

Between *lex Olympica* and *lex publica*: National Sports Agencies in France and Germany compared

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ABSTRACT

While Germany is striving for the creation of a national agency entrusted with the financing of sports, that of France has already been operating for seven years. The proposed German agency is compared with the extant French agency by drawing on the concept of *lex Olympica* as opposed to *lex publica*. In the framework of a comparative analysis of policy and regulation, this article contrasts the historical and legal background of the two national cases; the relationship between state and sport; modes of organisation, regulation and financing; and prospects for measuring performance. Using a mixed legal and economic methodology, the article proposes a combined analysis of the two cases to make inferences about the relationship between *lex Olympica* as opposed to *lex publica*.

KEYWORDS

sport policy; autonomy; public policy; financing of sport; elite sport; sport for all; sport agency; France; Germany; olympic medals

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1. INTRODUCTION

1.1 Problem outline

Because various models exist for financing elite and grassroots sports, including their professional and amateur variants, the task of identifying the ‘best’ model for supporting sport through public policy depends not only on the underlying understanding of sport, and the objectives pursued by such a policy, but also on the wider legal, institutional and political framework. While all these variables condition the extent to which inferences can be made from concrete cases as to which forms or regulation can be deemed ‘good’ policy, there certainly is a strong case for comparing policies rooted in national frameworks which can be considered paradigmatically different, if not directly opposite. While sport economists and sport sociologists may apply their specific concepts to frame such discourses, a legal discourse should be grounded in specifically legal concepts, even if drawing on knowledge from other disciplines. In the present paper, the authors have chosen to ground their discussion in the concept of *lex Olympica*, understood as a legal order separate from the common law of society, or *lex publica*, created, applied and defended by the (especially Olympic) sports movement. This is not to say that no other legal concept could have been used, yet *lex Olympica* is a strong analytical tool because of its focus on the juxtaposition of private and public interests, norms and mechanisms.

The paradigmatically (almost) opposite national cases are those of France and Germany, and the specific test case is that of national sports agencies, of which France already created one (2019) while that of Germany is currently (2026) under discussion. We will ask whether the agencies are solely meant to trigger more medals in elite sports or also more participation within the public. We shall identify the most salient aspects of the (extant) French agency and the (still only proposed) German agency, including their links with Olympic bids. While the French agency did mark a break in continuity in many ways, it nevertheless was in line with the French tradition of a sports policy framed by the state.¹ By contrast, the recently proposed sports agency of Germany² is more intriguing and – to be understood fully – needs be seen against the backdrop of cumbersome federalist doctrines and institutional arrangements which have hitherto made it difficult for the state, in particular at the national level, to take a leading role in shaping sports policy.³ Against this backdrop, we will also try to answer the question whether Germany can learn from the French experience.

¹ Note that, while the word ‘state’ in the French context regularly refers to the (usually executive) authorities at national level (*l’État*), when we use the term to discuss matters pertaining to both cases, we are employing it in the British sense of the term, basically denoting generic state structures. This also marks a difference from American English usage where the word ‘state’ refers to a specific tier of government; while the US usage is concrete, the UK usage is abstract.

² For the current legislative proposal (as per 13 May 2026), see Bundestag (2026a). For a stenographic protocol of the plenary debate in first reading held on 22 May 2026, see Bundestag (2026b).

³ For the factual background, see inter alia BMI & DOSB (2023). For the intentions of the federal government, represented by the Federal Ministry of the Interior (BMI), formerly responsible for Sport, see BMI (2024), but also Bundeskanzleramt (2025). For a more pointed contribution from the German Olympic Sports Confederation (DOSB), see DOSB (2024, 2025).

1.2 Methodology

In an effort to connect with current debates, we are borrowing the notion of *lex Olympica* from James & Osborn (2023, 2024) which, in discussing findings from our two cases, we shall compare and contrast with the notion *lex publica*. We review the validity of theories from law and economic for a more state-oriented sports system (France) and a (nominally at least) non-profit sports movement (Germany). The situation calls for a comparative, qualitative analysis, since both systems look for strategies and new structures for more sporting success while obviously resorting to different solutions. This orientation and direction seem to be orientated to top level sports and medals in global contexts. This includes World Championships and, particularly, Olympic Games. Using an essentially heuristic approach, our aims are to define the sense, the ways and the consequences of these new types of agencies.

Based on a mixed methodology with input from legal as well as economic and social science sources and theories/models, we aim to ask (some of) the following questions: What are the legal aspects? Are the agencies legally and technically able to make sports specific decisions which probably interfere with the autonomy of the sports movement? Are the agencies intended as policy makers or as warrantor for sporting success? Will they contribute to other aspects in sports, both at elite and grassroots level? To address the research question identified above, we shall start by engaging with relevant sports law literature and move on to an examination of legislation, policy documents, etc., including governmental as well as NGO sources, leading to a qualitative analysis and a discussion of the findings.

Within a comparative European context, France and Germany stand out because they have chosen models for recognising, regulating, promoting and financing sports which are in some respects almost polar opposites. (For a detailed comparison, see e.g. Fischer, Kornbeck, Miège, Stopper, 2024.)

As will be seen – see *infra*, sec. 3.1 (France) and 4.1–4.3 (Germany) – the French model relies heavily on recognition of sports organisations by the State, while the German model relies almost exclusively on the concept of autonomy. For the distinction between ‘state’ (lower case) and ‘State’ (upper case) – see *infra*, par. 2.1. Together these differences make the two countries emerge as paradigms of two distinct approaches, ideal for comparisons such as the one undertaken here. The concepts of *lex Olympica* and *lex publica* are used to draw the insights gathered together, with the relevant findings being summarised at the end of each case study, specifically under the heading of *lex Olympica* versus *lex publica* – see *infra*, par. 3.3 (France), 4.6 (Germany).

2. TERMINOLOGY

2.1 Units of comparison: ‘state’ and ‘federation’

Terminology being an important aspect of methodology – especially in legal scholarship – the polysemy and case sensitivity of certain terms needed to be addressed, as some terms carry varying notations and connotations depending on the national context discussed.

In the French context, the word ‘state’ (*État*) refers to the executive branch of government at national level; in the German context it can refer to ‘the state’ in a generic

sense (i.e. the public sector, but also public authorities) but also sometimes to the subnational level of government, i.e. the ‘federated states’ (*Länder*) of the Federal Republic of Germany; in UK English, ‘the state’ is a generic, often abstract notion; while in US English, the word ‘state’ denotes a particular, subnational level of government. Whenever the word ‘state’ is used, it is therefore followed by its national equivalent if reference is made to the French or German context, e.g. ‘the State’ (*État*), ‘the states’ (*Länder*).

Where the national level of the country, all branches of government confounded (legislative, executive, judiciary) in the French context is simply the Republic (*République*), and while in the German context this can be correctly referred to as the Federal Republic (*Bundesrepublik*), the technical term in constitutional terminology, in particular when distinguishing this level from that of the ‘states’ (*Länder*), is the ‘federation’ (*Bund*). Confusingly, this is also the term used both in France and Germany to denote sports federations acting as regulators and umbrellas for all sports clubs operating within a given geographical catchment area, yet although it might feel tempting to write ‘the federal government,’ this would only capture the executive branch of government at the federal level. For this reason, whenever the need for precision arises in relation to this particular case, we use the term ‘federation (*Bund*).’ (Just like the corresponding term for Switzerland is ‘confederation’ (*confédération* in French, but *Eidgenossenschaft* in German), the German term is entirely different from the Latin-derived English term.)

2.2 Analytical tools: *lex Olympica* and *lex publica*

Because they both feature in the title of this article, and because they will be used as analytical tools to make sense of the insights collected from the case studies on France and Germany, the twin concepts of *lex Olympica* and *lex publica* need to be addressed before proceeding further. While the notion of *lex Olympica* was initially coined by James & Osborn (2011), in anticipation of the 2012 London Olympics, as an equally descriptive and pragmatic label with which to capture the dogmatically bewildering ensemble of British legislative efforts to accommodate the expectations of the International Olympic Committee (IOC), the same authors have since then developed it into a deliberate, consistent and coherent theory of transnational law (most recently James, 2024; James & Osborn, 2023, 2024).

While this ‘translaw’ purports to transcend the dogmatic boundaries between public and private law,⁴ we are using *lex publica* more liberally and without referring to any specific body of thought. Rather, the term *lex publica* serves as the logical counterweight to *lex Olympica*, for if *lex Olympica* is the body of rules created by an ecosystem of private organisations, especially but not exclusively the IOC, and if these actors seek to impose their private rules within the ambit of what would otherwise be submitted to requirements enacted under public law, then logically, the option opposed to *lex Olympica* must be that of *lex publica*.

⁴ In his study of nation states’ implementation of the World Anti-Doping Code (WADC) through national legislation, Diakité (2023) recurrently refers to this French concept (*transdroit*) and to a well-developed body of legal scholarship which cannot be summarised here.

