

# Two Players One Goal?

Sport in the European Union



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## 7.14 Sports structures in Portugal

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### Introduction

Portugal is a parliamentary republic, based on the Constitution of 1976 which was amended most recently. The unicameral Assembleia da Republica (Parliament) is composed by 230 members elected for a maximum term of four years.

In what refers to the electoral system, Portugal has an universal direct suffrage as of the age of 18 and applies the d'Hondt system of proportional representation.

The head of state in Portugal's semi-presidential system is the President of the Republic who is directly elected for a maximum of two consecutive five-year terms.

The Council of Ministers is led by the Prime Minister appointed by the President, whose legislative programme must be approved by the Assembleia da Republica. The centre-right Social Democratic Party emerged as the largest parliamentary party in the March 2002 election and formed a coalition government with the Popular Party. The government holds 119 of the 230 seats in the Assembleia da Republica which is the absolute majority.

Currently, the main political parties are the Social Democratic Party (PSD), the Socialist Party (PS), the Popular Party (PP), the Portuguese Communist Party (PCP), and the Left Block (BE).

Portugal joined the European Union in 1986.

### Sport legislation

In its article 79 the Portuguese Constitution determines the right to physical culture and sports. It grants citizens both a social and a cultural right to sporting activity and a specific legal entitlement to sport participation.

The Portuguese Basic Law of Sports which was passed in 1990, sets out the general framework for the sports system, promoting and establishing guidelines for sports activity as a cultural factor which is con-

sidered to be vital for a comprehensive education of human beings and for the development of society.

Since the adoption of the Basic Law of Sport, there were published plenty of sport laws/regulations, the most important among them are those which refer to sport federations, sport directors, sport financing, ethics (doping, violence, corruption), sport at school, professionals and employees in the field of sport, etc.

### **Governmental sport organisation**

The government sees to the effective management and co-ordination of national administrative bodies and sectors acting in the field of sport, i.e., the government co-ordinates sport policy.

The co-ordination pertains to the purview of the Minister responsible for sports policy nowadays reporting directly to the Prime Minister, and delegating almost all sport competences to the Secretary of State for Youth and Sports.

Particular aspects of sport activities are dealt with by the minister responsible and the respective departments.

Within the scope of defining and co-ordinating sports activity, the Government approves an integrated programme for sport development running for four years in sync with the Olympic cycle.

Till April 2003 the sports administration was divided into three different structures: The National Sports Institute - IND (Instituto Nacional do Desporto), which was responsible for directly supporting sport associations, the CEFD (Centro des Estudos e Formação Desportiva), which used to deal with the field of non-academic training in sport, and CAAD (Complexo de Apoio às Actividades Desportiva), responsible for the management and the maintaining of the sport infrastructure.

On the 1st of May 2003, the three structures mentioned were merged into a single Institute: the Portuguese Sports Institute (Instituto do Desporto de Portugal) a new model with various advantages mainly in what refers to functionality and saving.

The Superior Sports Council is an advisory body supporting the government member responsible for sport matters and consists of representatives from public and private corporations with special responsibilities. The said body is charged with monitoring the progress of sporting development and providing expertise on the guidelines set out by Public Administration in the area of sports policy.

The National Anti-Doping Council (Conselho Nacional Antidopagem) is attached to the National Sports Institute as the body responsible for organising and coordinating the activities designed to fight doping in sport at national level.

It is composed by the following members:

- a) the Chairman of the Portuguese Sports Institute, to chair it;
- b) the Director of the Sports Medicine Services;
- c) two representatives of the Doping and Biochemistry Analysis Laboratory;
- d) a representative of the National Pharmacy and Medicine Institute;
- e) three experts from the sports federations, named by the Portuguese Sports Confederation;
- f) a representative of the Portuguese Olympic Committee.

The National Anti-Doping Council is specifically responsible for:

- a) Recording the federation regulations governing anti-doping controls and verifying their compliance with the provisions of this statute;
- b) Providing sports federations with such technical assistance as they may request, both in the drawing up and in the application of their respective anti-doping regulations;
- c) Issuing a justified report for the purposes of exceptionally attenuating penalties if necessary;
- d) Developing, in cooperation with the entities which are responsible for the educational system and the sporting hierarchy, such pedagogical plans, and particularly information and education campaigns, targeted to increase the awareness of sports agents and young people in general of the dangers and unfairness of doping;
- e) Drawing up annual anti-doping control plans which are applicable both during competitions and outside them, and fostering their implementation;

- f) Studying and proposing adequate and suitable legislative and administrative measures designed to ensure the prevention and punishment of the illicit production of and trafficking with substances or products categorised as doping substances or products, and particularly anabolic steroids;
- g) Studying and suggesting measures aimed at coordinating the national plans to fight doping with the guidelines issued by the international sporting bodies, and complying with the obligations derived from conventions signed hereto;
- h) Issuing general or special recommendations which concern doping prevention and control procedures and are aimed both at the entities which form part of the sporting association concept and at sports agents; either as a result of new international guidelines on the subject or following inquiry proceedings of a given situation or those in which the persons inquired should be counselled, whether or not they are found guilty;
- i) Deciding to hold and initiating extraordinary inquiries and the anti-doping controls whenever it receives or gathers strong indications of the existence of habitual or continuous doping on the part of a given practitioner or in a given sector of sporting activity.

