



C/2024/2270

2.4.2024

**Judgment of the Court (Grand Chamber) of 21 December 2023 — International Skating Union v European Commission, Mark Jan Hendrik Tuitert, Niels Kerstholt, European Elite Athletes Association**

(Case C-124/21 P) <sup>(1)</sup>

*(Appeal — Competition — Rules introduced by an international sports association — Skating — Private law entity vested with regulatory, control and decision-making powers, and the power to impose sanctions — Rules on the prior approval of competitions, the participation of athletes in those competitions and the arbitration rules governing conflicts — Parallel pursuit of economic activities — Organisation and marketing of competitions — Article 101(1) TFEU — Decision by an association of undertakings adversely affecting competition — Concepts of anticompetitive ‘object’ and ‘effect’ — Justification — Conditions)*

(C/2024/2270)

Language of the case: English

**Parties**

Appellant: International Skating Union (represented by: J.-F. Bellis, avocat)

Other parties to the proceedings: European Commission (represented by: G. Meessen, F. van Schaik, H. van Vliet and C. Zois, acting as Agents), Mark Jan Hendrik Tuitert, Niels Kerstholt, European Elite Athletes Association (represented by: B.J. H. Braeken, T.C. Hieselaar and X.Y.G. Versteeg, advocaten)

**Operative part of the judgment**

The Court:

1. Dismisses the appeal;
2. Upholds the cross-appeal;
3. Sets aside the judgment of the General Court of the European Union of 16 December 2020, *International Skating Union v Commission* (T-93/18, EU:T:2020:610), in so far as it annulled in part Article 2 of Decision C(2017) 8230 final of the European Commission of 8 December 2017 relating to proceedings under Article 101 TFEU and Article 53 of the EEA Agreement (Case AT.40208 — *International Skating Union’s Eligibility rules*);
4. Dismisses the action in Case T-93/18 to the extent that it was not previously dismissed in the judgment referred to in point 3 of the present operative part;
5. Orders the International Skating Union to pay the costs in Case C-124/21 P and in the part of Case T-93/18 referred to in point 4 of the present operative part.

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<sup>(1)</sup> OJ C 163, 3.5.2021.