



STRENGTHENING MECHANISMS TO COMBAT VIOLENCE IN SPORT

Law no. 40/2023, of August 10

Law no. 40/2023 was published on August 10, 2023 with the aim to strengthen the mechanisms for combating violence in sport. It is the fifth amendment to Law no. 39/2009, of July 30, which establishes the legal framework for security and combating racism, xenophobia, and intolerance in sporting events.

The approval of this law is intended to strengthen the multi-institutional coordination mechanisms that allow sports venues to be seen as safe places, guaranteeing the right to a sport free of any violence or discrimination, both for

sports agents and spectators, in compliance with the Council of Europe Convention on an Integrated Approach to Safety, Security and Services at Football Matches and Other Sports Events, approved by Parliament Resolution 52/2018 of February 20.

New measures are therefore planned to respond to sports violence, **both preventatively and to combat violence that has already occurred.**

PREVENTIVE APPROACH

In terms of prevention, the following will be done:

- simplification of the documentary requirements with regard to safety regulations and the use of publicly accessible spaces for smaller sports facilities with a smaller capacity, maintaining the current requirements only for sports facilities with a larger capacity.
- creation and implementation of dematerialised procedures and the practice of the acts provided for in this Law, through the ePortugal portal.
- adjustment of the figure of security manager, with the introduction of mechanisms to help promoters appoint and train representatives responsible for ensuring the club's security matters during the sporting event.
- clarification of the mechanisms for sharing information between clubs, the Authority for Preventing and Combating Violence in Sport (APCVD) and the security forces regarding the registration of organized supporters' groups and their support, encouraging the effective registration of organized supporters' groups.

SANCTIONING REGIME

- extends the scope of the precautionary ban on sports venues, so that it applies to any venue and not just the venue associated with the sport in which the behaviour that led to the sanction took

place.

- creates the possibility for security forces to prevent the entry or stay of fans who are identified for acts of violence prior to the sporting event.
- establishes that it is a crime to support organized supporter groups that are not validly registered, as well as the situation of undeclared support for organized supporter groups.

SYSTEM OF ADMINISTRATIVE OFFENSES

- classification of offences related to the promotion, incitement or defence of violence, racism, xenophobia, intolerance or hatred.
- clarifies the misdemeanor liability of promoters for the behavior of fans and club representatives in the situation of visitors.
- expands the misdemeanor associated with promoters who do not provide the data from the video surveillance system in perfect conditions, in order to guarantee the efficiency and effectiveness of this mechanism to aid investigation.

FINAL NOTES

The changes introduced mean clarifying and simplifying the procedures and communication mechanisms between the competent entities, while also broadening the scope of the sanctioning regime, both in terms of criminal liability and misdemeanor liability, thus reinforcing the

sanctioning of behaviors subject to interdiction measures.

ENTRY INTO FORCE

This Law and the consequent republication of Law no. 39/2009, of July 30, comes into force on September 9, 2023.

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