Review of FEI Legal System
Introduction

• What is the FEI Legal System?
  – Chapter VIII, FEI General Regulations
  • The legal powers and responsibilities of Officials and other appointed bodies;
  • A scale of penalties;
  • A procedure for lodging Protests, & Appeals
  • General Principles
Introduction

• Why review the FEI Legal System?
  – “If it is not broken, don’t fix it!”

• Current system – detailed & comprehensive but....
  – can be complex & confusing for stakeholders

• Two Types of Changes planned:
  – 1. Changes in Layout/Format
    • More logical order, grouping topics
  – 2. Substantive Changes
    • New concepts, revision/removal of current rules
Review of Legal System: Objectives

- User friendly system
- Clear
- Cost Effective
- Efficient
- Have decisions taken by the appropriate body
On-site Legal Processes
Proposal: On-site vs Off-site Legal Processes

**On Site matters**
- Ground Jury
  - All protests, challenges

**Off Site matters**
- FEI HQ, FEI Tribunal, CAS
  - Disciplinary Cases, Appeals
## On-site Legal Processes

- All Protests filed on site with Ground Jury only.
- Final Decision - Ground Jury

<table>
<thead>
<tr>
<th>√- Protest</th>
<th>X - No Protest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligibility of Horse/Athlete, Conditions of Arena <em>(pre-Competition)</em></td>
<td>Field of Play: Factual Observations (marks for performance, obstacle knocked)</td>
</tr>
<tr>
<td>Obstacle, plan/length of course <em>(pre-Competition)</em></td>
<td>ELM/DSQ Horse- Veterinary</td>
</tr>
<tr>
<td>Irregularity, Incident during Competition, Results</td>
<td>ELM/DSQ Athlete - Medical</td>
</tr>
<tr>
<td>Procedures in application or implementation of a rule</td>
<td>Yellow Warning Card</td>
</tr>
</tbody>
</table>
Future of Appeal Committee
Future of the Appeal Committee

• 1 – 3 Members
• Current Duties/Jurisdiction
  – Passport Irregularities
  – Matters beyond Ground Jury competence
  – Appeals against Ground Jury Decisions
  – But......no appeal against:
    • Field of Play decisions
    • Elimination/Disqualification - Veterinary/Medical grounds
    • Yellow Warning Card
    • Elimination/Disqualification
<table>
<thead>
<tr>
<th>Current: Mandatory Appeal Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Jumping</strong></td>
</tr>
<tr>
<td>Olympic Games, Continental Championships, World Championships</td>
</tr>
<tr>
<td><strong>Dressage</strong></td>
</tr>
<tr>
<td>Olympic Games, FEI World Cup Finals, FEI World Cup League Finals, FEI Championships, Regional Championships</td>
</tr>
<tr>
<td><strong>Eventing</strong></td>
</tr>
<tr>
<td>Championships and Games</td>
</tr>
<tr>
<td><strong>Driving</strong></td>
</tr>
<tr>
<td>FEI Championships</td>
</tr>
<tr>
<td><strong>Reining</strong></td>
</tr>
<tr>
<td>CRIO4* and Championships (World &amp; Continental)</td>
</tr>
<tr>
<td><strong>Endurance</strong></td>
</tr>
<tr>
<td>World Championships, CEIO’s Regional Games, Continental Championships, CEI 4*</td>
</tr>
<tr>
<td><strong>Para Dressage</strong></td>
</tr>
<tr>
<td>CPEDI 4* upwards</td>
</tr>
<tr>
<td><strong>Vaulting</strong></td>
</tr>
<tr>
<td>FEI Championships</td>
</tr>
</tbody>
</table>
## Appeal Committee @ Major FEI Events

