

INTERNATIONAL COURT OF APPEAL (I.C.A)

of the

FEDERATION INTERNATIONALE DE L'AUTOMOBILE

CASE

Appeal by the Automobile Club d'Italie (ACI)

Commissione Sportiva Automobilistica Italiana (CSAI)

on behalf of its licence-holder, competitor and driver Angelo PROIETTI,

against decision N° 2 of the Stewards of the Meeting

dated 21 March 2002

**38th Rally of Catalunya run from 21 to 24 March 2002 as part of the 2002 FIA
World Rally Championship**

Hearing of Monday 29 April 2002 in Paris

The FIA INTERNATIONAL COURT OF APPEAL, composed of Mr Vassilis KOUSSIS (Greece), elected President, Mr Gernot LEISTNER (Germany), Mr Reginald REDMOND (Ireland) and Mr Jan van ROSMALEN (Netherlands),

Meeting in Paris on Monday 29 April 2002 at the headquarters of the Fédération Internationale de l'Automobile (FIA-France), 8 place de la Concorde, 75008 Paris,

Ruling on the appeal brought by the Automobile Club d'Italie/Commissione Sportiva Automobilistica Italiana on behalf of its licence-holder, competitor and driver Angelo PROIETTI, against the decision N° 2 of the Stewards of the Meeting made on 21 March 2002 during the 38th Rally of Catalunya run from 21 to 24 March 2002 as part of the 2002 FIA World Rally Championship.

Having heard:

For the appellant,

Maître Roberto CAUSO, advocate at the bar of Rome, representing and assisting the ACI/CSAI and Messrs Angelo PROIETTI, driver, and Piero di FRANCESCO, codriver, together with the witness requested by them, Mr Achille SCARAMUCCHI,

As knowledgeable party,

Mr Manuel MUÑOZ FLORIACK, member of the Rally Organisation, Reconnaissance Assistant,

And for the FIA,

Mr Pierre de CONINCK, Secretary General, Sport, assisted by Mr Sébastien BERNARD, legal advisor in the same department,

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 parties, witness or knowledgeable party 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 before any discussion could take place about the matter of the case, it was necessary to make enquiry into the admissibility of the appeal before the International Court of Appeal,

WHEREAS if the appeal was brought within the given time limit by the ACI/CSAI, it is necessary to refer to Articles 185-2) and 186 second paragraph of the International Sporting Code to see if the fee provided for in this text had in fact been paid,

WHEREAS Article 185-2) provides that only an ASN can bring an appeal on behalf of its competitors against the decisions of the Stewards of the Meeting and that “... *All appeals brought by an ASN must be in writing, signed by a duly qualified representative of the ASN and accompanied by such a fee as shall be decided annually by the FIA (€ 4600 for the current year)*”,

WHEREAS concerning this, Article 186, second paragraph, provides that an appeal must be brought within a time limit of “... *seven days after the publication of the decision by the ASN or the stewards of the meeting on condition that the stewards of the meeting are notified in writing, and within one hour of the publication of the decision, of the intention to appeal, and that this notification is accompanied by the necessary fee (see Article 185)*”, ... *The fee (see Article 185) will be retained by the FIA if the intention to appeal is not confirmed in accordance with the provisions of this paragraph.*”,

WHEREAS it is provided in these same texts that a cheque accompanying the intention to appeal must be drawn payable to the FIA,

WHEREAS that independently of these texts, the competitor who has the intention to appeal, brings his appeal, as in the present case, before the International Court of Appeal of the FIA, and not before an organisation such as the Reial Automobil Club de Catalunya (RACC),

WHEREAS notwithstanding the explanations made by the appellant, evoking an error on the part of the competitor caused by a possible statement by the Stewards of the Meeting of the RACC, the consequence is none the less that the competitor, who is considered to be himself acquainted with the International Sporting Code which binds him, in conformity with Article 58 of that code, must, because he appeals before the highest court of the FIA, draw a cheque for the fee to the order of the FIA,

WHEREAS it follows, that both the letter and the spirit of the texts require that the fee should be sent or at least drawn to the order of the FIA and that this fee must be received by the FIA in any case within the time limit of 7 days provided by Article 186,

WHEREAS, in the present case, neither at the time nor within the time limit of 7 days, no fee or equivalent was sent to the FIA,

WHEREAS, it follows, that the International Court of Appeal can only decide that Articles 185 and 186 of the International Sporting Code have not been respected and that, in consequence, the appeal is shown to be inadmissible,

ON THESE GROUNDS,

STATES AND JUDGES the appeal brought by the ACI/CSAI on behalf of its competitor inadmissible, as the provisions of Articles 185 and 186 of the International Sporting Code were not respected,

LEAVES all the costs to the appellant.

Made in Paris, 29 April 2002

The PRESIDENT