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**SPORTS LAW: ASPECTS OF THE ORGANISATION OF MEGA SPORTS EVENTS –
THE EURO-2012 IN UKRAINE***

Introduction

Mega sports events assume an increasing political, economic, cultural and social role. A few introductory remarks may suffice to illustrate this proposition. The instrumentalisation of sports events for political purposes is nothing new. During the 20th century many governments attempted to draw benefits from the public attention of a world audience in such mega events. A typical example is the Olympic games of Berlin in 1936. But the public attention, which such events attract, may also be used by cancelling the participation of national teams, for example during the Olympic games in Moscow or Beijing. Mega sports events play a considerable economic role. The organisation of such events requires certain infrastructures such as sports arenas, means of transport such as airports and roads, public transport systems, communication systems and accommodation. It is difficult to analyse the economic success of mega sports events, taking into account of their long-term impact and the political motivation of investments of taxpayers money.

The sport as a cultural phenomenon has changed considerably. Whereas until the 1970s there was a clear separation between the amateur and professional worlds of sports, this separation became increasingly irrelevant, taking into account that the Olympic games and international sports associations accepted professional competitors by the early 21st century. The „commodification“ of sports led in turn to the acceptance of a fan culture, which is characterized by the identification of adherents with their clubs and with particular sports stars. This new culture is recognised by politics as a democratic development¹:

“Supporters are one of the main driving forces in sport. For professional clubs, they often constitute a particular kind of captive consumers for long periods of time. (...) The European Commission considers that supporters are a voice to be heard and encourages them to organise themselves in democratic and accountable organisations or trusts. While no European supporters’ structures exist, encouraging developments have taken place in some Member States. Responsible democratic representation of supporters is important to improve governance in sport and to reinforce the links between clubs and their local communities”.

The Standing Committee of the European Convention on Spectator Violence and Misbehaviour at Sports Events in particular at Football Matches identified the importance of this “fan culture”²:

“Taking note of the increase in attendances in recent years including an increase in the different fan scenes across Europe, more and more teenagers and young adults aged 15 to 25 years are considering that “being a fan” is part of their identity. This trend has developed into a major pillar of youth culture of a city and region”;

Media reporting, particularly by broadcasting, made mega sports events accessible to a global audience. Traditional elements of culture, in particular music, film, but also literature, are increasingly less susceptible to transmit the feeling of a cultural identity. Differently, the colours of a national team or of its national flag are used to identify a national culture even if many players were nationalized. This phenomenon is broadly accepted as a „fan culture“.

Mega events may be defined as “large-scale cultural (including commercial and sporting) events, which have a dramatic character, mass popular appeal and international significance”³.

In the field of sports another element may be added: the “discontinuation” of such events⁴. Mega sports events are hosted by countries or cities, which bid for the right to host that event, which is organised under the auspices of an international association⁵. Together with the size and importance of such events the interest to host such mega sports events has grown. In recent decades the professional sports industry “has simply exploded to the point of astronomical amounts that make up today’s sports broadcasting market”⁶. The marketing of such mega sports events generates considerable sums of money, for example through the sale of broadcasting rights, corporate sponsorship money and a valuable promotional opportunity for nations/regions/cities to showcase their attraction to a broad audience. The UEFA expects profits from the EURO-2012 at an amount of EUR 1.3 billion.

1. The Role of the EURO-2012 for Ukraine

The UEFA considered that the EURO-2012 was a success. UEFA President Michel Platini was satisfied with sales of tickets and attendance of EURO-2012 matches: “We’ve sold 100 percent of tickets. The stadiums were filled

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* Стаття друкується мовою оригіналу

by 98%. Those 2% who did not come it's their business"⁷. The interests in the organization of such mega sports events affects different circles: the broadcasting and communications industry, property developers, construction industry (roads and buildings), hotels and accommodation service providers, urban, regional and national planning, advertising industries, sports sponsoring industries, politicians. Economic analysis makes it difficult to foresee whether and under which conditions the organisation of mega sports events will deliver the benefits, economic and otherwise, that their proponents proclaim⁸. But overall, the organization of the event has a positive impact upon the Ukrainian economy and culture⁹:

"The EURO-2012 has attracted more than 1 million overseas visitors to Ukraine. Fans have spent nearly USD 1 billion on hotels, transportation, food, entertainment and clothing, according to preliminary reports. The country's hotel industry saw an increase in business of nearly 30 percent with total revenues estimated at USD 4.5 million. Private landlords also benefited from the events. According to local economists, the demand for apartments in the host cities increased nearly quadrupled and rental yields amounted to USD 7 million. Retail sales are also booming thanks to the lavish spending of foreign fans. Sales in the major shopping malls in the host cities have increased by 6 percent since the EURO-2012 began, according to Ukraine's trade association. The European Championships have been good, too, for the majority of the cafe and restaurant owners as the number of visitors increased 20 percent during the matches. (...) On top of that, the kindness and hospitality of Ukrainians also impressed visitors, polishing the country's reputation around the world."

