

INTERNATIONAL COURT OF APPEAL (I.C.A.)

OF THE

FEDERATION INTERNATIONALE DE L'AUTOMOBILE (F.I.A.)

CASE:

**Appeal from the Automobile Club d'Italia (ACI)/Commissione Sportiva
Automobilistica Italiana (CSAI)
on behalf of its licence-holder, Alfa Romeo Racing Team,
against decision N. TC 08 taken by the Panel of the Stewards of the Meeting
on 30 July 2005
concerning the incident involving
car N°2 (competitor Alfa Romeo Racing Team, driver Gabriele Tarquini),
car N° 43 (competitor BMW Team Deutschland, driver Dirk Müller), and
car N° 5 (competitor BMW Team Italy-Spain, driver Antonio Garcia),**

**Event run on 26 to 31 July 2005 at Spa (Belgium) and
counting in the 2005 FIA World Touring Car Championship**

Hearing on Tuesday 13 September 2005 in Paris

/JBS Translation: original in French

The FIA INTERNATIONAL COURT OF APPEAL comprising Mr Jean-François VEROUX (France), elected President, Mr Philippe ROBERTI de WINGHE (Belgium) and Mr Reginald REDMOND (Ireland);

Meeting in Paris, on Tuesday 13 September 2005, at the Headquarters of the Fédération Internationale de l'Automobile - 8, place de la Concorde - 75008 Paris;

Ruling on the appeal lodged by the Automobile Club d'Italia/Commissione Sportiva Automobilistica Italiana on behalf of its licence-holder Alfa Romeo Racing Team, against decision N. TC 08 taken by the Panel of the Stewards of the Meeting on 30 July 2005 concerning the incident involving car N°2 (competitor Alfa Romeo Racing Team, driver Gabriele Tarquini), car N°43 (competitor BMW Team Deutschland, driver Dirk Müller), and car N°5 (competitor BMW Team Italy-Spain, driver Antonio Garcia), during event N°2 run on 26 to 31 July 2005 at Spa (Belgium) and counting in the 2005 FIA World Touring Car Championship;

After hearing:

For the appellant,

1) the ACI/CSAI, represented by Mr Francesco de Beaumont, Lawyer with the Rome Bar,
2) the competitor Alfa Romeo Racing Team, represented by Ms Monica Sipsz, Team Manager, and Mr Gabriele Tarquini, Driver, assisted by Mr Ricardo La Cognata, Lawyer, and Mr Fabio Sabino, Lawyer;

For the respondent,

the competitor BMW Team Italy-Spain, represented by Mr Roberto Ravaglia, Team Manager, and Mr Antonio Garcia, Driver, assisted by Mr Roberto Causo, Lawyer with the Rome Bar;

In the presence of the competitor BMW Team Deutschland represented by Mr Roberto Causo and the driver Dirk Müller;

For the FIA,

Mr Pierre de Coninck, Secretary General of the FIA Sport Division, and Mr Sébastien Bernard, Head of the Legal Department;

Having acknowledged that the procedure with full argument on both sides was in order, the rights of each party having been duly examined both in the proceedings prior to the hearing and during the hearing itself; the parties having each been heard, having provided all the detailed explanations requested during the hearing and having given all answers, with the help of a simultaneous translation system recognised as satisfactory by the parties;

On the admissibility of the appeal

WHEREAS it emerges from elements in the dossier that the inquiry undertaken on the initiative of the Panel of the Stewards of the Meeting and the resulting decision N. TC 08 involved the behaviour of three drivers, namely Mr Antonio Garcia (competitor BMW Team Italy-Spain), Mr Dirk Müller (competitor BMW Team Deutschland) and Mr Gabriele Tarquini (competitor Alfa Romeo Racing Team);

WHEREAS, consequently, the International Court of Appeal considers that the latter is concerned, by virtue of Article 185.2 of the International Sporting Code, and that the appeal against decision N. TC 08 appears admissible;

On the content

After having viewed several times during the hearing and in the presence of all the parties concerned the video recordings in the dossier, and after each party was able to freely and at length express themselves, the International Court of Appeal confirms the decision taken, deeming that it is a racing incident;

ON THESE GROUNDS,

DECLARES the appeal admissible,

AS TO THE CONTENT,

CONFIRMS decision N. TC 08 handed down by the Panel of the Stewards of the Meeting on 30 July 2005 concerning the incident involving car N°2 (competitor Alfa Romeo Racing Team, driver Gabriele Tarquini), car N° 43 (competitor BMW Team Deutschland, driver Dirk Müller), and car N° 5 (competitor BMW Team Italy-Spain, driver Antonio Garcia), during event N°2 run on 26 to 31 July 2005 at Spa (Belgium);

LEAVES the costs to be borne by the appellant, in accordance with Article 190 of the International Sporting Code.

Paris, 13 September 2005
(signature)
The PRESIDENT