84 - EDITED BY THE RULES FÉDÉRATION INTERNATIONALE DE FOOTBALL ASSOCIATION (FIFA) FOR WORLD CUP 2014 AND CONFLICT WITH BRAZILIAN LAW

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1. INTRODUCTION

A big event approaches, and makes us proud of living in the moment. With the upcoming completion of the World Cup 2014 in Brazil noticed many changes in our country's visit FIFA officials in several Brazilian states aims to know the whole structure that one host city will offer to all people who come from different parts of the world, football fans.

From the choice of Brazil to host the 2014 World Cup, on October 30, 2007 by FIFA (Fédération Internationale de Football Association), the largest organization in the world of football, the country knew the immense work to do to achieve this major world event. In general disclosures focus on showing the benefits from the World Cup with a country that receives, as this host has to be prepared to welcome tourists from around the world with an appropriate structure, so you need to be modernized.

The rules , it is possible to cite the understanding that FIFA , the legal point of view , as a private association , nonprofit , headquartered in Switzerland and operating under the laws of this country , which brings an entity in each country (in the case of Brazil , the Brazilian Football Confederation - CBF , also a private association , nonprofit) and continental bodies , has the power to subject them to their specific regulations . The CBF, therefore, as a member of FIFA, must meet the standards of the international organization, under penalty of disaffiliation.

Accordingly, the need to assess whether the standards published by the Fédération Internationale de Football Association (FIFA) World Cup in 2014 comes into conflict with the Brazilian legislation.

For the last, we will address the main focus of this study, namely the analysis of the conflict between the standards of FIFA and the Brazilian legislation, identifying their divergent points and their consequences.

2. THE REQUIREMENTS OF THE COUNTRY FIFA HEADQUARTERS EVENT

Countries wishing to host a World Cup have to undergo a series of FIFA requirements, expressed in extensive specifications.

Considering that, although such charges made by FIFA are knowledge of the country who want to integrate the international association, moreover, not just mere science but effective consent (for it must be expressed in the statute itself) is being discussed at the national, towards defying laws homeland and state sovereignty.

In other words, the Brazilian government to meet the terms of the FIFA Statutes , shall suspend, during the 2014 World Cup , the application , for example , the Consumer Protection Code , the granting of middle- ground entrance , guaranteed to students by state laws , and the elderly for the Elderly ; permission marketing of alcoholic beverages in stadiums , sealed by the Fan Statute , among other statutes .

The General Law of the Cup, which, in general, should be presented as a series of measures of the adequacy of the Brazilian legal system to international patterns may ultimately hurt the state sovereignty. With this host of voices contrary to claims that entity by the federal government became increasingly evident , arguing that such requirements are counter to the guidelines and principles that inform the guarantee of social stability , prevention , precaution and repression pipelines considered by law as harmful to society .

According to this line of reasoning, allow FIFA to Brazil imposes rules that best meet is more than confront the constitutional provisions, it is violating the fundamentals of the Federative Republic of Brazil: sovereignty, citizenship and human dignity (Article 1, sections I, II and III of the Constitution). The independence of the Federative Republic of Brazil is a guiding principle of international relations (Article 4 , I, CF), the law of the instruments to ensure such independence from foreign states , not being a private entity that regulates football , given the possibility of suspending such guarantee .

In 2011, the District Attorney Mauricio Antonio Lopes Ribera, comprising the Comprehensive Plan of Action of Soccer Prosecutor of São Paulo, argued that “the Brazilian government temporarily revokes various rights of citizens during the World Cup." Further stated the time , the future World Cup General Law mean the submission of Brazil to the interests of the International Federation of Associated Football (FIFA) , among Brazilians instituting a state of exception as the set of minimum guarantees established in the legislation in force so vested rights , which cannot be exchanged for an exceptional situation as the World Cup .

On the contrary, it is reasonable to analyze the perspective that the Law is one of the FIFA requirements for the event to occur, presenting necessary to ensure safeguards for the event and accepted by the country at the time of registration. According to the Federation (2011), the World Cup generates an exceptionality yes, this is because, at the time of application of Brazil to host the World Cup 2014, FIFA gave up the guarantees relating to the organization and the event. Part of these commitments is included by national law. However, for the set of guarantees can be applied by the Federal Government, was indispensable to send to Congress a Bill: The aforementioned General Law of the Cup.