Some 2,879 volunteers and 3,760 stewards did their best to give visitors of Ukraine best impressions during the event¹⁰. It is considered that the tourist spending from the EURO-2012 will add some 0.4 percent to the Ukrainian gross domestic product¹¹. Such a positive role of the organization of mega sports events is also supported by recent research of city development¹². Accordingly, mega (sports) events are likely to induce development processes, which serve to justify particular political measures and projects. Such effects are, inter alia, increases of the tax income, the turnover in the hotel, restaurant and tourism and retail businesses, of employment, improvements of the transport infrastructure and of the image of cities, regions and countries.

2. Role of Sports

What Is Sport? There is no binding definition, but it may be useful to rely on the Register of recognized kinds of sport in Ukraine, which recently added 5 more types on the Register such as Kungfu, Karate WKF, Floorball, Koshiki Karate and Karate WKC with the Order No. 969 on the recognition of new kinds of sport in the Ukraine, signed on 02/03/2012¹³. Upon such a recognition depends, inter alia, the possibility to obtain public support. Sport is increasingly a global phenomenon. This is indicated by international games and reporting (framework for the organization of sports); international associations (autonomy of organizations); international rules and regulations (e.g. on dispute settlement, or doping). The sports movement is going through changes of cultural and political significance. Indicators of this development are the relevance of sports for (national) health; the increasing use of media for sports reporting; the increasing economic importance of sports (professional sports, events organization, licensing of reporting rights, sponsoring and advertising). Sports reporting and consumption patterns change. There are new methods and technologies for reporting (radio and TV broadcasting, in particular terrestrial, by satellite and cable, digital communication; specialist publications, Internet); new advertising and sponsoring methods; new types of event management and licensing practices, particularly in intellectual property.

3. Economics of Sport

References to the highest paid athletes and the European soccer market are far from being comprehensive, but they may suffice to illustrate the importance of this branch of the economy. Sport is no longer determined by amateurs' initiatives. The Forbes list of highest paid athletes refers to the 10 best paid athletes (income in million USD)¹⁴: (1) Tiger Woods (golf): 75; (2) Kobe Bryant (basketball): 53; (3) LeBron James (basketball): 48; (4) Roger Federer (tennis): 47; (5) Phil Mickelson (golf): 46.5; (6) David Beckham (soccer): 40; (7) Cristiano Ronaldo (soccer): 38; (8) Alex Rodriguez (baseball): 35; (9) Michael Schumacher (car racing): 34; (10) Lionel Messi (soccer): 32.3. The best paid sports women was Maria Sharapova, being no. 29 of the Forbes list of highest paid athletes, and an annual income of USD 24.2 million. According to the Deloitte Annual Review of Football Finance 2011¹⁵ the European soccer market achieved a turnover in 2009/10 of some EUR 16.3 billion. Of this sum the "big five" premier leagues (England, Germany, Spain, Italy and France) achieved half of the turnover (51%). The sale of TV rights constituted the most important source of income generated by the big five, amounting to more than EUR 4 billion. But only in England and Germany the leagues were profitable. Losses were often created by too high investments in players, with disregard to the necessity to achieve a balanced budget. Here the UEFA's Financial Fair Play may improve the situation in the future. The Russian league achieved a turnover of some EUR 368 million.

From a theoretical point of view recent developments in the sports industry may be considered as the commodification of sport or even of culture.

"Modern sport is used to make money through attracting spectators, selling satellite subscriptions and increasingly by selling sports merchandise. Through this process of commodification of increasing areas of social life such as sport, the argument is that the masses increasingly become compliant and in agreement with capitalism"¹⁶.

