CROATIAN LAW ON SPORTS - AN EXAMPLE OF SUCCESSFUL REGULATORY REFORM

Abstract

Within the ongoing Sports System reform process, The Republic of Serbia has faced a new legal challenge that is both demanding and complex. This challenge can be viewed as a necessity to reorganize, modernize and strengthen the sports system and to adjust it to new legal and technical standards arising from modern sports practice, rules of international sports associations, the Council of Europe conventions and the relevant European Union regulations. Legal framework regulating sports system and sports activities in the Republic of Serbia is a very interesting topic for research, because of the variety of legal, organizational and financial problems that have to be solved in the forthcoming years, in order to organize and establish effective and efficient sports system which would support further development of sport in Serbia and which would recognize sports activities, not only like fun and joy, but also like a branch of the national economy. Law on Sport currently in force in Serbia is very obsolete, based on a concept of sport system established during the last decades of the 20th Century. Because of that, in recent years, the Government of the Republic of Serbia decided to draft, and later on to submit, a new Law on Sport to the Parliament of Serbia. The Proposal of a new Law on Sport has been submitted to Serbian Parliament on 8th of November 2007. The comparative analysis of the recently enacted Croatian Law on sport is very much needed in order to help Serbian lawyers and sportsmen to assess the value and quality of rules prescribed by Serbian Draft Law on Sport. Croatian Law on Sport, enacted in 2006 is a representative example of a successfully performed reform of the legal framework regulating sport and sports activities in one country. The passing of the new legislative framework, the first of all the passing of new Law on Sport, governing the sport system and the sports organizations of Croatia was a decisive step in the reform process, which places Croatia in the forefront position among the reformist countries of the West Balkans region. Croatian Law on Sport is fully harmonized with EU laws and regulations affecting sport, which is of vital importance for further development of sport in that country. Now, a more challenging and difficult task lies ahead the relevant Croatian state administration organizations and sports organizations. That task is a proper implementation of the new regulatory framework. For the Republic of Serbia, at the moment of choosing the model of sports system reform and the reform of legal framework regulating sports system and sports activities, the factor that, primarily, must be taken into account is the constitutional/legal concept of the state itself and experience of the other countries in the region, as well as the best legal practice of the Western European countries in that field. New Law on Sport and other sports regulations in Serbia need to be made in conformity with European standards to pave the way for the country’s eventual integration into the European Union and the example of Croatia and Croatian Law on Sport could be a clue for success.

Key words: SPORTS LAW / REGULATORY REFORM / LEGAL FRAME WORK / DEVELOPMENT / STRATEGY / EUROPEAN UNION
INTRODUCTION

A need for the reform and modernization of overall legal framework regulating sports in the Republic of Serbia is a topic that has continuously been discussed by experts and media since the time of disintegration of the Socialist Federal Republic of Yugoslavia (SFRJ) in 1991. At the beginning of 2008 the Republic of Serbia still has not managed to enact a new Law on Sports that would be harmonized with EU legal standards and the best legal and organizational practices existing in the most of the European countries. Due to numerous delays in legislative procedure and long-standing waiting, expectations from the future Serbian Law on sports became great, especially because of the fact that its enactment represents undeniable priority in the process of the reform of the legal framework regulating sport. Law on Sports is a systemic law in that field and without its existence and application it would be impossible to perform any vital changes within the sports system in Serbia. On the other hand, the forthcoming enactment of the new Law on Sports is not a magic wand that will solve all the existing problems of Serbian sport. Proper and consistent implementation of the future Law on Sports, as well as proper and consistent implementation of secondary legislation deriving from the Law on Sports would be a complex task, especially if we take in consideration the fact that usually, it is much easier to enact a law than to successfully implement it.

Currently, the Law on Sports that was enacted in 1996 (‘‘The Official Gazette of the Republic of Serbia’’ No.52/96 and 101/2005) represents substantial and basic regulation which in comprehensive way prescribes the rules for functioning of Serbian Sports System. Due to numerous political, economical, legal and organizational changes that occurred in the past 12 years, the rules prescribed by the above mentioned law became obsolete, inefficient and imprecise.