The National Council against Violence in Sport (Conselho Nacional contra a Violência no Desporto) which was also attached to the National Sports Institute was created with a view to promoting and coordinating the adoption of appropriate measures for combating sports-related outbreaks of violence and ensuring safety of sports competitions, as well as monitoring the implementation of such measures.

This Council is composed by the following members:

- a) the President of the Portuguese Sports Institute;
- b) a representative of the Home Office;
- c) a representative of the Department of Health;
- d) a representative of each of the Autonomous Regions of the Azores and Madeira;
- e) a representative of each of the professional leagues which have been incorporated in accordance with the Basic Law of Sport;
- f) a representative of the National Olympic Committee;
- g) a representative of the organisations of professional athletes;

- h) two representatives of the sports federations with public sports facilities, indicated by the Confederation of Sports of Portugal;
- i) an engineering officer specialised in sports infrastructures and designated by the Portuguese Sports Institute.

The specific responsibilities of the CNVD include:

- a) Providing expertise on building projects or construction works at sports facilities which are open to the general public, without prejudice to other applicable legislation;
- b) Ensuring and monitoring the installation of those security facilities foreseen at sports grounds;
- c) Establishing the capacity of sports grounds;
- d) Providing games with a "risk rating" when there are signs that disturbances are likely, after inquiring the relevant federation or leagues;
- e) Informing on international conventions on security at sports facilities signed by the Portuguese State or by other international organisations of which the Portuguese State forms part, thereby ensuring that such conventions are adapted to national circumstances;
- f) Analysing trends in sports-related violence by carrying out statistical and sociological studies with a view to seeking advice on what preventive measures should be adopted;
- g) Examining into whether additional fixed or removable seating is required, approving the violence-combating regulations set out herein and resolving technical questions brought about by the adoption of protective measures at sports grounds;
- h) Carrying out campaigns to promote fair play amongst the general public and players alike;
- i) Finding out about any occurrences of the nature described in subparagraphs a) and b), no.1 of article 18 and no.2 thereof by way of a notification issued by the relevant federation, professional league or sport association and giving its opinion as to whether these bodies have complied with the provisions hereof and of supplementary legislation, gathering any information it may require to this end;
- j) Promoting co-ordinated action with police authorities, particularly as regards provisions, measures and precautions to be taken to en-

sure the well-being of people and maintenance of property involved in sport events;

- k) Informing on any other matters submitted to it by the government member responsible for sport and carrying out any other responsibilities conferred under the terms hereof.

Any decisions, inspections and conclusions arrived at by the CNVD in the course of its responsibilities shall be sent to the government member responsible for sport and to the relevant sport federation for such purposes as are deemed necessary or as are required by law or the regulations.

### **Non-governmental sport organisation**

The Portuguese non-governmental sport organisations are the following: sports clubs, sport federations, professional league of clubs, sport promoting associations, athlete clubs, the National Sports Confederation, the National Olympic Committee and the Sports Foundation.

#### *Sports clubs*

Sports clubs are private corporations whose aim is the promotion and practice of sports activities.

Sports clubs which do not take part in professional sports competitions shall form associations for non-profit-making purposes.

#### *Sport federations*

A sport federation is a corporate body integrating athletes, clubs and groups of clubs incorporated under the legal system of a non-profit-making association, and pursues, at national level, exclusively or cumulatively, the following requirements and/or aims:

1. Seek to pursue the objectives set out below under the terms of their articles of association:

- a) To promote, regulate and manage the practising of a sport or group of similar sports at national level;
- b) To represent the interests of their members in their dealings with the public administration;
- c) To represent their sport or group of similar sports in their dealings with foreign counterparts or international organisations.

## 2. Obtain status as a sport institution of public interest.

Conferring the status as a sport institution of public interest endows the federation with the right to exercise regulatory, disciplinary and other public powers within the scope of their activity.

The granting of the aforementioned status is subject to the regulations of a specific law and is based on the consideration and accomplishment of objective requirements, namely:

- a) compliance of their articles of association with the law;
- b) the democratic and representative nature of their bodies;
- c) the independence and technical skill of their own jurisdictional bodies;
- d) degree of national social and sporting inclusion namely in terms of the number of players, association organisation and other indicators of sporting development;
- e) participation in recognised international federations.

