



INTERNATIONAL COURT OF APPEAL (ICA)

of the

FEDERATION INTERNATIONALE DE L'AUTOMOBILE

Appeal brought by Ferrari AF Corse

against

Decision No. 80 dated 12 May 2024 of the Stewards of the 6 hours of Spa-Francorchamps (Belgium) counting towards the 2024 FIA World Endurance Championship

Case ICA-2024-06

Hearing of 3 September 2024

Decision of 10 September 2024



The FIA INTERNATIONAL COURT OF APPEAL (“the Court”), which comprised Mr Nish Shetty (Singapore), who was designated President, Mr Xavier Bone (Spain), Mr Tomas Borec (Slovakia) and Mr Mark Kletter (Austria), held a hearing at the FIA offices in Geneva on Tuesday, 3 September 2024.

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

Prior to the hearing, the Court received and considered submissions and attachments thereto made by Ferrari AF Corse (“the Appellant”) and the FIA (“the Respondent”), as well as by the Third-Parties Hertz Team JOTA (“JOTA”) and Porsche Penske Motorsport (“Porsche Penske”) (collectively referred to as “the Parties”).

The following persons attended the hearing:

On behalf of the Appellant, Ferrari AF Corse:

Mr Battistino Pregliasco, Team Manager

Mr Nigel Tozzi, Legal Counsel

Mr Andrea Fioravanti, Legal Counsel

On behalf of the Respondent, FIA:

Ms Delphine Lavanchy, Senior Legal Counsel

Ms Prisca Mauriello, Senior Legal Counsel

Mr Alejandro Artiles, Legal Counsel

Mr Marek Nawarecki, Senior Circuit Sport Director

Mr Eduardo Freitas, World Endurance Championship Race Director & Circuit Inspector, Witness (via videoconference)

On behalf of the Third-Party, Hertz Team JOTA:

Mr Jaimie Champkin, Advocate, Regulatory Counsel & Disciplinary Officer, Motorsport UK

Ms Sian Woolley, Assistant Legal Counsel, Motorsport UK

On behalf of the Third-Party, Porsche Penske Motorsport:

Mr Ian Barry Dearing, Solicitor of the Senior Courts in England & Wales

Mr Steffen Höllwarth, Manager LMDh Trackside Operations

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 3 September 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. 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 FIA World Endurance Championship (“the Championship”) is organised by the FIA in cooperation with the Automobile Club de l’Ouest (“the ACO”) and Le Mans Endurance Management (“LMEA”). The first season was held in 2012.
2. The 2024 Championship is reserved for prototype cars (Hypercar) and GT cars (LMGT3). It comprises primarily a title of “FIA Hypercar World Endurance Champion” for Manufacturers and a title of “FIA Hypercar World Endurance Drivers’ Champion”. The “FIA World Cup for Hypercar Teams”, “FIA Endurance Trophy for LMGT3 Drivers” and “FIA Endurance Trophy for LMGT3 Teams” titles are also awarded.
3. The 2024 Championship is run over 8 Competitions. The 3rd Competition counting towards the Championship was the 6 Hours of Spa-Francorchamps, held in Belgium from 8 to 12 May 2024 (“the Competition”).
4. The Appellant is a team of AF Corse s.r.l., a company which first took part in the Championship in 2012 and has participated in it ever since in various categories (LMGTE AM, LMGTE PRO and Hypercar), in partnership with Ferrari.
5. On 16 November 2023, the Appellant entered the 2024 Championship, declaring:

“We confirm that we have read and understood the provisions of the International Sporting Code and its appendices and the applicable Sporting and Technical Regulations, and we agree, on our own behalf and on behalf of everyone associated with our participation in the 2024 Championship/Cup/Trophy, to observe and be bound by them (as supplemented or amended). We declare that we have examined this Entry Form and that the information given is true, correct and complete.”

“We confirm that we have read and understood all the regulatory provisions applicable to the Championship concerned and undertake to respect them. We undertake to provide all the documents required under Appendix 2 et seq. of the sporting regulations relating to the conditions of entry, as well as any other information and/or document deemed necessary by the FIA and/or its regulations.”