In Russia many sports clubs were prohibited during the Tsarist period; differently, during the Socialist period sports and physical culture became the privileged vectors of the "cultural revolution": sports for the masses were born and the state paid for all expenses related to sports, thus contributing to the victory of the USSR in all the Olympic Games from 1952 to 1980¹⁷. But at the end of the Soviet time sports activities were no longer controlled by the state: private sports clubs and fitness clubs were established and sports subsidies were reduced¹⁸. But former socialist

countries of Eastern Europe continue to play an important role in international competitions. “In sports performance literature, the superiority of Eastern European countries in the Olympics has clearly been proved: all these countries win relatively more medals than would be expected by the level of national wealth and population”¹⁹. It may be expected that the sports industry of Ukraine will benefit from this development.

4. Public Sports Law

Public sports law regulates the organisation of sports with regard to its social relevance.

4.1. National Legislation on Sports in Ukraine

A National Report by Ukraine prepared by the Ministry for Family, Youth and Sports of Ukraine in December 2011²⁰ refers to the following national legislation:

“The legislation of Ukraine in the field of physical culture and sports is based on the following legal instruments: a) the Constitution of Ukraine; b) Laws of Ukraine, in particular, “On unions of citizens” dated 16/06/1992; “On physical culture and sport” dated 24/12/1993; “On support of Olympic and Paralympic movements and high level sport in Ukraine” dated 14/09/2000; “On ratification of the European Convention on Spectator Violence and Misbehaviour at Sports Events and in Particular Football Matches” dated 15/11/2001.

In the fields of physical culture and sport there are the following legal acts adopted in recent years by Decrees of the President of Ukraine: “On additional measures on state support of development of physical culture and sport in Ukraine” dated 08/11/2002; “On the National doctrine of development of physical culture and sport” dated 28/09/2004; “On the preparation and participation of athletes of Ukraine in the Olympic, Paralympic and Deaflympic Games, World Students Games, World and Europe Championships” dated 19/07/2005; “On the national actions plan on realization of state policy in the field of physical culture and sport” dated 02/08/2006; “On the priorities of development of physical culture and sport in Ukraine” dated 21/07/2008.

There are the following Resolutions of the Cabinet of Ministers of Ukraine: “On the establishment of the National Anti-Doping Center” dated 25/07/2002; “On the establishment of the Centers of physical health of population “Sport For All” dated 18/01/2003; “On the adoption of the State Program on improvement of preparation system of athletes to the Olympic and Paralympic Games” dated 26/09/2002.

The Law of Ukraine “On physical culture and sport” was adopted on the 17 of November, 2009. It entered into force on the 01/01/2011.

The European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches adopted on 19/08/1985 was signed by Ukraine on the 20/12/1999 and ratified by the Law of Ukraine of 15/11/2001 No 2791-III.

In accordance with Convention “The procedure of guarantying public order and safety during the football matches approved by the Decision of Cabinet of Ministers of Ukraine dated 29/06/2004 No 823” was developed. The act regulates requirements to guaranteeing safety, cooperation of organizers of football matches with internal affairs bodies, local executive authorities and local self-governmental authorities, actions on security of public order and guaranteeing safety at stadium on the eve, in day and after the holding of football matches, which are organized in Ukraine under the aegis of FIFA, UEFA, the Football Federation of Ukraine and its collective members.

In the process of preparation of this act the Recommendations of the Standing Committee of Convention made in the period of 1989-2004, particularly T-RV Recommendation 2/89, Council of Europe Integration project “Answer violence in daily life of democratic society”, the Recommendation on role of social and educational measures in the prevention of violence in sport (Rec. (T-RV. 2003)1 etc. were taken into account”.

4.1.1. No Licensing Requirements for Sports Activities

On 15/11/2010 the President of Ukraine signed a law cancelling the licensing requirements (inter alia) for recreation and sports activities. The Verkhovna Rada passed the law on 19/10/2010. The liberalization of activities relating to physical culture and sports takes effect from 01/01/2011. Legal acts, which were not in line with the law were amended²¹.

4.1.2. Public Subventions

The National Report by Ukraine, prepared by the Ministry for Family, Youth and Sports of Ukraine in December 2011 explains²² that there is “a Sector on physical culture and sport in the Cabinet of Ministers of Ukraine. (...) The Ministry provided coordination of work between other executive bodies of Ukraine and cooperated with public sports organizations. The Ministry of Education and Science, Youth and Sports of Ukraine and the State Service for Youth and Sports in its structure were established at the beginning of 2011 in the result of reorganization of the executive bodies system of Ukraine. There are Regional Departments on Youth and Sport of Regional State Administrations of Ukraine at the regional level and district departments” (...). The Ukrainian Government’s budget of 2012 concerning the support of the sports industry increased by 27.4 percent from 2011 to 2012 to more than 2.2 billion UAH²³; in the state budget expenditures for sports will be increased by some 40 percent in comparison to the previous year to amount to almost 12 billion UAH.

