



**INTERNATIONAL COURT OF APPEAL (ICA)**

**of the**

**FEDERATION INTERNATIONALE DE L'AUTOMOBILE**

**Appeal brought by Miguel Gayoso Vázquez**

**against**

**Decision No. 1 dated 30 June 2024 of the Stewards of the competition held in  
Matschenberg counting towards the 2024 FIA European Autocross Championship**

**Case ICA-2024-08**

**Hearing of 31 October 2024**

**Decision of 21 November 2024**



The FIA INTERNATIONAL COURT OF APPEAL (“the Court”), which comprised Mr Luigi Fumagalli (Italy), who was designated President, Mr Jean Luisi (France), Mr Ian Mill (United Kingdom) and Mr David Owoicho Adejo-Ogiri (Nigeria), held a hearing at the Fédération Internationale de l'Automobile, 8 place de la Concorde, 75008 Paris, on Thursday, 31 October 2024.

Nobody challenged the composition of the Court, nor submitted a request for the recusal of any of the judges.

Prior to the hearing, the Court received and considered submissions and attachments thereto made by Miguel Gayoso Vázquez (“the Driver” or “the Appellant”) and the FIA (“the Respondent”), (collectively referred to as “the Parties”).

The following persons attended the hearing:

On behalf of the Appellant, Miguel Gayoso Vázquez:

Mr Miguel Gayoso Vázquez, Driver  
Mr Raphaël De Borman, General Director, LiveLife  
Mr Pascal Nelissen Grade, Legal Counsel

On behalf of the Respondent, FIA:

Ms Alejandra Salmerón García, Head of Regulatory  
Ms Prisca Mutesi, Senior Legal Counsel  
Mr Alejandro Artiles, Legal Counsel  
Mr Andrew Wheatley, Road Sport Director  
Mr Gunars Kosojs, Race Director, Witness

Also attending the hearing:

Mr Jean-Christophe Breillat (Secretary General of the FIA Courts)  
Mr Nicolas Cottier (Clerk of the FIA Courts)  
Ms Sandrine Gomez (Administrator of the FIA Courts)



The Parties filed written submissions and, at the hearing on 31 October 2024, set out oral arguments and addressed the questions asked by the Court. The hearing took place in accordance with the adversarial principle, with the aid of simultaneous interpretation in French and English languages. None of the Parties raised any objections in relation to the manner in which the proceedings and the hearing were conducted, notably concerning the adoption of the adversarial principle or the simultaneous interpretation.

## I. REMINDER OF THE FACTS

1. The competition held in Matschenberg (Germany) between 28 and 30 June 2024 (“the Competition”) is a competitive motorsport event organised by the FIA as part of the European Autocross and Cross Car Championship (“the Championship”).
2. The Championship consists of 10 rounds or competitions held across Europe, the Competition counting as round 4 of the Championship.
3. The Competition is a sprint-style competition held on tracks ranging from 800 to 1200 meters in length, specifically designed for single-seater Autocross and Cross cars. These tracks feature surfaces made of gravel, sand, clay, or a combination of these materials, with additional standing starts from an area outside of the main track with tarmac or gravel surface.
4. The Driver is actively participating in the Championship with the Escuderia Ourense Team (“the Competitor”). In accordance with the entry form that he submitted for his registration in the Championship (“the Entry Form”), the Driver entered the Competition with a Cross car, Chassis Life Live, car model TN 11, bearing the number 306 (“Car A”).
5. Car A and the Driver, as well as car number 302 (“Car C”) and its driver Mr David Meat, participate in the Competition under the same manufacturer, namely LifeLive.
6. During the Competition, Mr Ivan Piña Chinchilla was driving car number 301 (“Car B”).
7. At the outset of the Competition, Cars A, B and C were very close in the classification of the Championship, with Car C counting 98 points, Car B 89 points and Car A 86 points.
8. The Competition involved 10 cars, which raced simultaneously on the track and were arranged at the start in 4 rows in a 3-2-3-2 formation. It consisted of a succession of two practice sessions, three qualifying heats, the semi-final and the final (“the Race”).
9. Car B was second after the three heats and first after the semi-finals, securing pole position for the Race.

