



**INTERNATIONAL COURT OF APPEAL (ICA)**

**of the**

**FEDERATION INTERNATIONALE DE L'AUTOMOBILE**

**Appeal brought by 778 Auto Sport**

**against**

**Decision No. 001/2024, dated 6 December 2024, of the National Court of Appeal of the Automobile General Association Macao-China ("AAMC") in the framework of the 2024 Greater Bay Area GT Cup at the Guia Circuit in Macao, China**

**Case ICA-2024-15**

**Hearing of 12 March 2025**

**Decision of 19 March 2025**



The FIA INTERNATIONAL COURT OF APPEAL (“the Court” or “the ICA”), which comprised Mr Rui Botica Santos (Portugal), who was designated President, Mr Michele Corradino (Italy), Mr Jaromir Bláha (Czech Republic) and Mr Felipe Zeraik (Brazil), held a hearing at the Fédération Internationale de l'Automobile, 8 place de la Concorde, 75008 Paris, on Wednesday, 12 March 2025.

No objections were raised regarding the composition of the Court, nor was any request submitted for the recusal of any judge.

Prior to the hearing, the Court received and considered submissions and attachments thereto made by 778 Auto Sport (“the Competitor” or “the Appellant”), the Automobile General Association Macao-China (“the Respondent” or “the AAMC”), as well as the Fédération Internationale de l'Automobile (“the FIA”) as a third party (the three of them collectively referred to as “the Parties”).

The following persons attended the hearing:

On behalf of the Appellant, 778 Auto Sport:

Mr Serge Wilinski, Legal Counsel  
Mr Pak Lai Lo (Witness) (via videoconference)

On behalf of the Respondent, AAMC:

Ms Chu Miu Lai, Secretary of the Meeting for the 71 Macau Grand Prix  
Mr Diamantino Augusto Torrado, Public Relations Supervisor  
Mr Thomas Clay, Legal Counsel  
Mr Taha Zahedi Vafa, Legal Counsel  
Mr Nandakumar Srivatsa, Legal Counsel  
Mr Patricio Grané, Legal Counsel (via videoconference)  
Ms Deirdre Marie Jones, Legal Counsel (via videoconference)  
Mr Léonard Clay, Legal Counsel  
Mr Jorge Neto Valente, Legal Counsel (via videoconference)  
Mr Rui Sousa, Legal Counsel (via videoconference)  
Mr Alexandre Sio, Legal Counsel (via videoconference)  
Ms Pou I Ao Leong, Legal Counsel (via videoconference)

On behalf of the Third Party, the FIA (via videoconference):

Ms Alejandra Salmerón García, Head of Regulatory  
Ms Prisca Mauriello, Senior Legal Counsel

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 12 March 2025, 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. None of the Parties raised any objections, in relation either to the composition of the Court or to the manner in which the proceedings and the hearing were conducted, notably concerning the respect of the adversarial principle or the simultaneous interpretation.

## I. REMINDER OF THE FACTS

1. The 2024 Greater Bay Area GT Cup (“the Competition”) is a Restricted International Competition as set out under Article 6.1 of the Sporting Regulations of the Competition (“the SR”). The Competition is sanctioned by the AAMC and organised by the Macau Grand Prix Organising Committee, as indicated under the “Foreword” of the SR. The Competition was held from 14 to 17 November 2024 at the Guia Circuit, in Macao. It was composed of a practice session, a qualifying practice session and a race.
2. Mr Ka Chun LO was registered as the driver (“the Driver”) of the Competitor’s car No. 14 (“the Car”). After the race run on 17 November 2024 (“the Race”), the stewards of the Competition (“the Stewards”) issued a decision (“the Stewards’ Decision”), imposing a 30-second time penalty on the Driver as the Car was found not resting on its wheels at the three-minute mark, which constituted a breach of Article 31.6 of the SR (“the Breach”). As a consequence of the Stewards’ Decision, the Driver – who had initially obtained 1st position in the Race – was ultimately demoted to 4th position in the overall classification.
3. The Stewards’ Decision was posted on 17 November 2024 at 17:58 (Macao time) with, in essence, the following content:

*“The Stewards, having received Judge of Fact, interviewed the team representative, considered the following matter, determined a breach of the regulations has been committed by the competitor named below, and have decided to impose the following penalty:*

*N°/Driver : #14/ (...) LO Ka Chun*

*Competitor : 778 Auto Sport*

*Session : Race*

*Time : 14:25*

*Fact : During the start procedure, Car #14 was found not resting on its wheels at the three-minute mark*