The main imperfections of the existing Law on Sports, enacted in 1996, are reflected in uncoordinated terminology and legal categories used by that Law in comparison to terminology and legal categories used in the text of the Constitution of the Republic of Serbia was enacted on 8th of November 2006. The most obvious example of uncoordinated terminology of the Law on Sports with the Constitutional terminology is the fact that Law on Sports uses a term ‘‘public capital’’ which does not exist any more in Serbian legal system. The usage of term ‘‘public capital’’ was problematic even in the era of application of the Constitution of the Republic of Serbia that came into force in 1990. Even the old Constitution of 1990 used a term ‘‘public property’’ instead of the term ‘‘public capital’’. Additionally the imperfections of the existing Law on sports are reflected in the fact that rights and responsibilities of persons performing sports activities are not clearly and firmly regulated by legal norms. Also, there is a lack of systematically prescribed measures needed for improvement of sports development, children and youth and the fact that most of the rules prescribed by the Law on sports are not harmonized with EU legal standards and procedures. Legal norms prescribing the foundation and existence of governmental bodies and institutions that are responsible for performance of some jobs and tasks in the field of sports are not in line with recently renovated and reformed Public Administration System of the Republic of Serbia and are not harmonized with rules prescribed by the State Administration Act and the Public Agencies Act. The existing Law on sports does not contain any rules establishing legal obligation for the Government to create and adopt the Strategy for the development of sports in Serbia. Also, there is a lack of legal norms prescribing the jurisdiction of either governmental or non-governmental institutions that should be responsible for creation and implementation of national sports program.

Regarding the existing Law on Sports it is necessary to establish a fact that within its norms, there is a lack of rules that would create a legal mechanism for efficient protection of existing sports facilities and lack of rules that should contribute to development and faster construction of new sports facilities – sports infrastructure in Serbia. At the same time, within the rules and definitions prescribed by Law, sports activities are not precisely defined and clearly enough separated
The conditions for performance of sports activities are too broadly determined by the existing Law on Sports, as well as the requirements that have to be met by legal and natural persons who are performing expert jobs and tasks in the field of sport.

The system of licensing of legal and natural persons – institutions and experts - who are performing various activities related to sports activities (medical, managerial and logistic activities) is also a topic which is not regulated by the existing Law on Sports from 1996. One of the most obvious imperfections of that Law is a lack of rules for establishment and performance of sports companies as a specific type of companies. Companies of that kind exist in EU member states for many years. Additionally, a huge number of other rules regulating sports system are not harmonized with EU laws and regulations whose development has been extremely accelerated in recent years.

Anachronism and uselessness of legal norms prescribed, not only by Law on Sport, but also by other relevant regulations and decrees deriving from that law becomes very obvious because of their internal inconsistency and disharmony with other regulations of the legal system of the Republic of Serbia. During the past eight years, a huge number of new regulations have been enacted and those regulations both directly and indirectly, affect performance of sports activities. Disharmony of Sports Law with other laws and regulations can easily be noticed if we compare legal terminology used in the text of the Law on Sports in comparison with the terminology used by laws regulating legal status of companies, social insurance, public administration system, etc.

Government of the Republic of Serbia during its regular session held on 8th November 2007 accepted the Draft Law on Sports and forwarded it in the form of the Proposal of the Law on Sports to Serbian Parliament in order to be enacted as soon as possible. The new Law on Sport is expected to be enacted during 2008 and time will show whether that is going to happen or not.

Due to previously explained circumstances and situation in Serbia, there is a great interest of Serbian public to become acquainted with the concept and the substantial elements of Croatian Law on Sports that has been enacted on 28th June 2006. Besides, analysis of contents of legal norms and legal principles prescribed by Croatian Law on Sports should contribute to the process of evaluation of the quality of current Serbian Draft Law on Sports.

