

SAG 4/2014

HØRING I HENHOLD TIL REGEL 69.3(A)

Dansk Sejlunion modtog 11. september 2014 en rapport i henhold til regel 69.2(d) fra Vallensbæk Sejlklubs protestkomite efter en regel 69.2 høring, gennemført 26. august, hvor Christian Videbæk, skipper på Solus Alta DEN 18, blev dømt for følgende overtrædelse af regel 69.1(a): "udøver en grov forseelse (truende adfærd overfor en konkurrent)".

Protestkomiteen diskvalificerede Christian Videbæk og båden fra sejladsen for dårlig opførsel (DGM).

På baggrund af rapporten, indledte Appel- og Regeludvalget en undersøgelse efter regel 69.3(a) og Dansk Sejlunions vedtægter § 15C. Undersøgelsesrapporten er vedlagt som bilag 1. Ud fra undersøgelsen blev det besluttet at gennemføre en disciplinærsag mod Christian Videbæk under regel 69.3(a). Appel- og Regeludvalget indkaldte ham derfor til en høring. Indkaldelsen er vedlagt som bilag 2.

Høring

Høringen blev afholdt 18. december 2014. Dansk Sejlunions Appel- og Regeludvalg var repræsenteret af et panel bestående af Jan Stage (formand), Hans-Kurt Andersen, Henrik Dorph-Jensen, Paw Hagen, Søren Krause og Torben Precht-Jensen, alle medlemmer af Appel- og Regeludvalget.

Christian Videbæk deltog efter eget valg uden bisidder. Rorsmanden fra den læ båd, som var involveret i den hændelse, hvor bruddet på regel 69.1(a) forekom, samt 3 besætningsmedlemmer fra Christian Videbæks båd og den læ båd deltog i høringen som vidner.

Christian Videbæk bekræftede indledningsvis, at indkaldelsen var modtaget og forstået, og at der havde været tilstrækkelig tid til forberedelse. Der var ikke indvendinger mod interesseret part, eller mod at panelet havde jurisdiktion og var korrekt konstitueret i henhold til DS' vedtægter. Det blev derfor konkluderet, at høringen kunne gennemføres.

Panelet fremlagde kort undersøgelsesrapporten, hvorefter Christian Videbæk fik lejlighed til at fremlægge sin oplevelse af hændelsen. Derefter svarede han på spørgsmål. De 3 vidner blev derefter ført og svarede på spørgsmål fra Christian Videbæk og panelet.

Under høringen fremkom også udsagn om, hvordan rorsmanden på den læ båd opførte sig før og under episoden. Han deltog i sejladsen som instruktør med elever på en skolebåd fra klubben. På trods af denne pædagogiske funktion tydede udsagnene på, at han ikke undgik kollision mellem bådene, han deltog selv i råberiet under episoden og på trods af, at han vidste, at han ikke rundede krydsmærket korrekt, rettede han ikke denne fejl eller indgav en gyldig protest men fuldførte sejladsen uden at udgå. Panelet tager skarpt afstand fra, at regelbrud bevidst ignoreres og at tvister under en kapsejlad søges løst med råben og kontakt mellem både, ikke mindst når det sker i en undervisningssituation. Panelet besluttede imidlertid, at der ikke var tilstrækkelige

beviser til at gennemføre en sag under regel 69 mod den pågældende rorsmand og at der ikke var antydning af nogen form for voldelig adfærd fra hans side. Men Appel- og Regeludvalget vil orientere klubben om sagen og opfordre dem til at overveje, om klubbens sejlerekole skal agere på en sådan måde under en kapsejlad.

Kendsgerninger

Under sejladen er der flere gange kraftige og nedsættende verbale ytringer mellem de to rorsmænd. Situationen kulminerer umiddelbart efter anden krydsmærkerunding og inden runding af afvisermærket, hvor der er berøring mellem bådene. Under denne kontakt, hvor Christian Videbæks båd er luv båd, går han over i læ side af sit cockpit, råber rorsmanden på den læ båd ind i hovedet og tager med hver af sine hænder fat i hver skulder på rorsmanden på den læ båd og skubber, så rorsmanden, der sad på styrbord sidedæk med ryggen til, glider ned i cockpitet. Rorsmanden på den læ båd opfatter det, som om han bliver rusket kraftigt og oplever episoden som meget voldsom. Under episoden er der kraftige nedsættende verbale ytringer mellem de to rorsmænd. Efterfølgende skilles bådene ad, og begge gennemfører sejladen uden yderligere episoder.

