

INTERNATIONAL COURT OF APPEAL (ICA)

of the

FEDERATION INTERNATIONALE DE L'AUTOMOBILE

**Appeal brought by the Confederação Brasileira De Automobilismo (CBA)
on behalf of the competitor Sergio Santos Sette Câmara Filho
against the decision of the National Court of Appeal of the
Fédération Française du Sport Automobile (FFSA) of 4 December 2012
to quash Decision N°41 taken by the Panel of Stewards of the Meeting
on 21 October 2012 concerning the IAME International Final –
Category X30 Junior event that took place at Saint-Laurent de Mure**

Case 2013/01

Hearing of Friday 15 February 2013 in Paris

The FIA INTERNATIONAL COURT OF APPEAL ("the Court"), made up of Mr Philippe Roberti de Winghe (Belgium), President of the Hearing, Mr Javier Bone

(Spain), Mr Francesco de Beaumont (Italy), and Mr Pierre Tourigny (Canada), met in Paris on Friday 15 February 2013 at the Fédération Internationale de l'Automobile, 8 place de la Concorde, 75008 Paris.

Ruling on the appeal brought by the Confederação Brasileira De Automobilismo ("CBA") on behalf of the competitor Sergio Santos Sette Câmara Filho ("Sergio Sette" or the "Appellant") against the ruling returned by the National Court of Appeal "NCA" of the Fédération Française du Sport Automobile (the "FFSA") whereby the NCA decided on 4 December 2012 to quash Decision N° 41 taken by the Panel of Stewards on 21 October 2012 and thus to cancel the 10-second penalty pronounced against the competitor Jules Bollier within the framework of the IAME International Final – Category X30 Junior event that took place at Saint-Laurent de Mure on 21 October 2012 (the "Event"), for "loss of control over the 15" in breach of Article 2.24 of the General Prescriptions applicable to International Karting Events and CIK-FIA Championships, Cups and Trophies (2012) (the "General Prescriptions"), the Court heard the statements and examined the arguments of the Appellant, the FFSA, the FIA and the interested Third Parties Messrs Jules and Romain Bollier.

Attending the above-mentioned hearing were:

on behalf of the CBA / Sergio Santos Sette Câmara Filho:

Mr Romain Soiron (Lawyer)
Mr Victoriano Melero (Lawyer)

on behalf of the FFSA:

Mr Jean-Philippe Gaudichau (Legal Director)
Ms Marie-Laure Gervais (Head of legal affairs)
Ms Claire Migliorini (Jurist)

on behalf of the FIA:

Mr Pierre Ketterer (Legal Adviser)

on behalf of the interested Third Parties:

Mr Romain Bollier (Father and guardian of the driver)
Mr Emmanuel Escard de Romanovsky (Lawyer)

Also attending the hearing:

Mr Jean-Christophe Breillat (Secretary General of the FIA Courts)

Mr Nicolas Cottier (Clerk of the FIA Courts)

Ms Sandrine Gomez (Administrator of the FIA Courts)

The parties presented written submissions and, during the hearing on 15 February 2013, set out their arguments orally, with the Appellant presenting a witness, Mr Olivier Cèbe (Competitor relations officer during the race), and replied to the questions put to them by the Court.

The hearing took place in accordance with the adversarial principle; no objection to any aspect of the conducting of the hearing was raised by anyone.

REMINDER OF THE FACTS

1. During the Event, a race incident occurred in the last corner, around a hundred metres before the finish of the Event, involving kart n°15 driven by Mr Sergio Sette and kart n°129 driven by Mr Jules Bollier (the "Incident").
2. On the basis of a race incident report drawn up by one of the stewards, and having heard the two drivers concerned, the Panel of Stewards handed down decision n°41 dated 21 October 2012, imposing a 10-second penalty on kart n°129 for a loss of control affecting kart n°15, according to the Panel of Stewards, in breach of Article 2.24 of the General Prescriptions. Following Decision n°41, Mr Jules Bollier was relegated to 6th place and Mr Sergio Sette finished the Event in 1st place.
3. Mr Jules Bollier submitted his letter of intention to appeal against this Decision n°41 to the officials within the regulatory time limit, on 21 October 2012, confirmed by registered letter dated 22 October 2012 addressed to the National Court of Appeal of the Fédération Française du Sport Automobile.
4. On 4 December 2012, the National Court of Appeal of the Fédération Française du Sport Automobile quashed Decision n°41, reinstating Mr Jules Bollier in 1st place in the Event and dropping Mr Sergio Sette to 2nd place (the "Contested Ruling").
5. Article 2.24 of the General Prescriptions applicable to International Karting Events and CIK-FIA Championships, Cups and Trophies states:

"2.24 – Incidents

An "Incident" means a fact or a series of facts involving one or several Drivers (or any Driver's action reported to the Stewards by the Clerk of the Course or the Race Director or noted by the Stewards and reported to the Clerk of the Course or the Race Director for investigation), who:

- provoked the stopping of a Race in application of Article 142 of the Code;
- violated these Sporting Regulations or the Code;
- had jumped the start;
- have not respected flag signalling;
- have caused one or several karts to take a false start;
- have caused a collision;
- have forced another Driver out of the track;
- have illegally prevented a legitimate passing manoeuvre by a Driver;
- have illegally impeded another Driver during a passing manoeuvre.

- a) *It will be the responsibility of the Stewards to decide, further to a report or a request from the Race Director or of the Clerk of the Course, if one or several Driver(s) is/are involved in an Incident; he/they must not leave the circuit without the Stewards' agreement.*
- b) *If a Driver is involved in an Incident, and if he was informed of this by the Stewards within thirty minutes after the end of the Race, he must not leave the circuit without their agreement.*
- c) *The Stewards may use any video or electronic system likely to help them to take a decision.*

The Stewards shall inflict a 10-second time penalty on any Driver having caused an Incident. If the Incident was caused during a Qualifying Practice session, they shall proceed to the cancellation of the three fastest times which he/she achieved in the session concerned. However, considering its serious nature, the Stewards may decide, instead of the 10-second time penalty, of a sanction among those provided for in the penalty scale of Article 153 of the Code".

PROCEDURE AND FORMS OF DECISIONS REQUESTED BY THE PARTIES

6. The Appellant learned of the Contested Ruling on 10 December 2012 via an e-mail sent to him by Mr Cèbe, the Competitor Relations Officer for the Event, and lodged an appeal with the Secretariat of the ICA on 14 December 2012.
7. On 21 December 2012, the Court informed Messrs Jules and Romain Bollier of the Appeal brought by the Appellant and on 18 January 2013 the President of the Hearing admitted the request to be heard, submitted by Messrs Jules and Romain Bollier, in their capacity as Third Parties with an interest in the present procedure.
8. In its grounds for appeal, the Appellant requests that the Court:
 - declare the appeal admissible and well founded;

- quash the ruling returned by the National Court of Appeal of the FFSA on 4 December 2012;
- confirm the ten-second penalty pronounced against Mr Jules Bollier.

And consequently:

- re-establish the classification of the Event taking into account the 10-second time penalty imposed on Mr Jules Bollier and thus confirm the Appellant as winner of the Event;
 - order the restitution of the whole of the appeal fee paid to the Court by the Appellant;
 - sentence the FFSA to pay all of the costs;
 - order the FFSA to pay the sum of 8000 euros in compensation for the costs outlaid by the CBA and the Appellant to assert their defence, including abstraction to the benefit of its counsel.
9. The FFSA, in its grounds in response received on 31 January 2013, requests that the Court:
- declare inadmissible the appeal brought by the CBA on behalf of Mr Sergio Sette against the ruling returned by the FFSA International Court of Appeal on 4 December 2012;
 - secondarily, to judge and declare that the ruling returned by the FFSA International Court of Appeal is confirmed in its entirety;
 - nonsuit the appellant of its appeal and all its demands, purposes and submissions as unfounded according to the terms of Article 17.9 of the FIA Judicial and Disciplinary Rules.
10. The FIA, in its submission dated 31 January 2013, requests that the Court:
- reject the Appellant's claims concerning the breach of Article 182 of the International Sporting Code and of the adversarial principle and the rights of the defence;
 - and assess the facts in this case, after hearing the two drivers involved in the contentious incident, and give a ruling on the possible commission of a breach of the General Prescriptions by the driver Mr Jules Bollier and, if applicable, on the principle of a sanction.
11. The interested Third Parties, Messrs Jules and Romain Bollier, registered their submissions on 31 January 2013 and are seeking confirmation of the Contested Ruling.