THE HISTORY OF SPORTS SYSTEM IN THE REPUBLIC OF CROATIA

Comparative legal analysis of Serbian and Croatian laws regulating sport is of vital importance, not only for the legal science, but also for the legal practice, due to the fact that both of the states shared the same legal tradition and legal heritage during the 20th Century. Besides common legal tradition and principles inherited from the era of SFRJ, both Serbia and Croatia share the same language and the same history of the development of sports system that caused the same problem in functioning of that system. Another, but not less important similarity between two states is the fact that both of them put much effort in order to become EU member states. Croatia made bigger progress and Serbia a bit smaller towards accession to EU, but for both of them one of the main prerequisites for EU accession is establishment of modern legal framework regulating sport, as well as creation of institutional capacities for systematic financing, functioning and control of sports system. The existence and application of regulations aimed at counteraction of doping in sport is yet another precondition that has to be fulfilled by Serbia and Croatia in order to achieve EU membership.

After the World War I, regarding the recreation and sports system, Croatia was the most developed region of all regions that became substantial parts of newly established Kingdom of Serbia, Croatia and Slovenia (SHS Kingdom). In 1919 Croatian Sports Association transferred its activities and the main internal legal regulations to the Yugoslav Olympic Committee (YOC). A huge number of new sports associations was created from the previously established internal sections of Croatian Sports Association and all of them have set their headquarters in the town of Zagreb. Croatian sportsmen and sportswoman were very
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unsatisfied with the work of the Yugoslav Olympic Committee and because that of they established a separate Intersectional Sports Committee in 1926 that took care of fund raising and financing of activities needed for participation of sportsmen at the Olympic Games. Transformation of that Committee into the Association of Sports Associations of SHS Kingdom occurred in 1929. Immediately upon its creation, that association became responsible for development of sport in the whole country.

After the World War II, when the new state has been founded – Federal Peoples Republic of Yugoslavia – sports and recreation activities within the Republic of Croatia, as well as sports system of Croatia and public policy in the field of sport were based on Soviet (SSSR) organizational principles and practice. Creation of new Sports Societies based on the principle of “versatility and mass participation” was typical for that time. The Physical Education Committee – the most important sports organization in the Republic of Croatia of that time - was founded in 1945 but in very short period after its foundation its jurisdiction was transferred to Physical Education Association of Croatia (PEAC). However, Sports Association of Croatia took all jurisdictions and tasks from Physical Education Association of Croatia in 1952. Even that organizational solution (organizational form) was not a long-lasting one, because it changed its structure and name to Croatian Association of Physical Education Organizations (CAPEO) in 1961. Eleven years later that Association changed its name to the Union of Physical Culture of Croatia (UPCC).

Self-management Interest Community of Physical Culture was founded in Croatia in the spring of 1975 and that organization changed its name to the Republican Self-management Interest Community of Physical Culture of Croatia in 1976.

Through the above mentioned and explained, frequent organizational reforms and changes within the main Croatian sports organization, socialist regime in Croatia developed specific sports system that created relatively fair conditions for development of amateur sports. Very good sports results have been achieved even at the biggest international sports competitions/events of that time. Simultaneously, many sports clubs have been established across the country and it caused wide spreading of various types of sports and sports disciplines in Croatia (rugby, judo, baseball, badminton, karate).

Development of sports in Socialistic Era was followed by development of educational institutions in the field of sports and sports science. High School for Physical Culture in Zagreb started its work in 1959. That school developed into Faculty of Physical Culture in 1973.

During 1990 all sports associations that were functioning in Croatia separated themselves from the activities of Yugoslav sports associations and created their own national associations. After the disintegration of the Socialist Federal Republic of Yugoslavia, newly established independent Croatian state renewed Croatian Sports Association and founded Croatian Olympic Committee on 10th September 1991.

