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Sporting merit and federative autonomy

What the case of the Mexican promotion leaves for sports law

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IN BRIEF

Sports law was built on a historical commitment: the States recognize the federations a broad regulatory autonomy as long as the sports system preserves an unavailable nucleus, made up of sporting merit, equal access and the integrity of the competition. Autonomy finds its own justification in this nucleus.

Mexico has just subjected that premise to its most severe examination.

In July 2026, Liga MX issued its competition regulations for the 2026-2027 season. As publicly reported, the wording establishes that Liga MX clubs will not be relegated to the Expansion League and that the members of the latter will not be promoted to the highest circuit.

The significance of the change lies in its legal nature. The provision dispensed with any term of validity or suspensive nature: what since April 24, 2020 operated as an exceptional measure agreed by the Assembly of the Mexican Football Federation for "the next six seasons", was incorporated into the regulations as an ordinary and permanent regime.

A month later, five clubs went to the Court of Arbitration for Sport again. In parallel, during September 2026, the National Antimonopoly Commission made public that it has sufficient evidence to formally initiate an ex officio investigation into possible monopolistic practices in the professional football market in the country.

Three forums thus converge on the same point of friction: to define the real scope of federative autonomy when the disputed rule suppresses sporting merit.

The sports regulatory framework

Sporting merit is an express and binding mandate in federated law.

Article 11 of the FIFA Statute Implementing Regulations provides that a club's right to participate in a national championship must depend primarily on sporting merit, while empowering associations to set additional licensing conditions in technical, infrastructure, administrative, legal and financial fields.

This articulation defines the applicable standard: the law allows for additional requirements of solvency and infrastructure, but conditions its validity on sports performance remaining the primary criterion of access. A licensing system is harmonious with the international norm; one where the administrative evaluation cancels the result on the field directly violates the statute.

The function of the principle is strictly operational. It allows access to be based on objective and verifiable variables, prevents the members of the league from choosing their own competitors at will, and preserves the indispensable relationship between sporting result and the right of participation that distinguishes the regulated competition from a private event by invitation. Once this link is broken, competing ceases to be an earned right to become an optional concession subject to control of legality.

The scope of arbitration in CAS

The immediate procedural precedent is the award TAS 2025/A/11442, promoted by Atlético La Paz, Atlético Morelia, Cancun FC, Mineros de Zacatecas, Venados FC and Leones Negros de la U de G against the FMF, with an operative part issued on September 4, 2025 and a reasoned award notified on March 20, 2026.

The appellants asserted four grounds of disagreement: the exhaustion of the six-season term, the infringement of the sporting merit protected by FIFA, the undue concentration of decision-making power in First Division clubs under standards of economic competition, and the asymmetrical application of the rules on timeshares.

The panel addressed the controversy from the contractual hermeneutics. It resorted to articles 1852 and 1854 of the Federal Civil Code relating to the common intention of the parties and the systematic interpretation to delimit the scope of "the following six seasons" in the 2020 assembly agreement. The court concluded that the period ran from 2020-2021 to 2025-2026, based on the deliberations of the Assembly itself and the validity of the financial subsidy scheme agreed for that same period.

The CAS did not judge the intrinsic validity of suppressing sporting merit; it limited itself to computing the expiration of the temporary extension that the FMF had self-imposed, establishing that the 2025-2026 cycle constituted the last season under the transitional regime. Four months after the award was notified, the federation chose to eliminate the deadline.

This fact places the debate in a complex procedural terrain: the binding force of the arbitrator's considerations when the defendant wins the formal decision, but subsequently alters the factual assumption on which the ruling rested. Although the federation did not disobey a direct condemnation order, it substantially modified the premise that supported the dismissal of the claim.

Determining the boundary between formal *res judicata* and the effectiveness of the grounds constitutes the core of the arbitral litigation resumed in August 2026.

Market access and admissions faculties

Public debate tends to divert attention to the theoretical legitimacy of closed league models, when the central legal issue lies in the design of admission rules.

The FMF has argued that the promotion is not cancelled, but is subject to the clubs of the Expansion League solving the Charge Book through audits of infrastructure, patrimonial stability, basic forces, women's representative and facilities. These requirements are common in comparative law and find general support in the aforementioned article 11.

The legal contingency arises in the configuration of the barrier to entry. In accordance with the rules implemented, the reactivation of promotion was conditional on a minimum number of clubs obtaining certification simultaneously. Such a requirement hardly passes an examination of proportionality and reasonableness, as it makes the individual right of a participant depend on the compliance of third parties, without there being a functional connection linked to the viability or integrity of the tournament.

Likewise, the administration of the procedure falls to the Assembly, made up of the incumbent clubs themselves whose market share and revenue distribution would be reduced by the entry of new competitors. The coexistence of regulatory powers and direct economic interest in the same collegiate body generates a structural conflict.

In practical terms, by closing the path of sports promotion, the acquisition of an existing franchise subsists as the only mechanism of access to the professional circuit. In this way, the federative regulations assume the material effects of a restrictive clause on the control of the sector, consolidating the Assembly as the decision-making filter of any relevant transaction.

Balance Criteria

The balance between private sovereignty and sports management remained stable as long as the substantive bases of competition were not altered. The Mexican case poses an unprecedented situation as it directly affects the conditions of access to the market.

The FMF's position faces a rigorous evidentiary environment: the elimination of promotion was adopted for an indefinite period of time through an agreement between direct competitors, within an activity where the antitrust authority has already firmly resolved that the clubs have the nature of independent economic agents.

The outcome of this file will go beyond the local level.

As it is a precedent where a national federation formalizes in its regulatory body that the sporting result does not govern permanence or promotion, the final resolution will define the legal limits of sports self-regulation in the face of common law and economic competition.

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Public sources as of September 20, 2026: Article 11 of the FIFA Statute Implementing Regulations, TAS award 2025/A/11442, resolutions of the Mexican economic competition authority and stock market disclosures. Liga MX's competition regulations and certification system are not open access documents: they are collected as publicly reported, not as verified text in primary source. Club valuations circulating in the media are third-party estimates. The information contained in this Client Alert is general in nature and for informational purposes only. It does not constitute legal advice on any specific matter and should not be used as a substitute for consultation with qualified legal counsel. For specific matters, please contact our professionals.