In the writings of James & Osborn, *lex Olympica* is grounded in the *Fundamental Principles of Olympism*, inscribed into the Olympic Charter (IOC, 2025, pp. 6–7, 8–9)⁵ although not all requirements adopted vis-à-vis hosting cities and their countries must necessarily comply with the Olympic Charter. The opposite is what James & Osborn (2023, p. 82) suspect, which is why they advise athletes, activists and the general public to use the *Fundamental Principles* as a framework for their contestations. This framework is closely connected with autonomy of the sport and its organisations/institutions; indeed, the success of *lex Olympica* with its expectation of a ‘transnational process of legal diffusion, or legal transplantation,’ ‘resulting in forced law creation’ (*ibid.*, p. 32), depends largely on the degree to which autonomy is respected. This nexus, in turn, is rendered more complex by the dual roles of sport organisations as both civil society organisations and private regulators (for a detailed discussion of this tension, see Fischer, Kornbeck, Miège & Stopper, 2024), although this duality manifests itself differently in different national contexts, depending on the concrete emanation of the relationship between state and sport, ranging from very little to very much regulation and oversight. Since writing their 2011 paper, James & Osborn have been struggling with the question of how to define the *de facto* diffusion of private Olympic rules into national legal orders, not limited to private law (as in the case of the sponsors and other business partners involved in the organisation of the Games) but also permeating their public law. The *de facto* enactment, application and enforcement of *lex Olympica*, in particular through Host City Contracts (HCCs), transcends the public/private distinction, as initially observed in the preparations of the United Kingdom for the 2012 Games (James & Osborn, 2011). More recently, they have observed the phenomenon in the context of postponement of the Tokyo Games due to the worldwide Coronavirus (Covid-19) pandemic, where the fundamental inequality between the IOC and local organising committee revealed itself in the liability of the latter for any losses possibly incurred due to the said postponement (Clause 66 HCC Tokyo). For it seems ‘extraordinary that a private entity can exercise such influence over public authorities’ (James & Osborn, 2023, p. 3), although the ‘take it or leave it’ principle governing the bidding rounds and the wording of the HCCs (*ibid.*, pp. 30, 96) make the process of diffusion rather obvious, actually. James & Osborn trace the application

⁵ IOC (2025, pp. 6–7: The Olympic Charter (OC) is the codification of the Fundamental Principles of Olympism, Rules and Bye-laws adopted by the International Olympic Committee (IOC). It governs the organisation, action and operation of the Olympic Movement and sets forth the conditions for the celebration of the Olympic Games. In essence, the Olympic Charter serves three main purposes:

- a. The Olympic Charter, as a basic instrument of a constitutional nature, sets forth and recalls the Fundamental Principles and essential values of Olympism.
- b. The Olympic Charter also serves as statutes for the International Olympic Committee.
- c. In addition, the Olympic Charter defines the main reciprocal rights and obligations of the three main constituents of the Olympic Movement, namely the International Olympic Committee, the International Federations and the National Olympic Committees, as well as the Organising Committees for the Olympic Games, all of which are required to comply with the Olympic Charter.’ (*emphasis added*).

The Fundamental Principles are listed on pp. 8–9.

through rules on income and earnings (Rules 40, 50 Olympic Charter) and, through the examples of IPR protection in relation to ambush marketing and black-market ticketing (*ibid.*, p. 46), show how far sovereign states are prepared to go give legal effect to HCC provisions, entered into under *lex Olympica*, within the national legal order, or *lex publica*. They find the 2019 decision of the German Competition Authority (*Bundeskartellamt*) on Rule 40 of the Olympic Charter (*Bundeskartellamt*, 2017) to be an exemplary case of negotiating the nexus between the two legal orders, one whose importance ‘cannot be overestimated’ (James & Osborn, 2023, p. 58), surmising further that the ‘unilateral imposition of such restrictions simply paves the way for future challenges’ (*ibid.*, p. 58).

Yet far from rejecting *lex Olympica*, James & Osborn call for its ‘recalibration’, taking the Fundamental Principles of Olympism more literally, which would ‘not only ensure that the *lex Olympica* protects the athletes that are fundamental to its existence, but that the Fundamental Principles are brought to the forefront of the relationship between the IOC and the rest of the Olympic Movement’ (*ibid.*, p. 82). Similarly, the case of the present article is not to argue for or against the maintenance of *lex Olympica* but rather to use it, in an archetypical way, as the representation of one sort of rules and expectations regarding the nature of sport, its institutions and the rules governing its financing (the core of this article, as opposed to *lex publica*). Whenever insights are gathered from the case studies on France and Germany, the aim is to attribute these insights to the twin categories of *lex Olympica* and *lex publica*, respectively.

3. FINDINGS I: FRANCE

3.1 Historical development and public-service mission

In France, sport policies are characterised by a specific trajectory partly due to the central role historically played by the State.⁶ The initial structuring of sport public policies goes from 1919 to 1939, with the creation of many French federations, like the French football federation (*Fédération française de football*) (FFF) (1919), the French hockey, rugby or swimming federations (1920) or the French athletic federation (1921). After the 1960 Rome Olympic Games (5 medals, trit 0 gold medal for the French team), however, General de Gaulle, then President of the Republic, asked to Maurice Herzog, alpinist, Member of Parliament, High Commissioner (1958–1963) and State Secretary of Youth and Sports (1963–1966), and the Government to define a new framework for French sports. Three laws were adopted to support the development of sports policy, including facilities and dedicated people (*Conseiller technique, Directeur technique national*) who work in each French federation and appropriate training for PE teachers. Then the alpinist and lawyer Pierre Mazeaud (born 1929), President of the Constitutional Council (2004–2007), wrote a law⁷ that enshrined the above as well as 3 new

⁶ In this section, the word ‘State’ (written with a capital S) refers to the (usually executive) authorities at national level (*l’État*), in line with French usage.

⁷ Loi n° 75-988 du 29 octobre 1975 dite Mazeau relative au développement de l’éducation physique et du sport. JORF, n° 253 du 30 octobre 1975, pp. 11180–11182. <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000699405>.

principles: the recognition of the French national Olympic committee (CNOSF), the introduction of a national policy for the detection of high-level sport and finally the merger of the Ecole Normale Supérieure d'Éducation Physique (ENSEPS) and the Institut National des Sports (INS) into a new higher national institution, the INSEP, responsible for the preparation of high-level athletes, the training of managers and research. This law was a masterpiece of legislation on sport. It was the first comprehensive text to organise the development and practice of sport in France, and subsequent laws have merely confirmed, sometimes amended and supplemented it.

The specifically French public-service mission took some time to take shape, especially with the enactment of the so-called Avice Law⁸ (1984), sponsored by Edwige Avice (b. 1945), Delegate Minister for Leisure, Youth and Sports (1981–1984), which introduced two radical changes to the status of French sport: firstly, by legislating on the professional status of certain associations; secondly, by affirming the existence of a public service for physical and sporting activities whose functions were immediately delegated to the sport movement. The delegation of powers, hitherto limited – and only for certain federations – to the awarding of national championships and the management of the French national teams, is now spread to all the activities of all the French federations. The sport movement as a whole is thus moving away from the freedom of association to the delegation of a public service. Its application was accompanied by a major effort to professionalise sports management and control.

Sport policy in France is founded on two principles:

- the delegation of sport management by the State to sport associations;
- and solidarity between professional and grassroots sport within the sport federations.

Since then, these principles have changed somewhat: the delegation of a public service mission is temporary⁹. Each French federation has to sign an agreement with the State for a duration 4 years (like cycle of the Olympiad). Then a decree confirms the delegation of a public service¹⁰. These federation have 4 important missions: organising competitions leading to the departmental, regional, national and international medals, making the corresponding selections, proposing the federal performance strategy, consisting to a program of sport excellence and progression to high level, and proposing the list of athletes, coaches, referees and judges for yearly selection. With this agreement (= convention of objectives), each federation may receive public financial support by the French sport agency (ANS) subject to producing a shared assessment of the past Olympic period, and a four-year strategy outlining the future orientation, priorities and revenue allocation schemes of the federation. The agreement can be reviewed annually if necessary. The framework for their evaluation is the Programme 'Sport' defined by the Ministry of Sports. Today, the contractual logic

⁸ Loi n° 84-610 du 16 juillet 1984 relative à l'organisation et à la promotion des activités physiques et sportives (loi Avice), <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000693187>.

⁹ Code du sport. Version en vigueur depuis le 26 août 2021, https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000043982791.

¹⁰ Arrêté du 18 décembre 2024 portant renouvellement de l'agrément des fédérations sportives, <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000050853450>.

entered into by the State (its administrations) and the sports federations has tended to produce a specific model.

With the prospect of the Olympic and Paralympic Games in Paris in 2024, a structural reform of the governance of French sport has been created, marking the end of an interventionist model dating back to the Second World War, in which the State played a central role: The Ministry of Sport used to supervise the sport movement, while the sport legal frame was designed to govern most daily sport organisation. With the new organisation, the sport movement has more autonomy and responsibility.

3.2 The National Sports Agency

On 13 September 2017, Paris was designated host city of the 2024 Olympic and Paralympic Games. The Prime Minister then asked the Minister for Sport to initiate a process of trust with the French sports movement by granting them greater autonomy and refocusing the State's action on its missions. The aim is to give greater autonomy to the National Olympic Committee and sport movement, as well as to local authorities, while refocusing State action on specific missions. These include the essential tasks of coordination, regulation and control, particularly with regard to ethics. The Minister for Sport has therefore decided to embark on a process of co-designing a new governance model for sport in France¹¹. In November 2017, the steering committee, presided by Minister for Sport Laura Flessel (Olympic champion in fencing) was set up. Participants include various ministries, local authorities, the sports movement (CNOSF and CPSF) and a representative of the business world. The steering committee highlighted the complexity of the current model, the lack of clarity in sports policies and the respective missions of the various players, difficulties between players in managing a shared competence, a scattering of resources, and difficulty in adapting to changing social demands.

In the light of these observations, three scenarios were identified: continuity, transfer of sports organisation to the sports movement, and decentralisation of sports development to local authorities. The steering committee chose the scenario of shared governance with distributed responsibilities and affirmed the desire to create collegial structures for consultation and decision-making at both national and territorial levels. These structures will need to be agile, in the general interest, to enable them to adapt to territorial, national, European and international contexts. This organisation will also define regional P&L that will co-finance regional sports policies co-constructed by sport stakeholders within the collegial structures for consultation at territorial level. In response to the complexity of the organisation of sport at regional level, but also to the need to reinforce the involvement of all players to meet changing social demands, regional sports conferences have been systematised, in the image of sports parliaments. All stakeholders are represented.

