kind of services demanded by clients, more focused now on 'creation' – such as investment and purchases – rather than on 'destruction' – that is, debt claims and insolvency."

Pintó Ruiz & Del Valle is one of pioneers in the sports law practice in Spain. Its sports law team is composed not only of lawyers dealing solely with sport, but also of lawyers with solid expertise and regular practice in other areas of law, such as corporate, tax, labour and public law.

Among its recent case work, the firm represented player Luis Suárez and FC Barcelona in disciplinary proceedings started by FIFA as regards an incident occurred in a World Cup match, in which the Court of Arbitration for Sport finally revoked, in part, the sanction imposed on the player by FIFA – "A decision with very interesting grounds from a technical point of view," noted Mr Pintó Sala.

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