4.2. Regulations Applicable to Public Events

The Ukrainian regulations applicable in the case of the organization of soccer events were indicated in a report prepared by the Ministry for Family, Youth and Sports of Ukraine of December 2011²⁴.

“At the moment of preparation of this report the draft Law of Ukraine “On guaranteeing safety and public order during mass sports events and physical culture and health-improving measures”, which directly touches the preparation to EURO-2012 (registration No 7137 of 17/09/2010) is submitted for the consideration of the Verkhovna Rada of Ukraine (Supreme Council of Ukraine). In the process of preparation of this draft Law the Recommendations of

Standing Committee of Convention (T-RV) dated 31/01/2008 were taken into account about the control list of events which shall be conducted by the organizers of professional sports events and public authorities during holding sports events. The draft Law contains many definitions, such as “volunteer” and “steward”, organization of steward’s work, defines their responsibilities and main directions of international cooperation in the field of guaranteeing safety, public order and the measures on restriction of entering to sports arenas for some spectators. The draft Law of Ukraine “On volunteering movement” (accepted as a base by the decision of the Verkhovna Rada of Ukraine dated 13/04/2010 No 2118-VI) is under consideration of the Verkhovna Rada of Ukraine now”.

5. Sports Associations

During the 19th century in many European countries sports clubs and sports associations were established, particularly in the UK, where the economic well-being established a basis for the development of the sports industry²⁵: Sport became increasingly codified and formal rules of major British sports were initiated. Also national governing bodies that exist today in their original or modified form were originated. Team sports became an important part of social life, both in terms of playing and spectating.

5.1. Principle of Autonomy of Organization

By joining a sports club the sportsman accepts the association’s rules and regulations. States approve of the autonomy of associations, and such associations may also apply their proper jurisdiction. Also national jurisprudence accepts that sports organizations enjoy a large scope of discretion, e.g. in order to settle disputes between members and sportsmen and sportswomen²⁶. But it is uncontested²⁷ that an association’s violation of procedural rules is subject to control by the courts²⁸.

“By reason of the principle of legality, which has to be applied by associations, the demands, which may be made with regard to such an association increase in relation to the social role and function of the association. This concerns particularly the definition of the terms, their publication and the foreseeability”.

The limits of the autonomy of sport organizations have been explained as follows²⁹.

“An essential problem for the sports lawyer consists in defining precisely the limits of the autonomy of sports organizations. (...) In essence, state courts are authorized to intervene when the association’s proceedings violate the fundamental rights of the individual (for example, irregular proceedings, violation of the right to be heard, serious breach of personal liberty, freedom of trade and industry, boycott, etc.) or when the association authority applies rules which, by their nature or scope, significantly affect the legal sphere of the athlete. The literature and judicial practice admit that the boundary between those areas outside the jurisdiction of state courts and those within is often blurred. There are even situations where behaviour can be penalized by both branches, which bring us into the domain of super-imposed measures (for example, a kick in football which earns the player a suspension and a criminal sentence)”.

Based upon a differentiation focusing on the rules of the game and the rules of law³⁰ the delimitation may be drawn as follows³¹:

5.1.1. Rules of the Game (exclusive “jurisdiction” of the sports association)

Sports associations enjoy a certain “jurisdiction” within the organisation of the sport, for example concerning decisions taken on the spot to award a penalty or free kick in football; to disqualify a runner or boxer within a race or fight; a refusal of entry to a competition for not complying with the conditions for weight, engine capacity or age; decisions of placing, promotion or relegation; sanctions affecting the placings in a competition as a result of faults on the part of participant (e.g. fighting) or irregular participation of a player.

5.1.2. Rules of the Law (concurrent “jurisdiction” of sports association and the courts)

Sports associations exercise a certain jurisdiction within the exercise of their institutional freedom, for example concerning decisions involving reprimands or fines; deductions of points or relegation linked with non-payment of dues; decisions affecting the relationship of a player with his club, or the relationship between a club and the sports association to which it belongs; decisions to refuse entry to a competition for non-payment or late payment of an entry fee; banning from playing or running for a certain period of time; decisions to withdraw prize money; decisions resulting in the loss of the right to vote in an association. But in general the associations’ rules do not exclude the possibility of a player to resort to action with national courts.

