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# SCHELSTRAETE

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INTERNATIONAL LAW FIRM

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Equine • Sports Law • Tax • Business • Art



SCHELSTRAETE

The midsize law firm Schelstraete, founded in the Netherlands in 1989, has more than 30 years of experience in the fields of Equine, Sports Law, Tax, Business, Art and Litigation at an International level. Schelstraete has its head office in 's-Hertogenbosch (located in Noord-Brabant, the most equine region in The Netherlands). At its meeting room in Amsterdam Schelstraete provides its legal services to many foreign clients. Schelstraete' employees include twelve people from Lawyers, to Paralegals to Financial and PR staff, and is still expanding. Schelstraete is an ambitious and dynamic law firm, dedicated to offer the best legal services to its clients.



Horses and Art have been my passions for decades.

I am blessed and grateful that the beauty of all this has become my professional dedication in the legal arena.



#### MR. LUC SCHELSTRAETE

Practicing law for more than 33 years, founder and senior partner of the law firm. Luc has developed the international equine legal business as a niche. Already in 2015, Luc initiated and founded the Alliance European US Asian Equine Lawyers with alliance partners in more than 12 countries. Separate from his specialization in Equine law, Luc has a broad experience in Art law, International Contracting and Litigation. Luc is a legal counsel of VSN (Dutch Association of Sport Horse Dealers) and of many high ranked multinational equine entrepreneurs, trainers, equine authorities, National Federations and top athletes. The Art law is his second main interest. Similar to the equine business, the art business is international and is developing fast. Luc has represented many international art dealers in The Netherlands, Belgium and France.







## LITIGATION

When a business deal goes wrong or a tortious act is committed and the dispute cannot be settled in an amicable way, litigation is often initiated. Litigation is a complex and challenging process with many opportunities, but also pitfalls, and can be best compared to a game of chess. Schelstraete knows this game as no other and protects and defends its clients' interests the best way possible. In this respect, a thorough preparation and a deep understanding of national and international law are crucial. With the right approach and tactic, even at first sight doubtful cases can often be brought to a satisfying ending. When litigating on complex matters with cross-border aspects, Schelstraete regularly works together with one or more of its alliance partners.

## MR VINCENT ZITMAN

Vincent leads the litigation section of Schelstraete and represents national and international clients in complex and cross-border litigation matters before various courts in The Netherlands. Vincent studied the Dutch law at Tilburg University and obtained his Masters degree in 2007. He was admitted to the bar the same year and has been working in the field of Contract & Liability Law and Equine Law ever since. In 2017, he successfully completed the Post-Academic Course Company & Liabilities at the prestigious Grotius Academy in The Netherlands. He is also a member of the VASR, the Dutch Association for Liability Law. Vincent has an extensive track record of successful litigation cases, many of these have been published.







Schelstraete Lawyers is participating  
in the Alliance European US Asian  
Equine Lawyers.

## Careers



# We are hiring!

Lawyer for International Practice

Tax Lawyer

Sports Lawyer

For further information please check our website!

[www.schelstraete.nl](http://www.schelstraete.nl)



**MR. PIOTR WAWRZYNIAK**

Piotr leads the Firm’s business section. He focuses on advising and negotiating commercial contracts, often with a cross-border element. Piotr studied in various universities at the following cities; Poznan (Poland), Mannheim (Germany) and Amsterdam (The Netherlands). In 2017, he completed the National and International contracting specialization course at the prestigious Grotius Academy in The Netherlands. Piotr is actively involved in international business affairs. Among others, he holds a director’s position in the Property Committee of the Global Legal Alliance (an independent network of law firms with its headquarters).



*“Opportunities multiply  
as they are seized”*

**BUSINESS**

Since the beginning of times, trade and business have been connecting people across the world. Prosperity and stability are built on trade and business. At Schelstraete Law Firm, we believe in this attitude. We reach out to our clients understanding their needs, cultural backgrounds and business interests. Negotiating a deal is a dynamic process in which the client’s interest is our imperative. We consider commercial interests and possible legal risks related to the matter and advise and negotiate the best deal for our client. For more than 30 years, our clients have been entrusting us with their commercial matters. We act in accordance with the motto of the ancient Chinese general Sun Tzu: “Opportunities multiply as they are seized”.





‘If you can’t explain it simply,  
you don’t understand it well enough.’

(Albert Einstein, 1879-1955)



### MR. RUDOLF KAARSEMAKER

Over 30 years as a Tax Adviser, Rudolf gained his experience from a big-four company, as a partner in a regional accountants- and tax consultancy firm. He has been over fifteen years active as an independent tax adviser. In the nineties, Rudolf has been responsible for tax-advice to the Dutch Olympic Committee, many athletes, sports unions, federations and sponsors. He has further specialized in international tax law and equestrian sports, in which VAT takes a prominent place.

He works ‘of counsel’ and he is involved in dossiers where tax issues arise. He is in particular involved in cross-border transactions and in situations with entrepreneurial families where the distinction between ‘private’ and ‘business’ is an issue or in matters of estate planning and transfer of wealth.





NEW OFFICE



# DEN BOSCH

Hoflaan 7-9



## References



Several references of Schelstraete in 2020

### LITIGATION

- **Schelstraete Law Firm solves legal dispute for a Mexican showjumper regarding income tax and social security**

Schelstraete Law Firm represented a Mexican show jumper who was employed by a Dutch yard. We have successfully collected an amount of Eur 10,000 salary claim.

- **Schelstraete Law Firm wins court procedure for a Columbian show jumper**

The counterparty – a Dutch horse trader – claimed a right of retention on the horse. The District Court of Gelderland refused this claim; the horse trader was convicted to pay damages to our client and to release the horse immediately under penalty of €500 a day.