¹¹ Actualité | 16 octobre 2018. Nouvelle gouvernance du sport : le rapport remis à la ministre. <https://www.sports.gouv.fr/nouvelle-gouvernance-du-sport-le-rapport-remis-la-ministre-1141>.

In this context, the National Sports Agency¹² (ANS) “*Agence nationale der sport*” was established through a collaborative model involving the French government, sports organisations, local authorities, and economic stakeholders, in April 2019. ANS plays a pivotal role in coordinating and promoting sports activities across the country. ANS is a public interest group (*groupement d’intérêt public*) (GIP), i. e., a legal entity under public law created by an agreement, approved by interministerial decree, between the State and legal entities under private law representing the sports movement, local authorities and economic players. It is a legal form suited to the idea of shared governance of French sport, to which this new agency must give substance (Box 1).

The creation of this agency marks the gradual end of the State’s predominance in sport policymaking in France. This organisation comprises two hubs: one focuses on high performance while the other focuses on the development of sport. When ANS was created, the focus for high performance was on Paris 2024. Development of sport was sport for all, everywhere and throughout people’s life along two lines: federations (and clubs) and the main public policies such as health-sport, corporate sport, sport as social remediation or the fight against discriminations in sport. The agency is also dedicated to supporting the stakeholder-initiated projects across territories. Among stakeholders we find firstly the French government. It holds a central position in the national sports model. It defines overarching objectives, sets legal frameworks, and ensures adherence to the public interest. Then, the sport movement represented by the French national Olympic committee, the local representatives of the international Olympic committee that operates the guidelines of the Olympic charter, and the French national Paralympic committee, that represents all stakeholders involved in providing sports opportunities for people with disabilities. Local authorities are the French administrative structures that take charge of the interest of a particular territory’s population like region, department, city... They contribute resources, facilities, and infrastructure to nurture athletes and promote sports at the grassroots level. Their task is to build, operate and make sports facilities available; support local stakeholders (clubs) through subsidies or the organisation of sports events, for instance; supervise sports practices in schools or clubs. Last but not the least, business partners play the role of sports event organisers, investors, advertisers or sponsors. Despite their diversity, three main categories exist: companies providing sports services, companies organising sports events and companies manufacturing and distributing sporting goods (Box 1).

This organisation is very different than before the creation of the ANS, when sport organisation was characterised by the central role historically played by the State. Now, the economic world can influence decisions.

In terms of high performance, ANS developed since 2019 the Blue Ambition (for the record, the French team is called ‘the Blue’) as the new strategy for French sport. ANS defined the following four principles:

- Better-targeted athletes and coaches.
- Placing athletes and their projects at the heart of solutions.
- Strengthened and enriched expertise with a coaching plan, a 20 million euro ‘ultra-high-performance sport’ research plan and a 4.3-million-euro sport data hub.

¹² <https://www.agencedusport.fr>.

- A local approach, with 17 regional performance centres and an overall annual budget of 5 million euros.

This program led to 65 Olympic medals and 75 Paralympic medals in Paris 2024, a record for the French nation.

In terms of sports development, since the beginning and especially since 2021, ANS supports projects that promote access to sport for all, at all ages, and throughout France and overseas. Priority is given to supporting federations' development strategies, as well as to actions aimed at correcting social and territorial inequalities. In 2022, ANS deploys three types of systems to more develop practices: around 150 million Euros for local projects, around 120 million Euros for equipment for construction and renovation of sports facilities, and no more than 52 million Euros for national projects, that is to say, supporting federations in their own development strategy. With these programs, ANS is taking up several major challenges like enabling access to sport for all, promoting sport as social, medical, environmental and ethical values for today and tomorrow, and supporting the transformation and modernisation of sports organisations and new digital technologies. ANS also helps to structure and develop links between sport and economic players (Box 2).

Since the beginning, ANS spent over 1.6 billion Euros to support sport, through more than 115,000 different actions. No less than 31,700 local associations have been helped, and around 5,000 jobs have been supported. ANS has been supported 2,150 top level athletes per year. Over the past five years, the approach was determined and structured (Box 2).¹³

After the Paris 2024 Olympic & Paralympic Games, at the instigation of the Minister for Sport, the Governance elected a new president in the person of Marie-Amélie Le Fur, who was a paralympic athlete and the last president of the French national Paralympic committee. In 2025, ANS was subjected to an external evaluation commissioned by the ministry in charge of sports (Mouvens, 2025¹⁴). Alongside separate evaluations linked more closely to the 2024 Olympic Games, this exercise encompassed the performance of investments in high performance and sport development, including financial measures as well as non-financial impacts such as customer (i.e., athletes, clubs, federations, members, State) satisfaction, long-term impact for sport development, facilities, legal form of this organisation (public interest group or public institution). The evaluation highlights that while the *Ambition Bleue* strategy gained strong support from federations and technical managers (with over 79% satisfaction), its appropriation by coaches and athletes remains uneven. Many athletes were unaware of the programs available, raising questions about whether deep knowledge of these tools is necessary if needs are met. Communication and visibility of support mechanisms need improvement.

The targeting approach for high-performance athletes is widely approved (90% of technical managers agree), but concerns persist about the clarity and flexibility of criteria, especially for emerging talents. Federations often view *Ambition Bleue* as an

¹³ Fact and figures, see ANS (2024) – https://www.agencedusport.fr/presentation-de-lagence#Chiffres_cles.

¹⁴ www.sports.gouv.fr/sites/default/files/2025-05/1-valuation-de-la-strat-gie-ambition-bleue-de-l-agence-nationale-du-sport-46736.pdf.

additional toolbox rather than a long-term national framework, limiting structural transformation. Annual funding cycles and short-term priorities for Paris 2024 did not foster multi-year engagement.

Research and innovation projects, though promising, had limited short-term impact – only 9% were completed before Paris 2024 – suggesting benefits will materialise for Los Angeles 2028. Barriers include poor information flow, misalignment with athletes’ needs, and resource constraints.

Key limitations of the evaluation include data gaps, unclear indicator definitions, and coordination issues, which hindered full analysis. Recommendations stress:

- Strengthening communication and awareness among athletes and coaches.
- Clarifying access criteria and ensuring flexibility.
- Moving toward long-term funding and strategic planning.
- Improving governance and coordination between ANS and federations.
- Enhancing research project management and alignment with field needs.

Overall, *Ambition Bleue* is recognised as relevant and impactful but requires deeper integration, better visibility, and sustained commitment to achieve lasting transformation (Box 1). However, ANS will pursue and increase its priorities of developing high performance and accessible sport for all, in all regions. Among the avenues mentioned was the possibility of giving greater responsibility to the regions, while decentralising the management of subsidies more to the prefects for a more flexible allocation adapted to local needs. Actually, local organisations are not a full success. Evaluation must define if this system must be maintained. The Minister reassured that the agency would not be called into question. The ambition is that, by 2030, the Olympic and Paralympic Games – and sport as a philosophy – will have entered into the life of every French person.

Box 1: ANS: How many institutional (public & nonprofit) members?

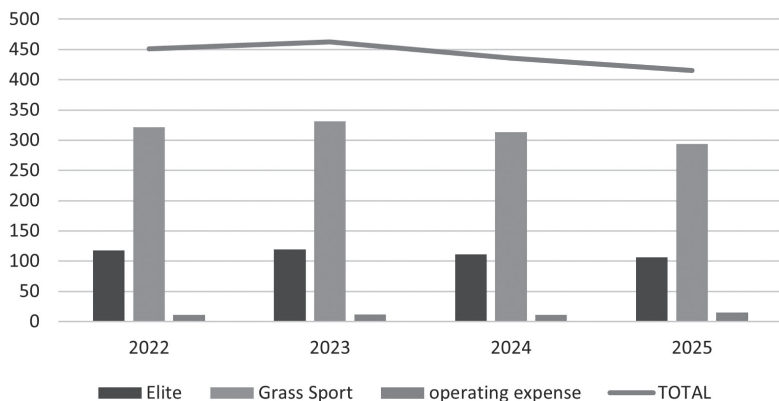
All the members of ANS, through their representatives, in the decisions of the General Assembly and the Board, are being assigned to one of the four colleges of the GIP:

- College of Government with Minister for Sport;
- College of representatives of the sports movement with the French national Olympic committee and the French national Paralympic committee;
- College of associations representing local and regional authorities with 4 associations representing Regions, Departments, cities and the last leading national association of major cities, metropolises, urban communities and conurbations;
- College of representatives of economic players with 5 associations as confederation of small and medium-sized enterprises, Social Council of the Sports Movement (COS-MOS), French Business Confederation (MEDEF), Union of local businesses (U2P) and UNION sport and cycle.

The ANS will enable a partnership model to be built between the State, the sports movement, local authorities and their groupings, and economic players, as part of a far-reaching change in the French sports model, while respecting the role of each party. This model is based on the willingness of the parties involved to create collegial consultation mechanisms at both national and regional levels through regional sport conferences, and for

decision-making through funding conferences, making public sports policies clearer and their funding more consistent to improve sporting performance.

- What Money goes to Elite and to Mass Sports?



Source: ANS

Box 2: ANS: Who pays into the budget?

The State is paying for the complete budget through 2 major contributions:

- Contribution from the sale of the rights to broadcast sporting events and or competition to finance the grassroots sport and the training of top elite.
- Contribution from the sports lottery operator, determined by the finance law (not fully voted at this time for 2025).

The ANS is subject to economic and financial control by the Ministerial Budgetary and Accounting Controller of the Ministry for Sports.

According to the Cour of Audit (*Cour des Comptes*), ANS, whose resources come almost exclusively from the State in the form of budgetary allocations and earmarked taxes, has benefited since its creation from a very substantial increase in the resources allocated to it to reach 451 million Euros in 2022, well beyond the political objective of a budget of more than 400 million Euros asked by the sports movement and representatives of local authorities (*Cour des Comptes*, 2022).