5.2. National Associations

In Ukraine the legal situation with regard to sports associations was referred to in a recent report by the Ministry for Family, Youth and Sports of Ukraine³²:

“Voluntary sports associations carry out the work among the separate categories of population. For example, sports associations “Ukraine” and “Spartak” operate in the manufacturing and social fields; “Kolos” – among a rural population; “Dynamo” and “Sports Army Club” - among the different military associations; the Committee on physical education and sport of the Ministry of education and science of Ukraine – among pupils and students. The Ministry of Ukraine for Family, Youth and Sports actively cooperates with above mentioned organizations and also with 165 Olympic and Non-Olympic Sports Federations.”

6. Event Management and Rights

The organization of events and the exploitation of rights has become a cornerstone for the economic well being of sports clubs. Their income is nowadays less dependent upon the sale of tickets but on the grant of broadcasting rights.

6.1. Organization of Sports Events, in Particular the EURO-2012

With regard to the actual interest, references to soccer events may suffice. To provide an overview of regulations concerning the organization of sports event reference is made to Ukrainian law. The Ukrainian Ministry for Family, Youth and Sports explained the current legal and constitutional situation³³:

“The Ukraine, and the four cities which are organizing EURO-2012 – Kyiv, Kharkiv, Donetsk and Lviv – is required to guarantee the safety of all the participants in EURO-2012. (...) The Ukraine in preparation to the holding of the European Football Championship EURO-2012 leans on the following legal documents: 1. The law of the Ukraine: “On the Organization and Holding of the Final Part of the 2012 European Football Championship in Ukraine” of 19 April 2007 N 962-V. This law identifies the system of key measures aimed at creating the conditions required for the organization and holding of the final part of the EURO-2012 in the Ukraine, with due consideration for the significance of this event for the country’s economy and the international image of the Ukraine. 2. The Regulation of the Cabinet of Ministers of the Ukraine of 29 June 2004 N823: “About the approval of order activities organization to guarantee the safety and public order during football matches” amended by the regulation of the Cabinet of Ministers of the Ukraine N753 of 27 August 2008. The regulation determines the sequence of measures to guarantee safety and public order during football matches. (...) According to the Ukrainian law, the football match organizers in co-operation with the police and local authorities ensure the safety of supporters, the representatives of football clubs, referees, and others people at the match. The organizer’s staff (including the volunteers and the stewards) takes part in ensuring safety and public order during the football matches. Moreover, they are supported by the employees of private security companies and by the police, who are present at the match site. If necessary, employees of other bodies may be engaged for this purpose. The football match organizer, in co-operation with the police, security service bodies, private security companies, the owner of the stadium, the local executive bodies and the health authorities, creates the Co-ordinating Staff to ensure safety and public order during the football match. Entities that make up the Co-ordinating Staff must be equipped with communication devices and conduct surveillance for rapid response to unforeseen situations. (...) The football match organizer, the sports facilities operator and the club are responsible for ensuring safety and public order in the stadium, while the police and the bodies of the Ministry of the Interior take charge in the vicinity of the stadium area, on evacuation routes and in public places in the city where the football match is being played.” (...)

The Ministry explained also the proposed new legislation, in particular the bill “About the peculiarities in ensuring safety and public order in connection with the preparation and conduct of football matches” (registration No 7137)³⁴. The bill defines legal and organizational features to ensure safety and security in connection with the preparation and conduct of those football matches in the Ukraine, which are organized in accordance with national and international requirements. The bill divides up the spheres of responsibility between the various responsible bodies. It allocates each of them particular functions and identifies how they should co-ordinate their activities. The main bodies concerned are: the match organizer; the stadium owner; the football club; the professional safety personnel; the police; the fire brigade; and the local executive bodies. The bill provides for the participation of stewards and the employees of governmental security agencies including the functions of the police. It establishes a coordination group, which contains representatives of the football match organizer, the police, local executive bodies and other institutions, to work together and to enhance the provision of security during the match. The bill provides that in the absence of the necessary documents for preparing and conducting the football match in a particular sports facility the match may not proceed. The bill regulates contains important regulations on safety and security concepts.

