



## INTERNAL REGULATIONS OF THE ETHICS COMMITTEE

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### INTRODUCTION

The Ethics Committee (EC) is established under Article 18 of the FIA Statutes in order to safeguard the integrity and reputation of motor sport, automobile mobility and tourism and persons as defined in the Preamble of the FIA Code of Ethics (hereinafter “the Code”) worldwide and shall perform all other missions entrusted to it by the President of the FIA concerning the development of and respect for ethical principles.

The purpose of these Internal Regulations is to ensure that the EC is able to fulfill the responsibilities given to it in the FIA Statutes and the Code and in particular to ensure that matters referred to it for determination are resolved fairly, efficiently and consistently.

They may be amended by the EC as and when necessary in order to ensure they remain fit for this purpose.

These Internal Regulations shall be interpreted in a manner compatible to the fullest extent with the FIA Statutes and the Code. In the case of any conflict between the FIA Statutes, the Code and these Internal Regulations, the FIA Statutes or the Code will prevail.

## **ARTICLE 1 ORGANISATIONAL RULES**

### **ARTICLE 1.1 MEMBERSHIP**

**1.1.1** Membership of the EC is determined in accordance with Article 9.14 of the FIA Statutes.

**1.1.2** Membership of the EC (and of Investigation Panels convened from among the EC members) is personal and no delegation of functions may be accepted.

### **ARTICLE 1.2 MEETINGS**

**1.2.1** There shall be at least one meeting per year. The EC President shall convene the meetings of the EC.

**1.2.2** At the request of the President of the FIA or of at least sixty per cent of its voting members, the EC must be convened by the EC President, at the latest within the twenty days following the request.

**1.2.3** The agenda of the meetings shall be set by the EC President. The EC President must enter on the agenda of the meeting any question submitted by the President of the FIA or by at least sixty per cent of its voting members.

**1.2.4** Whenever possible, the agenda shall be sent to the EC members at least two weeks prior to the scheduled meeting.

**1.2.5** The EC President may invite members of the FIA Administration to attend EC meetings, without voting rights.

### **ARTICLE 1.3 QUORUM OF ATTENDANCE**

**1.3.1** For any meeting to be validly convened and to pass resolutions, an absolute majority of all EC members must be present. If such quorum is not reached the meeting may still take place, but any resolution proposed and voted upon at such meeting must be circulated to absent members within two weeks of the date of the meeting with a request to cast their vote within the deadline specified. If the total number of votes in person and by correspondence exceeds the number required to form a quorum, the vote shall be regarded as having been validly cast at the meeting.

**1.3.2** If the EC President so decides, or if requested by an EC member, the EC may hold its meetings in the form of conference calls or videoconferences or other electronic means, subject to at least two thirds of the EC members being in attendance in person, unless otherwise decided by the EC President.

### **ARTICLE 1.4 VOTING IN MEETINGS**

**1.4.1** Decisions of the EC shall be carried by an absolute majority of the members present. In the event of a tie, the EC President shall have the casting vote.

**1.4.2** Resolutions take effect immediately upon approval unless otherwise specified.

### **ARTICLE 1.5 RESOLUTIONS BY CORRESPONDENCE**

**1.5.1** In case of urgency, a decision may be taken using electronic means (email, fax, etc.) should the EC President so decide, unless more than one third of the members eligible to vote request a formal meeting, which may be held in person or in the form of a teleconference, videoconference or other electronic means.

**1.5.2** Resolutions approved by way of correspondence must be included in the minutes of the next meeting.

## **ARTICLE 1.6 MINUTES OF MEETINGS**

**1.6.1** Minutes of the deliberations and resolutions of the EC shall be kept. The minutes shall contain a summary of the deliberations, the proposed resolutions, the declarations that a member requests to be recorded in the minutes, and the resolutions with the result of the votes.

**1.6.2** The minutes are submitted to the EC members for review. The minutes are then signed by the EC President.

**1.6.3** Minutes of the meetings shall be kept under the supervision of the Secretariat of the EC.

## **ARTICLE 1.7 EXPENSES**

The reasonable expenses incurred by EC members in connection with FIA matters shall be refunded by the FIA in accordance with FIA policies.

