

INTERNATIONAL COURT OF APPEAL

(I.C.A.)

of the

FEDERATION INTERNATIONALE DE L'AUTOMOBILE

(F.I.A.)

Case:

Appeal by the Automobile Club d'Italia/Commissione Sportiva Automobilistica

Italiana (ACI/CSAI) on behalf of its licence holder,

Scuderia Toro Rosso,

against Decision N° 41 of the Panel of the Stewards of the Meeting

dated 30 September 2007

during the Japanese Grand Prix

and counting towards the 2007 FIA Formula One World Championship

Hearing of Friday 12 October 2007 in Paris

The FIA INTERNATIONAL COURT OF APPEAL, composed of Mr Vassilis KOUSSIS (Greece), elected President, Mr Philippe ROBERTI de WINGHE (Belgium), Mr Anthony SCRIVENER (Great Britain), and Mr Jan STOVICEK (Czech Republic),

Meeting in Paris on Friday 12 October 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 licence holder, Scuderia Toro Rosso, against Decision N° 41 handed down by the Panel of Stewards of the Meeting on 30 September 2007 during the Japanese Formula One Grand Prix and counting towards the 2007 FIA Formula One World Championship,

After noting the presence, for Scuderia Toro Rosso, of Messrs Franz TOST, Team Principal, Massimo RIVOLA, Team Manager, Michele CIAVOLA, Counsel representing the Toro Rosso team, assisted by Mr Jeremy COURTENAY-STAMP, and Mr Sam BLAKE, both Lawyers with the London Bar,

After hearing, as knowledgeable parties, Mr Vitantonio LIUZZI, Driver for the Toro Rosso team and Mr Ricardo ADAMI, Engineer for the Toro Rosso team,

After noting the presence, for Spyker, intervenor, of Messrs Mike GASCOYNE, Chief Technical Officer, Andy STEVENSON, Team Manager, Patrick MISSLING, Chief Operating Officer, assisted by Mr Mark PHILIPS, QC at the London Bar and Mr Mark BUCKLEY, Solicitor in London,

After hearing, as a knowledgeable party, Mr Adrian SUTIL, Driver for the Spyker team,

After noting the presence, as observer, of Mr Mark HUBARD, representing McLaren Racing Engineering,

After hearing, for the FIA, Mr Pierre de CONINCK, Secretary General for FIA Sport, Mr Sébastien BERNARD, Head of the Legal Department, as well as Mr Charlie WHITING, Race Director, and Mr Simon BUSBY, FIA Software Analyst,

Having acknowledged that the due hearing of all parties was in order, that the appeal was admissible, that the rights of each of the parties had been duly examined both in the proceedings which preceded the hearing and during the hearing itself, that the appealing competitor, the intervenor and the knowledgeable parties were duly heard, and provided all the detailed explanations requested from them during the hearing and provided answers, with the help of a simultaneous translation system which was not criticised in any way whatsoever,

WHEREAS it is not contested by any of the parties, and this was confirmed by the FIA, that the yellow and white flags were waved at post M1 in order to signal the Davidson incident and that no green flag was displayed after the yellow flag;

WHEREAS the litigious overtaking took place further on, between posts M2 and M3, during which time no green flag had been displayed;

WHEREAS consequently the infraction is clearly established;

WHEREAS in his defense, Mr Vitantonio LIUZZI submits that, at the instant the yellow light of the GPS system went out, he could consider that the track was clear and he could overtake;

WHEREAS in Article 8.4 of the Formula One Technical Regulations, it is specified that the only purpose of cockpit lights is “...*to give drivers information concerning track signals or conditions.*”, which does not authorize them to substitute these signals for flag signals;

WHEREAS the absence of a flag following the Davidson incident could not give the driver Vitantonio LIUZZI reason to think that he was no longer bound by the obligations of the yellow flag and could therefore overtake;

WHEREAS under these circumstances it is necessary to confirm the decision of the Panel of the Stewards of the Meeting;

ON THESE GROUNDS,

STATES AND RULES the appeal to be admissible,

DISMISSES the case of the Scuderia Toro Rosso,

CONFIRMS Decision N°41 handed down by the Panel of the Stewards of the Meeting on 30 September 2007 during the Japanese Formula One Grand Prix counting towards the 2007 FIA Formula One World Championship, inflicting a penalty on the driver Vitantonio LIUZZI of 25 seconds to be added to his race time,

LEAVES, as necessary, to the Sporting Power the responsibility of drawing the consequences arising from the present decision,

LEAVES the payment of costs, calculated in accordance with Article 190 of the International Sporting Code and Article 24 of the ICA Rules, to the charge of the appellant.

Paris, 12 October 2007

(signature)

The President