

## **STADIUMS TECHNICAL REPORTS IN BRAZIL: A TOOL FOR SAFETY AND SECURITY**

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### **Abstract**

This paper reviews the development of stadium safety regulations and legislation in England, following the Hillsborough disaster in 1989. The Taylor Report, which was published in the aftermath of the disaster, made a number of recommendations for improving stadium safety, including the introduction of all-seater stadiums. These recommendations were implemented, and stadium safety in England has improved significantly since the Hillsborough disaster. However, there are still some concerns about safety at football matches, and further improvements are needed.

**Keywords:** Stadium safety, Hillsborough disaster, Taylor Report, All-seater stadiums, FIFA, UEFA

### **1. Introduction**

Concerns over stadium safety, regulations and legislation are developed by governments or even by football match organizers and these have as a common factor the emergence of actions after the occurrence of serious events involving attending fans. Internationally, to highlight governmental action, we focus on England, which through a request made to Lord Justice Taylor, conducted an investigation to determine the causes of the Hillsborough (Sheffield) tragedy in April 1989 during the semifinals of the FA Cup between Liverpool and Nottingham Forest.

On this occasion, large groups of people entered the stadium after forcing open the access gate, intended only for exit purposes. This mob of people ended up crushing the other fans against the fences, which led to the collapse of the structure. The incident resulted in the deaths of 96 people, most of them due to suffocation, and over 700 were injured (Reis, 2014).

A result of the investigations into the tragedy was the Taylor Report, which included reviews, notes, interpretations and 76 recommendations for English football, highlighting problems and measures that should be implemented, such as: reform/adaptation of rundown sports facilities; crowd and overcrowding control measures; special training for police and agents involved in events; redrafting of safety standards for stadiums and seating requirements for all fans in stadiums (Sir Norman Chester Centre for Football Research, 2002). Based on this evidence, English football started to restructure itself in 1980 (Proni, 2002). Concerning organizing entities and

their documents on standards for football stadiums, the International Football Federation (FIFA) has a technical specifications document with recommendations and technical requirements which is currently in its fifth edition (FIFA 2011). Since 2000, the European Football Union (UEFA) possesses an instructional document on safety which contemplates stadiums, the Binding Safety and Security Instructions (Uefa, 2004, 2006a).

Effective 2006, UEFA added a more specific recommendations document, the UEFA Stadium Infrastructure Regulations (Uefa, 2006b), of which the latest edition was published in 2010 (Uefa, 2010). Finally, UEFA released the Guide to Quality Stadiums in 2011 in order to ensure the quality and safety in the stadiums of its associate members (Uefa, 2011). All these initiatives aim to provide safety and comfort to the general public, media professionals and athletes, in addition to "standardizing" the minimum requirements for a stadium to receive matches in competitions run by the organizations. The situation is very different in the Americas. The South American Football Confederation (CONMEBOL) did not make as much headway as UEFA, failing to develop stadium standards even for its main competition, the Copa Libertadores da América, whose regulation only requires a minimum 10.000 seating capacity to host matches in the early stages of the continental tournament, mandatory artificial lighting, and emergency generators in case of power failure (Conmebol, 2016).

In Brazil, the Brazilian Football Confederation (CBF) also does not have a specific guide or recommendations. Nevertheless, it does have an internal system through a Stadiums Inspection Commission designed to carry out stadium inspections with the help of engineers and architects (CBF, 2015).

Regulations and standards for stadiums in Brazil originate from the federal government, and as in England, were implemented after incidents with attending fans. The main incidents took place at Maracanã Stadium in Rio de Janeiro in 1992, when the collapse of a stand killed three people and left 90 wounded; in São Januário Stadium, also in Rio de Janeiro in 2000, a fence broke due to overcrowding, wounding 175 fans; and finally in Fonte Nova Stadium in Salvador, Bahia in 2007, seven people died due to the collapse of the stands (Estado de São Paulo, 2007).