This stated objective was achieved mainly through non-permanent public resources derived from measures taken as part of the recovery plan and the health crisis, and in the run-up to the Paris 2024 Games. ANS became *de facto* the only operator able to implement these measures.

On the resources of ANS and the State's budgetary effort, the *Cour des Comptes* issued 2 recommendations:

- Clarify the Agency's budget by distinguishing between permanent and non-permanent funding and expenditure. Adopt, as required by law, an indicative multi-year trajectory for the development of its resources.
- Make an inventory of all the budgetary appropriations earmarked for sport and ensure consistency between State subsidy schemes.

- Are there obliged shares for top level sports?

Each federation signs an objectives convention to develop grassroots sport and to spread top level sports. However, each federation decides to help few or more athletes through the program “aides personnalisées”.

- Does it depend from Mega Sports Events in one year?

The budget of ANS does not depend in whole from Mega Sports Events organized in France. Indeed, funding for elite sport is aimed at federations and athletes who are going to take part in European or international championships. Los Angeles 2028 is not far from Paris 2024.

3.3 Interim conclusions: *lex Olympica* versus *lex publica*

Having examined the French case in depth, where does the French agency ANS stand on a scale between *lex Olympica* and *lex publica*? By drawing on the methodology proposed by James & Osborn (see supra, 1.2; James, 2024; James & Osborn, 2011, 2023, 2024), it is easy to recognise strong elements of *lex publica* supremacy over *lex Olympica*, in the sense that the public authorities of the French state (*État*) have reserved the right to determine the law as a last resort, even when its exercise has been delegated to private entities. Or at least this would have been the observation to be made, almost mechanically and by default, up until the roll-out of the ANS which, as we have seen, has actually increased the influence of private sports organisations. While these private organisations remain subject to accreditation by state authorities, suggesting that public authorities are ultimately in charge, it seems to be in the very nature of *lex Olympica*, as understood by James & Osborn, that is precisely by becoming integrated, embedded and indeed enmeshed within state structures that it can unfold its true potential.¹⁵ Understood in this sense, it is precisely by acting within the deliberately hybrid structures defined by the French legislator, operating under the auspices of the French executive and subject to review by the French judiciary that private entities – acting on behalf of the transnational sports ecosystem of which they are part – may be able to exert a maximum of agency. If we adopt this perspective, then far from being conceptually opposite and mutually excluding, *lex Olympica* and *lex publica* become two sides of the same coin, reinforcing each other more than controlling each other. Alternative interpretations might emphasise, instead, the potential of the state to use its agenda-setting power to impose its norms and/or that of the sports movement to

¹⁵ James Osborn (2011), p. 86: ‘The sources of Olympic Law are at present limited to the Olympic Charter and the municipal, regional and national legislation passed in order to facilitate the organisation of an edition of the Olympic Games. The impact of this unique legislation, however, is extremely far reaching and goes far beyond the multinationals at whom, ostensibly, much of it is aimed. The key to its success depends on who defines what a successful outcome is. LOCOG will want to ensure that its revenue streams and the value of the Olympic brand are adequately protected whilst local business and traders will be hoping to cash in on the huge number of people visiting the UK throughout the Games period. Despite concerns over its enforcement, what can be guaranteed is that the UK legislation will be used as a template for future mega-events; the Glasgow Commonwealth Games Act 2008 has received its Royal Assent and is already waiting in the wings.’

fructify its considerable cultural, economic and ultimately political capital within the very same hybrid, public-private structures, to further its own agenda. Either of these perspectives might be pursued further while, for the time being, we shall merely retain the observation that the ANS represent a model of public-private hybridity.

4. FINDINGS II: GERMANY

4.1 The current situation

Currently, Germany is financing elite sports based on an individual sports potential analysis for each Olympic cycle and individual discussions between each of the sport federations and politics. This is due to two main principles:

- The principle of autonomy of the non-for-profit sports movement, which exists on a worldwide level (with the Olympic Sports Confederation DOSB as umbrella).
- The principle of subsidiary and partnership with the state (responsibility for sport lies with a the department within the Federal Chancellery, headed by a Minister of State for Sport and Volunteering (Bundeskanzleramt)).

The German current financing model for sport is defined by divided competence and shared responsibility, with the federated states (*Länder*) being in charge of amateur sport, including talent-spotting and talent development leading to elite sport roles, as well for non-competitive, recreational sports ('sport for all'), while the federal government (*Bund*) leads, finances and manages top-level elite sports through the Federal Chancellery. This repartition of responsibilities is supposed to guarantee a balanced support for sport, not only nationally but also regionally, in accordance with the federal structure of Germany whose 16 states hold far-reaching powers to regulate and finance culture and sport within their respective geographical areas.

4.2 Historical development: the prevalence of private-law arrangements

In its current shape, the German non-profit sport movement is a mass movement counting more members than any other social movement in Germany. It is well documented, both in depth and in breadth, through empirical-representative analyses of sports (local) associations¹⁶ as well as of (umbrella) sports federations (see Karhausen & Winkler, 1985). Such studies have provided evidence of a broad support among the relevant actors for the fundamentals of non-profit organisation,¹⁷ while at the same time, the modern sports movement has experienced several extensions. For while these civil society actors are demonstrably quantitatively successful in their local

¹⁶ Between 2004 and 2022, Christoph Breuer and colleagues have established and edited regular 'sports development reports,' many of which were published by Bundesinstitut für Sportwissenschaft (BISp) in collaboration with Sportverlag Strauss, as well as numerous thematic reports on selected aspects limited to specific sports disciplines, geographical regions or topics. For the most recent national report, see Breuer & Feiler (2019).

¹⁷ Heinemann & Horch (1981), p. 124, define the following 'constitutive variables for sports associations': '(1) voluntary membership, (2) independence from the state, (3) geared towards the interests of their members, (4) democratic decisional structures, (5) involvement of volunteers' ((1) *Freiwillige Mitgliedschaft*, (2) *Unabhängigkeit vom Staat*, (3) *Orientierung an den Interessen der Mitglieder*, (4) *demokratische Entscheidungsstrukturen*, (5) *Ehrenamtliche Mitarbeit*) as well as the 'problems' connected herewith.

networking activities, most of these ‘associations’ (including federations, foundations as well as non-profit sports organisations not affiliated with the national umbrella organisation DOSB [*Deutscher Olympischer Sportbund*]) are incapable of meeting the infrastructural needs of grassroots as well as of elite sports. Due to the importance of the non-profit sports movement to democratic societies – through memberships, active sports participation, spectatorship, the purchase of sports goods as well as donations made to sports – the representative organs of the state are called upon to ensure optimal conditions, as confirmed by research into the social and health functions of the sports movement which were carried out as early in the 1980s. The offer of obligatory sports lessons within the school curriculum is within the remit of the 16 German states (*Länder*) are called upon, while sports clubs organised locally may receive discretionary support from local authorities (*Gemeinden, Kreise, Kreisfreie Städte*). This duality of clubs and local councils is deeply rooted in tradition, while the German Constitution (*Grundgesetz*) places the duties and rights to support sport primarily with the states, as a corollary of their so-called ‘cultural sovereignty’ (*Kulturhoheit*), a notion encompassing school sport, clubs as well as academic research into sport (*Sportwissenschaft*). In relation to top-level elite sports as well as the participation of German sports federations in international championships such as the Olympic and Paralympic Games, the federation (*Bund*), rather than the states, is the constitutionally empowered level of government (international representation of the country). Numerous publications address these vertical and constitutional-legal distinctions and delimitations, including their application to the Olympic and Paralympic Games as well as participation in competitions domestically and abroad.

Apart from this, the inclusion of the third, for-profit sport sector (*Sportwirtschaft*) into such academic research – alongside the established first and second sectors of non-profit sport (*gemeinnützige Sportbewegung*) and public sport administration (*Sportverwaltung*) – has proven fruitful. Because of the obvious interest of the population in sport, as well as for a number of other reasons, academic research into sport has reached a level of economic importance, scope and diversity, reflecting the fact that many citizens are somehow involved in sport without practising it actively. Against this background, an analytical ‘three-sectors sports model’ has emerged which is matched by the label ‘sports industry’ (*Sportbranche*) (Trosien, 1991, 1994, 2000).

Along the currently c. 100 federations affiliated with DOSB as their national umbrella, 33 federations participate in the Olympics (more or less regularly), with 6 federations representing winter sports and 27 representing summer sports, while an overwhelming majority of DOSB affiliates also participate in the World and European championships of their disciplines. For these reasons, the relevant sports organisations (at national level) already have established contacts and cooperation with the federal government (*Bundesregierung*) whose Federal Chancellery (*Bundeskanzleramt*) bundles public support for competitive sports at national level (and publishes a sports report every four years).

In the early years of this cooperation between elite sports – represented by the German Sports Confederation (DSB) and the National Olympic Committee (NOK) before their merger (2006) and the creation of today’s DOSB – and governmental funding agencies (at that time represented by the Ministry of the Interior (BMI)), criticisms voiced even within the DSB, whose President (1974–1986) Willy Weyer

(1917–1987) was quipped that ‘thanks to its financial dependency on the federal government,’ the DSB was ‘well on its way towards becoming some sort of BMI agency.’¹⁸ The reforms of that time led to the discontinuation of operating grants from BIM to DSB as well to the formulation of new principles for the cooperation, the necessity of which was nevertheless realised by all, of which the most important are autonomy, subsidiarity and partnership. The jump of transition towards the current situation and perceptions is closely linked to the competitiveness of the actors involved in elite sports (individuals as well as organisations), while the DSB/NOK merger and the DOSB foundation did not bring the desired improvements in terms of ‘output’ (mostly measured in the number of medals gained), as shown below (Figure 1).

