



# REPUBLIC OF SAN MARINO

**We the Captains Regent  
of the Most Serene Republic of San Marino**

*Having regard to Article 4 of Constitutional Law no. 185/2005 and to Article 6 of Qualified Law no. 186/2005;*

*Hereby promulgate and order the publication of the following Ordinary Law, approved by the Great and General Council during its sitting of 26 April 2023:*

**LAW no. 80 of 9 May 2023**

## **ESPORTS LAW**

### **PART I**

#### **GENERAL PROVISIONS**

##### **Art. 1**

*(Subject and purposes)*

1. This Law, which is called “Esports Law”, shall be aimed at:
  - a) regulating, promoting and protecting Esports in all their forms;
  - b) recognising and regulating professions, economic activities and tournaments in the field of Esports in the Republic of San Marino.
2. With a view to achieving the purposes set out in paragraph 1, provisions shall be laid down in particular with a view to:
  - a) Identifying Esports Operators and defining their regulations;
  - b) Defining and regulating Esports Performance, Disciplines and Tournaments;
  - c) Establishing an Authority to control and promote Esports;
  - d) Defining the basic principles of a Code of Ethics for Esports Operators;
  - e) Promoting Esports and good play;
  - f) Preventing and combating pathological gaming.

##### **Art. 2**

*(General principles)*

1. Esports Activity shall be free, recognised and protected. It may be carried out individually or collectively, and in a professional, amateur or recreational form.
2. This Law shall recognise and establish the right of people to practise Esports in order to promote their aspects related to human, social, educational and cultural development and to regulate such activity to the extent necessary to make it:

- a) Suitable to improve the psycho-physical skills of Players;
  - b) A factor in the prevention and protection of public health;
  - c) A means of promoting the aggregation of individuals;
  - d) An area in which the fundamental rights and freedoms of individuals are always recognised and protected, even when they operate and interact by means of computer tools and networks;
  - e) An area where there is no discrimination or distinction based on gender, sexual orientation, personal, economic and social conditions, political orientation and religious belief.
3. The State shall promote good play and the conditions for enhancing the social function of Esports as a cultural and educational tool.

**Art. 3**  
*(Territorial and material scope)*

1. This Law shall apply to Esports Activities, Tournaments and the cases specifically provided for herein.
2. This Law shall apply to Esports Activities and Tournaments carried out:
- a) Entirely in the territory of the Republic of San Marino;
  - b) Partially in the territory of the Republic of San Marino when the services or activities expressly referred to in the relevant provisions of this Law are carried out in that territory.
3. This Law shall not apply to Sports activities and competitions, which shall remain subject to the relevant legislation in force.

**Art. 4**  
*(Definitions)*

1. For the purposes of this Law, the following definitions shall apply:
- a) "Sports" shall mean any form of psycho-physical activity aimed at obtaining results in professional, amateur or recreational competitions governed by institutionalised rules and involving organised participation, in which skills and, to a greater or lesser extent, as the case may be, endurance, ability, strength, or combinations thereof, are expressed;
  - b) "Esports" shall mean any form of psycho-physical activity aimed at obtaining results in professional, amateur or recreational Esports Tournaments in an Esports Discipline. These tournaments shall be governed by institutionalised rules and provide for organised participation in which skills and, to a greater or lesser extent, as the case may be, endurance, ability, strength, or combinations thereof, are expressed, using the computer tools specific to each Esports Discipline, possibly adapted to the specific needs of persons with disabilities;
  - c) "Esports Activity" shall mean the psycho-physical activity carried out in accordance with letter b) of this paragraph. The performance of an Esports Activity shall be the subject of an Esports Performance Contract governed by this Law;
  - d) "Esports Discipline" shall mean any Discipline expressly recognised by the Esports Commission, which shall draw up at least once a year the List of Esports Disciplines recognised by the Republic of San Marino. Disciplines not included in the above List shall not be considered Esports Disciplines for the purposes of this Law;
  - e) "Esports Tournament" shall mean any tournament taking place in an Esports Discipline;
  - f) "Online Tournament" shall mean a tournament which, in all its stages, is conducted exclusively by computer and in which Players participate from different locations;
  - g) "Offline Tournament" shall mean a tournament that takes place exclusively at one or more physical locations where an Esports Tournament takes place and in which all Players participate exclusively from those locations, albeit at different times;
  - h) "Mixed Tournament" shall mean a tournament that is partly online and partly offline;

- i) "Esports Performance" shall mean the performance by a Player in execution of a contract entered into with an Esports Team in relation to an Esports Activity;
- j) "Player" shall mean any natural person who participates in an Esports Activity, either individually or as part of an Esports Team;
- k) "Professional Player" shall mean a Player who performs an Esports Activity for consideration and on a continuous and predominant basis in relation to other jobs or professions and/or is considered as such on account of his/her clear reputation in the relevant Esports Discipline;
- l) "Amateur Player" shall mean a Player who performs an Esports Activity for consideration on a non-occasional basis, even if he/she is engaged in other jobs or professions;
- m) "Recreational Player" shall mean a Player who performs a non-occasional and non-remunerated Esports Activity;
- n) "National Player" shall mean a Player who performs a professional Esports Activity and who, in accordance with the provisions of this Law or of Laws no. 110 of 28 June 2010, no. 71 of 27 June 2013, no. 94 of 7 August 2017, no. 115 of 29 September 2017, no. 223 of 23 December 2020 and its subsequent amendments or of Delegated Decree no. 101 of 13 January 2019 and its subsequent amendments, is temporarily or permanently resident in the Republic of San Marino, as provided for in this Law;
- o) "Esports Team" shall mean a group of Players formed by an Esports Association, a Professional Esports Club or an Esports Business for the purpose of participating, individually or collectively, in Esports Tournaments, including those organised outside the Republic of San Marino;
- p) "Amateur Esports Association" shall mean a legal person, established in accordance with this Law, which creates and/or manages one or more Esports Teams, normally composed of amateur and/or recreational Players;
- q) "Professional Esports Club" shall mean a legal person, established in accordance with this Law, which creates and/or manages one or more Esports Teams, normally composed of professional and/or amateur and/or recreational Players;
- r) "Esports Business" shall mean a legal person that provides Esports products and services in accordance with this Law as a Broadcaster and/or Distributor and/or Owner or Manager of an Esports Room or Gaming House and/or Organiser and/or Developer, and/or creates and/or manages one or more Esports Teams consisting of professional and/or amateur and/or recreational Players;
- s) "Broadcaster" shall mean a legal person providing Esports Tournament broadcasting services;
- t) "Caster" shall mean a natural person providing commentary and analysis of Esports Tournaments;
- u) "Developer" shall mean a natural or legal person who develops software to be used as an Esports Discipline and/or Esports Tournament and/or Gaming House and/or Esports Room Management System;
- v) "Distributor" shall mean a legal person that provides the software distribution service referred to in letter u) of this paragraph;
- w) "Organiser" shall mean a natural or legal person who organises an Esports Tournament;
- x) "Esports Commission" shall mean the supervisory authority established by this Law for the purpose of controlling, supervising and promoting Esports;
- y) "Esports Operator" shall mean the persons referred to in letters j), k), l), m), n), o), p), q), r), s), t), u), v), w).

## **Art. 5**

### *(Rights and duties of Esports Operators)*

1. Esports Operators shall have the right to:
  - a) Exercise commercial freedom in the field of Esports, in accordance with the provisions of this Law;
  - b) Freely express their thoughts, paying particular attention to the legislative provisions protecting the honour and dignity of others.

2. Esports Operators shall have the duty to:
  - a) Always act with loyalty, fair play, good faith, impartiality, integrity and honesty;
  - b) Comply with the provisions of this Law.

**Art. 6**  
*(Code of Ethics of Esports)*

1. The Code of Ethics of Esports shall set out the guiding principles governing the conduct of Esports Operators, which shall always be inspired by loyalty, fair play, impartiality, integrity, honesty and the rejection of doping, cheating, match-fixing and any other unfair and illegal practices. The provisions of the Code of Ethics shall be intended to supplement and clarify the provisions of this Law.
2. The Code of Ethics shall be adopted by delegated decree on the proposal of the Esports Commission, which shall suggest the text drawn up in accordance with this Law. It shall be updated periodically in the same way.
3. Violations of the rules contained in the Code of Ethics may be reported to the Esports Commission by natural or legal persons in accordance with the procedure set out therein. However, the Esports Commission may act ex officio.
4. The Esports Commission shall be responsible for applying the sanctions provided for in the Code of Ethics.

**Art. 7**  
*(Esports, education and training)*

1. The State shall:
  - a) Promote school and lifelong education and training in the field of Esports, with a focus on good play;
  - b) Promote cooperation with the relevant institutions in order to increase the quality and quantity of Esports Activity;
  - c) Promote initiatives for the dissemination of Esports ethics and culture, in order to foster the cultural, civil and social growth of Esports Operators;
  - d) Promote initiatives for the psycho-physical wellbeing of Players in order to improve their motor and coordination skills and combat sedentary behaviour;
  - e) Promote training courses in the field of Esports;
  - f) Encourage and may sponsor the organisation and conduct of Esports events that comply with the principles set out in this Law.
2. Education and university institutions, as well as public and sports bodies, may sign specific memoranda of understanding with the Esports Commission on matters of mutual interest aimed at promoting and regulating specific joint competences and activities.

**PART II**  
**PERSONS COVERED**

**TITLE I**  
**PLAYERS**

**Art. 8**  
*(Players)*

1. Players shall participate in Esports Tournaments in accordance with the principles and provisions of this Law and the Code of Ethics.

2. The national Players selected for the national teams shall be required to respond to the convocations of the Esports Commission and to respect the role assigned to them.

**Art. 9**  
*(National Players Commission)*

1. Within the framework of the various Esports Disciplines, Players may establish a National Players' Commission in the framework of the Esports Commission, by laying down autonomous rules of operation based on guiding criteria approved by the Esports Commission, in order to make proposals and suggestions to the Esports Commission and to the National Esports Federations.

