SPORTS PROFESSIONS AND QUALIFICATIONS: A COMPARISON BETWEEN THE STATE LEGAL SYSTEM AND THE SPORTS SYSTEM

Giovanni Esposito
Pegaso University
giovanniesposito410@gmail.com

Double Blind Peer Review

Citation
Esposito, G. (2026). Sports professions and qualifications: A comparison between the state legal system and the sports system. *Italian Journal of Health Education, Sport and Inclusive Didactics, 10*(2).

Doi: https://doi.org/10.32043/gsd.v10i2.1997

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gsdjournal.it
ISSN: 3103-5744

ABSTRACT
The Italian sports reform, introduced by Law No. 86/2019 and Legislative Decree No. 36/2021, reshaped sports work and kinesiology professions. This study analyses the overlap between university degrees and SNaQ qualifications, showing regulatory fragmentation, uncertainty in professional roles and limits to EU mobility. It also considers the legal, social and economic implications of this framework and highlights the need for stronger coordination among institutions, universities and CONI.

KEYWORDS
Sports reform; kinesiology; professional qualifications; sports work.

Received 2026-05-22
Accepted 2026-06-22
Published 2026-10-30

1. Introduction

With Delegating Act No. 86 of 8 August 2019 and the subsequent implementing decrees, Italy launched a profound revision of the sports system and of the rules governing sports work, redefining the system of professional qualifications in kinesiology and sport (Gazzetta Ufficiale, 2019). With Legislative Decree (d.lgs.) No. 36/2021, the legislator introduced new professional profiles, namely the basic kinesiologist, the sport kinesiologist, and the kinesiologist for preventive and adapted physical activities, affecting relations between the university system, amateur sports associations and clubs, the National Sports Federations (FSN) and bodies of the Italian National Olympic Committee (CONI), as well as the pre-existing framework of the National Sports Qualifications System (SNaQ). These profiles, together with the already existing professions trained by CONI, the FSN, the Sports Promotion Bodies (EPS) and the Associated Disciplines (DA), are tasked with carrying out educational and technical-sport activities within associations and sports clubs, both in professional and amateur settings (Zambelli & Raimondo, 2022). Despite the European Union's efforts to promote the recognition and comparability of professional qualifications among Member States, in Italy some discrepancies persist that can hinder the free movement of sports workers. The Italian Government responded to the critical issues that emerged during the implementation of the reform, also during parliamentary hearings, by introducing corrective measures aimed at ensuring greater applicative stability of the new regulatory system. Initially, through Legislative Decree No. 163 of 5 October 2022, SNaQ sports qualifications were equated to academic qualifications. Subsequently, with the second corrective decree (d.lgs. correttivo bis) No. 120 of 29 August 2023, the differences between kinesiologists and the technicians of the various sports organisations were definitively set out. This latter decree confirmed the centrality of the

competences attributed to technicians trained within sports organisations recognised by CONI, limiting the operational scope of kinesiologists. This regulatory evolution appears to reflect CONI's historically central role within the Italian sports system and its influence on the development of sector policies and regulations (Spadafora, 2012). These provisions represent an important step towards clarifying professional roles and structuring more transparent training pathways, while still maintaining significant areas of overlap between the university training system and the sports system. These persistent overlaps negatively affect the definition and recognisability of competences in terms of functions and tasks, as well as professional mobility, especially in the European context, where the principle of mutual recognition of professional qualifications is one of the European Union's strategic objectives. In this scenario of partial regulatory incompleteness, also due to the absence of necessary implementing decrees (for example, the preliminary one required for the kinesiologist to be ratified as a regulated profession for free mobility in the EU), particular relevance is assumed by the intervention of the Italian National Institute of Statistics (ISTAT), which introduced a specific ATECO code 86.96.01 identifying the economic activities of kinesiology. This code falls within the Italian classification of economic activities (ATECO, ATtività ECOnomiche), which makes it possible to categorise professions and services also for statistical and fiscal purposes. The ATECO code has also been aligned with the corresponding European NACE 2.0 classification (Nomenclature statistique des activités économiques dans la Communauté européenne), adopted by the Statistical Office of the European Union (EUROSTAT), in order to ensure uniformity and comparability of data across Member States. This step, albeit of a statistical-economic nature, represents an important de facto form of institutional recognition, as it enables kinesiology to be positioned within the European production system, facilitating data comparability, public policy planning and

the readability of professional activities also at a transnational level. The European dimension is particularly relevant when considering the role of the European Qualifications Framework (EQF), a key instrument for the comparability of qualifications and professional competences across European Union Member States. The lack of full integration among these pathways makes mutual recognition of competences, again in terms of functions and tasks, more complex and limits the mobility of kinesiology workers in the European labour market.