Sport federations may be of a single-sport or multi-sport nature: single-sport federations are those including people or bodies who practice the same sport including its various disciplines or a series of similar sports; multi-sport federations are those who practice various sports for specific target groups namely sports for the disabled and sports practised within the framework of the educational system.

### *Professional league of clubs:*

Single-sport federations involved in professional sport competitions are integrated in a league of clubs involved in such competitions and are endowed with legal status and administrative, technical and financial autonomy. That league is the independent federation body for professional sport.

Regarding sports competitions the association of clubs is responsible on federation level for the issues of organisation, control and discipline, according to the following provisions.

Notwithstanding any other competencies foreseen in the federation statutes, the professional league of clubs is entitled to:



- a) organise and create the regulation of professional sports competitions in the context of their own federation, respecting the technical guidelines set out by national and international federation bodies, entitled to do so;
- b) Exercise, towards their member clubs the guardianship, control and supervision legally conferred to them by dint of law or by sport regulations;
- c) Exercise disciplinary power and manage their specific refereeing sector according to the provisions of the federation statutes and by the protocol mentioned in article 40;
- d) Set affection criteria and ensure supervision revenue directly resulting from professional sports competitions;
- e) Set management and control rules, applicable to member clubs;
- f) Register labour contracts of professional athletes;
- g) Promote training courses for sport agents;
- h) Exercise other competencies granted by dint of the law or by the statutes of the federation.

Its responsibilities shall include:

- a) Organising and regulating professional competitions performed under the aegis of the federation respecting the technical rules set out by the relevant national or international federation bodies;
- b) Carrying out such supervision, control and monitoring responsibilities as regards its member clubs as have been defined by law or by its articles of association and sport regulations;
- c) Carrying out disciplinary powers and managing the refereeing area under the terms set out in those bills regulating the present law;
- d) Carrying out such other responsibilities as are incumbent upon them under the law or the federation articles of association.

#### *Sport-promoting associations*

Sport-promoting associations are non-profit-organisations whose exclusive aim is the promotion and organisation of physical and sports activities for recreational, educational or social purposes, and do not fall under the jurisdiction of federations endowed with status as a sports institution of public interest.

*Athlete clubs*

Athlete clubs are non-profit-making entities governed by private law solely targeted at promoting and organising physical and sport activities with entertainment, training or social purposes.

*National Sports Confederation*

This is the federations' national umbrella organisation, which was set up in 1993. Although not all federations belong to it, the National Sports Confederation is one of the most important sports NGO in Portugal and an important social partner.

*Portuguese Olympic Committee*

The Portuguese Olympic Committee is endowed with the responsibilities and powers set out in the International Olympic Charter, namely organising national participation in the Olympic games and authorising sports trials for Olympic purposes. The Portuguese Olympic Committee has the exclusive use of Olympic symbols on national territory.

*Sport companies*

Sport companies are deemed to be private corporations registered as private limited companies whose object is to participate in professional sport competitions for one form of sport, to organise, promote and develop activities connected with the practising of the professional sport concerned.

The sport companies may be set up as the result of:

- a) The transformation of a sports club which participates, or wishes to participate, in professional sports competitions;
- b) Conferring as a legal entity upon teams who participate or wish to participate in professional sports competitions;
- c) The creation of such an enterprise "from scratch" and not resulting from the transformation of a sports club or the conferment of legal entity upon a team.

*Sports Foundation*

The Sports Foundation is a non-profit-organisation responsible for the development of the Patronage Statute framework in all that refers to sport, mainly promoting the enterprises' investment in sport.

### **Top-level sports**

There are no specific organisational structures of top level sports. However, it must be said that high level competition is incorporated within the scope of competitive sports. In line with the talent and vocation of outstanding sporting merit it consists in achieving outstanding performances as defined by international sport standards. The aim of a career in the area of sports being success at international level. High level competition is the object of specific support measures in view of the fact that it supports the practising of sports and by dint of the particular levels of preparation required by competitors. Those measures encompass:

- a) school system regulations;
- b) regulations governing employment and professional performance;
- c) civil service regulations;
- d) regulations governing the fulfilment of military obligations;
- e) access to training as a physical education teacher or as a sports technician;
- f) financial support for his/her preparation;
- g) sports insurance;
- h) professional reintegration.

### **Sport financing**

Besides other sources, funding of sports associations and sports clubs can take the form of financial contributions. The total funding granted under this form is subject to the following requirements:

- a) Presentation of detailed sport development programmes, specifying the forms, means and deadlines for compliance therewith;
- b) Presentation of costs and specification of independent financial, technical, material and human resources envisaged in the plans referred to in the previous subparagraph above.

