

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

**OF THE**

**FEDERATION INTERNATIONALE DE L'AUTOMOBILE  
(F.I.A.)**

**CASE:**

**Appeal lodged by the Magyar Nemzeti Autósport Szövetség (MNASZ)  
on behalf of its licence-holder, Intermedia Motorsport Association,  
against the decision taken by the National Court of Appeal of Hungary  
on 19 October 2001**

**15<sup>th</sup> International Michelin Rally of Budapest of 2001 counting in the  
2001 FIA European Rally Championship (coefficient 2)**

**Hearing of Monday, 10 December 2001 in Paris**

The FIA **INTERNATIONAL COURT OF APPEAL**, comprising Mr Vassilis KOUSSIS (Greece), elected President, Mr Philippe ROBERTI de WINGHE (Belgium), Mr Xavier CONESA (Spain) and Mr José MACEDO e CUNHA (Portugal),

Sitting in Paris, on Monday, 10 December 2001, at the Headquarters of the Fédération Internationale de l'Automobile (FIA-France), 8 place de la Concorde, 75008 Paris,

Ruling on the appeal lodged by the Magyar Nemzeti Autósport Szövetség (MNASZ), on behalf of its licence-holder, Intermedia Motorsport Association, against the decision taken by the National Court of Appeal of Hungary on 19 October 2001 - 15th International Michelin Rally of Budapest of 2001 counting in the 2001 FIA European Rally Championship (coefficient 2).

After hearing:

**For the appellant,**

Mr Miklos HORVATH, representing the MNASZ, and the competitor, Mr Robert TAGAI,

**For the FIA,**

Mr Sébastien BERNARD, Head of the Legal Department of the Sport Division,

**As a knowledgeable party,**

Mr Peter FALUVEGI in his quality of Clerk of the Course.

Having acknowledged that the procedure with full argument on both sides was in order, the rights of each party having been duly examined, both in the proceedings prior to the hearing and during the hearing itself, the parties and the knowledgeable party having provided all the detailed explanations and answers requested during the hearing with the help of a simultaneous translation system which was recognised as satisfactory by the parties;

**WHEREAS** by the disputed decision taken by the National Court of Appeal of Hungary on 19 October 2001, the appeal lodged was declared groundless and the exclusion of car N° 6 belonging to the competitor Intermedia Motorsport Association was decided, because the scrutineering ordered by the National Court of Appeal of Hungary in its first

ruling on 3 October 2001 revealed that while the flow was correct when the measurement was taken of the pump with the filter, the flow was above that authorised on the homologation form when the pump flow was measured without the filter,

**WHEREAS** it is up to the International Court of Appeal to determine precisely whether the measurements must be taken of the pump with the filter or without the filter,

**WHEREAS** it is necessary to know in what conditions the pump flow measurements must be taken, ie with or without a filter, following homologation form N° N5585, extension 03/01, dated 1<sup>st</sup> July 1999,

**WHEREAS** under such circumstances, the International Court of Appeal must require the FIA Technical Department to ascertain from the Manufacturer Mitsubishi *«if, when the homologation form was established, the flow specified on the form had been measured using a filter or not»*,

**WHEREAS** the answer to this question appears to be essential to ensure the proper application of the Technical Regulations,

**ON THESE GROUNDS,**

**BEFORE RULING** and without prejudice to the parties,

**REQUIRES** the FIA Technical Department to submit **before Thursday, 20 December 2001** the answer to the question *«...if, when the homologation form was established, the flow specified on the form had been measured using a filter or not...»*, and this, after consulting with and receiving a written reply from the Constructor Mitsubishi, which would then be forwarded to the International Court of Appeal,

**POSTPONES** the examination of the case until a future hearing,

**RESERVES** its decision as to the costs,

Paris, 10 December 2001

**The PRESIDENT**