

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

**of the**

**FEDERATION INTERNATIONALE DE L'AUTOMOBILE**

**CASE**

**Appeal brought by the ACCR (Autoclub of the Czech Republic)  
on behalf of its licence-holder Buggyra International Racing System  
against the decision handed down by the Spanish National Court of Appeal on  
22 October 2007 concerning the event run at Jarama (Spain) on 7 October  
2007 and counting towards the 2007 FIA European Truck Racing  
Championship**

**Hearing of Thursday 13 December 2007 in Paris**

The FIA INTERNATIONAL COURT OF APPEAL, composed of Mr Vassilis KOUSSIS (Greece), elected President, Mr Jean-François VEROUX (France, Mr Edwin GLASGOW (Great Britain), and Mr Francesco de BEAUMONT (Italy);

Meeting in Paris on Thursday 13 December 2007, at the headquarters of the Fédération Internationale de l'Automobile, 8, place de la Concorde, 75008 Paris;

Ruling on the appeal brought by the Autoclub of the Czech Republic (ACCR) on behalf of its licence-holder Buggyra International Racing System against the decision handed down by the Spanish National Court of Appeal on 22 October 2007 concerning the event run at Jarama (Spain) on 7 October 2007 and counting towards the 2007 FIA European Truck Racing Championship;

WHEREAS at the hearing, the ACCR was represented by its Vice-President, Mr S. Minarik, the team Buggyra International Racing System by its Manager, Mr M. Landsdorf, assisted by Mr Matej Vacha and Mr Jan Krabec, both lawyers registered with the Czech Bar Association;

WHEREAS also attending the meeting were the representative of the Real Federacion Espanola de Automovilismo (RFDEA), Mr Carlos Bertrand, Mr Laurent Aubert and Ms Sonia Granados representing the team CEPSA, assisted by Mr Juan Maria Xiol and Mr Luis Rodrigues, both lawyers at the Barcelona bar;

WHEREAS the FIA was represented by Mr Pierre de Coninck, Secretary General of FIA Sport, assisted by Mr Sébastien Bernard, Head of Legal Affairs;

WHEREAS also heard at the audience as witnesses were the driver David Vrsecky and the expert Mr Boasman, appearing at the request of Buggyra International Racing System, as well as the driver Antonio Albacete and the engineer Mr. Isasi, appearing at the request of CEPSA;

Having acknowledged that the procedure was in order and the appeal admissible, 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 appellant and cross-appellant and their counsels and the representatives of the FIA having been duly heard, as well as the witnesses, 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 did not provoke the slightest criticism on the part of anybody;

WHEREAS it emerges from the explanations of the parties, and from the examination of the documents in the case and the videos provided respectively by the parties, commented on adversarially, that there was a collision between truck n° 1 of CEPSA, driven by Antonio Albacete, and truck n° 5 of Buggyra International Racing System, driven by David Vrsecky;

WHEREAS both drivers accepted at the hearing that the Clerk of the Course had warned all drivers, in the interests of safety, to avoid collisions;

WHEREAS in these conditions the International Court of Appeal can not accept Antonio Albacete's explanation that he was unaware of the presence of the truck which could clearly be seen beside his vehicle in the photographs and videos produced at the hearing;

WHEREAS the International Court of Appeal considered at length the possible responsibility of the driver of each of these trucks for the collision that occurred in the second corner after the start line, in which truck n° 1 swerved off its racing line, propelling truck n° 5 into the gravel trap, each of the two drivers hitting the gravel but managing to return to the track and continue the race;

*On the admissibility of the appeal;*

WHEREAS the appellant has been an intervenor from the very beginning of the procedure and whereas furthermore both drivers were implicated, revealing the interest in the appeal formulated by Buggyra International Racing System;

*As to the substance;*

WHEREAS by virtue of what the International Court of Appeal has been able to ascertain, it is in a position to invalidate the decision taken by the Spanish National Court of Appeal concerning the liability for the collision committed by Antonio Albacete and subsequently to confirm the decision taken by the Stewards of the Jarama meeting. Nevertheless the legal motivation chosen by the Stewards (article 12 of the sporting regulations of the FIA European Truck Championship) needs to be replaced by Article 9.6 of the same European Truck Championship sporting regulations which should apply, in addition to other articles of the International Sporting Code. Moreover, Article 9.7.1 states that the Panel of Stewards has the possibility of

determining the sanction to be imposed on a driver involved in such an incident, i.e. giving it the power, in accordance with Articles 141 and 153 of the International Sporting Code, to pronounce the penalties provided for, which range from a reprimand to disqualification, this range including time penalties;

WHEREAS consequently, the decision taken by the Panel of Stewards to impose a 10-second time penalty, in accordance with the powers granted to the Stewards by Articles 141 and 153 of the International Sporting Code, must be confirmed;

**ON THESE GROUNDS,**

*On the admissibility,*

**DECLARES AND RULES** that the appeal is admissible;

*As to the substance,*

**ANNULS** the decision handed down by the Spanish National Court of Appeal on 22 October 2007;

**CONFIRMS** the 10-second penalty decided by the Panel of Stewards, in pursuance not of Article 12 of the European Truck Racing Championship regulations, but of Articles 9.6 and 9.7.1 of the same Championship regulations and Articles 141 and 153 of the International Sporting Code;

**LEAVES** it to the sporting authority to draw the consequences of the present decision;

**ORDERS** that the deposit paid by the appellant be refunded;

**LEAVES** it to the RFDEA to pay the costs, in accordance with Article 190 of the International Sporting Code and Article 24 of the Rules of the International Court of Appeal.

Made in Paris, 13 December 2007

**The PRESIDENT**