6. The Appellant entered Car No. 50, driven by Mr Antonio Fuoco, and Car No. 51 driven by Mr Alessandro Pier Guidi, to compete for the 2024 Hypercar Drivers' title.
7. On 20 November 2023, Ferrari S.p.A. entered the Championship to compete for the 2024 Hypercar Manufacturers' title, with Cars No. 50 and No. 51 of the Appellant, alongside seven other manufacturers.
8. During the Competition, Car No. 50 was driven by Mr Antonio Fuoco, Mr Miguel Molina and Mr Nicklas Nielsen, whereas Car No. 51 was driven by Mr Alessandro Pier Guidi, Mr James Calado and Mr Antonio Giovinazzi.
9. On 11 May 2024, the six-hour race ("the Race") started as scheduled and the green flag was waved at 13:01:04.
10. Following an incident, which took place at 17:11 CET between Car No. 2 and Car No. 31, ("the Incident"), the safety car was immediately deployed and the Race was then suspended shortly after, via a red flag, namely at 17:13:34, during lap 96, to make the necessary repairs and ensure that the track was safe before resuming the Race. At that time, Cars No. 51 and 50 were leading the Race with a 55 seconds lead on Car No. 12 of JOTA and Car No. 6 of Porsche Penske.
11. Car No. 12 of JOTA and Car No. 6 of Porsche Penske had pitted immediately before the red flag was raised to indicate that the Race was suspended.
12. During the suspension period, which lasted from 17:13 until 19:10, neither the Race nor the timekeeping was stopped, as stipulated in the relevant regulations.
13. At 18:49, the Stewards issued decision No. 71 and decided to resume the Race at 19:10, for 1 hour and 44 minutes. The teams were informed of the resumption time.
14. As soon as the Race resumed, the Appellant's cars pitted.
15. Decision No. 71 was then posted at 19:38 and an email was sent at 19:40 by the Stewards' secretary to all Team Managers to notify them of the publication of decision No. 71 on the virtual notice board. No intention to appeal was notified against decision No. 71 by anyone.
16. At 20:55, the chequered flag was shown to Hypercar No. 12 entered by Hertz Team JOTA after around 5 hours and 57 minutes of racing and 141 laps. Car No. 12 of JOTA went on to win the Race with more than a minute lead on the Appellant's cars, whereas Car No. 6 of Porsche finished 2nd, about 12 seconds behind JOTA's car.



17. At 21:46, the provisional classification was published (“the Provisional Classification”). Cars No. 50 and No. 51 held respectively the 3rd and 4th places.
18. At 22:03, the Appellant submitted a protest (“the Protest”) against decision No. 71 and against the Provisional Classification, posted at 21:46.
19. The Appellant was summoned by the Stewards at 22:28 and a hearing was held at the Stewards’ office where the Appellant’s representative, Mr. Battistino Pregliasco, was heard.
20. During the hearing, the Appellant confirmed that the Protest was lodged against decision No. 71 and “consequently” against the Provisional Classification.
21. After having heard the Appellant, the Stewards rendered decision No. 80 on 12 May 2024 at 00:12 (“the Decision”) rejecting the Protest, notably on the following ground:

“A Stewards’ decision cannot be the subject of a protest under article 13.2.1 of [the] FIA International Sporting Code”.
22. The Decision was received by the Appellant on 12 May 2024 at 00:12 and posted at 00:38.
23. At 00:45, the final classification of the 6 Hours of Spa-Francorchamps (“the Final Classification”) was posted, confirming the Provisional Classification.
24. At the same moment, the Appellant notified its Intention to appeal the Decision.

II. PROCEDURE BEFORE THE COURT

25. On 15 May 2024, the Appellant filed its Notification of appeal against the Decision and notified its Grounds for appeal on 1 July 2024.
26. On 29 May 2024, by Procedural Decision No. 1, the President of the Hearing decided that, given that the Paralympic Games were being held in Paris on the date of the hearing, it would be relocated to Geneva (Switzerland).
27. On the same day, by Procedural Decisions No. 2 and No.3, the President of the Hearing granted the requests, respectively submitted by JOTA on 24 May 2024 and by Porsche Penske on 27 May 2024, and decided that JOTA and Porsche Penske would be considered as Third-Parties and would be permitted to submit written submissions and to present oral observations at the hearing. Still on 29 May 2024, the President of the Hearing rejected by Procedural Decision No. 4, the request of Iron Lynx s.r.l. (“Iron Lynx”) to be granted the status of Third-Party.