6.2. Exploitation of Events: Broadcasting, Sponsors and Tickets

The commercial exploitation of the EURO-2012 is a typical example for the economic role of mega sports events. The UEFA expected to receive some 62 percent of its income from the sales of broadcasting rights, 22 percent from commercial rights sales, sponsorship and merchandising, 9 percent from ticket sales and 7 percent from corporate hospitality³⁵. “Sport is very much a part of popular culture and our consumption of it is increasingly mediated through TV, radio, newspapers and a myriad of ‘new technologies’. (...) more sport is shown on TV than ever before”³⁶. The UEFA granted broadcasting rights of the EURO-2012 to an exclusive group of UEFA EURO-2012 official broadcasters³⁷. In Ukraine the Television and Radio Broadcasting ‘Ukraina’ (TRK) and the National Television Company of Ukraine (NTU) were authorized to broadcast 15 live matches exclusively on a free-to-air basis with the final match being transmitted on both networks. Both broadcasters were allowed to transmit highlights programmes of all 31 matches, magazine programmes promoting the final tournament, as well as exploit the rights for the respective matches via their Internet and mobile platforms. In principle, sports clubs and associations may grant to broadcasters “exclusive broadcasting rights” concerning events filmed in their stadiums. The legal basis of such grants is not copyright, because a sports game is, different from a ballet, not an original work of the mind in the sense of copyright. The athletes do not play according to a choreography like ballet dancers, and their performance does not correspond to an intellectual creation of their coach. According to the law of many nations an organizer’s right to grant a broadcasting license can be based on the freedom or residence or house regulations. Even though this right belongs essentially to the owner of the premises it may be exercised by the organizer of the event who obtained the right to make use of the premises. Accordingly, the organizer is in a position to exclude or admit to the playground those persons who intend to broadcast the event or to film it. Together with the sale of broadcasting rights payments by sponsors are the main source of UEFA’s income deriving from the EURO-2012. The UEFA makes use of intellectual property rights, for example in the use of its logos and name, in order to generate income through licensing³⁸. Based on its bidding rules the UEFA imposes upon host countries a variety of requirements. With regard to sponsoring these requirements related, inter alia to the protection of event logos and intellectual property rights, which were implemented by the Ukrainian EURO-2012 Preparation and Hosting Act, the prohibition to use commercialized names for stadiums or the exclusivity for merchandise and business partners – drinks and food offered in the arenas must be limited to those permitted by UEFA; UEFA imposes also exclusivity for its sponsoring companies providing different

services such as concerning air travel, electronic payment systems, or mobile telephone operations³⁹. Whether such requirements would be compatible with Ukrainian competition law does not seem to have been tested⁴⁰.

7. Conclusions

The legal framework for the UEFA 2012, as it was established by Ukraine, provided the backbone for a successful event. On average, 46,481 viewers attended a match⁴¹, a record under the 16-team format of the UEFA EURO, and in spite of these masses of fans the games were carried out peacefully. Taking into account of the importance of technological innovation the EURO-2012 was a most progressive championship. This concerned certainly broadcasts, but also advances to the national infrastructure⁴². Official fan zones were successfully organised with more than seven million supporters. UEFA officials stated: “We are happy with the infrastructure provided by Ukraine for the finals”⁴³. The EURO-2012 provided a powerful incentive for reconstruction of the road infrastructure, rail and air transport. Amongst other improvements Ukraine constructed five new airports and seventy new hotels⁴⁴. This does not exclude that those without affinity to such a mega sport event could question the justification for the investment of public money. However, the broad public interest in UEFA’s EURO-2012 showed that those political decisions, which made the event possible, were legitimate. And apart from the pleasing football fans the infrastructure improvements amounting to some EUR 11 billion were needed anyway in order to ensure a long term boost of the Ukrainian economy.

¹ EU Commission communication, see http://ec.europa.eu/sport/what-we-do/supporters_en.htm; download: 25/06/2012.

² The Standing Committee of the European Convention on Spectator Violence and Misbehaviour at Sports Events in particular at Football Matches (T-RV): Recommendation Rec (2012) 1 of the Standing Committee on dialogue and interaction with fans adopted by the Standing Committee on 8 December 2011 at its 33rd meeting in Strasbourg, 16/01/2012.

³ *Maurice Roche*: „Mega-events and Modernity“, Routledge, London 2000, p. 1.

⁴ *Kenneth Roberts*: „The Leisure Industries“, Palgrave, London 2004, p. 108.

⁵ *Andre M. Louw*: „Ambush Marketing & the Mega-Event Monopoly – How Laws Are Abused to Protect Commercial Rights to Major Sports Events“, Springer, New York 2012, p. 34.

⁶ *Andre M. Louw*: note above, p. 26.

⁷ Kyiv Post 01/07/2012.

