



INTERNATIONAL COURT OF APPEAL (ICA)

of the

FEDERATION INTERNATIONALE DE L'AUTOMOBILE

Appeal brought by the TAG Heuer Porsche Team

Against the

**Decision No. 10 dated 29 July 2023 of the Stewards of the event held in London
counting towards the 2022/2023 FIA ABB Formula E World Championship**

Case ICA-2023-01

Hearing of 7 November 2023

Decision of 23 November 2023



The FIA INTERNATIONAL COURT OF APPEAL (“the Court”), which comprised Mr Nish Shetty (Singapore), who was designated President, Mr Luigi Fumagalli (Italy), Mr Jean Gay (Switzerland) and Mr Javier Martin Merino (Spain), held a hearing at the Fédération Internationale de l'Automobile, 8 place de la Concorde, 75008 Paris, on Tuesday, 7 November 2023.

Prior to the hearing, the Court received and considered submissions and attachments thereto made by the TAG Heuer Porsche Team and the FIA.

The following persons attended the hearing:

on behalf of the Appellant, the TAG Heuer Porsche Team:

Mr Ian Barry Dearing, Solicitor
Ms Pauline Le Tixerant, Barrister
Ms Monika Baumhackel, Lawyer
Mr Thomas Laudenbach, Vice President Motorsport Porsche AG
Mr Florian Modlinger, Team Principal & Director Porsche Factory Motorsport Formula E
Mr James Anthony Lindesay, Team Manager
Mr Carlo Wiggers, Porsche Director Team Management, Business Relations, E-Sports
Mr António Félix da Costa, Factory Driver Tag Heuer Porsche Formula E Team

on behalf of the FIA:

Mr Pierre Ketterer, Regulatory and Governance Director
Ms Alejandra Salmerón García, Senior Legal Counsel
Ms Marianne Saroli, Senior Legal Counsel
Mr Pablo Martino, Head of Sporting Matters, Formula E
Mr Benjamin Caron, FIA Technical Delegate (Electronics)
Mr Laurent Arnaud, FIA Technical Delegate (Witness)
Mr Lionel Berard, FIA Deputy Technical Delegate (Witness)
Ms Vera Herrmann, Secretary to the Stewards (via Zoom) (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 7 November 2023, 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 translation in French and English. None of the Parties raised any objection, 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 translation.

I. REMINDER OF THE FACTS

1. On the occasion of the Saturday race (“the Race”) of the London Event (“the Event”) counting towards the 2022/2023 FIA ABB Formula E World Championship (“the Championship”), there was a contact between car No. 7 and car No. 13 (“the Car”) of the TAG Heuer Porsche Team (“the Team”), at turn 5 of lap 25.
2. Due to another incident which took place on lap 28, the safety car was deployed for several laps until it was observed that barriers needed to be repaired.
3. On lap 32, a first red flag was deployed and the Race Director, Mr Scot Elkins, sent the following message by radio to all the teams: *“Ok everybody red flag, red flag, alright team managers let’s remember how this works park in front of your garage in parc fermé conditions unless your car needs repair then you can go into your garage, red flag.”*
4. The Car driver, Mr Antonio Felix Da Costa (“the Driver”) was fourth in the classification at the time the first red flag was deployed.
5. The Driver stopped the Car in front of its garage and the umbilical, namely a cable which allows the team to download all the data from the electric system of the car, amongst others the tyre pressure, was connected to the Car.
6. When the Driver left the Car, the under-pressure alarm popped up on the FIA Telemetry for the front right tyre of the Car, the tyre pressure being at that moment 1.18 bar, therefore below 1.2 bar, which is the minimum pressure as per the 2022/2023 FIA Formula E World Championship Sporting Regulations (“the SR”).
7. One of the FIA Deputy Technical Delegates, Mr Lionel Berard (“Mr Berard”), came and looked at the Car and then informed via the FIA radio technical channel that he could see that the tyre had rubbed and that it was damaged.
8. Later, another FIA Deputy Technical Delegate, Mr Benjamin Caron (“Mr Caron”), observed the Car, in particular the front right tyre and told the Team’s mechanics (“the Mechanics”) that the tyre was cut.

