



European Mega League Company s.l. (Applicant)

v.

World Football Association and European Football Association (Respondent)

Facts

1. The World Football Association (WFA) is the governing body of world football. It was created in 1904 and is headquartered in Steinland, an EU country. WFA organises various international club and national team competitions, including the Global Club Cup (an annual football competition among the winners of club competitions organised by the Confederations) and the Global Cup (a quadrennial football competition among the qualified national teams worldwide). WFA's primary members are national federations of football associations and confederations of football associations (e.g., European Football Association). WFA's objectives are stipulated in Article 2 of the WFA Statutes.
2. The European Football Association (EFA) is the governing body of European football. It was created in 1954 and is headquartered in Steinland. EFA organises various international club and national team competitions, including the Winners League (an annual football competition held among the winners of European national leagues and other qualified clubs¹) and the Euro Nations Cup (quadrennial football competition among the qualified European national teams). EFA is a member of the WFA. EFA's objectives are stipulated in Article 2 of the EFA Statutes.
3. National federations (e.g., Football Association of Iberland, Football Association of Burlandy, Football Association of Esland) are the governing bodies for football in their respective EU countries. They are responsible for administering and organising officially sanctioned football leagues, tournaments, clubs, and national teams.
4. Professional football clubs are indirect members of WFA and EFA.
5. The National federations, confederations, and clubs are bound by the WFA's statutes and regulations, and must comply with the regulations and decisions of the WFA. Article 20 of the WFA Statutes provides as follows:
“Clubs, leagues, or other entities affiliated to a member federation shall be subordinate to that federation and may only exist with the consent of that federation. The statutes of the member federation shall establish the scope of competence and the rights and duties of these entities. The member federation shall approve the statutes and bylaws of these entities.”
6. Article 22(3) of the WFA Statutes provides as follows:
“Each confederation shall have the following rights and obligations:
a) to comply with and enforce compliance with the Statutes, regulations and decisions of WFA;

¹ The number of qualified football clubs is based on the quality of a national football league. For instance, the top 4 clubs of the premier league of Esland qualify for the following year's edition of the Winners League.

b) to work closely with WFA in every domain so as to achieve the objectives stipulated in article 2 and to organise international competitions;

[...]

e) to ensure that international leagues or any other such groups of clubs or leagues shall not be formed without its consent and the approval of WFA;

[...]

k) with the mutual cooperation of WFA, to take any action considered necessary to develop the game of football on the continent concerned, such as arranging development programmes, courses, conferences, etc.;

[...].”

l) with the mutual cooperation of WFA, to take all actions necessary to ensure that WFA stays neutral, politically and religiously, and that no kind of demonstration or political, religious or racial propaganda is permitted in any venues or other areas.

7. Additional provisions of the WFA Statutes relevant for the issues at hand include Articles 67 to 73.
8. The national leagues and clubs are bound by EFA’s statutes and regulations, and must comply with regulations and decisions of EFA. Article 50 of the EFA Statutes provides as follows:

“Club Licensing System

1 The Executive Committee shall define a club licensing system and in particular:

 - a) the minimum criteria to be fulfilled by clubs in order to be admitted to EFA competitions;*
 - b) the licensing process (including the minimum requirements for the licensing bodies);*
 - c) the minimum requirements to be observed by the licensors.*

2 It shall be a condition of entry into competition that each Member Association and/or club affiliated to a Member Association agrees to comply with the Statutes, and regulations and decisions of competent Organs made under them.”
9. Additional provisions of the EFA Statutes relevant for the issues at hand include Articles 49 and 51.
10. Football competitions can only be organised within the European Economic Area (EEA) with the authorisation of the WFA and EFA. The WFA and EFA have been organising, regulating, and commercialising football competitions for decades. No entity currently competes with the WFA and EFA in this respect.
11. Sussudio Dirdam and Abacab Etnacila are well established football clubs in Iberland. Dinamo Emor is a football club established in Burlandy. Over the past few years, all three clubs were regularly subject to penalties for non-compliance with Article 22(3)(1) of the WFA Statutes during EFA Winners League matches by allowing their football players to wear religious symbols and make religious gestures when on the pitch. For the same reason, individual players of the three clubs were also penalised by being disqualified from playing in 2 subsequent matches. According to the EFA, which imposed the sanctions, such acts contravened the obligation, arising from the WFA Statutes (which the EFA must observe), to remain neutral, politically and religiously.