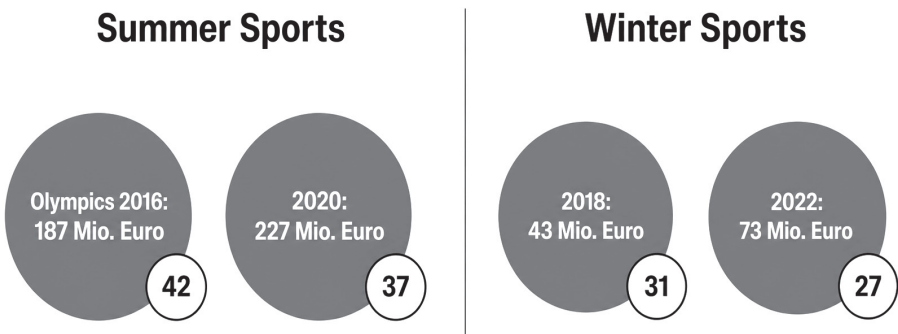


Figure 1 Germany: Investments made and medals gained

Graphics: Bundesrechnungshof (2023), p. 13; Sources: BMI (subsidies); Internationale Olympic Committee (medals)

If we concentrate on the three sports policy principles referred to earlier – autonomy, subsidiarity and partnership – we might add that numerous mixed systems exist through which elite sports participation may be improved. An early initiative was the creation of an autonomous German Sports Aid Foundation (*Stiftung Deutsche Sporthilfe*) which – without receiving any public funding – succeeded admirably in raising funds for individual elite athletes, while in cooperation with the state (*Länder*), a network of so-called Olympic Training Centres (*Olympiastützpunkte*) and national sport bases was established successively, offering improved training conditions for Olympians and national squad members. Equally important was the decision of the IOC, in the 1980s, to open the Olympics to professional athletes – in 1988, Steffi Graf became the first Golden Slam winner, winning the Olympian tennis gold medal in addition to the Australian Open, the French Open, and Wimbledon, while the German Football Association DFB (*Deutscher Fußball-Bund*) decide to renounce public funding. These polar opposite strategic decisions demonstrate the utterly different degrees of reliance upon, or autonomy from, public funding, depending on the economic model of each discipline, such support being essential in some sports but not in others.

¹⁸ Karhausen, Winkler (1985), p. 223: ‘[dass] der DSB durch seine finanzielle Abhängigkeit vom Bund auf dem besten Wege [ist], eine Art nachgeordneter Behörde des BMI zu werden.’

A closer look at the currently complex funding system, representing a grant total of c. €100m p.a., reveals striking imbalances, with the athletics federation DLV (*Deutscher Leichtathletikverband*) attracting more funding than any other umbrella organisation (€10m p.a.), arguably because it achieves numerous medals both in the male and in the female categories. The equally medal-prone cycling association federation BDR (*Bund Deutscher Radfahrer*), with highly satisfying results both on road and track in both categories, received €6m, and even the golf federation DGV (*Deutscher Golfverband*) received roughly €99,000 for its participation in the Olympics 2024 despite being composed exclusively of professional golfers. Among winter sports, the bob and luge federation BSD (*Bob- und Schlittenverband für Deutschland*) and the ski federation DSV (*Deutsche Skiverband*) attracted the highest subsidies, in 2023, at the height of €6.5m and €4.2m, respectively. Based on figures from the Federal Court of Audit (*Bundesrechnungshof*), the detailed breakdown (Figure 2) reveals that direct support for elite sports organisations represented ‘only’ one-third of the grand total €100m in 2023, half of which was attributed ‘independently of potential.’ The creation of an ‘independent’ German sports agency is supposed to streamline what is currently a highly complex and perhaps not always very efficient cooperation.

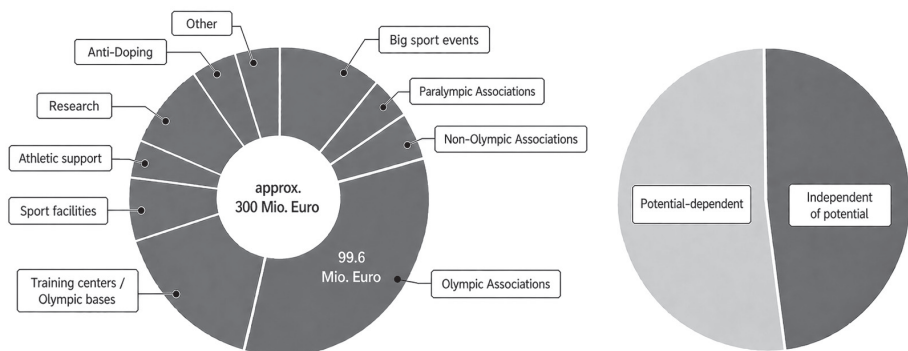


Figure 2 Germany: Distribution of federal subsidies in 2023

Source: Bundesrechnungshof (2023), p. 9

According to the latest figures, of the total €333 million available to the Federal Chancellery in the 2025 budget for the promotion of elite sport, €138.24 million was allocated to the promotion of these associations. The majority of the funds, €111.17 million, went to Olympic sports associations. Non-Olympic sports associations received €13.94 million, and disabled sports associations received €13.13 million (Bundeskanzleramt, 2025a, p. 32). However, the proportion of the above shown distribution remained more or less the same.

4.3 The roles of governmental actors in the current system

4.3.1 Role of the states (*Länder*)

Although the German Constitution (*Grundgesetz*) (GG) includes no specific provision for the responsibility of the *Länder* in the field of sport, this responsibility can be extrapolated from their generic ‘cultural sovereignty’ (*Kulturhoheit der Länder*), the core of which is the primary responsibility to regulate, organise and deliver public education, while important areas such as sport also fall under this notion. This ‘cultural sovereignty,’ in turn, is a direct result of the constitutional principles of ‘state sovereignty’ (*Grundsatz der Länderhoheit*) (Article 30 GG)¹⁹, ‘state legislative competence’ (*Gesetzgebungskompetenz der Länder*) (Article 70 GG)²⁰ and the power to regulate and organise schools (*Schulwesen*) (Article 7(1) GG).²¹ All of these constitutional principles amount to the recognition of states holding primary sovereignty in all areas for which the relevant competence has not, by constitutional provision, been conferred to the federal government (*Bund*), an arrangement strikingly similar to that of the European Union by virtue of its principles of ‘conferral’ (Article 5(2) TEU),²² ‘subsidiarity’ (Article 5(3) TEU)²³ and ‘proportionality’ (Article 5(4) TEU).²⁴ Whereas the states hold primary sovereignty for all matters not specifically attributed to the federal government, and although sport is not mentioned specifically in the Constitution, responsibility falls to the states by default since no explicit provision empowers the federal government. The competence of the states to legislate in the field of sport is particularly outspoken in the field of school sport, as education and training, including the organisation of schools, falls under their ‘cultural sovereignty’ referred to earlier, which in turn can be deducted from a combination of the above-mentioned explicit

¹⁹ Art. 30 GG: ‘The exercise of state powers and the performance of state duties shall be a matter for the *Länder*, unless otherwise provided for or permitted by this Constitution.’

²⁰ Art. 70 GG: ‘The *Länder* shall have the right to legislate insofar as this Constitution does not confer legislative powers on the Federation.’ (*Bund*)

²¹ Art. 7(1) GG: ‘The entire school system is under the supervision of the state.’ (here used in a generic sense, not as a reference to the *Länder*)

²² Article 5(2) TEU: ‘Under the principle of conferral, the Union shall act only within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein. Competences not conferred upon the Union in the Treaties remain with the Member States.’

²³ Article 5(3) TEU: ‘3. Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level. The institutions of the Union shall apply the principle of subsidiarity as laid down in the Protocol on the application of the principles of subsidiarity and proportionality. National Parliaments ensure compliance with the principle of subsidiarity in accordance with the procedure set out in that Protocol.’

²⁴ Article 5(4) TEU: ‘Under the principle of proportionality, the content and form of Union action shall not exceed what is necessary to achieve the objectives of the Treaties. The institutions of the Union shall apply the principle of proportionality as laid down in the Protocol on the application of the principles of subsidiarity and proportionality.’

constitutional provisions in conjunction while being, *strictu sensu*, a widely recognised albeit unwritten constitutional principle.

As the federal government holds no legislative competence for sport (despite the fact that some of its legislative competences may affect sport by way of horizontal application), it is the autonomous decision of the states how to organise, promote and support sport within their territories. This means essentially shaping recreational and competitive sports as well as school sport through state legislation and guidance notes, as well as through various forms of financial support, including the construction and maintenance of infrastructure and facilities, the financing of programmes and activities as well as through operating grants and other grants paid to sports clubs (*Trennung*) and sport federations (*Sportverbände*), all of which are organised under German association law (*Vereinsrecht*). School sport is organised and promoted through curricula as well as providing the resources (human resources, physical infrastructure, financing) needed for their implementation. All of these forms of sport practice are, therefore, regulated and financed by the states, even if the implementation may be in the hands of private organisations (clubs, federations).

4.3.2 Role of the federation (*Bund*)

Even in the absence of a primary federal competence to finance sport, as explained earlier, the federal government nevertheless has an important role to play, complementing the policy action of the states. The federal government supports competitive, top-level sport especially nationally (as opposed to locally and regionally) and internationally. Support is provided in particular through financial means provided to Olympic as well as non-Olympic top-tier federations (*Spitzenverbände*) as well as to federal training centres (*Bundesleistungszentren, Olympiastützpunkte*). As part of its role as the promoter of sport in the interest of the entire nation, the federal government provides support to national teams in connection with the Olympic and Paralympic Games, to German applications for the organisation of the Olympics and Paralympics as well as other high-level international sports competitions and events. By recruiting elite athletes into the armed forces (*Bundeswehr*), the federal police (*Bundespolizei*) and the federal customs service (*Zoll*), the federal government provides further layer of in-kind support to German elite sports. The combination of these various policies and instruments allows the federation (*Bund*) to contribute to the financing of competitive sports, to the development of talents and to the promotion of major sports events such as world championships in various disciplines, although this practice is neither regulated by any constitutional provision, nor by any act of parliament or secondary legislation.

