

THE TIGHT RELATIONSHIP BETWEEN BRAZIL AND PORTUGAL: ANALYSIS OF THE INTERNATIONAL TRANSFERS OF FOOTBALL PLAYERS

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Abstract

Currently, football is self-assumed as the most popular sport in the continents of Europe, America and Africa, as well as it is also growing in Asia (Frick, 2007; Matheson, 2006). This worldwide relevance grants to it an intervention ability beyond the four lines of the field, transforming its outcomes into breeding ground for studies within the social sciences (Murad, 2007). In parallel to this attribution of meaning by the investigation, football detains a special position in the business world and in the new global industry of entertainment (Carravetta, 2006).

Alongside to this phenomenon, it is more and more verified the emergence of "sportive brokers", the so-called football agents, whose main function is to intermediate negotiations between players and clubs interested in hiring them.

This present work aimed to analyze the transfers' market between Brazil and Portugal, two countries with increased numbers of negotiations all throughout the last years, as well as to analyze their current legislation regarding the new profession of football agent. In the current scenario, according to FIFA, there are around 5.842 football agents licensed by their national entities, in which we find Brazil with 333 licensed professionals and Portugal with 59. Relatively to the transfers of athletes, in accordance with 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 (4.933 athletes). On the other side, there were effectuated "returns" to Brazil of 441

athletes, which represents 17% of a total of 2.657 footballers between these same years. Portugal is by far the favorite destination for Brazilian footballers, and consequently Brazil is the country that most receives players coming back from Portugal.

Historically, with the end of the reserve clause assured in law in Brazil (Pele Law) and with the rule of free circulation within Member Countries of the European Union, aligned with the decision of the Bosman Ruling, it has been assured the proceedings of freedom of work and choice for each footballer (Amado, 2002). In parallel, the profession of football agent was regulated by FIFA in 1995 and later, in 2001, by each one of the national federations/confederations around the globe. Specifically for the target countries of this study, in Brazil there is the Consolidation of Work Laws (CLT, in Portuguese) for the agents' labor protection, and its applications also count with influence of Law 9.615/98 (Pele Law) in relations to the formalities of the negotiations between clubs and players. Apart from that, in Portugal there are more specific legislations, such as the Framework Law of Physical Activity and Sport (LBAFD, in Portuguese) and the Law 28/98, which regulates the sportive work contract.

The proposal of this study was to analyze the quantities of transactions between Brazil and Portugal, evaluate all national and international legislations in vigor about the transfers of professional players, understand the concept and implication of the football agent, and also the effective labor-judicial applications of them in the football market. The study corpus was a bibliographical research in scientific articles and other academic productions, all quantitative data available by the football entities in this study (CBF, FIFA, FPF) and a set of official/legal documents from them.

The collection of data was done in the databases of the Faculty of Sport of the University of Porto (EBSCO, Academic Search and Scopus), in the national and international football entities' websites, in law books and in regulations and laws related to this activity. The data was analyzed using the Excel program for the quantity analysis, the assistance of NVivo 9 program for the content analysis and crossing of information from the various sources of documents available.

The results indicate that the international transfers are more and more present in the football realities of Brazil and Portugal, but both countries show a great concern in the improvement of their football management, making usage of a set of legislations and regulations for the legal framework of the sport. It is also point out that these countries are in accordance with FIFA's regulations and that despite the enormous number of international transfers between them, both are supported legally to face this market..

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