10. The drivers' briefing took place on 28 June 2024, at 19:30 CET, ("the Briefing").
11. During that Briefing, the Race Director highlighted to the drivers, *inter alia*, the "Code of Driving Conduct" in accordance with which drivers are reminded that they are responsible for ensuring that their manoeuvres are always carried out safely. As reflected under article 14 of his event notes ("the Race Director's Event Notes"), and as confirmed by him in his witness statement and at the hearing, the Race Director insisted during the Briefing on the fact that the Code of Driving Conduct prohibits the significant closing of gaps and causing a collision "*hard side by side or back*" and not respecting other drivers' racing lines and forcing another driver off the racing line or off the track or into a wall.
12. The Race started at 16:06 CET, when the green flag was deployed. Once the green flag was waved, the cars participating in the Race accelerated from the starting grid up to the Race Control Room ("the Segment").
13. Car A and Car B made contact shortly after the start of the Race ("the Contact"). The Contact was captured by one of the CCTV cameras located in the Race Control.
14. Mr Vojtech Kara, from Czech-TV-Mediasport, recorded a video that captured the contact between Car A and Car B, and then the contact between Car B and the barrier located on the right side of the Segment ("the Collision").
15. Car A overtook Car B after the Collision.
16. On 30 June 2024 at 16:14 CET, the provisional classification of the Competition ("the Provisional Classification") was published, stating that Car A ended in first position, Car B ended in fourth position and Car C ended in third position.
17. At the same time, the Race Director having reviewed the videos captured by the CCTV, announced, using the online notice board, the following: "*XC Final #306 and #301 under investigations*".
18. On 30 June 2024 at 16:56 CET, the Race Director, who had heard the Driver, issued and published decision No. 10 ("the RD Decision") on the Notice Board.
19. The RD Decision stated, in its relevant part, that:

*"After start, Car A [did] not respect other racing lines and [was] continuously driving to the right. As a consequence, Car A forced Car B from his racing line and hit the wall. Car B lost several positions due to this manoeuvre. The contact resulted in a lasting advantage."*



20. The penalty thereby imposed on Car A was “a black flag”, i.e. the Appellant was not disqualified but classified last in the Race, in position No. 10.
21. On the same day, at 17:00 CET, an amended provisional classification of the Competition (“the Amended Provisional Classification”) was published on the Notice Board. As a result of the RD Decision, Car A was classified last, Car B was classified third and Car C was classified second.
22. Subsequently, at 17:15 CET, the Race Director received a written protest from Car A against the RD Decision (“the Protest”).
23. Thereafter, the Race Director forwarded the Protest to the Stewards, who – having examined video evidence from the CCTV cameras – summoned the drivers of Car A and Car B, as well as the Race Director, to a hearing, which took place on the same day.
24. During the hearing with the Stewards, the Appellant did not contest the Race Director’s authority to issue the black flag on him.
25. Subsequently, a new provisional classification of the Competition was issued (“the New Provisional Classification of the Competition”), which mirrored the Amended Provisional Classification.
26. On the same date, at 20:11 CET the Stewards published the decision No. 1 (“the Decision”) on the Notice Board. The Decision reads as follows in its relevant parts:

*“The protest is rejected and no part of the deposit is to be returned. The driver #306 will be classified last in the final (placed at position 10).*

*Having considered the matter extensively, the Stewards determined that the protest is admissible due to timely manner. The Stewards determined the driver #306 made a breach of the ISC Article 2b, Chapter V, appendix L because maneuvers liable to hinder other drivers, such as deliberate crowding of a car beyond the edge of the track of any other abnormal change of direction, are strictly prohibited. Pushing or other contact resulting in a lasting advantage is strictly prohibited.*

*In the opinion of driver #301 this driving style of driver #306 is prohibited in accordance with the mentioned article what is in the convergent with the opinion of the Race Director and the Stewards.*

*During the hearing, driver #306 confirms that because of the soft surface of the track (in front of him after the start line), he drove into the right side of the track until he touched by the right rear wheel the left front wheel of the cross car #301.*

*The same moment the Cross Car #301 had to drive into the right side of the track and catch the loose part of the track just at the barrier and in consequence he hit the right steel barrier and lost few positions in this race. Taking this into consideration the Stewards decided to reject the protest, classified the competitor #306 last in the final at the position 10 what is in accordance with the classification after the Decision 10 of the Race Director. The Stewards ordered to hold the deposit fee of 500 €."*

27. The Stewards found in the Decision that the Driver had breached Article 2b), Chapter V, Appendix L of the International Sporting Code ("the Code").
28. On 30 June 2024 at 21:01 CET, the Driver notified his intention to appeal before the ICA.

