

INTERNATIONAL COURT OF APPEAL (ICA)
OF THE
FEDERATION INTERNATIONALE DE L'AUTOMOBILE (FIA)

CASE:

Appeal lodged by

**the Automobile Club d'Italia (ACI)/
Commissione Sportiva Automobilistica Italiana (CSAI)
on behalf of its licence holder, COLONI MOTORSPORT SRL
against
decision N° 22 taken by the Stewards of the Meeting
on 23 July 1999
at the "F3000 International Championship" event
A-1 Ring Circuit (Austria)
23 & 24 July 1999**

Hearing of Tuesday, 14th September 1999 in Paris

Translation - Original in French

The FIA INTERNATIONAL COURT OF APPEAL, comprising Mr. J.W.G. van ROSMALEN (Netherlands), elected President, Mr. Vassilis KOUSSIS (Greece), and Dr. José MACEDO e CUNHA (Portugal);

Sitting in Paris on Tuesday, 14 September 1999, 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 (ACI) / Commissione Sportiva Automobilistica Italiana (CSAI) on behalf of its licence holder COLONI MOTORSPORT srl against decision N°22 handed down by the Panel of the Stewards of the Meeting of the F3000 International Championship event run on the A-1 Ring Circuit (Austria) on 23 & 24 July 1999;

After hearing for the appellant Mr. Roberto CAUSO, Lawyer with the Rome Bar Association, the witnesses, Messrs. Alan FULLER and Jo BAUER, FIA Technical Delegates, and for the FIA, Mr. Pierre de CONINCK, Secretary-General of FIA-Sport;

Having recognized that the procedure was in order, that the rights of the parties had been properly examined both prior to the hearing and during the hearing itself, that there had been due hearing of the parties who had supplied detailed explanations and answers when requested during the hearing with the aid of simultaneous interpretation which was deemed acceptable by all parties involved,

WHEREAS the International Court of Appeal must resolve the question of the weight of car N° 25 belonging to Competitor COLONI MOTORSPORT srl in this event which was verified following the qualifying practice;

WHEREAS the weight at this verification proved to be 632 kg instead of 635 kg as set out in the regulations;

WHEREAS the Automobile Club of Italy maintains that the fact the car was 3 kg short was not due to any attempt to cheat with regard to the weight, but due to an engine delivered by ZYTEK, the only supplier of F 3000 engines, and which are the same for each competitor ;

WHEREAS the competitor asserts, through his intermediary, the ACI, that following the practice, 4 litres or 3.4 kg of oil were missing, and that this led to the breach of the weight limit set out in Article 4.1 of the modified Technical Regulations (635 kg) instead of the 632 kg which were noted, this low weight in no way being attributable to the competitor;

WHEREAS firstly it must be noted that there is no certainty about the cause and effect relationship between the missing 3 kg in the weight and the alleged 3.4 kg of missing oil;

WHEREAS while the competitor can put forward his good faith, as agreed by the FIA representative, the argument recognized by the ACI Counsel and which suggests the accidental loss of one of the parts of the car thereby improperly likening a car part to oil, cannot be recognized;

WHEREAS moreover the resulting excess of oil consumption should normally have produced smoke which would have caused the competitor to be given the black flag, though the Technical Delegates did not notice any smoke either;

WHEREAS consequently it is necessary, whatever the severity, to apply the existing regulations, as follows : if the weight of a car (car and driver) is lower than the weight specified in Article 4.1 of the modified Technical Regulations (635 kg), the car and the driver shall be excluded from the event, in accordance with Article 75-d of the F3000 Sporting Regulations ;

WHEREAS this solution must be adopted because the proper running of the events must be strictly respected to prevent any attempts at cheating ;

WHEREAS the good faith of both the driver and the competitor were never contested by anyone, though errors may have been made on one of the engines delivered by the designated supplier of engines for the FIA Formula 3000 International Championship ; there is nevertheless, due to the unconditional provisions of the Sporting and Technical Regulations, good reason to exclude car N° 25 from the qualifying practice and from the classification of the race ;

ON THESE GROUNDS,

DECLARES admissible the appeal lodged by the Automobile Club of Italy on behalf of the competitor COLONI MOTORSPORT srl,

DECLARES the appeal to be groundless,

STATES that the missing 3 kg which were noted automatically call, under the conditions specified in the motivation of the present decision, for the exclusion of car N° 25 from the qualifying practice of the event and from the classification ;

CONFIRMS consequently the decision referred to the Court ;

DECLARES and JUDGES that the competitor's good faith, for reasons also given in the motivation of the present decision, is neither contestable nor contested ;

ORDERS the appellant to pay all costs of the appeal.

Paris, 14th September 1999

(signature)

The President