

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

of the

FEDERATION INTERNATIONALE DE L'AUTOMOBILE

CASE

**RAC Motor Sports Association Limited
on behalf of its licence holders/competitors
Williams Grand Prix Engineering Ltd and
Benetton Formula Ltd,**

against on the one hand the decisions

handed down by the Stewards of the Meeting on 26 March 1995

wherein a \$30,000 fine was imposed on each of the competitors

Benetton and Williams following the technical checks

carried out at the end of practice

and on the other hand the decisions handed down by the Stewards of the Meeting

on the same day wherein Cars N°1 and N°6

were excluded from the classification of the 1995 Brazilian Grand Prix

following the technical checks

carried out after the FIA Formula One Grand Prix

run at Interlagos on 26 March 1995

Hearing of Thursday 13 April 1995 in Paris

The FIA INTERNATIONAL COURT OF APPEAL, comprising Messrs José MACEDO e CUNHA (Portugal), President, Philippe ROBERTI de WINGHE (Belgium), Vassilis KOUSSIS (Greece) and P.G. DAHLSTROM (Scandinavia),

Sitting in Paris on Thursday, 13 April 1995 at the Headquarters of the FEDERATION INTERNATIONALE DE L'AUTOMOBILE, 8 place de la Concorde, 75008 Paris,

Ruling on the appeal lodged by the RAC Motor Sports Association Limited on behalf of its licence holders/competitors Williams Grand Prix Engineering Ltd and Benetton Formula Ltd, against the decisions handed down by the Stewards of the meeting on 26 March 1995, as mentioned above,

WHEREAS it is in the interests of fairness to combine the two appeals lodged respectively against the decisions of the Stewards of the Meeting who ruled following the Formula One practice and race,

After hearing, on behalf of Benetton, Mr David MILLS, Barrister-at-Law in London, in the presence of Mr Flavio BRIATORE, Benetton representative, assisted by Mr Joan VILLADELPRAT, Team Manager, and on behalf of Williams, Mr LONGDEN, Barrister-at-Law in London, Mr Peter GOODMAN, Solicitor for Williams, the appellants, assisted by Mr Gilbert CHAPELET, ELF representative, Mr SANDRA, Professor at the Universities of Gand and Leiden, in the presence of Mr Frank WILLIAMS, Williams representative,

After hearing Mr Pierre de CONINCK, Secretary General of the FIA (Sport), assisted by Mr Charlie WHITING, FIA Formula One Technical Delegate, Mr Rob MACKISON, FIA Expert Chemist, Dr Robert LARGE, Director of the laboratory M-SCAN Ltd, in the presence of Mr CAUSO, FIA Observer,

All parties being heard in the presence of Mr LANKSHEAR, Secretary General of the RAC Motor Sports Association,

Having acknowledged that the procedure was in order and the appeal admissible, the rights of the parties having been duly examined both in the proceedings which preceded the hearing and during the hearing itself, the appellant and the representative of the FIA 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 problem put to the International court of Appeal is to determine if the fuel used by the competitors Benetton and Williams was homologated in accordance with the relevant provisions of Article 16,

WHEREAS the questions in the case were debated at great length with successive and reciprocal statements and examination of each of the parties, their counsel and their experts,

WHEREAS the appellants thus recognise that a quantitative difference existed between the fuel homologated by the FIA and the fuel used during the event, which constitutes an infringement of Article 16.7 and more particularly its last paragraph,

WHEREAS they nevertheless maintain that this quantitative difference which they recognise does not occasion any qualitative difference and that therefore no advantage was given to the drivers or the cars in terms of performance,

WHEREAS the experts heard during the hearing are in disagreement on this point,

WHEREAS without looking into this purely technical question, it appears that, in order to respect the equality of the competitors and of their chances of success, that the fuel used must be exclusively the fuel which was homologated by the FIA prior to the event in question – to decide otherwise would be contrary to the aim of the regulations,

WHEREAS ELF has recognised that the process of analysis by chromatography used by the FIA during each event was above reproach, and that the International Court of Appeal finds itself faced with an infringement which must be severely sanctioned in order to avoid a recurrence of this, which could damage the fairness of the races,

WHEREAS Article 5 of the Sporting Regulations for the FIA Formula One World Championship specifies : « *Competitors must ensure that their cars comply with the conditions of eligibility and safety throughout practice and race.* » while Article 2.6 of the Technical Regulations provides that: "*It is the duty of each competitor to satisfy the scrutineers and the Stewards of the Meeting that his automobile complies with these regulations in their entirety at all times during an event.*",

WHEREAS it must be noted that this was not so in the case in point, and that it is appropriate to confirm the principle, not of the two decisions which were made, but of a single ruling on both of the infringements recorded,

WHEREAS if the principle of the sanction will thus be respected, it is necessary to take into account the circumstances according to which the above-mentioned grievances are to be held against the competitors alone, and not the drivers, who are not concerned by the problem in question,

WHEREAS in these conditions, it is appropriate to pronounce a sanction other than that pronounced by the Stewards of the Meeting, by invalidating their decisions, declaring that these were confused, and replacing the decision to exclude cars N°1 and N°6, driven by Michael SCHUMACHER and David COULTHARD respectively, with a fine in accordance with Article 153 of the International Sporting Code, this fine of \$200,000 being imposed on each of the competitors, as well as the withdrawal of the “Constructors” points scored in the event,

ON THESE GROUNDS,

AS TO THE FORM,

DECLARES that the appeals are admissible,

AS TO THE CONTENT,

INVALIDATES the decisions handed down by the Stewards of the Meeting on 26 March 1995 both after the practice and after the race of the FIA Formula One Brazilian Grand Prix,

RE-RULING,

DECLARES AND RULES that the competitors Benetton and Williams infringed Article 16.7 of the Technical Regulations by not using the fuel which was homologated before the event by the FIA,

REVERSING CONSEQUENTLY the decision of the first judges and re-ruling,

DECLARES AND RULES that taking into account the explanations provided by the parties before the International Court of Appeal, it was not proper to exclude the drivers, but that “Constructors” points should be withdrawn, leaving it up to the Sporting Authority to re-establish the classification according to the present ruling,

REPLACES the penalties pronounced initially with a \$200,000 fine for each of the competitors Benetton and Williams to avoid any recurrence of this infringement,

SENTENCES the appellant to bear the costs of the initial proceedings and of the appeal.

Paris, 13 April 1995

The President