



INTERNATIONAL COURT OF APPEAL / COUR D'APPEL INTERNATIONALE

GUIDELINES RELATING TO CO-OPTED JUDGES

I. Introduction

The elected members of the ICA have agreed to provide for the admission of Co-opted Judges to decide cases relating to the FIA Formula One World Championship before the ICA in order to enhance the existing reserve of knowledge and expertise, to allow for broader participation in the workings of the ICA, and further to enhance the transparency of and public confidence in the workings of the ICA.

The ICA Rules of Procedure therefore provide that the ICA Secretary General may call upon 'Co-opted Judges' who are not elected ICA members to complete a panel, provided that such Co-opted Judges remain in a minority on any panel.

These Guidelines describe how and when the Secretary General shall invite Co-opted Judges to participate.

Co-opted Judges shall be invited to sit on cases which are concerned with the FIA Formula One World Championship only. For these cases, the Secretariat will select Co-opted Judges from a pre-approved panel, to be created in accordance with the terms below.

II. Pre-conditions and founding principles

In order to ensure the continued independence and impartiality of the ICA, all Co-opted Judges will be invited to subscribe, as a precondition to their inclusion on the panel of Co-opted Judges, to the same rules regarding independence, impartiality and conflicts of interests as the ICA's members. These rules are set out in Article 5 of the ICA's Rules of Procedure and provide as follows:

Article 5 – Independence of the ICA

Members must undertake to act with full independence and objectivity, to respect the application of these Rules and of all the FIA's Regulations, and to preserve the independence of the ICA. Each Member must be and remain independent of the parties. All Members are obliged to reveal immediately any circumstance likely to compromise their independence in respect of one or more of the parties. A Member

shall spontaneously disqualify himself/herself from participating in a hearing which involves, as one of the parties or counsel to a party, a structure to which he/she belongs or in the working of which he takes part, in any capacity whatsoever. Members and Deputy Members shall sign a formal undertaking to respect the integrity and independence of the ICA both during and after their respective terms of office.

Members and Deputy Members are bound by a confidentiality obligation with regard to the deliberations of the ICA.

Judges will be required to subscribe to these rules and principles by way of the formal undertaking foreseen by Article 5 itself. By this undertaking Co-opted Judges will also acknowledge that they will not receive any compensation for their service to the Court (whether from the FIA, the Formula One Teams, or any other party), save that the ICA Secretariat will pay their expenses on the same basis as expenses are paid for ICA members.

III Creation of a Panel of Co-opted Judges

Once a year, before 15 November, the Formula One teams entered for the next year's season of the FIA Formula One World Championship will be invited (collectively) to propose a panel of between eight and ten 'Co-opted Judges' to participate in any cases related for Formula One during that upcoming season.

The invitation to the Formula One Teams will require them to nominate Co-opted Judges who are (a) are independent of and do not represent the interests of any one or more Formula One teams (and thus are capable of giving, and prepared to give, the undertaking referred to above); and (b) have, and can provide evidence of, the necessary experience in sporting and/or legal principles appropriate to their service as Co-opted Judges of the ICA.

The ICA Secretariat will produce the list of the proposed Co-opted Judges to the members of the ICA together with details of their background and experience, who will provide comments on that proposed list to the ICA Secretariat. Each year the ICA's congress will be invited formally to co-opt the list of judges proposed.

IV Creation of a Panel for Particular Cases

When a case relating to the FIA Formula One World Championship is filed before the ICA, the Court will convene in the usual manner.

The ICA Secretariat will invite available ICA members to form a panel. In addition, the ICA Secretariat intends to invite a number of Co-opted Judges from the pre-approved Panel of Co-opted Judges to join the ICA panel (though ICA members shall always remain in the majority).

As is the case with all hearings, no party (whether the FIA, a team, interested party, an ASN, etc) shall be consulted regarding, nor play any role in, selecting which ICA members or which Co-opted Judges from the pre-approved Co-opted Panel are invited to participate on a particular panel.

V Procedure in relation to hearings of the Court

Once a panel is created for a particular case, hearings will proceed in the usual manner with both ICA members and Co-opted Judges performing all of the same functions, having the same status and being bound by the same rules.
