

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

CASE:

Appeal lodged by

**the Automobile Club of Italy - Commissione Sportiva Automobilistica Italiana
on behalf of its licence holder Draco Engineering**

against
the Decision handed down by the Stewards of the Meeting
on 25 October 1997
whereby the competitor Draco
was excluded from the
F3000 International Championship Event
run at Jerez de la Frontera (Spain) on 25.10.97

Hearing of Monday, 24 November 1997 in Paris

The FIA INTERNATIONAL COURT OF APPEAL, comprising Mr. Jan William G. van ROSMALEN (Netherlands) elected President, Dr. Gérard NURSCHER, First Joint Attorney General (Austria), Mr. Philippe ROBERTI DE WINGHE (Belgium), and Mr. P.G. DAHLSTROM (Sweden),

Sitting in Paris on Monday, 24 November 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 Automobile Club of Italy - Commissione Sportiva Automobilistica Italiana - on behalf of its licence holder, Draco Engineering, against the decision handed down by the Stewards of the Meeting on 25 October 1997 excluding the competitor Draco from the F3000 International Championship Event - Jerez de la Frontera (Spain) - run on 25.10.97,

After hearing Mr. Roberto CAUSO, Lawyer with the Bar in Rome, for the Appellant, the competitor Draco, and Mr. Gerald RICHARD, FIA representative, along with Messrs. Yves BACQUELAINE, Steward of the Meeting for the event, and Christian SCHACHT, Technical Delegate,

Having recognized that the proceedings were in order, the appeal admissible, and that the rights of the parties had been duly examined both prior to the hearing and during the hearing itself, the Appellant or knowledgeable parties having been cross-examined and having supplied all detailed and relevant explanations when requested during the hearing with the aid of simultaneous interpretation which was deemed acceptable by the parties involved,

WHEREAS the International Court of Appeal had to determine whether the offense recognized by the Appellant should lead to confirmation or overruling of the decision taken by the Stewards of the Meeting with regard to the circumstances in this case,

WHEREAS the parties agreed to recognize that an infraction of the Regulations was committed with regard to the Parc Fermé, though the Appellant pleads there were extenuating circumstances because no cheating took place and that connection to the computer in order to read data from the race on the car in question could not have revealed the slightest irregularity with regard to the car's behaviour during the event,

WHEREAS it should be pointed out that Article 42.b of the International Sporting Code stipulates, notably, that:

"The Parc Fermé must be in close proximity to the finishing line/starting line, if such is provided for. At the end of the special stage covered, the area between the finishing line and the Parc Fermé entrance shall be placed under the Parc Fermé regulations."

WHEREAS, regardless of the circumstances, Draco could not or should not have been unaware, for them or for those under their authority, of this article - applicable in the present case - which they had to respect, as did all the competitors,

WHEREAS in addition the discussion revealed that the Technical Delegate had warned the concerned party, before the connection was made, that this was an operation which was strictly forbidden by the Regulations since the car was in the Parc Fermé and that, notwithstanding, the party in question proceeded to make the connection,

WHEREAS, in addition to the infraction in the Parc Fermé, they not only did not take into account the warning as mentioned above, but deliberately ignored it,

WHEREAS consequently the extenuating circumstances claimed or pleaded by the Appellant cannot be retained because this could detract from the very nature of the Parc Fermé, which is precisely to stop a competitor or anyone else from working on a car which has competed in the event, and who could have modified data which would constitute cheating, thus affecting the fairness of the verification procedures and each competitor's equality of chances, which is the main reason why the Parcs Fermés were created,

WHEREAS the infraction aggravated by the competitor's refusal to heed the warning issued makes it impossible for the International Court of Appeal to take into consideration the extenuating circumstances, particularly as this would considerably weaken the mission of those in charge of the Parc Fermé,

WHEREAS moreover, in addition to the provisions of the International Sporting Code, Articles 145 and 146 of the 1997 Sporting Regulations for the F3000 International Championship state that:

Article 145:

"After receiving the end-of-race signal all cars must proceed on the circuit directly to the Parc Fermé without stopping, without receiving any object whatsoever, and without any assistance."

Article 146:

"Only those officials charged with supervision may enter the Parc Fermé. No intervention of any kind is allowed there unless authorised by such officials."

WHEREAS the competitor Draco could hardly have been unaware of the provisions of the International Sporting Code, especially since they were reinforced by the provisions of the 1997 Sporting Regulations for the F3000 International Championship which directly concerned them, the event being part of the F3000 International Championship and, under these conditions, the admitted infraction cannot be judged less harshly due to extenuating circumstances, even if the fact of the connection itself revealed no abnormalities concerning the car,

ON THESE GROUNDS,

AS TO THE FORM,

DECLARES the appeal admissible,

AS TO THE FACTS,

CONFIRMS the decision of the Stewards of the Meeting taken on 25 October 1997 which excluded the competitor Draco from the F3000 International Championship Event which took place in Jerez de la Frontera (Spain) on 25.10.97,

DISMISSES the Appellant's appeal and sentences the Appellant to pay all expenses.

Paris, 24 November 1997

The **PRESIDENT**