Real (2003) stresses that after the neglect, particularly that of the football administration bodies towards fans, a legislation destined to regulate the sporting spectacle as a whole was needed. Thus, with the creation of Federal Law No. 10.671/03 (Brazil, 2003), the Fan Statute (EDT), Brazil entered a new realm in terms of protecting and defending fans' rights. Issues addressed by this legislation included requirements for safety, hygiene, accessibility and comfort in football stadiums.

Within this line of action, Article 23 mentions in its wording the term "stadium technical reports", which were regulated following sanctions by EDT through a Presidential Decree and specifically by Orders issued by the Ministry of Sports, which included the following documents: safety report, engineering inspection report, fire prevention and firefighting report, sanitary and hygiene conditions report, and structural stability report. However, this legal device is not well known by the public and this legal instrument's effectiveness is not known in detail. Therefore, it is important to broaden the discussion on the "reports system" in order to encourage its use, in addition to producing new knowledge in the subject areas of sports governance (organization and legislation), which may be added to actions involving its applicability in the daily routine of football competitions, not only in Brazilian territory but also in competitions in South America and worldwide. In this context, we propose to

contribute to scientific production through this article, whose general goal is to examine Brazilian legislation concerning stadium technical reports.

Specific objectives: (i) to review and understand current laws; (ii) to disclose the operation of the legal instrument within the legal and sports system; (iii) to develop a flowchart model of actions for the enforcement of the legislation; (iv) to identify cases involving reports and use of stadiums; and (v) to check how the instrument has served to benefit the fans.

## 2. Materials and methods

This study has an exploratory nature, as explained by Gil (1999). This model is intended to clarify, expand and modify concepts or ideas on a particular subject. Therefore, in research such as this paper, in which the subject matter is rarely examined in academia, to use quantitative techniques and probe samples in field studies in order to establish a database and format statistical calculations rarely applies. Thus, to use documents and literature as its main strategy in pursuit of consistent responses makes this paper more reliable, especially when paired up against other data sources, such as books and articles (Appolinário, 2009; Gil, 1999).

Under this approach we applied bibliographical and documental research methods, which are set apart due to the origin of the applied sources. Bibliographical research draws on contributions generated by different authors on the subject, generally secondary sources such as books, magazines/newspapers, legal documents, conference proceedings, journal articles, dissertations, theses, etc. On the other hand, documental research takes specific materials such as databases, reports, letters, newspaper articles, recordings, videos, websites, letters or other documents, which have not yet received analytic treatment in order to provide evidence and/or justifications to support research proposals (Sa-Silva; Almeida & Guindani, 2009).

In line with the principles of Sá-Silva Almeida & Guindani (2009), we categorized and classified the collected material as follows: 1. Legislation (Federal Law Decree and Orders by the Ministry of Sport); 2. Academics (books and articles); 3. Documents of organizing entities (material produced by CBF); 4. Newspaper reports of widely accessed online newspapers. In category 4 we examine the time lapse from the seasons of 2013, 2014 and 2015, selecting cases of known and unknown stadiums in Brazil in order to broaden the sample.

Next, in possession of the qualitative data, "the researcher must interpret them, synthesize information, determine trends, and to the possible extent, make the inference" (Sá-Silva; Almeida & Guindani, 2009, p.10). Thus, we performed the analysis of qualitative data by deepening, creating links or even expanding our perspective regarding the proposed objectives.

## 3. Report regulations

The first documents that confirmed any information on stadiums came from state and local laws originated from common urban construction sites through the so-called Operation Permits, Operation Licenses, Occupancy Permits, Fire Brigade Inspection Certificate (AVCB), Fire Department License Permits, Project against Fire and Panic, Sanitary Surveillance Licenses and Sanitary Surveillance Certificates, among others. Nevertheless, they are limited and vary according to state and local laws within Brazil.