⁸ See *John Horne*: „The Four ‚Knowns‘ of Sports Mega-Events“, Leisure Studies, vol. 26 No. 1, Rutledge, London 2007, pp. 81 to 96 at 88 et seq.

⁹ ChinaDaily of 24/06/2012.

¹⁰ UEFA: EUFA EURO-2012: ‘A fantastic event’, see <http://www.uefa.com/uefaeuro/news/neswid=1841679.html>, download: 10/07/2012; on the role of volunteers see *Tom Baum and Leonie Lockstone*: “Volunteers and Mega Sporting Events: Developing a Research Framework”, International Journal of Event Management Research, Vol. 3, No. 1, 2007, 29 to 41.

¹¹ *Liza Ermolenko*: “Emerging Europe Update”, CapitalEconomics, London, 10/07/2012.

¹² *Stefanie Baasch*: “Herstellung von Sicherheit und Produktion von Kontrollräumen im Kontext von Großevents: Die Fußball-Weltmeisterschaft 2006 in Hamburg”, thesis, Hamburg 2009, p. 24.

¹³ Press release of 07/03/2012 by the Service of the State Service for Youth and Sport in Ukraine, Web-Portal of the Ukrainian Government, see http://www.kmu.gov.ua/control/en/publish/article?art_id=245023750, download 18/03/2012.

¹⁴ Forbes, see <http://www.forbes.com/sites/kurtbadenhausen/2011/05/31/the-worlds-highest-paid-athletes/> download: 14/03/2012.

¹⁵ Deloitte Annual Review of Football Finance 2011, see http://www.deloitte.com/view/de_DE/de/branchen/consumerbusiness-sandtransportation/tourism-hospitality-leisure/7a2c1646e8e60310VgnVCM2000001b56f00aRCRD.htm, download: 14/03/2012.

¹⁶ *Simon Gardiner, Mark James, John O’Leary, Roger Welch*: “Sports Law”, 3rd ed., Cavendish, London 2006, p. 54.

¹⁷ *Sandrine Poupaux*: “Soviet and Post-soviet Sport”, in Handbook on the Economics of Sport, ed. by Wladimir Andreff, Edward Elgar, Cheltenham 2006, pp. 316 to 324 at 317.

¹⁸ See Note above, p. 318 f.

¹⁹ See Note above, p. 322.

²⁰ National Report by Ukraine, for the Standing Committee (T-RV) of the European Convention on Spectator Violence and Misbehaviour at Sport Events and in Particular at Football Matches, Strasbourg, 08/12/2011, document T-RV (2011) 21 Final, prepared by the Ministry for Family, Youth and Sports of Ukraine for the consultation visit of the T-RV Standing Committee of the Council of Europe, Part A – National Report by Ukraine – 3.

²¹ Kyiv Post of 15/11/2010, “President signs law cancelling many licensing requirements”, see <http://www.kyivpost.com/news/politics/detail/89981/#ixzz1nLJYAFWC>, download 17/03/2012.

²² National Report by Ukraine, for the Standing Committee (T-RV) of the European Convention on Spectator Violence and Misbehaviour at Sport Events and in Particular at Football Matches, Strasbourg, 08/12/2011, document T-RV (2011) 21 Final, prepared by the Ministry for Family, Youth and Sports of Ukraine for the consultation visit of the T-RV Standing Committee of the Council of Europe, Part A – National Report by Ukraine – 1.

²³ Press release of 22/12/2011 by the Press Service of the Ministry of Finance, Web-Portal of Ukrainian Government, http://www.kmu.gov.ua/control/en/publish/article?art_id=244811121, download 18/03/2012.

²⁴ National Report by Ukraine, for the Standing Committee (T-RV) of the European Convention on Spectator Violence and Misbehaviour at Sport Events and in Particular at Football Matches, Strasbourg, 08/12/2011, document T-RV (2011) 21 Final, prepared by the Ministry for Family, Youth and Sports of Ukraine for the consultation visit of the T-RV Standing Committee of the Council of Europe, Part A – National Report by Ukraine – 3.

²⁵ *Simon Gardiner, Mark James, John O’Leary, Roger Welch*: “Sports Law”, 3rd ed., Cavendish, London 2006, p. 31.

²⁶ See e.g. Hans Caspar von der CRONE and Thilo PACHMANN, “Individuum und Verband – Legitimation der Vereinsautonomie durch Verfahren”, in Berner Kommentar zum schweizerischen Privatrecht, Personenrecht, Bd. I.3.2., pp. 105 to 123 at 117.

²⁷ Note above, p. 121.