**Art. 10**  
*(Conduct of Players)*

1. All persons performing professional, amateur or recreational Esports shall comply with this Law, the Code of Ethics and all domestic and international rules governing Esports Activities.
2. Supervision and control over the organisational, disciplinary and administrative regularity of professional activities shall be exercised by the Esports Commission and Esports Federations.
3. Players shall undertake to:
  - a) Comply with the rules of each Esports Discipline;
  - b) Refrain from doping, cheating, match-fixing and any other unfair and/or illegal practices;
  - c) Behave with respect for other people and living creatures, and in particular refrain from offensive or defamatory acts and conduct and from discrimination based on gender, nationality, ethnicity, sexual orientation, race, political orientation and religious belief.

**Art. 11**  
*(Esports Performance relationship and establishment of the Esports Performance relationship)*

1. The Esports Performance relationship governed by this Law shall be established exclusively by concluding a Professional, Amateur or Recreational Esports Performance Contract between the Player and the Esports Team in accordance with this Law. This relationship shall not be an employment relationship under Title IV of Law no. 164/2022.
2. Players shall only be employed under an employment contract if a specific National Collective Bargaining Agreement provides for this possibility. The obligation of Players to comply with the Code of Ethics issued pursuant to this Law, international rules governing Esports and the obligations referred to in Article 10, paragraph 3 above shall in any case remain unaffected.
3. The establishment of the Esports Performance relationship shall be subject to the notification of the following information and documents by the Esports Team to the Labour and Active Policies Office and Vocational Training Centre (hereinafter referred to as ULPA-CFP):
  - a) Identifying data concerning the Player or more Players in the case of collective notification, as well as their email and telephone numbers;
  - b) A copy of each Player's identity document;
  - c) An indication of one or more of Esports Disciplines practised by each Player;
  - d) Usual place of performance;
  - e) Duration of the Contract;
  - f) Copy of the Esports Performance Contract registered with the Registry and Record Keeping Office.
4. The notification shall give rise to an Esports Performance relationship from the moment it is received by ULPA-CFP. ULPA-CFP shall verify, within ten working days of receipt of the notification, whether the requirements and conditions laid down in this Law for the regular establishment of the relationship have been met. At the end of this period, if ULPA-CFP has not notified its refusal, the

relationship shall be tacitly recognised as having been properly established. If the documentation needs to be supplemented or in the event of non-compliance, ULPA-CFP shall grant the Esports Team or the Player a period of five working days to regularise the notification, which may be extended for duly justified reasons. In the event that the regularisation does not take place within the time limit laid down or is not possible due to an irreconcilable conflict with the relevant legislation in force, ULPA-CFP shall promptly notify both the Esports Team and the Player of the immediate termination of the relationship.

5. If it becomes clear that the conditions required by the legislation are not met and, therefore, that there is an intention to rely on a performance for which it is not possible to establish a legitimate Esports Performance relationship, the sanctions provided for in Title IV of Decree Law no. 156 of 5 October 2011, on illegal employment shall be applied to the Esports Team and, if relevant, to the Player.

6. The tax, contribution and welfare treatment and the socio-health aspects relating to the Esports Performance relationship referred to in paragraph 1 shall be defined by delegated decree within six months of the entry into force of this Law.

## **Art. 12** *(Esports Performance Contract)*

1. The Esports Performance Contract shall be a typical contract governed exclusively by this Law in the form of:
  - a) A Professional Esports Performance Contract;
  - b) An Amateur Esports Performance Contract;
  - c) A Recreational Esports Performance Contract.
2. The Esports Performance Contract shall:
  - a) Be fixed-term;
  - b) Be allowed only for the performance of Esports Activities and ancillary services closely related thereto;
  - c) Be renewable, subject to notification to be sent to ULPA-CFP before the expiry date of the Contract;
  - d) Not be an employment contract, in accordance with the provisions of Title IV of Law no. 164/2022, without prejudice to the fact that the Player shall comply with the technical instructions and directions for achieving the competitive purposes of the Esports Team;
  - e) Be concluded in writing.
3. The Esports Team shall be required:
  - a) Not to entrust the Player with tasks and activities that are unrelated to the Esports Activity and, in any case, not conducive to the purpose of such Activity. Publicity, including through social networks, public appearances and sponsorship of any kind, as long as they are directly related to the Esports Activity carried out or to the image of the Esports Team, shall be allowed, in any case as long as such publicity does not prevail over the Esports Activity, under penalty of conversion of the Esports Performance Contract into an open-ended employment contract, with the application of the ordinary labour law legislation;
  - b) To ensure the presence of at least one person responsible for the definition and implementation of a training programme and for the technical and competitive management of Players, including their psycho-physical well-being;
  - c) To protect each Player against occupational injuries and illnesses arising from their Esports Activity.
4. The Esports Team shall be responsible for the safety and proper functioning of the technological tools provided to the Player for the performance of the Esports Activity under the Esports Performance Contract. If the equipment is provided by the Esports Team, the Player shall be obliged to use it and shall be responsible for its correct use and maintenance, except for normal wear and tear. Unless otherwise agreed in writing, the equipment shall be provided free of charge and the Player shall be obliged to return it at the request of the Esports Team or, in any case, immediately upon termination of

the Esports Performance Contract.

5. If the Esports Performance continues after the expiry of the term and ULPA-CFP is not notified of the renewal or extension of the Contract within said expiry date, the Contract shall be deemed to be governed by the applicable labour law from the first day after the expiry of the term.

### **Art. 13**

#### *(Professional Esports Performance Contract)*

1. In addition to the provisions of Article 12 (Esports Performance Contract), the contract with a Professional Player shall meet the following requirements:
  - a) Remuneration shall be commensurate with the full-time commitment envisaged in the professional Esports Performance Contract. It shall also be at least equal to the remuneration laid down in the collective agreement for the relevant sector. In the absence of a specific collective agreement, the remuneration shall be at least equal to the remuneration for equal or similar tasks and in any case not less than the average territorial remuneration, as governed by the legislation in force in relation to the divisor of the collective agreement for the service sector;
  - b) In the event of unsatisfactory performance or results on the part of the Player, the Esports Team may terminate the contract with a notice period of not less than fifteen days.

### **Art. 14**

#### *(Amateur Esports Performance Contract)*

1. In addition to the provisions of Article 12 (Esports Performance Contract), the contract with an Amateur Player shall meet the following requirements:
  - a) Remuneration shall be fair and proportionate to the part-time commitment envisaged in the amateur Esports Performance Contract. It shall also be at least equal to the remuneration laid down in the collective agreement for the relevant sector. In the absence of a specific collective agreement, the remuneration shall be at least equal to the remuneration for equal or similar tasks and in any case not less than the average territorial remuneration, as governed by the legislation in force in relation to the divisor of the collective agreement for the service sector;
  - b) In the event of unsatisfactory performance or results on the part of the Player, the Esports Team may terminate the contract with a notice period of not less than ten days.

### **Art. 15**

#### *(Recreational Esports Performance Contract)*

1. In addition to the provisions of Article 12 (Esports Performance Contract), the contract with a Recreational Player shall meet the following requirements:
  - a) Any gross annual remuneration shall not exceed EUR 5,000.00 (five thousand). If this amount is exceeded, the parties shall enter into a professional or amateur Esports Performance Contract;
  - b) In the event of unsatisfactory performance or results on the part of the Player, the Esports Team may terminate the contract with a notice period of not less than five days.

### **Art. 16**

#### *(Prizes for results achieved in Esports Tournaments and national and international competitions)*

1. The Player and the Esports Team that have entered into an Esports Performance Contract may stipulate in the Contract the amount of the winnings due to one or the other for the achievement of results in Esports Tournaments or in competitions of whatever name, even if they take place in foreign countries. Any subsequent agreements to the detriment of the Player shall be null and void and may

only be applied upon possible renewal of the Contract; any termination of the Contract for any reason whatsoever, followed by the conclusion of a new Contract within sixty days of termination, shall not affect the extent of the percentages set out below.

2. Where not otherwise expressly agreed:

- a) In individual tournaments, the Player shall be entitled to eighty percent of the winning, while the Esports Team to the remaining twenty percent;
- b) In team tournaments, eighty percent of the winning shall be shared equally among the Players actually involved in the Esports Performance within the team that received the winning, while the Esports Team shall be entitled to the remaining twenty percent;
- c) If a specific prize is awarded to the Esports Team as a whole, as in the case of the so-called manufacturers' championships, the Esports Team shall be entitled to eighty percent of the winning, while the remaining twenty percent shall be shared equally among the Players actually involved in the Esports Performance within the team that received the winning.

3. If it is expressly mentioned in the contract:

- a) Eighty percent referred to in letters a) and b) of paragraph 2 of this Article may be reduced up to thirty percent;
- b) Eighty percent referred to in letter c) of paragraph 2 of this Article may be increased up to ninety percent.

4. The allocation of non-divisible or not easily divisible prizes shall be specified in each Esports Performance Contract.

#### **Art. 17** *(Remote Esports Performance)*

1. All or part of the Esports Performance may be carried out remotely, by means of computer tools provided by the Esports Team or available to the Player.

2. The Esports Team shall be responsible for the safety and proper functioning of the technological tools provided to the Player for the performance of the Esports Activity. If the equipment is provided by the Esports Team, the Player shall be obliged to use it and shall be responsible for its correct use and maintenance, except for normal wear and tear. Unless otherwise agreed in writing, the equipment shall be provided free of charge and the Player shall be obliged to return it at the request of the Esports Team or, in any case, immediately upon termination of the Esports Performance Contract.

3. If the Esports Team chooses to use the equipment available to the Player it shall accept the associated risks without being able to impose control methods on such equipment, except for those inherent in the security and confidentiality checks of any databases used remotely. It shall be the Player's responsibility to maintain the technical conditions of the equipment in use on the basis of which the Player was authorised to use it.

4. In the event of technical difficulties that prevent the remote execution or continuation of the work activity, the Player shall be granted immediate access to the Esports Team's headquarters.

5. Remote Players shall be protected, in the same way and in the same manner as other Players, against occupational injuries and illnesses that may arise from the risks associated with their work activity at the workplace agreed and approved by the employer.

6. The remote Player shall also be protected against injuries occurring during the normal round trip from the place of residence to the place agreed and authorised by the Esports Team for the conduct of the Esports Performance outside the business premises.

