

INTERNATIONAL COURT OF APPEAL (I.C.A)

of the

FEDERATION INTERNATIONALE DE L'AUTOMOBILE

CASE:

**Appeal brought by the Automobile Club d'Italie/Commissione Sportiva
Automobilistica Italiana (ACI/CSAI) on behalf of its competitor SEAT Sport
Italia, against decision N° 8 taken by the Panel of Stewards of the Meeting
on 7 July 2007**

**Event run at Porto (P) on 7 and 8 July 2007 and counting towards the 2007
FIA World Touring Car Championship**

Hearing of Monday 23 July 2007 in Paris

The FIA INTERNATIONAL COURT OF APPEAL, composed of Mr Jan STOVICEK (Czech Republic), elected President, Mr Xavier CONESA (Spain), Mr Jean-François VEROUX (France) and Mr Anthony SCRIVENER (Great Britain);

Meeting in Paris on Monday 23 July 2007 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 competitor SEAT Sport Italia against decision N° 8 taken by the Panel of Stewards of the Meeting on 7 July 2007 – Event run at Porto (Portugal) on 7 and 8 July 2007 and counting towards the 2007 FIA World Touring Car Championship;

Having heard, in the absence of the ACI/CSAI, appealing but not appearing at the hearing, Ms Valentina ALBANESE, Barrister at the Bar of Rome, representing the competitor and its driver, in the presence of Mr Lorenzo PAGANI, Engineer at SEAT Sport Italia; and for the FIA, Mr Pierre de CONINCK, Secretary General of the FIA (Sport), assisted by Mr Sébastien BERNARD, Head of Legal Affairs;

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 was recognised as satisfactory by all those present;

WHEREAS the appellant contests the decision of the Panel of Stewards of the Meeting dated 7 July 2007:

- 1)° imposing on the competitor SEAT Sport Italia a fine of 1500 € and a drop of 10 grid positions for the start of race N°1 of the next event for ignoring the yellow flag;
- 2)° ordering the cancellation of all qualifying times and a drop of 10 grid positions for the start of race N°2 of the next event;
- 3)° imposing a fine of 3000 € for infringement of Article 151.c of the International Sporting Code for aggressive language and behaviour by the driver Colciago towards the driver Porteiro;

WHEREAS it is the duty of the International Court of Appeal to give a ruling on the merit of this appeal after having heard the arguments of the parties, namely the appellant competitor and the representatives of the FIA;

On the first point

WHEREAS it is clear from the reports exchanged between the parties and the statements made at the hearing by the competitor's and the driver Colciago's counsel, that while the latter recognises in principle the infringement committed by car N° 19 – an infringement of Article 4.1.2.b. of Appendix H to the International Sporting Code, in that when the yellow flag was waved, car N° 19 did not slow down – he requests a reduction of the penalty inflicted;

WHEREAS it does not seem appropriate to comply with this request, because when the waved yellow flag is shown it is mandatory for a car to slow down because of the existence of a danger that could cause an accident;

WHEREAS it therefore remains to purely and simply confirm the decision taken in accordance with the aforesaid text, which must be strictly interpreted in the vital interests of competitors and of motor sport events;

On the second point

WHEREAS the viewing of a DVD produced by the appellant clearly showed that Colciago's car N° 19, at the exit from a blind corner and while finishing its fastest possible qualifying lap, found itself in the proximity of car N° 5, driven by Felix Porteiro, who was getting ready to enter the pit lane, running at an estimated speed of 40-60 kph according to the FIA's telemetric data;

WHEREAS the arrival of car N° 19 at a speed of about 200 kph made an accident inevitable by reason of the layout of the track, with the entry to the pit lane coming just after a blind corner;

WHEREAS under these circumstances, Article 42 of the WTCC Sporting Regulations cannot serve to support the claim that the driver Colciago caused a collision according to the text of that same Article, since the collision was not attributable solely to Roberto Colciago;

WHEREAS the decision taken by the Panel of Stewards on this point should therefore be invalidated;

WHEREAS further it is pointless for the defence of the competitor SEAT Sport Italia to maintain that decision N° 9 is illegitimate, as it does not concern the case before the International Court of Appeal; that decision has not been appealed by the competitor, and is therefore definitive both in its reasoning and in the penalties which it has imposed; furthermore, the competitor has appealed decision N° 8 and as a result, the only question to be resolved by the appeal is decision N° 8 concerning the collision and that alone;

On the third point

WHEREAS the appellant has admitted that he made use of rather strong language, for which he was sorry;

But **WHEREAS** it is regrettable that during or at the end of an event, a driver displays – rightly or wrongly – a particularly aggressive attitude towards another driver, a Steward or any other person in authority, as has been shown in this case by the viewing of the DVD, the driver Colciago having pushed the driver Porteiro backwards and accompanied this gesture with words which could not be heard but which would appear to be especially revealing;

WHEREAS in this respect it is regrettable that the driver did not appear at the hearing, since in order to assume his own defence, and to bring his statements before the International Court of Appeal, it would have been preferable for him to appear;

WHEREAS in these conditions the penalty of 3000 € appears insufficient and, in conformity with Article 22 of the Rules of the International Court of Appeal, it is within its jurisdiction to increase this penalty and to double it, making it 6000 €

ON THESE GROUNDS,

DECLARES AND JUDGES the appeal brought by the Automobile Club d'Italia/Commissione Sportiva Automobilistica Italiana on behalf of its competitor SEAT Sport Italia admissible;

CONFIRMS the decision taken by the Panel of Stewards of the Meeting regarding the infringement of Article 4.1.2. b. concerning the showing of the yellow flag;

INVALIDATES the decision taken by the Panel of Stewards of the Meeting concerning the collision between car N° 19 and car N° 5, as Article 42 of the WTCC Sporting Regulations speaks of a collision when in this case the responsibility for the collision is clearly shared;

STATES that that there is no case to answer concerning decision N° 9 of the Panel of Stewards of the Meeting, as no appeal concerning that decision has been submitted to the International Court of Appeal;

INVALIDATES the decision taken by the Panel of Stewards of the Meeting concerning Article 151.c. of the International Sporting Code, as the penalty imposed seems insufficient, accepts the appeal of the FIA and increases the penalty imposed on Roberto Colciago from 3000 € to 6000 €;

LEAVES it to the sporting authority to draw the consequences of the present decisions;

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.

Paris, 23 July 2007

The PRESIDENT