12. Since 2010, rumours have circulated about certain elite European football clubs wishing to establish a new European football competition, to be organised separately and in addition to those already organised by EFA. This idea was dubbed the European Mega League (EML). The idea was formally abandoned by the clubs in 2014, when EFA announced that it would impose fines on any European football club seeking to become involved in the EML. However, since then, rumours about the creation of the EML have continued. Whenever such plans were reported in the media, EFA consistently rejected the idea of another competing football league in Europe. Indeed, at the annual general meeting of the WFA in December 2019, a spokesman for the WFA stated that the WFA would never contemplate giving permission for a new pan-European football league, in light of the experience seen in other sports, such as European basketball, where competing regional projects largely “monopolised” the attention of the fans which affected the financing available from sponsorship and broadcasting, leaving national leagues and national/local clubs fighting for survival.
13. In the course of 2020, media speculation intensified to the effect that leading European clubs were seeking to form the EML to compete with the EFA’s Winners League. On January 21, 2021, the WFA and EFA issued the following joint statement in response:
- “In light of recent media speculation about the creation of a closed European ‘Mega League’ by some European clubs, WFA and EFA (and the other five confederations) once again would like to reiterate and strongly emphasise that such a competition would not be recognised by either WFA or the respective confederation. Any club or player involved in such a competition would as a consequence not be allowed to participate in any competition organised by WFA or their respective confederation.*
- As per the WFA and confederations’ statutes, all competitions should be organised or recognised by the relevant body at their respective level, by WFA at the global level and by the confederations at the continental level. In this respect, the confederations recognise the WFA Club Global Cup, in its current and new format, as the only worldwide club competition while WFA recognises the club competitions organised by the confederations as the only club continental competitions.*
- The universal principles of sporting merit, solidarity, promotion and relegation, and subsidiarity are the foundation of the football pyramid² that ensures football’s global success and are, as such, enshrined in the WFA and confederation statutes. Football has a long and successful history thanks to these principles. Participation in global and continental competitions should always be won on the pitch.”*
14. The European Mega League Company s.l. (“EML-Co”) is a limited liability company registered in Iberland. It was incorporated on April 18, 2021 with twelve Founding Clubs as members from three EU Member States, 3 clubs from Iberland, 3 clubs from Burlandy, and 6 clubs from Esland.
15. The EML has three main objectives:
- To organise a European Mega League which will become the first European football competition outside EFA, to be held on an annual basis and with the objective of maximising the possibilities for players and clubs of the highest sporting level to compete. EML asserts that such competition would not prevent participating clubs

² The system consists of a pyramid of football leagues, bound together by the principle of promotion and relegation. A certain number of the most successful clubs in each league can be promoted to a higher league, whilst those that finish the season at the bottom of their league can be relegated to a lower league. This is combined with organised solidarity mechanisms between the different levels, whereby leading clubs financially support lower clubs.

from participating in their respective national competitions and domestic leagues.

- To become a “green” football competition which supports long-term environmental and sustainability initiatives that will facilitate the future progress and sustainability of European football.
- To become an “open” football competition which not only permits the demonstration of political, religious or racial viewpoints but also acts on behalf of football players - as a collective group - to ensure that they are not unlawfully discriminated against in any way.

16. The EML model includes a semi-open participation system defined in the Shareholders and Investment Agreement: (i) 12 to 15 European clubs will be permanent members of the EML (i.e., without a risk of being relegated from the EML); and (ii) a definite number of additional clubs will be considered “qualified clubs” selected through a selection process with fair and transparent criteria.

17. On April 18, 2021, the EML project was publicly announced through the following press release:

“LEADING EUROPEAN FOOTBALL CLUBS ANNOUNCE NEW EUROPEAN MEGA LEAGUE COMPETITION

Twelve of Europe’s leading football clubs have today come together to announce they have agreed to establish a new mid-week competition, the European Mega League, governed by its Founding Clubs.