#### **Art. 18** *(Underage Players)*

1. From the age of sixteen, with the consent of those exercising parental authority or guardians,



Players may engage in Esports Activities provided that their health, safety and morals are fully guaranteed and that this does not interfere with their education and training.

2. Pursuant to Article 21 of Law no. 164 of 9 December 2022, by delegated decree, the aforementioned threshold may be lowered to thirteen years of age, after consultation with the Esports Teams' and Players' organisations, if any, by providing for special precautions to ensure that the Esports Activity does not adversely affect the fulfilment of their school obligations and their education and training.

3. Esports Performance Contracts shall be signed by those exercising parental authority or by guardians.

4. In any event, underage Players shall not be permitted to participate in or practise any Esports Discipline which has a Pan European Game Information (PEGI) rating that is incompatible with their age.

### **Art. 19** *(Player Safety)*

1. The Esports Team shall be subject to the occupational health and safety obligations set forth in Law no. 31 of 18 February 1998 and subsequent amendments.

2. By delegated decree, on the proposal of the Esports Commission, bureaucratic simplification rules for Esports Teams may be issued, in compliance with high standards of protection of the safety and health of Players.

3. The worker shall be obliged to cooperate with the Esports Team in identifying and managing the risks associated with the performance of work at the workplace chosen and agreed with the employer, and in implementing the preventive measures envisaged.

## **TITLE II** **TEAMS AND ASSOCIATIONS**

### **Art. 20** *(Esports Teams)*

1. An Esports Team shall be established and managed by an amateur Esports Association, a professional Esports Club or Esports Business for the purpose of participating in Esports Tournaments or in one or more Esports Disciplines on an ongoing basis.

2. In order to carry out its activities of a technical, administrative and/or Esports nature, the Esports Team may rely on the work of employees or self-employed persons, in compliance with the labour legislation in force, as well as of Esports Players and Operators, as defined in this Law.

3. The Esports Team, primarily in the person of its Coach, shall provide the Players with technical instructions and directions aimed at achieving the Esports purposes.

4. The Esports Team may adopt a code of ethics and conduct binding on its Players and staff, which shall be based on the principles of honesty, loyalty, integrity, fair play, transparency and the rejection of cheating, doping and match-fixing practices.

5. An amateur Esports Association, professional Esports Club or Esports Business may transfer the management of an established or managed Esports Team to another entity, provided that the fulfilment of existing contractual obligations is guaranteed. The transferor and transferee shall be jointly and severally liable for all obligations to private and public entities, including the State, arising at the time of the transfer.

### **Art. 21** *(Amateur Esports Associations)*

1. Amateur Esports Associations shall be organised groups of a private nature:
  - a) Which do not pursue profit-making purposes;
  - b) Which are governed by articles of association drawn up in paper or electronic format, to be kept at the main office of the Association, also in electronic format with a qualified electronic time stamp (in the event of a discrepancy between the dates of the paper and electronic versions, the date of the electronic version shall prevail);
  - c) which someone can join and leave voluntarily;
  - d) whose offices shall be accessible by election in accordance with their articles of association and any relevant regulations if they are affiliated to an Esports Federation;
  - e) which have legal personality and are entered in the Register referred to in Article 23 (Register of Esports Associations, Clubs and Businesses);
  - f) which are required to comply with the rules governing associations in respect of bookkeeping, including the obligation to draw up the budget, keep a list of members and the minutes;
  - g) which may enter into Amateur or Recreational Esports Performance Contracts;
  - h) which may only enter into Professional Esports Performance Contracts subject to the positive opinion of the Esports Commission.
2. Esports Associations shall be required to make national players available to their respective Esports Federations or, in their absence, to the Esports Commission, to be part of the relevant teams.

**Art. 22**  
*(Professional Esports Clubs)*

1. Professional Esports Clubs:
  - a) Shall take part in any kind of Esports Tournament;
  - b) May enter into Professional and/or Amateur and/or Recreational Esports Performance Contracts;
  - c) Shall be incorporated in the form of a joint stock company or a limited liability company in accordance with Law no. 47 of 23 February 2006 and subsequent amendments;
  - d) Shall be entered in the Register of Esports Associations, Clubs and Businesses;
  - e) Shall establish or manage an Esports Team.
2. In the performance of their activities, they shall be obliged to apply the principle of Esports and economic solidarity in favour of amateur Esports, with a special focus on youth sectors.
3. The following regime shall be applied to professional Esports Clubs by way of derogation from Law no. 47 of 23 February 2006 and subsequent amendments:
  - a) Capital stock shall not be less than EUR 2,500.00 (two thousand five hundred/00);
  - b) Capital contributions shall be in cash, up to the minimum amount provided for by this Law and shall be paid into a credit institution of the Republic of San Marino within sixty days of the acquisition of the status of Esports Business;
  - c) Corporate units may be differentiated according to classes previously identified in the memorandum and articles of association. If several classes of units are created, the business may freely determine their content, but all units belonging to the same class shall confer equal rights.
4. The granting of the Esports Business status shall determine:
  - a) Exemption from payment of the licence fee;
  - b) Payment of the registration tax for all corporate documents at a fixed rate of EUR 70.00 (seventy/00).
5. For all matters not expressly provided for in this Law, the provisions of Law no. 47 of 23 February 2006 and subsequent amendments shall apply to professional Esports Clubs.

**Art. 23**  
*(Register of Esports Associations, Clubs and Businesses)*

1. The Register of Esports Associations, Clubs and Businesses shall be kept at the Esports Commission.

2. Entry in the Register of Esports Associations, Clubs and Businesses shall be mandatory in order to be subject to the provisions of this Law as an Esports Operator pursuant to this Law.
3. Registration shall be annual and shall be made by sending a Notification to the Esports Commission, drawn up and sent in accordance with the procedure established by a decision of the Esports Commission.

**Art. 24**  
*(Exemption for resident amateur Players)*

1. Remuneration up to EUR 5,000.00 (five thousand/00) per year paid by Esports Teams to temporarily or permanently resident Amateur Players, pursuant to the provisions of this Law or of Laws no. 110 of 28 June 2010, no. 71 of 27 June 2013, no. 94 of 7 August 2017, no. 115 of 29 September 2017, no. 223 of 23 December 2020 and subsequent amendments, or Delegated Decree no. 101 of 13 January 2019 and subsequent amendments, shall be exempt from the tax referred to in Law no. 166 of 16 December 2013 and subsequent amendments.
2. This benefit shall also include remuneration of up to EUR 5,000.00 (five thousand/00) per year paid by Esports Teams to temporarily or permanently resident Coaches and Trainers, pursuant to the provisions of this Law or of Laws no. 110 of 28 June 2010, no. 71 of 27 June 2013, no. 94 of 7 August 2017, no. 115 of 29 September 2017, no. 223 of 23 December 2020 and subsequent amendments, or Delegated Decree no. 101 of 13 January 2019 and subsequent amendments.
3. Remuneration exceeding EUR 5,000.00 (five thousand/00) and up to EUR 12,000.00 (twelve thousand/00) per year paid by Esports Teams to Amateur Players, Coaches and Trainers shall be subject to a rate of 1.5%.

TITLE III  
FEDERATIONS

**Art. 25**  
*(Nature and purpose of Esports Federations)*

1. National Esports Federations shall be non-profit making organisations which may acquire legal personality on their own initiative or on a proposal from the Esports Commission, in both cases by decision of the latter.
2. National Esports Federations:
  - a) Shall have technical, organisational and managerial autonomy;
  - b) Shall be subject to the supervision of the Esports Commission;
  - c) May promote, organise and coordinate, in cooperation with Esports Operators, national and international Esports activities and events that comply with this Law, other regulations, the principles of ethics, fair play, loyalty, honesty, transparency, integrity and good play;
  - d) Shall promote and organise initiatives and projects for the dissemination of Esports culture, the enhancement and development of related competitive activities, the fight against its pathological forms and against gambling;
  - e) Shall be responsible for organising and enhancing Esports in the relevant Esports Disciplines;
  - f) Shall contribute to the technical, psychological and physical preparation of Players within the framework of individual Esports Disciplines, while ensuring their health and safety;
  - g) Shall designate the Players of national Esports Teams for participation in international competitions;
  - h) Shall classify Coaches, trainers, doctors, officials, collaborators and all those involved in the federal Esports Activity;
  - i) Shall operate in accordance with the decisions and guidelines of the Esports Commission and any

international Federations, which they may join upon receiving a positive opinion from the Esports Commission.

**Art. 26**

*(Venues and genres of Esports Disciplines)*

1. National Esports Federations shall be based in the territory of the Republic of San Marino and shall consist of Esports Associations, Professional Esports Clubs, Esports Businesses and Players.
2. National Esports Federations shall be established in the framework of the genres of the video games on which each Esports Discipline is based; therefore, each National Esports Federation shall include one or more Esports Disciplines that belong to the same genre, even if based on different software.

**TITLE IV**

**ESPORTS BUSINESSES**

**SECTION I**

**Esports Businesses**

**Art. 27**

*(Esports Businesses)*

1. The aim of this Title IV (Esports Businesses) is to create the best conditions for the operation and management of the Business, in order to determine favourable conditions for the establishment and development of Esports Businesses. For all matters not expressly provided for in this Title, Title II (Teams and Associations) shall apply.
2. Esports Businesses:
  - a) May participate in any type of Esports Tournaments;
  - b) May conclude Professional, Amateur or Recreational Esports Performance Contracts;
  - c) May provide the services described in this Law.

**Art. 28**

*(Objective and subjective requirements for the classification of Esports Businesses)*

1. A business wishing to obtain the status of “Esports Business” and to be entered in the appropriate section of the Register of Esports Associations, Clubs and Businesses shall meet the following objective and subjective requirements:
  - a) To carry out its activity mainly in the field of Esports, in strict compliance with the provisions of this Law and with reference to the cases provided for herein. In particular, each Esports Business shall at least:
    - i. Have established or manage an Esports Team; and/or
    - ii. Perform at least one of the following functions set out in this Law: Broadcaster, Distributor, Owner or Manager of an Esports Room or Gaming House, Organiser, Developer;
  - b) Carry out its activity on an ongoing and not on an occasional basis;
  - c) Carry out its activity with at least one management and operational office located in the territory of the Republic of San Marino;
  - d) Be a company incorporated under San Marino law in the form of a limited liability company or a joint-stock company;
  - e) Expressly provide for the activity or activities referred to in letter a) of this paragraph in its corporate purpose.

