

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

of the

FEDERATION INTERNATIONALE DE L'AUTOMOBILE

**Referred by the Fédération Internationale de l'Automobile by virtue of
Article 1 of the Regulations of the International Court of Appeal**

CASE

**Appeal against Decision N°8 handed down by the
Stewards of the Meeting on 28 July 2006 concerning the T car of
competitor Mild Seven Renault F1
on the occasion of the Grand Prix of Germany and counting towards the
2006 FIA Formula One World Championship**

Hearing of Tuesday 22 August 2006 in Paris

The FIA INTERNATIONAL COURT OF APPEAL, comprising Mr Philippe ROBERTI de WINGHE (Belgium), elected President, Mr Pierre TOURIGNY (Canada), Mr John CASSIDY (United States), and Mr Anthony SCRIVENER (Great Britain),

Meeting in Paris on Tuesday 22 August 2006 at the Headquarters of the Fédération Internationale de l'Automobile, 8 place de la Concorde, 75008 Paris,

Ruling on the appeal lodged by the FIA against Decision N°8 of the Stewards of the Meeting of the Grand Prix of Germany handed down on 28 July 2006 authorising the use of mass dampers;

After hearing:

For the FIA, the appellant, Mr Pierre de CONINCK, Secretary General of the Sport Department, Mr Sébastien BERNARD, Head of the Legal Department, Mr Charlie WHITING, Director of the Technical Department, Mr Jo BAUER, Technical Delegate, assisted by Mr Peter WRIGHT, technical expert requested by the FIA;

For the respondent, Mild Seven Renault F1, Mr Steve NIELSEN, Team Manager, Mr Pat SYMONDS, Executive Director of Engineering, Mr Bob BELL, Technical Director, assisted by Mr Ali MALEK, QC and by Andrew FORD, Lawyer, and Mr Robin S. SHARP technical expert requested by the Mild Seven Renault F1 Team;

After acknowledging that the due hearing of all parties had been respected, that the appeal was admissible, the rights of all parties having been duly examined both prior to the hearing and during the hearing itself, and the appellant, the respondent, the advisors and experts having been cross-examined and having supplied detailed explanations and answers to questions when asked during the hearing by way of a system of simultaneous interpretation which was not in any way criticised by the parties;

WHEREAS the explanations provided by the FIA concerned the implementation of Articles 1.4, 1.14, and 3.15 of the Technical Regulations;

WHEREAS the appellant asserts that the Tuned Mass Damper (TMD) had an impact on the aerodynamic performance of the car and that it was not part of the suspension as defined by Article 1.14 of the Technical Regulations because it is integrated and part of the bodywork and cannot be separated from it;

WHEREAS the appellant also claims that this device includes, inside the casing attached to the bodywork, a mass of between 5 and 10 kilograms sprung by two springs suspended from the casing, that is to say the bodywork, the purpose of which is to decrease compressions and travel when a car is driven over imperfections on a track, and which thus has an aerodynamic impact on the nose of the bodywork, independently of any other effects;

WHEREAS the respondent claims on the other hand that the primary objective of this device is to avoid vibrations caused by imperfections on the track and, in both the memorandum from Mild Seven Renault F1 and the declarations made by the respondent and experts during the hearing: *“only offers a small, subsidiary aerodynamic advantage”* and produces a *“small consequential improvement in aerodynamics”*;

WHEREAS the expert called by Mild Seven Renault F1, Professor Robin S SHARP, specified in his memorandum that *“the aerodynamic benefit obtained by using TMDs is small, secondary, and incidental to the main purpose which is vibration control”*;

WHEREAS those statements were confirmed by Mild Seven Renault F1 during the hearing;

WHEREAS whatever the benefit may be, even if downplayed by Mild Seven Renault F1, it is necessary to apply Article 3.15 of the Formula One Technical Regulations which specifies that: *“.....any specific part of the car influencing its aerodynamic performance:*

- *must comply with the rules relating to bodywork.*
- *must be rigidly secured to the entirely sprung part of the car (rigidly secured means not having any degree of freedom).*
- *must remain immobile in relation to the sprung part of the car.....”*;

WHEREAS consequently, the TMD with its mobile mass is not in compliance with Article 3.15 of the Formula One Technical Regulations which also include Articles 2.4

and 2.6 which specify that cars must fully comply with the Technical Regulations during the whole duration of an event ;

WHEREAS the TMD is not a suspended part as defined by Article 1.14 of the Formula One Technical Regulations which states that the sprung suspension is “*the means whereby all complete wheels are suspended from the body/chassis unit by a spring medium*”;

WHEREAS it is necessary to give credit to all parties for their willingness to communicate with each other on the subject, it is however necessary, for any future developments that might apply to similar devices, to refer to Article 2.4 of the Technical Regulations which allows competitors to justify the innovations which are suggested, and to obtain official clarification from the FIA in this respect, which was not the case;

WHEREAS in the light of the principles mentioned with respect to the application of certain articles of the Formula One Technical Regulations, and in the mutual interest of the competitors and of the FIA, the ICA does not wish to pronounce a sentence with regard to the costs of the hearing;

ON THESE GROUNDS,

STATES and RULES that the FIA’s appeal is admissible;

DECLARES that the appeal is founded;

QUASHES consequently Decision N°8 taken by the Stewards of the Meeting on 28 July 2006 at the Grand Prix of Germany;

RE-RULING,

STATES AND RULES that use of the device known as TMD is an infringement of Article 3.15 of the Formula One Technical Regulations.

Paris, 22 August 2006

(signature)

The PRESIDENT