28. On 5 June 2024, after having received a letter from Iron Lynx by which the latter was challenging the Procedural Decision No. 4, the President of the Hearing decided, by Procedural Decision No. 5, to suspend Procedural Decision No. 4 and to remotely hear Iron Lynx before the whole judging panel, in order for the latter to decide on Iron Lynx's request.
29. On 28 June 2024, after having heard Iron Lynx on 27 June 2024, the Court issued Procedural Decision No. 6, rejecting Iron Lynx's request and confirming Decision No. 4 of the President of the Hearing.
30. On 1st July 2024, the Appellant filed its Grounds for appeal.
31. On 12 August 2024 and on 13 August 2024 respectively, Porsche Penske and JOTA filed their Written observations.
32. On 16 August 2024, the FIA filed its Grounds in response.
33. During the hearing held, the Court heard the Parties, which in essence confirmed the statements made in their Written observations and their appendices.

III. REQUESTS OF THE PARTIES

34. In essence, the Appellant asks the Court to set aside the Decision and to replace the Final Classification with a new classification "*based on the positions of the cars in the Race at the time of the red flag which lasted until the expiry of the 6h race time set in Appendix 1 of the Race.*" and to issue an award in respect of its costs against any party which opposes its appeal.
35. 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").
36. In their Written observations JOTA and Porsche Penske ask in essence for the Court to dismiss the appeal.

IV. ADMISSIBILITY OF THE APPEAL BEFORE THE COURT

37. The Court notes that the Appellant brought its appeal in accordance with the provisions of the 2024 JDR.
38. The Court also considers that it has jurisdiction to hear this appeal.
39. Therefore, the Court deems the appeal admissible, which is undisputed.

V. ON THE SUBSTANCE

a) *Arguments of the Parties*

40. The Appellant puts forward in essence the following grounds in support of the appeal:

- (i) The Appellant explains first that decision No. 71 relied on Article 14.3.1 of the 2024 Sporting Regulations of the FIA World Endurance Championship (WEC) (“WEC SR”), which is unambiguous in the sense that the Stewards may modify the race time set but not exceed the time of the Competition provided for in Appendix 1 of the Competition, which sets the race duration at 6 hours.
- (ii) The Appellant then contends that the Stewards extended the 6 hours race time to 7 hours and 54 minutes and that, by doing so, they breached the WEC SR.
- (iii) When it comes to its right to protest, the Appellant claims that it was authorised to protest against decision No. 71 on the basis of Article 7.2.6 of the WEC SR and of Articles 13.2.1 and 13.7 (*a contrario*) of the International Sporting Code (“the Code”), so that, to the Appellant’s view, the rejection of its protest through decision No. 80 was wrong.
- (iv) Coming now to the fairness of the Decision, the Appellant argues that the pit stop timings and the tyres used show that all teams were racing on the basis of similar strategies so that the extension of the duration of the Race could not be justified by sporting fairness. The Appellant adds that its cars were 55 seconds in front of the Porsche’s cars which were running in 5th and 6th positions before the red flag was raised. The Appellant claims further that only the Porsche’s cars benefited from the alleged extension of the Race, which offered them “on a plate” the opportunity to finish 1st and 2nd as they were the only cars which pitted immediately before the red flag.
- (v) This situation put Ferrari team 34 points behind Porsche in the FIA Hypercar World Endurance Manufacturers’ Championship classification, instead of 4 points behind, would the Stewards’ decision to extend the Race had not been taken.
- (vi) The Appellant finally refers to the case ICA-2023-03 *Torcello Optimum* and stresses that (i) the amendment or annulment of the Final Classification has no impact on the next races of the Championship, (ii) the Stewards’ decision was not issued hastily, (iii) the Stewards had time to verify whether they were entitled to extend the Race, and (iv) the concept of sporting fairness cannot be used each time there is a breach of regulations on the Stewards’ side.