Going forward, the Founding Clubs look forward to holding discussions with EFA and WFA to work together in partnership to deliver the best outcomes for the new European Mega League and for football as a whole.

The formation of the European Mega League comes at a time when the global pandemic has accelerated the instability in the existing European football economic model. Further, for a number of years, the Founding Clubs have had the objective of improving the quality and intensity of existing European competitions throughout each season, and of creating a format for top clubs and players to compete on a regular basis. European Mega League is dedicated to equality, non-discrimination, freedom of expression and religion. It will not follow the WFA model of political neutrality but allow football players to wear religious symbols and to make religious gestures during matches.

The pandemic has shown that both a strategic vision and a sustainable commercial approach are required to enhance value and support for the benefit of the entire European football pyramid. In recent months, extensive dialogue has taken place with football stakeholders regarding the future format of European competitions. The Founding Clubs believe the solutions proposed following these talks do not solve fundamental issues, including the need to provide higher-quality matches and additional financial resources for the overall football pyramid, as well as need to invest in research as to potential technological or environmental benefits that will assist the future progress and sustainability of European football.

Competition Format

20 participating clubs with 15 Founding Clubs and a qualifying mechanism, based on achievements in the prior season, allowing for a further five teams to qualify annually.

As soon as practicable after the start of the men’s competition, a corresponding women’s league will also be launched, helping to advance and develop the women’s game.

The new annual tournament will provide significantly greater economic growth and support for European football via a long-term commitment to uncapped solidarity payments which will grow in line with the league's revenues. These solidarity payments (i.e., from leading clubs to lower clubs) will be substantially higher than those generated by the current European competition and are expected to be in excess of €10 billion during the course of the initial commitment period of the Clubs. Moreover, 10% of the solidarity payments fund will be allocated to an R&D fund to promote and implement long-term environmental and sustainability initiatives that will facilitate the future progress and sustainability of European football. In addition, the competition will be built on a sustainable financial foundation with all Founding Clubs signing up to a spending framework. In exchange for their commitment, Founding Clubs will receive an amount of €3.5 billion solely to support their infrastructure investment plans and to offset the impact of the COVID pandemic."

18. The EML project obtained initial investment and financing from a syndicate of banks in the amount of €4 billion. The investment, and broader implementation of the EML project, is subject to the following two alternative conditions precedent: (i) recognition of the EML by WFA and/or EFA as a new competition compatible with WFA statutes and/or EFA statutes; or (ii) obtaining legal protection from judicial courts and/or administrative bodies to allow the participation of the Founding Clubs in the EML in order to maintain participation in their respective leagues, competitions, and national tournaments.
19. On April 18, 2021, EFA, and the national football federations of Iberland, Burlandy, and Esland issued the following joint statement:

"The clubs concerned will be excluded from any further competition at domestic, European or world level and their players may be deprived of the opportunity to represent their national teams."
20. On April 20, 2021, the European federation of professional football leagues (i.e., the sole, independent body representing football clubs at European level) announced its members' unanimous support for the WFA and EFA to undertake any and all appropriate measures to prevent the entry into operation of the EML competition and/or to adopt the disciplinary measures announced by WFA and EFA with respect to those clubs and/or players who participate in the new competition.
21. On April 22, 2021, nine of the twelve Founding Clubs withdrew as members of EML-Co. Two clubs from Iberland (Sussudio Dirdam and Abacab Etnacila) and one club from Burlandy (Dinamo Emor) remained as members of EML-Co.
22. On April 25, 2021, EML-Co sent a letter to the WFA, EFA, and national football federations in Iberland, Burlandy, and Esland requesting the recognition of the EML by WFA and/or EFA as a new competition compatible with WFA statutes and/or EFA statutes. The letter further noted that refusing to grant the request would infringe EU law for the following reasons:
 - The WFA and EFA statutes imply the existence of a decision of associations of undertakings within the meaning of Article 101 TFEU (*see e.g., Case T-93/18 ISU; Case C-49/07 MOTOE; COMP 37.398 UEFA Champions League*).
 - The application of the WFA and EFA statutory regulations against the EML-Co have an anti-competitive object or effect *ex* Article 101 TFEU, as they prevent or restrict competition in the relevant market for the organisation of international football club competitions and the commercialisation of the rights associated with such competitions on the European continent. They subject the creation of alternative sports competitions to authorisation without any limit or objective and transparent