The study's aim is to assess the effects of the reforms on the relationship between the university training system and the sports system, highlighting the legal, social and economic implications arising from the overlap between academic degrees and SNaQ qualifications. The study adopts a qualitative methodology of legal-normative analysis, based on the systematic examination of the main Italian legislative sources, the implementing and corrective decrees, and the European references relating to the recognition of professional qualifications and the mobility of workers. The analysis seeks to highlight the interpretative and applicative critical issues stemming from the coexistence of the university system and the sports system, assessing their legal, social and economic implications in the national and European context.

2. Reform of the Italian sports system: implications for sports workers

On 18 and 19 March 2021, the five implementing legislative decrees of the reform of the sports system, provided for by Delegating Act No. 86 of 8 August 2019, were published in the Gazzetta Ufficiale. With the amendments introduced by d.lgs. No. 36/2021, courses and physical activities offered by swimming pools, gyms and sports centres must be conducted under the

coordination of a qualified instructor, i.e., a person holding a diploma issued by the Higher Institute of Physical Education (ISEF) or a degree in Sport and Exercise Sciences, or equivalent qualifications obtained abroad and recognised by the Italian state (Gazzetta Ufficiale, 2021). In addition, the decree provides exemptions from the obligation to have a Sport and Exercise Sciences graduate or an ISEF diploma holder on staff for certain sports entities that carry out physical activities of a recreational nature not attributable to activities recognised by CONI, as well as for activities relating to disciplines linked to philosophical expressions of the individual that involve physical activity. However, it does not explicitly specify which sports disciplines fall within these categories. The decree does not provide for the establishment of a professional register requiring an enabling qualification for enrolment. In any event, the obligation to hold a degree in Sport and Exercise Sciences or an ISEF diploma applies only to activity coordinators. Subsequently, with d.lgs. No. 163 of 5 October 2022, amendments were made to Title V, Chapter III of d.lgs. No. 36/2021, concerning further provisions relating to graduates in sport sciences. It is provided that the instructor who coordinates courses of physical and sports activities must hold a professional qualification equivalent to that of a kinesiologist, and it is clarified that the kinesiologist and the instructor who coordinate courses of physical and sports activities do not carry out healthcare activities (Gazzetta Ufficiale, 2022). The reference to an "equivalent professional qualification" opens particularly complex interpretative scenarios, as it introduces a potential parallel between university qualifications and SNaQ qualifications that traditionally belong to different training systems. One of the main objectives of these amendments is to ensure greater protection for sports workers, addressing the critical issues that emerged during hearings of parliamentary committees and seeking to improve the reform without jeopardising its overall framework. At the end of May 2023, further corrections

were approved by the Council of Ministers and were published in the Gazzetta Ufficiale with the second corrective legislative decree (d.lgs. correttivo bis) No. 120 of 29 August 2023, definitively outlining the differences between kinesiologists and the technicians of the various sports organisations (Gazzetta Ufficiale, 2023). This latter decree ensured that technicians from consolidated sports institutions recognised by CONI retained control over sports activities, limiting the full recognition of kinesiologists within the traditional sports work system, with resulting critical issues concerning professional qualification, employability of sport sciences graduates and clarity of services offered to users.