41. The FIA contends in its Grounds in response, in essence the following:

- (i) According to the FIA, a correct reading of Article 13.2.1 of the Code means that a Stewards' decision cannot be protested, only appealed against. The FIA submits that not only the Decision cannot be protested, but that in any case the Appellant did not meet the requirements set by Article 13.7 of the Code to validly file a protest.
- (ii) The FIA stresses further that the JDR do not cover the procedures linked to protests.
- (iii) As the Decision rejects a protest against decision No. 71 and as the Appellant does not seek to overturn the Decision by claiming that the protest should have been admitted, the FIA argues that the Decision is actually final and binding.
- (iv) The FIA then explains that the Appellant's Grounds for appeal do not make any reference to the Decision itself, but focuses on decision No. 71 and that the Appellant, who is well aware of the rules applicable to appeal procedures, must face the consequences of its decision.
- (v) Coming to the Provisional Classification, the FIA argues that as the Appellant had confirmed that it had filed its protest against decision No. 71 and "*consequently*" against the Provisional Classification, this shows that the Appellant tried with its protest, and tries with this appeal, to challenge decision No. 71 which is final and binding, which should lead to the rejection of the appeal.
- (vi) The Court should focus on the object of the Decision which is clear, namely the rejection of a protest against a Stewards' decision which cannot be the subject of a protest.
- (vii) The FIA then explains that the Appellant's reference to Article 13.7 of the Code is groundless and that the subjects listed at Article 13.2.1 are exhaustive, which leaves no room to additional situations, where Stewards' decisions could be protested.
- (viii) The FIA adds that the Appellant is not seeking the annulment of the Decision but seeks the annulment of the Final Classification which is allegedly not the object of the Decision.
- (ix) According to the FIA, if the Court considered that the Decision was not correctly issued, the case would then have to be sent back to the Stewards for their review and issuance of a new decision.



- (x) When it comes to the correctness of decision No. 71 issued by the Stewards, the FIA claims that the Stewards were allowed to proceed as they did on the basis of Article 14.3.1 of the WEC SR and of Article 11.9 of the Code. The FIA refers further to the historical background of Article 14.3.1, namely the 2013 Fuji Competition which led to the introduction of paragraph 9 of Article 14.3.1 WEC SR in 2014, and explains that decision No. 71 fulfilled the requirements set in this paragraph, notably when it comes to the safety of the Race.
 - (xi) The FIA then emphasizes that, when a race is interrupted, the red flag period cannot be considered as part of the race duration. As no official report indicates anything more than a 6 hours duration of the Race, the Appellant cannot claim that the Race lasted 7 hours and 44 minutes.
 - (xii) Furthermore, the FIA explains that the Appellant's cars were in top position when the red flag was raised because they had made only 3 pit stops whereas 9 out of the 15 cars in competition had already made four or five pit stops. So, to the FIA's view, it is very natural that the Appellant's cars lost their positions when the Race resumed. The FIA claims that, in any event, the Appellant has failed to provide any evidence to support its assertion that its cars would have maintained their leading positions in the Race if it had resumed for 11 minutes only. Thus, the principle of sporting fairness would allegedly be undermined if the Appellant's cars were reinstated in the positions they held in lap 96.
 - (xiii) Eventually, the FIA stresses that according to Article 14.4.5 of the WEC SR, "*when a Race cannot be resumed, the results are taken as they stood at the end of the penultimate lap before the lap during which the signal to suspend the race was given.*" The FIA thus contends that the relevant lap would be lap 95, which differs significantly from lap 96, and that granting the Appellant's requests for relief would breach Article 14.4.5 of the WEC SR.
42. The Third-Party JOTA puts forward in its Written Observations, in essence the following:
- (i) Decisions of the Stewards cannot be subject to protests.
 - (ii) Protests are directed against competitors or a race official.
 - (iii) In any event, the Stewards were competent to issue decision No. 71, which did not extend the effective duration of the Race but only "*altered the hours between which the 6 hours race would take place.*"



