

INTERNATIONAL TRANSFERS OF FOOTBALL PLAYERS: THE LICENSED PLAYERS' AGENTS POINT OF VIEW IN BRAZIL AND IN PORTUGAL

Author:
Maria Chacon

email:
mariachacon555@hotmail.com

Co-authors:
Batista, Paulam CalÁada, Emanuel¸ Carvalho, Maria JosËπ π PhD and Assistant Professor, Faculty of Sport, University of Porto ≤ Lawyer, specialized in Sports Law

University:
University of Porto

Faculty:
Faculty of Sport

Abstract

Sport has been considered one of the main factors of educational, social, cultural and economical development of humanity in its multiple aspects, expressions and dimensions (Carvalho, 2010). As introduced by Bourg and Gouguet (2007) the phenomenon of the professional sport is highly complex, regarding its internationalization, organization and funding. Moreover, it is commonly accepted that the uncertainty of the results is one of the characterizing elements of the high performance sport. That is why this is considered one of the factors that most characterizes and specifies a sportive activity (Filho, 2009). Effectively, it's verified that "the uncertainty that should reflect in the sportive results is the indispensable condition or element for the sportive and economical triumph of a specific competition" (Carvalho, 2009, p. 302).

In football, it is observed that the culture intrinsic to it has transformed this modality into a spectacle-sport, self-assuming worldwide as a professional activity. By its global reach, the internationalization of its frontiers is rising and the number of international transfers among players is even higher. In parallel to this phenomenon, the appearance of agents who acts in the intermediation between players and clubs, always aiming the best contract and the best opportunities for both, is a reality of gradual increase. These operators have been acquiring an unquestionable space in the process of constitution and/or extinction of the labor-judicial relationship between two sportive characters (Amado, 2002). Recently, the profession of agent obtained a distinguished importance in the sportive environment, notable in the high amounts involved in the negotiations and in the rising number of

professionals.

Regulated by FIFA and supported by its regulations, in particular in the Regulations on the Status and Transfer of Players and in the Players' Agents Regulations, the profession of licensed football agent is increasing, and it is supported also by each one of the local legislations. Portugal and Brazil own legislative instruments that contribute to a tight work relationship between football players and employer clubs. In Brazil, the football agent is self-employed, and for that, has its career oriented by the Consolidation of Work Laws (CLT, in Portuguese) in its labor sphere; however with influence of the Law 9.615/98 (Pele Law) in terms of relations to the formalities of the negotiations between clubs and players. Meanwhile, in the Portuguese Law, it was recognized that such occupation deserved a more specific approach, and therefore, the sportive agent was supported by the Framework Law of Physical Activity and Sport (LBAFD, in Portuguese) and benefits, at the same time, from Law 28/98, that regulates the sportive work contract.

Within this, it is identified a total of 59 agents in Portugal and 333 in Brazil, all of them properly licensed respectively by their national Federation and Confederation. It is an inexpressive amount facing the huge quantity of transfers between these two countries. According to data from the Brazilian Football Confederation (CBF, in Portuguese), in the last five years (2005-2009) there were 897 Brazilians "exported" to Portugal, representing 18% of the total of transfers in this period (4933 athletes). On the other side, there were effectuated "returns" to Brazil of 441 athletes, which represents 17% of a total of 2657 footballers between these same years.

This present work aimed the football markets of Brazil and Portugal in order to analyze the international transfers using the football agents' point of view. It also intends to analyze the reality of Brazil and Portugal relatively to the legislations in vigor concerning the professional athletes' transfers and the respective labor-judicial application of the agents. Additionally, it's yet intended to characterize the typology of the relations between these two countries.

For the collection of data it was used a set of scientific publications, official documents released by the national and international football entities and also official juridical documents from all mentioned entities, as well as applied semi-structured interviews to the licensed sportive agents from these two countries.

The data analysis was submitted to a content analysis with the assistance of NVivo 9 program, and also with a content review in the documents obtained. The results show that both countries are concerned with this new profession of football agent, and that these individuals understand that the tight relationship regarding Brazil and Portugal are due to a number of variables such as language, international experience and career upgrade. The results yet suggest that Brazil and Portugal have different realities regarding international transfers of their players, although both look forward that these transactions comply with each framework law board.

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