## **II. PROCEDURE BEFORE THE COURT**

29. On 4 July 2024, the Appellant lodged his Notification of appeal against the Decision and filed his Grounds of appeal on 27 August 2024.
30. On 15 October 2024, the FIA filed its Grounds in response.
31. During the hearing held on 31 October 2024, the Court heard the Parties, who in essence confirmed the statements made in their Written observations and their appendices.

## **III. REQUESTS OF THE PARTIES**

32. The Appellant asks the Court to set aside the Decision and to annul his disqualification, alternatively to *"reduce the imposed penalty due to its disproportionate nature"* and to *"Charge the costs of the Stewards of the Matschenberg (Germany) event of the 2024 FIA European Autocross Championship in accordance with Article 11.2.1 of the FIA Disciplinary and Judicial Regulations."*
33. In its Grounds in response, the FIA asks the Court to dismiss the appeal and to confirm the Decision in its entirety and to order the Appellant to pay the costs of the appeal referenced in Article 11.2 of the Judicial and Disciplinary Rules ("the JDR").



#### IV. ADMISSIBILITY OF THE APPEAL BEFORE THE COURT

34. The Court notes that the FIA does not dispute that the appeal has been brought in accordance with the provisions of the 2024 JDR.
35. The Court also considers that it has jurisdiction to hear this appeal.
36. Therefore, the Court deems the appeal admissible.

#### V. ON THE SUBSTANCE

##### a) *Arguments of the Parties*

37. The Appellant puts forward the following grounds in support of the appeal:
  - (i) The black flag was directly displayed by the Race Director at the end of the race without any reference to the regulatory provision that had allegedly been violated and, while the Race Director was not authorised to do so, this prerogative belonging to the Stewards. Therefore, the Appellant claims that the black flag procedure, governed by Article 12.2 of the sporting regulations of the FIA European Autocross and Cross Car Championships (“the SR”) and Article 2.5.4.1 d) of Appendix H of the Code, was not followed.
  - (ii) The Appellant (i) did not unduly prevent the driver of Car B from overtaking him, (ii) did not fail to leave him enough space (Cross Car width) with the edge of the track, (iii) is not responsible for the Collision and (iv) did not cause any danger to any other drivers. Based on videos produced with his Grounds of appeal, the Appellant contends:
    - that he had a good start so as to position himself at the head of the Race. To do this, he stayed on his line (race line) and followed the track, which turned very slightly to the right, without impeding the safety of other drivers and without abruptly turning his steering wheel. He thus remained predictable for the other drivers;
    - that the driver of Car B, Mr Ivan Piña Chinchilla, was slower than the Appellant at the start and ended up behind him. The Appellant, therefore, had priority and could continue on his chosen trajectory;

- that the videos provided by the Appellant show that the driver of Car B somewhat lost control since Car B, before the Collision, drifts from the rear, aligns perpendicularly, and touches with its left front wheel the right rear wheel of Car A. If the driver of Car B had not lost control and had stayed straight, he would have had enough space to stay on the track, especially since this driver had had a worse start than the Appellant, and so could not overtake him.
- (iii) It was, therefore, incumbent upon the driver of Car B to do everything possible to avoid the accident, which he did not.
- (iv) Based on the above, it was clear that the driver of Car B was in the blind spot of the Appellant's Car A. It follows that the Appellant made no manoeuvre, stayed on his trajectory, was not responsible for the Collision, and could not have avoided it, as starts are more prone to race incidents. Contrary to the erroneous assertion in the Stewards' Decision, the Appellant had no "intention" to cause the Collision (which, moreover, was very slight) or to gain an advantage.
- (v) Referring to two Formula 1 cases, the Appellant argued that the accident should not have led to a sanction.
- (vi) Alternatively, if the conduct of the Appellant nevertheless were to be found to demonstrate an unintentional fault, even if it does not qualify as an infraction of Appendix L Chapter V of the Off-Road Circuits Code of Conduct Article 2, as demonstrated above, it should be noted that the penalties that would apply would not include a black flag resulting in his being placed last in the Race (which the Appellant characterised as a "disqualification"). According to the Appellant, it was a well-established jurisprudence that a black flag is only waved exceptionally and in extremely serious cases. The Appellant thus argues that the Court should take into account the circumstances of the case and the principle of proportionality and apply a milder penalty like a time penalty or a lesser loss of position.

