

Extraordinary Meeting of the World Motor Sport Council

Max MOSLEY

Good afternoon. Let us begin. I suggest that we begin with the Renault hearing, deferring the minutes and the agenda until tomorrow. The respective time limits have been set for each side.

I would ask that the Counsel from both sides identify themselves. Mr Mill is a familiar figure.

Ian MILL

Hopefully, this will not continue for long!

David PHILIPS

I am David Philips, the "new boy on the block".

Max MOSLEY

Thank you very much. We know everyone else. We can head straight in. I will give Mr Mill the floor. You have 45 minutes.

Ian MILL

Mr President, Gentlemen. I mentioned a practical matter to the President at the outset and will mention it to you now. On the far side of the room are boxes containing copies of the confidential information from McLaren, which we say was returned to us by Renault or Mr Mackereth. It will not be necessary to look much of it at all. It may, however, be necessary to look at a few pages. Those pages contain very sensitive McLaren information. Could we ask that any of those on the Council and associated with other teams exercise discretion and determine the extent to which they feel the necessity to look at the detail of those drawings. Thank you.

Max MOSLEY

Is that agreeable to everybody? I think everyone is happy with what you proposed.

Ian MILL

Almost exactly one year after joining Renault F1, from McLaren, Mr Phil Mackereth informed Bob Bell, Technical Director at Renault, that he had brought confidential information from McLaren to Renault. Why did he do this, and why did he do so at that point in time?

He did so because he had been informed by a friend of his, at McLaren, that McLaren had become aware that he had taken material. This had come about because an ex-Renault and then-McLaren employee had told McLaren that this was so. Why had the ex-Renault employee said this? Because Mr Briatore had made a press statement after the July 2007 World Motor Sport Council hearing, calling for McLaren's exclusion from the championship. He was quoted as saying, "Just read the regulations. For intellectual property theft, the punishment is exclusion." McLaren was upset about this view, given at a time when the World Motor Sport Council had concluded that it could not find any knowledge of theft of that information, beyond Mr Coughlan himself.

Was this the first time that anyone at Renault, other than Mr Mackereth, had become aware that Mr Mackereth had taken any confidential McLaren information? The answer is no. On Renault's own case, at least 10 of their engineers had been aware of this fact before. In most cases, for almost the whole of the intervening year. These were not junior employees. They included the Chief Designer, Mr Densham, the Head of Mechanical Design, Mr Duffy, the Head of Transmission Design, Mr Osgood, and Mr Allison, Deputy Technical Director. What is significant is what Renault did about his knowledge: absolutely nothing.

What should have happened? I would like to think that the World Motor Sport Council would take the view that Mr Mackereth, as soon as it became known at that level of authority, that he had any McLaren drawings or confidential information, he would have been asked what else he had. The documents would have been destroyed and the FIA and McLaren informed. Instead, while that happened, it happened only one year later, in many cases, and only because Renault came to understand that McLaren had found out what Mr Mackereth had done. Note also, as you will have seen from the papers, that during the course of that year, use had been made of at least one of McLaren's drawings, to check on the legality [REDACTED] of McLaren's J-damper. Despite the use of that drawing, they did not inform the FIA or McLaren of the source of their information. Renault hence sought clarification from the FIA in November 2006. McLaren took a similar approach when Mr Stepney drew McLaren's attention to Ferrari's illegal floor device. While McLaren deemed it was not appropriate to draw attention to Mr Stepney at the time, the World Motor Sport Council disagreed and thought that Ferrari and the FIA should have been told. Mr Mosley indeed said so in an article published very recently in an article in Paddock Magazine: *"The whole thing should have been stopped before it even started. Ron Dennis could have gone to Jean Todt, immediately after Australia, and said, 'Look, we asked the FIA about your floor because someone at Ferrari is giving us information, and you ought to know that. Had he done that, it all would have been shut down. He didn't, and it was a major mistake on his part.'"*

It is also to be borne in mind that the person responsible for sending the request for clarification to the FIA was Mr Pat Simons, the Director of Engineering at Renault. We have no statement from him, though we do have a statement from Mr Bell. His statement does not address the damper issue. I will obviously ask Mr Bell about this in due course. It is to be inferred that they must have known where this information came from. In his evidence, Mr Allison told Mr Bell that he suspected that McLaren was running an illegal damper system. The two of them agreed to make the request for clarification from the FIA, which Mr Simons was to send. Surely, Mr Simons and Mr

