1. Record Nr. UNINA9910465605303321 Autore Kleef R. H. C. van Titolo Liability of football clubs for supporters' misconduct: a study into the interaction between disciplinary regulations of sports organisations and civil law / / R.H.C. van Kleef Pubbl/distr/stampa The Hague, The Netherlands: ,: Eleven International Publishing, , [2016] ©2016 **ISBN** 94-6274-530-7 Descrizione fisica 1 online resource (257 p.) Sports spectators - Law and legislation Soggetti Violence in sports - Law and legislation Professional sports - Law and legislation Liability (Law) Electronic books. Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Note generali Description based upon print version of record. Nota di bibliografia Includes bibliographical references and index. Nota di contenuto Cover: Table of Contents: PREVIEW: 1 INTRODUCTION AND CONTEXT: 1.1 Introduction; 1.2 Research and scope; 1.3 Methodology and definitions; 1.4 Structure of the thesis; 1.5 Added value and objective of the research; FIRST HALF - Disciplinary regulations in sport and their connections tocivil law; 2 THE LEGAL STATUS OF DISCIPLINARY REGULATIONS IN SPORTS: 2.1 Introduction: 2.2 The Regulatory Framework of Sports Organisations; 2.3 Limits; 2.4 The Binding Nature of Disciplinary Rules; 2.5 Indirect membership; 2.6 Changing rules and dynamic reference 2.7 Enforcing the Rules: Definition, Purpose, and Justification of the Disciplinary Sanction 2.8 Requirements for Application of a Disciplinary Sanction; 2.9 Concluding Remarks; 3 REVIEWING DISCIPLINARY SANCTIONS IN SPORTS; 3.1 Introduction; 3.2 The scope of review of disciplinary sanctions before national courts; 3.2.1 The

Netherlands; 3.2.2 England; 3.2.3 Germany; 3.2.4 Switzerland; 3.2.5 France; 3.2.6 Summarising remarks; 3.3 Arbitration of disputes relating

to disciplinary sanctions in sports; 3.3.1 Requirements for arbitration in sports-related matters; 3.3.1.1 The arbitration law 3.3.1.2 The arbitration agreement3.3.1.3 Arbitrability; 3.3.1.4 Applicable procedural rules; 3.3.1.5 Applicable substantive rules; 3.3.1.6 The scope of review in CAS cases and the arbitralprecedent; 3.3.2 Challenging the arbitral award; 3.3.2.1 Grounds for overturning an arbitral award; 3.3.2.2 A restrictive review of the merits of the award; 3.3.2.3 The Swiss Federal Supreme Court: the final instance inCAS cases: 3.3.3 Summarising remarks: 3.4 Concluding Remarks: SECOND HALF - Disciplinary and civil liability of football clubs forsupporters' misconduct 4 DISCIPLINARY LIABILITY OF FOOTBALL CLUBS FOR SUPPORTERS' MISCONDUCT4.1 Introduction; 4.2 Liability rules in the regulations of football federations; 4.2.1 Liability rules in the regulations of FIFA and UEFA; 4.2.2 The rule in the regulations of national federations; 4.3 The application of disciplinary liability by the CAS and national courts; 4.3.1 Application of the rule by CAS; 4.3.1.1 PSV Eindhoven/UEFA; 4.3.1.2 Feyenoord Rotterdam/UEFA; 4.3.2 Application of the rule by national courts; 4.3.2.1 France: Tribunal Administratif in Paris St. Germain/FFF 4.3.2.2 France: Conseil d'Etat in Lille Olympic Sporting Club/FFF4.3.2.3 France: Tribunal Administratif; 4.3.2.4 Germany: Dynamo Dresden/DFB; 4.4 The conceptual lawfulness of disciplinary strict liability; 4.4.1 Justifying disciplinary liability without fault; 4.4.2 Analogy with liability for risk; 4.4.3 Analogy with liability for the acts of others; 4.5 Concluding remarks: 5 CONTRACT AND FAULT LIABILITY OF FOOTBALL CLUBS FOR SUPPORTER'SMISCONDUCT; 5.1 Introduction; 5.2 Contract liability of organising football clubs; 5.2.1 Contractual obligations of

5.2.1.1 The obligation of safety

the parties