38. The FIA contends in its Grounds in response the following:

- (i) As per Article 11.10 of the Code, the decision to stop any automobile lies with the Race Director and it is thus clear that the decision to show a black flag to a driver equally falls within the powers of the Race Director, as it has the same result: the stopping of a car during a practice session or a race.
- (ii) The Championship is not an on-circuit discipline, but an off-road discipline. As such, Article 2.5.4.1 d) of Appendix H to the Code does not apply to the Championship and, as a consequence, to the Competition. Instead, Article 3.2.3 ii) of Appendix H to the Code, which governs off-road disciplines, is applicable to the Championship and such article grants full power to the "Clerk of the Course", under the ultimate authority of the Race Director to show a black flag.



- (iii) Article 12.2 par. 5 of the Sporting Regulations of the Championship (SR) assigns the specific responsibility to show a black flag to a Driver to the Race Director, who has to confirm the decision to use a black flag in writing to the Driver. The FIA produced with its Grounds in response various precedents where a race director used a black flag.
- (iv) In the RD Decision, the Race Director provided the reason leading to the black flag penalty. The SR did not require him to indicate the exact provision which had been breached.
- (v) The Appellant's manoeuvre during the Segment, after the start of the Race ("the Manoeuvre"), constituted a breach of Article 2 b), Chapter V of Appendix L to the Code. Car A did indeed position itself on a trajectory that headed straight towards the track's right edge and, in doing so, Car A left the grid heading to the right and continued racing to the track's right edge on the gravel section, not respecting the initial distance between cars on the grid. During the Manoeuvre, the Appellant crowded Car B by consistently driving to the right, without respecting the minimum distance of one Cross Car with the edge of the track, until both cars made contact and Car B was pushed into the barrier. As a result, Car B lost speed, and the cars of other competitors overtook it.
- (vi) The Appellant himself acknowledged – during the hearing that took place with the Stewards and the Race Director – that "(...) *because of the soft surface of the track (...) he drove into the right side of the track until he touched by the right rear wheel the left front wheel of [Car B] (...)*".
- (vii) The contact between Car A and Car B, undoubtedly, resulted in a lasting advantage for the Appellant, both after the Collision and at the end of the Race, as Car A was provisionally classified first.
- (viii) The Appellant had not provided any telemetry data, nor any other sort of evidence, in support of his allegation that Car A was faster than Car B before the Collision. Therefore, the Appellant's allegation that one car was faster than the other was to be disregarded. However, even if Car A had been faster than Car B, it would only have had priority on Car's B racing line if the former could have overtaken the latter without causing any contact.
- (ix) A review of the relevant videos of the Race showed that Car B was safely driving on its racing line alongside the barrier of the track's right edge, while Car A consistently drove towards the right and onto Car B's racing line, leading to the Collision.

