



# Update on FEI General Regulations

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# 1. Review of the 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



# Review of Legal System: Objectives

- **User friendly system**
- **Clear**
- **Cost Effective**
- **Efficient**
- **Have decisions taken by the appropriate body**





# On-site Legal Processes

# On-site v Off-site Legal Processes

## On Site matters



### Ground Jury

- All protests, challenges



## Off Site matters



### FEI HQ, FEI Tribunal, CAS

- Disciplinary Cases, Appeals



FEI Tribunal

# On-site Legal Processes

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

✓- Protest	X – No Protest
Eligibility of Horse/Athlete, Conditions of Arena ( <i>pre-Competition</i> )	Field of Play: Factual Observations (marks for performance, obstacle knocked)
Obstacle, plan/length of course ( <i>pre-Competition</i> )	ELM/DSQ Horse– Veterinary
Irregularity, Incident during Competition, Results	ELM/DSQ Athlete - Medical
Procedures in application or implementation of a rule	Yellow Warning Card





**No more Appeal Committee**

# 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 were often appealed to the FEI Tribunal anyway.



# Disciplinary Offences by Athlete Entourage

# Yellow Warning Card – Athlete Entourage

- You may issue a YWC to the Person Responsible due to an Incorrect Behaviour by a member of the athlete's entourage.
- “**Entourage**” shall mean the Person Responsible's parent, spouse or partner, family member, coach, trainer, groom, crew or other person directly connected with the Person Responsible and includes the owner(s) of the Person Responsible's Horse.



# Administrative Disciplinary Process

# Administrative Disciplinary Process

- **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

# Administrative Disciplinary Process

- **FEI HQ to have right to impose following sanctions:**
  - Formal **Warnings**
  - **Fines** up to **CHF2,000**
  - **Provisional Suspensions**
  - **Suspensions** up to **3 months**
  - **Demotion of Officials and removal of Officials from a specific Event** (in consultation with Director of Officials & relevant Discipline Director)
- Full Right to be Heard
- Full Right of Appeal to FEI Tribunal (and ultimately CAS)



## 2. DECISION MAKING PROCESS



## 2. DECISION MAKING PROCESS

- **Art. 161.11 GRs:**

Before reaching a Decision on any Protest, the GJ must:

- consider if it has **jurisdiction** or not
- examine the **available evidence**, whether written or oral,
- **hear all the parties** concerned where appropriate under the rules (provided they are available) and
- take into account all relevant material, in every case trying to reach a **fair and equitable Decision**.

## 2. DECISION MAKING PROCESS

- Jurisdiction
- Art. 161.14 GRs: Where one party asserts that the GJ **does not have jurisdiction** and/or the GJ itself questions its jurisdiction, the GJ must **consider the arguments for and against jurisdiction** and render a **Decision on jurisdiction prior** to considering the **merits** of the Protest. If the GJ decides that it does not have jurisdiction, it **shall not proceed** to consider or comment **on the merits** of the Protest

## 2. DECISION MAKING PROCESS

- Any decision can only come after the GJ or Appeal Committee has **examined/listened to the initial evidence** and has **heard the relevant parties even if you initially believe** that there is no Protest allowed, or that there is **no jurisdiction**.

## 2. DECISION MAKING PROCESS

- If there is an **informal objection/protest** to a decision made by an official, the official should **provide** relevant **information** on the **correct procedure** and refer to the relevant provisions of the General Regulations (art. 163, 165, etc).
- If the person objecting is not the appropriate one, this should be pointed out.

## 2. DECISION MAKING PROCESS

### Notification of Decision

#### Art. 161.18 GRs:

**Where possible, Decisions must be notified in writing to the parties concerned.**

## 2. DECISION MAKING PROCESS

- **Template Forms**
- Protest and Appeal Forms are available on the FEI website (at <http://fei.org/fei/your-role/officials>) and it would be useful to have printed copies available at the show office.
- The FEI Legal Department has also prepared a Template Form for Ground Jury Decisions.



# 3. Online Injury Reporting & Falls

# Online Person Injury Reporting

- The form is available in the [FEI Doctors' Pack](#), which is a resource for OCs, medical services and FEI Officials. This document is accessible from the “Your role – Official” menu on the home page for the website.
- The Online Person Injury Reporting system is described at <https://inside.fei.org/fei/your-role/medical-safety/info-fei-officials>. This page is also accessible from the “Your role – Official” menu on the home page for the website.



