

On the Issue of Distinguishing Individual and Group Training Activities in the Context of the Spread of the New Coronavirus Infection COVID-19

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ABSTRACT

The subject of the article is the issue of distinguishing individual and group training activities, the importance of which has increased in the context of the spread of the new coronavirus infection COVID-19. The authors consider the existing legal regulation in the field of organizing and conducting training events, as well as issues that arise in practice. Proposals are put forward to eliminate the existing "gaps" in the legislation.

Keywords: sports law, legislation on physical culture and sports, training events, COVID-19

In connection with the spread of the new coronavirus infection COVID-19 (hereinafter — COVID-19), the executive authorities of the subjects of the Russian Federation adopted regulatory legal acts establishing a set of requirements against the spread of COVID-19 during sport events. For example, in St. Petersburg by the Decree of the Government of St. Petersburg of 13.03.2020 No. 121 "On measures to counteract the spread of a new coronavirus infection in St. Petersburg" (hereinafter referred to as the Decree of the Government of St. Petersburg No. 121) holding sport events with a participation of more than 75 people is prohibited by the general rule¹. Similar bans have been established in Leningrad and Novgorod regions, the Republic of Karelia² and in other regions of the Russian Federation.

However, some organizers of training events are trying to bypass these prohibitions by holding mass individual training events. There have been cases of individual training events involving hundreds of athletes, which do not contribute to the fight against COVID-19.

Let's consider the possibility of distinguishing individual and group training events.

There are no legal definitions of individual and group training events. The only legal act establishing the definitions of these terms is State Standard R 56644-2015 "Public Services. Fitness Services. General Requirements"³. According to the provisions of this act:

- group training is training conducted in a zone specially designated for group programs, in accordance with the training regime and group training program;
- individual training is training conducted in accordance with an individual methodology (plan) of classes and an individual system of preparation (training).

However, it seems that this act cannot regulate relations in the field of sports.

¹ On measures to counteract the spread of a new coronavirus infection (COVID-19) in St. Petersburg : Decree of the Government of St. Petersburg No. 121 dated March 13, 2020. ConsultantPlus [Electronic resource] URL: <http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=SPB&n=223690#023377044800001312> (date of access: 20.02.2021).

² On measures to prevent the spread of a new coronavirus infection (COVID-19) in the Leningrad Region and the Invalidation of Certain resolutions of the Government of the Leningrad Region : Decision of the Government of the Leningrad Region dated August 13, 2020 No. 573. Electronic Fund of Legal and Regulatory and Technical Documentation [Electronic resource] URL: <http://docs.cntd.ru/document/565516070> (date of appeal: 02/20/2021); On the introduction of a emergency regime: Decree of the Governor of the Novgorod region dated March 6, 2020 No. 97. Electronic Fund of Legal and regulatory and Technical documentation [Electronic resource] URL: <http://docs.cntd.ru/document/565046123> (date of access: 20.02.2021); On the introduction from March 12, 2020 in the territory of the Republic of Karelia of a emergency regime for the management bodies and forces of the territorial subsystem of the unified State system for the prevention and liquidation of emergency situations of the Republic of Karelia : Order of the Head of the Republic of Karelia dated March 12, 2020 No. 127-R. Electronic fund of legal and regulatory and technical documentation [Electronic resource] URL: <http://docs.cntd.ru/document/465423582> (date of access: 20.02.2021).

³ GOST R 56644-2015 Public Services. Fitness Services. General Requirements: Order of the Federal Agency for Technical Regulation and Metrology dated October 14, 2015 No. 1564-art. Electronic Fund of Legal, Regulatory and Technical Documentation [Electronic resource] URL: <https://beta.docs.cntd.ru/document/1200124945> (date of access: 20.02.2021).

The possibility of conducting individual and group training sessions is established by the requirements for ensuring the preparation of a sports reserve for sports national teams of the Russian Federation, however, there are no definitions of these events⁴.

At the same time, cases of mass individual training events and competitions in the form of individual training have become more frequent, since these events do not fall under restrictions aimed at fighting the spread of COVID-19⁵.

In our opinion, when evaluating these measures for compliance with the legislation, we should proceed from the following points:

1. The number of participants and coaches participating in the sport event. If a sport organization cannot ensure the availability of coaches in an amount sufficient to conduct a training event with each athlete separately, then this training is group training. Therefore, this event must meet the requirements set for the maximum number of participants in the event.

2. The content of individual training sessions. If the training programs compiled by the organizer of the training event contain the same tasks or tasks performed by the trainee at the same sports facility simultaneously with other persons, then these training events are group ones.

Holding mass individual training events that do not meet the above criteria and the Decree of the Government of St. Petersburg No. 121 is the basis for bringing the organizers of this event to administrative responsibility in accordance with the Administrative Code of the Russian Federation and the Law of St. Petersburg "On Administrative Offenses in St. Petersburg"⁶.

