

INTERNATIONAL COURT OF APPEAL (I.C.A)
of the
FEDERATION INTERNATIONALE DE L'AUTOMOBILE

CASE:

**Appeal by the Motor Sports Association (MSA)
on behalf of its competitor BAR GP Limited,
against decision N° 16 of the Panel of the Stewards of the Meeting
dated 24 July 2004**

**Event run at Hockenheim (Germany) on 25 July 2004
counting for the 2004 FIA Formula One World Championship**

Hearing of Monday 9 August 2004 in Paris

The FIA INTERNATIONAL COURT OF APPEAL, composed of Mr Philippe ROBERTI de WINGHE (Belgium), elected President, Mr Xavier CONESA (Spain), Mr José MACEDO e CUNHA (Portugal) and Mr Jan STOVICEK (Czech Republic);

Meeting in Paris on Monday 9 August 2004 at the headquarters of the FIA – 8, place de la Concorde – 75008 Paris,

Ruling on the appeal brought by the Motor Sports Association (Great Britain) on behalf of its competitor BAR GP Limited against the Decision N° 16 given by the Panel of Stewards of the Meeting dated 24 July 2004 during the event run at Hockenheim (Germany) and counting for the 2004 FIA Formula One World Championship, having, upon the report of the FIA Technical Delegate, and in conformity with it, decided that the “*electro hydraulic software controlled device which connects the front wheels via drive shafts and allows controlled torque transfer from a faster wheel to a slower wheel even under braking*” on the T car of the Lucky Strike BAR Honda team, was not in compliance with the provisions of Article 11.1.3 of the 2004 FIA Formula One Technical Regulations and, in consequence, the use of this device was not authorised,

Having heard:

For the appellant: Mr Terry Lankshear, MSA Secretary General, Messrs Geoffrey Willis, Technical Director of BAR Honda, Jeorg Zander, Chief Engineer BAR Honda and Craig Wilson, Chief Race Engineer, assisted by Mr Simon Taylor, Advocate Solicitor at Nottingham,

For the FIA: Mr Pierre de Coninck, Secretary General FIA Sport, and Mr Sébastien Bernard, Head of Legal Affairs for the Sport Department of the FIA, who were in agreement with the confirmation of the decision taken,

The knowledgeable parties: Mr Jo Bauer, FIA F1 Technical Delegate and Mr Peter Wright, Technical Expert,

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 arguments of the parties, and the knowledgeable parties having been heard with the mutual agreement of the appellant party and the FIA, 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 it is necessary in the first place to emphasise that the reply made by Mr Charlie Whiting, FIA F1 Technical Department to the representatives of BAR Honda dated 12 May 2004 cannot be taken into consideration given that it was a reply made to a document from BAR Honda dated 6 May 2004 giving a summary of a Transmission system/Torque transfer system, which document did not comply with the different conditions set out in Article 2.4 of the 2004 FIA Formula One Technical Regulations,

WHEREAS on the other hand it was also necessary to state that it was incumbent on the competitor to prove that at any time during the event that the system in question was in conformity with the Regulation and that, in case of doubt, it was possible for him to request a clarification from the FIA Formula One Technical Department,

WHEREAS in fact no technical opinion seemed to have been requested at least for the software controlling the electro hydraulic device in question, and even for this, and that BAR Honda only troubled themselves to present the T BAR Honda car to the event scrutineering fitted with the aforesaid device, which caused the report from the Technical Delegate pointing out that the device was not in compliance with Article 11.1.3 of the 2004 FIA Formula One Technical Regulations,

WHEREAS it was upon sight of this report that the Stewards of the Meeting, on the same day 24 July 2004, took the contested decision confirming that the use of the device was not authorised,

WHEREAS it is necessary in these circumstances to issue a reminder that in compliance with Article 8.1.1 of the 2004 FIA Formula One Technical Regulations which states: *“Prior to the start of each season the complete electrical system on the car must be examined and all on board and communication software must be inspected by the FIA Technical Department. The FIA must be notified of any changes prior to the Event at which such changes are intended to be implemented.”*

WHEREAS none of the provisions of this Article were respected by the appellant,

WHEREAS on the other hand, as the Stewards of the Meeting stated in their decision, that the device in question did not respect the conditions of Article 11.1.3 of the

Formula One Technical Regulations which provide that *“Any powered device which is capable of altering the configuration or affecting the performance of any part of the brake system is forbidden.”*

WHEREAS in fact the device in question controlled by software had a direct influence on braking because it enabled the transfer of braking force altered by the software, now on the front wheel, now on another, which, according to BAR Honda, improved the stability of the car, particularly when braking.

WHEREAS finally that according to Article 11.1.4 of the Formula One Technical Regulations *“Any change to, or modulation of, the brake system whilst the car is moving must be made by the driver’s direct physical input, may not be pre-set and must be under his complete control at all times.”*

WHEREAS this did not appear to be the case concerning the device in question because it interposed between the braking force by the driver and the braking force itself an electro hydraulic device controlled by software which divided the braking force from one wheel to another,

WHEREAS that under these circumstances it follows that the decision by the Stewards of the Meeting must be confirmed for the reasons given above,

ON THESE GROUNDS;

DECLARES AND JUDGES the appeal admissible but without proper basis,

CONFIRMS the decision taken,

LEAVES the payment of costs, calculated in conformity with Article 190 of the International Sporting Code, to the charge of the appellant.

The President

Made in Paris, 9 August 2004