

French Court Rules on Jurisdiction to Sue FIFA for Anti Competitive Conduct

On February 1st, 2012, the French supreme court for private and criminal matters (*Cour de cassation*) ruled that French courts had jurisdiction over a claim brought against FIFA (*Fédération Internationale de Football Association*) for anti competitive conduct. 

The plaintiff was willing to begin a career as a player agent in France. He thus sought a professional licence from FIFA, which denied his application in 1994 on the ground that he had not provided a banking guarantee of Swiss Francs 200,000. The agent argued that this was a restriction to his freedom to provide services. In 1998, he petitioned the European Commission on this ground, arguing that FIFA rules were contrary European law. FIFA amended its rules in 2000, and the European Commission rejected the application. In 2007, the agent eventually sued FIFA before a French court seeking damages for anti competitive conduct (relying both on French tort law and European competition law).

FIFA argued that the French court did not have jurisdiction under the Lugano Convention. The agent argued that It under Article 5-3, the French court had jurisdiction because his loss was directly suffered in France. FIFA, by contrast, argued that the alleged tort was committed in Zürich, where the litigious rules were adopted, and that the direct loss of the agent was suffered there as well. Only indirect financial consequences might have been suffered in France.

The *Cour de cassation* ruled that the direct and immediate loss of the agent had been suffered in France.