Therefore, we must evaluate whether it is acceptable, according to national sovereignty and their standards, the use of a private entity in international domestic matters that pertain to the way a society chooses to organize. Brazil has been gaining increasing influence in the international arena, this being the right time and for the analysis of symbolic powers of FIFA in the institutional life of a country, specifically in the Brazilian state.

3. TIMELY ANALYSIS OF GENERAL LAW OF COPA

The General Law of the Cup is justified because of the need for fulfillment of commitments assumed by the Federal Government before the FIFA when choosing the country to host the competitions.

The proposal brings in Chapter I (Preliminary Provisions) , about definitions of entities , persons , places , objects and events covered by the project , in accordance with the Bidding Documents prepared by FIFA , being similar to the definitions used in Act No. 12.350 , of December 20, 2010 , which provides for the taxation measures for the realization of the Confederations Cup and 2013 FIFA World Cup FIFA 2014.

Chapter II (Protection and Exploitation of Commercial Rights), in turn, is divided into five sections, as explained below:

Section I regulates Official Symbols of FIFA, the quality of "Famous Marks " and " well-known mark;

Section II deals with the areas of trade restriction and access roads, providing that the Union should work with the relevant federal entities to ensure, during the Competition Period, the release of FIFA trademarks and other promotional activities in Local Contest Officials.

Section III govern the capture image or sound , broadcasting and access to Local Contest Officials , establishing exclusivity to FIFA of all rights related to images and other forms of expression of events , including the right to explore , negotiate , authorize and prohibit the transmission or retransmission of images .

Section IV defines the meaning of " Crimes Related to Competition " and creates new crimes : (a) Misuse of Official Symbols , (b) by Ambush Marketing Association and (c) Ambush marketing by intrusion entailed in criminal law Brazilian .

Chapter V provides for the sale of tickets, designating that the ticket prices will be set by FIFA, as well as the criteria for cancellation, return and refund.

Still up discussion about the half-price because each state has its own legislation on this matter.

That said, it becomes crystal clear affront to the law of each state that guarantees the categories as teachers of municipal and state, students, children and handicapped paying half price in all categories and not just the ticket category 4.

Finally , the " Final Provisions " applies secondarily to Article 41a , the status of the fans that enables the creation of Courts , Courts and Specialized Chambers for trial of causes related to competitions .

A crucial point of confrontation is the art standards . 13 - A, II , which prohibits the fans to carry drinks that enable violence .

The General Law of the Cup , and make no mention of the subsidiary application of the Law 8.078/90 (Code and Consumer Protection) provides devices that confront consumers' rights guaranteed by the Constitution and the special law .

Among the rules contained in the General Law of the Cup, certainly one of the most deserving consideration is that found in § 1 , art. 68 , in that it departs from the period and the venues , the application of § 2 of art. 28 of the Statute of the Fan as Bomfim said : "It is forbidden to impose excessive prices without cause or increase the prices of food products sold in the venue of the sporting event ." (2012 , p.247)

One cannot lose sight of the Constitution , when dealing with fundamental rights and guarantees , establishes in its article . 5th , XXXII , that " the State shall provide , as required by law , consumer protection " .

FIFA , pursuant to art . 33 , " can all " , i.e. , the organization can change dates, times or locations by mere refund of the ticket, tacitly deviate from Article 30 of the Code of Consumer Protection , which binds the supplier to the advertising performed , making it part of the contract . The choice is the fan - consumer, not the entity , determined in paragraph 2 of Article 54 of the Code of Consumer Protection .

To Bomfim , the Code of Consumer Protection is inserted between the fundamental rights and guarantees . Therefore , for the author , is struck by the unconstitutional piece of legislation depriving protection to consumer - supporter , albeit temporarily, during the sports competitions organized by FIFA in Brazil.

Granting unconditional almost all the Brazilian government impositions perpetrated by FIFA for holding the World Cup in Brazil , jeopardizing the very national sovereignty is reflected not only in constitutional law , but also in state law , and charge a high price of Brazilian society.

So even the will of the State to submit to the direction of FIFA , is not capable of removing the constitutional protection afforded to the fan - consumers and is therefore a blatant unconstitutionality of § 1 , art. 68 of the General Law of the Cup , which hurts , besides the above principles , the principle of economic protection.