LEGAL PRINCIPLES AND STANDARDS PRESCRIBED BY NEW CROATIAN LAW ON SPORTS ENACTED IN 2006

Croatian Sports System and laws regulating sports in that country were not harmonized with European Sports System and EU laws and regulations till 28th June 2006 when the new Law on Sports was enacted. Legal principles and standards prescribed by the previous Croatian Law on Sports enacted on 29th December 1990 were very obsolete and that fact was the main reason and grounds for drafting and enactment of the new law that should regulate sport in that country. The new Croatian Law on Sports has been drafted and sent to parliamentary procedure thanks to the efforts and proposal made by the Ministry of science, education and sport of the Government of Croatia.

The job of drafting of the new Law on Sports was seriously and systematically performed. Drafting process lasted for six years and realization of that job comprised the activities of the most famous Croatian experts, scientific and sports institutions. Especially constructive role during the
legal drafting process was played by the representatives of Croatian Olympic Committee.

Support to the legal drafting of the new Law on Sports has been given through more than one hundred workshops and public debates held all over Croatia.

Openness, transparency and frequency of public debates contributed to the legal drafting process and made ground for achievement of high quality of legal principles, legal standards and legal norms that were incorporated in the Law. It also provided an opportunity to lawyers to take into account and to incorporate in the new Law on Sports, the interests of Croatian sports organizations, sportsmen and sportswoman. High level of transparency and public availability of all working versions of the text of Draft Law on Sports increased the level of democracy in the process of enactment of the new Law on Sports in Croatia. Besides, in order to reach the most appropriate legal concept, principles and standards within the legal norm of the Law on Sports, Croatian experts reviewed and used experiences and examples of the best legal practices of both EU and other countries.

As for the general impression about the contents and quality of the new Croatian Law on Sports it is necessary to stress that the new Law on Sports prescribes future creation and adoption of a few vital strategic and legal documents needed for development of sport, as well as foundation of important governmental and nongovernmental bodies and organizations, together with restructuring and reorganization of already existing institutions within the sports system.

**Picture 1. – Organigram of Sports System in the Republic of Croatia**

The new Law on Sports prescribed a very good legal solution that established an obligation for the state to create National Programme of Sport as the strategic document by which a long-term public policy in the field of sport should be formulated and applied. It was also prescribed by the new Law on Sports that the future national programme for sport should comprise plans for creation of better conditions for all means of effective performance of sports activities,
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especially through establishment of modern educational system. Besides, the future National Programme of Sport should consider the activities aimed at creation of atmosphere and logistics capacities needed for achievement of high quality results of Croatian sports teams, sportsmen and sportswoman presenting that state in international sports events and competitions. In compliance with Croatian Law on Sports, within the National Programme of Sport, special attention should be directed to creation of adequate conditions needed for mass recreation of citizens in order to increase public health level of quality.

Especially good orientation of Croatian legislator was to prescribe a period of eight years for validity and application of each National Programme of Sport after its adoption in Parliament. Such a long period of validity should confirm in the practice that the National Programme of Sport is a strategic document, politically neutral and non dependable of the mandate of any previous or new government. The provision of the Law on Sports that established the rule about long term validity (8 years) of the National Programme of Sport presents a legal mechanism that provides a political neutrality of that Programme, particularly by creating a situation in which validity of the Programme does not overlap with the mandate of one government but with mandate of at least two Governments of the Republic of Croatia. Technically, it could easily happen in practice that the validity of the National Programme of Sport is extended to a period of mandate of a third government.

The new Croatian Law on Sports prescribed the foundation of National Sports Council – expert advisory body that should be responsible for development and quality of sports in the Republic of Croatia. In compliance with law, the members of National Sports Council are appointed by Croatian Parliament. The task of the National Sports Council is to determine and formulate main projects in the field of sport, to discuss and provide opinion on the most complex questions in the field of sport and in compliance with EU practice and experiences to propose and stimulate actions for the development of Croatian Sport.

