

Revision of the Spanish Sports Act: aims & objectives

A sub-commission of the Commission for Education in the Spanish Congress has recently approved a report urging the Government to enact a new Spanish Sports Act, which will allow stricter financial regulation of sport. Ricardo Gentzsch, an Abogado with Schiller Abogados, examines the reasons why a new Act is needed and the provisions it intends to introduce.

On 26 May, the Commission for Education in the Spanish Congress approved the report of the sub-commission, whereby it urges the Government to enact a new professional sports law which should include a system of financial supervision of sport teams.

The sub-commission is part of the Commission for Education and Sport, which was created in February 2009 in order to study the current status of professional sports in Spain. The origin of the sub-commission is a consequence of the longevity of the Spanish Sports Act (SA) of October 1990, which has existed for almost 20 years. The Act of 1990 was enacted at a time when professional football teams were highly indebted. The then socialist Government and the president of the Liga de Fútbol Profesional (LFP or 'la Liga') decided to allow indebted football clubs to settle debts for the 1989/90 and 1990/91 seasons, as long as the clubs made agreements with la Liga and also transformed themselves into a Sociedad Anónima Deportiva (SAD)¹. The purpose of the 1990 Act was to force the clubs find new methods of financing their projects and to clear a path for them to 'go public' and list on the stock exchange. The current situation is similar to before the 1990 Act - clubs are still in debt.

The speakers invited to the sub-commission included people from the football world, athletes, journalists, the Spanish Olympic Committee, university law professors, broadcasting companies, gaming board, players union and the national competition commission (CNC).

The conclusions versed upon:

- Legislative reform;
- Determining the scope of the reform;
- Defining 'sport' and

'professional athletes';

- Regulating professional athletes;
- Regulating professional competitions;
- Regulating players in professional competitions;
- Regulating audiovisual rights;
- Regulating gaming and betting;
- Disciplinary action;
- The regulation of professional officials and referees;
- Equality in sport; and
- Criminal acts in sport.

Legislative reform

Professional sport has changed in Spain over the past 20 years and so too its social and media impact. It has a further impact on educational values, health, culture, social integration and social cohesion. There is a need for new rules in order to support professional sport. The principles of transparency and free competition in order for the internal market to work are to be respected.

Determining the scope of the reform

The sub-commission believes that the current rules and the current organisation of professional sports as a whole should be reformed. At the current stage it would be most convenient to enact a new law specifically for professional sport.

Defining sport and professional athletes

When defining professional sports, one must take into consideration the sport phenomena as a whole and the athlete as an individual, but also take into consideration that he is not the sole actor in professional sports. It is important not to forget individual athletes, as it seems that the current SA of 1990 considers that the sole professional sports are mens professional football and basketball. This, therefore, does not

