



T · M · C · A S S E R P R E S S

THE HAGUE – THE NETHERLANDS

PROFESSIONAL SPORT IN THE EUROPEAN UNION: Regulation and Re-regulation

Edited by Andrew Caiger and Simon Gardiner

This book comes at a critical time for the future development of sports law. Sport is becoming increasingly commercialised and commodified and, presently, sports business accounts for around three per cent of world economic activity. Its regulation, however, is fragmentary and it is difficult to delineate issues of pure sport and issues of business. In several contributions, eminent sports law scholars examine the interface between sport, business and policy. They analyze how law regulates sport and sports business and demonstrate the need to redefine the frontier between 'Sporting' rules and regulations and legal regulation. It is suggested that sporting bodies and associations have a significant role to play in shaping the contours of this frontier. It is also suggested that there is sufficient clarity in EU polity, which allows sports associations to become proactive in their own re-regulation.

In their *Postscript* the editors summarize the contents of the book and draw final conclusions. The accessibility of the contributions is facilitated by a *Table of Cases* and an *Index*.

Professional Sport in the European Union: Regulation and Re-regulation engages the debate concerning how best sport can be re-regulated in the 21st century and represents a significant contribution to the recognition of a *Lex Sportiva*.

Andrew Caiger and Simon Gardiner, are both connected to the International Sports Law Centre of Anglia Polytechnic University, Chelmsford, United Kingdom.

ISBN 90-6704-126-2

384 pp., hardcover

Price EUR 88 / USD 76.00 / GBP 55.00

Distributed in all other countries by Kluwer Law International:

For North, Central and South America:
Kluwer Academic Publishers
101 Philip Drive, Norwell, MA 02061, USA
Toll free in the US 866-269-WKAP
all other customers: +1 781-871-6600
Fax: +1 781-681-9045
email: Kluwer@wkap.com

For all other countries:
Kluwer Law International, Order Department
P.O. Box 322
3300 AH Dordrecht, The Netherlands
Tel +31 (0)78-6546454. Fax +31 (0)78-6546474
Freephone in the UK: 0800 963 955
email: sales@kli.wkap.nl



T · M · C · A S S E R P R E S S

THE HAGUE – THE NETHERLANDS

THE EUROPEAN UNION AND THE INTERNATIONAL LEGAL ORDER: Discord or Harmony?

Editor: Vincent Kronenberger (with a Foreword by Paul J.G. Kapteyn)

Although changing, the relationship between the European Union and international law has not given rise to many publications. Important practical and theoretical issues remain to be explored and discussed in respect of the so-called three pillars of the European Union (European Communities, Common Foreign and Security Policy, Police and Judicial Co-operation in criminal matters) in relation to international law. One way to do so is to establish a dialogue between EU lawyers and international lawyers, in order to further focus on the relationship between EU and international law. *The European Union and the International Legal Order: Discord or Harmony?* aims to contribute to this dialogue.

In practical examples, developed in 25 original essays written by both practitioners and scholars from European institutions and universities, this book seeks to stimulate the discussion on relations and conflicts between the EU and international legal orders. Current issues are addressed, such as:

- the suspension of rights of Member States in international organisations;

- the definition of the precautionary principle under WTO and EC law;
- the UN Convention against transnational organised crime, and the participation of the EU;
- the EU and its involvement in international humanitarian law;
- the EU Charter of Fundamental Rights related to international instruments.

Vincent Kronenberger, a French Doctor of Law, is an Officer at the EFTA Surveillance Authority in Brussels.

Contents

Part One: The European Union and International Law

Part Two: The European Communities and the International Legal Order

Part Three: Common Foreign and Security Policy and the International Legal Order

Part Four: Justice and Home Affairs, Police and Judicial Co-operation

Table of Cases

ISBN 90-6704-129-7, 640 pp., hardcover
EUR 129.00 / USD 119.00 / GBP 81.00

Distributed for T.M.C. ASSER PRESS by Kluwer Law International:

For North, Central and South America:

Kluwer Academic Publishers
101 Philip Drive, Norwell, MA 02061, USA
Toll free in the US 866-269-WKAP
all other customers: +1 781-871-6600
Fax: +1 781-681-9045
email: Kluwer@wkap.com

For all other countries:

Kluwer Law International, Order Department
P.O. Box 322
3300 AH Dordrecht, The Netherlands
Tel +31 (0)78-6546454. Fax +31 (0)78-6546474
Freephone in the UK: 0800 963 955
email: sales@kli.wkap.nl



T · M · C · A S S E R P R E S S

THE HAGUE — THE NETHERLANDS

BROADCASTING IN THE EUROPEAN UNION: The Role of Public Interest in Competition Analysis

Ingrid Nitsche

Ever-deepening and widening European economic integration as well as the changing nature and role of European broadcast media have forced attention on the role and regulation of broadcasters in the European market. Tensions have arisen between the media's traditional role in preserving national culture and identity and its new role in promoting a European identity, underpinning economic integration and complementing the achievements of the free market. The increasing commercialisation of what was traditionally viewed as a public service has generated a debate on the application of competition law to European broadcasting. Content regulation and a corporatist broadcasting structure have traditionally prevailed against a more market-oriented approach. Many states thus view with suspicion the qualification of television broadcasting as a service within the meaning of the EU Treaty and the application to it of competition law and state aid rules.

