

## Exam Question / Introduction to Sports Law FS23

The player X (hereinafter the “Player”), of Danish nationality, is a professional football player with the club B (hereinafter the “Club”), playing in the German Bundesliga. On 1 July 2022, the Player had concluded a fix-term employment contract for a duration of five years. This employment contract has, inter alia, the following clauses:

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*The Player is employed as a professional player. He has the right to a professional training at highest level. He is a member of the first team, but whenever needed the Club may take sporting decisions at its discretion, to ensure the best composition of its competitive teams.*

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*Players are obliged to follow training routines given to them by the sporting directors of the club. Failure to abide by such instructions may lead to disciplinary sanctions.*

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After returning from the Christmas break 2022/2023, the Player undergoes a standard medical check. The medical check is carried out by external medical specialists. During the medical check, it is discovered that he is slightly overweight because he did not follow the training routine, which the Club obliged every player to follow during the Christmas break. The Player complains and refuses to accept this result of the examination. He also refuses to undergo special training sessions with the team physiotherapist.

As a reaction, the sporting director of the Club removes the player from the first team training sessions. He sends him a message which states the following:

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*For the time being, you are instructed to train with the B team of our club. This is a reaction to your behavior, but it also serves for you to have the opportunity to regain your fitness, in light of the results of the medical check. Once you have*

*regained your full physical capacities, you will be reintegrated as a full member of the first team. Your salary will always be paid in full.*

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The second team uses the same training ground as the first team, and it can use all other facilities of the first team as well. It is trained by youth coaches, all of whom hold professional coaching licenses of the highest degree. After four weeks of training with the second team, the player is still overweight and out of shape. He has not yet been able to play any competitive match with the second team. The second team plays competitive football and participates in a league, but not at the highest professional level.

The player feels that his contractual rights are being violated and that he has no real prospect to ever return to the first team. He wishes to unilaterally terminate his employment contract with Club B.

He approaches you and asks you to answer three questions:

1. *Under applicable FIFA Regulations, does the Player have the right to unilaterally terminate his employment contract under the given circumstances?*

Note: Weight 60% (approximately)

2. *Assuming the Player wishes to lodge a claim before FIFA, which body of FIFA would have jurisdiction to adjudicate a contractual dispute between the Player and the Club?*

Note: Weight: 15% (approximately)

3. *Once the competent body of FIFA renders a decision, where can the Player challenge such a decision, and how is the relevant procedure (to challenge the FIFA decision) structured?*

Note: Weight 25% (approximately)