



INTERNATIONAL ASSOCIATION OF YOUNG LAWYERS

QUESTIONNAIRE

IBLC/ SPORTS LAW WORKSHOP NATIONAL REPORT PRAGUE 2014

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Arthur Stüssi Neves LL.M (München) – Stüssi Neves Advogados – Rua Jardim Botânico, 518 – 5º andar – 22461-000 – Rio de Janeiro/RJ – Brasil – 55 21 2509-7234 – www.stussi-neves.com



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Sports and safety inside and outside the stadium - Legal challenges

1. General Safety Aspects

1.1 What is the legal framework applicable to the general safety aspects of big sports events in your country (prevention of violence, access and behavior inside the venues)?

Law nº 9.615/1998, regulated by Decree-Law nº 7.984/2013, is the most relevant regulation regarding the practice of Sport Activities in Brazil. Further regulations are foreseen in specific laws, such as “Péle-Law” (nº 9.615/1998) and the “Estatuto do Torcedor” (Law nº10.671/2003).

1.2 Are there any legal regulations applicable to specific sports or events?

Such events in Brazil are *mainly* regulated by specific laws, such as:

- a) Related to the FIFA World Cup and Confederations Cup: Law nº12.663/2012;
- b) Olympic Games: Law nº12.035/2009;
- c) Olympics and the public contracts system: Law nº 12.462/2011;
- d) Olympics and taxation: Law nº 12.780/2013;

For more information:

http://www.portaltransparencia.gov.br/rio2016/_include/legislacao/

<http://www.portaltransparencia.gov.br/copa2014/saibamais.seam?textoldTexto=2>

1.3 Who is responsible for the enforcement of the relevant legal provisions during the event (owner of the facilities, promoter, organizer, police ...)?

Both the owner of the facilities and the organizer of the event are responsible for granting safety to the fans/athletes. For the most relevant sport events, however, SESGE is responsible (please see question 1.4).



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For the FIFA World Cup 2014, for instance, SESGE is responsible for monitoring the thousands of police officers that will be inside the stadiums. The Local Organizing Committee has confirmed that is training 20,000 professionals to make private security inside the arenas (Stewards). The officers will be inside the arenas also to act in cases of more serious problems like riots and fights.

The idea, though, is that the new arenas shall create a concept for the reduction of police officers inside the stadiums for the next years in Brazil. The FIFA events usually have only private security inside the stadiums.

1.4 What are the competent authorities as regards the enforcement of the relevant legal provisions?

In accordance with Decree-Law nº 6.061/2007 (modified by Decree-Law nº 7.538/2011), the Extraordinary Bureau of Security for Big Events (SESGE - <http://sesge.mj.gov.br/>), that is part of Brazilian Ministry of Justice, is responsible for the general safety aspects of big sport events in Brazil.

2. Insurance Coverage

2.1 Are there specific legal provisions applicable to the insurance coverage of big sports events in your country?

There are no general legal provisions applicable to the insurance coverage of big sports events.

On the other hand, there are numerous specific legal provisions applicable, such as: (i) the legal regulation specifically related to FIFA Confederations Cup and FIFA World Cup (Law nº 12.663/2012) determines that the Federal Government shall provide guarantees or event contract private insurance for such events; and (ii) Regarding the Olympic Games, Law nº 12.462/ 2011 states that the costs and conditions for acquiring insurance coverage shall be in accordance with market prices and conditions.



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2.2 What is the mandatory insurance coverage to be contracted as regards the celebration of big sports events? What are the minimum risks to be covered according to law?

There are several mandatory risks to be covered in Brazil. Federal Law 11.265/02 describes the liabilities and mandatory insurance coverage for events (not just sport events, but all kinds of events) granting to viewers, participants and supporters an adequate insurance coverage in case of accident.

One of the most expensive insurance coverage policies for large events, the "no show" coverage, will, for instance, be granted during the World Cup 2014 in Brazil. This insurance policy covers costs expenses and loss of income if an event is canceled or postponed because of an occurrence that escape the control of the organizers, as climatic vagaries or terrorist attacks,.

Besides the covers cancellation and liability, several other policies are mandatory in big sport events such as the FIFA World Cup and the Olympic Games, such as liability of administrators (D & O), health of athletes, safety of the fans, equity, equipment and transport insurance.

2.3 Who is legally bound to contract the relevant insurance policies in connection with big sports events?

Usually, the organizers are bound to contract the relevant insurance policies in connection with big sport events, such as global sports organizations (like FIFA), local organizing committees, broadcasters, sponsors, contractors merchandising, travel companies, hotels, among others.

3. Organizers: Potential Liabilities

3.1 What are the potential liabilities that might be faced in connection with big sports events (civil, administrative, criminal liabilities) and by whom?

In Brazil, generally the organizers, i.e. from the private sector, face both civil (for any damages dealt to supporters, viewers and so on), administrative and in some cases, even criminal liabilities (for instance in case the stadium or part of it falls apart).

In huge sport events, however, such as the FIFA World Cup, the Federal Government itself faces civil liabilities in order to cover any possible damages occurred to FIFA and its Staff.



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3.2 Distribution of liability: is it possible to distinguish liabilities arising from sports events to an extent where each of the involved parties is held liable only for damage resulting from some specific risks or situations?

Yes. Cases such as the ones described above, that is, cases where, for example, the Engineer responsible for the construction of the stadium be held liable in case the stadium falls apart and there are casualties. Depending on the circumstances, the organizer might be considered responsible too.

3.3 On the contrary, might someone be held liable for any damage occurred during the celebration of some sports event (owner of the facilities, promoter, organizer, police ...)?

Such comprehensive liability occurs in huge sport events such as the FIFA World Cup, once the Federal Government takes over full responsibility on all kinds of possible damages dealt to FIFA and its staff that has arisen in connection with any incident or accident related to the events, except if and to the extent that FIFA or any victim contributed to the occurrence of the damage (Art. 23 of the Lei Geral da Copa)

3.4 As an attendee, what legal action may I take in case of suffering damage on the game day? Against whom?

It would be advisable to institute proceedings against both the organizers (private sector) and the Federal Government (if applicable).