## **Art. 29**

### *(Monitoring compliance with the requirements of Esports Businesses)*

1. The Esports Commission shall monitor compliance with the requirements for entry in the register referred to in Article 23 (Register of Esports Associations, Clubs and Businesses).
2. In the event of failure to meet even one of the requirements set out in Articles 27 (Esports Businesses) and 28 (Objective and subjective requirements for the classification of Esports Businesses), the Esports Commission shall grant the Esports Business a peremptory time-limit of thirty current days to meet the requirements. After the unsuccessful expiry of such time-limit, the Esports Commission shall decide on the loss of the status of Esports Business.
3. Within thirty current days of being notified of the loss of its status of Esports Business, the latter shall decide to enter into voluntary liquidation, unless it complies with the provisions of Law no. 47/2006 and subsequent amendments.
4. After the unsuccessful expiry of the thirty-day time-limit referred to in paragraph 3, the Office for Economic Activities shall report the Business to the Law Commissioner for the initiation of ex officio liquidation proceedings.

## **SECTION II**

### **Benefits for Esports Businesses and scheme applicable to their directors, employees and players**

## **Art. 30**

### *(Scheme applicable to Esports Businesses)*

1. The granting of the Esports Business status shall entail:
  - a) Exemption from payment of the licence fee;
  - b) Payment of the registration tax on all corporate documents at a fixed amount of EUR 70.00 (seventy/00).
2. For all aspects not expressly governed by this Law, the current legislation on limited liability companies or joint stock companies shall apply *mutatis mutandis*.

## **Art. 31**

### *(Employment contracts for employees of Esports Businesses)*

1. In order to support the start-up of Esports Businesses, the fixed-term employment contract for Esports Businesses shall be hereby established with the following characteristics:
  - a) A maximum duration of thirty-six months, including renewals;
  - b) It may be used by the business for a maximum of ten employees. The number of ten employees shall refer to the coexistence of staff employed with this type of contract.
2. When the fixed-term employment contract for employees of Esports Businesses has expired, the business shall have the right to continue its employment relationship with the employee having benefited from this type of contract for the maximum period allowed, by resorting to one of the employment contracts envisaged by San Marino legislation.
3. The general legislation on fixed-term employment shall apply to any aspects not regulated by this Article.

### **Art. 32**

*(Tax benefits for Players and employees of Esports Businesses)*

1. The State shall promote Esports activities also by granting tax benefits to Players and employees of Esports Businesses in accordance with the terms and conditions to be defined by delegated decree.

### **Art. 33**

*(Special stay permit for employees and Players of Esports Businesses and their family members)*

1. Article 17 of Delegated Decree no. 101 of 13 June 2019 shall apply to employees and Players of Esports Businesses.
2. Employees and Players applying for this special stay permit shall submit a written request to the Gendarmerie - Foreigners Office. They shall present their passport or an equivalent document deemed valid by the Gendarmerie and enclose the documents referred to in Article 17 of Delegated Decree no. 101 of 13 June 2019, with the exception of the employment contract referred to in Article 14 of said Delegated Decree, in lieu of which they shall submit the Esports Performance employment contract concluded with the Esports Business.  
The stay permit shall be issued by the Gendarmerie - Foreigners Office.
3. This special stay permit shall have a duration of one year and may be renewed annually. The holder of a special stay permit for employees and Players of Esports Businesses shall be allowed to enrol in study or vocational training courses.
4. The maximum number of special stay permits for employees and Players of Esports Businesses is fifty for 2023; for the following years, the maximum number shall be set in the context of the definition of the entry flows into the territory.
5. Article 19 of Delegated Decree no. 101 of 13 June 2019 shall apply to foreigners who hold a stay permit for employees or Players of Esports Businesses and who wish to apply for a special stay permit for their family members.

### **Art. 34**

*(Residence for directors and shareholders of Esports Businesses)*

1. Directors and shareholders who are employees of Esports Businesses may request residence for themselves and for their family members, as identified in Article 19 of Delegated Decree no. 101 of 13 January 2019, to the Permanent Parliamentary Commission for Foreign Affairs, Emigration and Immigration according to Law no. 118 of 28 June 2010 and subsequent amendments.

### **Art. 35**

*(Properties for Esports use – Gaming House)*

1. Esports Businesses may allocate a property for Esports use (Gaming House), where Players and, where appropriate, technical and/or administrative staff may be domiciled or reside, carry out training and perform Esports Activities.

## **TITLE V**

### **OTHER ESPORTS OPERATORS**

### **Art. 36**

*(Developers)*

1. If the requirements provided for in this Law are met, a legal person under San Marino law that develops software to be used as indicated hereunder may be entered in the Register of Esports Associations, Clubs and Businesses as an Esports Business and in compliance with the requirements set forth in this Law for such purpose:

- (i) Esports Discipline, or essential component for the operation of an Esports Discipline, and/or
- (ii) Management system of Esports Tournaments and/or Gaming House and/or Esports Rooms.

2. In addition to the provisions of Article 28, paragraph 1, letter c) of this Law, the main software development office referred to in paragraph 1 of this Article shall be located in the territory of the Republic of San Marino.

**Art. 37**  
*(Distributors)*

1. If the requirements provided for in this Law are met, a legal person under San Marino law that provides the distribution service for the software to be used as indicated hereunder may be entered in the Register of Esports Associations, Clubs and Businesses as an Esports Business and in compliance with the requirements set forth in this Law for such purpose:

- (i) Esports Discipline and/or
- (ii) Management system of Esports Tournaments and/or Gaming House and/or Esports Rooms.

2. In addition to the provisions of Article 28, paragraph 1, letter c) of this Law, the main office for the software distribution management referred to in paragraph 1 of this Article shall be located in the territory of the Republic of San Marino.

**Art. 38**  
*(Broadcaster)*

1. If the requirements provided for in this Law are met, a legal person under San Marino law that provides the broadcasting service for Esports Tournaments may be entered in the Register of Esports Associations, Clubs and Businesses as an Esports Business and in compliance with the requirements set forth in this Law for such purpose.

2. In addition to the provisions of Article 28, paragraph 1, letter c) of this Law, the main office for the management and broadcasting of Esports Tournaments shall be located in the territory of the Republic of San Marino.

**Art. 39**  
*(Caster management company)*

1. If the requirements provided for in this Law are met, a legal person that manages the commentary and analysis service for Esports Tournaments provided by Casters may be entered in the Register of Esports Associations, Clubs and Businesses as an Esports Business.

2. The provisions of Articles 12, 13, 14 and 15 of this Law relating to Esports Performance Contracts shall apply to Casters, insofar as they are applicable. Under penalty of nullity, the Contract concluded with each Caster shall:

- a) Make explicit reference to Article 12;
- b) Make explicit reference to the type of contract chosen from among Articles 13, 14 and 15, based on the relationship established with the Caster;
- c) Be referred to as “Caster Service Performance Contract in the field of Esports”.

**Art. 40**  
*(Organisers)*

1. An Esports Tournament shall only be organised by:
  - a) A natural person who is a San Marino citizen or resident in the Republic of San Marino;
  - b) A legal person incorporated under San Marino law or having a permanent establishment in the territory of the Republic of San Marino;
  - c) A foreign natural or legal person delegating a person referred to in letters a) or b) of this paragraph.
2. If the Esports Tournament involves the payment of entry or participation fees, even for mere viewing thereof, and/or the awarding of one or more prizes, the Tournament shall be organised exclusively by a San Marino economic operator or by a San Marino recognised association, including Esports Associations, Clubs and Businesses; these entities may also act as delegates of the persons referred to in letter c) of paragraph 1.
3. The Organiser and the delegate thereof shall be jointly and severally liable for any violations of this Law and the legislation in force committed in the context of an Esports Tournament.
4. An Esports Tournament may be organised by more than one of the persons referred to in paragraph 1 of this Article; such persons shall be jointly and severally liable for any obligation or tort resulting from their role as Organisers.

**Art. 41**  
*(Sponsorship)*

1. By means of a delegated decree, upon proposal of the Esports Commission, it shall be possible to issue provisions aimed at encouraging sponsorship of Esports Tournaments.

**Art. 42**  
*(Owners and operators of gaming and Esports rooms)*

1. If the requirements provided for in this Law are met, a legal person under San Marino law that operates a facility dedicated to the conduct of Esports Activities, including training and performance of Esports Activities for purely recreational and non-competitive purposes, may be entered in the Register of Esports Associations, Clubs and Businesses as an Esports Business.
2. Owners and operators of gaming and Esports rooms shall be prohibited from using, even in part, any type of system for gambling purposes, or not predominantly based on the skill of players and participants to achieve results.

**Art. 43**  
*(Officials)*

1. Officials may take part in the conduct of Esports Tournaments to ensure their regularity. They shall perform their duties in accordance with the principles of this Law and the Code of Ethics, in compliance with the principles of impartiality, objectivity and independence of judgement.



2. If the requirements provided for in this Law are met, a legal person that manages the refereeing and direction service for Esports Tournaments may be entered in the Register of Esports Associations, Clubs and Businesses as an Esports Business.

3. The provisions of Articles 12, 13, 14 and 15 of this Law relating to Esports Performance Contracts shall apply to Officials, insofar as they are applicable. Under penalty of nullity, the Contract concluded with each Official shall:

- a) Make explicit reference to Article 12;
- b) Make explicit reference to the type of contract chosen from among Articles 13, 14 and 15, based on the relationship established with the Official;
- c) Be referred to as “Officials Service Performance Contract in the field of Esports”.

## TITLE VI

### LETTER OF INVITATION AND STAY PERMIT FOR ESPORTS PURPOSES

#### **Art. 44**

*(Letter of invitation)*

1. The letter of invitation referred to in Article 5 of Delegated Decree no. 5 of 22 January 2016 may be requested by a citizen, resident foreigner and legal representative of an Esports Association, Professional Esports Club or Esports Business also for Esports purposes.

