

JUDGMENT OF THE COURT
OF 24 OCTOBER 1974¹

B. N. O. Walrave and L. J. N. Koch
v Association Union Cycliste Internationale, Koninklijke
Nederlandsche Wielren Unie and Federacion Española Ciclismo
(preliminary ruling requested
by the Arrondissementsrechtbank Utrecht)

Case 36/74

Summary

1. *Community Law — Scope — Sport — limitation to economic activities*
2. *Discrimination based on nationality — Prohibition — Scope — Work or service (EEC Treaty, Articles 48 and 59)*
3. *Discrimination based on nationality — Prohibition — Scope — Sport — Composition of sporting teams — Exclusion (EEC Treaty, Articles 7, 48 and 59)*
4. *Discrimination based on nationality — Prohibition — Scope — Extension to acts not emanating from public authorities (EEC Treaty, Articles 7, 48 and 59)*
5. *Discrimination — Prohibition — Nature — Territorial Scope — Locality — Discretionary powers of national court (EEC Treaty, Articles 7, 48 and 59)*
6. *Services — Free provision — Restrictions — Abolition — Direct effect (EEC Treaty, Article 59, first paragraph)*

1. The practice of sport is subject to Community law only in so far as it constitutes an economic activity within the meaning of Article 2 of the Treaty.
2. The prohibition of discrimination based on nationality in the sphere of economic activities which have the character of gainful employment or remunerated service covers all work or services without regard to the

exact nature of the legal relationship under which such activities are performed.

3. The prohibition of discrimination based on nationality does not affect the composition of sport teams, in particular national teams, the formation of which is a question of purely sporting interest and as such has nothing to do with economic activity.

¹ — Language of the Case: Dutch.

4. Prohibition of discrimination does not only apply to the action of public authorities but extends likewise to rules of any other nature aimed at regulating in a collective manner gainful employment and the provision of services.
5. The rule on non-discrimination applies to all legal relationships which can be located within the territory of the Community by reason either of the place where they are entered into or of the place where they take effect.
6. The first paragraph of Article 59, in any event in so far as it refers to the abolition of any discrimination based on nationality, creates individual rights which national courts must protect.

In Case 36/74

Reference to the Court under Article 177 of the EEC Treaty by the Arrondissementsrechtbank (District Court) Utrecht, for a preliminary ruling in the action pending before that court between

1. BRUNO NILS OLAF WALRAVE
2. LONGINUS JOHANNES NORBERT KOCH

and

1. ASSOCIATION UNION CYCLISTE INTERNATIONALE
2. KONINKLIJKE NEDERLANDSCHE WIELREN UNIE
3. FEDERACION ESPAÑOLA CICLISMO

on the interpretation of Articles 7, 48 and 59 of the EEC Treaty and the provisions of Regulation (EEC) No 1612/68 on freedom of movement for workers within the Community (OJ L 257 of 19. 10. 1968, p. 2),

THE COURT

composed of: R. Lecourt, President, C. Ó Dálaigh and A. J. Mackenzie Stuart, Presidents of Chamber, A. M. Donner, R. Monaco, J. Mertens de Wilmars (Rapporteur), P. Pescatore, H. Kutscher and M. Sørensen, Judges,

Advocate-General: J. P. Warner,
Registrar: A. Van Houtte,

gives the following