procedure (see also Case T-93/18 *ISU*; Case C-49/07 *MOTOE*; C-202/88 *France v Commission*; Case C-18/88 *GB-Inno-BM*).

- WFA and EFA hold a dominant position in the relevant market for the organisation of international football club competitions and the commercialisation of the rights associated with such competitions on the European continent within the meaning of Article 102 TFEU (*see e.g.*, Case T-93/18 *ISU*; Case C-49/07 *MOTOE*).
- WFA and EFA abused their dominant position by threatening the clubs and players with sanctions (*see also* Case T-93/18 *ISU*; Case C-49/07 *MOTOE*; C-202/88 *France v Commission*; Case C-18/88 *GB-Inno-BM*).
- The measures announced by WFA and EFA and the application of their statutes may entail, de facto, the imposition of unjustified and disproportionate restrictions of competition in the EU internal market. The statutory rules of WFA and EFA do not contain provisions to ensure general interest objectives in the granting of prior authorisation regarding the organisation of football competitions. Nor do they contain objective and transparent criteria that avoid the existence of discriminatory effects or conflicts of interest with WFA and EFA in the refusal to authorise the organisation of alternative sports competitions (*see also* Case C-390/99 *Canal Satélite Digital Case*; Cases C-358/93 and C-416/93 *Bordessa and Others*; Case C-205/99 *Analir and Others*; and Case C-157/99 *Smits and Peerbooms*).

23. The letter also stated that, although Article 22(3)(1) of the WFA Statutes (which EFA must observe) guarantees neutrality, in practice EFA applies its rules selectively. While Sussudio Dirdam, Abacab Etnacila, Dinamo Emor, and their players were penalised, many other football clubs, whose players wore religious symbols and made religious gestures, escaped any sanctions. EML argued that EFA targets selected religions, and, by the same token, it discriminates against players on the ground of religion. This amounts to a breach of Article 2, read in conjunction with Article 3(1)(c), of Directive 2000/78 and Articles 10(1) and 21(1) of the Charter of Fundamental Rights. EML-Co referred in this regard to a BBC Panorama television programme, broadcasted on May 3, 2021, which included an interview with a former EFA official, who claimed that there is a well-established hidden leniency agenda towards selected religions and beliefs.³ EML-Co added that its Statutes do not contain prohibitions similar to Article 22(3)(1) of the WFA Statutes. It permits the players to wear and display religious symbols or religious outfits. It also permits them to take the knee or wear armbands of their choice to signify their support for political causes or movements.

24. On May 1, 2021, WFA and EFA sent a letter to the EML-Co, denying any violation of EU law for the following reasons:

- WFA and EFA accept and do not challenge that they are subject to Articles 101 and

³ The BBC panorama programme investigated the manner in which certain players and teams had been sanctioned for allegedly infringing the EFA's neutrality rules. In particular it produced statistics indicating that between 2010-2021 the EFA had received 1000 complaints alleging a breach of the neutrality rule:

a) Of the complaints made:

- 80% alleged that players had displayed religious symbols,
- 10% alleged that players had worn armbands supporting an specific political cause or movement,
- 10% alleged that clubs had publicly displayed a logo or other advertisement that might indicate support of a political cause or movement.

b) Of the complaints made:

- 10% had been made against clubs/ players in Iberland and Burlandy, of which some 90% had been upheld.
- In contrast 90% of complaints were made against teams from the remaining EU countries within EFA, of which only 10% had been upheld.