9. Then both Mr Caron and Mr Bernard discussed the fact that the tyre was cut in different places while the Mechanics were staring at them.
10. After having checked another car, the FIA Technical Delegate, Mr Laurent Arnaud, (“the FIA Technical Delegate” or “Mr Arnaud”) approached the Car and also noticed that the front right tyre of the Car was cut in two different places. Mr Arnaud entered the garage of the Team looking for the Team Manager, Mr James Lindesay, without success. Then Mr Arnaud left to check other cars.
11. At 18:05 the Driver, who was seated back in the Car said by radio: “*my front right tyre is fine*” and the Team replied “*copy*”.
12. A few minutes later, the FIA Technical Delegate came back to the garage of the Team and met with the Team Manager, telling the latter that the tyre pressure of the Car’s front right tyre was too low, that there was a puncture on the tyre and that the tyre needed to be changed.
13. Following this, the FIA Technical Delegate informed the Stewards that the front right tyre of the Car was below the minimum pressure.
14. At 18:09, the Race Director instructed all the cars to begin entering the fast lane in the order displayed on the timing monitors.
15. At that moment, the following conversation took place within the Team:

“Driver: the pressure is not [unclear].

Team Manager: Ok, as soon as they release you, we are going to go behind Buemi.

Driver: Yeah but I do not think you understand everything that is going on, the FIA is trying to stop me man because of my front right tyre.

Team Manager: I know mate, I know.

Driver: So do I go or not? ‘Cause they are releasing us.

Team Manager: We need to go, we need to go, we should go, we should go. If they don’t really stop us there, then go.

Driver: James what I do? Can I go?

Team Manager: Go!”
16. After the Car had crossed the pit exit and after the race had resumed under safety car, but before the rolling start, the following conversation took place:

“Team: please give us info if the car feels ok on your front right tyre

Driver: car feels ok, car feels ok"

17. The new starting order due to the repairs made by some teams allowed the Driver to move up to the third place of the Race whilst he was occupying the fourth place at the first red flag.
18. At 18:15, the Race Control informed all the Competitors that the Car was under investigation.
19. One minute later, a new incident took place and a second red flag was displayed. The Race Director sent the following message: *"Ok everybody red flag, red flag, red flag, red flag all cars are stopped at turn 20 all cars at turn 19 be aware."*
20. Several seconds later, the following conversation took place:

"Driver to his team: I have a puncture but it's holding on, slow puncture front right.

FIA Race Director to all the teams: OK everybody all cars are stopped, every car has stopped at turn 19 just stand by stand by.

Driver to his team: yeah this is a puncture.

Team to Driver: No, no info, no info needed, no info needed, no info needed.

Driver to his team: ok copy."
21. Before the Driver parked the Car in front of the Team's garage, the Car's dashboard displayed the message "Puncture".
22. The Driver was second when the Car entered the pit lane.
23. The Driver asked Mr Berard to come and had the following conversation with him. The Driver told Mr Berard that the Car's front right tyre pressure was under pressure and that he felt safe to drive the Car, which Mr Berard replied that he understood that the Driver felt safe but that the Driver knew as well that he was infringing the regulations, which would be analysed by the Stewards. Mr Berard added that he did not have the authority to stop the Car and that it was the Driver's decision to drive.
24. Then one of the Appellant's mechanics told Mr Berard that they would not change the tyre despite having been informed again by Mr Berard that the tyre pressure was below the minimum but that this was of course their decision.
25. The Driver was second when he left the pit lane and crossed the pit exit after the second red flag and finished 0.666 seconds after the winner who finished with an advance of 23.472 seconds against the last classified competitor.



26. As mentioned above, the Stewards, who had been informed about the fact that the front right tyre of the Car was below the minimum, decided to start an investigation and received two reports (Reports No. 3 and No. 4) from the FIA Technical Delegate.
27. Report No. 3 determined the following:

“The minimum tyre pressure controlled on the car no. 13 during the Race #15 reached for front right tyre 957 mbar.

During the red flag the tyre went under 1.2 bars at 17:53:23.

From lap 33 after the race restarted the tyre pressure was always under 1.2 bars.”
28. The Report No. 4 determined the following:

“The minimum tyre pressure controlled on the car No. 3 during the Race #15 reached for front right tyre 851 mbar.

During the red flag the tyre went under 1.2 bars at 17:53:23.