In compliance with article 4 of Croatian Law on Sports National Sports Council consists of twelve persons, a president of the Council and another eleven members, all appointed by Croatian Parliament. In order to ensure expertness and impartiality in decision making and regular work of the National Sports Council, the law prescribed that Parliament should appoint a president of the Council and six member of the Council on the proposal of Croatian Government. On the other hand, in order to protect interests of sports workers and sports organizations, another tree member of the council have to be appointed by the Parliament on the proposal of Croatian Olympic Committee. It is also prescribed by Law on Sports that one member of the Council should be appointed by the Parliament based on the proposal of the Croatian Paralympics Committee, another one on the proposal of Croatian Sports Association of death persons. The last – twelfth member of the National Sports Council has to be appointed by the Parliament on the proposal of the Faculty Kinesiology of the University of Zagreb.

Novelty within the articles of Croatian Law on Sports is that Croatian Scholar Sports Association has to be found as the main organization that should be in charge and take care of children enjoying sports activities. Law on sports has special rules about specific health protection of the children who go in for sports and prescribes a set of measures that have to be taken in order to systematically develop and monitor the progress of development of children involved in sports activities. Besides, Law on Sports guarantees the priority of usage of school sports facilities for the purposes of functioning of School Sports Associations in relation to usage of those facilities by other consumers. Also, Sports Law sets the minimum requirement regarding the level of education of persons working with children in School Sports Clubs. Existence of that type of rules within the Sports Law shows the firm commitment of Croatian state to take care of children and their future.

Particular novelty of the new Croatian Law on Sports is the fact that foundation of the Croatian Anti-doping Agency became legal obligation under the provisions of that law. It is prescribed that Croatian Anti-doping Agency should be a specialized institution authorized to implement international legal instruments aimed at counteraction of doping in sports. Chapter IX of
Law on Sports regulates fighting against doping in sports and the provisions of article 73 set the rules for establishment of Croatian Anti-doping Agency. The Law on Sports prescribes that Government of Croatia has the jurisdiction to establish Croatian Anti-doping Agency by adopting the decree on its foundation. Decree on Croatian Anti-doping Agency determines the internal organization of the Agency, rules for performance of everyday tasks and procedures that have to be in compliance with the provisions Anti-doping Convention of the Council of Europe. Croatian Anti-doping Agency is responsible for its work directly to the Ministry of science, education and sport of the Government of Croatia. Scope of work of the Agency is prescribed by article 73 paragraph 3. The main tasks of the Agency are:

- To systematically follow and coordinate anti-doping activities of governmental and non-governmental institutions;
- To propose and apply various measures related to fighting against doping in sport;
- To apply conventions, WADA regulations (World Anti-doping Code) and anti-doping rules of international sports associations and the International Olympic Committee.

Although the job of foundation of Croatian Anti-doping Agency was prescribed by the Law on Sports, it took quite a lot of time to be practically implemented (Suput, 2007). The Ministry of science, education and sport of the Government of Croatia prepared a proposal of the Decree on foundation of Croatian Anti-doping Agency during 2006, but due to organizational and financial problems the enactment of that Decree was delayed for more than six months. Finally, at the regular session of Croatian Government held on 7th February 2007, in compliance with article 73 paragraph 2 of the Law on Sports, Government enacted the Decree on foundation of Croatian Anti-doping Agency. By enacting that Decree, Croatian authorities fulfilled the last formal prerequisite needed for the beginning of work of Croatian Anti-doping Agency. Shortly after that, the Government of the Republic of Croatia in compliance with the proposal submitted by the Ministry of science, education and sport, appointed provisional director of the Agency whose job was to prepare the provisional Statute of the Agency and to conduct jobs and tasks related to official registration of the Agency. Provisional director of the Agency was also authorized to organize business processes within the Agency and to make the Agency totally operational. After the task of foundation of Croatian Anti-doping Agency was finished, management functions within the agency have been transferred to the Steering Committee of the Agency. The first task of the Steering Committee of the Agency was to draft and adopt the Statute of Croatian Anti-doping Agency. With regard to scope and complexity of expert, administrative and technical tasks that had to be performed in order to start the work of Croatian Anti-doping Agency, it is obvious why it became totally functional and operational only from the end of 2007.

