

# On the Issue of Holding an Official Sports Event in the Context of the Spread of a New Coronavirus Infection COVID-19

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## ABSTRACT

The subject of the article is the organization and conduct of official sports events in the context of the spread of the new coronavirus infection COVID-19 (hereinafter – COVID-19). The author examines the existing legal regulation in the field of epidemiological safety and the problems that arise during sports competitions, using the example of competitions in St. Petersburg.

**Keywords:** sports law, official sports events, epidemiological safety, COVID-19

Due to the spread of COVID-19, the federal executive authorities of the Russian Federation have adopted a number of regulatory legal acts that establish a set of requirements against the emergence and spread of the virus in the field of sports<sup>1</sup>.

In accordance with the requirements of the regulatory legal acts, the organizers of sports events are meant to provide:

- testing participants and event staff for COVID-19;
- conducting official ceremonies, press conferences, interviews, meetings with the media in compliance with the mask regime;
- conducting awards in compliance with social distance requirements;
- restriction of entry to the territory of the sports facility of people who are not spectators or not connected with the provision of competition and training processes;
- meeting other requirements established by these bylaws against the spread of the virus<sup>2</sup>.

In addition, the executive authorities of the subject of the Russian Federation establish requirements against the spread of coronavirus, including the field of sports. Let's examine these requirements with St. Petersburg as an example<sup>3</sup>.

In accordance with the Decree of the Government of St. Petersburg No. 121 of March 13, 2020 (hereinafter referred to as the Decree of the Government of St. Petersburg No. 121), conducting sports events according to a general rule is prohibited. However, the exception is holding competitions with the participation of more than 50 people, if the event is approved by the Committee for Physical Culture and Sports (hereinafter referred to as the Committee), unless otherwise provided by Federal

<sup>1</sup> SP 3.1.3597-20. Prevention of a new coronavirus infection (COVID-19): Resolution of the Chief State Sanitary Doctor of the Russian Federation No. 15 of May 22, 2020 [Online source] // Access from the SPS «Consultant Plus». URL: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_353494/](http://www.consultant.ru/document/cons_doc_LAW_353494/) (date of publication: 20.12.2020); Regulations on the organization and conduct of official physical culture and sports events activities on the territory of the Russian Federation in conditions of continuing risks of the spread of COVID-19: approved by the Ministry of Sports of the Russian Federation and the Chief State Sanitary Doctor of the Russian Federation on July 31, 2020 [Online source] // Access from the SPS «Consultant Plus». URL: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_359217/](http://www.consultant.ru/document/cons_doc_LAW_359217/) (date of access: 20.12.2020); MR 3.1/2.2.0170/3-20. About recommendations for the prevention of coronavirus infection (COVID-19) among employees: letter from the Federal Service for Supervision in the Field of Protection consumer Rights and Human Well-being of April 7, 2020 No. 02/6338-2020-15 [Online source] // Access from the SPS «Consultant Plus». URL: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_349881/](http://www.consultant.ru/document/cons_doc_LAW_349881/) (date of completion: 20.12.2020); MR 3.1/2.1.0193-20. Recommendations for the prevention of new coronavirus infection (COVID-19) in institutions engaged in the provision of temporary accommodation (hotels and other accommodation facilities): approved by the Chief State Sanitary Doctor of the Russian Federation on June 4, 2020 N 3.1/2.101-93-20 [Online source] // Access from the SPS «Consultant Plus». URL: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_354838/](http://www.consultant.ru/document/cons_doc_LAW_354838/) (date of access: 20.12.2020).

<sup>2</sup> Regulations on the organization and conduct of official physical culture and sports events on the territory of the Russian Federation in conditions of continuing risks of the spread of COVID-19: approved. The Ministry of Sports of the Russian Federation and the Chief State Sanitary Doctor of the Russian Federation of July 31, 2020. [Online source] // Access from the SPS «Consultant Plus». URL: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_359217/](http://www.consultant.ru/document/cons_doc_LAW_359217/) (date of access: 20.12.2020).