ADMISSIBILITY

12. In its grounds, the FFSA invokes the inadmissibility of the Appeal on the grounds that it was late.
13. The FFSA bases this claim on Article 17.3 (i) b) of the FIA Judicial and Disciplinary Rules (JDR) and on Article 17.3 (ii) of the JDR.
14. According to these two articles:

The appeal "must be notified within 7 days following notification of the decision of the national judicial body." (17.3 (i) b) of the JDR) and

"Any notification of appeal or of intention to appeal made after the deadline shall result in the inadmissibility of the appeal." (17.3 (ii) of the JDR).

15. Arguing that the Contested Ruling, returned on 4 December 2012, would be effective immediately and that it was brought immediately to the knowledge of the persons present at the hearing and relayed by specialised karting websites, the FFSA claims that it was up to the Appellant to appeal within the 7 days following the announcement of the ruling, i.e. by 11 December 2012.
16. In support of the above the FFSA also claims that the Appellant had been informed by the organisers of the Event of the appeal procedure initiated by Mr Jules Bollier.
17. The FIA and the interested Third Parties, Messrs Jules and Romain Bollier, do not contest the admissibility of the Appeal.
18. The Court rejects the FFSA's arguments as to the alleged late lodging of the Appeal.
19. Indeed, the Court notes that the Appellant has proved that he did not learn of the Contested Ruling until 10 December 2012. Lodged 4 days after the Appellant's learning of the Contested Ruling, the Appeal was therefore lodged within the time limit set out in 17.3 (i) b) of the JDR.
20. Concerning the other conditions of admissibility, the Court notes that the appeal also satisfied the other requirements imposed by the JDR, which is not contested.
21. The Court also considers that it is competent to judge this matter, which is also not contested.

22. Therefore, the Court deems the appeal to be admissible.

AS TO THE CONTENT

First claim: that the Contested Ruling must be quashed for breach of Article 182 of the International Sporting Code ("ISC")

a) Arguments of the parties

23. The Appellant claims that the Contested Ruling must be quashed on the grounds that the NCA did not return its ruling within the 30-day time limit set out in Article 182 of the ISC.
24. According to the Appellant, this time limit suffers no exception or dispensation. The Contested Ruling having been returned on 4 December 2012, whereas the appeal before the NCA had been brought by Mr Jules Bollier on 22 October 2012, the time limit set out in Article 182 of the ISC was not respected and the Contested Ruling must be quashed.
25. The FIA considers that the objective of the 30-day time limit in Article 182 of the ISC is to oblige national courts of appeal to carry through any national appeal procedure within a reasonable time. If a national court of appeal did not keep to that deadline, the FIA would have on the one hand the possibility of intervening directly with the national association concerned and, on the other hand, that of initiating a procedure against that association for failing to respect the time limit set out in Article 182 of the ISC.
26. The ISC, and in particular its Article 182, does not provide that a decision taken outside the deadline is null and void.
27. Consequently, the FIA considers as unfounded the claim that the 30-day deadline set by Article 182 of the ISC was not respected.
28. The FFSA also considers that this claim must be rejected insofar as nothing in the ISC provides that a ruling is null and void if returned outside the time limit of Article 182 of the ISC, which, in the opinion of the FFSA, aims to encourage national jurisdictions to return their rulings rapidly.
29. The FFSA also underscores that the FIA regulations provide specifically in which cases failure to respect a deadline entails invalidity or debarment. This is the case, for example, in Article 17.3 (i) b) of the JDR mentioned above.
30. The interested Third Parties, Messrs Jules and Romain Bollier, have made no submissions regarding this claim put forward by the Appellant.

b) Conclusions of the Court

31. After taking into consideration all the arguments put forward by the parties and the interested Third Parties, the Court decides to reject the claim of failure to respect the 30-day time limit set out in Article 182 paragraph 2 of the ISC *in fine*.
32. The Court bases its decision in particular on the fact that Article 182 paragraph 2 of the ISC does not indicate that failure to respect the given deadline entails the invalidation of a ruling and thus the debarment of the appeal procedure, whereas it does specifically provide that the right to appeal expires in case of failure to respect the time limit either for bringing an appeal or for notifying the intention to bring an appeal.
33. As the FIA affirms, the 30-day time limit in Article 182 paragraph 2 of the ISC *in fine* must thus be interpreted as a simple period opening the way to an FIA procedure against the national federation concerned.

