



EXPERIENCE OF FOREIGN COUNTRIES IN THE LEGAL REGULATION OF THE ACTIVITIES OF AGENTS IN THE FIELD OF SPORTS.

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Annotation. This article highlights foreign experience in the legal regulation of the activities of agents in the field of sports. There are several international legal norms specifically designed to regulate the activities of sports agents. In the legal regulation of the activities of agents in sports, it is important to analyze international rules, as well as the legal norms of developed countries in the field of sports.

Keywords: Physical education and sports, law, international sports, sports agent, sports law, professional sports, contract, intermediary, law, license.

Аннотация. Ушбу мақолада спорт соҳасидаги агентлар фаолиятини ҳуқуқий тартига солиш бўйича хорижий тажриба ёритилган. Спорт агентлари фаолиятини тартибга солиш учун махсус ишлаб чиқилган бир нечта халқаро ҳуқуқий нормалар мавжуд. Спортдаги агентлар фаолиятини ҳуқуқий тартибга солишда халқаро қоидалар шунингдек спорт соҳасида ривожланган давлатлар қонунчилик нормаларини таҳлил этиш долзарб ҳисобланади.

Калит сўзлар: Жисмоний тарбия ва спорт, ҳуқуқ, халқаро спорт, спорт агенти, спорт ҳуқуқи, профессионал спорт, шартнома, воситачи, қонун, лицензия.

Аннотация. В данной статье освещается зарубежный опыт по правовому регулированию деятельности агентов в сфере спорта. Существует несколько международно-правовых норм, специально разработанных для регулирования деятельности спортивных агентов. При правовом регулировании деятельности агентов в спорте важным является анализ международных правил, а также правовых норм развитых стран в сфере спорта.

Ключевые слова: Физкультура и спорт, право, международный спорт, спортивный агент, спортивное право, профессиональный спорт, договор, посредничество, право, лицензия.

One of the areas of legal regulation that is in the center of attention of the international community is the activity of sports agents. It is a fact that a large number of sporting events are held in the world space in the international arena. For this reason, in the legal regulation of the activities of agents in professional sports, it is important to analyze international rules, as well as the legal norms of countries developed in the field of sports [1].

Everyone knows that there is a growing need for the process of internationalization of the sports sector. As emphasized by M.D. Lyubimov, in the era of globalization and internationalization, it becomes increasingly difficult for states to maintain legal autonomy in this area, so we can observe a rather dynamic development of international sports law and, as a result, its direct impact on domestic sports legislation [2].

In European countries, the regulation of sports agents by governments (including the competent regional authorities) can be carried out in different ways:

First, the laws and regulations applicable to sports agents are governed by the government of the country. An example would be Bulgaria, France, Greece and Portugal.

Secondly, general laws and regulations governing private employment services may apply to sports agents. Examples include countries such as Germany, Austria, the Netherlands and the Czech Republic.

Thirdly, only common law rules apply to sports agents. In this case, as in Denmark and Luxembourg, they can only be guided by ordinary laws (contract law, commercial law).

We can see that the division of the legal regulation of the activities of sports agents into such types directly follows from the internal order and rules of each country [3].

In France, in 2002, at the time of the adoption of the Law on Sports Agents, the French Federation of Basketball Agents was created, which brought together more than 20 licensed basketball agents [4].

Greece has governmental regulations on sports agents (Law no. 2725/1999 and Ministerial Decree no. 23788 of 28.02.2002) and their activities are regulated by these documents [5].

According to research, there are several international legal norms that have been developed to regulate the activities of agents in the field of sports.

International sports federations such as FIBA (International Basketball Federation), FIFA (International Football Association), IAAF (International Association of Athletics Federations), IRB (International Rugby Union), have adopted regulations on the activities of sports agents, and a number of national federations have developed for them special rules. The scope of these provisions varies considerably from case to case [6].

Even if international federations have legal rules governing the activities of sports agents, it is known that there is no single systematized legal document covering all sports and including general rules. It should be noted that the statutes adopted by the above federations regulate the activities of the respective sports agents only. However, it is a fact that at the moment sports agents work in the field of 28 Olympic sports that exist in the international arena.

Also, in some European countries, the general rules for the provision of intermediary services related to the private employment of professional athletes apply to the activities of sports agents. In many cases, these provisions imply procedures for registration, licensing or authorization in order to be able to provide private accommodation services [7]. These rules are manifested in the implementation of the actual actions of a sports agent in relation to an athlete or sports organizations.

Some general trends and differences can be seen in the different rules and regulations governing sports agents (special rules, private employment regulations, ordinary laws, sports rules). In particular:

- according to certain rules, to work as a sports agent requires permission in one form or another (for example, a license, official recognition or ordinary registration);
- in addition, in cases where a license is required, benefits are provided (for example, if the FIFA regulations state that parents, brothers, sisters and spouses of football players are not required to have a license in order to represent them, then this privilege, included in the



regulations of national federations, also applies to lawyers who have legal authority to practice law in their country of residence [8]);

– requirements for obtaining a permit (if necessary) range from simple registration to passing a license exam.