Through Federal Law number 10.671/03 (Brazil, 2003), the stadium technical reports topic is first seen in the following wording of article 23 and paragraphs:

Art. 23. The entity in charge of the competition organization shall submit to the State Prosecutor's Office and the Federal District, prior to the event taking place, the technical reports issued by competent bodies and authorities for inspection of the safety conditions of the stadiums to be used in the competition.

§ 1. The reports shall address stadiums' effective seating capacity, as well as their safety.

§ 2 A sports entity shall not be allowed to host games for at least six months, without loss of other applicable sanctions, if:

I – a number of tickets greater than the stadium's seating capacity has been put on sale; or

II – a number of people greater than the stadium's seating capacity has been allowed inside its premises (Brazil, 2003).

While examining article 23, the positive points perceived are the involvement of competition organizing entities and the Prosecutor's Office, the commitment to certifying the number of attending fans at stadiums, penalties for overcrowding and for excess tickets put on sale for matches. The negative points that stand out are the article's lack of objectivity, since it does not define when the reports should be submitted to the Prosecutor's Office or any deadline, lack of clarity on what would be the competent authorities issuing the reports and, furthermore, what are the actual reports.

Subsequently, Article 23 of the EDT was regulated by Decree No. 6.795 (Brazil, 2009a) only six years later, in March 2009, the contents of which clarify which reports are to be issued. The documents according to its Article 2, § 1, are: Safety Report, Engineering Inspection Report, Prevention and Fire Fighting Report, and Sanitary and Hygiene Conditions Report. On the other hand, they still have not clarified which are the competent authorities to issue reports or if there even are technical report "models", or, furthermore, how those should be developed. The decree also mentions that a fifth report may exist, the Structural Stability Report.

Consequently, the Ministry of Sports published in July 2009 Order number 124/09 ME (Brazil, 2009b), which includes the first specific legislation on technical reports in Brazil. In this Order, the Ministry of Sports explains some of the cited flaws, in addition to including the technical report models in four annexes:

Art. 3 The technical reports set out in Annexes I, III and IV of this Order shall be issued respectively by the persons designated by the commanders of the Military Police and the State Fire Department and by the competent local sanitary inspection organ.

Single paragraph. The reports addressed in Annex II, as well as the structural stability report addressed in the sole paragraph of Article 2, shall be established by legally qualified professionals previously registered for this purpose at their local CREA (Brazil, 2009b).

Three of the four annexes are: I - Safety Report, III - Prevention and Fire Fighting Report, and IV – Sanitary and Hygiene Conditions Report. With questionnaire-type models to fill out, they have a maximum expiration date of one year. The exception is Annex II – Engineering Inspection Report, which has a maximum expiration date of two years and is an interpretative document with a defined script for the responsible engineer to follow and fill out according to his understanding. However, Article 2 of the Order includes the term Structural Stability Report, and thus the issues involving the author/agent that should issue it and how much each one should be a model remain unanswered.

With the publication in July 2009, during the Brazilian football season, in other words, with national and state competitions in full swing, the reports received a 90-day term to enter into force in definite terms (Brazil, 2009b). This action leads us to consider the need for more time in order to adjust the reports' documentation at all currently operating stadiums in Brazil.

Nevertheless, as a result of Order 185/09 ME (Brazil, 2009c) of 19 October, the deadlines and texts of the previous delivery were amended:

Art. 1 Art. 3 of Order No. 124 of July 17, 2009 comes into effect with the following amendment:

Art. 2 This Order shall come into effect on the date of its publication.

Art. 3 The technical reports set out in Annexes I, III and IV of this Order shall be issued respectively by the persons designated by the commanders of the Military Police and the State Fire Department and by the competent sanitary inspection authority effective beginning January 18, 2010.

Sole paragraph. The reports addressed in Annex II, as well as the structural stability report referred to in the sole paragraph of art. 2, shall be prepared by legally qualified professionals previously registered for this purpose at a local CREA and shall be effective beginning February 22, 2010. (NR) (Brazil, 2009c). Thus, the implementation of technical reports in 2009 failed to become a reality, becoming a pledge for 2010. After an extension term, the safety, fire prevention and firefighting, sanitary and hygiene reports came into effect on January 18, 2010.