4.3.3 Sports policy and sports programme cooperation

The states (*Länder*) coordinate their sports policies and sports programmes through the conference of sports ministers (*Sportministerkonferenz*) (SMK). Similar structures exist in the policy area of education, through the conference of ministers of education (*Kultusministerkonferenz*) (KMK), another area where the federation (*Bund*) has next to no competence and the states exercise what is identified, under the terms of the German Constitution, as state 'sovereignty' (*Hoheit*). Because of this general presumption, coordination between the states is needed in ways reminiscent of the workings

between the Member States of the European Union in such areas as, for example, data protection, so that the SMF framework serves to provide coherence between measures decided by the states individually. In addition to the SMK, the sports movement (consisting of bodies organised under private law) ensures coordination through umbrella organisations found at city level (*Stadtssportbünde*) and state level (*Landessportbünde*) who ensure, among other things, a coordinated representation of the interests of sports organisations vis-à-vis public authorities at the various geographical levels.

Within each sporting discipline, sports are organised through specific federations (*Sportfachverbände*) all of which are, in turn, organised within the German Olympic Sports Confederation (*Deutscher Olympischer Sportbund*) (DOSB), the functional equivalent of the CNOSF of France (see above). Besides representing Germany vis-à-vis the International Olympic Committee (IOC) and sending German national teams to the Olympic and Paralympic Games (*Team D*), the mission of the DOSB includes the coordination of the interests of the sports movement at all geographical levels, domestically as well as internationally.²⁵

4.3.4 Financing of elite-tier competitive sports

Although not grounded in any explicit legal provision, the above-mentioned Federal Chancellery now holds executive responsibility for sports policy at the national level and provides the lion's share of public funding to this branch of sport, at a rate of approximately 300 million Euros in 2023 (Bundesrechnungshof, 2023, p. 9). The aim of this *de facto* practice is to ensure the international competitiveness of German athletes and German teams and to ensure that they can compete under optimal conditions. The Federal Chancellery provides funds for top-tier discipline-specific umbrella organisations (*Spitzenfachverbände*), supporting national training centres, research projects as well as the organisation of international competitions on German soil. The DOSB implements this support together with the relevant sport federations in accordance with strategic objectives and priorities developed jointly with the Federal Chancellery as benchmarks against which the performance of each top-tier sports discipline is evaluated. As the aim of this practice is to let support be guided by the potential of each sporting discipline to achieve sporting successes in competitions, the relevant benchmarks are developed by expert committees, with appropriate differentiation to cater for differences between disciplines and sub-disciplines as part of what has become known as a 'potentiality analysis' (*Potenzanalyse*) (*ibid.*, p. 10). The ranking arising from this exercise serves as a basis for 'structuring negotiations' (*Strukturgespräche*) held between the Federal Chancellery and the DOSB, based upon which specific support proposals can be drawn up for each individual discipline, leading to the eventual funding decisions being enacted by the Federal Chancellery. This includes a concept for the 'restructuring of competitive sport and the promotion of elite sport' (BMI & DOSB, 2016, p. 11).

Funding is usually provided for an Olympic cycle on a one-year basis for the respective discipline and a four-year period for personnel. It is tied to rigorous reporting

²⁵ The German Paralympic Committee for Germany (DBS) is responsible for sending athletes to the Paralympic Games. The DBS is a member of the DOSB.

requirements so as to ensure that all funding received is spent strictly on activities approved for this purpose.

A special funding framework is constituted by the in-kind support provided within the 'sport support groups' (*Sportfördergruppen*) of the armed forces (*Bundeswehr*), the federal police (*Bundespolizei*) and the federal customs service (*Zoll*), through which deserving top-tier competitive athletes are offered non-sporting career perspectives which they can combine with their sporting careers. An internationally known case would be the speedskater Claudia Pechstein who is an officer of the federal police. Such athletes enjoy stable income and flexible working hours which have been coordinated in such a way as to match their training sessions and competitions. The Federal Chancellery provides additional support to other categories of top-level competitive athletes helping them to reconcile their sporting careers with work, academic study or vocational training, including through targeted programmes facilitating the transition into mainstream working life once their sporting careers have ended.

No federal programme provides support to individual athletes, although the privately funded German Sports Aid Foundation (*Deutsche Sporthilfe*) does provide scholarships and prizes connected with specific academic study or vocational training programmes. Such support usually comes with strings attached in the form of performance benchmarks to be met.

Federal support to top-level sports encompasses free access to professional training infrastructures and facilities, support, advice and treatment from medical professionals and sports scientists provided within the currently c. 13 'Olympic training centres' (*Olympiastützpunkte*) and 193 federal training bases (*Bundesstützpunkte*) found and operated across the German territory.

4.4 Critical perspectives

In the absence of an explicit legal base, the financing of elite sports takes place through a coordinated planning by the sport federations backed by conversations with formerly the BMI and now the Federal Chancellery. Yet in the absence of a coherent and recognisable allocation and distribution of funds to the various beneficiaries, which criteria are decisive for allocation decisions can be hard to gauge. As funding would often seem to follow popular and/or highly mediatised sports (e. g., football, athletics), other and less visible sports tend to feel at a disadvantage. When allocation is decided at short notice, this leads to uncertainties among (potential) beneficiaries. Some experts further think that funding programmes fail to be grounded in modern managerial and financial principles.

Sports organisations tend to find selection and attribution processes excessively bureaucratic and inefficient, believing instead that funds could be consumed more efficiently if bureaucracy were reduced, as they perceive reporting and documentation requirements as likely to consume too many resources within the beneficiary organisations.

Athletes are not involved in the process of funding allocation and their interests are hardly taken into account while no public funds are earmarked for them. This may be a particularly acute problem in less visible sporting disciplines where athletes often have to manage their careers while leading economically precarious lives.

In spite of a steady, incremental increase in federal funding allocated to top-tier elite sports, the trend in medals won by German athletes and teams in world championships as well as in the Olympic and Paralympic Games has been in constant decline, as shown by the auditors of the *Bundesrechnungshof* (2023), p. 13 (see Figure 1).

Against this backdrop, it seems hard to recognise any sustainable, coherent strategy aimed at supporting German sports systematically in the long term. While demands for a fairer, more transparent, efficient and flexible funding structure have been made for many years, any past reform efforts seem to have remained largely ineffectual.

In addition, the Federal Court of Auditors (*Bundesrechnungshof*) has questioned the current funding system including ‘selected aspects of the reform of elite sports funding’ (Bundesrechnungshof, 2023, p. 15). It has criticised the influence of the DOSB and the sport federations on the distribution of tax payers’ money – which, usually, strictly belongs to the parliament – harshly. In this point, the conflict between sports autonomy and public legal requirements becomes obvious.

4.5 The proposal for a sports promotion act (*Sportförderungsgesetz*) (Spofög)

The federal government had announced plans to reintroduce a revised version of the existing draft legislation on a Sports Promotion Act created by the former Scholz administration. It is committed to introducing a legally regulated system of sports promotion, while emphasising the need for a reorientation. The first step of the government was to appoint a Minister of State for Sport and Volunteering in the Federal Chancellery. Following lengthy negotiations and a revision of the original draft bill, the Federal Chancellery (under Minister of State Christiane Schenderlein) tabled the government bill. The Federal Cabinet formally adopted this bill on 25 March 2026, thereby concluding the government’s legislative process.

The aim of the proposed Sports Promotion Act (*Sportförderungsgesetz*) (Spofög) is to respond to the criticism summarised above, first by creating an explicit legal framework for the federal funding of top-level elite sports (for the first time ever) and, second, by introducing clear and predictable rules allowing beneficiaries to plan their budgets while ensuring a more evidence-based style of decision-making, both at the strategic and also at the operational level. To this end, the vision is for an independent elite sports funding agency to be set up as foundation organised under public law (*Stiftung öffentlichen Rechts*) financed by the Government. This construction would ensure a one-stop shop for all sports organisations as well as for athletes. Through a centralisation and simplification of the allocation of funding, the authors of the legislative proposal hoped to enable a fairer, more transparent and swifter allocation of funds as well as additional, novel forms of funding. Unlike the original draft, the bill does not provide for any legal entitlement to funding for sports federations or athletes. The law merely establishes a reliable legal framework to ensure that the allocation of funds is managed in future by the new agency, rather than directly through individual ministerial decisions.

The core of the proposed Spofög is constituted by the provisions for the creation of the independent elite sports agency to allocate funds, with elite sports promotion being more clearly aligned with international performance targets and structured in a more potential- and success-oriented manner. Whereas the initial legislative proposal foresaw a more balanced model of governance, the most recent proposal re-

leased by the Federal Government on 13 May 2026 (Bundeskanzleramt, 2025a, 2025b, 2026) foresees a much-reduced role for the sports movement in the relevant governing structures. Although the Parliament (*Bundestag*) may still decide otherwise, the current trend seems to go towards an increasingly State-centric model which would, at least, run counter to what has been the prevailing philosophy in West Germany (1949–1990) and in unified Germany (1990–). The DOSB has criticised the fact that the state is set to retain an absolute controlling majority via the new agency's board of trustees. Sport must not be reduced to merely following orders from politicians. He believes that the constitutionally protected autonomy of sport is undermined when political bodies make direct decisions on sporting criteria and the allocation of funds. He is calling for the full-time board of the new elite sports agency to be able to operate with complete independence and free from political micromanagement. In the current draft, the association sees a risk that ministerial directives will overshadow sporting expertise (DOSB, 2026).

More generally, attribution would be based on transparent and measurable criteria and indicators as opposed to current practices, especially regarding athletes with a potential to achieve sporting success internationally. Under the proposal, currently underrepresented sports and disciplines would cease to receive federal funding. In line with current practice, the future sports agency, too, would be expected to propose programmes aimed at supporting the transition of competitive athletes into mainstream careers after the end of their sporting careers, thereby offering them protection against socio-economic precarity. Therefore, the tasks of the sports agency are further the management and creation of transparency or the individual sporting promotion of particularly successful and promising top athletes.