Article 72 of Croatian Law on Sports placed a ban for doping in sports by prescribing the following legal norm: “athletes are not allowed to use illegal substances (doping substances) and are not allowed to apply procedures (doping methods) that are listed as illegal in compliance with rules and regulations of World Anti-doping Agency”. Legal prohibition of the consumption of doping substances is not novelty in Croatian legal system, because the first doping ban has been set by article 56 of old Croatian Law on Sports dating from the year 1990. Previously existing ban for usage of doping in sport is extended by the new Croatian Law on Sports by prescribing the rules that are setting the ban for coaches, managers, doctors and other persons involved in sports activities, to provide and encourage sportsmen to use doping methods and substances. That rules are absolutely harmonized with anti-doping regulations of World Anti-doping Agency.

Chapter XIV of the new Croatian Law on Sports regulates various penalties and sanctions for natural and legal persons who are lawbreakers and violators of anti-doping rules. Croatian legislator prescribed offences of legal and natural persons as well as sanctions for the offenders. Within the Law on Sports there are no norms prescribing criminal offences and criminal liability for the illegal usage or sale of doping substances. Article 86 of Sports Law prescribed penalties for doping offences conducted by legal persons. If legal persons
recommend, propose, authorize, condone or facilitate use of any doping substance or method they, they will be fined from 30,000,00 up to 100,000,00 Croatian Kunas. Article 87 of Sports Law prescribes penalties for doping offences perpetrated by natural persons. A fine from 10,000,00 up to 15,000,00 Croatian Kunas should be paid by a natural person in the following two cases:

- If an athlete used a prohibited substance or a prohibited method (doping) or if an athlete evaded sample collection and testing;
- If any coach, authorized doctor or other person involved in sports activity recommend, propose, authorize, condone or facilitate the use of any doping substance or methods.

Article 89 of Sports Law prescribed two legal measures that can be passed to both natural and legal persons who committed the aforesaid offences. The first legal measure can be passed to anti-doping rule violator – natural person – and it represents a ban for a person to perform sports activities during the period from one month up to one year. The second legal measure can be passed to anti-doping rule violator – legal person – and it represents a ban for legal person to perform sports related activities during the period from three months up to one year. It is not clear, how Croatian legislator decided to prescribe different minimal duration of the above mentioned legal measures for natural and legal persons and by which criteria and factors that difference between natural and legal persons has been established. If the idea of legislator was to establish difference between natural and legal persons based on difference in time needed for the measures to become effective and efficient, than it is not logical why the legislator has not prescribed longer maximal duration of application of legal measure for a legal person in comparison to maximal duration of application of legal measure prescribed for a natural person.

Croatian Law on Sports prescribed an obligation of establishment of modern information system within sports system in order to create electronic database that would contribute to better monitoring and management of the comprehensive sports system in the Republic of Croatia.

Also, the Law on Sports prescribed rules requiring creation and establishment of plan for construction and development of new sports infrastructure, as well as existence of plan for maintenance of already existing sports facilities in the Republic of Croatia. The Above mentioned plans are very important strategic documents that should determine systematic and continuous development and renewal of sports infrastructure. Beside that, Law on Sports placed a ban for demolition of sports facilities and ban for eventual transformation of sports facilities into other types of buildings and objects for other purposes. In the future, it would be possible to change purpose of a sports facility to other type of building or ground, only if the Ministry of science, education and sport approved it in compliance with previously prescribed standards and conditions.

A very important part of the new Law on Sports is the one that prescribed definitions of sports activities and sports related activities. In line with that, the Law prescribed necessary requirements and conditions that have to be fulfilled as a prerequisite for a person to perform sports activities and sports related activities. Especially detailed and clear are descriptions and definitions of expert jobs in the field of sports that were regulated by the articles of the new Law on sports.