Thus , what one sees is that the state , due to political and economic interests , through the executive and legislative branches , yielding to the commands of FIFA since membership in the Federation , in a conscious and voluntary (hence , not FIFA is an affront to state sovereignty) , is , improperly and then yes , absolutely contrary to the constitutional provisions , put norms that protect and ensure human dignity , citizenship and human rights , endangering values of Brazilian society has consolidated.

4 . CONCLUSION

Brazil will host the biggest event of the Football World Cup in 2014 . For this, the Brazilian government had to adjust to the required standards , first as " candidate city " later to instruct them to fulfill the commitments of guarantees required by the larger entity in the world of football , FIFA . The main guarantee became effective on June 5, 2012 , when the President of the Republic Dilma Rousseff enacted Law Nº 12.663/12 , call the General Law of the Cup.

We can see that this law is an affront to National Laws , especially the Constitution of the Federative Republic of Brazil . Thus , to ensure the World Cup in Brazil , the Brazilian government bowed to FIFA violating fundamentals and principles contained in the Act largest .

Remember , that the Statute of the Fan even being applied in the alternative World Cup General Law , not being respected at several points , the most controversial art. 13 - A, II , which restricts the consumption of beverages that may cause violence . It indistante that FIFA has a sponsor " weight " and require exclusivity in the sale of beer , which correspond reap immeasurable figures into the coffers of the entity .

No to forget that the World Cup General Law makes no mention of subsidiary application of the Law 8.078/90 (Code and Consumer Protection) , which establishes devices that confront consumers' rights guaranteed by the Constitution of the Federative Republic of Brazil and the Special Law , as Art. 28 of the Statute of the Fan which prohibits excessive prices without cause and increase in food products , which in turn will collide with the Institute for the Protection and Consumer Protection .

The Elderly Statute , Law No. 10.741/03 is also evidence placed by the imposition of the " half-price " ticket only for category 4 , the same way that the Laws Municipal and State where the organization will provide only part of this ticket same industry to students when they would be entitled to half-price in any industry , with fulcrum in legal texts mentioned above .

Law No. 12.663/12 is a true renunciation of national sovereignty , it forces the Brazilian Government to bear the whole burden , while FIFA takes the bonus . We understand that we live in a globalized world , but to give up our identity built by years of fighting means confronting the constitutional principles .

At this point , we can say that article 68 , § 1 , of the General Law of the Cup is unconstitutional , since the consumer cannot be achieved by rules which will restrict the rights and is subject to the direct action of unconstitutionality , which must be raised by legitimated Article 103 of the Higher Law .

The laws above allow us to refer to lyrics by Renato Russo : " In the slums , in the senate / Dirt practical everywhere / No one respects the constitution / But all believe in the future of the nation (...) . But Brazil will get rich / Let a million bill / sell when all the souls of our Indians at auction . " That is , accept all, deliver the key country in the hands of FIFA , we do not charge anything for it , on the contrary , in the end still pay the bill.

On the other hand, people are still deprived of education, health , security, transportation , basic aspects of corporate balance . The fact is that a large portion of the population continue to the margins of society and attend the 2014 World Cup in the armchair of your house , far from imposing stadiums built . And on December 31, 2014 the Law Cup will lose its effectiveness and Brazil will once again released , only this time by FIFA .

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ABSTRACT

We are one year of the World Cup 2014 in Brazil, one FIFA event, which featured backing of the Brazilian Government, and support of a large part of the population in the hope that through a major event infrastructure services suffer improvements, areas such as education, health and transport could gain in quality, benefiting both tourists and leaving a legacy to the children of these lands. But it is not what is happening, the scenario is established is to work in stages with the initial budget being modified, and improvements to the population being left out. After the enactment of the General Law of the Cup it portrays what is the evidence of a contract made between the Brazilian government and FIFA true benefited in every way , to have their demands fulfilled at any cost and thus confronting national sovereignty , the status the fans , releasing alcohol in stadiums , the status of the elderly , to limit the purchase of discounted tickets in a single sector , making no mention of the Consumer Protection Code , and at some points proving to be unconstitutional.

KEYWORDS: World Cup General Law, Sports Law, Constitution.