Broadcasting in the European Union: The Role of Public Interest in Competition Analysis explores whether and to what extent EC Competition law promotes media pluralism and how broadcasting's public service and commercial interests can be reconciled in Europe, where public and economic competition have traditionally been defined as distinct concepts. It employs a multi-disciplinary approach to identify how the

term 'public interest' is used by different actors. Publicists, it is believed, compete on words, not on products or prices. Against the background of increased commercialisation, this book takes a different point of view. It identifies how EC law and the case law of the European Courts balance public interest considerations with economic competition on media markets. The work contrasts various policy options and examines issues from EC merger control to the marketing of sports rights.

Addressed to lawyers, economists and businesses dealing with EC broadcasting regulations, this book offers the first comprehensive application of competition analysis to European broadcasting and is essential reading for anyone seeking to understand the challenges facing European broadcasters as they seek to redefine their role in an open market while at the same time retaining their public interest function.

Ingrid Nitsche is presently working as a Researcher on multimedia issues at the German Monopolies Commission in Bonn. This book is based on research conducted at the University of Vienna, with the EC Commission in Brussels and at the T.M.C. Asser Institute in The Hague.

ISBN 90-6704-131-9, 208 pp., paperback
EUR 65.00 / USD 60.00 / GBP 41.00

Distributed in all other countries by Kluwer Law International:

For North, Central and South America:
Kluwer Academic Publishers
101 Philip Drive, Norwell, MA 02061, USA
Toll free in the US 866-269-WKAP
all other customers: + 1 781-871-6600
Fax: + 1 781-681-9045
email: Kluwer@wkap.com

For all other countries:
Kluwer Law International, Order Department
P.O. Box 322
3300 AH Dordrecht, The Netherlands
Tel +31 (0)78-6546454. Fax +31 (0)78-6546474
Freephone in the UK: 0800 963 955
email: sales@kli.wkap.nl

EUROPEAN BUSINESS ORGANIZATION LAW REVIEW

Established in 2000

European Business Organization Law Review is published in cooperation with the T.M.C. Asser Instituut, Institute for Private and Public International Law, International Commercial Arbitration and European Law, The Hague, The Netherlands. The T.M.C. Asser Instituut is responsible for the promotion of research and education in international law, particularly by carrying out research programmes and setting up documentation projects in the fields covered by the Institute.

PUBLISHER AND DISTRIBUTION

European Business Organization Law Review is published by T.M.C.ASSER PRESS, P.O.Box 16163, 2500 BD The Hague, The Netherlands. Phone: +31(70)3420800, Fax: +31(70)3420801, E-mail: press@asser.nl and website www.asserpress.nl. It is distributed for T.M.C.ASSER PRESS by Kluwer Law International, The Hague, The Netherlands

SUBSCRIPTIONS

Subscription to *European Business Organization Law Review* includes 4 issues a year. The subscription price for Volume 2 (2001) amounts to NLG 395.00/EUR179.00/USD 180.00 (incl. postage and handling). Volume 1 (2000), comprising 3 issues, is offered to subscribers at the special introductory price of NLG 199.00/EUR 90.50/USD 90.00 (incl. postage and handling). Subscriptions and requests for specimen copies should be sent to Kluwer Law International, P.O.Box 85889, 2508 CN The Hague, The Netherlands.

RECOMMENDED CITATION: EBOR

ISSN 1566-7529

© 2001, T.M.C.ASSER PRESS, The Hague, The Netherlands.

Cover: Bert Arts BNO

Layout: JAPES, Amsterdam, The Netherlands

CONTENTS

ARTICLES

- KLAUS J. HOPT AND KATHARINA PISTOR, *Company Groups in Transition Economies: A Case for Regulatory Intervention?* 1
- CHRISTA JESSEL-HOLST, *Regulatory Approaches to Groups of Companies in States in Transition in Central and Eastern Europe* 45
- PETER HOMMELHOFF, *Protection of Minority Shareholders, Investors and Creditors in Corporate Groups: the Strengths and Weaknesses of German Corporate Group Law* 61
- EDDY WYMEERSCH, *Financial Institutions as Members of Company Groups in the Law of the European Union* 81
- JAN WOUTERS, *Private International Law and Companies' Freedom of Establishment* 101
- SØREN FRIIS HANSEN, *From C 212 to L 212 – Centros Revisited* 141

CASE NOTES

- PETER BEHRENS, *Reactions of Member State Courts to the Centros Ruling by the ECJ* 159
- ALESSANDRO L. CELLI AND MICHAEL HYZIK, *The Swiss Federal Supreme Court Rejects International Exhaustion in Patent Law* 175

ISSN 1566-7529



T · M · C · A S S E R P R E S S