<sup>3</sup> On the Protection of the Population and territories from Natural and Man-made Emergencies: federal. Law No. 68-FZ of December 21, 1994 [Online source] // Access from the SPS «Consultant Plus». URL: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_5295/](http://www.consultant.ru/document/cons_doc_LAW_5295/) (date of appeal: 20.12.2020); On the protection of the population and Territories from Natural and Man-made Emergencies in St. Petersburg: law St. Petersburg from September 28, 2005 No 514-76 [Online source] // Access from the « Electronic Fund legal and regulatory and technical documentation». URL: <http://docs.cntd.ru/document/8419052> (date of application)-research Institute: 20.12.2020); On measures to counteract the spread of a new coronavirus in St. Petersburg infections (COVID-19): Resolution of the Government of St. Petersburg of March 13, 2020 No 121 [Online source] // Access from the SPS «Consultant Plus». URL: <http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=SPB&n=223690#023377044800001312> (date of access: 20.12.2020).

Service for Surveillance on Consumer Rights Protection and Human Wellbeing in the city of St. Petersburg for the admission of spectators to the sports event (hereinafter referred to as Rospotrebnadzor)<sup>4</sup>.

We will consider the requirements necessary for the approval of the competition. In accordance with the changes in the regulation of 04.12.2020 (entered into force on 05.12.2020) for the approval of the event, among other things, it is required to provide the approval of Rospotrebnadzor for the admission of spectators to the sports event<sup>5</sup>.

Since the absence of this document is considered a ground for the refusal to approve conduct of the competition, in fact, the key role in deciding on the possibility of holding the competition is taken by the Department of Rospotrebnadzor for the city of St. Petersburg. In addition, Rospotrebnadzor determines the maximum number of participants and spectators who can attend the event.

The change in regulation has led to some mishaps. For example, a few hours before the match of 05.12.2020, the Zenit volleyball club received a prohibition on holding a match with spectators present, despite the fact that the volleyball club agreed on 30% of the occupancy rate of the Sibur Arena with the Committee<sup>6</sup>. In terms of this prohibition, the question arises about the observance of the principle of maintaining confidence in the actions of the state. As the Constitutional Court of the Russian Federation pointed out, changes to previously established regulations that have an adverse effect on the legal status of individuals should be carried out in such a way that the principle of maintaining confidence in the law and the actions of the state is observed, which implies the preservation of reasonable stability of legal regulation and the inadmissibility of making arbitrary changes to the current system of norms<sup>7,8</sup>.

The effect of changes that complicate the coordination of the event and the access of the audience on the next day after the signing of the normative legal act does not seem to fully comply with this constitutional principle.

In addition, there are doubts about the effectiveness of the existing regulation. The number of spectators, for example, at the matches of FC Zenit, agreed-upon by Rospotrebnadzor, is significantly lower than the one agreed-upon before the changes in the regulation of 04.12.2020<sup>9</sup>. It is important to mention that the reasons and grounds for agreeing-upon the number of viewers are unclear. Here is the attendance to the matches of Zenit and SKA on 05.12.2020 presented for consideration:

- 05.12.2020, Zenit – Ural (1 184 spectators, 3% of the maximum capacity of the stadium)<sup>10</sup>;
- 07.12.2020, «SKA» – «Dynamo Riga» (4296 spectators, 35% of the capacity)<sup>11</sup>;
- 08.12.2020, Zenit – Borussia D (10,860 spectators, 16% of the capacity)<sup>12</sup>;
- 10.12.2020, «SKA» – «Avtomobilist» (3073 spectators, 25% of the capacity)<sup>13</sup>;
- 12.12.2020, Zenit – Dynamo (Moscow) (1909 spectators, 3% capacity)<sup>14</sup>;
- 16.12.2020, Zenit – Spartak (1993 spectators, 3% capacity)<sup>15</sup>.

As can be seen from the information provided, the number of spectators is not related to the size of the sports facility or its capacity. Author has not found a method for calculating the permissible number of participants to a sports event in the

<sup>4</sup> On measures to counteract the spread of a new coronavirus infection in St. Petersburg (COVID-19): Resolution of the Government of St. Petersburg of March 13, 2020 No 121 [Online source] // Access from the SPS «Consultant Plus». URL: <http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=SPB&n=223690#023377044800001312> (date of access: 20.12.2020).

<sup>5</sup> On signing of the Procedure of approval and conditions for holding sports events with a number of more than 50 people: Order of the Committee on Physical Culture and Sports of November 11, 2020 No. 592-p [Online source] // Access from the SPS «Consultant Plus». URL: <http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=SPB&n=233675&dst=100001#022119577204680785> (date of access: 20.12.2020).