*Offence : Breach of Article 31.6 of the 2024 MACAU GREATER BAY AREA GT CUP (GT4) Sporting Regulations.*



*Decision : 30 seconds time penalty.*

*The Competitor is reminded that (...) the decision is final."*

4. On the same day, the Appellant lodged a notice of intention to appeal ("the Appeal Form"), which was officially received by the AAMC at 19:29 (Macao time), as recorded in the issued receipt ("the Intention to Appeal").
5. On 21 November 2024 at 11:10 (Macao time), the AAMC received an email from the Appellant, addressed to both the Race Director and the Stewards. This email included a letter, dated 20 November 2024 and to the same addressees, detailing the grounds for the appeal.
6. On 6 December 2024, the National Court of Appeal of the AAMC ("the NCA") issued a decision ("the NCA Decision"). The NCA considered the appeal inadmissible, as the Intention to Appeal had not been lodged within one hour of the publication of the Stewards' Decision, as required under Article 13.10 SR and Article 15.4.2.a of the FIA International Sporting Code ("the Code").

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

7. On 10 December 2024, the Appellant lodged an appeal against the NCA Decision before the ICA ("the Appeal"), in accordance with Article 15.2 of the Code and Article 10.4.1 lit. b.) of the FIA Judicial and Disciplinary Rules ("JDR") (2024 edition – the correlative in the 2025 edition of the JDR is Article 10.6.1 lit. b).
8. On 17 January 2025, the Appellant filed its Grounds of Appeal and, on 20 January 2025, sent to the ICA an additional set of documents including a so-called "Skeleton Submission".
9. On 23 February 2025, the FIA filed its Written Observations.
10. On 24 February 2025, the Respondent filed its Grounds in Response.
11. During the course of the proceedings and before the hearing, the President of the Hearing issued 3 procedural decisions ("the Procedural Decisions") whereby:
  - (i) the FIA could attend the hearing remotely (Procedural Decision No. 1);
  - (ii) the Appellant could not attend the hearing remotely (Procedural Decision No. 2);
  - (iii) the Appellant's witness could attend the hearing remotely (Procedural Decision No. 3).



12. Reference is made to the full Procedural Decisions with respect to the grounds put forward by the President when issuing those 3 Procedural Decisions.
13. During the hearing held on 12 March 2025, the Court heard the Parties and the Appellant's Witness, who, in essence, confirmed the statements made in the Appellant's Written Submissions and their appendices.

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

14. The Appellant asks the Court to set aside the NCA Decision and to *"allow the Appeal on the merits"*.
15. In its Grounds in Response, the AAMC asks the Court *"to dismiss the Appeal"* and *"to order the Appellant to reimburse AAMC, with interest, all of the costs incurred by AAMC in connection with these proceedings, on a full indemnity basis, including the fees and costs of its counsel"*.
16. The FIA, in its Written Observations, states that the intention to appeal was not lodged pursuant to the principles of the FIA International Sporting Code ("the ISC"), notably as regards its form and time, and must be deemed inadmissible. Moreover, even if the appeal had been properly lodged in the required form and within the deadline, time penalties remain non-appealable, as the ICA has routinely acknowledged.

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

17. The Court notes that neither the Respondent nor the FIA disputes that the appeal has been brought in accordance with the provisions of the JDR and, for this reason, considers that the appeal should be deemed admissible.
18. The Court also considers that it has jurisdiction to hear this appeal.
19. Therefore, the Court deems the appeal before it admissible.



## V. ON THE SUBSTANCE

### ***On the admissibility of the appeal brought by the Appellant before the NCA***

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

20. The Appellant puts forward in essence the following grounds in support of the admissibility of its appeal before the NCA:

- (i) On the day of the Race, at 18:49, after consulting members of the racing team, the Appellant's representative, Mr Zhang, came to the Stewards' office and officially notified two staff members of the Appellant's intention to appeal against the Stewards' Decision;
- (ii) This intention to appeal was filed orally and allegedly accepted by the two staff members, who provided Mr Zhang with an appeal form and asked him to pay a sum of MOP 60,000, in accordance with Article 13.11 SR ("the Appeal Deposit");
- (iii) As the "oral intention to appeal" was allegedly "*accepted unconditionally*" within the one-hour deadline, the Appellant claims that it met such deadline;
- (iv) The acceptance of the Appeal Deposit should also be regarded as a formal acknowledgement of the "intention to appeal".
- (v) If the Court should decide that the appeal before the NCA was inadmissible, then the sum of MOP 60,000 should be paid back to the Appellant.

