

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

**of the**

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

**Case:**

**Appeal brought by the Knac Nationale Autosport Federatie (KNAF)  
on behalf of its licence-holder Zwaans Racing against decision N° 32  
taken by the Panel of the Stewards of the Meeting on 29 June 2003  
at the event run at Donington Park (Great Britain) on 29 June 2003  
counting towards the 2003 FIA GT Championship**

**Hearing of Tuesday 15 July 2003, 10 a.m., in Paris**

The FIA INTERNATIONAL COURT OF APPEAL, composed of Mr Xavier CONESA (Spain), elected President, Mr Vassilis KOUSSIS (Greece), Mr Reginald REDMOND (Ireland), and Mr Hans-Urs MERZ (Switzerland),

Meeting in Paris at 10.00 a.m. on Tuesday 15 July 2003 at the headquarters of the Fédération Internationale de l'Automobile, 8, place de la Concorde, 75008 Paris,

Ruling on the appeal brought by the Knac Nationale Autosport Federatie (KNAF), the Dutch national sporting authority, on behalf of its licence-holder Zwaans Racing, against decision N° 32 of the Panel of Stewards of the Meeting of the event that took place on 29 June 2003, counting towards the FIA GT Championship,

Having heard, in the absence of the representative of the KNAF,

**For the appellant:**

Mr Jille de KLEINE, Technical Director of Zwaans Racing and Proxy of the competitor, assisted by Mr PARRAMORE, Barrister at the Amsterdam Bar,

**For the FIA:**

Mr Sébastien BERNARD, Head of Legal Affairs in the Sport Division of the FIA,

**And as knowledgeable parties:**

Mr Rob van der ZWAAN, driver of Car N° 18 during the event and Mr Jean VINATIER, FIA GT Technical Delegate,

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 knowledgeable parties having been heard with the reciprocal agreement of the appellant and of the FIA and the parties 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**, following the decision of the Panel of Stewards of the Meeting of the event that took place at Donington on 29 June 2003, car N° 18 of Zwaans Racing, driven by Rob van der Zwaan, was excluded from the event under the terms of Articles 13.2.1, 3.4 and 15.3 of Article 258 of Appendix J concerning the technical regulations for Grand Touring Cars,

**WHEREAS** the appellant maintains essentially that there was no infringement of the articles referred to,

**WHEREAS** the Technical Delegate, Mr Jean VINATIER, carried out controls on 28 and 29 June, particularly after the finish of the event, and it emerges both from his report and from his explanations given at the hearing that there were three blatant infringements, namely: the making of a hole in the rear window; the fixing of an air line onto this hole with a fan, passing through the cockpit and intended not for the driver's comfort but for cooling mechanical parts (differential) and the fuel tank; and thirdly the making of a hole through the cockpit/fuel tank fireproof bulkhead that had been modified to allow the passage of cooling air for the mechanical parts,

**WHEREAS** the appellant maintains that the interpretation of the Articles concerned should not have allowed the Stewards of the Meeting to pronounce the exclusion of the car since the procedure that was followed was invalid,

**WHEREAS** in this respect his argumentation is groundless, the inspection procedure having been duly carried out in conformity with Article 145 of the International Sporting Code, and the competitor has been summoned and has duly explained himself regarding the infringements in question,

**WHEREAS** one should bear in mind Article 258 of Appendix J, concerning the technical regulations for GT cars, and of which article 2.2 states: “*All modifications not allowed by these regulations are expressly forbidden*”,

**WHEREAS** the appellant has recognised that the modifications had been carried out after the preliminary scrutineering on 28 June and before the start of the event,

**WHEREAS** one should also bear in mind Article 59 of the GT sporting regulations, which states that if any modification has been carried out which might call into question the conformity of the vehicle, the car “*must be re-presented by the competitor for scrutineering approval*”,

**WHEREAS** the appellant has admitted at this hearing that he had not approached the Scrutineers since these modifications did not appear to him to be significant,

**WHEREAS** the opinion of the competitor in this respect is inappropriate and it falls to the Court only to enforce the regulations in order to unanimously guarantee equality of opportunity,

**WHEREAS** in these conditions the infringements are thus blatant and it falls to the Court to confirm decision N° 32, taken by the Panel of Stewards of the Meeting at 18.40 hrs, to exclude Car N° 18 from the Donington event,

**ON THESE GROUNDS,**

**CONFIRMS** decision N° 32, taken by the Panel of Stewards of the Meeting at 18.40 hrs on 29 June 2003, after hearing the competitor, pronouncing the exclusion of car N° 18 for infringement of the Articles referred to and of Article 59 of the sporting regulations of the FIA GT Championship,

**LEAVES** it to the Sporting Authority to draw the conclusions of the present decision,

**STATES AND JUDGES** that the costs of the present decision shall be borne by the appellant.

Made in Paris, 15 July 2003

The President