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Liability of football clubs for supporters' misconduct. A study into the interaction between disciplinary regulations of sports organisations and civil law

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Liability of football clubs for supporters' misconduct

A study into the interaction between
disciplinary regulations of
sports organisations and civil law

R.H.C. VAN KLEEF



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Supporters' misconduct is an unfortunate phenomenon connected to the most popular sport in the world. Despite many legislative efforts, incidents keep occurring, often resulting in damage. The difficulty in addressing the misbehaving individuals directly has led to the idea of addressing football clubs instead.

The rules created by national and international football organisations hold clubs liable for their supporters' behaviour regardless of the question of culpable conduct or culpable oversight. In addition to the disciplinary liability, there is the issue of the compensation for damage caused before, during and after football matches. Both forms of liability of football clubs for supporters' misconduct – disciplinary liability and civil liability – have been the subject of a number of court cases across Europe.

Are the judgments in these two types of cases in line with each other with respect to the appreciation of the applicable rules and sanctions? Are the same types of rules applied in both situations? Can disciplinary rules be applied in civil-law cases? Is the same behaviour evaluated differently in cases of disciplinary liability and civil liability? Is there room for the national court to assess the civil liability of football clubs after a sanction has been imposed? When assessing the civil liability of clubs, do national courts refer to relevant rules in sports regulations? Can disciplinary standards be applied in civil law in order to define the duty of care of football clubs in regard to supporters' misconduct?

On the whole this research is focused on the interaction between the disciplinary regulations of national and international football associations regarding the liability of clubs for supporters' misconduct and civil law. To provide a comprehensive overview, the disciplinary and civil liability of clubs was examined from a comparative, transnational and interactional perspective.

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