

1. Record Nr.	UNINA9910822581203321
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.)
Soggetti	Sports spectators - Law and legislation Violence in sports - Law and legislation Professional sports - Law and legislation Liability (Law)
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 to civil 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 agreement; 3.3.1.3 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 arbitral precedent; 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 in CAS cases; 3.3.3 Summarising remarks; 3.4 Concluding Remarks; SECOND HALF - Disciplinary and civil liability of football clubs for supporters' misconduct

4 DISCIPLINARY LIABILITY OF FOOTBALL CLUBS FOR SUPPORTERS' MISCONDUCT

4.1 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/FFF; 4.3.2.3 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'S MISCONDUCT; 5.1 Introduction; 5.2 Contract liability of organising football clubs; 5.2.1 Contractual obligations of the parties

5.2.1.1 The obligation of safety