Nevertheless, the launch date of the Engineering Inspection Report, Annex II, was delayed once again to April 23 of that year, through Order 28/10 ME (Ministry of Sports) (Brazil, 2010a). In this sense, it is understood that this last measure resulted from two facts: the complexity of the engineering inspection report, after all, since an engineer becomes the expert in charge of approving certain stadiums, the registration and training of these professionals requested by the Regional Engineering and Architecture Councils would take some time. At the end of 2010, Order 238/10 ME and annexes were published (Brazil, 2010b). At this time, Annexes I and III, safety and fire prevention and firefighting underwent minor amendments with the addition of new topics, as well as legislation, through Article 2 and paragraphs mentioning, once again, the Structural Stability Report, yet this time setting out an expiration term, date and conditions for its enforcement.

§ 1 - The structural stability report is mandatory for stadiums with a capacity equal to or greater than forty thousand fans, for those which have undergone expansion work or adaptations that require structural changes, and also for those with a history of structural problems.

§ 2 - The structural stability report is valid for 5 (five) years, for the purposes of this Order, and shall be required 180 (one hundred and eighty) days effective from its publication date.

§ 3 - At any time or during the engineering inspection, should any abnormality or problem that compromises the stability of the structure be detected, the immediate elaboration of a structural stability report will be required, which, in the aforementioned cases, the deadline for its elaboration of the previous paragraph will not apply (Brazil 2010b). This legislation remained in force until December 31, 2015, four years later, because in October 2015 the Ministry of Sports published Order 290/15 ME (Ministry of Sports) and annexes (Brazil, 2015), including new types of reports: I - Safety Report; II – Engineering Inspection Report, Accessibility

and Comfort; III – Fire Prevention and Fire Fighting and Panic Report; IV – Sanitary and Hygiene Conditions Report. Thus, Order 238/10 ME (Ministry of Sports) (Brazil, 2010b) was revoked and the new types of reports have been in effect since January 1, 2016.

Despite having been introduced recently, the new reports include questionnaire-type models with multiple choice answers, estimated results for approval in their contents and brings deadline recommendations for restrictions to be set forth by the issuer, such as 30 days to hire a security manager for the stadium. There is also the submission of documents required for issuing the report, as is the case for the Fire Fighting and Panic Projects approved by the State Fire Department. Therefore, we believe that the process became more demanding regarding conditions for amendments and norm compliance and, on the other hand, more bureaucratic and consuming as a result of the number of restrictive items brought forth in the reports.

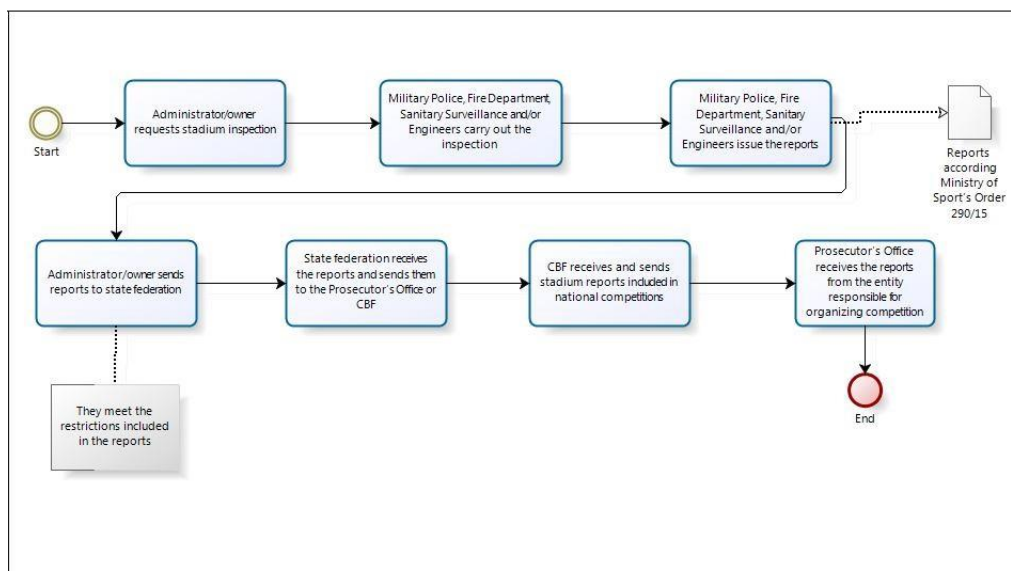
While reflecting on the described timeline one can say that stadium technical reports came into effect in Brazil during the 2010 season, effective April, after some extended deadlines.