Der bliver ikke indleveret nogen gyldig protest for brud på regler i del 2 mellem bådene.

Konklusion

I henhold til regel 69.1(a) må en deltager ikke begå grove forseelser, herunder groft brud på en regel, dårlig opførsel, usportslig optræden eller handlinger, som skader sportens omdømme. I tillæg er sejlsport i Danmark underlagt et etisk kodeks (se Etisk kodeks for Dansk Sejlsport på www.sejlsport.dk), som siger: "Truende og voldelig adfærd samt nedsættende tale og skældsord i forhold til alle kapsejladens aktører er uacceptabelt" og "Fælles for disse etiske normer er ... at truende og voldelig adfærd aldrig accepteres".

Christian Videbæk har ved sine handlinger med kraftige verbale nedsættende ytringer samt voldelig adfærd med fysisk kontakt med rorsmanden på læ båd, forbrudt sig mod både regel 69.1(a) og det etiske kodeks.

Straf

Der findes ikke generelle danske retningslinjer for straffe idømt under regel 69.3(a). Panelet har heller ikke kendskab til danske fortillfælde, som direkte ligner denne sag. Der findes imidlertid internationale anbefalinger, som panelet har benyttet i fastsættelsen af straffen.

Den internationale sejlunion, International Sailing Federation (ISAF), er i gang med at udarbejde retningslinjer for straffe idømt under regel 69.3(a). I det aktuelle, næsten færdige udkast er den anbefalede straf for "Threatening violence" 1 års fratagelse af deltagelsesretten, for "Bullying, discriminatory behaviour and intimidation" 2 år og for "Engaging in an illegal activity (e.g. theft, assault, criminal damage)" 4 år.

Den engelske sejlunion, Royal Yachting Association (RYA), har et sæt retningslinjer for straffe, som idømmes af en protestkomite til et stævne under regel 69.2(a). De opdeler den anbefalede straf i 5 niveauer. De sætter "Bullying, discriminatory behaviour and intimidation" til et spektrum fra det midterste til højeste niveau, og "Physical or threatened violence" sættes til de to højeste niveauer.

I begge sæt retningslinjer anbefales der altså en høj straf alene for truende adfærd eller trusler om vold og en klart højere straf for fysisk vold. I den foreliggende sag finder panelet det derfor passende at give en betydelig straf.

Panelet har også overvejet formildende og skærpende omstændigheder. Det er formildende, at der var tale om en enkeltstående episode, som er kulmination på et længere forløb, at den voldelige adfærd blev udøvet i et øjeblikks ophidselse, at det foregik ved et mindre stævne med et beskedent antal vidner og at der ikke er kendte fortilfælde for deltageren. Det er skærpende, at deltageren er en voksen og erfaren sejler, at han ikke fortryder sine handlinger og at rorsmanden på den læ båd oplevede episoden som meget voldsom.

Afgørelse

Christian Videbæk fratages i henhold til regel 69.3 og ISAF Regulation 19.14 sin deltagelsesret (competition eligibility) for ethvert stævne, der afholdes indenfor Dansk Sejlunions myndighedsområde, for en periode af 6 måneder, gældende fra d. 18. december 2014 til d. 18. juni 2015, begge dage inklusive.

Afgørelsen blev meddelt Christian Videbæk d. 18. december 2014 umiddelbart efter høringen.

Dansk Sejlunion skal rapportere straffen til ISAF i henhold til Regulation 19.16. ISAF vil efterfølgende handle som krævet i Regulation 19.17 og 19.18.

DANSK SEJLUNION
Appel- og Regeludvalget
7. januar 2015

Jan Stage	Henrik Dorph-Jensen
Paw Hagen	Søren Krause
Hans-Kurt Andersen	Torben Precht-Jensen

Bilag:

Bilag 1: Sag 4/2014. Undersøgelse i Appel og Regeludvalget efter modtagelse af rapport i henhold til regel 69.2(d) efter overtrædelse af regel 69.1(a).

Bilag 2: Sag 4/2014. Regel 69 Indkaldelse.

