

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 04 taken by the Panel of the Stewards of the Meeting
on 30 July 2005
concerning the penalty of 3 seconds imposed on the
competitor Proteam Motorsport (car N°30, driver Stefano D'Aste)
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 Reginald REDMOND (Ireland), elected President, Mr Philippe ROBERTI de WINGHE (Belgium), Mr Jean-François VEROUX (France), and Mr Philippe NARMINO (Monaco);

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 04 taken by the Panel of the Stewards of the Meeting on 30 July 2005 concerning the penalty of 3 seconds imposed on the competitor Proteam Motorsport (car N°30, driver Stefano D'Aste) 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 Michele Caporaso, Engineer, assisted by Mr Ricardo La Cognata, Lawyer, and Mr Fabio Sabino, Lawyer;

For the respondent,

the competitor Proteam Motorsports, represented by its driver Stefano D'Aste, assisted by Mr Roberto Causo, Lawyer with the Rome Bar;

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;

WHEREAS the appeal from the competitor Alfa Romeo Racing Team was lodged in order to contest the 3-second penalty inflicted on Stefano D'Aste, as it was considered

insufficient, and to question the classification of the race, as was specified by the appellant at the hearing;

WHEREAS, in that it has not come from the competitor or the driver concerned, as laid down by Article 185.2 of the International Sporting Code, this appeal does not appear admissible;

WHEREAS the appellant is, on the other hand, concerned by the classification of the event, taking into account the penalty inflicted on Stefano D'Aste as established at 8:00 p.m. on 30 July 2005;

WHEREAS, however, no protest was formulated against this classification;

WHEREAS if it intended contesting the penalty inflicted on the driver D'Aste, the competitor Alfa Romeo Racing Team was obligated to file a protest against the classification, in accordance with the provisions of Article 174.d of the International Sporting Code;

WHEREAS, in lodging the appeal against the Stewards' decision penalizing Stefano D'Aste, and without a protest in accordance with Article 174.d mentioned above, the appellant cannot call into question the classification which takes this penalty into account;

WHEREAS in fact it is up to the appellant to contest, via the appropriate channels, the decision of classification itself which is the cause of the appellant's grievance;

WHEREAS unable, in its capacity, to take action against the decision concerning Stefano D'Aste, the competitor Alfa Romeo Racing Team must have its appeal declared inadmissible and be held liable for the costs of the proceedings;

ON THESE GROUNDS,

STATES and RULES that the appeal is not admissible,

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