



Experiments in sports regulation

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Abstract

Objective of the study was to develop a theoretical basis for a regulatory experiment theory in application to the sports sector.

Methods and structure of the study. We used, for the purposes of the study, a set of standard analytical and generalization methods as a basic toolkit; comparative analysis of some legal and regulatory frameworks; formal legal theory and practice studies (to process the relevant regulatory and empirical input data); and a synthesizing method to design our own sports sector governmental regulatory framework concept. We analyzed the sports sector governmental regulatory framework of the following 30 nations: Australia, Austria, Argentina, Belarus, Brazil, Vietnam, Germany, Greece, Denmark, Iceland, Spain, Italy, Kazakhstan, Canada, China, Netherlands, Norway, UAE, Poland, Portugal, Russia, USA, Ukraine, Uruguay, Finland, France, Switzerland, Sweden, South Korea and Japan.

Results and conclusion. It is only natural for a sports sector nowadays to demonstrate high commitment for research, ambitious experiments and competitions – that needs to be facilitated by a modern legal and regulatory framework highly sensitive to the dynamically changing conditions, environments and interests of the key actors. This is the reason why the sports sector should be advanced with contributions from the relevant efficient regulatory experiment technologies – all the more that the regulatory experiment history is several centuries old. Such regulatory experiments and technologies in the sports sector may be quite extensive and versatile to encourage new experimental sports centers and facilities development projects; regulate the experimental sports equipment piloting initiatives; test benefits of experimental sports sector financing and taxation codes; offer and test experimental sports sector specialist training services; implement anti-crisis management models in some sports disciplines, etc.

Keywords: *sports, governmental regulatory framework in sports sector, regulatory experiment, regulatory provisions.*

Background. Modern governmental regulatory framework, as far as its efficiency, effectiveness and relevance is concerned within the modern management model (progress paradigm) [1; 2; 4] is always limited by its administrative resource and potential growth options – both in Russia and abroad. When such limitations are faced, it is fairly common and relevant to make resort to a regulatory experiment (considered on a more detailed basis in our prior studies with concern to its role, mission and ontology). Such experiments [3, p.510] in the legal domain on the whole and lawmaking field in particular (including the sports laws) are given a growing priority nowadays by many world economies.

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rus, Brazil, Vietnam, Germany, Greece, Denmark, Iceland, Spain, Italy, Kazakhstan, Canada, China, Netherlands, Norway, UAE, Poland, Portugal, Russia, USA, Ukraine, Uruguay, Finland, France, Switzerland, Sweden, South Korea and Japan.

Results and discussion. Although regulatory experiments in the sports sector are still not common enough – apparently due to the sports sector specifics and limitation – there are still a few foreign sports sector regulatory experiences that deserve special attention and analysis – see an overview hereunder.

USA. The sports sector governmental regulatory framework includes Federal Act No. 93-107 of 14.09.1973 "Amendments to the Communications Act of 1934 on Some Professional Sports Club (PSC) Games Broadcasting Service" that states that the TV broadcasting contractual provisions prohibiting any other broadcasts from the match location should be considered null and void when all entrance tickets offered for sales for 120-plus hours before the match are sold out for 72-plus hours before the match. It should be mentioned that the prior governmental regulatory framework gave the professional sports teams the right to prohibit TV broadcasts of the sold-out matches [5, p.169].

The above Federal Act was effective for an experimental period of less than three years (till 31.12.1975) to give the lawmakers enough time to assess its actual benefits and drawbacks [6, p.37]. Federal Act No. 93-107 "Amendments to the Communications Act of 1934 on Some PSC Games Broadcasting Service" required that the relevant governmental agencies should analyze, on a permanent basis, actual pros and cons of the regulatory provisions thereof and report their findings on a yearly basis on or prior to April 15. Such reports were expected to provide detailed statistics and other relevant data, plus their regulatory system update recommendations for the professional football, basketball, baseball and ice hockey event broadcasting service to meet the lawful public interest. As reported by experts of the National Basketball Association, the above test period was too short to arrive at a well-grounded conclusion on the actual benefits of the Act for at least professional basketball [6, p. 37]. It should be mentioned that later on the effectiveness period of the Act was extended.

Germany (FRG). The national sports sector governmental regulatory framework at this juncture runs a regulatory experiment in the sports betting indus-

try. The regulatory experiment provisions were set in the FRG Lands' Contract of 15.12.2011 (updated in 2019) "On Gambling in Germany". As provided by the "Experimental sports betting provisions" paragraph 10a, '(1) To attain the objectives set out in §1, including those regulating the black market control activity ... §10 part 6 will be ineffective for the sports betting business till 30.06.2021. Should the State Contract be extended as provided by §35 part 2, this period will be extended till 30.06.2024. (2) Sports betting businesses in this period should be run only on a licensed basis (§§4a - 4e)'. Note that §10 part 6 of the Contract sets serious limitations for some gambling businesses/ classes and their management personnel. Thus §4a part 1 of the Contract clearly states that when §10 part 6 is ineffective for the sports betting business during the period specified by §10a, the gambling business may be run only on a licensed basis. As provided by §10 part 3, the above license makes its holder immune to the Internet sports betting business control limitations as provided by §4 part 4.

France. Of special interest in the valid national governmental regulatory framework is Decree No. 2018-460 of 08.06.2018 "On the Associations Development Foundation" Article 3. It vests the Foundation with the responsibility, inter alia, to channel national financial support for research projects and experiments of potential social benefits from the relevant social innovations. Listed among the eligible corporate beneficiaries thereof are the sports and physical education sector entities.

Conclusion. It is only natural for a sports sector nowadays to demonstrate a high commitment for research, ambitious experiments and competitions – that need to be facilitated by a modern legal and regulatory framework highly sensitive to the dynamically changing conditions, environments and interests of the key actors. This is the reason why the sports sector should be advanced with contributions from the relevant efficient regulatory experiment technologies – all the more that the regulatory experiment history is several centuries old. Such regulatory experiments and technologies in the sports sector may be quite extensive and versatile to encourage new experimental sports centers and facilities development projects; regulate the experimental sports equipment piloting initiatives; test benefits of experimental sports sector financing and taxation codes; offer and test experimental



sports sector specialist training services; implement anti-crisis management models in some sports disciplines, etc.

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