**BEFORE THE ISAF DISCIPLINARY
COMMISSION**

ISAF CASE 2015/12/DC

IN THE MATTER OF:

CHRISTIAN VIDEBAEK (DEN)

RULE 69.3 PROCEEDINGS BY ISAF



PANEL DECISION

PROCEDURAL HISTORY

1. On 11 September, 2014 the Danish Sailing Association (“**DSA**”) received a report under the Racing Rules of Sailing (RRS) Rule 69.2 (d) from Vallensbaek Sejlklub, concerning a protest hearing held on 26 August, 2014 in which Mr Christian Videbaek was penalised under the RRS 69.1(a) for threatening behaviour towards another competitor.
2. The DSA held a hearing on 18 December, 2014, which was attended by various members of the Appeals and Rules Committee of the DSA, and by Mr Videbaek. The DSA suspended Mr Videbaek’s competition eligibility in accordance with RRS 69.3 and ISAF Regulation 19.14 for any event held within Danish Sailing Association’s jurisdiction for a period of six months, effective from 18 December, 2014 to 18 June, 2015 (both dates included). Pursuant to RRS 69.3 on 21 January, 2015 the DSA sent a report to the Chief Executive Officer of ISAF.
3. By email dated 6 February, 2015 sent by Mr Videbaek to the Disciplinary Commission of ISAF he challenged the decision of the DSA. By order dated 20 February, 2015 the Chairman of the Disciplinary Commission ordered that a panel (“the Panel”) should be formed, comprising:
 - Charlie Manzoni (HKG) as chairman
 - Stanislav Kassarov (BUL)
 - Ana Sanchez del Campo Ferrer (ESP).
4. By letter dated 20 February, 2015 from ISAF Mr Videbaek was informed of the appointment of the Panel and was provided with various documents, including the Rules of Procedure of the ISAF Disciplinary Commission.
5. By email dated 26 February, 2015 Mr Videbaek confirmed that he had no objection to the members of the Panel, and confirmed that he wish to make submissions to the Panel.
6. By letter dated 2 March 2015 the Panel enquired of Mr Videbaek whether he agreed to the facts found as set out in the report from the Danish Sailing Association. It also

requested Mr Videbaek to confirm whether he wished a hearing to be held, and asked for any submissions and relevant evidence to be submitted by 13 March, 2015.

7. By email dated 9 March, 2013 Mr Videbaek provided the panel with his submissions and evidence in support thereof. On a detailed consideration of those submissions it became clear to the Panel that in order fairly to proceed with the process it was necessary to provide Participants Status to the Danish Sailing Association. Consequently on 16 March 2015 the Panel ordered that the Danish Sailing Association should be joined into the proceedings, providing for them to make submissions before 25 March, 2015, with an opportunity to Mr Videbaek to reply to those submissions before 1 April, 2015.

FACTS

8. There is no dispute about the basic facts. Mr Videbaek has confirmed in his written response that he agrees the following statement of facts:

“During the race, several strong and derogatory verbal utterances are made between the two helmsmen. The situation culminates immediately after the second rounding of the windward mark, before the spreader mark, where there is contact between the boats. During this contact, where Christian Videbæk’s boat is the windward boat, he moves to the leeward side of his cockpit, shouts into the head of the helmsman on the leeward boat and takes with each of his hands hold of each shoulder of the helmsman on the leeward boat and pushes the helmsman, who is sitting on the starboard side deck with his back to the windward boat, thereby making him slide down into the cockpit. The helmsman on the leeward boat perceives it as if he is shaken vigorously and experiences the incident as very violent. During the incident, there are strong derogatory verbal utterances between the two helmsmen. Subsequently, the boats separate and they both complete the race without any further incidents.”

9. However Mr Videbaek contends that the above statement of facts, and the report of the DSA is incomplete in 4 respects:

- 9.1. The Report from the DSA inaccurately records that Mr Videbaek has no remorse about the incident. In fact he asks the Panel to note an email he sent to the DSA stating expressly that he deeply regretted the incident.

- 9.2. He contends that *“none of the facts reported in this case include the data of the boats involved. My boat is of the type “Solus Alta”, key dimensions: LOA 9,20m (29.5 ft), displacement 2420 kg. My opponent was sailing in a club-owned “Match 28”, key dimensions: LOA 8,5m (28 ft), displacement 2000 kg. These figures should be borne in mind*

when building a mental picture of the situation I was in when the incident occurred.”