3. Dualism between federation strength and conditioning coaches and sport kinesiologists in the Italian system

The introduction of the three kinesiologist professional profiles through d.lgs. No. 36/2021 has led to a redefinition of historically consolidated balances in the Italian sports system, characterised by the centrality of technical qualifications issued by CONI and the National Sports Federations. In particular, the role of the strength and conditioning coach and that of the sports instructor, traditionally trained through the SNaQ, now coexist with professionals holding university degrees recognised by the state. This coexistence has generated a professional dualism that chiefly affects the domain of physical preparation and the conduct of competitive sports activities. The SNaQ system, developed by CONI in accordance with the criteria of the European Qualifications Framework (EQF), is structured into four progressive levels of technical qualification aimed at training instructors, coaches and strength and conditioning coaches operating within the sports system. The first level concerns basic technical-operational competences; the

second qualifies for autonomous conduct of sports activity; the third is aimed at advanced preparation and high technical specialisation; and the fourth level is dedicated to the training of high-performance technicians and national trainers. These qualifications, while referenced to the EQF, retain a professional and not an academic nature, as they are obtained through federation pathways that are not university-based and that, to be fully incorporated into the EQF, should correspond to the same educational qualifications required across the eight EQF levels. The functional overlap between federation strength and conditioning coaches and sport kinesiologists has fuelled interpretative uncertainty and practical conflicts, especially in relation to competitive athletic preparation. Although the legislator has attributed to the sport kinesiologist competences in the design and technical direction of athletic preparation up to the highest competitive levels, the Italian sports system continues to privilege technicians trained within sports federations. This choice derives both from the historical autonomy of the sports system and from the need to preserve the pre-existing qualifications of federation technicians already operating in the sector. The result is a system characterised by competences that are formally distinct yet concretely overlapping, with inevitable repercussions on the sports labour market and on the clarity of professional roles (Esposito et al., 2024a). This dualism highlights the absence of an integrated model capable of coordinating university scientific competences and technical-federation experience, resulting in persistent uncertainty about the professional boundaries of the different roles operating in the sports sector.

4. The relationship between professional qualifications, the EQF and the sports labour market

The adoption of the European Qualifications Framework (EQF) as a reference parameter for classifying professional competences has represented an attempt to harmonise the academic system and the sports system, fostering qualification transparency and professional mobility within the European Union (Moustakas et al., 2022). However, in the Italian context this process has highlighted profound applicative criticalities, due to the coexistence of different training pathways and the lack of a clear hierarchy between university qualifications and federation technical-sport qualifications. The basic kinesiologist and the sport kinesiologist, holding university degrees issued by the state, acquire competences validated according to the European descriptors of higher education. EQF level 6 for the basic kinesiologist (bachelor's graduate) identifies autonomous professional capabilities in conducting and managing physical and sports activities, while EQF level 7 for the sport kinesiologist and the kinesiologist for preventive and adapted physical activities (master's graduates) certifies advanced competences in methodological design, training programming and the technical-scientific direction of athletic preparation (D'Isanto et al., 2022). By contrast, CONI's SNaQ pathways develop through a professional certification system oriented mainly to the operational needs of sports federations, with heterogeneous training standards strongly dependent on individual disciplines. The legislative attempt to assimilate SNaQ qualifications to university degrees, introduced by d.lgs. No. 163/2022, generated numerous interpretative criticalities, since equivalence between academic qualifications and professional qualifications cannot be achieved solely through a common reference to the EQF. Indeed, the EQF is a tool for comparing learning outcomes levels certified in educational

qualifications and not an automatic mechanism of legal or professional equivalence, making a more precise national regulatory coordination necessary for the recognition of professional competences. The subsequent correction made with d.lgs. No. 120/2023 therefore re-established the separation between sports worker and kinesiologist, preserving the central role of sports organisations recognised by CONI (Gazzetta Ufficiale, 2023).

However, significant employment-related criticalities remain. The sport kinesiologist, despite having a high academic qualification, encounters difficulties in entering the sports system, historically dominated by federation technical profiles (Esposito et al., 2024b). In parallel, technicians trained by CONI, while having practical experience and recognition within the sports system, do not always possess multidisciplinary scientific competences comparable to those acquired in university pathways. This duality of systems risks generating professional fragmentation, regulatory uncertainty and disorientation for users and sector operators, also hindering the full integration of the Italian system into the European sports labour market.

5. Regulated professions, recognition of qualifications and EU mobility: framework and implications for the Italian case

In European Union law, professional mobility is based on the system for recognition of qualifications governed by Directive 2005/36/EC (Official Journal of the European Union, 2005). In this framework, a regulated profession is understood as an activity whose access or exercise is subject, directly or indirectly, to the possession of specific professional qualifications laid down by national legislation (Gozzoli et al., 2023). It follows that the possibility of using a qualification in a Member State other than the one in which it was obtained

depends not only on the level of training, but above all on the existence, in the host State, of a legal constraint that conditions access to or the exercise of the profession (Gök et al., 2023).