21. The AAMC contends in its Grounds in Response, in essence, the following:

- (i) Oral intentions to appeal are inadmissible according to Articles 13.10 SR and 15.4.2 of the Code, which require an intention to appeal to be filed in writing in order to be valid;
- (ii) The attitude of the two staff members who provided the Appellant with an intention to appeal form confirms simply that an intention to appeal must be filed in writing and does not at all mean that the AAMC accepted that the "oral intention to appeal" made by the Appellant was valid;
- (iii) The receipt of the Intention to Appeal form and of the Appeal Deposit after the one-hour deadline does not mean that the Intention to Appeal was admissible, and the Appellant itself admits that it filed the form outside the one-hour deadline.



22. The FIA contends in its Written Observations, in essence, the following:

- (i) The Appeal Deposit receipt was received by an AAMC official at 19:29 and there is no other document providing information as to the moment when the Intention to Appeal was lodged.
- (ii) According to the applicable regulations, an Intention to Appeal must be filed in writing and the Appellant admits that it did not file a written Intention to Appeal within the one-hour deadline.
- (iii) The AAMC representatives, even if it were admitted that they showed that they accepted the “oral intention to appeal”, may not decide on the admissibility of an appeal. In other words, they cannot amend the applicable regulations, which have to be strictly applied by the NCA and the ICA.
- (iv) Article 13.12 SR provides that appeals may not be made against a decision concerning a penalty imposed under Articles 12.4 a) to f), including those imposed during the last three laps or after the end of the race, as well as against a penalty imposed under Article 31.6 or Article 35.3 SR. Article 12.4 provides in particular that *“if any of the penalties referred to in a) b) c) d) e) or f) above are imposed, they shall not be subject to appeal.”*
- (v) The Breach, as acknowledged by the Stewards, violated Article 31.6 of the SR. Consequently, the Stewards imposed a 30-second time penalty. A time penalty is a sanction foreseen under Article 12.4 c). According to Articles 12.4 and 13.12 SR, in relation with Article 12.3.4 of the Code, the penalty imposed by the Stewards was thus not subject to appeal. This is even mentioned in the Stewards’ Decision itself: *“The Competitor is reminded that [...] the decision is final”*.

**b) Applicable Regulations**

23. The applicable regulations relevant to the present case are the 2024 edition of the Code and the 2024 edition of the SR.

24. As determined under Articles 14.2 and 14.4 of the Judicial and Disciplinary Rules (“the JDR”), French law applies to the present proceedings on a complementary basis.



25. As to the JDR, the Notification of Appeal was filed on 10 December 2024, whereas some modifications to the JDR rules came into effect as from 1<sup>st</sup> January 2025. Insofar as, under French law, new procedural rules are applicable immediately, the 2025 edition of the JDR took over as from 1<sup>st</sup> January 2025, unless there was an obvious impossibility to do so or if fairness would be affected by proceeding in that way.
26. Neither the Appellant nor the Respondent nor the FIA disputes the above.

**c) Conclusions of the Court**

*c.1 Admissibility of Evidence*

27. As a preliminary matter, the Court notes that on 10 March 2025, the AAMC submitted a document containing the full and complete version of the Appeal Form, filed by the Appellant on 17 November 2024 (“the Complete Document”). The AAMC produced the Complete Document on the grounds that the Appellant had not submitted the complete document referenced in Exhibit 8 of its Grounds of Appeal, and that it understood that the Appellant had requested such production from AAMC under para. 21 of the Grounds of Appeal.
28. The Appellant challenged the admissibility of the Complete Document, arguing that “*it contravenes the ICA timetable issued on 16 December for the submission of evidence to the Court*”. Furthermore, the Appellant states that the AAMC’s interpretation of para. 21 of the Grounds of Appeal was incorrect, and requests that the Court either: (i) allow both parties to submit additional evidence within a specified period and postpone the hearing; or (ii) reject the Complete Document submitted by the AAMC. The FIA did not request the rejection of the Complete Document, but emphasised that the conditions set out in Article 10.8.3 of the JDR are not met, as only “*new circumstances*” or “*exceptional circumstances*” justify its admission.
29. The Court decided to admit the Complete Document, as it does not constitute “*new evidence*” *per se*. It is simply the full version of the Appeal Form, which the Appellant had previously submitted in an incomplete version (only the first page was produced). Given its fundamental importance to the analysis and resolution of this case, the Appeal Form should have been submitted in its entirety with the Grounds of Appeal. Therefore, the Court considers the admission of the Complete Document not as the introduction of new evidence, but rather as the completion of an already submitted document.



