

INTERNATIONAL COURT OF APPEAL

(I.C.A.)

of the

FEDERATION INTERNATIONALE DE L'AUTOMOBILE

(F.I.A.)

Case:

Appeal by the Automobile Club d'Italia/Commissione Sportiva Automobilistica

Italiana (ACI/CSAI) on behalf of its licence holder,

competitor BMS Scuderia Italia,

against decision N° 33 of the Panel of the Stewards of the Meeting

given at Rome dated 7 July 2003 at 1 p.m.

under the signature of President Erasmo Saliti

which excluded car N° 23 from the FIA GT Championship race

run on 29 June 2003 at Donington (Great Britain)

and counting towards the 2003 FIA GT Championship,

Hearing of Tuesday 15 July 2003 at 3 p.m. in Paris

The FIA INTERNATIONAL COURT OF APPEAL, composed of Mr Vassilis KOUSSIS, elected President, Mr Xavier CONESA (Spain), Mr Hans-Urs MERZ (Switzerland) and Mr Reginald REDMOND (Ireland),

Meeting in Paris on Tuesday 15 July 2003 at 3 p.m. at the headquarters of the FIA – 8, place de la Concorde – 75008 Paris,

Ruling on the appeal brought by the Automobile Club d'Italia/Commissione Sportiva Automobilistica Italiana (ACI/CSAI) on behalf of its licence holder, competitor BMS Scuderia Italia, against the Decision N° 33 given by the Panel of Stewards of the Meeting at Rome dated 7 July 2003 at 1 p.m. which excluded car N° 23 of competitor BMS Scuderia Italia,

Having heard

For the appellant:

Mr Domenico CIFALDI, representing the Commissione Sportiva Automobilistica Italiana,

On behalf of the competitor BMS Scuderia Italia, Mr David LAPWORTH, Director of Prodrive Motorsport Limited, also representing BMS Scuderia Italia, assisted by Mr John ASPINALL, QC, advocate at the London Bar, and Mr Simon TAYLOR, solicitor at Nottingham,

For the FIA:

Mr Sébastien BERNARD, Head of Legal Affairs for the Sport Department of the FIA,

And for the knowledgeable parties:

Mr Jean VINATIER, FIA GT Technical Delegate, and Mr Marco GADOLA, Technical Director of BMS Scuderia Italia,

Having acknowledged that the procedure was in order, the rights of each of the parties having been duly examined, both in the proceedings which preceded the hearing and during the hearing itself, the arguments of the parties, and the knowledgeable parties having been heard with the mutual agreement of the appellant party and the FIA, and having provided all the detailed explanations requested from them during the hearing and having received answer, with the help of a simultaneous translation system which was recognised as satisfactory by the parties,

WHEREAS, following the decision of the Stewards of the Meeting of the event run at Donington on 29 June 2003 given not at Donington but at Rome on 7 July 2003 under conditions that were not made clear, the car N° 23 belonging to the competitor was excluded from the event because of an infringement of Articles 258.5.2.1 and 251.2.3.7 of Appendix J,

WHEREAS the appellant held, by reason of the ambiguity of the regulation, that no infringement was made by the substitution of a dry sump for a wet sump, from the fact that the text of point 7 of Article 258 of Appendix J stated that, provided that the regulations in this Article are complied with, the oil system is free,

WHEREAS the technical inspection made by Mr Vinatier stated that on 4 July 2003, following the sealing of the car at Donington, there were two items not in conformity which were:

There had been an addition of material to the cylinder block which was not authorised (Article 258.5.2.1 of Appendix J), and that furthermore, there had been parts of the dry sump bolted directly to the cylinder block while at the same time they retained the crankshaft bearing caps by the same fastening,

WHEREAS it was incumbent on the Court to make a ruling on this,

WHEREAS on the one hand it did not appear that there had been any addition of material to the cylinder block, the authorised attachment of the dry sump necessarily

being made by an alteration to the cylinder block, which alteration was not part of the engine block which had not been modified, this only being made to the dry sump for its attachment,

WHEREAS on the other hand, the bolted parts, whether these were of a wet sump or a dry sump, are of necessity bolted to the engine block, and that the fact that the same bolts had been used for the attachment of the sump and the line of the bottom bearings does not constitute any infringement of the Articles in question,

WHEREAS under these conditions no infringements seem to have been made and in consequence it is incumbent to quash the decision made by the Panel of Stewards of the Meeting in question,

ON THESE GROUNDS,

QUASHES the decision to exclude made under the conditions set out above in Rome on 7 July 2003 declaring the exclusion from the race of car N° 23 of competitor BMS Scuderia Italia,

LEAVES the Sporting Power the responsibility of drawing the consequences arising from the present decision,

ORDERS the repayment of the fees paid in by the appellant,

LEAVES the payment of costs, calculated in conformity with Article 190 of the International Sporting Code, to the charge of the FIA.

Made in Paris, 15 July 2003

The President