

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

of the

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

CASE:

**Appeal lodged by the Motor Sports Association (MSA)
on behalf of its licence-holder, Team Maranello Concessionnaires,
car N° 89, against decision N° 28 taken by
the Panel of the Stewards of the Meeting
on 27 April 2003**

**Event run on 27 April 2003 at Magny-Cours and counting in the
2003 FIA GT Championship**

Hearing of Wednesday, 7 May 2003 in Paris

Translation : original in French

The FIA INTERNATIONAL COURT of APPEAL, comprising Mr Xavier CONESA (Spain), elected President, Mr Vassilis KOUSSIS (Greece), Mr Jan van ROSMALEN (Netherlands) and Mr José MACEDO e CUNHA (Portugal);

Meeting in Paris on Wednesday, 7 May 2003, at the Headquarters of the Fédération Internationale de l'Automobile, 8 place de la Concorde, 75008 Paris,

Ruling on the appeal lodged by the Motor Sports Association (MSA), on behalf of its licence-holder, Team Maranello Concessionnaires, against decision N° 28 taken by the Panel of the Stewards of the Meeting on 27 April 2003 during the event run on 27 April 2003 at Magny-Cours and counting towards the 2003 FIA GT Championship whereby Car N° 89 was excluded,

After hearing:

For the appellant, Mr Terry LANKSHEAR, Secretary General of the MSA, Mr John REYNOLDS, Lawyer with the London Bar, representing the Team Maranello Concessionnaires, the knowledgeable parties Mr Rob BENOIST, TMC Team Manager, Mr Oliver KNIGHTON, TMC Race Car Engineer, and Mr John NEWMAN, TMC Commercial Manager,

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

and as a knowledgeable party, Mr Jean VINATIER, FIA Technical Delegate at the event.

Having acknowledged that the procedure was in order and the hearing of both sides had been respected, the rights of each party having been duly examined, both in the proceedings prior to the hearing and during the hearing itself, the parties in the case and the knowledgeable parties each having been heard and 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 in the contested decision, car N° 89 of the competitor Team Maranello Concessionnaires was excluded from the event following scrutineering which revealed the existence of 101,6 l of fuel, in violation of Article 257-6.5.1 of Annex J of the International Sporting Code which stipulates that the on-board quantity of fuel allowed is only 100 l,

WHEREAS this decision was further to a report by Mr Jean VINATIER, FIA Technical Delegate, concerning car N° 89, revealing this quantity of 101,6 l after calibrating the volume counter, in accordance with the Decree of 24 April 1955 on the verification of measuring instruments, the competitor having in addition accepted the quantity which was determined by the check, which he confirmed during the hearing of the International Court of Appeal this day,

WHEREAS following the decision of the Panel of the Stewards of the Meeting, and to avoid any discussion, a second check was performed revealing a measurement of 100,88 l of fuel,

WHEREAS even allowing a tolerance of 0,5 l for the first measurement taken with a reference measure of 3 l and of 0,01 l for the measurement taken with a reference measure of 20 l, it is clear that the quantities found were in any case higher than 100 l: 101,1 l in the first instance and 100,87 l in the second,

WHEREAS the appellant attempted to argue that, with the tank's rubber fuel cells which can modify the form, it is not possible to draw a proper conclusion as to the difference in the results of these two checks, while recognising that each one was over 100 l,

WHEREAS however, the competitor recognised during the hearing that, for the race, the quantity of fuel in the fuel tank was only poured in after this quantity was weighed, and that it is the sole weight of 73 kg of fuel which was poured into the fuel tank,

WHEREAS trying to find an explanation for an improper measurement, as one has only to pour in 100 l of fuel and not 73 kg of this same fuel, the appellant maintained that there are variations in the coefficient, which can vary from 0,73 to 0,78, as he declared at the hearing, though he was careful not to state that this same coefficient could vary from 0,73 to 0,72, etc., which implies in the latter hypothesis that the quantity of fuel placed in the fuel tank was over 100 l,

WHEREAS this way of refuelling, which lacked care with regard to the fuel's measurement, could not give the competitor an exact and precise reference concerning the 100 l,

WHEREAS moreover, apparently lacking foresight, the competitor declared the appeal against the decision of the Panel of the Stewards of the Meeting after having approved the measurement of the first check,

WHEREAS the intention he manifested to lodge an appeal was in effect confirmed,

WHEREAS the most elementary precaution would have been for the competitor not to load car N° 89 into the team's truck and whereas the International Court of Appeal cannot be certain of the car's actual surveillance between the moment marking the end of the first check and the moment Mr VINATIER, learning of the decision to appeal, was able to retrieve it from the back of the team's truck which was ready to leave, a lapse of time which he estimated to be approximately 1 hour, and that as a result, the rules governing the parc fermé do not seem to have been respected,

WHEREAS even in the absence of any intention to cheat on the part of the competitor, the strict respect of the regulations in effect is required to respect the equality of chances between the competitors and the drivers, and the International Court of Appeal only has to note that, during the first check as well as the second, the quantity referred to in Article 257-6.5.1 was surpassed,

WHEREAS under these conditions it is necessary to confirm the decision of the Panel of the Stewards of the Meeting,

ON THESE GROUNDS,

STATES and RULES admissible in the form the appeal lodged by the Motor Sports Association (MSA), on behalf of its licence-holder, Team Maranello Concessionnaires, against decision N° 28 taken by the Panel of the Stewards of the Meeting on 27 April 2003 during the event run on 27 April 2003 at Magny-Cours and counting in the 2003 FIA GT Championship which excluded car N° 89,

ON THE SUBSTANCE,

CONFIRMS the decision of exclusion from the race for the motives mentioned above,

LEAVES it to the sporting authority to draw the conclusions of the present decision,

LEAVES it to the appellant to pay the costs.

Paris, 7 May 2003

The PRESIDENT