EDITÉ PAR LE RÈGLEMENT DE LA FÉDÉRATION INTERNATIONALE DE FOOTBALL ASSOCIATION (FIFA) POUR LA COUPE DU MONDE 2014 ET LE CONFLIT AVEC LA LOI DU BRÉSIL

RÉSUMÉ

Nous sommes un an de la Coupe du monde 2014 au Brésil, une compétition de la FIFA , qui a présenté le soutien du gouvernement brésilien, et le soutien d'une grande partie de la population dans l'espoir que, grâce à l'un des principaux services d'infrastructure d'événement souffrent des améliorations, des zones tels que l'éducation , la santé et le transport pourrait gagner en qualité , bénéficiant à la fois les touristes et laisser un héritage aux enfants de ces terres. Mais ce n'est pas ce qui se passe , le scénario est établi est de travailler par étapes avec le budget initial en cours de modification et des améliorations à la population d'être laissés de côté. Après la promulgation de la Loi générale de la Coupe Il dépeint ce qui est la preuve d'un contrat conclu entre le gouvernement brésilien et la FIFA vrai bénéficié dans tous les sens, faire aboutir leurs revendications satisfaites à tout prix et mettre ainsi la souveraineté nationale, le statut les fans, libérant l'alcool dans les stades, le statut des personnes âgées, afin de limiter l'achat de billets à prix réduit dans un seul secteur, ne faisant aucune mention du Code de la protection des consommateurs, et à quelques points s'avérant être inconstitutionnelle.

MOTS-CLÉS: Coupe du Monde générale, le droit des Sports, Constitution.

EDITADO POR EL REGLAS DE LA FEDERACIÓN INTERNACIONAL DE FÚTBOL ASSOCIATION (FIFA) PARA LA COPA MUNDIAL 2014 Y CONFLICTO CON LA LEY BRASILEÑA

RESUMEN

Somos un año de la Copa del Mundo de 2014 en Brasil , un evento de la FIFA , que contó con apoyo del Gobierno de Brasil , y el apoyo de una gran parte de la población con la esperanza de que a través de uno de los principales servicios de infraestructura de eventos sufrir mejoras, áreas tales como la educación , la salud y el transporte podrían ganar en calidad , en beneficio de los turistas y dejar un legado a los hijos de estas tierras. Pero no es lo que está pasando , se establece el escenario es trabajar por etapas con el presupuesto inicial se modifique , y las mejoras a la población que está siendo dejado de lado . Después de la promulgación de la Ley General de la Copa que retrata lo que es la prueba de un contrato celebrado entre el gobierno brasileño y la FIFA verdadero beneficiado en todos los sentidos , para que cumplan sus demandas a cualquier precio y hacer frente a lo que la soberanía nacional , el estado los fans, liberando alcohol en los estadios , la situación de las personas mayores, para limitar la compra de boletos con descuento en un solo sector , por lo que no se menciona el Código de Defensa del Consumidor, y en algunos puntos demostrando ser inconstitucional.

PALABRAS CLAVE: Copa Mundial de la Ley General, Ley del Deporte, de la Constitución.

AS NORMAS EDITADAS PELA FÉDÉRATION INTERNATIONALE DE FOOTBALL ASSOCIATION (FIFA) PARA COPA DO MUNDO DE 2014 E O CONFLITO COM A LEGISLAÇÃO BRASILEIRA

RESUMO

Estamos a um ano da Copa do Mundo de 2014 no Brasil, um evento da FIFA, que contou com aval do Governo Brasileiro, e apoio de grande parte da população na esperança de que através de um grande evento os serviços de infraestrutura sofressem melhorias, áreas como a educação, saúde e transporte pudessem ganhar em qualidade, beneficiando tanto os turistas e deixando um legado aos filhos destas terras. Mas não é o que vem acontecendo, o cenário que está estabelecido é o de obras nos estádios com orçamento inicial sendo modificado, e as melhorias para população sendo deixadas de lado. Após a promulgação da Lei Geral da Copa o que se retrata é a evidencia de um contrato feito entre o Governo Brasileiro e a FIFA, verdadeira beneficiada em todos os sentidos, por ter suas exigências cumpridas a qualquer preço e afrontando assim a soberania nacional, o estatuto do torcedor, liberando bebidas alcoólicas nos estádios, o estatuto do idoso, ao limitar a aquisição de ingressos com desconto em um único setor, não fazendo menção ao Código de Defesa do Consumidor, e em alguns pontos demonstrando ser inconstitucional.

PALAVRAS-CHAVE: Lei Geral da Copa, Legislação Desportiva; Constituição.