<table>
<thead>
<tr>
<th>EVENT</th>
<th>APPEALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>FEI World Equestrian Games 2018</td>
<td>1</td>
</tr>
<tr>
<td>FEI Jumping Nations Cup Final 2017, 2018</td>
<td>0</td>
</tr>
<tr>
<td>FEI Jumping &amp; Dressage World Cup Finals 2018, 2019</td>
<td>0</td>
</tr>
<tr>
<td>FEI European Championships 2017 - Jumping, Dressage, Eventing</td>
<td>0</td>
</tr>
<tr>
<td>Rio Olympic Games 2016</td>
<td>1</td>
</tr>
</tbody>
</table>
Proposal: Removal of Appeal Committee

- Passport Irregularity function – transferred to Ground Jury
- Ground Jury - authority to deal with all on site issues
- No change to what decisions can be challenged
- Possibility to appeal after the Event to the FEI Tribunal
- In practice, decisions of the Appeal Committee are often appealed to the FEI Tribunal anyway.
Proposal: Removal of Appeal Committee

**PROs**

- Clarifies processes
  - All onsite matters dealt with by Ground Jury
  - Clarity on jurisdiction
  - No question of “Should I file a protest or an appeal?”
- Cost saving for OCs:
  - No accommodation, travel, per diem costs for AC members

**CONs**

- Tradition
- No onsite appeal of Ground Jury decisions arising from a Protest
  - (Note: appeal to FEI Tribunal, CAS still possible. Olympic Games – FEI Tribunal are on-site)
Panel Discussion: Protests & Future of Appeal Committee
Disciplinary Offences by Athlete Entourage
Yellow Warning Card – Athlete Entourage

- Parents, Coaches, Entourage can be disruptive at FEI Events, incorrect behaviour towards FEI Officials
  - Usually not FEI registered
  - How can the FEI impose sanctions to punish and deter?
- Proposal: Issue a Yellow Warning Card to the Athlete

![Yellow Warning Card Image]
Use of Video Evidence
Video Evidence: Current Rule

• **Official video-recordings** (recording made by a broadcast network or a video company hired by the OC) are **permitted** to assist FEI Officials in carrying out their responsibilities under FEI rules.

• To change the outcome of any Competition – video must contain **irrefutable evidence** that original ruling/decision was wrong

• **Protests:** Official video only
Video Evidence

• Discipline specific rules:
  • **Jumping:**
    – A video recording may never be used to establish the time of an Athlete’s round
    – With reference to the water jump the decision of the water jump judge is final
  • **Dressage**
    – Use of Video by JSP
Video Evidence

• Current Video Evidence rule in place since 2012
  – A lot has changed since then......
  – Do we need to update the rules on video evidence to reflect modern technology?
  – Allow use of footage recorded on smart phones?
Panel Discussion:
Use of Video, Yellow Warning Card – Athlete Entourage
Sanctions
Sanctions

• Current sanctioning system lists offence and then gives a wide range of sanctions
• Difficult for FEI Officials, FEI Tribunal to know what is the appropriate sanction for the offence in question
• Acts defined as criminal by the relevant national law, fraud of any kind, and violence a fine of CHF 1,000.- to 15,000.- and/or a Suspension of a minimum of one (1) month up to life
Sanctions: Proposal

- Catalogue (list) of Offences and Guidance for Sanctions based on seriousness of offence
- In practice, when opening a disciplinary case, FEI would inform accused person if FEI considers the particular offence to be “low-end” or “mid-range” or “top-end” or “max” and why
- Accused person/their lawyer can make their own submission on how serious the offence is
- **Aim:** more consistent and predictable sanctions for all parties involved. Create reliable precedent decisions
Abuse of Horses in any form (rapping, abnormal sensitisation or desensitisation of limbs, banned schooling methods etc.) may entail a fine of up to CHF 15,000.- and/or a Suspension of a minimum of three (3) months up to life