102 TFEU in so far as they constitute an association of undertakings within the meaning of Article 101 TFEU and possess, individually or jointly, a dominant position within the meaning of Article 102 TFEU. However, sporting associations may avoid competition law scrutiny where their actions relate to the organisation of their sport through rules, and in particular where such rules pursue a legitimate objective (as further explained below), the restrictive effects of such rules are inherent in the pursuit of that objective, and the rules are proportionate to achieving that objective (*Wouters, Meca-Medina*).

- WFA's and EFA's statutes and regulations, and sanctions on footballers for participation in non-authorised competitions organised by third parties are compatible with the CJEU case law in *MOTOE*, *Wouters*, and *Gøttrup- Klim* and are essential in order to maintain the pyramid structure of football competitions that ensure solidarity and support within all levels of football (i.e., collected funds will be distributed amongst all clubs (irrespective of wealth status) as well as to junior football, women's football, amateurs, etc.) (see also Article 165 TFEU and Article 4 of the European Commission's White Paper on Sport).
- The Court of Justice's recent judgment in the *ISU* case is not relevant to these proceedings due to fundamental factual and legal differences in the status and the rules of the ISU and WFA/EFA.
- WFA and EFA may pursue legitimate objectives, including the promotion of financial solidarity and equality between clubs (see also COMP 37.398 *UEFA Champions League*).
 - The EML would have restricted or distorted the degree of competition that currently exists in European football and limited the top levels of success on an ongoing basis (and therefore revenue) to a select few clubs.
 - This distortion would have also had an impact on national leagues. The EML format would have made it much more difficult for other clubs to compete with the EML-Co Founding Clubs for players, giving those EML clubs an advantage in their national leagues, where they intend to continue to play. This would in turn lead the EML clubs to securing a greater share of the available revenues (from national leagues as well as the EML) to the detriment of non-EML clubs.
 - The stated rationale for establishing the EML is unconvincing given the impending reform of the EFA Winners League, which will enter into force in the 2024/2025 football season. The reform will increase the total number of teams participating in the Winners League from 32 to 36 and transform the traditional group stage (i.e., where the total number of teams are divided into sub-groups (Group A, B, C, etc.) and play against other members of that Group) to a single league stage, involving all participating teams. Every team which qualifies for the EFA Winners League would be guaranteed a minimum of 10 league stage games against 10 different opponents (5 home games, 5 away games) rather than the previous 6 matches (i.e., playing home and away against 3 teams), which is how the traditional group stage is currently organised. From the 2024/25 season, the top 8 sides in the single league will qualify automatically for the knockout stage, while the teams finishing 9th to 24th in that single league will compete in a two leg play-off (i.e. playing the same team both home and away) to secure their path to the

last 16 of the competition.

- EFA takes its neutrality policy very seriously and follows Article 22(3)(1) of the WFA Statutes (which it must observe) in scrupulous fashion. The aforementioned BBC Panorama programme broadcasted on May 3, 2021, included an interview with a disgruntled former EFA official, who had been dismissed for corruption and dissemination of inaccurate information, in the hope of discrediting EFA.
- Even if there were grounds to claim discrimination on grounds of religion (which EFA denies), EML lacks the necessary locus standi to initiate a claim under Article 9(2) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. According to Article 2 of Iberland *Equality Act 2010*:

“Victims of discrimination have the locus standi to submit actions to courts in Iberland.”

Iberland Equality Act does not provide for locus standi of persons who are not victims or other institutions, bodies, and organisations. Even if the law of Iberland were to be in breach of Directive 2000/78/EC, the latter is not capable of producing horizontal direct effect. Additionally, given that the EML-Co’s primary concern is to organise a football competition as a commercial venture, it would lack the necessary legitimate interest in challenging alleged discrimination against football players, whether individually or collectively.