Second claim: that the Contested Ruling must be quashed for breach of the adversarial principle and the rights of the defence

a) Arguments of the parties

34. The Appellant, citing jurisprudence from 28 November 2006 before the ICA, maintains that any person concerned by a decision that is likely to be harmful to them has the right to the respect of the adversarial principle and the rights of the defence.
35. In the opinion of the Appellant, the latter is directly and doubly affected by the Contested Ruling. On the one hand, the Contested Ruling adversely affects him directly insofar as it effectively drops him to 2nd place in the Event and, on the other hand, the facts on which the Contested Ruling are based concern whether or not contact occurred between the Appellant and Mr Jules Bollier.
36. It is claimed that the Appellant was not informed of the appeal procedure and was therefore unable to give his version of the facts before the NCA. The adversarial principle and the rights of the defence would thus have been breached.
37. Consequently, the Appellant claims that the Contested Ruling must be quashed and that Decision n°41 must be confirmed.
38. As for the FIA, it claims in its submission that the Appellant was only indirectly affected by Decision n°41, insofar as the sanction concerned only the driver Jules Bollier and only the consequences attached to this sanction were to the benefit of the Appellant.

39. The FIA also contests the relevance of the jurisprudence cited by the Appellant, since this jurisprudence concerned the cancellation, pure and simple, of a race, which directly affects all the competitors.
40. The FIA thus concludes on this point that the second claim put forward by the Appellant should be rejected.
41. The FFSA, for its part, claims that nothing in the ISC obliged the NCA to summon or to hear third parties with an interest in the national appeal procedure. According to the FFSA, on the contrary it is up to the said interested third parties themselves to ask to take part in the procedure. However, the Appellant did not do so, even though he was informed of the existence of the appeal procedure.
42. Lastly, the FFSA challenges the relevance of the jurisprudence, cited by the Appellant in support of his second claim, to the present case, which is not comparable to the case on which the decision cited by the Appellant was based.
43. The interested Third Parties, Jules and Romain Bollier, refer to the arguments of the FFSA but specify that, according to them, the Appellant cannot cite a breach of the adversarial principle and the rights of the defence if he never showed the slightest wish to take part in the procedure before the NCA.

b) Conclusions of the Court

44. The Court refers to Article 182 paragraph 3 of the ISC, which states:

"All parties concerned shall be given adequate notice of the hearing of any appeal. They shall be entitled to call witnesses, but their failure to attend the hearing shall not interrupt the course of the proceedings."

45. Also, Article 2.24 of the General Prescriptions, which forms the material legal basis of Decision n°41, defines an "Incident" as *"a fact or a series of facts involving one or several Drivers"*. [the Court's underlining].
46. The Court notes that the case at hand concerns the consequences of a race incident between two drivers, namely the Appellant and the interested Third Party Jules Bollier.
47. In this case, there is no doubt for the Court that the Appellant was a 'party concerned' in the sense of Article 182 paragraph 3 of the ISC and that the NCA, in application of this article, should have notified him in good time of the date scheduled for the hearing of the contested case, which the NCA did not do.
48. The FFSA and the interested third parties, Jules and Romain Bollier, cannot therefore criticise the Appellant for his alleged lack of interest in the procedure before the NCA. It was up to the NCA to notify the party concerned, as is very precisely set out in Article 182 paragraph 3 of the ISC.

49. Article 182 paragraph 3 of the ISC requires not only that the parties concerned are notified but it procures them specifically the right to call witnesses, in other words to take part in the procedure and the investigation of the facts. Thus, it is clear from this article that the objective of the regulations is to allow a genuine adversarial debate before the National Court of Appeal between all the parties concerned.
50. In the opinion of the Court and in the case at hand, the absence of such a debate on account of the fact that the NCA did not notify the Appellant constitutes a serious breach of the adversarial principle, which justifies the quashing of the Contested Ruling. However, the Court, which is an appeal body with full power of cognition in accordance with Article 17.9 of the JDR, considers itself sufficiently informed to rule on the substance of the dispute, such that it renounces the option of referring the case back to the NCA.