From lap 33 after the race restarted the tyre pressure was always under 1.2 bars.”
29. After having analysed the information in their possession, the Stewards found that the Appellant had breached Article 25.11 of the 2022/2023 FIA Formula E World Championship Sporting Regulations and therefore decided to impose a three-minute time penalty (“the Decision”). The penalty was communicated to the teams at 18:38:06.
30. The Decision stated in particular the following:

“The minimum tyre pressure was under the minimum value given by the Tyre Supplier, from lap 33 until chequered flag.”
31. The Decision was published on the official notice board at 19:41 and led to the Driver and his Car finishing last in the Race in 16th position.
32. The Appellant notified its intention to appeal on the same day at 22:42, and the penalty provided in the Decision was therefore suspended. The four wheels used on the Car during the Race were sealed.

II. PROCEDURE BEFORE THE COURT

33. The Appellant filed its Notification of Appeal on 2 August 2023.



34. On 4 August 2023, the FIA requested to the Judging Panel, in application of Article 10.5 of the JDR, to decide on the inadmissibility of the appeal by a preliminary decision without holding a hearing.
35. On 11 August 2023, the Appellant presented a petition under Article 14 of the FIA International Sporting Code (“the Code”) for review of the Decision, which was followed by a meeting before the Stewards where the Appellant was duly represented by its Team Manager and Mr Florian Midlinger.
36. Following this meeting, the Stewards issued the Decision No. 17 where it was decided that no significant and relevant new elements had been presented by the Appellant, the Appellant’s request being therefore rejected.
37. The Appellant asked that a hearing be held on the matter of the admissibility of its appeal before the ICA, and the Judging Panel decided to hold a remote preliminary hearing on 21 August 2023.
38. On 18 August and 20 August 2023, the Appellant submitted some material.
39. On 21 August 2023, after the hearing was held and given the new material submitted shortly before it, the Secretary General of the FIA Courts informed the Parties that the hearing would resume on 28 August 2023.
40. The second preliminary hearing took place on 28 August 2023 and, on 30 August 2023, the President of the Hearing issued the Procedural Decision No. 1 where it was decided that the issue of the admissibility remained open and that it would be decided at a hearing that would take place in person at the FIA headquarters in Paris.
41. On 26 September 2023, the Appellant notified its Grounds for Appeal in English and the French version was provided on 2 October 2023.
42. The FIA filed its Grounds in Response in English on 23 October 2023 and in French on 27 October 2023.
43. On 30 October 2023, the Appellant submitted a request by which it was asked to order that the FIA brings at the hearing the front nose of car No. 94. Such request was dismissed by Procedural decision No; 2 of the President of the Hearing on 1st November 2023.
44. On 30 October 2023, the Appellant submitted a request by which it was asked to order that the FIA provides an English translation of Annexes 16, 19 and 21 to its Grounds in response. Such request was dismissed by Procedural decision No. 3 of the President of the Hearing on 1st November 2023.

III. THE HEARING

45. At the outset of the hearing, the Court asked the Parties to summarise their respective positions on the issue of the admissibility of the appeal. It then heard the witnesses relevant to the issue of admissibility first, whose witness statements, in their relevant parts, can be summarised as follows:

- (i) Ms Vera Hermann explained that the Appellant's representatives, namely Mr Lindesay and Mr Modlinger, came to her office and asked to talk to the Stewards. She then brought them to the Stewards and stayed for a while with them. Ms Hermann confirmed that she did not hear Mr Lindesay or Mr Modlinger talking about their intention to appeal the Decision, but she also confirmed that when she went back to her office, the Appellant's representatives were still talking to the Stewards and that she did not hear from her office the entirety of what was discussed between them.
- (ii) Mr Lindesay explained that he had prepared the standard form for the intention to appeal before coming to the Stewards as the Appellant had indeed the intention to appeal the Decision if the Stewards were not ready to review it. After Ms Hermann had left, the discussion continued with the Stewards and he and Mr Modlinger asked Mr Schwägerl, the head of the Stewards, if they should immediately deliver their intention to appeal. Mr Lindesay then explained that Mr Schwägerl told him and Mr Modlinger to wait until the Stewards had reviewed the case before notifying their intention to appeal. When asked why, as an experienced professional, he had taken the risk of missing the one-hour time limit provided by the regulations, Mr Lindesay explained that although he was well aware of the time limit to file an appeal, he had trusted Mr Schwägerl's word based on the long collaboration with Mr Schwägerl and on another situation which happened after a previous race in Rome where he had insisted on filing the intention to appeal immediately but that Mr Schwägerl had told him that this was not necessary until the case had been reviewed.

46. After having heard the Parties and asked them several questions, the Court then suspended the hearing in order to deliberate on the sole issue of the inadmissibility.