#### **Art. 45**

*(Special stay permit for Esports purposes)*

1. The special stay permit referred to in Article 9, letter b) of Law no. 118 of 28 June 2010 and subsequent amendments shall be issued to Players who carry out Esports Activities under a regular Professional or Amateur Esports Performance Contract with an Esports Association, Professional Esports Club or Esports Business, for a maximum duration of one year, with the possibility of renewal for the same period if the requirements for which it was issued continue to be met.

2. The requirements set out in Article 8, paragraph 1 of Delegated Decree no. 5 of 22 January 2016 shall be met for its issue, with the exception of a written request for the issue of a stay permit by the sports club of belonging, approved by the sports federation to which the club belongs, in lieu of which a written request for the issue of a stay permit by the Esports Association, Professional Esports Club or Esports Business to which Players will provide their services shall be submitted.

3. Without prejudice to bilateral conventions regulating this issue in a different way, foreigners holding special stay permits for Esports purposes shall not be entitled to receive health assistance free of charge, or economic or welfare assistance from the Social Security Institute and the State. Foreigners intending to apply for this kind of permit shall be required to stipulate an adequate insurance policy valid in the Republic of San Marino and covering sickness, accident and maternity, and to submit documents demonstrating that they have sufficient means of subsistence, as well as an adequate housing for the entire duration of their stay.

4. The holder of a special stay permit for Esports purposes shall be allowed to enrol in a study or vocational training course.

5. The maximum number of special stay permits for Esports purposes is fifty for 2023. For the following years, the maximum number shall be set in the context of the definition of the entry flows into the territory.

**PART III**  
**OBJECTIVE SCOPE**

**TITLE I**  
**ESPORTS DISCIPLINES AND TOURNAMENTS**

**CHAPTER I**  
**ESPORTS DISCIPLINES AND TOURNAMENTS**

**Art. 46**  
*(Esports Disciplines)*

1. The Esports Commission shall, within thirty days of its establishment, draw up a List of the Esports Disciplines recognised by the State, which shall be identified by reference to the name of the video game or software platform and of the entity marketing or making it available.
2. The List of Esports Disciplines shall be reviewed at least annually by the Esports Commission.
3. Esports Associations, Professional Esports Clubs and Esports Businesses may make recommendations to the Esports Commission so that it can consider the inclusion of additional video games or platforms in the List referred to in paragraph 1.

**Art. 47**  
*(Esports Tournaments)*

1. Esports Tournaments governed by this Law shall be conducted exclusively in one or more of the Esports Disciplines referred to in Article 46, paragraph 1 of this Law (Esports Disciplines).
2. Any use of video games and platforms not expressly included among the Esports Disciplines in an Esports Tournament, even if the Tournament also provides for the use of video games or platforms recognised as Esports Disciplines, shall entail the total inapplicability of the provisions of this Law with regard to the activities carried out on such video games and platforms that are not included among the Esports Disciplines, with the consequent applicability of the legislation in force concerning Games or other regulations that may be applicable.
3. Esports Tournaments:
  - a) Shall take place in whole or in part in the territory of the Republic of San Marino, as provided for in Articles 50 (Online Esports Tournaments), 51 (Offline Esports Tournaments) and 52 (Mixed Esports Tournaments) of this Law;
  - b) Shall only be organised by one or more Organisers in accordance with Article 40 (Organisers) of this Law;
  - c) Shall always be governed by Rules made available prior to the opening of entries for the Tournament, which shall contain at least the information referred to in Article 48 (Esports Tournament Rules);
  - d) Shall mandatorily include mechanisms for the selection of participants and winners based on objective, neutral, transparent and non-discriminatory criteria;
  - e) Shall ensure that the selection of winners is based solely on the Players' skill in the Esports Discipline in which they compete. If the Esports Discipline provides that, in addition to the actions of the other Players, there are interactions or decisions made automatically by the software used that may affect the outcome of the Tournament, the skill element shall nevertheless remain predominant, and equal treatment of all Players and the neutral and

- objective application of the rules shall in any case be ensured;
- f) Shall take place by adopting appropriate technical and organisational measures to ensure the proper functioning and security of the software, including the latter's protection against unlawful alteration or modification, in particular, but not limited to, protection against cheating;
  - g) May be open to underage Players, subject to the consent of those exercising parental authority over them or of their guardians. The age limit shall be set on the basis of the PEGI – Pan European Game Information rating and, in any case, in compliance with any mandatory regulations that may apply in the present case in relation to the use of video games and computer platforms by underage Players;
  - h) May involve the payment of an entry or participation fee and/or the awarding of one or more prizes, whether tangible or intangible, of whatever kind and value, to the winners, subject to the provisions of Chapter II (Prizes and verification of the regularity of Esports Tournaments subject to notification obligation) of this Title I (Esports Disciplines and Tournaments). If even one of the conditions referred to in this letter is met, Esports Tournaments shall only take place:
    - 1) Subject to prior notification to the Esports Commission, in accordance with Article 49 (Notification of the organisation of an Esports Tournament); and
    - 2) Subject to the payment of the Tax for the organisation of an Esports Tournament referred to in Article 54 (Tax on Esports Tournaments);
  - i) Shall be provided with a guarantee in favour of the Public Institution for Gaming Activities to ensure that the prizes are actually paid to the winners, which shall be valid until the prizes are delivered and equal to the value of the prize money, if:
    - 1) The payment of an entry or participation fee of more than three euros per Player is required; and/or
    - 2) A prize money of more than EUR 50,000.00 (fifty thousand) is envisaged;
  - j) May consist of one or more events, including on a periodic basis;
  - k) May provide for restrictions on the selection of participants, who may be chosen in whole or in part by the Organiser;
  - l) May have a maximum duration of one calendar year;
  - m) Shall be subject to the control of the Esports Commission, which may take place on the basis of a report or ex officio.
4. Anything not explicitly provided for in this Law shall be subject to the legislation in force on the running of games, prize contests, lotteries, lotto, games of chance and ability and betting, as provided for in Law no. 67 of 25 July 2000 and subsequent amendments, or any other applicable regulations.

**Art. 48**  
*(Esports Tournament Rules)*

- 1. All Esports Tournament Rules shall contain at least the following information:
  - a) The name, economic operator code or VAT number and contact details, including both a physical address and an ordinary e-mail address and a certified address, of the Organisers and their delegate, if any, in the territory of the Republic of San Marino;
  - b) An indication of the Esports Discipline(s);
  - c) Terms and conditions for entry, participation and selection of winners;
  - d) Timing of the Tournament;
  - e) Venue of the competitions, in the case of Offline or Mixed Esports Tournaments, and location of the competition management system and related servers, in the case of Online or Mixed Esports Tournaments;
  - f) Entry and participation costs, if any;
  - g) An exact indication of the prizes to be won, if any, and the related prize money;

- h) An indication of the social and solidarity volunteer Association or of the social and cultural Association, referred to in Articles 4 and 5 of Law no. 75 of 16 June 2016, to which any prizes not awarded due to explicit refusal or negligent conduct of the winner shall be donated.
- 2. The Esports Tournament Rules shall not be modified. Only material errors may be corrected, with prior notice to all participants.

#### **Art. 49**

##### *(Notification of the Organisation of an Esports Tournament)*

- 1. If one of the conditions provided for in Article 47, paragraph 3, letter h) of this Law is met, the Organisers, directly or through their delegate referred to in Article 40, paragraph 1, letter c) of this Law, shall send the notification of the organisation of an Esports Tournament to the Esports Commission at least ten days before the opening of entries or the start of the competition or the first competition if more than one competition is scheduled (the deadline shall be calculated with reference to the condition that occurs first).
- 2. The notification, to be sent by certified electronic delivery system and signed with a qualified electronic signature, shall be drawn up by filling in the form provided in electronic format by the Esports Commission. It shall be accompanied by:
  - a) The Esports Tournament Rules;
  - b) An explicit indication of the expected gross revenue from entry and participation fees (where applicable), the gross total of the prize money (where applicable), or their sum (where both are applicable);
  - c) A copy of the receipt for payment of the Esports Tournament Tax referred to in Article 54 (Esports Tournament Tax) of this Law if the Tournament is not exempt therefrom;
  - d) A copy of the guarantee, where this is mandatory in accordance with Article 47, paragraph 3, letter i) (Esports Tournaments) of this Law.
- 3. After the expiry of the time-limit referred to in paragraph 1 of this Article without the Esports Commission having made any observations, the Esports Tournament may take place.
- 4. However, the Esports Commission may establish any violations of this Law also during the Esports Tournament and up to six months after its conclusion.

#### **Art. 50**

##### *(Online Esports Tournaments)*

- 1. Esports Tournaments shall take place exclusively online, at the Organiser's discretion, when Players participate from different locations via computer connection to the game server(s); in any case, Players shall not be located in physical areas or buildings provided by the Organiser.
- 2. Online Esports Tournaments:
  - a) Shall take place by using Tournament management systems located in the territory of the State, from which it is possible to remotely control any servers located outside the territory;
  - b) May be open to participants from anywhere in the world; the verification of the legality of the Tournament in the States from which participation is admitted, as well as any related liability, shall rest with the Organiser.
- 3. The Organiser shall keep track, by means of log files, of the operations related to entry, participation and selection of winners, in compliance with the legislation in force on the protection of personal data.

**Art. 51**  
*(Offline Esports Tournaments)*

1. Offline Esports Tournaments shall only take place in one or more physical locations in the territory of the State, where Players may compete in one or more Esports Disciplines.
2. Offline Esports Tournaments:
  - a) Shall necessarily take place in the territory of the State;
  - b) Shall require the simultaneous physical presence of the Players engaged in each competition or its stages;
  - c) May provide for the payment of a fee to attend the competitions.

**Art. 52**  
*(Mixed Esports Tournaments)*

1. Esports Tournaments shall be considered Mixed when they include, within the same Esports Tournament, both Online stages, as governed by Article 50, paragraph 1 of this Law (Online Esports Tournaments), and Offline stages, as governed by Article 51, paragraph 1 of this Law (Offline Esports Tournaments).
2. In the respective stages, Mixed Esports Tournaments shall take place in accordance with the provisions of this Law for Online Esports Tournaments and Offline Esports Tournaments.