## **ARTICLE 1.8 ROLE OF THE EC PRESIDENT**

**1.8.1** The EC President chairs and oversees the operation of the EC in order to ensure compliance with its responsibilities under the FIA Statutes and the Code.

**1.8.2** The EC President shall chair the meetings of the EC.

**1.8.3** The EC President shall appoint a Deputy President who shall undertake tasks and responsibilities as directed by the EC President in writing and who shall chair meetings in his absence.

## **ARTICLE 1.9 ANNUAL REPORT**

As provided for by Article 5.5 of the Code, the EC shall submit each year to the FIA General Assembly a report on the application of the Code, noting any breaches of its rules.

## **ARTICLE 1.10 IMPARTIALITY AND ABSTENTION IN CASE OF CONFLICT OF INTERESTS**

**1.10.1** EC members must conduct their duties honestly, expeditiously and professionally and conduct themselves to the highest standards of integrity in the discharge of their responsibilities as members.

**1.10.2** EC members must comply at all times with the FIA Statutes, the Code and these Internal Regulations.

**1.10.3** EC members must refrain from dealing with or voting on matters in which their own interests or the interests of persons or bodies related to them are involved, and shall be bound by the Code and any other applicable FIA rules.

## **ARTICLE 1.11 CONFIDENTIALITY**

**1.11.1** Save as expressly stated herein, the affairs of the EC are confidential. In addition, save as expressly stated herein, all proceedings before an Investigation Panel are confidential. EC members must observe and maintain that confidentiality and must not make any disclosures to any third parties in breach of that confidentiality.

**1.11.2** EC members must not disclose to any third party, including (without limitation) any member of the media, any matter relating to proceedings before an Investigation Panel, either during those proceedings or after those proceedings have concluded, and whether or not the member is sitting on the Investigation Panel in that particular case, save and to the extent that a disclosure may be required by law.

## **ARTICLE 2 PROCEDURAL RULES**

### **ARTICLE 2.1 COMPETENCE**

**2.1.1** In accordance with Article 18 of the FIA Statutes, the EC has the competence to hear and determine any alleged breach of the ethical principles as contained in the FIA Statutes, International Sporting Code and Regulations.

**2.1.2** The EC investigates and assesses a given situation, on its own initiative (see Article 2.4 below) or upon *Complaints* (see Article 2.3 below) from one of the persons listed as follows in Article 18.2 of the FIA Statutes:

- FIA Members;
- officers, members, or licence-holders of FIA Members;
- officials, organisers, drivers, competitors and licence-holders.

**2.1.3** All the FIA Parties are subject to the Code. They are defined as follows in the Preamble of the Code: the FIA and each of its Members, the FIA Administration, officials appointed by the FIA within its Championships and any persons or organisation belonging in any official capacity whatsoever to the FIA or to one of its Members.

### **ARTICLE 2.2 GENERAL PROCEDURES**

#### **2.2.1 Convening an Investigation Panel (IP)**

**2.2.1.a** The EC members must notify the EC President, following review of the file of the matter, if they have had any personal involvement with the matter and if they have any connection with any of the parties involved in the matter, or any other actual or apparent conflict of interest in relation to the matter that requires them to excuse themselves from the IP investigating the matter. Failure to notify the EC President of any such conflict shall be viewed as an indication that the IP member does not believe that any such conflict exists. Should circumstances emerge thereafter which cause the IP member to believe that a conflict may exist after all, he shall promptly inform the EC President.

**2.2.1.b** In case of any doubt, any potential conflict should be declared to the EC President without delay, and the EC President (having heard submissions from the parties if he sees fit) shall decide whether or not the EC member in question may be appointed to or may continue to serve on (as applicable) the IP in question. Should the EC President be the one with the potential conflict issue, the Deputy President shall make the decision in the manner set forth above.

**2.2.1.c** The EC President shall nominate three members of the EC to sit as the IP investigating and determining the matter.

