

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

of the

FEDERATION INTERNATIONALE DE L'AUTOMOBILE

CASE

**Intention to appeal by Alfa Romeo Racing Team against the decision handed down
on 15 May 2005 by the Panel of Stewards of the Meeting
of the FIA World Touring Car Championship event
run at Silverstone on 15 May 2005**

Hearing of Tuesday 19 July 2005

The FIA INTERNATIONAL COURT OF APPEAL, composed of Mr Jean-François Veroux (France), elected President, Mr Philippe Roberti de Winghe (Belgium), Mr Harry Duijm (Netherlands) and Mr José Macedo e Cunha (Portugal),

Meeting in Paris on Tuesday 19 July 2005 at the headquarters of the Fédération Internationale de l'Automobile, 8 place de la Concorde, 75008 Paris, concerning the competitor Alfa Romeo Racing Team's intention to appeal against the decision handed down on 15 May 2005 by the Panel of Stewards of the Meeting for the FIA World Touring Car Championship event that was run at Silverstone on 15 May 2005,

WHEREAS in a letter dated 19 May 2005, the competitor Alfa Romeo Racing Team announced the withdrawal of its intention to appeal against the above-mentioned decision,

WHEREAS the International Court of Appeal can only record that, while an intention to appeal was indeed notified, it was not, however, confirmed by the competitor, contrary to Article 186 of the International Sporting Code which states that the appeal "... may be brought by fax or by any other electronic means of communication with confirmation of receipt. Confirmation by a letter of the same date is required.",

WHEREAS, moreover, the Commissione Sportiva Automobilistica Italiana – the parent ASN of Alfa Romeo Racing Team – did not formulate the slightest appeal, whether within or outside the time limit, on behalf of the competitor, contrary to Article 185.2 of the International Sporting Code,

WHEREAS in these conditions an appeal would already be inadmissible, the matter not having been submitted to the International Court of Appeal, and whereas the Stewards' decision of 15 May 2005 has acquired the authority of *res judicata*, the absence of submission to the International Court of Appeal not allowing it to accept the withdrawal of the intention to appeal formulated by the competitor,

WHEREAS for the same reasons, it is not up to the International Court of Appeal to rule on the refunding of the appeal fee; should the competitor claim the refunding of the appeal fee, the Fédération Internationale de l'Automobile has the right to apply Article 186 of the International Sporting Code, which states that the appeal fee will be forfeit if the intention to appeal is not confirmed,

ON THESE GROUNDS,

DECLARES AND RULES that, in the absence of an appeal brought before the International Court of Appeal, the Stewards' decision has acquired the authority of *res judicata*,

LEAVES it to Alfa Romeo Racing Team to pay the costs, in accordance with Article 190 of the International Sporting Code.

The President,

Made in Paris, 19 July 2005