9.3. He says that *“At the second rounding of the windward mark, I had a port/starboard incident with my opponent, causing my opponent to pass to leeward of the mark, failing to round it correctly. I expected him to return and correct his error but instead he luffed hard and caused our boats to collide. When the boats collided and remained in contact without any action from my opponent to get his boat clear of mine, I was in a situation where my opponent used his boat almost as a battering ram against mine. I then acted in the desperation that I think most boat owners would feel in this situation. I tried to push the leeward boat away without having my hands caught between the hulls and in doing so I pushed my opponent, causing him to slide down from the side-deck into the cockpit.”*

9.4. He says that *“the DSA report includes statements about my opponent’s perception of the incident. I would like to call the attention of the panel to the summary of my competitor’s original report about the incident, which is included in the protest committee decision (Appendix 1). It differs substantially from the facts found at the hearings by the protest committee and the DSA”*

10. In accordance with the Rules of Procedure the burden of proof in relation to facts which Mr Videbaek wishes to establish is the balance of probability. The Panel finds that the facts alleged by Mr Videbaek as set out in paragraphs 9.1, 9.2 and 9.3 are proved on the balance of probability. For the avoidance of doubt the Panel holds that the facts which it has found to be true are not inconsistent with the facts found by the Danish Sailing Association.

11. The Panel finds that those facts establish that Mr Videbaek was in contravention of RRS Rule 69 in that he exhibited a breach of good manners and sportsmanship and his conduct was such as to bring the sport of sailing into disrepute.

THE BASIS OF THE CHALLENGE

12. Mr Videbaek makes three challenges to the decision of the Danish Sailing Association:

12.1. The penalty imposed is disproportionate with previous incidents of a similar nature, and in particular an incident involving Ben Ainslie (now Sir Ben Ainslie) during the 2011 ISAF world championship in Perth.

12.2. The DSA determined the penalty by reference to guidance, and in particular draft guidelines of ISAF which have not been published, and guidelines published by the Royal Yachting Association (RYA), the

Member National Authority of GBR, which he says are not applicable to Denmark and cannot be used by the DSA.

- 12.3. The DSA took too long to resolve his case, leading to uncertainty over his position with the consequent unfairness that delay and uncertainty brings.

THE RESPONSE

13. In response the DSA contends that:

- 13.1. In relation to the additional facts contended for by Mr Videbaek, either it rejected those additional facts (although not expressly referring to them), or the additional facts are not inconsistent with the findings it has reached, and because they are irrelevant to the matters it decided and hence they did not need to be referred to. In particular the DSA says that:
- i. In relation to the dimensions of the boat, they are irrelevant;
 - ii. It rejected the proposition that he was trying to push the boats apart, because the boats are too heavy and hence to push them apart would be impossible.
 - iii. Various other witnesses confirmed that the actions of Mr Videbaek had been ones of aggression towards his competitor, rather than merely of trying to separate boats.
 - iv. It maintains that Mr Videbaek had not been remorseful. It draws a distinction between remorse shown before the DSA hearing (which is evidenced by Mr Videbaek's email) and remorse "*during or after*" the DSA hearing, which it says he did not show.
- 13.2. In relation to the earlier case concerning Sir Ben Ainslie, it says that it did not have access to the details of that case, and that individual cases cannot identify relevant precedent because each case turns on its own facts.
- 13.3. In relation to the use of the guidelines it contends that it was entitled to use the guidelines, as they are only guidelines, and hence did not dictate the penalty imposed. It also contends that the RYA guidelines are indeed published, and therefore it cannot be said by Mr Videbaek that he did not have an opportunity to address them. It notes that both the draft ISAF guidelines and the RYA guidelines treat violent behaviour at the highest level of sanction.
- 13.4. As to delay, it contends that for a process run by volunteers, the time taken was reasonable, particularly when compared to other disciplinary bodies.

THE REPLY

14. By email dated 1 April 2015 Mr Videbaek responded to the DSA submissions. Understandably the substance of his reply was largely to repeat his earlier arguments, save that he explained that as the hearing before DSA progressed it became apparent to him that DSA “did not understand the provocation leading up to the incident”. This was why he emphasised the provocation, rather than his remorse, during the course of the hearing.