# Why an online system for injury reports ?

## Fitness to Compete/Return to Play considerations

Automatically email to the athlete's NF if  
serious injury

## Data Confidentiality

Storage on FEI servers

Access to limited FEI staff

## Injury Surveillance

## 6. FALLS

### New provision in Article 224 Jumping Rules

“In all cases of a fall of an Athlete and/or a Horse anywhere within the grounds of the Event, **the Ground Jury** reserves the right **to exclude** the Athlete from participating further in the Competition and/or Event in accordance with Article 140.2 of the FEI General Regulations.”

# To be read in conjunction with the GRs

## Art. 140.2 GRs:

“The Ground Jury after consultation with the responsible medical officer (or if not available, with a relevant medical doctor and/or the Event medical service) may at any time **exclude from further participation** in a Competition or an entire Event any Athlete or Participating Support Personnel who is unfit to continue by reason of a serious or potentially serious injury, impairment, or health condition.”

# Liability of Officials

## Art. 155.2 GRs:

“All Officials acting at or in relation to an International Event are acting **on behalf of the FEI** and therefore **are not liable financially or otherwise** for any acts, omissions or Decisions undertaken **in good faith** in connection with their duties.”



# 4. Field of Play Decisions



# 4. Field of Play Decisions



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## If you were in the Ground Jury...?

- What would you do during the round?





## **Scenario:**

- You do not ring the bell and the rider does not stop voluntarily.
- After his round he comes to you and complains and wants his 1 time penalty to be removed. What do you do?

# No Exceptions

- If not allowed in the Rules, NO exceptions



## 4. Field of Play decisions – What did CAS say?

### Court of Arbitration for Sport (CAS)

“The referee's bona fide exercise of judgment or discretion **is beyond challenge otherwise than in so far as the rules** of the game themselves provide.”

“Factors that support such an approach include the CAS arbitrators' lack of technical expertise, the inevitable element of subjectivity, the need to avoid constant interruption of competitions, the opening of floodgates, and the difficulties of rewriting records and results after the fact.”

## 4. Field of Play decisions

### Court of Arbitration for Sport (CAS)

The CAS jurisprudence states that the participants are entitled to have referees make honest decisions, but not necessarily correct ones.

“In short Courts may interfere only if an official's field of play decision is tainted **by fraud or arbitrariness or corruption**; otherwise although a Court may have jurisdiction it will abstain as a matter of policy from exercising it.”



# **5. FEI Safeguarding Policy Against Harassment & Abuse**

## 5. FEI Safeguarding Policy Against Harassment & Abuse

- Effective as of 1 January 2019
- Appendix I of the GRs
- It applies to Athletes, Accredited Persons, FEI Representatives, **Officials**, Organisers, Person responsible and Support Personnel (Coaches, Trainers, Horse Owners, Stewards, Chef d'Equipe, Veterinarian, etc).

# 5. FEI Safeguarding Policy Against Harassment & Abuse

## Reporting, including at FEI Events:

- The FEI and/or the ECIU will take a report in the way that is most comfortable for the person initiating the report including an anonymous, in-person, verbal, or written report.
- FEI Incident Reporting Form
- Email: [safeguarding@fei.org](mailto:safeguarding@fei.org)

## FEI INCIDENT REPORTING FORM

Please fill out the information below to the best of your knowledge. Out of respect for the importance of this issue and to encourage honest and effective reporting, knowingly making a false or vindictive report will not be tolerated and may be a violation of the FEI's Rules & Regulations.

### PERSON BEING REPORTED

Name: (First)  (Last) 

FEI # (if applicable):  Gender:  Age (or approx): 

Discipline (if applicable): 

Position this individual holds or held:

☐ Coach ☐ FEI Official ☐ Trainer ☐ Athlete ☐ FEI Staff ☐ Other 

### ALLEGED OFFENCE INFORMATION

Type of offence (check all that apply):

☐ Psychological Abuse ☐ Physical Abuse ☐ Sexual Harassment ☐ Sexual Abuse ☐ Neglect  
☐ Other





## Questions?

**You can also contact me at: [mikael.rentsch@fei.org](mailto:mikael.rentsch@fei.org) or  
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