

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

**of the**

**FEDERATION INTERNATIONALE DE L'AUTOMOBILE**

**CASE**

**Appeal brought by the Automobile Club d'Italia/Commissione Sportiva  
Automobilistica Italiana (ACI/CSAI) on behalf of its competitor  
Vortex Srl, against decision N° 9 taken by the Panel of the Stewards of the  
Meeting on 17 November 2006**

**Event run at Angerville (F) from 28 September to 1 October 2006  
counting towards the 2006 CIK-FIA World Karting Championship**

**Hearing of Monday 4 December 2006 in Paris**

The FIA INTERNATIONAL COURT OF APPEAL, composed of Mr Philippe ROBERTI de WINGHE (Belgium), elected President, Dr Erich SEDELMAYER (Austria), Mr Edwin GLASGOW (Great Britain), and Mr Jan STOVICEK (Czech Republic);

Meeting in Paris on Monday 4 December 2006, at the headquarters of the Fédération Internationale de l'Automobile, 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 competitor Vortex Srl, against decision N° 9 taken by the Stewards of the Meeting on 17 November 2006 – Event run at Angerville (France) from 28 September to 1 October 2006, counting towards the 2006 CIK-FIA World Karting Championship,

Having heard:

**For the appellant**, the ACI/CSAI having regularised the appeal on behalf of the competitor Vortex Srl and neither the ACI/CSAI nor Vortex Srl attending the hearing, represented by Mr Roberto CAUSO, Member of the Bar of Rome;

**For the FIA**, Mr Vincent CARO, CIK-FIA Executive Secretary, assisted by Mr Sébastien BERNARD, Head of the Legal Department;

Having acknowledged that the adversarial 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 parties having been duly heard 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 did not provoke the slightest criticism on the part of anybody;

**WHEREAS** in support of its appeal, the competitor Vortex Srl maintains that the decision of revision, which alone is submitted to the International Court of Appeal, is open to criticism, as the qualified representative of the CIK-FIA failed to indicate in his summons the grievances held against it, which indication, however, would have allowed it to properly ensure its defence;

**WHEREAS** secondly, it claims that from viewing the video concerned, the origin of which is questionable, it was not possible to establish the infringement mentioned in the decision which would have shown one or two mechanics working on the kart itself, which was not covered by Article 2.19 H which states that the only work authorised is the changing of the tyres or the wheels and the checking of the tyre pressure;

**WHEREAS** concerning the grievances formulated by the competitor against the procedure, it is sufficient first to remind it that the summons expressly referred to Article 179 bis of the International Sporting Code and the discovery of new elements; the competitor was perfectly aware of what it was being accused of; it could even less be unaware of the existence of the video that had led to the discovery of these new elements; in particular other competitors and the media were aware of it; and in these conditions Vortex Srl could not fail to know the reasons for the review;

**WHEREAS** while the summons admittedly could have been more explicit, the competitor was nevertheless perfectly aware of the charges against it; it had discussed them before the Stewards and, as soon as they had taken their decision, had expressed its intention to appeal;

**WHEREAS** furthermore the summons specified that the competitor could be supported by a person of its choice;

**WHEREAS** at the hearing of the first judges, the video concerned was shown and, whatever the questions raised by the competitor concerning its origin, it is sufficient to recall Article 51 of the CIK-FIA World Karting Championship Sporting Regulations, which states: *“The Stewards may use any video or electronic system likely to help them to take a decision.”*

**WHEREAS** concerning the facts, the screening of the video showed on the one hand, and unquestionably, that work was carried out on the kart itself and that it was manifestly different from changing the tyres or checking the tyre pressure, the only operations authorised by the Regulations at that stage of the event, and on the other hand the participation of a second mechanic working on the kart, whereas that is prohibited by Articles 10 and 11 of the Specific Prescriptions applicable to all CIK-FIA Karting Championships;

**WHEREAS** the International Court of Appeal can only regret the appellant's Counsel's interpretation of the images, an interpretation that does not appear to reflect the facts as noted by the International Court of Appeal during the examination of the video;

**WHEREAS** in these conditions it falls to the International Court of Appeal to confirm decision of revision N° 9, taken by the Panel of the Stewards of the Meeting on 17 November 2006;

**ON THESE GROUNDS,**

**ON THE ADMISSIBILITY,**

**DECLARES** admissible the appeal formulated by the Automobile Club d'Italia/Commissione Sportiva Automobilistica Italiana (ACI/CSAI) on behalf of its competitor Vortex Srl;

**AS TO THE SUBSTANCE,**

**REJECTS** the appeal formulated by the competitor Vortex Srl against the aforementioned decision;

**CONFIRMS** decision N° 9 taken by the Panel of the Stewards of the Meeting on 17 November 2006;

**LEAVES** it to the sporting authority to draw the consequences of the present decision;

**LEAVES** it to the appellant to pay the costs, in accordance with Article 190 of the International Sporting Code and Article 24 of the Rules of the International Court of Appeal.

Made in Paris, 4 December 2006

**The PRESIDENT**