

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

OF THE

**FEDERATION INTERNATIONALE DE L'AUTOMOBILE
(F.I.A.)**

CASE:

**Appeal lodged by the Magyar Nemzeti Autósport Szövetség (MNASZ)
on behalf of its licence-holder, Intermedia Motorsport Association,
against the decision taken by the National Court of Appeal of Hungary
on 19 October 2001**

**15th International Michelin Rally of Budapest of 2001 counting in the
2001 FIA European Rally Championship (coefficient 2)**

Hearing of Tuesday, 8 January 2002 in Paris

The FIA INTERNATIONAL COURT OF APPEAL, comprising Mr Vassilis KOUSSIS (Greece), elected President, Mr Philippe ROBERTI de WINGHE (Belgium), Mr Xavier CONESA (Spain) and Mr José MACEDO e CUNHA (Portugal),

Sitting in Paris, on Tuesday, 8 January 2002, 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 Magyar Nemzeti Autósport Szövetség (MNASZ), on behalf of its licence-holder, Intermedia Motorsport Association, against the decision taken by the National Court of Appeal of Hungary on 19 October 2001 - 15th International Michelin Rally of Budapest of 2001 counting in the 2001 FIA European Rally Championship (coefficient 2).

Ruling, after a first decision by the International Court of Appeal on 10 December 2001 wherein, without taking any ruling and without prejudice whatsoever to the parties concerned, required that the FIA Technical Department provide the answer to the question of whether or not, at the time the homologation form was established, the measurement of the rate of flow - as specified in the form - was taken with or without a filter, and this after consulting and obtaining a written reply from the constructor Mitsubishi which would be submitted to the International Court of Appeal,

WHEREAS the case as such returns before the court at today's hearing, after reception of the written response from Mitsubishi,

After hearing:

For the appellant,

The competitor, Mr Robert TAGAI,

For the FIA,

Mr Sébastien BERNARD, Head of the Legal Department of the FIA Sport Division,

And as a knowledgeable party,

Mr Jacques BERGER, from the FIA Technical Department,

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 parties and the knowledgeable party 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;

WHEREAS for the FIA, its representative, Mr Sébastien BERNARD, simply requests that justice be done,

WHEREAS Mr Robert TAGAI presented the same explanations as those presented during the previous hearing, namely that the flow from the fuel pump - though equipped with a fuel pump filter - was initially recognized as being in conformity,

WHEREAS it should be pointed out that, according to Mitsubishi's response, the measurement of the flow of the pump must be taken at the point where it comes out, and the effects of the filter known as the « in-line filter » must not be considered; in fact there is an initial filter adjoining the pump known as the «in-tank fuel pump filter » and this filter alone must be considered, with the measurement taken directly at the point the fuel exits the pump,

WHEREAS at the hearing, Mr Jacques BERGER provided the explanations requested, ie that the flow rate of the pump could be calculated with or without the « in-tank fuel pump filter », as this filter was designed only to eliminate impurities in the fuel and not to reduce the flow of the pump itself,

WHEREAS to decide otherwise, according to him, would allow a competitor to put a filter on a pump which could, with its mesh, sufficiently reduce the flow rate, while the pump itself would provide a higher rate of flow than the one on the homologation form,

WHEREAS it, in effect, must be considered that, whatever « in-tank fuel pump filter » used, the pump must provide a flow at end of the pump which cannot in any case exceed, according to the homologation form, 3.63 l/min,

WHEREAS under these conditions, the flow of the pump which was measured at 4.66 l/min does not correspond to the maximum level of 3.63 l/min authorised on the homologation form,

WHEREAS consequently the decision of the Hungarian National Court of Appeal taken on 19 October 2001 must be confirmed, and the grounds duly acknowledged for the exclusion of car N° 6 of the competitor Intermedia Motorsport Association in the 15th International Michelin Rally of Budapest 2001 counting in the 2001 FIA European Rally Championship (coefficient 2),

ON THESE GROUNDS,

CONFIRMS the decision of the Hungarian National Court of Appeal taken on 19 October 2001 and

ACKNOWLEDGES the exclusion of car N° 6 of the competitor Intermedia Motorsport Association in the 15th International Michelin Rally of Budapest 2001 counting in the 2001 FIA European Rally Championship (coefficient 2),

LEAVES the costs to be borne by the appellant.

The President

(signature of V. Koussis)

Paris, 8 January 2002