The new Law on Sports prescribed in its articles, in a very suitable way, methodology for determination of legal status of sportsmen/sportswoman and a clear list of rights and responsibilities of athletes categorized athletes. Also, Croatian Law on Sports established rules for providing scholarship for students attending educational institutions, as well as special conditions and programmes of education for athletes attending universities.

Especially important novelty within the rules prescribed by Law on Sports enacted in 2006 is introduction of Sports Holding Companies into Croatian Sport System. That solution was the result of previously performed comparative legal research and consideration of best practices of EU countries. Possibility to create and run Sports Holding Companies opened sports societies and
sports clubs to free market and provided possibility to manage sports clubs in more transparent and economically rational way in the future.

The new Law on Sports introduced a legal obligation of transformation of professional sports clubs to the legal form of Sports Holding Companies. Such transformation is mandatory for all football, basketball and handball sports clubs, if they are to meet all requirements regulated by the Law on Sports. Additionally, all other types of sports clubs can be transformed into the legal form of Sports Holding Companies, no matter if professional or the amateur ones, should their management board decide so.

**CONCLUSION**

General assessment of the quality of rules prescribed by the new Croatian Law on Sports is very good. The new Law regulates performance of comprehensive sport system and sports activities in that country, as well as fighting against doping in sports, in very detailed and systematical way, everything in compliance with rules and legal standards prescribed by international conventions from the field of sports.

By enacting and applying the new Law on Sports, Croatia began with the implementation of clear and resolute strategy of development of sport. A various rules stipulated by the articles of Croatian Law on Sports are providing continuous care about investments in sports youth of that country. Croatian general public and sports workers were especially affected and encouraged by the enactment of the new Law on Sports because that law made grounds for reduction of political interfering and influence in sport. The new law also provided friendly environment for future development of Croatian sport, especially if we take into consideration that Law on Sports prescribed the foundation of National Sports Council – expert advisory body that should
be responsible for development and quality of sports in the Republic of Croatia. Members of that Council are going to be appointed by Croatian Parliament which means that indirectly, the wishes of ordinary citizens are going to be represented in the process of formulation of public policy in the field of sport.

A very important fact is that by enacting and applying the new Law on Sports, Croatia kept interventionist model of legal settlement of sport in that country that is in line with Croatian legal tradition and practice. It means that in the future, the most important parts of Croatian sports system and the basic elements creating that system, should regard structures and jurisdiction regulated by legal norms prescribed by the Croatian State. However, in parallel with such a concept of the Law on Sports, after many years of practice that considered nongovernmental sports sector in Croatia as unconsolidated type, the new rules of the Law on Sport established the new type of nongovernmental sports sector in Croatia – consolidated type/model. It means that in compliance with the new Law on Sports there is one – unique and universal - organization on the top of pyramid structure of Croatian nongovernmental sports organization system. That organizational solution comprises both Croatian Olympic Committee and National Sports Association. By that orientation of the new Law on Sports Croatia succeeded to abandon, as less efficient and expensive, the so called unconsolidated type of nongovernmental sports sector/system on whose top of the structure used to be not only one organization, but a few organizations competing with each other.

Another very important novelty is that the rules prescribed by the new Law on Sports have introduced decentralization of state jurisdiction in the field of sports system management that has been strictly centralized during the past twenty years.

Previously explained rules within the text of the new Croatian Law on Sports represent a good example of successfully performed regulatory reform in the field of sports regulations. In addition to that, the concept of that Law should be considered as good legislative practice that could be followed by the Republic of Serbia. Analysis of concrete solutions applied within the articles of Croatian Law on Sports contribute to easier evaluation of the quality of existing Draft Law on Sports that has been forwarded by Government of the Republic of Serbia to the parliamentary legislative procedure on 8th November 2007.