Third claim: that the Contested Ruling must be quashed because the NCA failed in its duty of impartiality

a) Arguments of the parties

51. The Appellant claims that the NCA did not question either him or the driver Julien Andlauer, a witness to the collision, and that it based its ruling on unreliable evidence including in particular an unofficial video which, according to the Appellant, offers no probative facts.
52. In so doing, the NCA showed bias and the Contested Ruling is thus invalid.
53. Without giving an opinion on whether or not the Contested Ruling was biased, the FIA considers that the NCA ought to have given the possibility to the Appellant, who was directly involved in the race incident, to present his submissions.
54. However, the FIA recalls that the Court is competent to rule on the substance of the case, namely the race incident, whatever the Court's decision on whether or not the Contested Ruling is invalid.
55. As for the FFSA, it claims that the NCA strictly respected the rules applicable in the present case and gave its ruling on the basis of all the facts presented before it and by virtue of its power of assessment.
56. The interested Third Parties, Messrs Jules and Romain Bollier, doubt that the NCA is an investigative judicial body. They consider that its role is limited to examining the Stewards' decision in view of the facts noted by them and of those produced by the appellant before the NCA.

c) Conclusions of the Court

57. In the opinion of the Court, this claim is the consequence of the NCA's breaching of the adversarial principle set out in Article 182 paragraph 3 of the ISC.
58. Insofar as it has admitted the breach of this principle and has drawn from it the consequences by quashing the Contested Ruling, the Court underscores that in the circumstances of the present case, namely a collision between two karts, the proper administration of justice should have led the NCA to seek the opinion of the Appellant and to hear all his arguments.
59. Having been unable to take part in the procedure before the NCA, and the NCA having overturned Decision n°41, the Appellant thus had no other choice than to bring the case before the Court, in order to be able to put forward his arguments.
60. The Court having already quashed the Contested Ruling by adopting the Appellant's second claim, it is not necessary, by virtue of the principle of economy of the procedure, to examine whether the Contested Ruling must also be quashed on the basis of the third claim put forward by the Appellant.

Fourth claim: that the 10-second penalty imposed on Mr Jules Bollier by the Panel of Stewards is justified and must be confirmed

a) Arguments of the parties

61. The Appellant claims that by virtue of Article 2.24 of the General Prescriptions, any person who deliberately provokes contact between two karts, however slight it may be, must be sanctioned with a 10-second penalty.
62. Basing himself on the Contested Ruling, the Appellant adds that Mr Jules Bollier has himself admitted that contact occurred between the two karts.
63. Lastly, he claims that numerous proofs and testimonies confirm that contact occurred.
64. On the basis of the above, the Appellant asserts that the 10-second penalty pronounced by the Panel of Stewards is fully justified and must be confirmed by the Court.
65. Concerning the issue of the race incident and the 10-second penalty imposed on Mr Jules Bollier, the FIA maintains that the Stewards have discretionary power when it comes to incidents during the race. According to the FIA, they alone are authorised to assess responsibilities and the sanctions arising therefrom, and the Stewards' report is of an important probative nature.
66. The FIA notes, however, that the parties are producing contradictory testimony.

67. According to the FIA, the unofficial video of the event notably does not clearly show whether or not there was contact between karts n°129 and n°15.
68. The FFSA is of the opinion that Mr Jules Bollier was able to overtake the Appellant because the latter had not taken his corner correctly. The two karts touched only when they were side by side.
69. Also, the FFSA maintains that the testimony produced by Mr Jules Bollier never mentions a loss of control or a collision.
70. As to the testimony of Mr Julien Andlauer, the FFSA considers that it must be dismissed on account of the fact that he was too far away from the incident. Concerning the other testimonies produced by the Appellant, the FFSA deems them late, contrary to those collected by Mr Jules Bollier on the very day of the Event.
71. Lastly, the FFSA recalls that Mr Hervé Lemenager, the only official witness to the facts, was at the Control Tower situated 100 metres from the incident and has himself admitted that the facts were not blatant. The other two Stewards did not witness the facts, and the marshals on duty at the point where the facts occurred did not come forward.
72. The interested Third Parties, Jules and Romain Bollier, claim that Decision n°41 must be quashed insofar as, just like the incident report, it refers to a "*loss of control*", whereas this term does not appear in the list of incidents set out in Article 2.24 of the General Prescriptions.
73. Messrs Jules and Romain Bollier add that the procedure set out in Article 2.24 of the General Prescriptions was not respected.
74. In the opinion of Messrs Jules and Romain Bollier, everything shows that there was no impact between the two karts, which would explain on the one hand why the Steward Hevré Lemenager described the incident as a "*loss of control*" and deemed that it was not blatant.

b) Conclusions of the Court

75. The Court recalls that by virtue of Article 17.9 of the JDR, it has the same decision-making powers as the NCA, which itself, in accordance with Article 189 of the ICA, had the power to quash Decision n°41 and, if applicable, to mitigate or increase the penalty imposed.
76. Having quashed the Contested Ruling, the Court thus considers itself fully competent to rule on the substance of the case.
77. Within this context, the Court has very attentively taken into account the claims asserted by the parties to the present procedure. In particular, it has carefully examined all the evidence in the case.

