

Statement by Commissioner Vestager on the International Skating Union infringing EU competition rules by imposing restrictive penalties on athletes

** Please check against delivery **

The Commission has decided that the eligibility rules of the International Skating Union – the ISU – are illegal under EU competition law.

The ISU is the world governing body for ice skating – both speed skating and figure skating. Its members are national ice skating associations. Together, the ISU and its members organise international ice skating competitions – big events, like the Winter Olympics, the European Championships and the World Championships.

The ISU's eligibility rules set out who can compete in those events. In our decision, we found that through the application of those rules the ISU can prevent independent organisers from setting up other international speed skating competitions – and dissuade skaters from taking part in those competitions.

Our investigation

Our case started with a complaint from two Dutch professional speed skaters, Mark Tuitert and Niels Kerstholt. They have won gold medals at the Olympics and the World Championships. But they also wanted the chance to compete in other events.

That makes sense. A speed skater's professional career doesn't last all that long. So athletes like Mark Tuitert and Niels Kerstholt should have the chance to make the most of the years while they're at the top of their game. And besides, those new competitions can give fans another chance to see them in action.

But the ISU's rules allow it to penalise skaters when they take part in competitions that the ISU hasn't authorised. Skaters can be suspended for several years, or even banned for life from all major international competitions, including the Olympics and the European and World Championships.

That's a risk that a professional athlete can't afford to take. So in effect, those rules prevent skaters from taking part in competitions that aren't authorised by the ISU and its members.

That can be costly for athletes, who lose the chance to compete – and an

opportunity to better earn their living.

It can also mean those competitions never happen. Because organisers can't put together an event, if top athletes are put off by the threat of a ban. And in fact, as a result of those rules, only the ISU and its members actually organise international speed skating competitions.

Consequences of the decision

Today's decision requires the ISU to put a stop to this infringement. It could do that by abolishing its eligibility rules.

Or it could amend them, so they're based on a clear list of legitimate sporting objectives, such as protecting athletes' health or preventing doping. The rules should not be about the ISU's own commercial interests. The eligibility of an athlete should not depend on whether he or she takes part in a competition that doesn't threaten those legitimate sporting objectives.

We've decided not to impose a fine on the ISU. We don't believe it's appropriate or necessary to do that for deterrence purposes.

But we'll still be watching closely, to make sure the ISU complies with our decision. And if it doesn't, we can fine it up to 5% of its daily worldwide turnover, for each day that it's in breach of our decision.

Implications for professional sport

Ice skating is just one of many sports in Europe that's organised through this pyramid structure, where a single federation organises competitions from local to international level.

We're not questioning that structure. And we're certainly not questioning the right of those federations to do their job of organising the sport. Of protecting the health and safety of athletes, and the integrity and proper conduct of sport.

But the penalties these federations impose should be necessary and proportionate to achieve those goals. They certainly shouldn't be used to unfairly favour the federation's own commercial interests, at the expense of athletes and other organisers.

Sport is a fun, healthy, exciting thing to do. But it's also a business, and a livelihood for professional athletes. Today's decision is about that side of sport. It's about making it clear to sporting federations that the business of sport also has to comply with competition rules.

Conclusion

This decision doesn't mean the Commission is trying to be the referee in every dispute about sport.

In fact, there are many disputes which have little or nothing at all to do with competition rules. Things like the penalties for doping or match-fixing,

or deciding the precise scheduling of games. For these, sports organisations must live up to their responsibilities and find solutions and mechanisms for solving disputes that deliver the results that the public and the athletes deserve.

As for the enforcement of competition rules, national courts and competition authorities share this responsibility with us. And they're usually well placed to deal with competition disputes involving a sport federation.

To use a sporting analogy, each of us has our own position on the field. We're playing to the best of our ability in ours. And we leave it to others to do their part.

Thank you.