At the operational level, the classification of a profession as regulated is made more transparent by administrative cooperation tools developed at European level. Among these, the European Commission's Regulated Professions Database is relevant, as it collects regulated professions in the various Member States together with the competent authorities, as well as the Internal Market Information System, to which digital procedures such as the European Professional Card are linked, applicable to a limited number of professions. These tools show that the central issue for free movement is not the mere comparability of training pathways, but the legal classification of the profession within the national system (Moreno-Llamas et al., 2022). In the Italian context, the distinction between tools that provide transparency of learning outcomes and the recognition of regulated professions emerges particularly clearly. Referring to systems such as the EQF and the SNaQ allows a more immediate reading of competence levels, but it does not automatically entail the classification of a profession as regulated within the meaning of Directive 2005/36/EC, which instead requires a national legal constraint on access to or the exercise of the profession. In this sense, some technical-sport qualifications are more readily connected to cross-border recognition mechanisms only when the internal legal order provides enabling requirements, a reserved scope of activities, or the identification of a competent authority (Houtmeyers et al., 2021). A significant documentary basis for verifying the classification of regulated professions in Italy is the list of regulated professions and competent authorities published by the Ministry of Enterprises and Made in Italy for the purposes of Directive 2005/36/EC. That list includes several professions in the

sports field, including sports agent, the four coaching categories, technical-sporting director, sports manager, fencing master, strength and conditioning coach, and match official. The same tool also makes it possible to associate with each profession the competent authority for recognition, highlighting a legal regime different from that of profiles such as the kinesiologist, which are not included among regulated professions. Consistently with this framework, CONI's institutional documentation on the recognition of foreign professional qualifications for regulated sports professions explicitly refers to Directive 2005/36/EC and its national transposition, linking individual sports profiles to the legal bases and references in the European database. It follows that, in the sports sector, some federation technical qualifications fit more clearly into the administrative circuit of professional recognition than the profiles more recently introduced by d.lgs. 36/2021.

As regards the kinesiologist profiles introduced by d.lgs. 36/2021, the absence of full regulatory implementation and, above all, the lack of typical elements of regulated professions, such as a reserved scope of activities, an enabling qualification, a register or roll, and a clearly identified competent authority, make it difficult to bring them within the model outlined by the European directive (Raiola et al., 2022). Consequently, statistical-economic classification or competence-level classification alone is not sufficient to determine legal-professional recognition in the European sense. From this perspective, comparability based on qualification levels does not coincide with legal recognition of the profession and, on its own, cannot resolve potential tensions between academic degrees and federation technical qualifications (Altavilla, 2023). Mobility within the Union instead depends on the perimeter of permitted activities and the legal requirements laid down in the host State, with the possibility that such requirements may enhance or limit the actual use of

qualifications obtained in Italy (Naumchuk et al., 2025; Ripa, 2015). Fragmentation among state legal sources, the sports system and European standards also contributes to an applicative framework that is not always uniform, affecting the clarity of the sports labour market (Esposito et al., 2024c). In this context, there is a need for greater institutional coordination to define more precisely requirements, competences and competent authorities, thereby strengthening transparency and the circulation of qualifications within the framework of Directive 2005/36/EC.

6. Conclusions

The reform introduced by d.lgs. No. 36/2021 significantly changed the Italian sports work system by recognising new professional profiles and redefining the relationship between the state legal system and the sports system. However, the subsequent regulatory evolution has highlighted the absence of a fully integrated model between university qualifications and federation technical-sport qualifications. The analysis shows that the coexistence of different training pathways has generated interpretative and applicative criticalities, affecting the definition of professional competences, access to the sports labour market and the mobility of professionals in the European context. In particular, the relationship between academic degrees and federation qualifications continues to represent one of the most problematic aspects of the current Italian sports system. The difficulties that emerged during the implementation of the reform highlight the need for a more coordinated regulatory intervention capable of clearly defining roles, competences and operational scopes of the different professional profiles. From this perspective, progressive alignment among the university system, the sports system and European standards appears essential to ensure greater regulatory certainty,

professional protection and transparency in the sector of physical and sports activities, while also supporting clearer professional pathways for graduates and sports technicians.

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