²⁸ Note above, p. 123.

²⁹ Denis Oswald: "The Jurisdictional Power of Sports Organizations and its Limits", in: Law and Sport, CAS, Lausanne 1994, pp. 126 to 131 at 128 f.

³⁰ Max Kummer: "Spielregel und Rechtsregel", Stämpfli, Zürich 1973.

³¹ Jean-Jacques Leu: "Intervention of National Courts in the Practice of Sport", in: "Law and Sport", CAS, Lausanne 1993, pp. 131 to 137 at 134.

³² National Report by Ukraine, for the Standing Committee (T-RV) of the European Convention on Spectator Violence and Misbehaviour at Sport Events and in Particular at Football Matches, Strasbourg, 08/12/2011, document T-RV (2011) 21 Final, prepared by the Ministry for Family, Youth and Sports of Ukraine for the consultation visit of the T-RV Standing Committee of the Council of Europe, Part – A – 2.

³³ National Report by Ukraine, for the Standing Committee (T-RV) of the European Convention on Spectator Violence and Misbehaviour at Sport Events and in Particular at Football Matches, Strasbourg, 08/12/2011, document T-RV (2011) 21 Final, prepared by the Ministry for Family, Youth and Sports of Ukraine for the consultation visit of the T-RV Standing Committee of the Council of Europe, Part B 1.

³⁴ See note above, *ibid.*

³⁵ China Weekly of 06/06/2011: UEFA expects record profits from Euro-2012.

³⁶ Simon Gardiner, Mark James, John O'Leary, Roger Welch: "Sports Law", 3rd ed., Cavendish, London 2006, p. 3.

³⁷ UEFA: "EURO-2012 TV deal in Ukraine", 02/12/2011, see <http://www.uefa.com/uefa/events/marketing/media-rights-and-services/news/newsid=1726478.html>, download 10/04/2012

³⁸ See e.g. UEFA: EURO 2016 – Tournament Requirements, Sector 7, page 3.

³⁹ Alexander Weigelt and Oleg A. Klymchuk: "Sponsorship of Sporting Events and the Law", The Ukrainian Journal of Business Law, 06/12/2012, see <http://www.ujbl.info/article.php?id=266>, pp. 1 to 3 at 2, download 10/07/2012.

⁴⁰ See note above, p. 3.

⁴¹ Football Federation of Ukraine: "EURO-2012: 'A fantastic event'", 16/07/2012, see <http://www.ffu.org.ua/eng/euro/10251>, download 20/07/2012; UEFA: "President's pride in EURO success", 30/06/2012, see <http://www.uefa.com/uefa/aboutuefa/organisation/president/news/newsid=1836932.html>, download 20/07/2012.

⁴² Information Centre Ukraine-2012: "UEFA: Euro-2012 is the most progressive championship", 09/07/2012, see <http://ukraine2012.gov.ua/en/news/182/55138>, download 20/07/2012.

⁴³ See note 44 above.

⁴⁴ Financial Times: "EURO-2012: hosts looking for lasting economic boost", 08/06/2012.

Резюме

У статті міститься огляд організаційно-правових аспектів проведення спортивних подій. Підкреслюється, що нові категорії «спорт», «права на трансляцію спортивних подій», «спортивні асоціації», «івент-менеджмент» перебувають у правовому полі на стадії розробки та удосконалення. Особливу увагу приділено правовим засадам організації та проведенню Євро-2012 в Україні.

Ключові слова: спортивне право, економіка спорту, європейський ринок футболу, комерціалізація спорту, спортивні асоціації, івент-менеджмент.

Резюме

В статье представлен обзор организационно-правовых аспектов проведения спортивных мероприятий. Подчеркивается, что новые категории «спорт», «права на трансляцию спортивных событий», «спортивные ассоциации», «ивент-менеджмент» находятся в правовом поле на стадии разработки и совершенствования. Особенное внимание уделено правовым основам организации и проведению Евро-2012 в Украине.

Ключевые слова: спортивное право, экономика спорта, европейский рынок футбола, коммерциализация спорта, спортивные ассоциации, ивент-менеджмент.

Summary

This article provides the overview of the organizational and legal aspects of sports events management. Author emphasizes that new categories «sport», «broadcasting rights on sports events», «sports association», «event management» are under design and improvement in the field of law. The special attention is given to legal base of EURO-2012 organization and providing in Ukraine.

Key words: Sports Law, Economics of Sport, European Soccer Market, the Commodification of Sports, Sports Associations, Event Management.