Public financial contributions may only be granted in this regard when they are the object of officially published programme contracts aimed at sports development.

Professional sport can not receive any kind of financial contributions except in the case of the organisation of sport competitions with high public interest or in the case of construction or improvement of sport equipment/infrastructures.

The training of sport agents (sports agents include athletes, teachers, coaches, referees, board members, medical staff, paramedics and, broadly speaking, all those involved in the sports area) is promoted by the State and by those public and private bodies with responsibilities in the field of sports without prejudice to the specific vocation of educational establishments. The State is responsible for providing those resources required for sports education on a regional base at all levels as well as uniting the aims of the various official departments.

Sports associations are financed as a whole, i.e., the creation and generalisation of sport associations are supported and promoted whether for recreational or income-raising purposes.

Federations, associations and sports clubs are supported by the State under the terms foreseen in the Basic Law of Sport to the extent that they perform a useful social function.

Sport is also provided in the Patronage Statute. For the purpose of this Statute, only tax relevant donations of money or goods granted are considered without any counterpart which may create commercial or money obligations for the mentioned public or private entities. The responsibility herein mainly consists of promoting activities within those social, cultural, environmental, scientific, technological, sports and educational fields.

### **General sport behaviour**

According to 2002 resources, only about  $\frac{1}{4}$  of the Portuguese population practices sport.

23% of the population from the age of 15 to 74 years practice sport in a regular way (34% man; 14% women). Football is undoubtedly the most popular sport followed by basketball, handball and hockey. In what refers to sport participation corresponding to different social classes, it must be stressed that on the one hand only a certain part of the society with a considerably high income plays golf whereas on the other hand a large part of the population is not able to afford the membership fees for gymnasia and health clubs.

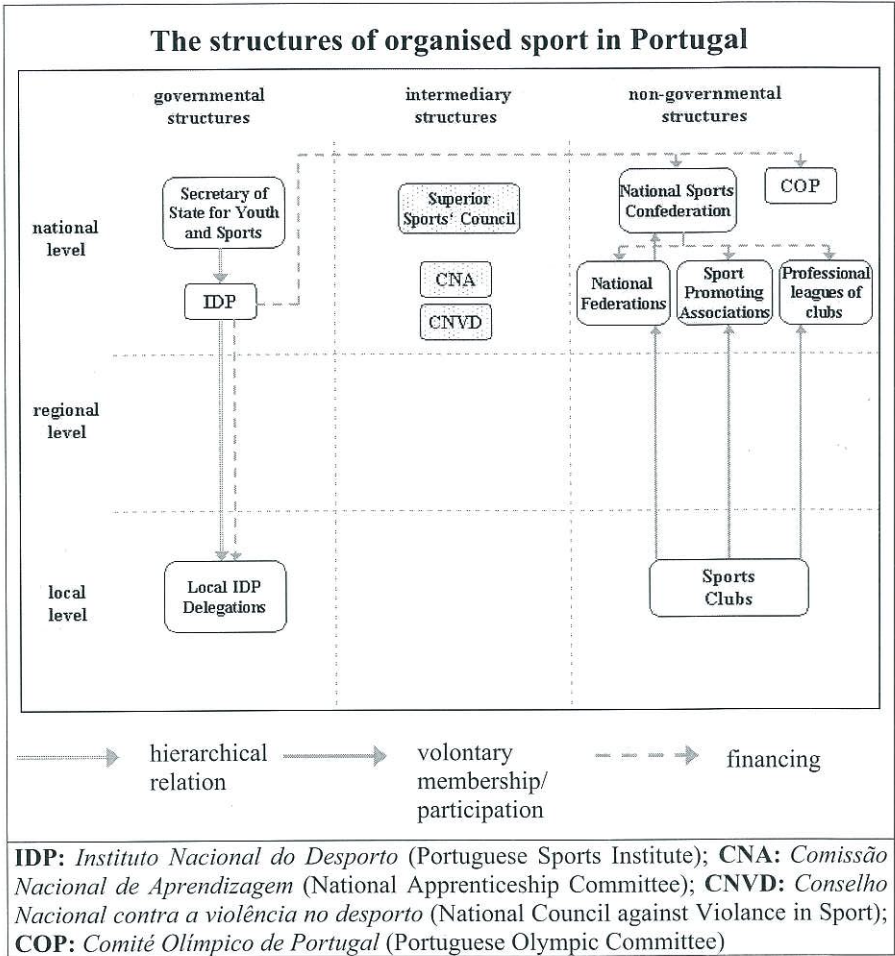


Figure 39: The structures of organised sport in Portugal. Own representation.