25. On May 2, 2021, six clubs from Esland, that had previously withdrawn as EML-Co members submitted to a settlement with the Esland League, paying a combined financial penalty of EUR 22 million. The Esland League also informed these clubs that each of them remained liable to a EUR 25 million penalty and a 30-point deduction from their position in the Esland League should they agree to rejoin the EML project in the future.
26. In light of these facts, the EML-Co decided that it needed to take a firm stand on behalf of its remaining member teams and their players against the discrimination they suffered when EFA disciplined them for displaying religious symbols during a football match. Accordingly, on May 4, 2021 EML-Co sought to initiate an action against WFA and EFA before the EFA Tribunal, on behalf of (and with the consent of) those players; and their respective football clubs, who felt they had been the victims of religious discrimination.
27. The EFA Tribunal (“EFAT”) is located in Iberland and was set up by EFA as its arbitration tribunal with exclusive and compulsory jurisdiction in any and all disputes between (i) EFA and any European professional football clubs; (ii) European football clubs; and (iii) any European football club and its professional staff (including football players), provided that the dispute concerns the application of rules laid down by or resulting from the application of the EFA Statutes. It also has discretion to hear disputes involving other parties, provided that they consent to the EFAT’s jurisdiction. The EFA Tribunal comprises a closed list of arbitrators appointed by EFA Members. Every EFA member is entitled to nominate one person to be appointed as an EFA Tribunal arbitrator. Such appointment is conditional upon the candidate first being approved by the common accord of all EFA members.
28. The EFAT is financed from the EFA’s budget (which, in turn, is partly financed by the national football federations). Organisationally, the EFAT’s Secretariat is a separate unit within the Legal Department of EFA’s General Secretariat.
29. Based on Iberland’s *Courts Act 2005*, the Minister of Justice adopted a regulation listing all courts and tribunals of Iberland. It includes the EFA Tribunal among other domestic courts,

though the legal order of Iberland is silent on its regulation, leaving the details for EFA to decide. Pursuant to the EFA Tribunal's Statutes, the Tribunal shall decide any dispute according to the law applicable in the place of its seat, which would include EU law.

30. When the EFA Tribunal received the request for arbitration from EML-Co, it refused to accept that EML-Co had the necessary *locus standi* to directly initiate a claim against the WFA and EFA. It also refused to allow EML-Co to participate in any way in the proceedings on the basis that it had no legitimate interest in the outcome of proceedings alleging religious discrimination of individual players of various football clubs.
31. Following the EFA Tribunal's refusal to allow ENL-Co to participate in the proceedings, the players who alleged that they had been the victims of religious discrimination, joined by their respective clubs, initiated the claim against the EFA directly. They sought a declaration that Iberland's *Equality Act 2010* is incompatible with Article 9(2) of Directive 2000/78 as it limits the *locus standi* to bring cases to national courts only to victims of discrimination. Furthermore, they claimed that EML-Co should be recognised as having locus standi and a legitimate interest to bring a claim based on the direct effect of Article 2, read in the light of Article 3(1)(c), of Directive 2000/78 and Articles 21(1) and 47 of the Charter of Fundamental Rights (as per cases *NH*, *Vera Egenberger*). Furthermore, they sought a declaration that the manner in which Article 22(3)(1) of the WFA Statutes has been enforced is incompatible with Article 2 read in conjunction with Article 3(1)(c) of Council Directive 2000/78/EC of 27 November 2000 and Article 10(1) and Article 21(1) of the EU Charter of Fundamental Rights.
32. Having heard the parties, the EFA Tribunal decided to proceed with a reference for a preliminary ruling to the Court of Justice. The following questions were submitted to the Court of Justice by the EFA Tribunal:
 - (1) Is the EFA Tribunal a court or tribunal within the meaning of Article 267 TFEU, so that it is entitled, or obliged, to request preliminary references on EU law from the CJEU?
 - (2) If question 1 above is answered in the affirmative, is Article 9(2) of Council Directive 2000/78/EC of 27 November, read in conjunction with Article 22(1) and Article 47 of the EU Charter of Fundamental Rights, directly effective, so that a body such as EML-Co should be entitled to represent a group of complainants in order to bring an action before the EFA Tribunal?
 - (3) Is the manner in which Article 22(3)(1) of the WFA Statutes has been enforced (as described in the above summary of the main proceedings) incompatible with Article 2, of Council Directive 2000/78/EC of 27 November 2000, read in conjunction with Article 3(1)(c) of that Directive, and Article 10(1) and Article 21(1) of the EU Charter of Fundamental Rights and is Article 2 capable of horizontal direct effect?
33. EFA strongly rejected the EFA Tribunal's conclusion that it had jurisdiction to refer a request for a preliminary reference to the CJEU.
34. On May 5, 2021, on the advice of its lawyers, EML-Co decided to initiate a separate action against WFA and EFA before the District Court in Millsad, Iberland, seeking declaratory and injunctive remedies, in particular:
 - A declaration that articles 22, 67, 68, 79, 71, 72 and 73 of the WFA Statutes, and articles 49 and 51 of the EFA Statutes are incompatible with Article 101 TFEU insofar as they require prior authorisation for any third-party entity to establish a pan-European club competition.

