

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

of the

FEDERATION INTERNATIONALE DE L'AUTOMOBILE

CASE:

**Appeal lodged by the
Automobile Club of Italy/Commissione Sportiva Automobilistica Italiana
(ACI-CSAI) on behalf of its licence holder Scuderia Island Motorsport
(crew Renato Travaglia/Daniele Vernuccio) against Decision N°2 of the
Panel of the Stewards of the Meeting handed down on 7 October 2007
during the 32nd ELPA Rally run in Greece
from 5 to 7 October 2007 and counting in the
2007 FIA European Rally Championship**

Hearing of Wednesday, 21 November 2007 in Paris

The International Court of Appeal (ICA), comprising Mr Xavier CONESA (Spain), elected President, Mr Erich SEDELMAYER (Austria) and Mr Thierry JULLIARD (Switzerland),

Meeting in Paris on Wednesday, 21 November 2007 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 of Italy/Commissione Sportiva Automobilistica Italiana (ACI-CSAI) on behalf of its licence holder Scuderia Island Motorsport (crew Renato Travaglia/Daniele Vernuccio) against Decision N°2 of the Panel of the Stewards of the Meeting handed down on 7 October 2007 during the 32nd ELPA Rally run in Greece from 5 to 7 October 2007 and counting in the FIA 2007 European Rally Championship,

After hearing, in the absence of the ACI/CSAI which was not represented at the hearing, the appellant Mr Fulvio Garajo, President of Scuderia Island Motorsport, assisted by Mr Paolo Tommasini, lawyer in Rome;

For FIA Sport, Mr Pierre de Coninck, Secretary General, and Mr Sébastien Bernard, Head of the Legal Department;

After having examined the memorandum and its attachments submitted by the appellant, as well as the memorandum and attachments submitted by the FIA;

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 parties having been duly heard and 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 maintained during the hearing that there had been a violation of the rights of the defence because he had not been informed of or at least

had not been able to discuss the report from the FIA Technical Delegate, a photograph of the incriminating piece of evidence having been presented without the piece of evidence itself being taken apart, which would have enabled the direct examination of the piece and which would have made an appropriate defence possible;

WHEREAS the appellant, without explaining the nature of the infraction referred to, requests that the decision of the Panel of the Stewards of the Meeting be quashed in order to regain second place in the Rally Championship concerned;

WHEREAS at the hearing it was pointed out to the appellant that, in accordance with Article 145 of the International Sporting Code, the report could not be communicated to anyone prior to the hearing, and was only allowed to be seen by the Stewards;

WHEREAS nonetheless it was however in conformity with the rights of the defence to allow the appellant to discuss with the Technical Delegate the contents of the Technical Delegate's report and the pieces of evidence presented to him;

WHEREAS in this respect and following the observation of the FIA, which informed the appellant that he had had every possibility to explain the above-mentioned points, the International Court of Appeal is obliged to note that it has not received any pertinent response from the appellant;

WHEREAS this is all the more clear since the decision of the Panel of the Stewards of the Meeting mentioned in writing that " *After hearing all statements by the crew and car owner and after due deliberation, the Stewards decide.....*";

WHEREAS the International Court of Appeal furthermore has proof that the appellant was able to provide the explanations in the normal manner because a photograph of the incriminating piece was presented which left not the slightest doubt as to the existence of an infraction;

WHEREAS the appellant who had the last word declared simply that he contested the regularity of the procedure without contesting the existence itself of the infraction;

ON THESE GROUNDS,

STATES and RULES that the appeal lodged by the Automobile Club of Italy/Commissione Sportiva Automobilistica Italiana on behalf of its competitor Scuderia Island Motorsport (crew Renato Travaglia/Daniele Vernuccio) against Decision N° 2 of the Panel of the Stewards of the Meeting handed down on 7 October 2007 during the 32nd ELPA Rally run in Greece from 5 to 7 October and counting in the 2007 FIA European Rally Championship is admissible;

STATES and RULES that the procedure was carried out by the Stewards of the Meeting in all regularity, in keeping with the rights of defence of the appellant;

STATES and RULES that the appellant did not put forward any serious argument concerning the infraction which he is accused of;

CONFIRMS consequently Decision N° 2 handed down by the Panel of the Stewards of the Meeting on 7 October 2007;

LEAVES the costs to be borne by the appellant, in accordance with Article 190 of the International Sporting Code and Article 24 of the Rules of the International Court of Appeal.

Paris, 21 November 2007

(signature)

The President