IV. ADMISSIBILITY OF THE APPEAL BEFORE THE COURT

a. Requests and submissions of the Parties

47. As confirmed at the hearing, the Appellant submits that its Appeal is admissible on the following grounds:

- (i) The Appellant first explains that the Stewards admitted the intention to appeal despite the fact that the one-hour deadline set out under Article 10.1.1.a.d) had not been met, notably given the fact that, according to the Appellant, the Stewards “*had asked to extend*” that deadline.
 - (ii) The Appellant then contends that the three-minute time penalty imposed on the Appellant’s Car was “*exceptional at the very least*” and therefore disproportionate. It claims that the FIA agreed during the preliminary hearing that such a time penalty had never been previously imposed in Formula E and that this penalty equals a disqualification, which is appealable.
 - (iii) The Appellant, which admits the breach of the SR, claims that this was a “*technical infraction*” and that “*the customary penalty for a technical infraction is disqualification*” and that “*disqualification cannot be imposed without the competitor being given an opportunity of presenting their defence.*”
 - (iv) The Appellant refers to the fact that the Stewards did not sanction other teams who allegedly had breached the applicable regulations during the Race and relies on decisions issued by Stewards during other races where, according to the Appellant, the sanctions were much lighter than the one handed down to the appealed Decision, whereas the breaches were allegedly more serious.
 - (v) The Appellant contends that the Decision was taken in haste without giving the Appellant its right to present its defence.
 - (vi) According to the Appellant, the sanction imposed by the Stewards impeded it to compete and therefore violated Article 1.2.3 of the Code.
48. As confirmed at the hearing, the FIA asks the Court to declare the Appeal inadmissible in essence on the following grounds:
- (i) According to the FIA, the Appellant filed its intention to appeal belatedly as the Decision had been published at 19:41 and the intention to appeal was delivered at 22:41, namely outside the one-hour time limit provided under Article 10.1.1.a.d), first point, of the JDR; the other cases mentioned under the second point of that article are not applicable in the present case. The FIA adds that the Appellant did go to the Stewards’ room on its own initiative and yet did not, at that moment, file its intention to appeal. In that context, the FIA denies that the Stewards would have extended such deadline by allegedly asking the Appellant “to wait”.
 - (ii) Regarding the alleged belated filing of the intention to appeal, the FIA refers in addition to the previous cases ICA-2015-01, ICA-2015-02, ICA-2016-02 and ICA-2016-04, where the ICA found that any irregularity in the notification of the

appeal shall result in the inadmissibility of the appeal, Article 10.3.3 JDR specifically determining that *“any notification of appeal or intention to appeal made after the deadline shall result in the inadmissibility of the appeal.”*

- (iii) Referring to the time penalty imposed by the Stewards, the FIA then puts forward that Article 16.3 (f) of the SR expressly state that time penalties are final and binding and are not subject to appeal in accordance with Article 12.3.4 of the Code.
- (iv) As Article 25.11 of the SR provides that competitors must comply with the working pressure ranges of the tyres before the end of initial scrutineering, the FIA contends that the Car was in breach of this article and that the Stewards were right in imposing a time penalty.
- (v) Given the above submissions, the FIA claims that not only can the Appellant not challenge the Decision before the ICA, but the latter may simply not accept jurisdiction to hear that challenge as the latter is bound by the SR and the Code which have been approved by the FIA World Motor Sport Council and/or the FIA General Assembly.
- (vi) The FIA adds that this has been confirmed several times by the ICA itself and refers in this respect to the previous ICA decisions 5/2008, 4/2009 and 24/2009, as well as to the cases ICA-2016-04, ICA-2019-06 and ICA-2019-07.
- (vii) The FIA also stresses that the Appellant did not challenge the legality of the Decision but only its proportionality. Based on the ICA case 2016-04 which refers to the ICA case 24/2009, the FIA claims that the Court is *“limited to considering solely whether there was a valid basis in the rules for the drive-through penalty imposed by the Stewards.”*
- (viii) The FIA then goes beyond the regulations applicable to the present case and referring to the so-called *“doctrine of field of play”*, mentions numerous other sporting regulations issued by the FIA or even other sport federations where appeals cannot be lodged against certain decisions.

a) Conclusions of the Court

49. Dealing first with the issue of the deadline set under Article 10.1.1.a.d) of the JDR, the Court finds that the Appellant provided sufficient evidence through the witness statements of Mr Lindesay and Mr Modlinger, that the Stewards had indeed asked the Appellant to wait until they had reviewed the case before filing the intention to appeal. The only witness brought by the FIA, namely Ms Hermann, did not rebut the statements made by Mr Lindesay and Mr Modlinger and admitted that she was not present for the

entire meeting between the Appellant's representatives and the Stewards. She retracted parts of her witness statement that suggested otherwise.

