

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

**CASE:**

**International Appeal lodged by**  
**the French Federation of Motor Sport**  
**on behalf of its affiliate,**  
**the Motor Sport Association of Nevers Magny-Cours**  
**organizer of the ITC event held on 15.09.96 at Magny-Cours,**  
**against**  
**the decision of the World Motor Sport Council**  
**taken on 06.12.96**  
**concerning the fine of U.S. \$ 100,000**  
**imposed on**  
**the Circuit Association of Nevers Magny-Cours**  
**and the Motor Sport Association of Nevers Magny-Cours**

**Hearing of Thursday, 20 February 1997 in Paris**

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

Sitting in Paris on Thursday, 20 February 1997, at the Headquarters of the Fédération Internationale de l'Automobile, 8, place de la Concorde, 75008, PARIS,

Ruling on the appeal lodged by the French Federation of Motor Sport (FFSA) on behalf of its affiliate, the Motor Sport Association of Nevers Magny-Cours, organizer of the ITC event held on 15.09.96 at Magny-Cours, against the decision of the World Motor Sport Council of 6 December 1996 wherein a fine of US\$ 100,000 was imposed on the Circuit Association of Nevers Magny-Cours and the Motor Sport Association of Nevers Magny-Cours mentioned above,

After hearing for the Appellant, Mr Charles KAPLAN, Lawyer with the Paris Bar, for the Motor Sport Association of Nevers Magny-Cours; assisted by Mr Jean-François VEROUX, Member of the FFSA Board of Directors; and Mr Pierre de CONINCK, FIA Secretary-General for Motor Sport; as well as the knowledgeable parties called by the Motor Sport Association of Nevers Magny-Cours, Mr Philippe DECHARNE, Nevers Magny-Cours Circuit Director; Captain Jean-Luc CARTAULT, Chief of Staff of the Fire and Emergency Rescue Services for the Department of Nièvre, Mr. Joël DORADOUX, Chief Track Marshal during the ITC event, and Mr Jo BAUER, FIA Technical Delegate for the ITC, the latter called by the FIA Secretary-General for Motor Sport,

Having recognized that the proceedings were in order, the appeal admissible, and that the rights of the parties had been duly examined in the proceedings both before and during the hearing, the Appellant, the FIA representative and various witnesses having supplied all detailed and relevant explanations when asked for during the hearing and having answered all questions with the aid of simultaneous interpretation deemed satisfactory by all parties,

**WHEREAS** it must first be noted that the ICA is called upon to rule on only one appeal from the Motor Sport Association of Magny-Cours, and that therefore only this appeal can be ruled on;

**WHEREAS** the decision in question condemned the Motor Sport Association of Magny-Cours to pay a fine of U.S. \$ 100,000, in pursuance of Article 152 of the International Sporting Code, "for having failed to take the necessary steps to bring the fire on board car N°7 completely under control, despite the indications which had been given to the Track Marshals by the Technical Delegate on the first day of the event";

**WHEREAS** this description of the facts does not, in the eyes of the ICA, seem sufficient with regard to the regulations in the International Sporting Code, in particular those referred to in Articles 8.1 and 8.2 of Appendix H of the International Sporting Code ;

**WHEREAS** it is up to the ICA to determine whether the facts for which the Appellant is blamed can constitute an infraction of the Articles mentioned above;

**WHEREAS** regardless of the declarations made by parties or testimonies given, fundamental evidence has been introduced which convinces the Court: the examination of a video cassette submitted by the Appellant which relates the race as it took place, notably from the moment the OPEL car N°7 driven by REUTER caught fire ;

**WHEREAS** in this respect it is necessary, in addition to the screening of this cassette, to refer to Document N°12 submitted to the Court by the Appellant which, according to the latter, constitutes the time analysis of the accident and the events which followed ;

**WHEREAS** the result is that, contrary to Article 8 of Appendix H, two extinguishers were working at 1'04" according to the Appellant's time analysis, the fire having broke out according to the same time analysis at 0'15", in other words 49" after the car caught fire and 31" after the car was immobilized on the track shoulder, instead of the 15" as stipulated in the Regulations for the first intervention;

**WHEREAS** concerning the second intervention, for which "a mobile appliance should be at the scene, with means to extinguish the fire completely", even if the white van carrying extinguishers is considered as such, this van did not arrive until 13' less 15", ( 15" being the time noted in the Appellant's document as the time car N° 7 caught fire ) in other words 12'45"; and 12'27" after the car was immobilized on the track, while the firemen themselves did not arrive until 15'05", in other words 14'50" after the car caught fire and 14'32" after the car was immobilized;

**WHEREAS** this thus reveals a second infraction of Article 8.2 which stipulates 30" for the second intervention;

**WHEREAS** in addition, the excerpt from the Race Control Room Log notes that the firemen were called at 13h59 - this corresponds to the document from the Fire Brigade which states the actual time of the firemen's departure as 14h00 - and notes that the fire broke out at 13h53 ;

**WHEREAS** this means the Firemen were called more than 6' after the car had been immobilized on the shoulder, while a raging fire engulfed the car almost from the time it was immobilized, letting off large clouds of smoke for 6';

**WHEREAS** this means the organizers waited too long before calling the Fire-Fighting Services for a fire they could not bring under control themselves, given that a large number of extinguishers had been used to no avail during these 6';

**WHEREAS** we are faced not only with an infraction of the safety regulations laid out in Appendix H, but also a clear case of negligence;

**WHEREAS** under such conditions it is necessary, in respect of the principle, to confirm the decision taken which was motivated by this decision;

**WHEREAS** concerning the quantum, this should be modified on account of the general circumstances surrounding the accident, and reduced to U.S.\$ 60,000;

**ON THESE GROUNDS,**

**AS TO THE FORM,**

**DECLARES** the appeal admissible,

**AS TO THE FACTS,**

**CONFIRMS** the decision of the World Motor Sport Council handed down on 6 December 1996, in respect of the principle,

**SUBSTITUTES** a reduced fine of U.S. \$ 60,000,

**DECLARES and JUDGES** that the costs be borne by the Appellant.

Paris, 20 February 1997

The **PRESIDENT**