

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

of the

FEDERATION INTERNATIONALE DE L'AUTOMOBILE

CASE

**Appeal brought by the Motor Sports Association (MSA)
on behalf of its licence-holder Williams Grand Prix Engineering Limited
against decision N° 41 taken by the Panel of the Stewards of the Meeting
on 3 August 2003
at the German Grand Prix run at Hockenheim on 3 August 2003
counting towards the 2003 FIA Formula One World Championship**

Hearing of Tuesday 19 August 2003 in Paris

The FIA INTERNATIONAL COURT OF APPEAL, composed of Mr Philippe ROBERTI de WINGHE (Belgium), elected President, Mr Pedro ROMERO (Spain), Mr Vassilis KOUSSIS (Greece), and Mr Harry DUIJM (Netherlands),

Meeting in Paris on Tuesday 19 August 2003 at the headquarters of the Fédération Internationale de l'Automobile, 8, place de la Concorde, 75008 Paris,

Ruling on the appeal brought by the Motor Sports Association (MSA), on behalf of its licence-holder Williams Grand Prix Engineering Limited, against decision N° 41 taken by the Panel of Stewards of the Meeting on 3 August 2003 at the German Grand Prix run at Hockenheim on 3 August 2003, counting towards the 2003 FIA Formula One World Championship,

Having heard,

For the appellant: Mr Terry LANKSHEAR, General Secretary of the MSA, assisted by Mr Graham Stoker, President of the MSA Legal Commission; Sir Frank WILLIAMS, WilliamsF1 Team Principal; Mr John HEALEY, WilliamsF1 Head of Legal Affairs; Mr Sam MICHAEL, WilliamsF1 Chief Engineer; Mr Dickie STANFORD, WilliamsF1 Team Manager; Mr Ralf SCHUMACHER, WilliamsF1 Driver; assisted by Mr Andrew HUNTER, Barrister at the London Bar,

As knowledgeable parties: Mr Kimi RÄIKKÖNEN, McLaren Driver; Mr Rubens BARRICHELLO, Ferrari Driver; Mr Stefano DOMENICALI, Ferrari Team Manager; Mr Charlie WHITING, FIA F1 World Championship Race Director; Mr Peter WRIGHT, Consultant on technical and safety matters for the FIA Foundation,

For the FIA: Mr Pierre de CONINCK, Secretary General of FIA Sport; Mr Sébastien BERNARD, Head of Legal Affairs,

In the presence of the following **observers:**

For the MSA, Mr Antony CHINN,
For McLaren, Mr Mark HUBBARD,
For WilliamsF1, Mr Willy WEBBER,

Having acknowledged that the procedure was in order, the rights of each of the parties having been duly examined, both in the proceedings which preceded the hearing and during the hearing itself, the knowledgeable parties having been heard with the reciprocal agreement of the appellant and of the FIA and the parties having provided all the detailed explanations requested from them during the hearing and having received answer, with the help of a simultaneous translation system which was recognised as satisfactory by the parties,

WHEREAS the appellant maintains that the driver Ralf SCHUMACHER cannot be held responsible for what occurred, since he had kept to his starting trajectory without interfering with that of the other competitors; whereas on this account, the appellant demands that the decision held against it be invalidated,

WHEREAS, for its part, the FIA seeks confirmation of that decision,

WHEREAS in this case the International Court of Appeal cannot but note that the appellant's claim does not appear to correspond with the reality of the facts established both through the declarations of the driver Ralf SCHUMACHER himself and through the showing of the video films presented at the hearing, and from the report by Peter WRIGHT, the expert in technical and safety matters designated by the FIA at the request of WilliamsF1 with the agreement of the other two competitors; whereas it emerges from these elements that two of the drivers involved in the incident had strayed from their respective trajectories,

WHEREAS it also emerges from the statements of Charlie WHITING, Race Director at Hockenheim, that the driver Ralf SCHUMACHER had followed, from the very beginning, a trajectory tending towards the left, allowing him to assume with the greatest possible speed the best position for approaching the first right-hand corner in the event, and that Ralf SCHUMACHER himself partly recognised the facts by saying that he had made several “adjustments”,

WHEREAS the driver Ralf SCHUMACHER explained to the hearing through his counsel for the defence that he had not known that Rubens BARRICHELLO, who was on his left, was blocked on his left by Kimi RÄIKKÖNEN and that he had thought that Rubens BARRICHELLO was able to move to the left,

WHEREAS Ralf SCHUMACHER considered that he had left sufficient room on the left for two cars and that his excuse was to say that he had not seen Kimi RÄIKKÖNEN who was in the process of overtaking Rubens BARRICHELLO on the left,

WHEREAS, whatever the situation the drivers can see in their rear-view mirrors, they cannot not be unaware that a driver may be overtaking another on his left, and therefore, Ralf SCHUMACHER, even if he had been unable to see Kimi RÄIKKÖNEN on his left, ought to have adopted a trajectory that would in no way have hampered another competitor, especially so soon after the start,

WHEREAS it is also up to each driver to be careful not to come into contact with another competitor and, therefore, the move to the left was inappropriate in such circumstances; whereas in so doing, he appeared to have touched with his rear left wheel the front right wheel of Rubens BARRICHELLO; whereas indeed, all the progress that has been made in the field of safety does not justify manoeuvres that are likely to cause contact, with potentially serious consequences,

WHEREAS in these conditions, the International Court of Appeal, having taken due note of the statements of the parties and knowledgeable parties, of the showing of the video films, and of the report by Peter WRIGHT, cannot but consider that the behaviour of Ralf SCHUMACHER was inappropriate and that a sentence should be pronounced against him,

WHEREAS, however, the sanction imposed by the first judges, of moving Ralf SCHUMACHER back 10 places on the starting grid at the next Grand Prix, appears inappropriate and instead, while maintaining the principle, a fine of 50,000 \$US should be imposed, in accordance with Article 59 of the FIA Formula One Sporting Regulations which states that the Stewards of the Meeting – and *a fortiori* the International Court of Appeal – may inflict the penalties specifically set out in these Sporting Regulations in addition to or instead of any other penalties available to them under the Code,

WHEREAS in the course of the debates it has become clear to the Court, in particular from reading the report by Peter WRIGHT – of which the first judges had not been aware – and after having heard the explanations he had provided to the hearing, that a certain responsibility might possibly be imputed to the other drivers involved in the incident, namely Rubens BARRICHELLO and Kimi RÄIKKÖNEN; whereas the case should therefore be referred back to the Panel of the Stewards of the Meeting having handed down the decision of 3 August 2003 – in the same composition as on the day of the event – so that this Panel might examine, in the light of the report from Peter WRIGHT and having again heard Rubens BARRICHELLO and Kimi RÄIKKÖNEN, the responsibilities possibly incurred,

ON THESE GROUNDS,

INVALIDATES decision N° 41 taken by the Panel of Stewards of the Meeting on 3 August 2003 at the German Grand Prix run at Hockenheim on 3 August 2003 whereby Ralf SCHUMACHER was to be moved back 10 places on the starting grid at the next Grand Prix,

and, **GIVING A NEW RULING**,

for the reasons and in the conditions set out above, **REFERS** the case back to the Panel of the Stewards of the meeting, in the same composition as at the Grand Prix at Hockenheim, so that it may rule on the possible responsibility incurred by one or other or both of the drivers Rubens BARRICHELLO and Kimi RÄIKKÖNEN,

STATES AND JUDGES that the costs of the present decision shall be borne by the appellant in accordance with Article 190 of the International Sporting Code which excludes expenses or defence fees incurred by the parties.

Made in Paris, 19 August 2003

The President