

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

**OF THE**

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

**CASE:**

**Appeals from the Automobile Club d'Italia (ACI)/Commissione Sportiva  
Automobilistica Italiana (CSAI)  
on behalf of its licence-holder, competitor Coloni, Driver Pantano,  
against the decisions taken by the Panel of the Stewards of the Meeting  
in the F3000 event run on 14 September 2002 at Monza  
counting in the FIA 2002 F3000 International Championship**

**Decision N°25 – Competitor Petrobas Junior Team, Driver Pizzonia,  
Car N°3 (wing)**

**Decision N°26 – Competitor Arden International, Driver Wirdheim,  
Car N°18 (anti-roll bar)**

**Decision N°27 – Competitor Arden International, Driver Enge,  
Car N° 19 (anti-roll bar)**

**Hearing on Thursday 3 October 2002 in Paris**

The FIA INTERNATIONAL COURT OF APPEAL comprising Mr José MACEDO e CUNHA (Portugal), elected President, Mr Xavier CONESA (Spain), Mr Vassilis KOUSSIS (Greece), and Mr Hans-Urs MERZ (Switzerland);

Meeting in Paris, on Thursday 3 October 2002, at the Headquarters of the Fédération Internationale de l'Automobile - 8, place de la Concorde - 75008 Paris;

Ruling on the appeals lodged by the Automobile Club d'Italia/Commissione Sportiva Automobilistica Italiana on behalf of its licence-holder, competitor Coloni, Driver Pantano, against Decisions 25, 26 and 27 taken by the Panel of the Stewards of the Meeting at the F3000 International Championship event run at Monza on 14 September 2002;

After hearing:

**For the appellant,**

Mr Salvatore ALEFFI, Member of the ACI/CSAI and its representative, Messrs Enzo and Paolo COLONI, Coloni Team Principals, assisted by Mr Roberto CAUSO, Lawyer with the Rome Bar;

**For the respondent,**

The Knac Nationale Autosport Federatie (KNAF) acting on behalf of its competitor Arden International, represented by Mr Christian HORNER, Team Principal of Arden International, in the absence of the KNAF representative, excused;

The representative of the ASN of Denmark, on behalf of its competitor Petrobas who was not present at the hearing, having submitted a memorandum to the International Court of Appeal, as did the competitor Petrobas under the same circumstances;

**For the FIA,**

Mr Pierre de CONINCK, Secretary General of the FIA Sport Division;

**And as knowledgeable parties,**

Mr Christopher TATE, Director of Lola Motorsport, Mr Luiso DIODATO, Coloni Team Principal, Mr Charlie WHITING, F1 and F3000 Technical Delegate, and Mr Alan FULLER, F3000 Technical Delegate; and the International Court of Appeal, informed of the declaration written by the witness, the journalist Mr Alessandro ALUNNI BRAVI,

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 and the knowledgeable parties having provided all the detailed explanations and answers requested during the hearing with the help of a simultaneous translation system which was recognised as satisfactory by the parties;

**Case: Appeal by Coloni against Decision N° 25 taken by the Panel of the Stewards of the Meeting concerning the competitor Petrobas Junior Team, Driver Pizzonia, Car N°3 (wing)**

**WHEREAS** Coloni maintain that they asserted that when Car N°3 of the competitor Petrobas Junior Team, Driver Pizzonia, made a pit stop, they noted that the rear wing was upside down, in other words that the upper side was facing down and the lower side was facing up, this being in open violation of the original specifications, as presented in the drawing (Appendix 1 of their memorandum which was recognized moreover during the hearing as being in conformity by the other parties) and specifying that the rear wing was mounted in a manner which was contrary to the way it should have been mounted, and that it did not respect the adjustment provisions in the original specifications;

**WHEREAS** the competitor Coloni affirms that there would thus be violation of Article 3.1.1 of the F3000 Technical Regulations, which specifies that “*Front and rear wing angles may be changed using only the range of adjustment provided in the original specification*” and that with the inversion, this range was exceeded, Article 3.16 specifying that “*Any specific part of the car influencing its aerodynamic performance must comply with the rules relating to bodywork....*”;

**WHEREAS** the appellant maintains that the rear wing of Car N°3 was turned 180 degrees and that this as a consequence diminished the aerodynamic down force, providing the car with a lower drag effect and a higher speed of 9 to 15 km per hour on straights;

**WHEREAS** consequently, the competitor Coloni requests on the one hand that the nullity of the decision taken by the Panel of the Stewards of the Meeting be noted in the light of the absence of grounds, and that on the other hand the International Court of Appeal, exercising its powers, note the violation of the F3000 Technical Regulations, and pronounce both the exclusion of Car N°3 from the results of the event under consideration and the cancellation of the corresponding points in the F3000 Championship;

**WHEREAS** the competitor Petrobas Junior Team maintains in its memorandum in response that the rear wing could be upside down without exceeding the authorised angles, and that there would therefore be no violation of Article 3.1.1 of the F3000 Technical Regulations; the report from the Technical Delegate pointed out that the Car

had been scrutineered immediately following the event and had proved to be in conformity with Article 3.1.1, the prescriptions of which had been respected;

**WHEREAS** the same competitor also claims that it was possible to participate in the event with an inverted wing because the problem only involved how the rear wing was attached, and that how it was attached could certainly influence the maximum speed and optimize the car's performance; and that consequently, the decision taken by the Panel of the Stewards of the Meeting was correct, and the car in conformity with the FIA Technical Regulations;

**WHEREAS** the FIA representative, Mr Pierre de Coninck, Secretary General of the Sport Division, declared at the hearing that it was in the hands of justice;