<sup>6</sup> Volleyball «Zenit» was banned from holding a match against «Belogorya» with the audience [Online source] // «78». URL: [https://78.ru/news/2020-12-05/voleibolnomu\\_zenitu\\_zapretili\\_provesti\\_match\\_protiv\\_belogorya\\_so\\_zritelyami](https://78.ru/news/2020-12-05/voleibolnomu_zenitu_zapretili_provesti_match_protiv_belogorya_so_zritelyami) (date of access: 20.12.2020).

<sup>7</sup> In the case of checking the constitutionality of the provisions of Part one of Article 1 and Article 2 of the Federal Law «On Housing Subsidies to Citizens Leaving the Regions of the Far North and Equated to Them localities» in connection with the complaints of citizens A. S. Stakh and G. I. Khvalova: the decision of the Constitutional Court Of the Russian Federation from 24.05.2001 No 8-P [Online source] // Access from the SPS «Consultant Plus». URL: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_31809/](http://www.consultant.ru/document/cons_doc_LAW_31809/) (date of access: 20.12.2020).

<sup>8</sup> Arapov N. A. The principle of maintaining citizens' trust in the law and the actions of the state in the Russian constitutional law and justice: dis. ... PhD(Law). 12.00.02. St. Petersburg, 2015. p. 3.

<sup>9</sup> Review of the match «Zenit» – Spartak [Online source] // Sports.ru. URL: <https://www.sports.ru/football/match/spartak-vs-zenit/> (date of access: 20.12.2020); review of the match «Zenit» – Dortmund [Online source] // Sports.ru. URL: <https://www.sports.ru/football/match/borussia-vs-zenit/> (date of access: 20.12.2020); review of the match «Zenit» – «Krasnodar» [Online source] // Sports.ru. URL: <https://www.sports.ru/football/match/1444141/> (date of access: 20.12.2020).

<sup>10</sup> Schedule of matches «Zenit» [Online source] // Sports.ru. URL: <https://www.sports.ru/football/match/borussia-vs-zenit/> (date of access: 20.12.2020).

<sup>11</sup> Review of the match «SKA» – «Dynamo R» [Online source] // HC «SKA». URL: <https://www.ska.ru/news/view/ska-dynamo-righa-3-4-b/> (date of access: 20.12.2020).

<sup>12</sup> Review of the match «Zenit» – «Borussia D» [Online source] // Sports.ru. URL: <https://www.sports.ru/football/match/borussia-vs-zenit/> (date of access: 20.12.2020).

<sup>13</sup> Review of the match «SKA» – «Avtomobilist» [Online source] // Sport-Express. URL: <https://www.sport-express.ru/hockey/L/matchcenter/97882/protocol/> (date of access: 20.12.2020).

<sup>14</sup> Review of the match «Zenit» – «Dynamo» [Online source] // Sports.ru. URL: <https://www.sports.ru/football/match/dynamo-vs-zenit/> (date of access: 20.12.2020).

<sup>15</sup> Review of the match «Zenit» – «Spartak» [Online source] // Sports.ru. URL: <https://www.sports.ru/football/match/spartak-vs-zenit/> (date of access: 20.12.2020).

public access. It seems that the introduction of the methodology is necessary. In case of calculating the maximum number of spectators, it should be based on the maximum number of seats that can be occupied if social distance and other measures to prevent the spread of COVID-19 are observed.

In brief, it can be argued that the existing regulation has some drawbacks. Existing lack of clear methods which are used to make decisions on whether it is possible for spectators to attend official sports events and what is the permissible number arises questions. At the same time, it is possible to develop a methodology based on existing recommendations. In addition, there is a question of the actual limitations of the powers of the Committee for Physical Culture and Sports. It seems that the delegation of authority to coordinate the number of participants at a sports event exclusively to the Committee for Physical Culture and Sports is possible only with creating a methodology for calculating the maximum number of participants in a sports event. However, in general, the regulation meets the requirements established at the federal level and contributes to the fight against the spread of COVID-19.

## References

Arapov, N. A. The Principle of Maintaining the Trust of Citizens in the Law and the Actions of the State in the Russian Constitutional Law and Justice: Dis. ... PhD in Jurisprudence. 12.00.02 [Prinzip podderzhania doveria grazhdan k zakonu i deistviyam gosudarstva v rossiiskom konstituzionnom prave i pravosudii / N. A. Arapov. St. Petersburg, 2015. 27 p. (in Russian)]