The volume and boundlessness of the text of Serbian Draft Law on Sports, as well as unsystematic way of prescription of rules within that draft, together with the fact that Draft Law on Sports comprises 193 articles on 77 pages of text arises concern and confusion, not only with experienced lawyers, but also with all the other persons who are going to be affected by that law in future. Excessive legal regulation of sports and excessive state intervention in sports affairs is not a good orientation of legislator. Especially bad solution made within the text of Serbian Draft Law on Sports is significant growth of matters that are covered and regulated by that legal document. Most of the issues regulated by the Draft Law on Sports should be regulated, not by that law, but by secondary regulations and regulations created by sports organizations. It seems that Croatian legislator made a proper estimation of what should Law on Sports cover and regulate, by enacting the Law on Sports comprising of 102 articles that is much more than Slovenian Law on Sports comprising only of 73 articles that was not enough to sufficiently regulate all relevant legal issues related with sports.

Regarding comparison between Croatian Law on Sports and Serbian Draft Law on Sports it is easy to notice two very important conceptual differences. There is a difference regarding determination of state jurisdiction in the field of sports and sports system management and control. Another difference is the legal orientation for either unconsolidated or consolidated type/model of nongovernmental sports sector/system. It is not clear why Serbian legislator has decided, differently to Croatian legislator, to keep the concept of absolute centralization of the state jurisdictions in the field of sport and sports system management and control. Besides, it is not clear why Serbian legislator has decided to make legal orientation towards continuation of existence of unconsolidated type/model of nongovernmental sports sector/system.

Regardless of all advantages and good novelties prescribed by the new Croatian Law on Sports, it is necessary to present and review certain
shortcomings of that law. There is just a small number of imperfections within the articles of Croatian Law on Sports and that is very logical because it was impossible to enact absolutely perfect regulation that would be immune to mistakes.

Regarding the substantial imperfections of Croatian Law on Sports there is only one serious objection – why Croatian Law on Sports has not prescribed any criminal sanctions for sports doping crimes? Criminalization of some types of sportsmen’s behavior related to doping in sports (doping substances consumption), as well as criminalization of other forbidden doping related behavior committed by coaches, doctors, nutritionists and managers (recommending, proposing, authorizing, condoning or facilitating the use of any doping substance or methods) became standard within the legal regulations of the other European countries. Such a legal orientation should be applied in Croatian legal system in the future and the ideal opportunity for it was the enactment of the new Law on Sports in 2006. That opportunity was lost, but regarding the fact that more and more states are introducing criminal liability for anti-doping rules violators due to serious damages caused to public health and sports by doping consumption, it would not take long for Croatian legislator to criminalize that type of behavior by its laws and regulations.

Although previously performed analysis and presentation of Croatian Law on Sports contribute to the process of proper evaluation of the quality of current Serbian Draft Law on Sports and even though Croatian Law on Sports represents a good practice in conducting regulatory reform that could be followed by Serbian legislator, it is necessary to stress that automatic taking of any foreign model and simple copying of foreign laws, without considering the specific needs of the Republic of Serbia and conditions of is its sports system, can lead only to creation of ideal theoretical model that would not have a big chance to be efficiently applied in practice. For the aforesaid reasons, on the occasion of defining strategic starting points for the development of modern legal framework regulating sports in the Republic of Serbia, it is necessary to take into account and fully accept the characteristics of Serbian state, Serbian sport and legal tradition. Besides, the reform of the legal framework regulating sport should be observed and treated as the essential part of the more comprehensive reform process of the reform of Serbian Legal System. In spite of all that, it has to be taken into account that regulatory reform in the field of sport and especially drafting and enactment of the future Law on Sports, is not only changing of the text of a certain regulation and application of changes in organization and functioning of sports system and the new way of realization of rights and duties of all natural and legal persons involved in sport and sports activities, but also a simultaneous transformation of the awareness and relation existing between sport system, state and citizens of Serbia. It is also necessary to bear in mind that the reform of the legal framework regulating sports is a complex and long/lasting process, in the same way in which the process of development of sports system, state and society as a whole is. The best illustration for this is the fact that the reform of legal framework regulating sport does not take place only in the transition countries, nor does it end by their joining the international integrations and EU. On the contrary, in the majority of the European countries the reform of legal framework regulating sport continues to be the essential element of the overall development.

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