

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

**of the**

**FEDERATION INTERNATIONALE DE L'AUTOMOBILE**

**CASE:**

**Appeal by the Automobile Club d'Italia/Commissione Sportiva  
Automobilistica Italiana (ACI/CSAI) on behalf of its licence holder,  
GPC Sport srl,  
against decision N.GT 013 of the Panel of Stewards dated 5 September 2004  
during the event run at Imola (Italy) on 3, 4 and 5 September 2004, and  
counting towards the 2004 FIA GT Championship**

**Hearing of Tuesday 21 September 2004 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 Harry DUIJM (The Netherlands),

Meeting in Paris on Tuesday 21 September 2004 at the headquarters of the FIA – 8, place de la Concorde – 75008 Paris,

Ruling on the appeal brought by the Automobile Club d'Italia/Commissione Sportiva Automobilistica Italiana (ACI/CSAI) on behalf of its licence holder GPC Sport srl, against the decision N.GT 013 given by the Panel of Stewards dated 5 September 2004 during the event run at Imola (Italy) on 3, 4 and 5 September 2004 and counting towards the 2004 FIA GT Championship,

Having heard:

**For the appellant:** Maître Roberto Causo, Advocate at the Bar of Rome, representing the ACI/CSAI, and assisting Mr Giampaolo COPPI, Director General of GPC Sport srl,

**For the FIA,** Mr Pierre de Coninck, Secretary General FIA Sport, and Mr Sébastien Bernard, Head of Legal Affairs,

**The knowledgeable party,** Mr Jean Vinatier, FIA Technical Delegate, having scrutineered the cars at the end of the event,

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 arguments of the parties, and the knowledgeable party having been heard with the mutual agreement of the appellant party and the FIA, and 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 event mentioned above, the car N° 62 of the competitor GPC Sport srl was excluded from the event because, in conformity with Article 257-5.3.2 *“All the air feeding the engine must pass through these restrictors. Blocking of the restrictors must cause the immediate stopping of the engine.”* However, at scrutineering, the blocking of the restrictors,

when made, did not cause the immediate stopping of the engine which continued to run,

**WHEREAS** the findings of Mr Jean Vinatier were uncontested by the Direction of GPC Sport srl, who paid tribute to his intellectual honesty, and who, during the proceedings, recognised the truth of the report by Mr Jean Vinatier, which thus enabled the Stewards, by means of Articles 141 and 158 of the International Sporting Code, to rule an exclusion,

**WHEREAS** the appellant, without contesting the infringement, essentially held that it would be the breakage of the bracket supporting the gearbox, which was attached to the engine, the engine itself supported by two other brackets in front of the engine, and for this reason would have transmitted vibrations to the air box and thus detached the restrictor by the loosening of the retaining strap bolt,

**WHEREAS** it was held by the appellant that the infringement could in no way be imputed to any fraud by the competitor whose good faith was not in doubt,

**WHEREAS** that on its behalf, the FIA seeks confirmation of the decision taken regarding the need for each competitor during an event to make use of a car that conforms in every way to the regulations,

**WHEREAS** the International Court of Appeal has, as its essential task, the duty to make the regulations respected following the principle of equality of chances, which does not allow the slightest tolerance respecting a non-compliance to the disadvantage of the other competitors, and that in consequence, respect for this principle must be safeguarded despite the good faith of the competitor,

**WHEREAS** that upon examination, Article 257-5.3.2 is explicit and that the Stewards had only respected the duties and the powers given to them by Articles 141, 153 and 158 of the International Sporting Code,

**WHEREAS** that supposing the unlikely circumstance that there was a connection between the breakage of the gearbox bracket bolt and the air intake thus causing the vibrations considered above, this simple hypothesis stated by the FIA Technical Delegate does not constitute the proof that should be given in a certain and absolute manner of the effect made by the breakage of this bolt on the vibrations to the air box,

**WHEREAS** that for the International Court of Appeal to accept hypotheses of this kind would be to remove all sense from the requirements of Articles 257-5.3.2 and 257-2.6 of the Technical Regulations and from Article 5 of the Sporting Regulations, and also set at naught the principle of the equality of chances between all competitors,

**WHEREAS** that under these conditions it is necessary to confirm the decision N.GT 013 of the Panel of Stewards dated 5 September 2004 during the event run at Imola (Italy) on 3, 4 and 5 September 2004 counting towards the 2004 FIA GT Championship,

**ON THESE GROUNDS,**

**DECLARES AND JUDGES** admissible the appeal brought by the ACI/CSAI on behalf of its licence holder GPC Sport srl, on the grounds set out above,

**AS A RESULT,**

**CONFIRMS** the decision of the Panel of Stewards to exclude car N° 62 Ferrari 360 Modena of competitor GPC Sport srl,

**LEAVES** the Sporting Power the responsibility of drawing the consequences of the present decision,

**LEAVES** the payment of costs, calculated in conformity with Article 190 of the International Sporting Code, to the charge of the appellant.

The President

Made in Paris, 21 September 2004