43. The Third-Party Porsche Penske contends in its Written Observations, in essence the following:
- (i) Decisions of the Stewards cannot be subject to protests and would it be the case, it would lead the Stewards to judge their own case, which would breach the principle *nemo judex in causa sua*.
 - (ii) The Appellant sets out no grounds other than in relation to decision No. 71 as to why the Provisional Classification is not correct. Decision No. 71 was regularly made, has not been the subject of either appeal or request for review and is not susceptible to challenge by protest.
 - (iii) The remedy sought by the Appellant is contrary to Article 14.4.5 of the WEC SR which provides that if the race cannot be resumed, the results will be taken as they stood at the end of the penultimate lap before the lap during which the signal to suspend the race was given.

b) Applicable Regulations

44. The applicable rules are the FIA Regulations in force at the time when the Competition took place, namely on 11 May 2024.
45. As a result, the applicable regulations relevant to the merits of the present case are the 2024 Edition of the FIA International Sporting Code (“the Code”) and the 2024 WEC SR (collectively referred to as “the Regulations”).
46. As to the Procedural Rules, and since the Notification of appeal was filed on 15 May 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, notwithstanding Procedural Decision No. 1, according to which the hearing was relocated to Geneva, Switzerland.
47. Neither the Appellant nor the FIA or the Third-Parties dispute the above.



c) Conclusions of the Court

48. 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 scope of the Appeal

49. As expressly mentioned in the Notification of appeal, the Appellant directs its appeal against *“the decision No. 80 of the Stewards of the 6 hours of Spa”*. The Appellant further confirmed in its Grounds for appeal that the appealed decision is the *“Decision No. 80 taken on May 11, 2024 by the Stewards of the 6 hours of Spa-Francorchamps counting towards the 2024 FIA World Endurance Championship (WEC).”*

50. The Court therefore concludes that no appeal was filed against decision No. 71 of the Stewards and that the scope of the Appeal is limited by the framework of the Decision (No. 80).

51. As mentioned in the Decision, the Appellant confirmed before the Stewards that *“the protest is lo[d]ged against the Decision of the Stewards No. 71 and consequently against the provisional classification.”*

52. After having carefully reviewed Articles 13.2.1 and 13.7 of the Code, the Court finds that a decision of the Stewards cannot be protested and that only three ways are open to correct such a decision or to challenge it: the correction of a clerical error (art. 11.9.5 of the Code), the right of review (art. 14 of the Code) or the appeal (art. 15 of the Code).

53. The decisions of the Stewards are not included in Article 13.2.1 of the Code which exhaustively lists the cases which can be the object of a protest.

54. The Appellant’s submission regarding Article 13.7 of the Code must be rejected as this article does not consist in a list of inadmissible protests, which, subject to Article 13.2.1, would *a contrario* allow a protest against a decision of the Stewards. Article 13.7 of the Code actually makes it clear that a protest is directed against a competitor or against one of the cases listed under Article 13.2.1 of the Code.

55. In any event, the question is expressly addressed by Article 11.9 of the Code, which reads, in essence, as follows:

*11.9.1 The stewards shall have supreme authority for the enforcement of the Code, of the regulations of the FIA if appropriate, of national rules and Supplementary Regulations and of Official Programmes [...] 11.9.2.a. They may settle any matter which might arise during an Event, **subject to the right of appeal** provided for in the Code. 11.9.3 Within the framework of their duties they notably: [...] 11.9.3.b may amend the Supplementary Regulations [...] 11.9.3.o may modify the Official Programme if requested to do so by the clerk of the Course or the Organiser in the interest of safety; [...] 11.9.3.r may take the decision to stop temporarily or permanently, all or part of a Competition; [...].” (emphasis added)*

56. The Court find that according to the clear wording of Article 11.9 of the Code, a decision of the Stewards can only be the subject of an appeal and can only be examined by the competent courts designated under Article 15.1 of the Code. The terms “*supreme authority*” and “*subject to the right of appeal*” indeed expressly exclude that a decision of the Stewards be reviewed outside the appeal procedure, which the Stewards, as judges of first instance, are not part of.
57. The only two exceptions to the clear proceeding set under Article 11.9 of the Code are the right of review of Article 14 of the Code, which applies to any decision, be it issued by the Stewards or any other official, and the very specific case of the correction of a clerical error provided under Article 11.9.5 of the Code. It is however undisputed that those two exceptions are irrelevant in the present case and it is obvious that they constitute an application of the principle *lex specialita derogat legi generali*.
58. Given the above, the Court rejects all the submissions made by the Appellant on this issue and concludes that a decision of the Stewards cannot be protested.
59. Having so decided, the Court deems however useful, as an *obiter dictum*, to remind the particular role of the protest within the judicial system set by the Code.
60. The Court stresses first that one purpose of the protest procedure is to allow a Competitor to protest against another Competitor that would have breached the Regulations, as expressly provided in Article 13.1.3 of the Code which reads as follows:

“A Competitor wishing to protest against more than one fellow Competitor must lodge as many protests as there are Competitors involved in the action concerned.”