**WHEREAS** the International Court of Appeal, in order to judge the case, must refer to Article 3.1.1 of the F3000 Technical Regulations under the heading "*Bodywork and Dimensions*" which specifies the modifications which are authorised, as follows: "*Front and rear wing angles may be changed using only the range of adjustment provided in the original specification*";

**WHEREAS** it was recognized by the parties concerned and by the knowledgeable parties that the rear wing was upside down and that the car thus no longer had its original configuration;

**WHEREAS** the International Court of Appeal has no choice but to note that there was violation of Article 3.1.1 of the F3000 Technical Regulations;

**WHEREAS** in addition it is necessary to note the nullity of Decision N°25 taken by the Panel of the Stewards of the Meeting in the absence of the most basic of grounds, and that exercising its powers, the International Court of Appeal in addition notes the violation as set out in Article 3.1.1, for inversion of the wing, inversion which was not provided for in the original specifications;

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**Case: Coloni against decisions N° 26 and 27 taken by the Panel of the Stewards of the Meeting concerning the competitor Arden International, Cars N°18 and N°19, Drivers Wirdheim and Enge (anti-roll bar)**

**WHEREAS** the appellant Coloni maintains that the anti-roll bar could not be removed from the two cars by virtue of Article 10.1.7 of the F3000 Technical Regulations which states that: "*Anti-roll bars may be adjusted or changed but, with the exception of shims or spacers, only by using the range of parts available from the rolling chassis supplier*"; and that as a result, due to violation of Article 10.1.7, Car N° 18 and Car N°19 should be

excluded from the event, the anti-roll bar and accessories having been removed prior to the event and remaining absent during the event itself;

**WHEREAS** the appellant recalls the requirements set out in Article 2.4 of the Technical Regulations, which specifies that *“The only rolling chassis permitted are those supplied by the FIA designated F3000 car manufacturer. Once supplied, the rolling chassis may not be modified in any way whatsoever except where specifically permitted by these regulations or with the written permission of the FIA after consultation with the manufacturer. Any such modifications will only be permitted if they are deemed absolutely necessary after a problem has been clearly identified.”*

**WHEREAS** the respondent, Arden International, maintains on the other hand that it was printed, in Lola Motorsport’s Technical Bulletin N°26, that the anti-roll bar and its accessories could be completely removed;

**WHEREAS** the FIA representative relies on justice on this point;

**WHEREAS** the information provided by the knowledgeable parties, notably Charlie Whiting, FIA Technical Delegate, had been extremely helpful for the International Court of Appeal;

**WHEREAS** in this instance, the International Court of Appeal must judge the case knowing that the participants, the competitors and the drivers, but also the manufacturers are concerned to know the exact scope of the applicable regulations;

**WHEREAS** Lola Motorsport is the official, FIA-designated manufacturer of the chassis for the F3000 and the Championship in question; as a result, they have been mandated by the FIA and as its mandatee, are bound by their mandate;

**WHEREAS** as such, Lola Motorsport had to respect Article 2.4 of the Technical Regulations; indeed, in order to permit the removal of the anti-roll bar and attachments, not just verbal authorisations but a written authorisation, which apparently was not given, was required from the FIA;

**WHEREAS** as a result the competitors and the drivers may have believed that this formality had been respected by Lola Motorsport insofar as they themselves do not have the power to interfere in the relations between the FIA and its mandatee, the manufacturer Lola Motorsport;

**WHEREAS** consequently, if Lola Motorsport transgressed the mandate, it is no less true that the competitors and drivers could legitimately have thought that the authorisation had been given;

**WHEREAS** the competitors and drivers cannot be penalised for a possible infraction which they had no power to know;

**WHEREAS** with the Lola Motorsport Bulletins brought to the attention of all the competitors, the equality of chances was maintained for all;

**WHEREAS** they therefore cannot be sanctioned for a violation in this respect, when such a violation had not been established where they were concerned;

**WHEREAS** concerning the lack of grounds for Decisions N° 26 and N°27 taken by the Panel of the Stewards of the Meeting concerning Car N° 18 and Car N°19, the nullity of the decision must be noted as in the first case reviewed above;

**ON THESE GROUNDS,**

**Case: Coloni versus Petrobas Junior Team**

**ON THE FORM,**

**STATES and RULES** that the appeal is admissible,

**ON THE SUBSTANCE,**

**QUASHES** Decision N°25 taken by the Panel of the Stewards of the Meeting in the event run at Monza on 14 September 2002 for lack of grounds,

**STATES and RULES** that Car N°3, competitor Petrobas Junior Team, Driver Pizzonia, was not in conformity with Article 3.1.1 of the F3000 Technical Regulations,

Consequently **PRONOUNCES** the exclusion of Car N°3 from the event in question,

**LEAVES** it up to the Sporting Authority to draw the conclusions from the present decision in terms of the classification of the event and of the Championship,

**Cases: Coloni versus Arden International**

**ON THE FORM,**

**STATES and RULES** that the appeals are admissible,

**ON THE SUBSTANCE,**

**NOTES** the nullity of Decisions N°26 and N°27 taken by the Panel of the Stewards of the Meeting in the event run at Monza on 14 September 2002 for lack of grounds,

**DISMISSES** the appeals lodged by Coloni against the competitor Arden International (Drivers Wirdheim and Enge) as, for reasons exposed in the present document, no violation could be established;

**LEAVES** it up to the FIA Sporting Authority to draw the conclusions of the present decision in terms of the classification of the event and of the Championship,

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**Concerning the costs**

**ORDERS** the reimbursement to the competitor Coloni of the fees paid for the initial protests,

**ADDS TOGETHER** all costs and **SPLITS** the total, one third to be paid by Petrobas Junior Team, and two thirds to be paid by Coloni.

Paris, 3 October 2002

(signature)

The PRESIDENT