DISCUSSION

15. The first point to address is jurisdiction. The Panel confirms that Mr Videbaek was subject to the RRS, and to the disciplinary procedures within ISAF by virtue of having participated within the race in question. Under RRS 69 and ISAF Regulation 19.16 the report of the DSA is to be made to ISAF, and, in accordance with the ISAF Regulations 19 and 35, any decision relevant to that report is required to be made by the Disciplinary Commission. The Panel is satisfied that it has jurisdiction to address the matters of challenge raised by Mr Videbaek.
16. The obligation of the Panel is set out under Regulation 19.17 and rule 2 of the Rules of Procedure, and it is to decide whether to confirm, revise or annul the decision of the DSA, and under rule 2 of the Rules of procedure to determine whether the Report made to it is true, whether any rule has been broken and if so what sanction should be imposed. For either of these purposes, the Panel treats this hearing as *de novo* hearing. It is able to conduct a *de novo* hearing without hearing witness evidence given that the facts are largely agreed.
17. As a *de novo* hearing, any procedural impropriety that occurred at any earlier stage becomes irrelevant because any prejudice that might have been suffered is eradicated by the processes of the new hearing. As a result strictly it is not necessary for the Panel to address the challenges that Mr Videbaek has made to the process before the DSA, as any failings at that level will fade to insignificance by virtue of the new hearing before the Panel. However, given that they have been addressed, the Panel considers it appropriate to comment upon them. Those comments will also inform the Panel’s consideration of the appropriate sanction on the facts as agreed, but supplemented, by Mr Videbaek.

DELAY

18. The chronology is, relevantly, as follows

Date	Event	Days from previous significant event
August 26, 2014	Date of the incident	
September 3	Protest committee hearing and decision.	7 days
September 8	Written decision from the protest	5 Days

	committee.	
September 11	DSA receives the report from the protest committee of the penalty given (RRS 69.2).	4 Days
October 14	DSA informs Mr Videbaek by e-mail that the DSA has received a report under RRS 69.2 and requests comments within 15 days.	33 Days
October 26	Mr Videbaek replies by e-mail to the DSA, expressing deep regret over the incident and commenting on the report from the protest committee.	12 Days
December 18	DSA hearing and decision.	73 days
January 7	E-mail with the written decision from DSA (DSA case 4/2014).	20 days
January 21	DSA sends its report to ISAF.	15 days

19. The first period of any significance after the incident is the period of 33 days from when the DSA received the report of the protest committee and requested comments from Mr Videbaek within 15 days.
20. The Panel is acutely aware that an organisation such as the DSA is likely to fulfil its functions largely through the use of volunteers. Inevitably it takes time for a report to be processed by the permanent staff of an MNA, and thereafter be passed to the relevant committee for the purposes of considering the appropriate reaction, and implementing whatever conclusion is reached after that consideration.
21. It is in one sense unreasonable to require volunteers to react within a short space of time to a situation which they have not created. However, on the other hand, issues of discipline, bad sportsmanship, or other inappropriate behaviour that may lead to a suspension of the competitor should be dealt with expeditiously so as to avoid delay, uncertainty and potential prejudice to the competitor.
22. The process itself may, in addition, take some time to complete, and that fact increases the need to maintain a rapid progression through the process and avoid unnecessary delay.

23. There is little or no guidance available to MNAs as to what is a reasonable degree of expedition in such a process. Obviously each case will depend upon its own facts, but the Panel is of the view that in most cases a decision ought to be reached by an MNA within 60 to 90 days of receipt of a report. In many cases a decision will be reached considerably quicker than that, and some make take longer for entirely understandable reasons.
24. In the instant case, the period from receipt of the report to publication of the Decision was from 11 September 2014 to 7 January 2015, which is a period of 118 days. In the Panel's view there is some merit in Mr Videbaek's criticism of the length of the process, although the Panel does not believe that the delay in itself is excessive, or has affected the due process of the procedure.
25. Upon analysis it appears that the delay occurred in 3 main period -33 days to consider the protest committee decision, 73 days between Mr Videbaek's response to that decision and a hearing, and 20 days between the hearing and the production of the written decision (although this last period may well be explicable by reference to the intervening Christmas period, and the need to obtain an agreement on drafting). The most significant period is clearly the 73 days.
26. Inevitably sometimes processes do get delayed for understandable reasons. In the view of the Panel if there is delay in a process caused by the decision making body, that delay needs to be taken into account when assessing the appropriate sanction if that appropriate sanction involves a suspension. The decision-making body should consider whether any suspension should be backdated to avoid any risk that the competitor has to endure a suspension ending later than would have been the case absent delay. The Panel takes this into account in assessing this case.