- (x) The F1 precedents mentioned by the Appellant were irrelevant because (1) Car B had no space to manoeuvre, unlike Lewis Hamilton in the F1 precedent No. 1 mentioned by the Appellant, and the Appellant did not drive in an adequate and reasonable manner as found by the Stewards in the case of Sébastien Ocon in the F1 precedent No. 2 mentioned by the Appellant, and because (2) F1 and Autocross are different motorsport disciplines. Whereas F1 is an on-circuit discipline, Autocross is an off-road circuit discipline and, consequently, different codes of driving conduct apply to them. Chapter IV of Appendix L to the Code applies to F1 while Chapter V of Appendix L to the Code applies to Autocross.
- (xi) Three different aggravating circumstances applied to the manoeuvre perpetrated by the Appellant, namely the Appellant not only caused a contact between Car A and Car B, but also a serious contact between Car B and the barrier, all resulting in a lasting advantage for the Appellant.
- (xii) The seriousness of the sanction should equally serve to deter future breaches and to ensure fairness in the Championship, which secures the same level playing field for all drivers and competitors participating in the Championship.
- (xiii) Contrary to his submissions, the Appellant was not disqualified but classified last in the Race. Consequently, he scored 11 points for his 10th position.
- (xiv) In view of the decisions mentioned in its Grounds in response, the FIA highlighted that if breaches such as the one caused by the Appellant occur (i.e., manoeuvres liable to hinder other drivers, like deliberate crowding of a car beyond the edge of the track, pushing or other contact resulting in a lasting advantage), a black flag penalty and not a warning is imposed on the responsible driver.

### ***b) Applicable Regulations***

- 39. The applicable rules are the FIA Regulations in force at the time when the Competition took place, namely between 28 and 30 June 2024.
- 40. As a result, the applicable regulations relevant to the merits of the present case are the 2024 Edition of the Code and the 2024 edition of the SR (collectively referred to as “the Regulations”).
- 41. As to the Procedural Rules, and since the Notification of appeal was filed on 4 July 2024, the applicable regulations are the 2024 Edition of the FIA JDR. As determined under Articles 14.2 and 14.4 JDR, French law applies to the present proceedings on a complementary basis.
- 42. Neither the Appellant nor the FIA dispute the above.

**c) Conclusions of the Court**

43. Having carefully considered the written submissions presented by the Parties, and the oral pleadings and evidence addressed at the hearing, the Court rules as follows.

a. On the question of the right use of the black flag and other procedural issues raised by the Appellant

44. Article 11.10. of the Code reads as follows in its relevant parts:

*"ARTICLE 11.10 DUTIES OF THE RACE DIRECTOR (APPLICABLE FOR CIRCUIT RACES ONLY)*

*(...)*

*11.10.1 A race director may be designated for the entire duration of each Championship, cup, trophy, challenge or series.*

*11.10.2 The clerk of the Course shall work in permanent consultation with the race director.*

*11.10.3 The race director shall have overriding authority in the following matters and the clerk of the Course may give orders in respect thereof only with his express agreement:*

*(...)*

*11.10.3.b The stopping of any Automobile in accordance with the Code or sporting regulations.*

*(...)*

*11.10.4 If it is necessary for his duties and responsibilities to differ from the above, these duties will be set out in the relevant sporting regulations."*

45. Article 1.2 of Appendix H to the Code provides that *"all these operations should at all times be under the ultimate control of the Clerk of the Course. Whenever a Race Director of a championship or series is officiating at a competition, it is understood that during the practice sessions and races for that championship or series the Clerk of the Course and the safety operations are under the ultimate authority of the Race Director."*

46. Article 3.2.3 ii) of Appendix H to the Code, which governs off-road disciplines as the Competition reads as follows:

*“ii) Red flag, black and white flag, black flag: the decision to show these 3 flags shall normally be taken by the Clerk of the Course.”*

47. Article 12.2 par. 5 of the SR provides that:

*“The reason for the decision to use the black and white and/or the black flag must be confirmed to the Driver and his Competitor in writing by the race director.”*

48. Based on all the above provisions, the Court finds that the Race Director was competent to show the black flag to the Appellant and that the Appellant’s submissions on that issue are rejected.
49. In addition to the above reason by the Court, during the hearing the Appellant ceased to challenge the entitlement of the Race Director to show a black flag.
50. The Court finds further that the RD Decision did provide sufficient reasons for showing the black flag to the Appellant and that article 12.2 par. 5 SR did not require that specific articles of the applicable Regulations be mentioned in the RD Decision. On this point as well, the Appellant’s submissions are rejected.
51. Yet the Court found during its deliberations that it was questionable whether a black flag could be waived after the Race.
52. The Race Director explained at the hearing that the Competition was too short and did not leave enough time to analyse the videos, take a decision and then waive the black flag before the end of the Competition. The Race Director explained that, when it came to such short competitions, it was his habit to wait until the end of it to waive the black flag.
53. The Court concluded that the question was irrelevant, as explained below.
54. It is undisputed that, according to article 11.9.1 of the Code, the Stewards had supreme authority for the enforcement of the Code and of the regulations of the FIA within the framework of the Competition.
55. As the Collision had been reported to them, the Stewards could issue their Decision independently from the RD Decision which had been previously issued and their Decision replaced the RD Decision.
56. Besides, the Appellant’s appeal was against the Decision issued by the Stewards, and not against the RD Decision.

