

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

of the

**FEDERATION INTERNATIONALE DE L'AUTOMOBILE
(FIA)**

CASE:

**Appeal lodged by the Royal Automobile Club Motor Sports Association
on behalf of its licence-holder
Lister Storm Racing**

**against Decision N°12 by the Panel of the Stewards of the Meeting,
handed down on 20 May 2001**

**concerning the Event run on 20 May 2001 in Zolder (Belgium)
counting towards the 2001 FIA GT Championship**

Hearing of Tuesday, 12 June 2001 in Paris

The FIA INTERNATIONAL COURT OF APPEAL, comprising, Mr Vassilis KOUSSIS (Greece), elected President, Mr Eric SEDELMAYER (Austria), and Mr Reginald REDMOND (Ireland);

Meeting in Paris on Tuesday, 12 June 2001 at the headquarters of the Fédération Internationale de l'Automobile (FIA-France), 8 place de la Concorde, 75008 Paris,

Ruling on the appeal lodged by the Royal Automobile Club Motor Sports Association (MSA) on behalf of its licence-holder, Lister Storm Racing, against Decision N°12 taken during the meeting of the Panel of the Stewards of the Meeting on 20 May 2001 during the event run on 20 May 2001 at Zolder (Belgium) and counting towards the 2001 FIA GT Championship;

After hearing:

For the Appellants:

Mr Terry LANKSHEAR, Secretary General of the Royal Automobile Club Motor Sports Association, Mr Laurence PEARCE, Team Principal Lister Storm Racing, assisted by Mr John ASPINALL QC, Lawyer with the London Bar and Mr Simon TAYLOR, Solicitor with the London Bar,

For the FIA,

Mr Pierre de CONINCK, Secretary General of the Sport Department,

And as knowledgeable parties,

Mr Jamie CAMPBELL-WALTER, Driver for Lister Storm Racing, Mr Damien LEWIS, Chief Race Engineer of Lister Storm Racing, and Mr Jean VINATIER, FIA Technical Delegate.

Having acknowledged that the procedure with full argument on both sides was in order, the rights of each party having been duly examined, both in the proceedings prior to the hearing and during the hearing itself, the appellant and the knowledgeable parties having provided all the detailed explanations and answers requested during the hearing with the

help of a simultaneous translation system which was recognised as satisfactory by the parties;

After viewing the videocassette submitted by the appellant;

WHEREAS following the decision of the Panel of the Stewards of the Meeting of the event run at Zolder (Belgium) on 20 May 2001, Car N° 1 belonging to the competitor Lister Storm Racing and driven by the Campbell-Walter/Coronel team was excluded from the event by virtue of Article 258.5.3.2 of the Technical Regulations for Grand Touring Cars, Appendix J, which specifies that "*All the air feeding the engine must pass through these restrictors, which must be made of metal or metal alloy.*", as the airbox had not met the required conditions when verified following the event, which was won by the team of Car N° 1 driven by Campbell-Walter/Coronel;

WHEREAS the appellant maintains that after the qualifying practice which took place on 19 May 2001, his car underwent the requested check concerning the airbox, and the car was declared in conformity;

WHEREAS the appellant also declares that before the start of the race, this airbox was sealed by a rubber ring and that in addition, following a suggestion made by the FIA Technical Delegate, a further seal was mounted using an adhesive silver foil tape fitted by the Team as an additional safeguard;

WHEREAS following the pitstop on the 76th lap of the event, the appellant claims that while leaving the pit, its driver hit a wheel which had been wrongly left partially lying on the fast lane of the pit lane;

WHEREAS as a result of this collision, the appellant claims his vehicle was damaged in the front;

WHEREAS the driver states he noticed the car's engine, which had been running well in the previous laps, was at this point "misfiring", though despite this he was able to finish the race in first place;

WHEREAS after the event the car underwent the normal technical verifications and that following these, the car was declared not in conformity, and the appellant himself noticed that the adhesive seal on the airbox had been broken;

WHEREAS he maintains there is a link between the incident which took place in the pits (collision with a wheel lying partly on the fast lane) and the non-conformity concerning the airbox noted by the Scrutineers after the event;

WHEREAS the appellant recognises the non-conformity of his vehicle between the 76th and the 111th and last lap of the event, but advises that an incident took place during the stop in the pits to justify this;

WHEREAS Article 5 of the Sporting Regulations for the GT Championship stipulates that "*Competitors must ensure that their cars comply with the conditions of eligibility and safety throughout practice and the race;*" and Article 258.2.6 of the Technical Regulations for Grand Touring Cars specifies that "*Compliance with the Regulations – It is the duty of each competitor to satisfy the Scrutineers and the Stewards of the Meeting that his car complies with these regulations in their entirety at all times during an event.*";

WHEREAS the FIA representative maintains for his part that proof of the collision in question is not reported by the appellant with any certainty either in the proceedings prior to the hearing, during the examination of the videocassette, or in the declarations by the knowledgeable parties requested by the appellant;

WHEREAS the International Court of Appeal must therefore resolve the problem which is to determine, in the light of the official texts and particularly Article 258.2.6 referred to

above, if the appellant has been able to offer sure and absolute proof that the collision in question was responsible for damaging the airbox such that it was no longer in conformity;

WHEREAS neither the knowledgeable parties, including Mr Vinatier, the FIA Technical Delegate who had noted the non-conformity of the vehicle, nor the viewing of the videocassette succeeded in convincing the International Court of Appeal there was a direct cause and effect relationship between the incident related above and the damages noted;

WHEREAS it consequently is necessary, regardless of the severity, to invoke the existing regulations and to confirm the decision of the Panel of the Stewards of the Meeting; and even if it appears that the competitor acted in good faith, this does not mean one can contend there were extenuating circumstances, this being due to the absolute necessity of ensuring the respect of regulations which is indispensable to maintain the equality of chances between the competitors;

WHEREAS under these circumstances, it is necessary to confirm decision N° 12 taken by the Stewards of the Meeting on 20 May 2001 during the event run at Zolder (Belgium) on 20 May 2001 counting in the 2001 FIA GT Championship;

ON THESE GROUNDS,

DECLARES the appeal admissible,

STATES that it is ill-founded;

LEAVES it to the Sporting Authority to draw the conclusions from the present decision;

LEAVES the costs to be borne by the appellant.

Paris, 12 June 2001

(signature of Vassilis KOUSSIS)

The PRESIDENT