- A declaration that the WFA and EFA have abused their dominant position in breach of Article 102 TFEU insofar as they threaten with sanctions the clubs participating in the EML and/or those clubs' players.
 - An order that the WFA and EFA cease and desist their anticompetitive conduct and any measures that directly or indirectly impede or hinder the establishment and development of the EML and the participation of clubs and players in it.
35. On June 11, 2021, the district court in Millsad, Iberland, decided to stay the proceedings and submit a request for a preliminary ruling to the CJEU.
36. The District Court in Millsad, Iberland submitted the following questions to the Court of Justice:
- (1) Is Article 101(1) TFEU to be interpreted as prohibiting the WFA and EFA from including provisions in their statutes which require their prior authorisation for any third-party entity to establish a pan-European club competition, such as that at issue in the main proceedings?
 - (2) If question 1 above is answered in the affirmative, is Article 101 TFEU to be interpreted as meaning that those restrictions on competition benefit from the exception provided for in Article 101(3) TFEU?
 - (3) Is Article 102 TFEU to be interpreted as meaning that it prohibits the WFA and/or EFA from threatening with sanctions any clubs and/or players which participate in the EML?
 - (4) If question 3 above is answered in the affirmative, is Article 102 TFEU to be interpreted as meaning that such conduct is objectively justified?
37. At the Registry of the Court of Justice it was noted that two separate references had been submitted to the Court. In view of the fact that the cases involved identical parties and arose from the same set of facts, the Court decided, of its own motion, to join the two actions.
38. Having joined the two cases, the Article 267 reference pending before the CJEU will consider the following questions (and the numbering of these questions is the numbering referred to in the CEEMC instructions provided to teams about which questions shall be mooted on which day):
- (1) **Is the EFA Tribunal a court or tribunal within the meaning of Article 267 TFEU, so that it is entitled, or obliged, in circumstances such as those in the main proceedings, to request a preliminary reference from the CJEU?**
 - (2) **If question 1 above is answered in the affirmative, is Article 9(2) of Council Directive 2000/78/EC of 27 November, read in conjunction with Article 22(1) and Article 47 of the EU Charter of Fundamental Rights, directly effective, so that a body such as EML-Co should be entitled to represent a group of complainants in order to bring an action before the EFA Tribunal?**
 - (3) **If question 1 above is answered in the affirmative, is Article 2 capable of horizontal direct effect and, if so, is the manner in which Article 22(3)(l) of the WFA Statutes has been enforced (as described in the above summary of the main proceedings) incompatible with Article 2, of Council Directive 2000/78/EC of 27 November 2000, read in conjunction with Article 3(1)(c) of that Directive, and Article 10(1) and Article 21(1) of the EU Charter of Fundamental Rights?**

- (4) Is Article 101(1) TFEU to be interpreted as prohibiting the WFA and EFA from including provisions in their statutes which require their prior authorisation for any third-party entity to establish a pan-European club competition, such as that at issue in the main proceedings?**
- (5) If question 4 above is answered in the affirmative, is Article 101 TFEU to be interpreted as meaning that those restrictions on competition benefit from the exception provided for in Article 101(3) TFEU?**
- (6) Is Article 102 TFEU to be interpreted as meaning that it prohibits the WFA and/or EFA from threatening with sanctions any clubs and/or players which participate in the EML?**
- (7) If question 6 above is answered in the affirmative, is Article 102 TFEU to be interpreted as meaning that such conduct is objectively justified?**