

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

of the

FEDERATION INTERNATIONALE DE L'AUTOMOBILE

CASE

**Appeal from the Svenska Bilsportförbundet (SBF) on behalf
of competitor Per-Gunnar Andersson
against Decision N°6 of the Panel of the Stewards of the Meeting
taken on 15 October 2006
which excluded Car N° 35 (team Per-Gunnar Andersson/Jonas Andersson)
from the Rally of Turkey run from 13 to 15 October 2006 and counting in the
2006 FIA Junior Rally Championship**

Hearing of Monday, 27 November 2006 in Paris

The International Court of Appeal (ICA), comprising Mr Philippe NARMINO (Monaco), elected President, Mr Philippe ROBERTI de WINGHE (Belgium), Mr Vassilis KOUSSIS (Greece) and Mr José MACEDO e CUNHA (Portugal);

Meeting in Paris on Monday, 27 November 2006 at the headquarters of the Fédération Internationale de l'Automobile, 8 place de la Concorde, 75008 Paris;

Ruling on the appeal lodged by the the Svenska Bilsporförbundet (SBF) on behalf of Per-Gunnar Andersson against Decision N°6 of the Panel of the Stewards of the Meeting taken on 15 October 2006 during the Rally of Turkey run from 13 to 15 October 2006 and counting in the 2006 FIA Junior Rally Championship;

After hearing :

For the SBF, the appellant, Mr Per-Gunnar ANDERSSON, driver of Car N°35, Mr Jonas ANDERSSON, co-driver of Car N°35, Mr Nick JONES, Mechanic N°1 for Car N°35, Mr Paul WILDING, Team Manager for Car N°35, assisted by Mr Nigel HEATH, Solicitor in London, and Mr Geoff JONES, Witness;

For the FIA, Mr Pierre de CONINCK, Secretary General of the Motor Sport Division, 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 party having been duly examined both in the proceedings prior to the hearing as well as during the hearing itself; and that the appellant, the FIA, the knowledgeable parties and the witness were heard and provided all the detailed explanations and answers requested during the hearing with the help of a simultaneous translation system which was in no way criticised by the parties ;

After viewing the video submitted by the appellant, and examining photographs taken by the Scrutineer, Mr Canakçay;

CONSIDERING THE FACTS BELOW:

During the Rally of Turkey event run from 13 to 15 October 2006, Car N°35 (team Per-Gunnar Andersson/Jonas Andersson) was excluded from the event by decision of

the Panel of the Stewards of the Meeting based on the report from the national Scrutineer dated 15 October 2006;

The SBF, on behalf of Per-Gunnar Andersson, lodged an appeal before the International Court of Appeal against this decision, in accordance with Article 1 of the ICA Rules;

The appellant maintains that the area in which the litigious events took place is a liaison area which enables drivers and co-drivers to work on the cars, which is what the appellant submits happened, and maintains that the national Scrutineer made a mistake in declaring in his report that the team mechanic had assisted his team;

On the competence

WHEREAS the parties agree that the FIA Junior Rally Championship (for drivers) is part of the FIA World Rally Championship; for that matter the Regulations of the FIA World Rally Championship expressly refer in Article 2.1.1 to the “*rallies counting towards the Junior Rally Championship*”, thereby establishing that this Championship is part of the World Rally Championship, of which it is a sub-category (*‘sous-ensemble’* being the term in French employed by the FIA representatives);

WHEREAS consequently, the decision of the World Motor Sport Council which was taken on 9 December 2005 and which sends before the International Court of Appeal appeals against decisions taken by the Stewards of the Meeting within the framework of the FIA World Rally Championship, must be understood to include the decisions taken by these Stewards within the framework of the Junior Rally Championship as well;

WHEREAS it follows that the appeal is admissible and the International Court of Appeal is competent to rule;

On the substance

WHEREAS according to the report by the national Scrutineer, Car N°35 entered the area to change headlamps, and the team mechanic then dismantled and re-installed the air filter;

WHEREAS the appellant maintains that this Scrutineer was mistaken and wrongly described the scene because only the driver or the co-driver had dismantled and re-mounted the air filter, while the mechanic had according to them only shined light on the engine compartment with a lamp,

So as to support these affirmations, the appellant asked to hear knowledgeable parties and a witness;

WHEREAS the declarations made by the competitor and the knowledgeable parties (in the persons of Jonas Andersson, Nick Jones and Paul Wilding) cannot be taken into consideration owing to the fact that those parties are directly affected by the appeal before the International Court of Appeal;

WHEREAS on the other hand the testimony given by Mr Geoff Jones from the Renault Team can be taken into consideration, and whereas this witness affirms that he was approximately 15 meters from the spot where the events in question took place and that he clearly identified the person who took off the air filter cover as being a member of the team;

WHEREAS the report from a Scrutineer, in that it relates facts, constitutes proof;

WHEREAS in this case the testimony of Mr Geoff Jones alone is insufficient by itself to dispute the conclusive value of the Scrutineer's report, and thus does not prove that what the Scrutineer noted was inexact;

WHEREAS under these circumstances, the appellant is unable to prove with certainty that the mechanic did not help the team of Car N°35, and whereas the Scrutineer's report must be accepted and the decision taken by the Panel of the Stewards of the Meeting confirmed on the basis of this report;

ON THESE GROUNDS,

STATES and RULES that the appeal lodged by the the Svenska Bilsportförbundet (SBF) on behalf of Per-Gunnar Andersson against Decision N°6 of the Panel of the Stewards of the Meeting taken on 15 October 2006 during the Rally of Turkey run from 13 to 15 October 2006 and counting in the 2006 FIA Junior Rally Championship is admissible;

ON THE SUBSTANCE,

CONFIRMS Decision N°6 taken by the Panel of the Stewards of the Meeting on 15 October 2006 whereby Car N°35 (team Per-Gunnar Andersson/Jonas Andersson) was excluded from the event;

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

LEAVES the costs to be borne by the appellant, in accordance with Article 190 of the International Sporting Code and Article 24 of the Rules of the International Court of Appeal.

Paris, 27 November 2006

(signature)

The PRESIDENT