78. From this analysis, the Court has reached the conclusion that nothing in the dossier allowed Decision n°41, taken by the Panel of Stewards on the same day as the Event, namely 21 October 2012, to be called into question.
79. It notes that, as the FIA rightly affirms, the decisions of the Panel of Stewards have important probative value, on account of the fact that these are race Officials who make their decisions during or directly following the event in question.
80. Furthermore, in the present case, it is not contested, after the hearing, that the two drivers concerned were heard by the Panel of Stewards, such that the adversarial principle was respected in this case.
81. The Court is therefore not inclined to overturn a decision taken *in situ*, especially since, in the present case, the parties have produced a whole series of conflicting testimonies, one side claiming that a collision occurred, and the other denying the same.
82. The video, unofficial, produced before the Court also does not enable the latter to challenge the conclusions of the Panel of Stewards. The contentious incident occurred too far away and the images therefore cannot confirm the version of the Appellant, nor that of the FFSA and the interested Third Parties.
83. There nevertheless remains the testimony of Mr Olivier Cèbe, the competitor relations officer for the race, who, before the Court, has clearly supported the position adopted by the Panel of Stewards in Decision n°41.
84. The Court considers this witness to be particularly convincing, insofar as he was present when the facts occurred and had a good view from the Control Tower.
85. Lastly, contrary to the opinion expressed by the FFSA and the interested Third Parties, the Court considers that the Stewards, when heard before the NCA, did not question their decision. They apparently admitted that it was a borderline case, but the Contested Ruling does not indicate that they changed their minds.
86. Lastly, the Court addressed the question of the definition of the term "collision" and of the use by the Panel of Stewards of the term "loss of control".
87. First, the Court notes that there is no definition of the term "collision" in the General Prescriptions. It is therefore necessary to refer to the dictionary. As it happens, contrary to what the FFSA and the interested Third Parties affirm, the term "collision" does not imply any particular violence in the impact, nor a change of trajectory.
88. As to the use of the term "loss of control" by the Panel of Stewards, this is due to the race form. From the fact that Decision n°41 clearly refers to Article 2.24 of the General Prescriptions and that in their decision, as well as before the NCA, these same Stewards mentioned an impact between the two karts in question,

there is however no doubt that in ticking the box on the form that refers to the term "loss of control", the Stewards indeed meant a collision, i.e. one of the race incidents provided for in Article 2.24 of the General Prescriptions.

89. On account of all the above, the Court concludes that the interested Third Party Jules Bollier caused a collision in the sense of Article 2.24 of the General Prescriptions.

90. The interested Third Party Jules Bollier having breached Article 2.24 of the General Prescriptions, the Court considers that the sanction imposed by the Panel of Stewards must be confirmed.

Contribution to the Appellant's lawyer's fees

91. According to Article 18.2 of the JDR, the defence fees and costs are borne by each party.

92. The Appellant's claim that the FFSA be ordered to pay an amount in favour of the CBA and of Mr Sette, representing the costs they outlaid to assert their defence, must therefore be rejected.

ON THESE GROUNDS,

THE FIA INTERNATIONAL COURT OF APPEAL:

- 1. declares the appeal admissible;**
- 2. quashes the Contested Ruling returned by the FFSA National Court of Appeal on 4 December 2012 and confirms Decision n°41 taken by the Panel of Stewards on 21 October 2012;**
- 3. orders the competent Sporting Authority to draw the consequences of this ruling;**
- 4. orders the restitution of the whole of the appeal fee paid to the Court by the Appellant;**
- 5. leaves it to the FFSA to pay all the costs, in accordance with Article 18.2 of the Judicial and Disciplinary Rules;**
- 6. rejects all other and further conclusions.**

**Philippe Roberti de Winghe
The President**

Paris, 15 February 2013