

**LO SPORT MONDIALE DI FRONTE ALLA SFIDA DEL COVID-19.
TRA SOSPENSIONE DELLE COMPETIZIONI, STABILITÀ DEI
CONTRATTI, DEFINITIVA EMERSIONE DEGLI E-SPORTS, IN
VISTA DI UNA DIFFICILE RIPARTENZA**

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ABSTRACT: We are handling a difficult time. In early 2020 the world is facing a global emergency due to a novel spread of Covid-19 virus. The WHO declared the 'Pandemic state' calling the governments to take urgent actions to mitigate the peak of infection. There is still an extreme uncertainty regarding the measures to be taken. In such scenario, the world of sport is required to tackle an unprecedented crisis. The first approach by the sport authorities around the world was different. However, the more the spread has increased the more the measures adopted in each country converged. No more sport until further notice, with the ensuing forced suspension (or even the cancellation) of all the events. This appeared the proper solution also considering the responsibility toward the public health and the safety of sports men and women. Such a decision puts a risk the stability of the sports contracts (e.g. labor, sponsorships, media rights agreements), being the entire system at stake. Many consider the pandemic as a force majeure operating as a justification, but invoking such a circumstance is not equivalent in all the jurisdictions. National courts have a deep understanding of this issue. Sports bodies are open to consider contractual parties relieved from their obligations following a force majeure case too, but they developed a narrow test in order to grant such as an excuse to the liability usually due to the non-performance of the contracts. Contrary to the above, there are also sectors that are thriving. The lack of live events led both the providers and consumers of sports events to eSports competitions, which are highly performing during this phase, in terms of audience and promotions, since they continue to stage, being possible to play the games also remotely. Despite the success, there are some concerns arising from the relation between traditional sports and eSports.

Keywords: *Covid-19 – Termination and suspension of sports events – Contractual stability – Force Majeure – Sports Justice – E-sports.*

Covid-19 – Cancellazione e sospensione di eventi sportivi – Stabilità contrattuale – Forza Maggiore – Giustizia Sportiva – eSports.

SOMMARIO: 1. Introduzione – 2. La reazione degli organizzatori sportivi – 3. La forza maggiore – 4. Il definitivo emergere degli eSports nella scena dell'intrattenimento sportivo – 5. Conclusioni

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