**Art. 53**  
*(Publicity)*

1. The publicity for Esports Tournaments shall be transparent, fair and correct.
2. The Organiser shall always make available on a web page, the address of which shall always be indicated in the publicity, information useful to each potential Player in order to understand at least the rules, operating mechanisms, any entry and participation costs, and any prizes to be won, with an indication of the prize money. This information shall be readily available at least up to thirty days after the regular conclusion of the Esports Tournament. The aforementioned web page shall also contain a link to the Esports Tournament Rules and a link to the information notice on the processing of personal data.

**Art. 54**  
*(Esports Tournament Tax)*

1. Esports Tournaments involving entry and participation against payment, even for mere viewing thereof, and/or the awarding of one or more prizes, shall be subject to the payment of the Esports Tournament Tax at the rate of 12% (twelve percent) based on the amount resulting from the expected gross revenue from entry and participation fees (where applicable), the gross total of the prize money (where applicable), or their sum (where both are applicable).
2. If the actual gross revenue exceeds what is expected and indicated in the Notification, the Organiser shall pay the difference within fifteen days after the conclusion of the Esports Tournament.
3. If the prize money exceeds the sum of EUR 50,000.00 (fifty thousand/00), the awarding of prizes shall mandatorily take place with the assistance of a Notary qualified to practice in the territory of San Marino.
4. In the case of the Esports Tournaments referred to in paragraph 1 of this Article, the Organiser shall be obliged to grant access to the premises used for the Esports Tournaments,

including those used for the control and management of computer equipment, at any time and throughout the duration of the Tournaments.

**CHAPTER II**  
**PRIZES AND VERIFICATION OF THE REGULARITY OF ESPORTS TOURNAMENTS SUBJECT**  
**TO NOTIFICATION OBLIGATION**

**Art. 55**  
*(Prizes)*

1. The Organiser may award lawful prizes, including sums of money.
2. It shall always be prohibited to:
  - a) Award prizes that are unlawful or contrary to public order or that belong to the following product categories: alcohol, weapons, explosives, medicinal products, tobacco;
  - b) Demand sums of any kind from the winner for the awarding or delivery of the prize: all related charges, taxes and costs of any kind that are included shall be borne by the Organiser.
3. Exceptions to the exclusions referred to in letter a) of paragraph 2 of this Article shall be intangible representations integrated into the software used for the Esports Discipline of the Esports Tournament in which the winner participated, such as functional or aesthetic virtual objects, otherwise referred to as such, provided that they are included in the aforementioned software.
4. Prizes consisting of tangible goods shall be covered by the ordinary guarantee provided for the sale to consumers of products of the same category.
5. The quantification of the value of a prize shall be based on the market price calculated immediately before the deposit of the Esports Tournament Rules.

**Art. 56**  
*(Awarding of prizes)*

1. The awarding of prizes shall end with the prize awarding Minutes drawn up:
  - a) By the Organisers, under their own responsibility, if the total amount of the winnings in cash or in kind does not exceed a total of EUR 50,000.00 (fifty thousand/00);
  - b) Under penalty of nullity, with the assistance of a Notary qualified to practice in San Marino, if the total amount of the winnings in cash or in kind exceeds a total of EUR 50,000.00 (fifty thousand/00); this sum may be modified by delegated decree.
2. The Minutes shall include:
  - a) The identity and personal details of the Organisers or of their legal representative or delegate;
  - b) An attestation of compliance with the Esports Tournament Rules, as well as of conformity of the documents submitted by the Organisers with said Rules and with what can be verified from viewing the Esports Tournament and/or from publicly available information;
  - c) Evidence of compliance with the provisions of this Law or any irregularities found, including non-compliance with one or more of the provisions of this Law.
3. The Minutes referred to in paragraph 1, letter b) of this Article shall be drawn up in electronic format, signed by the Notary with qualified electronic signature and sent by the Notary to the Esports Commission by means of a certified delivery system within fifteen days of the end of the Esports Tournament.
4. Failure to comply with the provisions of this Article shall result in the nullity of the awarding of prizes and, in the most serious cases, in the annulment of the Esports Tournament, with the imposition of the sanctions provided for in the case of unlawful Esports Tournaments.

## **Art. 57**

### *(Prize delivery and Players' identification)*

1. Prizes shall be delivered to the winners within thirty days of the end of the Esports Tournament using the contact details indicated at the time of entry. In case of explicit refusal or negligent conduct on the part of the winners, the prizes shall be awarded to the social and solidarity volunteer Association or to the social and cultural Association referred to in Articles 4 and 5 of Law no. 75 of 16 June 2016, as indicated in the Rules. In the event of the Association's refusal, the Organisers shall identify another Association, subject to the positive opinion of the Esports Commission.
2. Winnings of cash prizes or goods with a market value equal to or higher than EUR 5,000.00 (five thousand/00) shall be delivered to the winners upon their identification and acquisition of a recognised identity document. Winnings shall only be paid out to the relevant winners. Esports Associations, Professional Esports Clubs and Esports Businesses shall receive directly the part of the prizes to which they are entitled in accordance with this Law upon submission of the relevant documents.

## **Art. 58**

### *(Conclusion of the Esports Tournament and legal deposit)*

1. For each Esports Tournament that involves entry and participation against payment, even for mere viewing thereof, and/or the awarding of one or more prizes, the Organiser shall, within fifteen days of the end of the Esports Tournament, deposit the following documents with the Esports Commission, by sending an electronic message via certified delivery service:
  - a) A completed form attesting to the proper conduct and conclusion of the Esports Tournament;
  - b) Copy of the Esports Tournament Rules;
  - c) Minutes drawn up by the Organiser in accordance with Article 56, paragraph 1, letter a) of this Law, where applicable.
2. The Organiser shall keep the log files of all transactions made by participants and Players for two years after the end of each Esports Tournament, taking appropriate technical and organisational measures in accordance with the legislation in force on the protection of personal data.
3. Anyone who violates the rules referred to in this Article shall be subject to an administrative pecuniary sanction equal to twice the sum of the revenue actually collected and the prize money.
4. Payment of the sanction shall not exempt the interested person from the deposit obligation.
5. The administrative sanction referred to in paragraph 3 of this Article shall be reduced to one-tenth if the Organiser deposits the documents after the expiry of the time-limit envisaged in paragraph 1 of this Article, provided that the violation has not yet been established.

## CHAPTER III ESPORTS JUSTICE

### **Art. 59**

#### *(Esports Tribunal and mandatory attempt at conciliation)*

1. The Esports Tribunal shall hereby be established within the Esports Commission with a conciliatory function. Its functioning shall be governed by the Esports Justice Regulations adopted by the Commission within one hundred and fifty days of its taking office.
2. It shall perform its functions in accordance with the principles of impartiality, autonomy and independence of judgement and assessment.
3. The Esports Tribunal shall appoint one or more alternate Esports Judges acting in the event of replacement of the full Esports Judges for reasons of incompatibility or inappropriateness.
4. Legal disputes among Players, Esports Federations, Esports Associations, Professional Esports Clubs, Esports Businesses and Organisers for any violation of this Law shall be preceded, under penalty of ex officio inadmissibility, by a mandatory attempt at conciliation before the Esports Tribunal.
5. Proceedings shall last a maximum of 60 days from receipt of the complaint, which may be extended to one hundred and twenty days in particularly complex cases.
6. The articles of association and rules of procedure of legal persons, as well as the contracts concluded with Players, shall include a provision for the mandatory attempt at conciliation before the Esports Tribunal.
7. The Esports Tribunal may act as international arbitrator for the settlement of disputes in the field of Esports.
8. The Esports Tribunal shall have no jurisdiction in the field of doping, which shall be regulated by a specific Delegated Decree, upon proposal of the Esports Commission.

### **Art. 60**

#### *(Esports Justice Regulations)*

1. The Esports Justice Regulations, adopted by the Esports Commission, shall govern the general rules of the conciliation proceedings and shall provide for the following:
  - a) Principles, rules of access to Esports Justice and administrative organisation within the Esports Commission;
  - b) Procedural rules;
  - c) Any administrative costs for the attempt at conciliation;
  - d) The costs for international arbitration.
2. The provisions of this Chapter III (Esports Justice) shall not apply in case of participation of Players, Esports Associations, Professional Esports Clubs and Esports Businesses in tournaments and championships already regulated by international legal systems recognised by the Esports Commission.



TITLE II  
PROVISIONS RELATING TO SPECIFIC SECTORS AND DISCIPLINES

**Art. 61**  
*(Personal data protection)*

1. Matters relating to the protection of personal data shall not be covered by this Law and shall remain governed by the legislation in force.
2. The Data Protection Authority, also upon proposal of the Esports Commission, may issue guidelines on Esports aimed at facilitating compliance with Esports Operators' requirements and promoting Esports, as well as ensuring that the processing of personal data in the field of Esports complies with fundamental rights and freedoms and the dignity of the data subject, with particular reference to confidentiality, personal identity and the right to the protection of personal data.

**Art. 62**  
*(Intellectual property)*

1. Matters relating to intellectual and industrial property shall not be covered by this Law and shall remain governed by the legislation in force, except as explicitly provided for in this Law.

**Art. 63**  
*(Maternity protection)*

1. Esports Performance Contracts and other employment relationships provided for in this Law shall never derogate from the maternity protection legislation in force and from the provisions of Parliamentary Decree no. 87 of 30 May 2019.
2. Coordination between the above regulations shall be established by delegated decree within six months of the entry into force of this Law.

**Art. 64**  
*(Family support measures)*

1. Law no. 129 of 14 September 2022 ("Family support measures") shall apply to all Esports Performance Contracts and to all employment relationships provided for in this Law.
2. Coordination between the above regulations shall be established by delegated decree within six months of the entry into force of this Law.

**Art. 65**  
*(Promoting good play)*

1. The State shall recognise the positive aspects and potential of Esports and video games to promote socialisation, learning, skills acquisition and economic development. At the same time, the State shall acknowledge their potential negative aspects, in particular their misuse, their use by younger people than those for whom video games are intended, and defamatory and discriminatory conduct, as is more generally the case with the use of information and communication technologies.
2. The State shall promote initiatives to raise awareness of video games and Esports, to encourage their responsible use and to foster good play, as well as to combat discriminatory and defamatory practices.