The sports agency shall determine the maximum number of national squads and the cross-sport requirements for the squad criteria of the national sports federations. It shall be responsible for analysing the structures, successes and potential successes of the federal sports associations; concluding target agreements with the federal sports associations; reviewing the achievement of targets by the federal sports associations; ensuring transparency and providing information on funding decisions; and regularly evaluating the control and funding instruments, including proposals for their further development.

The funding is to be provided over several years, not just on a one-year basis with annual negotiations between the Federal Chancellery and the sports federation. For each discipline, its potential is assessed individually, as is the amount of funding it should receive based on the funding requirements submitted. Funding can, therefore, be approved on a discipline-specific basis. However, it can also be granted on an interdisciplinary basis in the form of a so-called association budget. Within the framework of the association's budget, the funding amounts determined for the individual disciplines are made available to the federal sports association as a total amount so that it has more flexibility in the use of funds.

To promote the federal squad athletes, a subsidy can be granted to secure their livelihood. The German Sports Aid Foundation passes on the subsidies provided by the Budget Committee of the German Federal Parliament and approved by the federal government to top athletes in accordance with the funding concept previously agreed with the Federal Chancellery (*Bundeskanzleramt*).

In addition to the above funding, a direct funding for particularly successful and promising top athletes with regard to their sporting and other needs shall also be possible under this regulation in future. That is something new and intended to supplement the existing funding system by creating a funding component for individual sporting and other needs that cannot be taken into account, or cannot be taken into account sufficiently, in the existing funding system. Innovative solutions that have not yet been used in the funding system or could not be provided by it are also to be taken into account here.

Further, construction projects at sports facilities, sports research institutions, sports competitions of national and international significance, or other measures to promote the reputation of German sport worldwide should be eligible for funding. It is intended to contribute to the development of environmentally friendly, ecologically sustainable structures alongside innovations, equal opportunities, diversity and inclusion to a higher degree than currently practised. The legislative proposal further aimed at reducing procedural requirements and bureaucracy in the funding application process.

Regarding the structure of the proposed sports agency, the hope of the sport was one of an equal partnership between sports organisations and public authorities, while the jointly staffed agency would be empowered to make decisions autonomously and based on reliable expertise. However, the current proposal foresees a foundation board (*Stiftungsrat*) equipped with the power to decide about the allocation of the funds supported by an advisory board (*Sportfachbeirat*) as the core organs of the independent sports agency. Within the foundation board, 3 members would be appointed from the Federal Chancellery or the ministries and two from the German Bundestag, 3 by the DOSB and 1 by the states (*Länder*). This would give the political representatives an absolute majority.

The Sports Advisory Board, which task is to advise the Foundation Board and the Executive Board on the planning and performance of their duties, would include 15 members, the majority of which from the DOSB, supplemented by representatives from other associations.

The draft bill has caused great consternation in the world of sport in Germany. It sees its influence on sporting matters as extremely limited and fears for its autonomy. The DOSB even speaks of the “nationalisation of sport”. In its view, the expertise on how competitive sport can be successful does not lie with the state, but with sport itself. It harshly criticises that the draft bill does not contain any reference to the ‘financial responsibility of the federal government’ and raises the question of why a key statement on planning security in elite sport, also with regard to the Olympic and Paralympic Games in Germany is missing. The DOSB also reacted with ‘surprise’ to the fact that the reference to ‘the autonomy of sport’ had been deleted.²⁶ Because the draft gives the federal government greater influence over the good governance of associations, the autonomy of associations is directly affected.

The approach of the German Government tries to answer the question how independent an agency can be which would receive all of its funding from the federal trea-

²⁶ <https://de.nachrichten.yahoo.com/sport%2fdosb-kritisiert-verstaatlichung-sports-114602547.html> (30/10/2025).

surey. This is in line with the requirements of the Federal Court of Auditors (*Bundesrechnungshof*) which would still be in charge of auditing its activities and, as mentioned above, is on record as regards the funding system, for having consistently criticised what it perceived to be an excessive influence of the DOSB on the use of public funds deriving from general taxation (Bundesrechnungshof, 2023, p. 15).

A still open question remains now whether and how the sport, led by the DOSB, will be in a position to contribute his sporting expertise to discussions with the government in order to ensure that the agency makes appropriate decisions. It will have to compensate for the representative minority with good arguments and clever solutions. In this power game, the final word does not seem to have been spoken yet.

However, another question which remains unanswered concerns the *raison d'être* of public funding for elite sport: more medals or perhaps the fostering of 'national or societal identity, inclusion, the facilitation of a culture of performance as well as fairness, a role model function as well as the promotion of healthy lifestyles'?²⁷

4.6 Interim conclusions: *lex Olympica* versus *lex publica*

Having examined the German case, and bearing in mind that a Sports Promotion Act is yet to be adopted, where does the proposed future German sport agency stand on a scale between *lex Olympica* and *lex publica*? By drawing on the methodology proposed by James & Osborn (supra, 1.2; James (2024); James, Osborn (2011); James, Osborn (2023); James, Osborn (2024)), it seems fair to observe a situation opposite to that found in the French case study so that, here, there would rather be a supremacy of *lex Olympica* over *lex publica*. Without reiterating the detailed reasoning developed at the end of the French case study (supra, 3.3), we could however turn the argument made their around and surmise that, precisely by integrating themselves within structures dogmatically imputable to the private sports sectors and formally controlled by them, the public authorities of Germany may have gained a golden opportunity to embed and enmesh themselves to expand the scope of *lex publica* and push back that of *lex Olympica*. As with the French case, this perspective as well as the opposite one (surmising a stronger influence of the sports movement) both have their merits and, as these are early days given that the German agency is still a theoretical possibility only, legal and economic analysts should tread carefully, while acknowledging that *lex Olympica* and *lex publica* may not actually be as mutually exclusive as they may seem *prima facie*.

5. IMPLICATIONS FOR THE (PERHAPS) FUTURE GERMAN SPORTS AGENCY

5.1 Preliminary remarks

At a first glance both agencies shall have the duty to trigger higher top sports rankings for the nations. A further aim is the transformation of the system to promote talented athletes and their sporting success through more efficiency. The question remains, however, whether the administrative structure, the roles and responsibilities of such agencies provide added value in relation to the core business of financing the sports

²⁷ Reinsch (2024), p. 115: „eine nationale oder gesellschaftliche Identität, Integration, die Vermittlung von Leistungsbereitschaft und Fairness, Vorbildwirkung mit dem Ziel Gesundheitsförderung“?

system. Value and valuation seem to be the most important targets for the development of the sport in the two countries. Next steps would be to review how other nation's structure and finance their top-level Olympic sports beyond the State or the national sport umbrella federations.

Owing to the constraints of the constitutional and legal framework, the Federal Chancellery is dutybound to concentrate on the promotion of the top-level sports via DOSB, as discussed (*supra*, 5.3), because its representation of all non-profit sports organisations, which represent the nation (Germany) – see also Frick, Wagner (1998); Büch (2000); Schellhaaß, Kummer (2007); Emrich, Pierdzioch, Flatau (2011). But also the international perspective (Franck, 1995) – with a focus on the IOC – shows the importance of the position of institutional economic approaches. As emphasised by Schellhaaß & Kummer, the IOC as the international umbrella Olympic institution (the rightsholder) and the national 'top-level sports federations have no own athletes employed for the Olympic Games, but use the members or employed top-level athletes found inside clubs.'²⁸ This is the most consequent rule in the non-profit sports philosophy, and points out further that the IOC doesn't pay even the successful Olympic victors, but the National Olympic Committees. These indirect payment rules are also used in Germany insofar that payment rules exist from the Sports Aid Foundation. We can see from the theoretical perspective that the Fundamental Principles of Olympism prefer the National Olympic Committees (that are their only member organisations) and not the active sports people. There is the same explanation on the national sports system in Germany: Not the Olympic federations pay their Olympic athletes except they have marketing revenues (on the contrary: from sports to sports there are different payment systems). Every sports federation is free in its payments, except the Sports Aid Foundation. Hence, indeed, the autonomy from state and rules is a challenging situation for many top-level athletes, even at Olympic and Paralympic level (where billion Euros are being spent in the 4-year-circles).

5.2 Hybridity and *lex Olympica*

This may be a new point of discussion when it comes to introducing a sports agency. The relations between non-profit sports organisations and national ministries show different rules and can reach from much regulation until voluntariness. In terms of theoretical developments, the particularities of the sports movement are based on the institutional economy (rules) of sports organisations, sports production and within society. These positions show the importance of the dominance of Olympic law and its execution in the single countries.

To return to the national situation: On the one hand, there are the advantages of self-organisation (and non-profit status), voluntary work and positive esteem in society; on the other hand, there are transaction costs that can make associational action inefficient – precisely because of voluntary work and other disadvantages that Heinemann describes as 'traditionalism', 'costs of decision-making' and 'self-destruction' (Heinemann, 1995). Further, the allocation of funds by the Federal Chancellery

²⁸ Schellhaaß & Kummer (2007), p. 201: 'Spitzensportverbände haben keine eigenen Athleten für die Olympischen Spiele angestellt, sondern greifen auf die Mitglieder oder angestellten Spitzensportler bei den Clubs zurück.'

has advantages, such as subsidiary action and utilisation of the DOSB (following the merging with the National Olympic Committee) in the sense of corporate structures. Nevertheless, there are also inefficiencies here, as public investments made (federal subsidies granted) for the Olympic Games of 2016, 2021 and 2024 have not triggered the expected results. Instead, the numbers of medals earned have been in steady decline with Germany going from occupying the fifth place over the ninth to the tenth (Fremerey, Iglesias, Schlößer, 2024, p. 2).