50. As to the FIA's submission that the Stewards would have no competence to extend the deadline set under Article 10.1.1.a.d), first point, of the JDR, the Court notes that under the internal judicial proceedings of an international sport federation like the FIA, one expects that the Stewards, who represent the FIA and are in charge at first instance of implementing its regulations, are trustworthy in the sense that they would not give instructions or advice which are contrary to the regulations and could deprive a party from its judicial rights if it were to follow those instructions or advice.
51. The Court views that, on this point, the FIA submissions must be rejected on the basis of the principle "*venire contra factum proprium*" which prohibits a party, i.e. the FIA, to act in such a way that contradicts a previous act of its own on which the other party relied, namely the instruction or advice of its Stewards, thus causing a detriment to the Appellant.
52. Based on the foregoing, the Appellant's point of view must be upheld on the issue of the compliance with the one-hour time limit to notify the intention to appeal.
53. The Court then refers to the second argument of the FIA regarding the inadmissibility of the Appeal, which the FIA grounds on Article 16.3 (f) of the SR in relation with Article 12.3.4 of the Code.
54. Article 16.3 of the SR and Article 12.3.4 of the Code read as follows:

Art. 16.3 of the SR

"The Stewards may impose any one of the penalties below on any Driver involved in an Incident:

a) A 5-second time penalty.

b) A 10-second time penalty.

c) A drive-through penalty. The Driver must enter the pit lane and re-join the race without stopping.

d) A 10-second stop-and-go time penalty. The Driver must enter the pit lane, stop at his pit for at least ten seconds and then re-join the race.

If any of the four penalties above is imposed upon a Driver, and that Driver is unable to serve the penalty due to retirement from the race, the Stewards may impose a grid penalty on the Driver at his next race.

If any of the 4 penalties above is imposed during the last 2 laps, or after the end of a race, 5 seconds will be added to the elapsed race time of the Driver concerned in the



case of a) above, 10 seconds in the case of b). A time penalty, announced in a specific bulletin, will be added to the elapsed race time of the Driver concerned in the case c) or d).

e) Cancellation of lap times.

f) A time penalty.

g) A warning.

h) A reprimand.

i) A drop of any number of grid positions at the Driver's next Competition.

If any of the penalties above are imposed they shall not be subject to appeal.

j) Starting from the pit lane.

k) Disqualification.

l) Suspension from the Driver's next Competition(s)."

Art. 12.3.4 of the Code

"Certain decisions are not subject to appeal. These include decisions to impose a drive-through penalty, a stop-and-go penalty, or other penalties as specified in the applicable sporting regulations as not being susceptible to appeal."

55. It is not disputed that the Stewards imposed a time penalty with their Decision.
56. It is also not disputed that the Appellant committed a breach of Article 25.11 of the SR and that the Stewards had a valid legal basis to issue their Decision.
57. The Appellant argues however that the sanction was disproportionate and was equal to a disqualification in its consequences, which should lead to the Decision being appealable.
58. During the hearing, the Parties agreed that, notwithstanding the clear words of Article 16.3 and Article 12.3.4 of the Code, the Decision would be appealable if it was proven that the Stewards had committed fraud, were corrupted or ill motivated or if the Decision was to be considered as "arbitrary". On that last point, the FIA referred to CAS jurisprudence which the Appellant did not object to.