As a criticism, there is no doubt that this matter took a long time to become a reality, with six years between publication of the EDT, regulation by Ministry of Sport Orders and Decrees highlighting the slow pace of the Brazilian legal system, perhaps due to lack of interest in the subject. This opinion supports Amaral & Bastos’s observations (2011), when they cite the delay in the enactment of laws and their implementation, leaving room for a breach of the rules established for stadiums in Brazil.

### 3.1 Report system

According to what Brazilian law prescribes, the reports shall be submitted by organizers of football competitions; however, there is a proceeding for sending the reports to the State Prosecutor’s Office and the Federal District. Thus, a flowchart model was created setting forth a sequence for carrying out the activity within the legal and sports system:

Figure 1: Report system flowchart



The flowchart proposes a sequence of practical actions aimed at the enforcement of technical reports. Thus, it establishes the figure of the stadium administrator/owner, which is broken down into public (municipal, state or federal government) and private entities represented by leaseholders and companies and authorized to manage stadiums as the most interested parties in keeping up-to-date reports.

Subsequently, competent authorities are called on to carry out inspections at the stadium, whose end results are technical reports falling into the following categories: approved, approved with restrictions or not approved. In these last two cases, there is a requirement for an adjustment that is paramount to the operation of the stadium, such as: recovery of a column that supports the stands, or even simpler adjustments like installing handrails and indoor signage. In such cases the restriction must be met in order for the stadium to be approved and, thus, released for use.

The system in question appears to be objective. However, is the role of the competition organizers merely that of sending reports? Should they not get acquainted with and take measures related to its content?

Issues such as these are not clear in the legislation, which generates further questions: Who is responsible for keeping charge of reports' due dates? Who is responsible for analyzing and verifying restrictions for each report? Who oversees the reports? Who would be responsible for these "powers"? Irrespective of being in writing or not, this responsibility is understood to belong to the final recipient, the Prosecutor's Office. But is it really a responsibility only of the Prosecutor's Office? Do the Federations and CBF not have some share of responsibility over this matter or should they be included in some way?

### **3.2 Cases and benefits for fans**

In this section the discussion is aimed at showing case studies portrayed by the media in which technical reports were of utmost importance to define whether a football match should take place or not, in line with the use of sports equipment. The first occurrence took place at Maracanã Stadium in September 2013, at which time the Rio de Janeiro Prosecutor's Office demanded the submission of a new Engineering Inspection Report, since the one that had been submitted by CBF did not meet the minimum requirements set forth in Annex II of the Ministry of Sport's Order 238/10 (O Dia newspaper, 2013). The stadium was being used since its reopening in May of that year in matches of the Brazilian championship by Riobased clubs. Despite having undergone renovation and, additionally, still being prepared for hosting the grand final of the FIFA World Cup 2014 and, thus, not posing structural risks for fans, it was made to submit the appropriate report in order to continue being used. This demand showcases inspection controls at stadiums, which is something that ultimately benefits/ensures fans' safety.