A license or permit is sometimes issued only to individuals, and sometimes to both individuals and legal entities. It is also worth noting that in different regulatory documents, the validity period of a license or permit varies. For example, while the 2008 FIFA Players' Agent Regulations state that a license expires five years after issuance, in some countries a license (or permit) is valid indefinitely (Austria, Portugal, etc.) or for another period (for example, in France - 3 years, in Greece - 1 year) [9].

In general, it can be said that the existence of such differences in the rules governing the activities of sports agents is directly due to different rules in the internal rules of states.

Research shows that it is not easy to comply with the rules governing the activities of sports agents. The following factors can be cited as evidence:

- the existence of various rules of an international character for this activity;
- diversity of sports and legislative cultures;
- a set of rules that apply and may or may not apply;
- long-term practice [10].

The activities of sports agents are also subject to the provisions of the Treaty Establishing the European Union (implying freedom of service, freedom of organization and competition) [11]. In particular, it is governed by the Second Legislative Services Manual [12] and the Legal Instruments on the Recognition of Professional Qualifications [13].

In the modern world, due to the fact that the rules applicable to the activities of sports agents are not uniformly systematized, problems may arise in their cross-border position.

Foreign countries clearly define the place of corporate (local) acts of sports organizations in their legal systems for licensing (attestation) of sports agents.

For example, in Ukraine, the law of 1993 recognizes the normative documents of international sports federations as part of national legislation, so many aspects of agency activity in sports are legally subject to corporate legal norms [14]. On the other hand, in Brazil and Mexico, the documents of international sports organizations have no legal force if they contradict national legislation [15]. In Ireland, the activities of agencies in the field of sports are regulated by precedents [16]. At the same time, it should be noted that in foreign countries the requirement for holding a license is also formulated inaccurately. So, in the USA, France, Greece and Portugal, licensing is a mandatory step in registering an agent's activities. In the UK and the Netherlands, a sports agent license is not required [17]. The experience of some foreign countries on the legal regulation of agency relations in the field of professional sports makes us think again about its imperfection in this regard.

There is a contradiction between scientists on the issue of the sources of legal regulation of agency activity. Most supporters of the independence of the sports law branch believe that agency relations in the field of sports should be regulated by the norms of special physical culture and sports legislation [18]. Representatives of this concept note that a number of countries have developed and included in their national legal systems special legal acts regulating the professional activities of sports agents.

In particular, there are two such acts in the United States - the Universal Sports Agents Act of 2000, which established a national licensing system for agents in professional sports,

and the Sports Agents Activities Act of 2004, which allows for agency services in amateur and college sports [19].

France is considered a pioneer in establishing special legal rules on sports agents, while its legislative provisions relating to sports activities are recognized as the most stringent in the world [20]. Unlike the United States, France does not have a separate law governing the activities of sports agents. At the same time, article 15² of the Law No. 84-610 of July 16, 1984 "On sports activities" is devoted to it. Since 1992, compulsory licensing of the professional activities of sports agents has been introduced on the territory of the French Republic. It is noteworthy that this requirement applies to absolutely any applicant applying for the status of a sports agent [21]. Legal services are excluded from the list of functions of a sports agent, which also does not meet the standards of international sports federations. Almost any person engaged in such activities can be recognized as an agent in professional sports, even if his goal was not to make a profit, and the activity itself was not systematic.

However, engaging in such activities without a special permit is severely punished - a fine of 15,000 euros and imprisonment for up to one year. With this, French law imposes on the sports agent the obligation to insure professional liability [22].

Thus, modern states are able to establish a special legal regime of agency activity in sports and are not at all obliged to be guided by the non-legal norms of sports federations, even if the latter are recognized at the international level [23].

In the Russian Federation, the rules for the activities of agencies in the field of sports are regulated by the Federal Law of 2007 "On Physical Culture and Sports in the Russian Federation" [24]. Many scientists evaluate it, in general, as a result of positive development dynamics [25]. Also, researchers in the field of sports note that, by virtue of the principles enshrined in the Law "On Physical Culture and Sports in the Russian Federation", national sports federations have an almost unlimited ability to interfere in the regulation of agency relations in the field of sports, which, in general, is a recognized world practice [26]. Based on the above analysis, we can conclude that, as in some foreign countries, the practice of regulating relations in the field of sports, including agency activities, through legislation will show very positive results.

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commitment for employment, contains provisions on placement, but does not seem to govern the activity of private employment agencies. Finland has ratified ILO's C181 Private Employment Agencies Convention.

8. According to the English FA Regulations, the persons who are exempted from holding a licence (close relatives and lawyers of the player) under the FIFA Regulations must nevertheless be registered with the FA to operate as sports agents in the FA's jurisdiction. The same applies to licensed agents who are members of a foreign federation (FA Regulations, Appendix III)

9. Agents recognised or licensed by a sport federation or government body. P.124

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