**2.2.1.d** The EC President shall nominate one of those three members to act as the Chairman of the IP in the matter.

**2.2.1.e** If an EC member, having been appointed to an IP for a particular matter, is unable or unwilling for any reason to serve on the IP for that matter, the EC President shall appoint another EC member to replace him.

#### **2.2.2 Language**

**2.2.2.a** All proceedings before the IP shall be conducted either in French or in English.

**2.2.2.b** Any party wishing to make submissions (personally or through his representative) or to rely on evidence in a language other than French or English must provide an independent interpreter to interpret such submissions or evidence (if oral testimony) or accurate French or English translations of such evidence (if documentary) for the IP and the other party/parties, at his own cost.

### 2.2.3 Legal representation

As the EC is not a judicial or disciplinary body, “legal representation” and “witnesses” are only mentioned here for purposes of illustration.

**2.2.3.a** In all proceedings before the IP, the parties shall be entitled, at their own expense, to be assisted by legal counsel and/or other relevant representative(s), who may make submissions on behalf of the parties.

**2.2.3.b** Should the *Party Implicated* in a case wish to be accompanied, at their own expense, by a lawyer, or by any persons or experts whom they think could be useful to the procedure, the IP may approve their assistance/presence during an interview.

### 2.2.4 General principles

**2.2.4.a** The IP shall follow the general principle of adversarial procedures which will guarantee a fair investigation process. Both *Complainant* (in the case where the IP investigates upon a *Complaint*) and *Party Implicated* shall be given full knowledge and an equally full opportunity to respond.

**2.2.4.b** The IP shall decide all cases based solely on the evidence received by it during its period of jurisdiction.

**2.2.4.c** Where an issue arises that is not specifically provided for in these Procedural Rules, the IP may resolve that issue in a manner that achieves the fair, consistent, and expeditious resolution of the matter.

### 2.2.5 General powers of an IP

An IP (or, if urgent action is required before an IP is appointed, the EC President) shall have all powers necessary for, and incidental to, the discharge of its responsibilities under the FIA Statutes, the Code and these Procedural Rules, including (without limitation) the power, whether on the application of a party or of its own motion:

- to order that certain potentially dispositive issues (e.g., as to jurisdiction) be heard and determined in advance of any other issues in the matter;
- to rule finally on its own jurisdiction to hear and determine proceedings brought before it;
- to allow one or more third parties to intervene or be joined in the proceedings;
- to set any necessary deadlines, to expedite or to adjourn, postpone or suspend its proceedings, and/or to extend any deadline or time-limit otherwise provided for in these Procedural Rules or in its own directions or orders, upon such terms as it shall determine, where appropriate;
- to order any party to make any property, document or other thing in his possession or under his control available for inspection by the IP and/or any other party;
- to take any necessary measure to ensure the confidentiality of certain documents or portions thereof.

### 2.2.6 Notices and periods of time

**2.2.6.a** Save in case of urgency, reasonable timeframes, which shall be set by the IP, shall be respected for any formal communications between the parties and the IP.

**2.2.6.b** Any notice or other communication required to be given by a party to the IP and/or another party must be given in writing and must be sent by registered letter and email, or lodged on a secure dedicated website established by the Secretariat of the EC for that purpose (with that lodging notified to the other party by email).

**2.2.6.c** Delivery of notices and communications from/to the IP shall be made through the Secretariat of the EC by sending them to:

FIA Ethics Committee – 8, place de la Concorde – 75008 Paris – France – [ethics.committee@fia.com](mailto:ethics.committee@fia.com)

**2.2.6.d** It is the responsibility of the Secretariat of the EC to forward to the parties the written submissions and the documents that have been sent to the IP by the other parties. The parties therefore do not have to notify one another of the various documents submitted to the IP.

**2.2.6.e** Deadlines which are expressed herein in terms of number of days refer to calendar days, not working days, and start to run on the first day following the day on which the relevant event occurs.

### **2.2.7 Cooperation of the *Party Implicated***

**2.2.7.a** In accordance with Article 5.3 of the Code, the *Party Implicated* shall, upon request, cooperate in any investigation carried out by the EC.