Source: ECLI:NL:RBGEL:2020:2264

- **Schelstraete Law Firm wins court procedure against a Mexican show jumper and horse trader**

The counterparty claimed substantial amounts from our client: € 175.000. According to the counterparty our client sold horses in his assignment without his permission and did not pay him the full purchase prices. Our client was accused of theft by the counterparty as well. All counterparties' claims were dismissed by the District Court of Breda; counterparties' story was vague and claims were not sufficiently substantiated.

- **Schelstraete Law Firm also wins appeal procedure on alleged neurectomy surgery**

Schelstraete Law Firm won a case in first instance as well as in appeal about an alleged neurectomy performed on a horse. Schelstraete Law Firm represented a Dutch seller of the horse. Based on the arguments of Schelstraete Law Firm, the Court of Appeal judged that the British buyer insufficiently proved that a neurectomy was

performed, let alone before the delivery of the horse to the buyer. The buyer was convicted to pay the legal costs of the seller in first instance and in appeal.

Source: ECLI:NL:GHSHE:2020:1735

- **Schelstraete Law Firm manages to reverse the burden of proof in case of delivery attendance in a professional yard**

Schelstraete Law Firm managed to reverse the burden of proof in favor of its clients. Clients mare and foal died after being entrusted to a professional yard. The District Court of 's-Hertogenbosch decided it is up to the professional yard to prove that they meet their duty of care.

Source: ECLI:NL:RBOBR:2020:2388

- **Saudi client of Schelstraete wins again in appeal**

The court of appeal confirms the ownership of the client of 4 valuable jumping horses and orders the counterparty to pay damages for the unlawful appropriation of these horses. The court further declines the claim of the counterparty of € 400.000,- as he failed to deliver sufficient proof.

Source: ECLI:NL:GHARL:2020:5234

- **Schelstraete Law Firm wins litigation about sale of an expensive dressage horse on behalf of a Spanish client (claimed defects were rejected)**

Schelstraete Law Firm represented a Spanish company (client) in a procedure at the District Court of Den Bosch (NL). Client sold a Lusitano dressage horse to a professional Japanese rider. The rider argued that the horse did not meet expectations and claimed back the purchase price of more than €1,000,000. The court rejected the claims of the rider; as the rider failed to prove that the horse suffered from defects at the time of delivery. The veterinarian of the rider also did not see any reason to check MRI-images offered by the client when performing the pre-purchase examination. Furthermore, the rider purchased the horse 'as is'.

Source: ECLI:NL:RBOBR:2020:1435



## EUROPEAN-US-ASIAN EQUINE LAWYERS

In the last decade, the International Equine Industry has been growing enormously. And the International horse deals keep increasing annually.

Schelstraete Law Firm, the founder of the Alliance Group 'European US Asian Equine Lawyers', focuses its practice on international clients. As a result of which, we have been working with International Equine Law Specialized Lawyers, to whom we have introduced many clients and files.

"The time has come that these International developments are to be formalized by means of creating an Alliance Group which has been set up in the beginning of 2017. Through this Alliance Group of independent partners, we provide knowledge, understanding and experience to the Equine Industry.

Thanks to this Alliance, we will be able to provide our clients with a thorough advice. This is not only the case when it comes to the sale and purchase of horses, but also in the event that a dispute arises after the sale and purchase and a civil litigation procedure, often taking place abroad, seems inevitable. As an Alliance Group, we will also be able to provide support to our Partners with specific knowledge related to other areas of expertise; such as International collaborations, FEI disciplinary cases, liability claims and veterinary legal matters and so on."

Luc Schelstraete



## SERVICES

- We are specialized in equine law and contracting; we assist people in buying/selling show horses.
- We do litigation on all kinds of equine topics; such as sale and purchase disputes, alternative dispute resolution like arbitration.
- We assist people at national and international disciplinary proceedings; including FEI cases and appeal cases at CAS. Also on doping and alleged horse abuse.
- We offer our advice to financial stakeholders in the equine business for example financing contracts with equine enterprises.
- We offer tax advice to people and entities involved in the international equine business for instance VAT issues at cross-border transactions.
- We also do Family Office, in which SLF represents businesses and high net worth clients assisting them at realizing equine sport and business in Europe.
- We also offer immigration services for those who wish to stay longer than 3 months in the Netherlands and for those who would like to invest in the Dutch economy.



MEETING ROOM



# AMSTERDAM

De Herengracht 450-454



## Our Alliance Partners



BEELEN ADVOCATEN – BRUSSELS, BELGIUM

KSA AVOCATS – QUEBEC, CANADA

d'ORNANO QUERNER DHUIN – PARIS, FRANCE

BERNER FISCHER & PARTNER – VERDEN, GERMANY

SETALVAD – MUMBAI, INDIA

LEXHIPPICA LEGAL OFFICE – WARSAW, POLAND

GULLIKSSON – MALMO, LUND, STOCKHOLM, GOTEBOG, HELSINGBORG - SWEDEN

LANTER – ZURICH, SWITZERLAND

MORGAN SPORTS LAW – LONDON, UNITED KINGDOM

HEY & HEY ATTORNEYS AT LAW LLP – SAN FRANCISCO, UNITED STATES OF AMERICA

LEGESTHORSE – BARCELONA, SPAIN

PAULO DE SOUSA – MATOSINHOS, PORTUGAL

STUDIE LEGALE GIARDINO – ITALY

SCHELSTRAETE ADVOCATEN – 's-HERTOGENBOSCH & AMSTERDAM, NETHERLANDS

For further information please check our website!

[www.europeanequinelawyers.com](http://www.europeanequinelawyers.com)





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