In my contribution "Law and Sports in Belgium"¹ I tried to give an overview of the juridical sportslandscape in Belgium. But the quick evolution of society changes the reality of this sportslandscape as well. Our society no longer makes laws, royal decisions, decrees and appointments that will last forever. The relation between a sports player and the sports society or sports federation and the mutual rights and obligations which have to be respected, are still in the front line of attention. Until recently, access of the sports player to his natural judge in order to redress a number of injustices in the internal regulations of a sports federation was prohibited by the latter, and sanctioned by expulsion from the federation. Yet the emancipation of the sports players of this situation has encouraged them to start court-proceedings. As a consequence, many regulations were marginally tried. An escalation, in the number of judicial interventions followed, eventually leading to all cases brought being decided casuistically.

In the end it was, in most countries, the Bosman-case² that became the final push. The ruling of the court intensified the already potential involvement of Flemish legislature in the well-being of the sports player, eventually resulting in the decree of July 24th 1996 establishing the statute of the non-professional

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² Case C-415/93, the pre-judicial question to the European Court under article 177 EEC by the court of appeals of Liège.
At this point it is necessary to give a short clarification of the structure of the Belgian Federation and communitarisation of competences. The federal government is competent in some cases to make laws for the whole country. In addition, the Flemish, French-speaking and German-speaking Communities issue decrees for matters within their specific competences. Thus, the statute of the non-professional sports player is enforced by law and the statute of the non-professional sports player is settled by decree.

The Flemish legislature wanted to ensure the well-being of the sports player, the unpaid player, for which she is competent to decree measures. Not material, physical well-being, but fundamental rights and obligations were the focus of her attention. It was not her intention to settle all aspects of the juridical ties between a sports player and his club. The legislature wanted to create a juridical framework, a statute, for the non-professional player. His fundamental rights had to be respected and enforced.

The decree to establish the statute of the non-professional sports player of July 24th 1996 is very radical albeit not innovative. It aims to clarify the system, as was settled by the decree of February 25th 1975, in the light of the

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3 B.S. September 12th 1996.

4 From 1831 onwards, Belgium was a unitary centralised state. The revision of the Constitution of 1970 made way for Culture Councils (Cultuurraden) and Regional Councils (Gewestraden). Their competences were stretched by the revision of the Constitution of 1980 and by special laws. Cultural issues and certain issues that can be related to the cultural identity of individuals, are within the exclusive competence of either the Flemish, French-speaking or German-speaking communities of Belgium. Finally the revision of the Constitution of 1993 made Belgium a federal state, consisting of Communities and Regions. Physical education, sports and recreation are, according to article 4 §9 of the "Bijzondere Wet op de Hervorming der Instellingen" a cultural matter, and therefore the Communities are competent.

5 It is logical that conflicts over competence can occur. That was settled by the Special Law of January 6th 1989 which installed a Court of Arbitrage.

6 Social law is a federal competence.

7 Sports and recreation are Community competences.

8 B.S. September 12th 1996.

9 B.S. September 5th 1975.