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 FEI was apparently not satisfied with the outcome of the proceedings the FEI challenged the BCA Decision of the Court of Appeal in Brussels that had upheld that decision.

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

GLOBAL CHAMPIONS LEAGUE VS FEI BATTLE
A LEGAL DEBATE TO COME TO AN END
By Piotr M. Wawrzyniak

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

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