**Art. 66**  
*(Esports gambling)*

1. This Law shall not regulate and shall not authorise or legitimise any form of Esports gambling, the regulation of which shall not fall within the scope of this Law. Gambling shall mean the exercise, whether or not on a regular or occasional basis, of any activity outside the scope of this Law for the purpose of winning or paying prizes, whether in cash or in kind, where the outcome does not depend predominantly on the skill of the participants.
2. The State shall promote initiatives to combat Esports gambling, with particular, but not exclusive, reference to the protection of vulnerable and younger age groups.

**Art. 67**  
*(Health protection and fitness for Esports)*

1. Health protection for all those practising Esports shall be ensured by the State, in accordance with the law, through the facilities of the Social Security Institute (SSI) or in accredited and licensed private health facilities.
2. For the purposes of health protection, any Players who practice Esports within the framework of activities organised by Esports Associations, Professional Esports Clubs and Esports Businesses may be periodically tested for specific fitness for the Esports Discipline that they practice or intend to practice.
3. Pending the issue of internationally agreed guidelines or regulations in the field of Esports, the verification of fitness to practise Esports shall be optional and shall be determined on the basis of the assessments made by certifying Sports physicians in connection with the issue of ordinary certificates of fitness for non-competitive sports activities.

**Art. 68**  
*(Doping and cheating)*

1. The use of any substance or drug intended to artificially enhance a Player's performance in a manner contrary to what is generally accepted in the context of Esports activities shall be expressly prohibited.
2. The use of any software or hardware designed to alter the proper functioning of the software used in Esports Tournaments in order to artificially enhance a Player's performance shall be expressly prohibited.
3. If it is established that paragraph 1 or paragraph 2 of this Article has been violated, the Organiser shall expel the Player and the Esports Team from the Esports Tournament, invalidate their results and oblige them to return any prizes won. The Organiser may take legal action to obtain compensation for damage suffered from anyone who has violated paragraphs 1 and 2 of this Article.

**PART IV**  
**PROTECTION, SUPERVISION, CONTROL AUTHORITIES AND SANCTIONS**

**CHAPTER I**

## PROTECTION INSTRUMENTS

### **Art. 69**

#### *(Jurisdictional protection)*

1. All disputes relating to the application of the provisions of this Law shall fall within the jurisdiction of the ordinary judicial authority in civil matters, without prejudice to prior attempt at conciliation and to the provisions of the following paragraph.
2. The measures adopted by the Esports Commission may be challenged before the ordinary judicial authority in administrative matters.
3. Legal disputes among Players, Esports Federations, Esports Associations, Professional Esports Clubs, Esports Businesses and Organisers shall be preceded, under penalty of ex officio inadmissibility, by a mandatory attempt at conciliation before the Esports Tribunal referred to in Article 59 (Esports Tribunal and mandatory attempt at conciliation) of this Law.

### **Art. 70**

#### *(Complaints)*

1. Anyone who deems to have been adversely affected by any provision of this Law may, as an alternative, lodge a formal complaint with the Esports Commission or bring an action before the ordinary judicial authority referred to in Article 69, paragraph 1 of this Law (Jurisdictional Protection).
2. Under penalty of inadmissibility, the complaint shall be submitted exclusively on the forms provided by the Esports Commission.

### **Art. 71**

#### *(Decision on the complaint)*

1. Once the complaint has been received and the preliminary investigation has been carried out, if the complaint is not manifestly unfounded and there are grounds to take action against one or more Esports Operators, the Esports Commission shall notify the Operator(s) concerned of the initiation of the proceedings.
2. The complaint procedure shall be governed by the Rules of Procedure of the Esports Commission referred to in Article 74, paragraph 2 of this Law (Esports Commission).
3. The complaint shall be decided by the Esports Commission by reasoned decree within one hundred and twenty days of receipt of the complaint. This time-limit may be extended to a further ninety days if the case is particularly complex.

### **Art. 72**

#### *(Verifications)*

1. The Esports Commission may order access to computer systems, archives and paper and digital databases, as well as other inspections and verifications in the places where the Esports Tournament takes place or where controls are necessary in order to monitor compliance with the provisions set out in this Law. A report shall be drawn up of such access, inspections and verifications.
2. The controls referred to in paragraph 1 of this Article shall be carried out by the personnel of the Police Corps. The Esports Commission and the Police Corps shall conclude specific operational

protocols. In any case, the competence of the Gendarmerie Corps of the Republic of San Marino in the field of preventing and combating cybercrime shall remain unaffected.

3. The verifications referred to in paragraphs 1 and 2, if carried out in a house or other place of a private dwelling or its appurtenances, shall be carried out with the informed consent of the owner or person responsible therefor. In the absence of such consent, verifications shall be authorised by the Judicial Authority, which shall promptly issue a reasoned decree upon receipt of the request from the Esports Commission, if the necessary urgency of the verifications is documented.

### **Art. 73**

#### *(Appeal)*

1. Esports Operators subject to any sanctions may lodge an appeal through judicial procedure with the Administrative Judge against the sanction imposed by the Esports Commission within a mandatory time-limit of thirty days from the date of notification of the sanction, or within sixty days if the Operator's registered office or place of residence is abroad.

2. The appeal shall not suspend the enforcement of the relevant measure.

3. The appeal shall be decided according to the procedure provided for by Title II of Law no. 68 of 28 June 1989 and subsequent amendments.

## **CHAPTER II**

### **ESPORTS COMMISSION**

### **Art. 74**

#### *(Esports Commission)*

1. The Esports Commission shall hereby be established and shall:

- a) Be entrusted with the task of promoting Esports and monitoring compliance with the principles, objectives and provisions of this Law;
- b) Exercise supervisory, regulatory and sanctioning powers in relation to the Esports sector and vis-à-vis Esports Operators.

2. The Esports Commission shall adopt its own rules of procedure within three months of its taking office.

3. The technical and administrative secretariat functions of the Esports Commission shall be entrusted to the Office for Economic Activities.

### **Art. 75**

#### *(Composition, decisions and functioning)*

1. The Esports Commission shall be a collegial body composed of five members, including the President, appointed by the Great and General Council, preferably with knowledge, qualifications or professional experience in the field of Esports, or in any case knowledge, qualifications or experience in the fields of Esports, law, communications and digital media, and information technology. The Authority shall remain in office for five years and each member may be reappointed only once. The appointment shall be incompatible with the mandate of member of the Great and General Council, as well as with offices in the governing bodies of trade unions and professional associations and with the office of President or Secretary of political parties and movements.

2. The members of the Esports Commission shall be appointed as follows: the President upon

proposal of the Minister of Sport, two members upon proposal of the majority Parliamentary Groups, two members upon proposal of the minority Parliamentary Groups.

3. The members shall elect, from among themselves, the Vice-President, who shall assume the functions of the President in case of impediment or absence.

4. The remuneration and attendance fees of the members of the Esports Commission shall be determined through a specific Delegated Decree and shall be charged to a specific expenditure chapter established by the Budget Law.

5. The Esports Commission shall normally meet at least every two months, either in person or by video conference. It shall be convened by the President whenever deemed necessary. The Ministers, Esports Operators, public and school managers and directors, consultants or experts may be invited to attend the meetings in relation to matters falling within their competence as set out in the agenda of the sittings.

6. The decisions of the Esports Commission shall be adopted by a majority of those present at each sitting, with a minimum quorum of four members. In the event of a tie, the vote of the President, or, in case of absence, of the Vice-President shall prevail.

7. The members of the Esports Commission shall be obliged to declare any conflicts of interest in relation to any matter dealt with and to abstain from the relevant decisions.

#### **Art. 76**

##### *(Tasks of the Esports Commission)*

1. In addition to specific provisions, the Esports Commission:

- a) Shall monitor and supervise the activities carried out by Esports Operators and Esports Tournaments, within the framework of this Law;
- b) Shall carry out checks to ensure that sector-related activities are carried out correctly, and establish and apply sanctions in the event of non-compliance;
- c) Shall examine complaints and reports;
- d) Shall decide on appeals lodged by Esports Operators;
- e) Shall act as Esports Tribunal for mandatory attempt at conciliation;
- f) Shall submit an annual report on the state of Esports activities to the Minister of Sport, who shall report thereon to the Great and General Council;
- g) Shall provide assistance in obtaining the Esports Business status and granting any authorisation to engage in activities related to the Esports sector;
- h) Shall monitor the effectiveness of laws directly or indirectly affecting the Esports sector and carry out or commission studies, research or sector-related surveys necessary in this regard;
- i) Shall provide information and issue guidelines in the field of Esports, including on the basis of surveys carried out;
- j) Shall promote dissemination, training and refresher activities for both Esports Operators and citizens;
- k) Shall cooperate with government bodies and may submit to the Congress of State, through the Ministry of Sport, proposals and observations concerning Esports legislation, taking into account international developments in this field;
- l) Shall keep the Registers and archives referred to in this Law, including those relating to deposits. To this end, it may resort to the administrative support of the Office for Economic Activities;
- m) Shall examine reports received concerning alleged violations of the rules contained in this Law and apply the sanctions provided for herein;
- n) Shall cooperate with the health authorities and bodies responsible for the protection of athletes' health and the prevention of doping, adopting any useful initiatives to prevent and suppress the use of substances and methods that alter athletes' Esports performance;
- o) Shall exercise the other powers provided for in this Law.

2. The Esports Commission may access the data held by the competent offices of the Public Administration pursuant to Law no. 159 of 5 October 2011, in order to obtain the information necessary for the performance of its duties and to verify the truthfulness of the declarations in lieu of certificates submitted, also by directly accessing the archives or databases of the office responsible for the issue of the relevant certificates pursuant to Article 5, paragraph 1 of the same Law.

3. The Esports Commission may, where necessary, rely on the collaboration of other State bodies in the performance of its institutional functions.

