

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

**of the**

**FEDERATION INTERNATIONALE DE L'AUTOMOBILE**

**CASE**

**Appeal by competitor and driver Christian CHEMIN,  
against decision N° 7 of the Stewards of the Meeting  
dated 24 March 2002**

**38th Rally of Catalunya run from 21 to 24 March 2002 as part of the 2002 FIA  
World Rally Championship**

**Hearing of Tuesday 30 April 2002 in Paris**

The FIA INTERNATIONAL COURT OF APPEAL, composed of Mr Jan van ROSMALEN (Netherlands), elected President, Mr Gernot LEISTNER (Germany), Mr Vassilis KOUSSIS (Greece), and Mr Reginald REDMOND (Ireland),

Meeting in Paris on Tuesday 30 April 2002 at the headquarters of the Fédération Internationale de l'Automobile (FIA-France), 8 place de la Concorde, 75008 Paris,

Ruling on the appeal brought by the competitor and driver Christian CHEMIN, against the decision N° 7 of the Stewards of the Meeting made on 24 March 2002 during the 38th Rally of Catalunya run from 21 to 24 March 2002 as part of the 2002 FIA World Rally Championship.

Having heard:

**For the appellant competitor,** absent from the hearing,

Mr Roberto CAUSO, advocate at the bar of Rome, Mr Mario BOCASSI, advocate at the bar of Alessandria and Ms Leila MASSERA, advocate at the bar of Paris,

**The knowledgeable parties,**

Mr Alessandro BORDIGNON, President of Team HKR requested by the appellant, together with Mr Jacques BERGER, Responsible for the FIA Technical Department at his own request,

**And for the FIA,**

Mr Pierre de CONINCK, Secretary General, Sport.

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 appellant and the knowledgeable parties having provided all the detailed explanations requested from them during the hearing and having received answer, with the help of a simultaneous translation system,

**WHEREAS** the explanation of the substance of the case by the appellant party had led the International Court of Appeal to make enquiry into the admissibility of the appeal brought by the competitor driver Christian CHEMIN alone,

**WHEREAS** following the decision of the Stewards of the Meeting dated 24 March 2002 at 9.20 p.m., which was immediately notified to the competitor Christian CHEMIN, he then gave notice at 9.40 p.m. of his intention to appeal against the sentence pronounced against him, accompanying his notification with a cheque for the fee required by the Regulations,

**WHEREAS** that by fax dated 29 March 2002, Mr Mario BOCASSI, advocate at the bar of Alessandria sent the International Court of Appeal, at the request of Christian CHEMIN alone, a memorandum of appeal giving the reasons invoked by the competitor Christian CHEMIN in pleading, firstly, the quashing of the disputed decision N° 7 excluding him from the race, and secondly, a more clement penalty,

**WHEREAS** it is necessary to point out that this appeal was brought by the competitor's advocate and not by the Italian ASN,

**WHEREAS** that although the time limit for sending the memorandum by his advocate alone was respected by the competitor, it is necessary to point out that the Italian ASN, the CSAI, only came forward by letter dated 4 April 2002, that is outside the time limit for an appeal, and that this did not state that they were bringing an appeal, but only gave the FIA a copy of the memorandum of appeal of its competitor,

**WHEREAS** it is necessary to make reference to the International Sporting Code to decide if this appeal from the competitor alone is or is not admissible,

**WHEREAS Article 185-2)** of the International Sporting Code provides that an appeal can be brought “... By the ASN on behalf of its competitors or licence-holders, from the decisions of the stewards of the meeting... All appeals brought by an ASN must be in writing, signed by a duly qualified representative of the ASN and accompanied by such fee...”,

**WHEREAS Article 180** states concerning this “... *In events forming part of the FIA World Championship... any appeal against the decisions of the stewards of the meeting formulated even by just one of the parties concerned, shall be brought directly before the International Court of Appeal, for which appeal the ASNs cannot refuse to give their assistance and agreement.*”,

**WHEREAS** furthermore Article 186, second paragraph, stipulates “*The time limit for forwarding an appeal to the FIA expires seven days after the publication of the decision... or the stewards of the meeting...*”,

**WHEREAS** it results from these provisions that only the competitor’s ASN is authorised to bring an appeal on behalf of a competitor before the International Court of Appeal of the FIA,

**WHEREAS** this appeal by the ASN is shown to be the more indispensable by the provisions of Article 180, last paragraph, of the International Sporting Code which lays down, in conformity with the present hypothesis, that the ASN cannot refuse to give their assistance and agreement to the competitor in bringing his appeal,

**WHEREAS** it is necessary to point out that in the present case, there was no appeal from the ASN either within or outside the time limit, in which case it would anyway be inadmissible,

**WHEREAS** in consequence, the International Court of Appeal was not advised of any appeal by the only body that is entitled to bring it, and which in the present case must authorise it, and it must find that the competitor’s appeal is inadmissible,

**ON THESE GROUNDS,**

**DECLARES** inadmissible the appeal brought by the competitor instead of having been brought by the Italian ASN, the CSAI, on his behalf,

**LEAVES** all the costs to the appellant.

Made in Paris, 30 April 2002

**The PRESIDENT**