

## GLOBAL CHAMPIONS LEAGUE VS FEI BATTLE

# A LEGAL DEBATE TO COME TO AN END

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HORSE TIMES PRESENTS ITS SECOND IN A SERIES OF ARTICLES ADDRESSING LEGAL TOPICS AFFECTING THE EQUESTRIAN WORLD. MR. WAWRZYNIAK OF THE FIRM US-EUROPEAN EQUINE LAWYERS PROVIDES A VERY TIMELY EXPERT LEGAL ANALYSIS OF THE OUTCOME OF THE GCL/FEI BATTLE FOR CONTROL.

### INTRODUCTION

Global Champions League (GCL) is a new league and team competition developed by the owners of the Global Champions Tour. This new league and competition led to a major dispute between the FEI and the organisation of GCL. In June 2015, GCL filed a complaint and requested the Belgian Competition Authority (BCA) for measures to suspend the FEI exclusivity clause with regards to GCL. This FEI exclusivity clause prevents riders who competed in the events that were not approved by the FEI from taking part in any FEI event for a period of six months.

The BCA suspended the FEI exclusivity clause with regards to GCL, but the FEI was not happy about this decision and appealed it to the Court of Appeal in Brussels.

The dispute has now only been compounded by the recent decision of the Brussels Court of Appeal on 22 October, 2015 by which the preliminary decision of the BCA was upheld, striking down the exclusivity clause.

### The BCA DECISION AND THE COURT OF APPEAL

The Bca Decision was welcomed by a vast majority of riders and horse owners. At the same time it apparently fuelled the FEI's fears about losing its dominant role in the equestrian world. To a large group

of stakeholders in the equestrian community these fears seem to be rather unfounded. In the end the FEI remains the international governing body of Olympic equestrian sports consisting of national federations. Preserving its monopoly, however goes way too far when it comes to organizing international equestrian events by formally prohibiting riders to compete in any non-FEI event.

Unsatisfied with the outcome of the proceedings the FEI challenged the Bca Decision of the Court of Appeal in Brussels that had upheld that decision.

### FIERCE REACTION FROM THE FEI

The decision was given on 22 October, 2015 and led to a fierce reaction of the FEI. For instance, the FEI commented upon the decision of the Court of Appeal in a press release issued on 10 November, 2015 with the following statement:

*"Horse welfare and sporting integrity are the two key principles of the unsanctioned events rule, and these principles can only be protected and promoted by putting in place rules, including anti-doping and veterinary regulations, and by making acceptance of international events onto the official calendar conditional upon the Organising Committee adopting all of those regulations and making*

*them binding on all participants in those events. Without these rules, we have no way of safeguarding the welfare of horses and athletes participating in such events, or of protecting the integrity of the events."*

*"We are confident that the European Commission will accept that legislation on unsanctioned events is not against the EU anti-trust rules."*

### LEGAL PROCEEDINGS

The FEI believed that the Bca Decision caused serious and immediate prejudice to the FEI and to the common good. They argued that the provisional measures established under the Bca Decision would further hamper the very function of the FEI in its capacity as the governing body of equestrian sport. Moreover, they would damage the reputation of equestrian sport, the FEI and all National Equestrian Federations that are members of the FEI.

The common good, the welfare of horses, riders and the general public would be compromised by the Bca Decision, which would allow equestrian events to be run by GCL, and invites other organisers to do the same, without: i.) veterinary controls ii.) anti-doping tests iii.) betting controls iv.) controls of compliance with the rules of the



sport, fair play and uniformity of the rules of the sport.

The FEI further argued that, "With the abolition of the rule on the non-FEI approved events, organizers of such non-FEI approved events would not, in practice, be bound to adhere to any of the rules of the FEI in respect of the protection of the welfare of horses and the integrity of competition, as the FEI has no control whatsoever over the actions of those participating in non-accredited competitions including GCL." According to the FEI, the Bca Decision would have the effect of undermining the credibility of the governing body and would enable the riders to choose whether or not to comply with the rules of the FEI.

It is hard to organise and structure the official schedule of competitions with a view to maintaining a balance between the various interests at stake.

The Bca Decision would further prevent the FEI from establishing an official schedule of competitions that enables the national teams to improve their performance with a view to qualifying for regional and world competitions and the Olympic Games and could trigger a chain reaction.

#### FEI ARGUMENTS DISMISSED

The arguments of the FEI were dismissed by the Court of Appeal. The Court of Appeal considered that the upholding of the Bca Decision does not relieve GCL of the obligation to comply with the rules of the FEI relating to the protection of the welfare of horses

according to the Code of Ethics for the Welfare of Horses, Veterinary Regulations, the Equine Controlled Medication Regulations of the FEI and the integrity of competition (the Anti-Doping Rules for Human Athletes and the Equine Anti-Doping and Controlled Medication Regulations). Moreover, parties in the proceedings themselves have committed to adhering to the regulations of the FEI relating to horse welfare and the integrity of competition during the Global Champions League and to submit to the controls of the FEI at their own expense. The Court of Appeal also observed that the Statutes and Regulations of the Global Champions League stipulated sanctions (penalties and disqualifications) to anyone found to have violated horse welfare or mistreated a horse and liability for fines and other penalties, including disqualification from the event or exclusion from the League.

The Court of Appeal also considered that the FEI failed to demonstrate how the organizing of the GCL would adversely impact "protection of horse welfare and of the integrity of the sport" and or would create "a risk in respect of the showcasing of international competitions".

These negative effects on horse welfare and integrity of the sport seem to be from our perspective rather non-existent. If the FEI is really concerned about these issues and would like to mitigate this alleged risk the FEI could propose to carry out controls during the GCL events to ensure compliance of a respective event with the Code of Ethics for the Welfare of Horses, Veterinary Regulations, the Equine Controlled Medication Regulations

of the FEI.

The Court of Appeal, as an outsider to the equestrian sport, correctly evaluated the FEI arguments. They are basically non-arguments, especially when one realizes who the driving forces are behind the GCL.

#### GOING FORWARD

The Bca Decision is not of general application. It concerns only the GCL. Though, it may be a precedent in the equestrian world leading to new leagues and tours being organized outside of the FEI. Evidently, the FEI is currently enjoying a predominant role in the equestrian world fulfilling many roles at the same time. It's a governing body and it is an organizer and a marketer of equestrian events. Facing the Bca Decision the FEI probably realises that its own financial interest is at stake. 🐾

All photos by Cymon Taylor

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#### References:

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"FEI Bureau Agrees Unanimously to Take Strong Stance on GCL Case." FEI. 10 Nov. 2015.



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