#### **Art. 77**

##### *(Representation in court)*

1. The Esports Commission shall be represented in court by independent lawyers.

### **CHAPTER III**

#### **SANCTIONS**

##### **TITLE I**

#### **ADMINISTRATIVE SANCTIONS**

#### **Art. 78**

##### *(Unlawful Esports Performance Contract)*

1. Violation of Article 12, paragraph 2, letters b) and c) of this Law (Esports Performance Contract) shall be punished by an administrative sanction equal to twice the Player's gross annual remuneration, with a minimum amount of EUR 12,000.00 (twelve thousand/00).

#### **Art. 79**

##### *(Unlawful Esports Tournament)*

1. The Organiser shall pay the administrative sanction referred to in paragraph 2 of this Article if an Esports Tournament, which involves entry or participation, even for mere viewing, for consideration and/or the winning of prizes of any value, is organised in violation of one or more of the following provisions of Article 47 (Esports Tournaments) of this Law:

- a) Paragraph 2;
- b) Paragraph 3, letter b);
- c) Paragraph 3, letter c);
- d) Paragraph 3, letter e);
- e) Paragraph 3, letter g);
- f) Paragraph 3, letter l).

2. Each violation shall be punished by an administrative sanction ranging between EUR 500.00 (five hundred/00) and EUR 5,000.00 (five thousand/00). These sanctions shall be increased up to four times in cases of extreme seriousness.

#### **Art. 80**

##### *(Security measures)*

1. The Organiser shall take appropriate technical and organisational measures to ensure the security and proper functioning of the software used in each Esports Tournament for the conduct of the Esports Discipline, as well as of the related ancillary computer systems. Taking into account the current state of knowledge in this field and the economic value of the Tournament, calculated on the basis of the sum of the revenue from entry or participation costs and the gross prize money, such measures shall ensure a level of security commensurate with the risks of the software.
2. Failure to adopt the measures referred to in paragraph 1 of this Article shall be punished by an administrative sanction ranging between EUR 1,000.00 (one thousand/00) and EUR 20,000.00 (twenty thousand/00).
3. Inadequate or insufficient adoption of the measures referred to in paragraph 1 of this Article shall be punished by an administrative sanction ranging between EUR 500.00 (five hundred/00) and EUR 10,000.00 (ten thousand/00).
4. The sanctions referred to in paragraphs 2 and 3 of this Article shall be increased up to three times if the value of the Tournament exceeds EUR 250,000.00 (two hundred and fifty thousand/00).

#### **Art. 81**

##### *(Violation of tax obligations relating to Esports Tournaments)*

1. Failure to pay or insufficient payment of the tax referred to in Article 54, paragraph 1 of this Law (Esports Tournament Tax), when due, shall be punishable by a surcharge equal to the tax evaded, in addition to interest at the market rate plus two percentage points. The surcharge shall be reduced by a quarter if the tax is paid before the violation is established.
2. Any delay of more than thirty days in the payment of the tax referred to in Article 54, paragraph 1 of this Law (Esports Tournament Tax) shall be punished by a sanction equal to 20% (twenty percent) of the tax due, in addition to interest at the market rate plus two percentage points.
3. The Director of the Tax Office shall be responsible for the establishment of the violation and the enforcement of the sanctions referred to in the preceding paragraphs.
4. An appeal may be lodged against acts pertaining to ex officio assessment or correction of tax returns and to the establishment of formal irregularities, in the manner and within the time-limits provided for in Law no. 68 of 28 June 1989.
5. The establishment of violations referred to in this Article shall be subject to a three-year limitation period running from the date on which the violation was committed.
6. A taxpayer who has unduly paid undue taxes may, under penalty of forfeiture, claim reimbursement within six months of the date of payment.

#### **Art. 82**

##### *(Application procedure)*

1. With the exception of the sanctions referred to in Article 81 of this Law (Violation of tax obligations relating to Esports Tournaments), the sanctions provided for in this Title I (Administrative sanctions) shall be imposed by the Esports Commission following the procedure laid down in this Article.
2. The Esports Commission, having established that one of the violations referred to in this Title I was committed, shall notify the Esports Operators concerned of an order to initiate the sanctioning proceedings and shall set a reasonable period, not exceeding six months, for the Operators to remedy the violation established, where possible, and to transmit their defensive observations. Within this period, the recipients of the request shall demonstrate that they have met the necessary requirements and provide evidence of compliance with the provisions of this Law.

3. After the expiry of the time-limit referred to in paragraph 2 of this Article and after examining any defensive arguments submitted, the Esports Commission:
  - a) Shall, if it considers that the violation has been remedied, terminate the proceedings by its own reasoned decision, and may impose a sanction not exceeding one fifth of that provided for in the temporarily violated rule;
  - b) Shall, if it considers that the violation persists, impose the sanction.
4. If the Esports Commission considers one or more violations to be exceptionally serious, since they seriously damage the interests protected by this Law or since they have been committed repeatedly, it may directly and immediately impose appropriate sanctions, as described in this Title I, and injunctions, in order to stop the unlawful conduct, including by way of derogation from the procedure set out in paragraphs 2 and 3 above.
5. A repeat offender shall be any person who, after having been imposed one or more sanctions referred to in this Title I, engages in further conduct of the same kind within a period of three years of the last such conduct.

## TITLE II CRIMINAL OFFENCES

### **Art. 83** *(Gambling in the context of Esports Tournaments)*

1. Anyone who, in the context of Esports Tournaments or by committing any fraud as to its nature as Esports Tournament, or in the context of an online tournament or event which, although not constituting an Esports Tournament within the meaning of this Law, has the essential characteristics thereof, organises, manages or carries out gambling activities in violation of this Law and of the legislation in force, shall be punished by arrest from the first to the third degree or by a fine ranging from EUR 1,000.00 (one thousand/00) to EUR 100,000.00 (one hundred thousand/00), based on the seriousness of the violation and the amount of the sums collected.
2. In the case referred to in paragraph 1 of this Article, the Law Commissioner shall order the termination of the activity by adopting the relevant precautionary measures, including seizure also for evidentiary purposes and confiscation of equipment, instruments or documents; the Law Commissioner's measure shall be immediately enforceable, even if an appeal is lodged.
3. If the criminal offence referred to in paragraph 1 of this Article is committed by an Esports Business, the latter shall lose, in the event of a repeat offence, the status of Esports Business and all benefits and incentives obtained under this Law, besides the application of the sanction, with immediate removal from the Register of Esports Associations, Clubs and Businesses, in addition to the confiscation of assets, tools, equipment and proceeds derived from the abusive exercise of the activities referred to in paragraph 1 of this Article.
4. In order to ensure that the pecuniary obligations are fulfilled, the Law Commissioner may order the seizure of the movable property present for any reason in the place where the violation occurred.
5. The accused or anyone having an interest may offer a sufficient security instead of the seizure.
6. Legal persons shall be civilly liable for the enforcement of pecuniary sanctions and the fulfilment of other obligations imposed on their legal representatives, directors or managers for non-compliance with the law. Liability shall be joint and several and without the benefit of prior enforcement.
7. The additional sanction of suspension of the business activity shall be imposed directly on the legal person.



**Art. 84**

*(Failure to comply with measures taken by the Esports Commission)*

1. Anyone who, despite being under an obligation to do so, fails to comply with a measure taken by the Exports Commission under Title I (Administrative sanctions) of this Chapter III (Sanctions) shall be punished by imprisonment from six months to three years.

**PART V**

**FINAL PROVISIONS**

**Art. 85**

*(Transitional provisions)*

1. Until the Code of Ethics and Guidelines are issued, the general principles of this Law shall apply.
2. Until one or more National Esports Federations are established, the relevant tasks shall be carried out by the Esports Commission.
3. Until the Esports Commission or other competent body under this Law has provided the forms to be filled in for the transmission of notifications to be drawn up in this manner, Esports Operators shall transmit the notification on their own letterhead, stating what is required by the applicable provisions of this Law.
4. A delegated decree shall establish and regulate the activities of digital content creators.

**Art. 86**

*(Entry into force)*

1. This Law shall enter into force on the fifteenth day following that of its legal publication.

*Done at Our Residence, on 9 May 2023/1722 since the Foundation of the Republic.*

THE CAPTAINS REGENT

*Alessandro Scarano – Adele Tonnini*

THE MINISTER OF  
INTERNAL AFFAIRS

*Elena Tonnini*

Guidelines for drawing up standard Esports Performance Contracts and model contract clauses

Each Esports Performance Contract shall clearly and punctually specify at least the following:

1. Type of Esports Performance Contract (professional, amateur or recreational);
2. Personal details, in a complete manner, of the Parties and the conditions for the conclusion of the type of contract chosen;
3. The way in which the Esports Performance is carried out;
4. Any activities carried out in relation to the Esports Activity in accordance with this Law, such as publicity activities, including through social networks, public appearance and sponsorship;
5. Remunerations and the way in which they are paid. Recreational Esports Performance Contracts shall envisage the commitment to enter into a professional or amateur Esports Performance Contract if remunerations exceed the gross amount of EUR 5,000.00 (five thousand/00) per year;
6. The person responsible for the definition and implementation of the training and technical and competitive management programme.

*Guidelines for drawing up regulations for Esports Tournaments*

Regulations for Esports Tournaments shall include at least the following:

1. Name, economic operator code or VAT number and contact details, including both a physical address and an ordinary e-mail address and a certified address, of the Organiser and any delegate thereof in the territory of the Republic of San Marino;
2. Esports Discipline(s) involved by the Esports Tournament, as well as any software not recognised as Esports Disciplines, which will be used within the same event but which will be excluded from the Esports Tournament;
3. Terms and conditions for entry, participation and selection of winners;
4. Duration and timetable of the Tournament;
5. Venue of the competitions, in the case of Offline or Mixed Tournaments, and location of the competition management system and the related servers, in the case of Online or Mixed Esports Tournaments;
6. Where applicable, entry and participation costs and related amount;
7. Where applicable, costs for attending Esports Tournaments, the amount of which shall be precisely determined;
8. An exact indication of the prizes to be won, if any, and the related prize money;
9. An indication of the social and solidarity volunteer Association or of the social and cultural Association, referred to in Articles 4 and 5 of Law no. 75 of 16 June 2016, to which any prizes not awarded due to explicit refusal or negligent conduct of the winner shall be donated;
10. An indication of the address of the web page where the information referred to in Article 53, paragraph 2 of this Law is available.