**2.2.7.b** It is the responsibility of the *Party Implicated* to produce all of the documentation and evidence of any kind upon which they intend to rely. Apart from the FIA Regulations, the EC shall receive and consider only the documents submitted by the parties.

**2.2.7.c** The parties having contributed decisively to the discovery of an alleged case of non-respect of the FIA's ethical principles may be granted protection of confidentiality of source before the competent FIA bodies.

### **2.2.8 Hearing (if such is held)**

An oral hearing will not be held on a matter unless requested by the *Complainant* or *Party/ies Implicated*, or otherwise ordered by the IP. Instead, the IP shall determine the matter based on the Case file or the papers referenced below.

#### **2.2.8.a** Date and venue:

- If an oral hearing has been requested, the Chairman of the IP shall fix the date, time and venue of that hearing (ordinarily, if the hearing is in person, the venue shall be the FIA offices in Geneva, Switzerland).
- The Chairman of the IP may agree, at his discretion, to hold the hearing by videoconference or, if the circumstances so require, by telephone.

#### **2.2.8.b** Attendance at hearings (either in person, by teleconference, or by video):

- All parties shall attend the hearing themselves and have the right to be assisted by legal representatives. Parties shall submit to the Secretariat of the EC, before the deadlines set by the IP, the identity of every person who will attend the hearing and the status and role of every person planning to attend the hearing. Persons not identified as described above may be refused access to the hearing.
- The non-attendance of any party at the hearing, after proper notice of the hearing has been provided, shall not prevent the IP from proceeding with the hearing in such party's absence (including for the avoidance of doubt, making its report concerning any alleged infringement by the party), whether or not any written submissions are made by or on behalf of that party.
- The failure of a party charged with infringement of the FIA's ethical principles as contained in the FIA Statutes, International Sporting Code and Regulations to attend a hearing without reasonable grounds for doing so may allow the IP to draw an adverse inference against such party, and the IP may assess the matter accordingly.

#### **2.2.8.c** Procedure at the oral hearing:

- At the beginning of the hearing, in the presence of each of the parties (and their respective representatives, where applicable), the Chairman of the IP shall introduce himself and the other IP members, and each party (and their representatives, where applicable) shall introduce themselves.

- The Chairman of the IP shall then state the purpose of the hearing and outline the procedure to be followed.
- The parties and their representatives shall be invited to raise any preliminary queries and/or to make any submissions on preliminary issues as the Chairman of the IP may see fit.
- After any preliminary matters have been addressed, at the discretion of the Chairman of the IP, each party may make an opening statement (in the case where the IP investigates upon a *Complaint*, the *Complainant* will be first, the *Party Implicated* second). The Chairman of the IP may limit the amount of time permitted for opening statements.
- After the opening statements, the IP shall hear the parties and decide on any further steps of the proceedings.
- The parties may be heard separately.

#### 2.2.8.d Privacy of hearings:

- Save for good cause shown by any party, all hearings before the IP shall be conducted on a private and confidential basis, attended only by the parties to the proceedings and their representatives and witnesses, as well as any third party/ies and their representatives permitted under the applicable rules to attend in order to participate in and/or observe the proceedings.
- The Chairman of the IP may permit the attendance of the Secretariat of the EC. He may also permit attendance by persons associated with another party if requested by that party for all or a portion of the hearing, as directed by the Chairman of the IP.
- All persons attending a hearing shall respect the privacy and confidentiality of the proceedings, of the evidence and of all the documents and submissions prepared in connection with them. All evidence and submissions shall be privileged and confidential, even if a hearing is not conducted in private.
- The foregoing provisions shall not limit in any way the evidence, testimony, arguments or other matters that an IP may refer to, include or describe in its written report.