Secondly, we focus on the interdiction of José Abreu Bianco (Biancão) Stadium in Ji-Paraná/Rondônia, with a match scheduled for the 2013 Brazil Cup and local championship. The stadium was interdicted by the State Prosecutor's Office due to constraints such as security cameras and adjustments on the size of fences. These restrictions were demanded by the Security Report issued by the military police.

The stadium was re-evaluated by the same and released for use by the Prosecutor's Office after the demands were met (Plantão Esportivo, 2013). In this scenario, the demand for cameras is for stadiums with a capacity of 10,000 fans (Brazil, 2003), which was not the case here. Nevertheless, renovation work on the gates

should have been carried out and inspected, providing improved safety for the fans, thus constituting a cycle of corrective and effective actions for the sports equipment, which did not come through, leaving doubts over the real benefits for fans.

In the third situation, the actions were carried out more completely since the Arena Stadium in Juruá, in the city of Cruzeiro do Sul, Acre, had its reports prepared, which outlined problems with the stadium's structure in July 2013, requesting the non-use of the equipment. Thus, the Prosecutor's Office upheld the interdiction (AC24horas, 2013) and, in addition, the Prosecutor's Office and the Acre Football Federation signed a Conduct Adjustment Contract (TAC) in order to ensure the stadium was used only after confirmation of the case solution (renovation works) through new reports. Furthermore, the TAC included a daily R\$ 10,000 fine in case of noncompliance.

In light of the above, one can observe the preventive action carried out by the Prosecutor's Office based on the diagnosis set out through the technical reports, which is consolidated by the TAC and through financial compensation, perhaps the only way to ensure improvements are carried out in the stadium and, therefore, benefit the fans. It can be concluded that in this case, the stadium effectively underwent renovation works since it hosted state championship matches beginning March 2015.

Another incident took place in May 2014 in Piauí, in Alberto Silva Stadium (Albertão), the state's main sports arena. The Albertão had been previously interdicted by the Prosecutor's Office for not having the Fire Fighting and Panic Project approved by the Fire Department, among other irregularities, such as lack of fire hydrants and hoses. However, a new fire prevention and firefighting report was submitted, clearing the stadium for approval without restrictions.

Thus, the Prosecutor's Office sent local experts to the stadium, who once again verified the lack of a fire department approved project, as well as lack of fire hydrants and hoses in all areas, lack of a lightning protection system, signaling, evacuation plan and alarm, which led to upholding the interdiction (O Dia portal, 2014). The stadium was used in matches for the 2015 Brazil World Cup in March and April.

We found a case in which the Prosecutor's Office was not the leading agent for stadium interdiction or veto. In November 2014, Palmeiras intended to inaugurate the Allianz Parque Stadium in a match against Atlético Mineiro for the Brazilian championship; however, the safety and fire prevention and firefighting technical reports were not yet ready (Espn, 2014). As a result, without the reports having been submitted to the São Paulo State Football Federation and CBF, the match was not confirmed, and the stadium officially opened on November 29 for the match between Palmeiras and Sport.

Under these conditions, one can observe that the law has been enforced without any kind of restriction and the stadium administrator is required to meet the legal requirements, despite it being a new, modern stadium and apparently not offering so many risks.

Another case happened in São Paulo, the state that has the largest number of stadiums in Brazil (CBF, 2016). According to a story published by the Estadão newspaper on December 29, 2014, the São Paulo State Football Federation decided to interdict, in other words, to temporarily close 31 stadiums pertaining to clubs that competed in the A1, A2 and A3 (first, second and third divisions) divisions of the São Paulo State Championship,

which represented over 50% of stadiums pertaining to 60 participating clubs. Among the banned stadiums were traditional arenas such as Canindé, owned by club Portuguesa de Desportos, and Nabi Abi Chedid, owned by club Bragantino, which were required to submit to the federation the Fire Department Inspection Permit, in addition to the four reports required by law, before the start of the competition (O Estado de São Paulo newspaper, 2014).

While assessing this occurrence it is worth highlighting its uniqueness and rigorousness, particularly concerning the ratio of interdictions and immediately prior to a championship as important and competitive as the Paulista (São Paulo state), which started in February 2015.