6. CONCLUSION

6.1 Interpretation

How to interpret this new development in Germany? Is it a state intervention, or is it a state encroachment? Is it a corporative cross-over? Or is it a transformation of a co-operation, which did not present sufficient results? What is learned from other countries, for example the French solution? While we know that state regulations are more often present in France than in Germany, how are we to interpret this new German legislative initiative? Until 23 October 2025, an earlier legislative file (Bundeskanzleramt, 2025a) seemed to be following a path which would preserve at least some of the established principles of public sport policy and the relationship between the sport movement and the State, as understood and as practised in West Germany (1949–1990) and in unified Germany (1990–) so far. However, as the amended draft (Bundeskanzleramt, 2026) appears to signal a more State-centric approach, there is a distinct possibility that Germany may be going into a new direction, possibly resembling France more than it has been doing until now. As the governing structures of the ANS actually seem to have given the sports movement more influence, as opposed to what used to characterise the French model in previous decades, this would be a rather ironic outcome – although, to be fair, much can still change if and when the German Parliament (*Bundestag*) decides to add significant amendments to the text.

What we can see is that there is enough money in the top-level sports system, but not in the sense of effective collection and distribution. Money from public and from economic partners on different levels is not used for the common goal: Improvements of looking for more gold medals in Olympic and Paralympic Games and World Championships. Hence, State money is given as subsidiary means to the DOSB, which is distributed. Moreover, we see the German Sports Aid Foundation (*Stiftung Deutsche Sporthilfe*), which collects own money and, with its own money, celebrates and finances successful top-level athletes individually. However, at the level of the national sports federations, which are the producers of top-level athletes, the money from private sponsors is used exclusively by them. Therefore, we shall not only discuss a horizontal relationship between DOSB and Federal Chancellery but will also take into account a vertical relationship – at least on the side of the non-for-profit sports federations. Our recommendation so far is to consider more research.

Although the material drawn upon in this article does not in itself support such assumptions, we assume that the German legislative proposal may be indicative for a broader trend in Europe: away from a ‘pure’ version of sporting autonomy towards a more mixed and potentially balanced arrangement, where governments expect more in return for their financial and moral support. Such expectations may not be limited to

sporting merit (e. g., Olympic medals) but might encompass good governance, equal opportunities, sustainable development and other non-sporting goals, as evidenced in recent legislative innovations in the French context. Although such findings cannot be extrapolated from the sources discussed in this article, we assume that many current discussions, in several European countries, would have been unthinkable 20 years ago, as they touch the core of a sporting autonomy which used to be treated as sacrosanct in Germany, the UK and Northern Europe, although not in France and the Mediterranean countries. While the pertinence of these policy models will not diminish, countries may adopt policy changes which effectively make them migrate from one ‘family’ of nations to another, which could indeed happen in Germany if the draft text (Bundestag, 2026) were to pass through the legislative process largely unaltered.

6.2 *Lex Olympica* versus *lex publica*

As we hope to have demonstrated to a sufficient degree of persuasiveness while the surrounding circumstances may vary greatly (constitutional, legal and institutional frameworks, cultural and historical factors, various financing models, path dependency), there is much that Germany can learn from the French experience of using a sports agency to steer the financing of sports, although – to be honest – as long as the objectives vary (in particular as long as Germany keeps its narrow focus on elite sports), the merits of a comparison are bound to remain more limited. What the comparison does demonstrate to the highest levels of persuasion, however, is that the creation and use of an agency reveals the tension between *lex Olympica* versus *lex publica* inherent in every such exercise. Speaking of the 2024 Paris Games, James remarked that numerous contentious issues manifesting themselves at every instance of the Games seemed to reiterate the relevance of *lex Olympica* and the more generic (less IOC-specific) *lex sportiva*.²⁹ It could be argued, however, that the same instances of contestation and negotiation revealed the pertinence of *lex publica* just as much. The issue of female religious headwear prescribed under Islamic law and proscribed under French law reveals as much about the Republic as it does about the IOC.

While the tension between *lex Olympica* and *lex publica* would appear, *prima facie*, to represent a binary choice between particularistic versus universal regimes of regulation, this is only partly true. For although the IOC and its stakeholders aim to uphold *lex Olympica* as an autonomous (and largely impermeable) legal order in its own right – not unlike what the European Court of Justice (ECJ) granted to the then-nascent legal order of the European Communities (today’s European Union) in 1963 (*Van Gend en Loos*),³⁰ thereby sheltering it from those of the Member States – it is

²⁹ James (2024), p. 81: ‘These and other incidents that occurred at the Opening Ceremony, gestures that were made at the end of events, the wearing of, and for French athletes the prohibition from wearing, hijabs, and the political nature of the behaviour of some of the supporters, continue to demonstrate the importance of *lex Olympica* and *lex sportiva* to the organisation and running of sports mega events.’

³⁰ ECJ, 5 February 1963. *NV Algemene Transport- en Expeditie Onderneming van Gend & Loos v Netherlands Inland Revenue Administration*. Reference for a preliminary ruling: *Tariefcommissie – Netherlands*. Case 26–62. ECR 1963 00003, ECLI:EU:C:1963:1, p. 12: ‘The conclusion to be drawn from this is that the Community constitutes a new legal order of international law for the benefit of which the states have limited their sovereign rights, albeit within limited

in the nature of *lex Olympica* to insert itself into *lex publica* and exert its effects within national legal orders, relying upon their legitimacy at least as much as upon its own. Thus, Jacques de Werra, in a study of the protection of Olympic rights, notes that ‘the implementation of the protection of the Olympic properties still frequently depends on general (i.e. not focused on the protection of the Olympic properties) global or local sources of protection’ (Werra, 2025, p. 49).

While Germany³¹ and France³² have both taken specific legislative steps to protect Olympic emblems, this is not the case in all jurisdictions worldwide, and the elasticity of the *lex Olympica* framework may actually be its strength in that, while maintaining clear objectives across jurisdictions, it leaves a margin for national authorities to meet them in accordance with their own legal traditions. Just like it relies on extant global frameworks, such as those of the Internet Corporation for Assigned Names and Numbers (ICANN) and the UN to protect its digital rights,³³ the Olympic movement also relies on national law, *mutatis mutandis*.

While Jan Zgliniski recently asked whether only EU competition law could save football from itself (Zgliniski, 2023), we too might ask whether the true added value of a German sports agency would rather relate to governance than to sporting merit in any technical sporting sense. Except that this was not the prime reason for proposing an agency which would still seem to be rooted, by and large, in *lex Olympica* more than in *lex publica*. Only time will tell, if and when the agency becomes reality – in which case we shall look forward to its fifth anniversary as an opportunity for an evaluation, in line with what has been provided for the French ANS (see ANS, 2024).

6.3 Policy implications in a European context

As stated earlier (supra, 6.1), France and Germany appear so different as to be almost perfect paradigms for comparison within a wider European context, with the French State-centric approach contrasting starkly with the heavy German reliance on autonomy and civil law. While most other European countries appear to be mixed forms of these two approaches (see Camy, et al., 2004, p. 57; Bayle, 2025, p. 121), what our

fields, and the subjects of which comprise not only Member States but also their nationals. Independently of the legislation of Member States, Community law therefore not only imposes obligations on individuals but is also intended to confer upon them rights which become part of their legal heritage. These rights arise not only where they are expressly granted by the Treaty, but also by reason of obligations which the Treaty imposes in a clearly defined way upon individuals as well as upon the Member States and upon the institutions of the Community.’ (emphasis added)

³¹ Gesetz zum Schutz des olympischen Emblems und der olympischen Bezeichnungen (Olymp-SchG) vom 31. März 2004 (BGBl. I S. 479), i.d.F.v. 10. Oktober 2013 (BGBl. I S. 3799).

³² Article L.141–5 du Code du Sport, Version en vigueur depuis le 04 mars 2022, Modifié par Loi n°2022-296 du 2 mars 2022, https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000043982791, art. 45.

³³ Werra (2025), p. 4: ‘On this basis, the effective protection of the Olympic properties in the digital environment with respect to their potential misuse in Internet domain names relies not only on specific global instruments explicitly aimed at protecting certain Olympic properties (such as the ICANN Regulation) but also on general protection mechanisms that are not specific to the protection of the Olympic properties (such as the UDRP) within which it can be imagined that the special status of the Olympic properties might be taken into account [...]’

case studies have (also) revealed (among many other insights) is that Germany may be moving towards a slightly more State-centric approach, as it already did in relation to anti-doping. In that particular field of regulation, the enactment of a particularly draconian national anti-doping act, in 2015, marked a paradigmatic shift with European implications.

Taking these reflections a bit further, we may wonder whether the organisation, promotion and financing of elite sports will sooner or later be confined to dedicated national sports agencies in most European countries or not, while a balanced assessment of the merits and drawbacks of such an approach would necessitate a detailed mapping of what arrangements actually are observable across Europe. Looking again at the two case studies explored in this article, it seems remarkable that the creation of a national sports agency in France did not weaken the influence of sports organisations and may even have strengthened it, while the question still remains open as to whether a future German national agency would give the State or the sports organisations the upper hand. At this stage, nothing is ‘carved in stone’ and much remains, quite literally, ‘up in the air.’ That the national agency of France is not confined narrowly to top-tier elite sports makes it stand out because it represents a more holistic approach than what appears to be currently ‘in the pipeline’ in Germany. All of these reflections and assumptions will, however, need to be revisited and reappreciated once the German situation has been clarified, at which stage an entirely new analysis might be warranted. Again, however, and as we have shown in this article, Germany may soon be moving into an entirely new direction – a development which would signal the need for new scholarship on the issues discussed in the present article. As such our present analysis represents a snapshot a crucial juncture of a process which may, in retrospect, turn out to have marked an epochal shift in public sports policy orientation.

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