c.2 Decision

30. The Court begins by emphasising that the Appeal seeks to review the NCA Decision, which rejected the admission of the challenge of the Stewards' Decision before the NCA due to non-compliance with the procedure requiring the written submission of the intention to appeal within one hour of the publication of the Stewards' Decision, as well as its review on the merits. The Appeal does not concern any allegation of error, inaccuracy, or falsification regarding the time recorded on the Appeal Form as the time of its submission.
31. Having carefully considered the written submissions presented by the Parties, and the oral pleadings and evidence addressed at the hearing, as well as the testimony of the Appellant's witness, the Court rules as follows.
32. Articles 13.10 SR and 15.4.2 of the Code read as follows:

Article 13.10 SR:

*"[Competitors, Drivers who are addressees of a stewards' decision or that are individually affected by such decision] must, however, under pain of forfeiture of their right to appeal, notify the stewards in writing of their intention to appeal within one hour of the publication of the decision (ISC- Art. 15.4.2 a)".*

Article 15.4.2 lit. a of the Code:

*"[Competitors, Organisers, Drivers or other licence holders that are addressees of a stewards' decision] must, however, under pain of forfeiture of their right to appeal, notify the stewards in writing of their intention to appeal within one hour of the publication of the decision."*

33. Based on the clear wording of the articles quoted above, the Court finds that the Intention to Appeal before the NCA must be made in writing, that failure to do so is expressly sanctioned "*under pain of forfeiture*", and that an Intention to Appeal notified orally is therefore inadmissible.
34. The Court finds further that the Appellant cannot find any recourse regarding the alleged attitude – in any case not proven - of the AAMC staff members that they have accepted an "oral intention to appeal". First, the latter do not have the authority to disregard the clear requirements set under Articles 13.10 SR and 15.4.2 of the Code and simply accept an "oral intention to appeal" when the rules clearly require a statement made in writing. Second and foremost, it is the Appellant's responsibility to know and abide by the rules, in particular when it comes to a Competitor with many years of experience, bearing in mind that the rule at stake is a very common and well-known one within motor sport.



35. Given that it is undisputed that the Appellant did not file the Intention to Appeal in writing within the one-hour deadline set by the applicable regulations, the Court finds that the NCA Decision must be upheld.
36. In light of the previous determination that the Intention to Appeal was not submitted in writing within the required one-hour deadline, all other issues raised by the Appellant or the FIA, including those concerning the merits, are rendered moot and will therefore not be examined by the Court.
37. Regarding the argument raised by the Appellant that, should the appeal before the NCA be confirmed as inadmissible, the sum of MOP 60,000 should then be reimbursed to it, the Court notes that deposits paid in view of an appeal are not linked to its admissibility. A procedure was opened with the notification of the appeal before the NCA and the deposit was used to cover the costs of such procedure, regardless of its outcome. The Appellant's claim on this issue shall thus be rejected.

## VI. COSTS

38. Considering the outcome of the proceedings, the Court leaves it to the Appellant to bear all the costs.
39. As both the Appellant and the Respondent requested, either in their written submissions or at the hearing, that expenses or legal defence fees be allocated to the prevailing party, the Court reminds the Parties that according to Article 11.2.1 JDR: "*The costs do not include the expenses or legal defence fees incurred by the Parties.*" Their requests shall therefore be dismissed on that ground.



**ON THESE GROUNDS,**

**THE FIA INTERNATIONAL COURT OF APPEAL:**

- 1. Declares the appeal before the ICA admissible;**
- 2. Dismisses the appeal lodged by 778 Auto Sport;**
- 3. Upholds Decision No. 001/2024, dated 6 December 2024, of the National Court of Appeal of the Automobile General Association Macao-China (“AAMC”);**
- 4. Orders the competent Sporting Authority to draw, as appropriate, the consequences of this ruling;**
- 5. Orders the Appellant to bear the costs, 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 in due course; and**
- 6. Rejects all other and further conclusions.**

**Paris, 19 March 2025**

**The President**

**Rui Botica Santos**