However, in the case of simultaneous holding of several individual training events, it seems that the requirements set for the maximum number of participants in the event are not applicable, except for the unlikely case of participation in this training event of more than 75 people in accordance with the Decree of the Government of St. Petersburg No. 121.

In addition, we note that there is no definition of a training event in the current legislation. Based on the systematic interpretation of Federal Law No. 329-FZ dated 04.12.2007 "On Physical Culture", training is a sport event that includes theoretical and organizational parts, in order to prepare for sports competitions with the participation of athletes and coaches⁷. As stated in the doctrine, the training process is preparation for sport competitions⁸.

Therefore, it is impossible to hold a sport competition in the form of a training event, since these are two different types of sport events⁹.

Based on the above, we propose to include in Article 2 of the Federal Law "On Physical Culture and Sports" paragraph 33 in the following wording: "Training is a sport event carried out by an athlete in order to prepare for sports competitions independently or under the guidance of a coach.

A group training event is a training event held with the participation of athletes in accordance with the group program of training events under the guidance of a coach.

An individual training event is a training event held with the participation of an athlete in accordance with an individual training program under the guidance of a coach."

However, it seems more likely that this regulation will be included in the by-laws of the executive bodies of state power of the Russian Federation (for example, the rules of the sport "Orienteering" approved by Order of the Ministry of Sports of the Russian Federation No. 403¹⁰ of May 3, 2017) or acts of sport federations. The inclusion of the proposed distinction will make it possible to bring persons to administrative responsibility in case of exceeding the maximum permissible number of participants in a sport event or to sports (corporate) responsibility in case of violation of measures to combat the spread of COVID-19¹¹.

Summarizing the above, we can say that the inclusion in regulatory legal acts of the definition of individual and group training activities is not only necessary in the context of fighting the spread of COVID-19, but also possible.

⁴ "On the approval of the requirements to ensure the preparation of a sports reserve for sports national teams of the Russian Federation": Order of the Ministry of Sports of the Russian Federation dated October 30, 2015 No. 999. Electronic Fund of Legal, Regulatory and Technical Documentation [Electronic resource] URL: <https://docs.cntd.ru/document/420316760?marker> (date of access: 20.02.2021).

⁵ Newsletter "42 Traditional Winter Competitions for the Prizes of the Newspaper Vsevolozhsk News" [Electronic resource] URL: http://o-site.spb.ru/_races/21020607VV/21020607_info1.pdf (date of access: 20.02.2021).

⁶ The Code of Administrative Offences of the Russian Federation. Article 6.3. December 30, 2001 ConsultantPlus [Electronic resource] URL: http://www.consultant.ru/document/cons_doc_LAW_34661/ (date of appeal: 05.04.2021); On Administrative Offenses in St. Petersburg: Law No. 273-70 of May 31, 2010, Art. 8-6-1. Electronic Fund of Legal, Regulatory and Technical Documentation [Electronic resource] URL: <http://docs.cntd.ru/document/891831166> (date of access: 05.04.2021); On Measures to Counteract the Spread of a New Coronavirus Infection (COVID-19) in St. Petersburg: Decree of the Government of St. Petersburg No. 121 dated March 13, 2020. ConsultantPlus [Electronic resource] URL: <http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=SPB&n=223690#023377044800001312> (date of access: 05.04.2021).

⁷ On Physical Culture and Sports in the Russian Federation: Federal Law. December 4, 2007 No. 329-FZ. Article 3. ConsultantPlus [Electronic resource] URL: http://www.consultant.ru/document/cons_doc_LAW_73038/ (date of access: 20.02.2021).

⁸ Alekseev S. V. Sports Law: Contractual Relations in Sport: Textbook for universities. Moscow: Yurayt, 2020. P. 50.

⁹ Zavgorodniy A. V. Features and problems of legal regulation of labor of athletes and coaches in the Russian Federation: monograph. Moscow: Prospect, 2019. P. 17.

¹⁰ On Approval of the Rules of Sport Orienteering: Order of the Ministry of Sports of Russia dated May 3, 2017 No. 403. ConsultantPlus [Electronic resource] URL: http://www.consultant.ru/document/cons_doc_LAW_222746/ (date of access: 05.04.2021).

¹¹ On administrative offenses in St. Petersburg: Law of St. Petersburg of May 31, 2010 No. 273-70. St. 8-6-1. Moscow: [Electronic resource] URL: <http://docs.cntd.ru/document/891831166> (date of access: 05.04.2021).

References

1. Alekseev, S. V. Sports Law: Contractual Relations in Sports : a Textbook for Universities [Sportivnoepravo: dogovornietnoshenia v sporte : uchebnoe posobie dlya vuzov]. Moscow : Yurayt, 2020. (in Rus)
2. Zavgorodny, A. V. Features and Problems of Legal Regulation of the Work of Athletes and Coaches in the Russian Federation : monograph [Osobennosti i problem pravovogo regulirovania truda sportsmenov i trenerov v Rossiiskoi Federacii]. Moscow : Prospect, 2019. (in Rus)