

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

**of the**

**FEDERATION INTERNATIONALE DE L'AUTOMOBILE**

**CASE**

**Commissione Sportiva Automobilistica Italiana (CSAI)**

**of the Automobile Club of Italy**

**on behalf of their licence-holder/competitor Team Minardi Spa,**

**against the decision made on 11 November 1994 by**

**the Stewards of the Meeting of the FIA F1 Australian Grand Prix**

**held in Adelaide on 13 November 1994**

**Hearing of Monday 19 December 1994 in Paris**

The FIA INTERNATIONAL COURT OF APPEAL, comprising Messrs José Macedo e Cunha (Portugal), Presiding Judge, Pierre Gustave Dahlstrom (Sweden), Vassilis Koussis (Greece) and Jan William Gerard van Rosmalen (Netherlands),

Sitting in Paris on Monday 19 December 1994, at the Headquarters, 8 place de la Concorde, 75008 Paris,

Ruling on the appeal brought by the ACI/CSAI on behalf of their licence-holder/competitor Team Minardi Spa against the decision pronounced on 11 November 1994 by the Stewards of the Meeting of the FIA F1 Australian Grand Prix, held in Adelaide on 13 November 1994,

After hearing Attorney Luca Birindelli, Member of the Milan Bar and Attorney Henry Peter, Member of the Lugano Bar, representing the CSAI/ACI, appellant of the decision cited above, in the presence of Mr Giancarlo Minardi, representative of the Minardi Team Spa,

After having examined the documents submitted to the hearing by the appellant CSAI, the appeal before the International Court of Appeal having been deemed admissible, in accordance with the revised Article 180, last paragraph, of the International Sporting Code, the documents submitted by the CSAI having been examined both prior to and during the hearing, the translation and the interpretation having been acknowledged as satisfactory,

**WHEREAS** the appellant CSAI solicited a reversal of the aforementioned decision claiming that, pursuant to Article 73 of the International Sporting Code, the entry form signed by Footwork Grand Prix International Limited, on 10 November 1993 contained a fraudulent declaration and should be considered null and void,

**WHEREAS** furthermore the Appellant contends that the team which registered the Footwork chassis on the said entry form did not dispose of this chassis,

**WHEREAS** the Appellant CSAI further claims that there is no proof that the person who signed the 10.11.93 entry form was authorised to do so,

**WHEREAS** although it may appear to the International Court of Appeal, based on the documents submitted by the CSAI, that the entry form is somewhat questionable as to the name and identity of the Team that actually submitted it, and as to the veritable ownership of the chassis indicated on the said entry form, the ICA is not in possession of the elements necessary to make a ruling,

**WHEREAS** furthermore the role and capacity of Mr Oliver, who signed the entry form, is yet to be determined,

**WHEREAS** the situation is even further complicated by the fact that the Footwork team participated in the F1 World Championship during the 1993 season and that under the name of this same team a different team seems to have participated in the 1994 F1 World Championship,

**WHEREAS** if the assertions of the Appellant CSAI were to be confirmed, the consequences would be very grave,

**WHEREAS** under these circumstances, it is necessary that the International Court of Appeal conduct a hearing at which both teams and/or companies registered under numbers 1.441.231 and 2.858.561 are represented, to obtain information pertaining to any and all contracts which may have been concluded by said parties, and to determine the identity, legal forms and corporate purpose of both companies and/or teams, and to establish which of the two companies and/or teams registered at the English Company Register under the numbers 1.441.231 and 2.858.561 effectively entered the F1 World Championship on 10 November 1993,

**WHEREAS** it must also be established if rights were transferred from one team or company to the other in accordance with Schedule 4, Part 5, Clauses 4.4 (ii), 4 (iii) of the Concorde Agreement, and if so, at what date,

**WHEREAS**, the ICA would like to draw the attention of the two companies registered under the numbers 1.441.231 and 2.858.561, to the importance of supplying the required documents and furnishing explanations to comply with established principles pertaining to adversarial proceedings,

**WHEREAS** they are also requested, before appearing at the ICA hearing, the date of which will be decreed hereafter, to furnish all documents likely to shed light on the facts upon which the ICA must base its decision,

**WHEREAS** the ICA hereby sets the date for the continuation of the hearing for 16 January 1995, notifying the parties that they are to appear,

**ON THESE GROUNDS,**

**AS TO THE FORM,**

**DECLARES** that the appeal is admissible,

**AS TO THE CONTENT,**

**STAYS RULING** until the hearing set for 16 January 1995 at 10 o'clock at the FIA headquarters, where the representatives of the aforementioned teams and/or companies, as well as the Appellant, will be duly heard,

**REQUESTS** the parties to furnish the ICA, as of now, with all pertinent documents to which they have access, in order to clarify the dispute in question,

**RESERVES** the costs.

Paris, 19 December 1994

**The President**