59. Without assessing whether the criteria which the Parties agreed on were indeed applicable according to the regulations, the Court noted that nothing in the present case can lead to the conclusion that the Stewards did commit fraud or were subject to corruption or ill motivated when they issued the Decision, which is actually undisputed.
60. When it comes to the fourth and last criteria on which the Parties agreed, namely the criteria of the arbitrary decision based on CAS jurisprudence, the Court recalls first that it is not bound by CAS jurisprudence, notably due to the fact that CAS is not an appeal body according to the FIA regulations, except regarding anti-doping decisions, and is not a tribunal whose decision have a superior authority under French law, which is the law applicable to the Court proceedings on a complementary basis under Article 14.4 of the JDR. Therefore, whilst the Court can take into account, when appropriate, some of the rules and principles applied by CAS, it is not bound to them as a whole.
61. The Court notes however that according to CAS jurisprudence, which regularly refers to the Swiss Federal Court's definition of arbitrariness, "*a decision is arbitrary when it is manifestly untenable, seriously disregards a clear and indisputable legal standard or principle, or shockingly offends the sense of justice and fairness*" (see the Swiss Federal Court's decision ATF 139 III 334).
62. Based on this definition, the Court concludes that the appealed Decision cannot be considered as arbitrary. Whilst it is true that the three-minute penalty was extraordinary, based on the precedents put forward by the Parties and on the Court's own experience, the Court was not presented with clear evidence that the Decision "*disregards a clear and indisputable legal standard or principle, or shockingly offends the sense of justice and fairness*". For example, if the Appellant was able to establish that the Stewards deliberately imposed a disproportionate time penalty instead of disqualifying the driver to deprive him of a right to be heard, then the Court may well have come to a different conclusion. The Appellant was not able to establish that.
63. The Court thus concludes that none of the criteria which the Parties agreed on are met so that it is not necessary to analyse whether those criteria are indeed applicable in the present case.
64. The Court now proceeds with the analysis of the case based on the criteria which were applied in previous ICA cases, notably the ICA cases *Pekaracing* (26/2009) and *Dragon Racing* (ICA-2016-04).
65. According to those cases, and considering the clear wording of Article 16.3 of the SR in relation to Article 12.3.4 of the Code, time penalties cannot be reviewed by the Court if the Stewards had a valid legal basis, which is the case here and which is, again, not disputed by the Appellant.
66. As to the Appellant's argument on the "*right to be heard by a Court*" and of the alleged disproportionality of the sanction imposed by the Stewards in their Decision, the Court

refers to paragraphs 48 et seq. of the ICA case 2016-04 *Dragon Racing* which read as follows:

“48. Regarding the Appellant’s submissions on the alleged duty of the ICA as a supervisory authority to systematically review the “proportionality” or, to cite the Appellant’s words at the hearing, the “non-perversity” of the Stewards’ decisions, the Court first stresses that the ICA is not an administrative court but an internal body of an International Sporting Federation governed by French Civil law.

49. The Court further notes that the doctrine cited by the Appellant does not contend that a Sporting Federation must establish an internal appeals body, which would have jurisdiction on any penalty imposed by a “first instance body”, which in the present case is the Stewards.

50. The FIA can freely decide how to organise its internal processes, which are clearly regulated by the ISC and the Regulations.

51. The Parties and, in addition, the Court, are bound by those regulations. The Court cannot therefore decide unilaterally that it has jurisdiction. Otherwise the Court would simply be in breach of the ISC and the Regulations.

52. Given the nature of the penalties imposed by the Stewards in their Decisions Nos 5 and 10, the Court thus confirms that such Decisions were final, any internal appeal within the FIA being therefore excluded.”

67. Given the circumstances of the present case, the Court does not see any reason to deviate from this well-grounded position of the ICA.
68. Consequently, the Court concludes that, based on the *lex specialis* of Article 16.3 of the SR, the Stewards enforced the regulations, the supervision of which is entrusted to them (see paragraphs 39 et seq. of the ICA cases 2019-06 and 2019-07).
69. Based on the above, the Court finds that it is precluded from going into the merits of the case and therefore to assess whether the sanction was disproportionate or not.
70. Given the above, all further submissions of the Appellant in relation notably with the principle of equal justice of Article 1171 of the French Civil Code are irrelevant and must be rejected.
71. The Appeal is thus inadmissible, and the Court shall not go further into the merits of the case.



V. COSTS

72. Considering the outcome of the proceedings, the Court leaves it to the Appellant to bear all the costs, in accordance with Article 11.2 of the JDR. The deposit paid to the Court shall be kept by the Court, pending final calculation of costs.



ON THESE GROUNDS,

THE FIA INTERNATIONAL COURT OF APPEAL:

- 1. Declares the Appeal inadmissible;**
- 2. Orders the competent Sporting Authority to draw, as appropriate, the consequences of this ruling;**
- 3. Leaves it to TAG Heuer Porsche Team to bear all the costs, in accordance with Article 11.2 of the JDR;**
- 4. Rejects all other and further conclusions.**

Paris, 23 November 2023

The President

Nish Shetty