Thus, one of the consequences was the replacement of these stadiums in the league table and overburden of matches on others whose reports were up-to-date. This also served as a warning sign for stadium administrators and clubs planning on receiving box office revenues, who were now required to pay greater attention to both legal requirements and the importance of submitting technical reports. In contrast, the benefit to fans takes place through the compliance with the legislation and in ensuring that competition stadiums have been inspected and certified by competent authorities.

We verified a case in the Copa Sul-Americana in August 2015 when Brasília, a Brazilian club, should have submitted the fire prevention and firefighting technical reports, as well as the sanitary and hygiene conditions reports for the Mané Garrincha Stadium (used in the 2014 FIFA World Cup) in order to participate in the competition. Nevertheless, the Federal District State Government (GDF) failed to submit the reports to CBF, and as a result, the stadium was vetoed and the match scheduled for Valmir Bezerra Stadium in the city of Gama (Amora, 2015).

By said situation, the analysis continues pointing to the full compliance with the law by CBF, CONMEBOL's representative. However, if we look at it closely, one can perceive the total ignorance and indifference on GDF's behalf concerning the issue, reflected by its mismanagement of the 2014 World Cup's most expensive stadium.

We understand that the reports serve as decision-making tools for the Prosecutor's Office and competition organizers by offering an overview of the stadiums. In the aforementioned cases, one can perceive that the government is the only entity detaining legal capacity to inspect, re-evaluate or even demand that restrictions be met so that improvements take place in stadiums, thus ensuring safety, comfort and accessibility conditions to fans.

#### 4. Final considerations

Stadium safety firstly and directly affects football and sports championships, but it also ends up protecting major events of various kinds that commonly take place in stadiums (concerts, lectures, rallies, space rentals and general entertainment). The reports certify, among other points, the fire prevention system and emergency exits, which in large cities are a significant concern. It is why stadium administrators must now keep the reports up-to-date in order to profit while hosting football matches. Therefore, all events are benefited.

During the study, it was possible to ascertain that the legislation has been in force for six years, has set standards and norms defined through its own models for each report, and received its final implementation deadlines within the Brazilian scene. In this regard, agents directly involved in this issue are State Football

Federations, the Brazilian Football Confederation, stadium administrators and owners, the Military Police, the Fire Department, the Sanitary Surveillance, Engineers, Architects and State Public Ministries.

Despite the mandatory compliance by organizers of professional football competitions, which are required to submit the technical reports to the State Public Prosecutor's Office before the start of the competition, the legislation is not clear as to who should oversee the technical reports so that they are effective in meeting fans' needs concerning safety, hygiene and comfort conditions. This fact is highlighted by proven examples in which improvements are guaranteed only through the TAC, ensuring that the stadium remains idle until the problem is resolved. Nevertheless, we defend that the Prosecutor's Office be in charge of this position as the process supervisory agent.

On the other hand, even though the report system has flaws in its actions, it symbolizes a breakthrough in issues ranging from safety to fans' comfort. It is interesting to observe how a gauge of this magnitude did not exist in Brazil, the so called "football nation", and still seems absent in South America in general. Thus, how many tragedies and, consequently, deaths could have been avoided? The reports system is undergoing changes with the inclusion of Order 290/15, which changed the models known until then since 2010.

The reports underwent increases in content, page numbers, document submissions and manner of filling out the form through the inclusion of suggested deadlines for meeting restrictions, such as, for example, the 120 days required for fixing physical barriers between stadium sectors lacking them. Another example is the Engineering Inspection, Accessibility and Comfort Report (former Engineering Inspection Report), which now has 331 pages, as opposed to its former 97 pages.

Throughout all these changes we can observe that the main goal of the reports, which is to certify stadium conditions for fans, is upheld; however, since the testing year is 2016, we are actually left in the dark concerning progress or setbacks within the process.

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