#### 2.2.8.e Recording of hearings:

- The Secretariat of the EC may make arrangements for hearings to be recorded or transcribed unless otherwise directed by the Chairman of the IP. Any recording so made shall belong to the EC.
- Where hearings have been recorded, and the FIA President, as prosecuting body of the FIA, has decided to initiate a disciplinary proceeding before the FIA International Tribunal (IT) further to the report submitted to him by the IP, the party concerned shall have the right to a transcript of the recording for use in connection with the case, and the Secretariat of the EC must provide such party with such transcript as soon as practicable upon request, subject to such party paying the costs involved in preparing the transcript and undertaking in writing not to share it with third parties. Otherwise, however, no person shall have the right to compel the production of any recording made of a hearing or any copy or transcript.
- Copies and transcripts of recordings shall remain confidential at all times. This shall not prevent submission of the transcripts to the IT in the event that a disciplinary proceeding is launched by the FIA President.

### ARTICLE 2.3 SPECIFIC PROCEDURE FOR DETERMINING *COMPLAINTS* BROUGHT BEFORE THE EC

#### 2.3.1 The parties

**2.3.1.a** The party bringing the *Complaint* shall be referred to as the "**Complainant**".

**2.3.1.b** The person or entity that is the subject of the *Complaint* shall be referred to as the "**Party Implicated**".

#### 2.3.2 The "*Complaint*"

**2.3.2.a** To commence proceedings, the *Complainant* shall send a written notice to the EC, setting out the

infringement(s) alleged to have been committed, including the specific rule, regulation, or principle alleged to have been infringed and a statement of the facts upon which such allegations are based (the “**Complaint**”), unless the procedure is otherwise provided for in the applicable rules.

**2.3.2.b** The *Complainant* shall submit:

- its brief, setting out its case on the situation it believes the IP will have to assess;
- written statements setting out the evidence of each witness (fact or expert) that the *Complainant* wishes to put into the record before the IP in support of its case, with a statement from the witness attesting to the truth of the contents of the statement (or, in the case of an expert witness, attesting that the statement accurately sets out his opinions on the matters in issue);
- copies of all the documentary evidence that the *Complainant* wishes to put into the record before the IP in support of its case;
- copies of any legal authorities relied on by the *Complainant* in its brief; and
- (where an oral hearing is to take place) an estimate of the time that it believes it will need to present its case at the oral hearing.

**2.3.2.c** The *Complainant* may apply to the Chairman of the IP for permission to submit anything other than what is specified above.

### **2.3.3 Decision with regard to the admissibility of the *Complaint***

**2.3.3.a** After having examined the *Complaint* closely, the IP shall decide whether the *Complaint* is admissible (in accordance with Article 18.2 of the FIA Statutes).

**2.3.3.b** Should the *Complaint* be found admissible, the IP shall:

- forward the full *Complaint* to the *Party Implicated* by means of a *Notification Letter* and invite him to provide comments or documents that he may consider useful for the assessment of the case by the IP,
- inform the *Complainant* that the *Complaint* is admissible and has been made available to the *Party Implicated*.

### **2.3.4 The “*Notification Letter*”**

**2.3.4.a** The *Notification Letter* (see Appendix 1) is the letter by which the *Party Implicated* is notified that the EC has decided to initiate an investigation upon a *Complaint* regarding an alleged breach of the FIA's ethical principles.

**2.3.4.b** The *Notification Letter* sent to the *Party Implicated* once the *Complaint* has been found admissible, shall:

- specify that the EC has appointed an IP to assess the Case (the composition of which may be disclosed),
- summarise the alleged breach(es) and outline the specific rule(s) violated,
- invite the *Party Implicated* to submit, by a set deadline (in accordance with Article 2.2.6 above), any relevant written evidence (comments or documents), that he considers useful or which may assist the IP in assessing the case against him,
- specify that further to the examination of the above-mentioned documents, the IP may decide to give the *Party Implicated* the opportunity to be heard,
- inform the *Party Implicated* that, in application of Article 18 of the Statutes and Article 5.4 of the Code, the IP shall submit its written report (a copy of which shall be sent to the parties and to the members of the FIA Senate for information) to the FIA President, who may decide to take any further action.

**2.3.4.c** For the sake of transparency, all the documents available to the IP provided by the *Complainant* shall be attached to the *Notification Letter*.