61. In that context the reference under Article 13.2.1 to *“any alleged (...) breach of the regulations during a Competition”* refers to a breach committed by a *“fellow competitor”* and to the possibility for a Competitor to file a protest before the Stewards in order for the latter to look at the matter and issue a decision, which could then if deemed necessary be appealed before the competent courts as provided under Article 11.9.
62. A protest can however also be directed against a decision taken by any official - other than the Stewards for the above reasons - who may commit an error, an irregularity or a breach of the regulations. In that case, a Competitor can protest against a decision issued by those officials before the Stewards and, the decision issued by the Stewards could then again be appealed before the competent courts as provided under Article 11.9.
63. The fact that the Provisional Classification can be subject of a protest but not the Final Classification illustrates the difference of treatment of a decision of the Stewards (i.e. the Final Classification), governed by Article 11.9 of the Code and a decision of other officials (e.g. the Provisional Classification), governed by Article 13.2 of the Code.
64. Indeed, the Final Classification falls into the competence of the Stewards and is therefore a decision issued by the Stewards according to Article 11.9.2.s of the Code which provides that within the framework of their duties, the Stewards *“shall declare the classifications and results to be final.”*
65. The fact that the Final Classification is not on the list of Article 13.2.1 illustrates, if need be, that the system of the Code provides that only the way of the appeal is open against a decision of the Stewards, subject, as above mentioned, to the specific case of the right of review and to the correction of a clerical error which are expressly mentioned by the Code and which are not the object of the present proceedings.
66. The coherence of the system set by the Code can be further illustrated in Article 11.9.5, which provides that in case of correction of a clerical error *“after notification of the stewards’ decision (...) the deadline to notify the **intention to appeal** starts as from the date of the notification of the original decision and not the corrected one in line with this provision.”* (emphasis added)
67. Having found that a protest cannot be raised against a decision of the Stewards, the Court upholds the Decision on this point.



68. As the Appellant filed a protest against the Provisional Classification and explained to the Stewards that it had filed this protest “*consequently*” to decision No. 71, the Court does, on this point, not share the opinion of the FIA.
69. Indeed, the fact that its protest against the Provisional Classification is, to the Appellant’s view, the consequence of its protest against decision No. 71, does not mean that because decision No. 71 could not be protested, the Appellant cannot protest against the Provisional Classification. The protest against a Provisional Classification being expressly mentioned in the list of Article 13.2.1 of the Code, the protest filed by the Appellant before the Stewards was, on that point, admissible and the Court concludes that the Stewards were wrong to simply reject the protest on the only ground, although rightful, that a decision of the Stewards cannot be protested. The Stewards should in that respect have expressly dealt with the question of the Provisional Classification.
70. That said, as decision No. 71 had not been appealed within the one hour time limit established by Article 15.4.2 of the Code and was therefore final and binding, the Appellant’s submissions before the Stewards against the Provisional Classification, and consequently before the Court, against the Final Classification must be rejected as they are exclusively based on the argument that decision No. 71 breached the Regulations and that “*consequently*” the Provisional Classification, respectively the Final Classification, had to be amended.
71. As the Appellant does not raise any other argument against the Provisional Classification, respectively the Final Classification, the appeal must be rejected on this point as well.
72. In view of the foregoing, the Court thus concludes that the Decision must be upheld.

VI. COSTS

73. 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. 80 of the Stewards of the 6 Hours of Spa-Francorchamps (Belgium) counting towards the 2024 FIA World Endurance Championship;**
- 3. Orders the competent Sporting Authority to draw, as appropriate, the consequences of this ruling;**
- 4. Awards the costs to 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, 10 September 2024

The President

Nish Shetty