



FEDERATION INTERNATIONALE DE L'AUTOMOBILE

## **PRESS INFORMATION**

### **INTERNATIONAL COURT OF APPEAL**

#### **QUESTION & ANSWER**

##### **1) What is the International Court of Appeal?**

The ICA is the final appeal tribunal for international motor sport established under the FIA Statutes and the FIA's International Sporting Code (ISC) to resolve disputes in the sport brought before it by any of motor sport's National Sporting Authorities world-wide, or by the President of the FIA. It can also settle non-sporting disputes brought by national motoring organizations affiliated to the FIA.

##### **2) What kind of cases does it hear?**

Each year the ICA holds on average eight hearings mainly submitted by the National Sporting Authorities and usually arising from appeals against decisions of stewards in a wide variety of motor sport disciplines (Article 184 of the ISC). In recent years appeals have come from events in the FIA GT championship, F3000, Touring Cars, Porsche Supercup, the World Rally Championship, Cross Country Rallies, Rally Cross, Historics, and, of course, Formula One.

Although Formula One cases draw public attention to the ICA, in fact appeals from the FIA Formula One World Championship are only a small part of the ICA's activity. Between 2000 and 2004, for example, there were 43 appeals heard by the ICA of which just five concerned Formula One.

Cases brought by national motoring organizations are very unusual, there having been just a single non-sporting hearing since 2000.

##### **3) Where do the Judges come from?**

The judges that make up the ICA come from 18 different countries (Article 188 of the ISC). Each year one third of the Judges and their Deputies are elected by the FIA General Assembly. The Judges must have both legal and sporting experience and cannot also serve as a member of the FIA World Motor Sport Council or any of its Sporting Commissions.

At each hearing the Secretary General of the ICA chooses a panel that must consist of a minimum of three Judges (Article 188 of the ISC). His choice is determined by two factors: the rule that a Judge coming from a country that is the same as that of an involved party cannot serve in the panel; and the practical matter of the availability of Judges for hearings that sometimes have to be held at short notice.

#### **4) How are appeals by competitors brought before the ICA?**

Appeals by competitors to the ICA are made on their behalf only by the National Sporting Authority to which they belong. Appeals against decisions of the stewards at a meeting have to be notified within one hour of the publication of the decision. An appeal fee of €6000 becomes payable on notification of an intention to appeal. The appeal must then be confirmed by the National Sporting Authority to the ICA secretariat within 7 days of the publication of the decision (Article 186 of the ISC).

#### **5) When and where are hearings held?**

Once an appeal has been confirmed the Secretary General of the ICA will appoint the panel of judges and choose a date for the hearing. These are held at the FIA Headquarters in 8 place de la Concorde, Paris.

The Secretary General will issue a convening notice giving adequate notice to the parties of the date and time of the hearing and stipulating the time limits for receipt by the ICA of the appellant's grounds of appeal and the respondent's reply in defence. At the hearing the Judges present elect a President to direct the conduct of the proceedings.

#### **6) What does the ICA decide?**

The ICA may allow or dismiss an appeal, and may decide to confirm, waive, mitigate or increase the penalty. It can annul the results of a competition, but cannot order any competition to be re-run. The ICA may also decide to award the costs of the hearing excluding the expenses and defence fees incurred by the parties. The judgement is written in French and English and available to those interested (including the media) provided a request in writing is received. Once notified to the parties by the Secretary General, the judgement is binding with immediate effect.

#### **7) Is the Court independent of the FIA Sporting Authority?**

Yes. The Judges are elected by the FIA General Assembly and act entirely independently of the FIA executive. The ICA respects the 'adversarial principle' and more generally the rights of defence. The appellants and respondents, therefore, after having been given adequate notice of the hearing, have the right to set out their respective cases, call witnesses and submit evidence. The ICA decision's are reasoned (Article 189 of the ISC). There is also nothing to prevent any party from pursuing any right of action before any Court or Tribunal (Article 191bis of the ISC). These ICA procedures reinforce its independence.

Recently the independence of the ICA was challenged in the French Courts by an appellant that was unhappy with a decision of the ICA. In rejecting this challenge to the ICA the Tribunal de Grande Instance de Paris confirmed that procedures outlined above "prove the independence of the ICA".

(See: the Judgement made on 29<sup>th</sup> March 2005 of the Tribunal De Grande Instance de Paris on the application made by Coli & Cie to nullify the ICA Decision of 7<sup>th</sup> October 2003 concerning the appeal brought by the Federacao Portuguesa de Automobilismo e Karting (FPAK) on behalf of Mitsubishi Motors of Portugal S.A. against the decision of the stewards of the meeting of the Rallye d'Orient 16 August 2003).

Furthermore, like the Judges, the Secretary General of the ICA is also elected by the FIA General Assembly. He is not an employee of the FIA, and reports directly to the General Assembly. As such he is entirely independent of the FIA's sporting authority, and other executive bodies.

Given that National Sporting Authorities and National Motoring Organisations are the bodies that act for appellants and respondents when appeals are brought before the Court, both the Judges and Secretary General are, therefore, directly and exclusively accountable to the users of the ICA.

#### **8) Are the proceedings of the ICA confidential?**

No. Since 2001 the hearings of the ICA for sporting cases have been open to the media. According to the space available in the Court room those journalists or observers who have made a written application to the ICA secretariat will be allowed to be present throughout the hearing (Article 188 of the ISC).

In 2003 it was agreed, after consultation with parties, to permit the filming of the ICA hearing of the appeal made by the UK Motor Sports Association on behalf of the BMW Williams F1 team concerning the decision of the stewards at the 2003 German Grand Prix. The hearing was subsequently televised live by the German company RTL and extracts were made available to news broadcasters.

#### **For further information about the rules and procedures of the ICA see:**

Article 23 of the FIA Statutes  
Articles 184 to 191 of the International Sporting Code

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For further information on the FIA, please consult our Internet site:

**[www.fia.com](http://www.fia.com)**