INAPPROPRIATE GUIDANCE AND THE SIR BEN AINSLIE CASE

27. The DSA started its discussion of the appropriate sanction by correctly recognising that there are no general Danish guidelines for penalties imposed under RRS rule 69. However it went on to state that there are internationally recognised guidelines, and it referred to draft ISAF guidelines which identify a 1 year suspension for bullying or intimidatory behaviour. It also referred to the RYA guidelines, which set a series of "levels" to various different behaviours, and assigned bullying, or violence to the higher levels.
28. The DSA then went on to consider various mitigating factors, including the fact that the incident occurred as a one off incident at a minor event with a limited number of witnesses. The aggravating factors were the lack of remorse during or after the hearing and that the helmsman of the leeward boat felt that the action was violent.
29. Mr Videbaek has referred to the Ainslie Incident as a precedent which he says should guide the appropriate sanction in his case. Put at its simplest, he believes that if Sir Ben Ainslie can hit, or threaten, a press spectator without further sanction, it is inappropriate and disproportionate to suspend his eligibility for 6 months for a far less public incident.

30. There are certainly differences between the Ainslie Incident and this. In the Ainslie Incident Sir Ben Ainslie was disqualified from 2 races in a very public manner, and that disqualification had the inevitable effect of denying him the ability to regain the world championship title. There are also a further series of mitigating factors which were relied upon by the RYA when deciding that no further sanction should be imposed. In this incident there is limited effect of a disqualification from the regatta and consequently that disqualification is in itself a far lesser sanction than that effectively imposed upon Sir Ben. However, notwithstanding these distinctions, the case concerning Sir Ben is one matter that the Panel must consider when addressing sanction.
31. As to the use of guidelines, it is, in the view of the Panel, not appropriate to use a set of guidelines that have not been published. To do so would be to contravene one of the basic principles of fairness that no procedure should be imposed upon a competitor without fair notice of the procedure having been given (unless that procedure is ore favourable to the competitor). In the event that guidelines for a sanction are to be used against a competitor that competitor is entitled to know what those guidelines are before the event occurs. If the guidelines are not published before the event then in the Panel's view it is not fair or appropriate that they should be the guiding principle against which sanctions should be measured. Consequently the Panel finds that it is not appropriate to have regard to the draft ISAF guidelines.
32. As for the RYA guidelines, as the DSA itself states, they are not applicable to Danish sailors. Therefore, on one view, they cannot be used as guidelines either. But in any event it is clear that they do not in themselves identify an appropriate sanction. All that they do is identify the apparent seriousness with which the RYA views incidences of intimidation, bullying and violence. The Panel agrees that the guidelines published by the RYA are correct to view such behaviour as serious infringements of RRS rule 69. That in itself however does not particularly assist to inform an appropriate sanction.
33. It is clear to the Panel that the sport of sailing needs to take all appropriate steps to eradicate behaviour of this nature. The drafting of ISAF guidelines is an appropriate way by which the sport can do so. Once the ISAF guidelines are published every participant will, or should, be aware that protest committees, MNAs, and ISAF will react against intimidation, bullying and violence with long periods of suspension of eligibility. However until such time as the guidelines are published, and a new standard is set against which sanctions can be measured, the only guidance remains previous cases. Inevitably all cases turn upon their own facts, and previous cases will not be anything other than a benchmark against which the individual facts of a different case can be measured. They are not binding precedents and should not be taken as such.
34. In the light of this the Panel takes the view that the Ainslie Incident is the only available material to assist in determining a sanction in this case, but it is not in any way a binding precedent. The 2 significant differences between this case and that involving Sir Ben are the very public and continued apology which Sir Ben Ainslie

repeated on several occasions, and the longer lasting effect of his inability to regain world championship title. The Panel recognises that Mr Videbaek did express remorse for his actions, but from the reaction of the DSA Appeals committee it is clear that they did not believe that his remorse continued and was continuously expressed. Secondly as identified above, the impact of a disqualification from the event is not a long-lasting sanction in the way that an inability to regain a world championship title is.

CONCLUSION

35. In all the circumstances, accepting the facts as agreed, and supplemented, by Mr Videbaek, and taking into account the slight delay in the decision of the DSA, the Panel concludes that:
- 35.1. The facts establish a breach of RRS 69; and
 - 35.2. the appropriate sanction is a suspension of Mr Videbaek's ISAF eligibility for a period of 3 months commencing on 1 December 2014, ending on 1 March 2015, both days included.
36. The decision of the DSA is therefore revised accordingly.

Charlie Manzoni (HKG)
Stanislav Kassarov (BUL)
Ana Sanchez del Campo Ferrer (ESP).
4 April 2015