Fédération Equestre Internationale

DECISION (ABRIDGED)

Made by the FEI Tribunal on Wednesday, 6 June 2012

In the matter of

MEREL BLOM

('Claimant')

-and-

FEDERATION EQUESTRE INTERNATIONALE

('Respondent')

(Collectively 'the Parties')

Protest / Appeal: Second Yellow Card Warning

Person Responsible: Ms. MEREL BLOM

Event: CCI3* Vairano (ITA); 20 – 22 April 2012

COMPOSITION OF PANEL

Mr. Henrik Arle, Chair

Mr. Pierre Ketterer, Member

Mr Armand Leone, Member

SUMMARY OF THE FACTS

1.1 Submissions and Evidence before the Tribunal: The FEI Tribunal duly took into consideration all evidence, submissions and documents

presented in the case file and at the hearing.

1.2 Memorandum of case: By Legal Department.

2.3 Oral hearing: On 5 June 2012 – Leeds, UK

Present: Mr. Henrik Arle
Mr. Pierre Ketterer
Mr. Armand Leone
Ms. Erika O'Leary, FEI Tribunal Clerk

For the PR: Ms. Merel Blom, PR
Dr. Monika Gattiker, Counsel for the PR
Mr. John Blom, Father of the PR
Ms. Sanne Blom, Sister of the PR
Mrs. MC Blom-Muilwijk, Mother of the PR
Mr. Leendert Jan Hofland, Dutch Team Veterinarian
Ms. Madeleine Brugman, Event Rider

For the FEI: Ms. Lisa Lazarus, General Counsel
Ms. Carolin Fischer, Legal Counsel
Mr. Alain James, Ground Jury President
Mr. Jean-Michel Berkovits, Technical Delegate
Mr. Martin Lipps, Dutch National Eventing Coach
Mr. Giuseppe Della Chiesa, Chair FEI Eventing Committee

1 Summary of Procedural Background

1. On 26 April 2012, Ms. Merel Blom ('the PR') received a Notification Letter from the Secretary General of the FEI which enclosed a Yellow Warning

Card received at the CC13* Event in Vairano, Italy (19 - 22 April 2012), in accordance with Articles 519.7 and 520 of the FEI Rules for Eventing, 23rd Edition, 1 January 2009, updates effective 1 January 2011 and Articles 159.4.1 & 169.7.1 of the General Regulations ("GRs"), 23rd Edition, 1 January 2009, updates effective 1 January 2011, for Horse Abuse, Incorrect Behaviour and Dangerous Riding. Further, enclosed to the letter was a previous Yellow Warning Card received by the PR for Horse Abuse at the CIC1* Event in Bialy Bor, Poland (27 - 29 May 2011). In the letter it was explained that pursuant to Article 169.7.2 of the GRs and Article 520.3 of the Rules for Eventing, having received a second Yellow Card Warning for the same offence, within one year from the delivery of the first Yellow Warning Card, the PR was automatically suspended from the day following the Event in Vairano ("Automatic Suspension") for a period of two (2) months.

2. On 4 May 2012, the PR filed a Protest and/or Appeal against the Decision of the Secretary General and the imposition of the Automatic Suspension. She sought interim relief and requested a Preliminary Hearing in order for the FEI Tribunal to provisionally lift the Automatic Suspension.

3. On 14 May 2012, the FEI filed its Answer to the PR's Protest and/or Appeal.

4. On 18 May 2012 the Preliminary Hearing was held, pursuant to which an Interim Decision was issued on the 23 May 2012. The Preliminary Panel held that the Automatic Suspension of the PR was maintained.

2. The Abridged Decision

5. The Tribunal holds that the Appeal brought by the PR in accordance with Article 165 of the GRs is not admissible pursuant to Article 165.2.1 of the GRs. That an Appeal against a Decision by the Ground Jury in cases covered by Article 159.6.1- 159.6.4 of the GRs is not admissible, and that in the case at hand, the matter falls within Article 159.6.3 of the GRs.

6. With regard to the Protest lodged by the PR, in accordance with Article 163 of the GRs, the Tribunal finds this to be admissible pursuant to Article 163.4 of the GRs and timely as stipulated by Article 163.5 of the GRs. The Tribunal accepts that the PR was aware that she was stopped on the cross country track, while competing at the Event, for "Dangerous Riding". Furthermore, the Tribunal finds that the Yellow Warning Card was issued, not only for the offence of Dangerous Riding but also for two additional grounds, Abuse of Horse and Incorrect Behaviour. The Tribunal however does not find that the PR was aware of the Yellow Warning Card and of the two additional grounds until after the Event. In consequence, the Tribunal

holds that the PR had the right to lodge a Protest against the Decision of the Ground Jury.

7. Based on the evidence provided, the Tribunal deems that the PR was not offered an opportunity to be heard on the Ground Jury's decision to deliver a Yellow Warning Card on the grounds of not just Dangerous Riding but the two additional grounds also, Abuse of Horse and Incorrect Behaviour. That this was a violation of the common principles of fairness and of the PR's procedural rights, which the Tribunal believe were not respected with regard to the two additional offences stated on the Yellow Warning Card. The Tribunal holds that the Yellow Warning Card in respect of the Dangerous Riding remains valid and is therefore upheld. The Tribunal finds that the issue of a Yellow Warning Card in respect of Abuse of Horse and Incorrect Behaviour significantly breached the PR's procedural rights and declares that the Yellow Warning Card, on the grounds of Abuse of Horse and Incorrect Behaviour, is void.

8. Based upon its findings the Tribunal holds that the grounds upon which the Automatic Suspension was imposed no longer exist and that therefore the Automatic Suspension can no longer be maintained.

9. A full reasoned Decision, including a finding on costs, shall be issued accordingly, pursuant to Article 19.45 of the Internal Regulations of the FEI Tribunal.

10. This Decision can be appealed before the Court of Arbitration for Sport (CAS) within 30 days of the present notification.

Mr. Henrik Arle

Chair of the Panel