57. Based on the above, the Court decides that the question whether the black flag procedure was correctly applied by the Race Director is totally irrelevant as it does not have any impact on the validity of the Decision.

*b. On the question of the Appellant's breach of the regulations*

58. The Court carefully reviewed the videos produced by the Parties and found that the Appellant had clearly infringed the Regulations, in that the Manoeuvre initiated by the Appellant constituted a breach of Article 2b), Chapter V of Appendix L to the Code, which reads as follows:

*2. "Overtaking, car control and track limits:*

*(...)*

*b) Overtaking, according to the circumstances, may be carried out on either the right or the left. A driver may not deliberately leave the track without justifiable reason. More than one change of direction to defend a position is not permitted. Any driver moving back towards the racing line, having earlier defended his position off-line, should leave at least one car width between his own car and the edge of the track on the approach to the corner.*

*However, manoeuvres liable to hinder other drivers, such as deliberate crowding of a car beyond the edge of the track or any other abnormal change of direction, are strictly prohibited. Pushing or other contact resulting in a lasting advantage is strictly prohibited.*

*Any driver who appears guilty of any of the above offences will be reported to the Stewards."*

59. As reflected in the videos shown during the hearing, as well as in the evidence produced by the Appellant himself, the Appellant, immediately after the start if not right at the start, dangerously narrowed the gap between his car and Car B. Because of this Manoeuvre, the driver of Car B, who did not commit any wrongdoing, was left in a situation where he could not avoid the accumulation of sand on the right side of the track, collide against Car A and then hit the barrier. Due notably to the accumulation of sand on the right side of the track, there was indeed no possibility for Car B to try and avoid Car A by moving further to the right side of the track. In other words, Car B had hardly any space left between the wall and the accumulation of sand on one side, and Car A on the other side. The Collision was inevitable and this was because of the dangerous Manoeuvre chosen by the Appellant from the very start of the Race. As the Appellant did not take a start good enough fully to overtake Car B before the point at which they made contact, he must be considered, given the above circumstances, as



exclusively responsible for the Collision which was caused by his dangerous Manoeuvre taken from the start.

60. The Appellant's Manoeuvre was clearly unpredictable as it was made from the start and that there was no time for Car B to react to it between the start and the Collision. In any event, as mentioned above, the Manoeuvre, even if it had been predictable, *quod non*, did not leave enough space to Car B.
61. This behaviour clearly breached the Code of Driving Conduct, which the Appellant could not ignore, having signed the Entry Form where he recognised having knowledge of the Regulations, and also due to the fact that the Appellant is an experienced driver who had in addition been made aware specifically of the Code of Driving Conduct just before the Competition.
62. The Code of Driving Conduct, as reflected in the Racing Director Event Notes submitted by the FIA, specifically outlines the behaviours that are forbidden when racing, i.e. not respecting other drivers' racing lines and causing a collision or forcing another driver off his racing line or off the track or into a wall.
63. The Court stresses that the Race Director had clearly warned the drivers about the terms of the Code of Driving Conduct, insisting on the fact that it was prohibited to close gaps significantly and to cause a collision "*hard side by side or back*" and to force another driver off his racing line or off the track or into a wall.
64. The Court stresses further that Article 2 b) of Chapter V of Appendix L to the Code provides that "*(...) manoeuvres liable to hinder other drivers, such as deliberate crowding of a car beyond the edge of the track (...) are strictly prohibited. Pushing or other contact resulting in a lasting advantage is strictly prohibited.*"
65. As Car B lost three positions because of the Appellant's manoeuvre, and eventually finished fourth when it was first before the Manoeuvre, there is no doubt that the Appellant won a lasting advantage against Car B's driver who was his direct rival in the Championship.
66. The Court also notes that the Appellant did not provide any evidence supporting his submissions on the alleged speed of Car B versus his Car A and the alleged lack of control of Car B by its driver. On the contrary, the Court finds that the videos showed clearly that, because of the Appellant's manoeuvre, Car B could not avoid the accumulation of sand and was pushed against Car A. What the Appellant characterises wrongly as a lack of control on the part of the driver of Car B was actually caused by the Appellant's manoeuvre. Those submissions must thus be rejected.

