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Press and Information

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Judgment of the Court of Justice in Case C-265/03

Igor Simutenkov v. Ministerio de Educación y Cultura and Real Federación Española de Fútbol

**THE FIRST JUDGMENT ON THE EFFECTS OF A PARTNERSHIP AGREEMENT:
EQUAL WORKING CONDITIONS FOR RUSSIAN PROFESSIONAL FOOTBALL
PLAYERS IN NATIONAL COMPETITIONS WITHIN THE MEMBER STATES**

The EC-Russian Federation Partnership Agreement precludes the application to a professional sportsman of Russian nationality, who is lawfully employed by a club established in a Member State, of a rule limiting the number of professional players having the nationality of a non-member country who may be fielded in a national competition.

Igor Simutenkov is a Russian national who held a residence permit and a work permit in Spain. Employed as a professional football player under an employment contract entered into with Club Deportivo Tenerife, he held a non-Community player's licence issued by the Real Federación Española de Fútbol (the Spanish Football Federation).

Under the rules of that football federation, clubs may, in competitions at national level, field only a limited number of players from non-EU countries which do not belong to the European Economic Area (EEA). Relying on the EC–Russian Federation Partnership Agreement,¹ which, in regard to conditions of employment, imposes a prohibition of discrimination of Russian nationals on the ground of their nationality, Mr Simutenkov requested that his licence be replaced by a Community player's licence. The Spanish Football Federation, however, turned down that request. The Spanish court before which proceedings in the dispute were brought has referred to the Court of Justice of the European Communities a question as to whether the rules of the Spanish Federation are compatible with the Agreement.

The Court first examined **whether the principle of non-discrimination laid down in the EC–Russia Partnership Agreement can be relied on by individuals before the courts of a**

¹ Agreement on partnership and cooperation between the European Communities and their Member States, of one part, and the Russian Federation, of the other part, signed in Corfu on 24 June 1994 and approved on behalf of the Communities by Decision 97/800/ECSC, EC, Euratom: Council and Commission Decision of 30 October 1997 (OJ 1997 L 327, p. 1).

Member State. It replied to that question in the affirmative. That agreement lays down, in clear, precise and unconditional terms, a prohibition precluding any Member State from discriminating, on grounds of nationality, against Russian workers, vis-à-vis their own nationals, so far as the conditions of employment, remuneration and dismissal of those Russian workers are concerned.

The Court then went on to examine **the scope of the principle of non-discrimination laid down in the EC–Russia Partnership Agreement.**

It first of all pointed out that that agreement establishes, for the benefit of Russian workers lawfully employed in the territory of a Member State, a right to equal treatment in working conditions of the same scope as that which, in similar terms, nationals of Member States are recognised as enjoying under the EC Treaty. That right precludes any limitation based on nationality, such as that in issue in this case, as the Court has ruled in similar circumstances.²

The Court then went on to rule that the limitation based on nationality does not relate to specific matches between teams representing their respective countries but applies to official matches between clubs and thus to the essence of the activity performed by professional players. Such a limitation cannot therefore be justified on sporting grounds.

For those reasons, **the EC–Russia Partnership Agreement precludes the application to a professional sportsman of Russian nationality, who is lawfully employed by a club established in a Member State, of a rule drawn up by a sports federation of that State which provides that clubs may field in competitions organised at national level only a limited number of players from non-EU countries which are not parties to the EEA Agreement.**

Unofficial document for media use, not binding on the Court of Justice.

Languages available: FR, DE, EL, EN, ES, HU, IT, NL, PL, PT

The full text of the judgment may be found on the Court's internet site

<http://curia.eu.int/jurisp/cgi-bin/form.pl?lang=en>

It can usually be consulted after midday (CET) on the day judgment is delivered.

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² Judgments in Case C-415/93 *Bosman* [1995] ECR I-4921 and in Case C-438/00 *Deutscher Handballbund* [2003] ECR I-4135. See Press Release No 35/03.