<table>
<thead>
<tr>
<th>Offence</th>
<th>Low-end</th>
<th>Mid-range</th>
<th>Top-end</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abuse of Horse</td>
<td>3 months</td>
<td>3 months - 2 yrs</td>
<td>2 - 5 yrs</td>
<td>Life</td>
</tr>
<tr>
<td></td>
<td>CHF 1,000 - 2,000</td>
<td>CHF 2,000 - 5,000</td>
<td>CHF 5,000 - 10,000</td>
<td>CHF 15,000</td>
</tr>
</tbody>
</table>
Draft Extract: Table of Sanctions

• Incorrect behaviour towards (a) Event Officials or any other party connected with the Event (other Athlete, journalist, public etc.) and/or (b) Doping Control Officers, Testing Veterinarian, Chaperones and/or any other person involved in the collection of a doping control sample may entail a fine of CHF 200.- to 10,000.- and/or a Suspension of a minimum of three (3) months up to a maximum of twelve (12) months.

<table>
<thead>
<tr>
<th>Offence</th>
<th>Low-end</th>
<th>Mid-range</th>
<th>Top-end</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incorrect Behaviour</td>
<td>3 months</td>
<td>6 months</td>
<td>9 months</td>
<td>1 year</td>
</tr>
<tr>
<td></td>
<td>CHF200 - 1,500</td>
<td>CHF 1,500 - 3,000</td>
<td>CHF 3,000 - 7,000</td>
<td>CHF 10,000</td>
</tr>
</tbody>
</table>
Administrative Disciplinary Process
Administrative Disciplinary Process

• Confirm in FEI General Regulations – FEI HQ can impose sanctions directly for less serious offences

• Why?
  – FEI Tribunal proceedings can take a number of months before a final decision is issued
    • Exchange of long written submissions even in minor cases
  – Sometimes an immediate decision is necessary
  – Allows the FEI to be more responsive when a rule breach occurs
  – FEI Tribunal focuses on more serious cases
FEI HQ to have right to impose following sanctions:
- Formal Warnings
- Fines up to CHF2,000
- Suspensions up to 3 months
- Provisional Suspensions
- Demotion of Officials (in consultation with Director of Officials & relevant Discipline Director)

- Full Right to be Heard
- Full Right of Appeal to FEI Tribunal (and ultimately CAS)
- Publication of all suspensions imposed by HQ
1. Alleged Offence Reported to FEI HQ

2. FEI HQ Assess Seriousness

3. FEI HQ Administrative Disciplinary Case

4. Notification

5. Right to be Heard Written &/or Oral Submission

6. FEI HQ Decision

7. Right to Appeal

FEI Tribunal Disciplinary Case
Start Date of Suspensions
Start Date of Suspensions

• General Principle: A suspension starts on the date of notification of the suspension
  – Some exceptions: EADCMRS, ADRHA – suspension can be backdated to sample collection

• Reasons for imposing a suspension

• However, some disciplines have an “off-season” depending on regional, seasonal factors
  – Eventing, Endurance

Punish wrongdoing & Deterrent Effect
Start Date of Suspensions

- If most/all of suspension runs into the “off season”, then limited/no impact on the Athlete – no real punishment
  - Eventing: 2 month suspension issued to European Athlete at end of November. Suspended for Dec, Jan. Will not miss any part of the “real” Eventing season.

- FEI wants sanctions to have a real effect
Proposal: Postpone Start Date of Suspensions

• General principle unchanged: Suspension starts on date of notification, but, where appropriate, to ensure suspension has a real effect:
  
• FEI Tribunal Cases:
  – FEI HQ can request FEI Tribunal to start the suspension on a later date

• FEI HQ Administrative Cases & 2 x Yellow Warning Card Cases:
  – FEI can designate a later start date for the suspension
Panel Discussion:
Table of Sanctions, Administrative Disciplinary Process, Start Date of Suspensions
Next Steps

• FEI Legal to review feedback from Sports Forum & prepare draft of revised Chapter VIII, FEI General Regulations

• First Draft of proposed changes:
  – Monday, 8 July 2019

• Deadline for NFs, Stakeholder feedback:
  – Friday, 30 August 2019
Questions?
Thank You!