

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, BMS Scuderia Italia spa,
the driver at the time of the events being Gabriele Gardel in Ferrari car N° 1,
against decision N.GT-03 taken by the Stewards of the Meeting of the event
run at Magny-Cours (France) on 2 May 2004, counting towards the 2004 FIA
GT Championship, to impose a 50-second time penalty on the appealing
competitor, driver Gardel**

Hearing of Wednesday 12 May 2004 in Paris

The FIA INTERNATIONAL COURT OF APPEAL, composed of Mr Vassilis KOUSSIS (Greece), elected President, Mr Xavier CONESA (Spain), Mr Graham STOKER (Great Britain) and Mr Jan STOVICEK (Czech Republic),

Meeting in Paris on Wednesday 12 May 2004, 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/CSI) on behalf of its licence-holder BMS Scuderia Italia spa, the driver at the time of the events being Gabriele Gardel, Ferrari car N° 1, against decision N.GT-03 dated 2 May 2004 at 15.40 hrs, taken by the Stewards of the Meeting of the event run at Magny-Cours (France) on 2 May 2004, counting towards the 2004 FIA GT Championship, to impose a 50-second time penalty on the appealing competitor, driver Gardel,

Having heard:

For the appellant, and in the absence (excused) of the ACI/CSAI but represented by Mr Roberto Causo, Barrister at the Rome Bar, assisted by the driver Gardel from the BMS Scuderia Italia spa,

For the FIA, Mr Pierre de Coninck, Secretary General of FIA Sport, assisted by Mr Sébastien Bernard, Head of Legal Affairs,

The knowledgeable party Mr Luca Cappellari, driver of Ferrari car N° 2, belonging to the same team as car N° 1, at the time of the incident,

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 parties and the knowledgeable party 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 the parties,

WHEREAS the appellant sought the invalidation of the decision taken by the Panel of Stewards, on the grounds that the driver Gardel had not committed any fault that was punishable by the regulations and that, having attempted to pass car N° 2 driven by Cappellari, he had found himself in a difficult situation which, on the exit from the

bend, caused the collision for which he did not feel responsible; whereas consequently he requested the invalidation of the 50-second time penalty that had been imposed at the end of the event by decision of the Panel of Stewards,

WHEREAS the knowledgeable party Cappellari, the driver of the Ferrari N° 2, who was heard, contradicted the above statements by claiming that he himself was on the ideal line going into the hairpin; Gardel, who claimed to be faster, could have overtaken him at another point on the circuit, and not necessarily at the top of that hairpin, forcing his way through by overtaking on the right, which would have been perfectly normal in another place but not at the top of a hairpin, this being particularly inappropriate, and Gardel therefore had to mount the kerb without, at that moment, a collision occurring between the two cars,

WHEREAS the contact only happened on the exit from the bend when the two cars were accelerating to continue the race and it was at that moment that Gardel, swerving too far to the left, struck car N° 2,

WHEREAS the FIA, via its representative, sought confirmation of the sanction pronounced against Gardel on the grounds of the fault he had committed in trying to squeeze in on the right of car N° 2 when he clearly did not have sufficient room to do so and risking pushing it off its trajectory,

WHEREAS in this case the decision should be taken after viewing the video cassette and noting the claims of the two drivers, both in the proceedings and during the hearing,

WHEREAS it is clear that Gardel unwisely attempted to force his way through at a particularly delicate point on the circuit, by squeezing in on the right of car N° 2 at the top of a hairpin when he clearly did not have sufficient room to do so and thus risking pushing car N° 2 off the ideal line that it was following,

WHEREAS the consequence of that manoeuvre was, owing to the acceleration when coming out of the bend, to cause a collision between car N° 1 and car N° 2, which could have been avoided and which was ascribable to the conduct of Gardel alone,

WHEREAS on the grounds of the texts themselves, the Panel of Stewards, which necessarily convened after the race to hear the two drivers concerned, could not help but declare the 50-second penalty, which was justly imposed,

WHEREAS, therefore, the decision taken must be confirmed,

ON THESE GROUNDS,

DECLARES AND RULES that the appeal is admissible,

AS TO THE CONTENT,

CONFIRMS the decision of the Panel of Stewards to impose a 50-second time penalty on the competitor of Ferrari car N° 1, driver Gardel,

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.

The President,

Made in Paris, 12 May 2004