67. Besides, the Court refers to its constant jurisprudence, according to which the Stewards assess the situation and take their decisions immediately after the incidents on track, which grants them a strong, if not the best, position to interpret the incidents to form the basis of their decisions. Therefore, the Court considers that both national and international courts of appeal must exercise restraint when it comes to the pure assessment of a race incident and of the sanction imposed on a competitor by the Stewards (see notably ICA-2015-06, 18 December 2015, *Tsunami s.r.l.*, par. 39), unless the Court has access to additional materials, such as videos, which were not available to the Stewards (see notably ICA-2022-03, 4 July 2022, *Koski Motorsport*, par. 68).
68. However, in the present case the additional materials submitted to the Court do not comfortably satisfy it that the Appellant did not breach Article 2b), Chapter V, Appendix L to the Code.

c. On the proportionality of the sanction

69. Having found that the Appellant had breached the Regulations, notably Article 2b), Chapter V of Appendix L to the Code, the Court now comes to the proportionality of the sanction and stresses first that, contrary to what the Appellant submits, the latter was not disqualified from the Race but was classified in 10<sup>th</sup> position, which meant that he scored 11 points.
70. This being borne in mind, the Court finds that the Collision caused by the Appellant was legitimately sanctioned by the Stewards, as reflected in the various precedents provided by the FIA in similar cases.
71. The Court notes in particular that the SR provide for the possibility of issuing this sanction when the infringement caused the responsible driver to gain an advantage and/or caused a collision. In the present case, both situations occurred, namely the Appellant gained an advantage and caused a collision.
72. As to the F1 cases mentioned by the Appellant, the Court notes that the incidents were not similar and, more importantly, stresses that F1 is a different discipline which takes place on-circuit and cannot be compared to the case at stake.



73. Bearing in mind also that, according to the constant ICA jurisprudence, “*it is firstly to the Stewards to assess what sanction is appropriate and the court should review a sanction only when it has no regulatory basis and /or when it is obviously disproportionate*” (see notably ICA-2018-01, 4 May 2018, *M-Sport Ford World Rally Team*, par. 30), the Court concludes that there is no reason to decide on a milder sanction given the circumstances of this case.
74. The Court indeed found that the Manoeuvre constituted a serious breach of Article 2b), Chapter V of Appendix L to the Code, and that classifying the Appellant in last position was fully appropriate, given the danger caused by the Appellant due to the collision caused by the Appellant and, besides the collision itself, the lasting advantage gained by the Appellant, which *per se* are aggravating circumstances as mentioned under the SR.
75. In view of the foregoing, the Court thus concludes that the Decision must be upheld.

## VI. COSTS

76. Considering the outcome of the proceedings, the Court leaves it to the Appellant to bear all the costs.





**ON THESE GROUNDS,**

**THE FIA INTERNATIONAL COURT OF APPEAL:**

- 1. Declares the appeal admissible;**
- 2. Upholds Decision No. 1 dated 30 June 2024 of the Stewards of the competition held in Matschenberg counting towards the 2024 FIA European Autocross Championship;**
- 3. Orders the competent Sporting Authority to draw, as appropriate, the consequences of this ruling;**
- 4. Awards the costs against the Appellant, in accordance with Article 11.2 of the Judicial and Disciplinary Rules of the FIA, to be calculated by the General Secretariat of the Courts and notified later on;**
- 5. Rejects all other and further conclusions.**

**Paris, 21 November 2024**  
**The President**

**Luigi Fumagalli**