

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

of the

FEDERATION INTERNATIONALE DE L'AUTOMOBILE

CASE

**Appeal by the Deutscher Motor Sport Bund (DMSB)
on behalf of its licence-holder, competitor X-raid GmbH,
car N°221, team ALPHAND/STEVENSON,
against decision N° 3 of the Panel of the Stewards of the Meeting
dated 6 January 2003
Rally Dakar 2003 run from 30 December 2002 to 19 January 2003**

Hearing of Wednesday 5 March 2003 in Paris

The FIA INTERNATIONAL COURT OF APPEAL, composed of Mr Vassilis KOUSSIS, elected President, Mr Philippe ROBERTI de WINGHE (Belgium), Mr Reginald REDMOND (Ireland), and Mr José MACEDO e CUNHA (Portugal),

Meeting in Paris on Wednesday 5 March 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 Deutscher Motor Sport Bund (DMSB) on behalf of its licence-holder, the competitor X-raid GmbH, against the decision taken by the Panel of the Stewards of the Meeting on 6 January 2003 during the Rally Dakar 2003 run from 30 December 2002 to 19 January 2003 which confirmed the penalty of 9 min. imposed on the competitor X-raid GmbH, Car N° 221, team ALPHAND/STEVENSON,

Having heard:

- **for the appellant and licence-holder X-raid GmbH**, Mr Matthias FELZ, Lawyer with the Bar of Frankfurt, and the driver Matthew STEVENSON;
- **for the organiser** of the Rally, Mr Patrick ZANIROLI (from the company ASO)
- **for the FIA**, Mr Pierre de CONINCK, Secretary General of the FIA (Sport) and Mr Sébastien BERNARD, Head of the Legal Department;

Having acknowledged that the due hearing of all parties had been respected, the rights of each of the parties having been duly examined, both in the proceedings prior to the hearing and during the hearing itself, all parties being heard and each having provided all the detailed explanations requested during the hearing, with the help of a simultaneous translation system which was recognised as satisfactory by the parties,

WHEREAS it is necessary to recall the facts of the case as recognised by the parties with regard to the traffic jam at the podium,

WHEREAS during the Dakar event at the Castellon-Valencia stage the competitors came to a podium with a checkpoint on their path which was not marked in the roadbook;

WHEREAS they were unable to reach the podium because the access ramp had been damaged and could not be used by traffic;

WHEREAS due to this completely unforeseeable circumstance, the checkpoint was moved by officials to the base of the left hand side of the podium;

WHEREAS consequently there was a jam up of cars and motorcycles such that a non negligible number of competitors were delayed in passing the checkpoint;

WHEREAS the decision taken by the Panel of the Stewards of the Meeting refers to a lane which allowed access to the checkpoint; this lane was recognised by the parties at the hearing as having been effectively blocked by several cars thereby making it impossible for them to reach the checkpoint; this was far from the minor incident referred to in the decision of the Panel of the Stewards of the Meeting;

WHEREAS the natural repercussion of such circumstances was found 2.10 kilometres further along the route at the time control, which was equally as difficult for the competitors to reach without being blocked by traffic because of the delays caused at the podium;

WHEREAS the decision taken by the Panel of the Stewards of the Meeting notes that one of the vehicle's occupants could, under normal conditions at a time control, access the time control table on foot; the International Court of Appeal needs only to refer to Article 17P1 of the Special Regulations of the event to note the inexactitude of this affirmation, as Article 17P1 stipulates that: *"The clocking of the time card will only be carried out if all the crew members and the vehicle are within the immediate vicinity of the control table"*;

WHEREAS the described circumstances are not due to any fault of the competitor or of the drivers, but solely due to the organisation of the Rally, because of the poor condition of the podium which had been installed on the route;

WHEREAS under these conditions Decision N° 3 taken by the Panel of the Stewards of the Meeting on 6 January 2003 must be quashed

ON THESE GROUNDS,

NOTES that the proceedings are in due and proper form,

ON THE FORM

STATES AND RULES the appeal to be admissible,

ON THE SUBSTANCE,

QUASHES decision N° 3 taken on 6 January 2003 by the Panel of the Stewards of the Meeting which confirmed the 9 min penalty imposed on the competitor X-raid GmbH, Car N° 221, team ALPHAND/STEVENSON,

LEAVES it to the sporting authority to draw the conclusions from the present decision with regard to the classification of the event,

ORDERS the appeal fees to be returned to the appellant,

LEAVES the costs to be borne by the Fédération Française du Sport Automobile on behalf of its licence-holder ASO, the organiser of the event, in accordance with Article 190 of the International Sporting Code.

Paris, 5 March 2003

THE PRESIDENT