

INTERNATIONAL COURT OF APPEAL (I.C.A.)

OF THE

**FEDERATION INTERNATIONALE DE L'AUTOMOBILE
(F.I.A.)**

Case:

**Appeal lodged by the Knac Nationale Autosport Federatie (KNAF)
on behalf of its licence-holder, Team Carsport Holland,
against the decision by the Panel of the Stewards of the Meeting
dated 21 June 2002**

**Event run at Jarama (Spain) on 2 June 2002
counting in the 2002 FIA GT Championship GT**

Hearing of Tuesday, 9 July 2002 in Paris

The FIA INTERNATIONAL COURT of APPEAL, comprising Mr Reginald REDMOND (Ireland), elected President, Mrs Waltraud WUNSCH (Germany), Mr Erich SEDELMAIER (Austria) and Mr Vassilis KOUSSIS (Greece),

Meeting in Paris on Tuesday 9 July 2002, at the Headquarters of the Fédération Internationale de l'Automobile (FIA in France), 8 place de la Concorde, 75008 Paris,

Ruling on the appeal lodged by the Knac Nationale Autosport Federatie (KNAF) on behalf of its licence-holder, the Team Carsport Holland, against the decision taken by the Panel of the Stewards of the Meeting on 21 June 2002 during the event run at Jarama (Spain) on 2 June 2002 and counting towards the 2002 FIA GT Championship.

After hearing:

For the appellant,

Mr HEZEMANS, assisted by Mr Christian LAMONIN, Lawyer with the Paris Bar,

As knowledgeable party,

Mr Jean VINATIER, Technical Delegate during the Jarama event,

And for the FIA,

Mr Pierre de CONINCK, Secretary General, Sport Division, assisted by Mr Sébastien BERNARD, Head of the Legal Department of the same division,

In the absence of the KNAF, duly summoned,

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 appellant and the knowledgeable party having provided all the detailed explanations and answers requested during the hearing with the help of a simultaneous translation system which was recognised as satisfactory by the parties;

WHEREAS the appellant maintains that the Chrysler Viper Car N° 3 of the competitor Team Carsport Holland driven by Mr HEZEMANS was excluded in a decision taken by the Stewards of the Meeting on 21 June 2002, and that following a telephone conversation which was supposedly to present the competitor's arguments,

this decision was notified by fax on 24 June 2002, and an appeal duly lodged before the International Court of Appeal on 26 June 2002 within the regulatory time limits,

WHEREAS the appellant asks that the International Court of Appeal note the nullity of the decision taken by the Stewards of the Meeting on the grounds that:

- a) the decision was only signed by two Stewards of the Meeting instead of three,
- b) the rights of the defence were not respected in that the interested party was only able to present its arguments during a simple telephone conversation.

WHEREAS the FIA representative leaves it to the appreciation of the International Court of Appeal on these points,

WHEREAS the International Court of Appeal has no choice but to recognise the well-founded grounds of the appellant's arguments by virtue of Article 134 of the International Sporting Code which provides that there must be at least three Stewards at a Meeting,

WHEREAS in addition, Article 175 of the International Sporting Code provides that *« The hearing of the protester and of all parties concerned by the protest shall take place as soon as possible after the protest has been lodged. The concerned parties shall be summoned to appear at the hearing, and may be accompanied by witnesses. The stewards of the meeting must ensure that the summons has been personally received by all persons concerned. »*

WHEREAS moreover, Article 153 provides that a concerned party must be summoned to give it the opportunity of personally presenting its defence,

WHEREAS the decision taken on 21 June mentions that there was simply a telephone conversation between the Chairman of the Stewards of the Meeting and Mr HEZEMANS, and that no defence was presented to the Panel of the Stewards of the Meeting,

WHEREAS examination of the procedure as submitted by the appellant reveals a clear breach of the rights of the defence,

WHEREAS under these conditions, the International Court of Appeal, noting the nullity of the decision in question, has no choice but to annul the said decision,

ON THESE GROUNDS,

NOTES the nullity of the decision taken by the Stewards of the Meeting on 21 June 2002 during the event at Jarama run on 2 June 2002 and counting in the FIA GT Championship, in accordance with Articles 134, 153 and 175 of the International Sporting Code, this being a decision which was taken by two Stewards of the Meeting instead of three and which was in breach of the rights of the defence,

LEAVES it to the sporting authority to re-establish the classification taking into account the present decision,

ORDERS that the appeal fee be reimbursed to the appellant,

LEAVES all costs of the present decision to be paid by the FIA, in accordance with Article 190 of the International Sporting Code.

Paris, 9 July 2002

(signature)

The PRESIDENT