### 2.3.5 The “Answer”

**2.3.5.a** The *Party Implicated* shall file an *Answer* to the *Complaint* (the “*Answer*”) so that it is received by the IP within the deadline specified in the *Notification Letter*.

**2.3.5.b** In the *Answer*, the *Party Implicated* must admit or deny (in whole or in part) the infringement(s) alleged, and must specifically admit, deny, or deny any knowledge or information in respect of each factual allegation set out in the *Complaint* in support of the alleged infringement(s). The *Answer* should also identify any defence(s) that the *Party Implicated* asserts in response to the *Complaint(s)*, and the alleged facts on which such defence(s) is/are based.

**2.3.5.c** The *Answer* must make it clear whether the *Party Implicated* requests an oral hearing (in person, by video conference or, if the circumstances so require, by telephone) before an IP.

**2.3.5.d** The *Party Implicated* shall submit:

- an answering brief addressing the *Complainant’s* arguments, and setting out all of the case of the *Party Implicated* on the issues (including any defences) that he believes the IP will have to resolve;
- written statements setting out the evidence of each witness (fact or expert) that the *Party Implicated* wishes to put into the record before the IP, with a statement from the witness attesting to the truth of the contents of the statement (or, in the case of an expert witness, attesting that the statement accurately sets out his opinions on the matters in issue);
- copies of all the documentary evidence that the *Party Implicated* wishes to put into the record before the IP;
- copies of any legal authorities relied on by the *Party Implicated* in his brief; and
- (where an oral hearing is to take place) an estimate of the time the *Party Implicated* thinks it will take to respond to the *Complainant’s* case and present his defence at the oral hearing.

**2.3.5.e** The *Party Implicated* may apply to the Chairman of the IP for permission to submit anything other than what is specified above.

**2.3.6** The Chairman of the IP may at any time ask the parties to provide additional submissions and/or evidence, including expert testimony or opinions, as necessary.

**2.3.7** Evidence not submitted to the other party at least ten (10) days before the date of an oral hearing set by the Chairman of the IP may not be submitted for the consideration of the IP unless the party offering the evidence satisfies the IP that there was a compelling excuse for the failure to meet that deadline.

**2.3.8** It shall not be improper for a party, its officers, employees, legal advisors or other representatives to interview its witnesses or potential witnesses in advance of any hearing.

**2.3.9** If it appears to the IP that a *Party Implicated* may be subject to further actions from the FIA President on account of an infringement of the ethical principles as contained in the FIA Statutes, International Sporting Code and Regulations that has not previously been notified, or that an infringement may have been committed by a person other than the *Party Implicated*, the IP shall ensure that the *Party Implicated* or such other person is informed of and given a reasonable time to deal with the new allegation(s), including by adjourning the proceedings if relevant and necessary.

### 2.3.10 The “Invitation to Appear”

**2.3.10.a** Should the IP decide that the parties should be given the opportunity to be heard or consider that it appears necessary to seek further information from them in order to precisely assess the situation; an *Invitation to Appear* (see Appendix 2) shall be sent to the Parties.

**2.3.10.b** The *Invitation to Appear* shall:

- indicate the place and date on which the hearing will be held (see Article 2.2.8.a above),
- specify the purpose of the hearing,
- list all the documents available to the IP,
- remind the parties of the procedure applicable to hearings (see Article 2.2.8 above).

**2.3.11 Standard of proof**

Unless otherwise stated in the relevant rules, the standard of proof on all questions to be determined by the IP shall be the balance of probabilities.

**2.3.12 Evidence**

**2.3.12.a** Once opening statements are completed, the *Complainant* shall be invited to present evidence in support of its case, followed by the *Party Implicated* presenting evidence in defence of the case.

**2.3.12.b** The IP shall have the power to allow, refuse or limit the evidence or appearance at the hearing of any fact or expert witness. Facts may be established in such proceedings by any reliable means, and factors such as hearsay shall go not to admissibility but rather to the weight to be given by the IP to such evidence.

**2.3.12.c** Subject always to Article 2.2.8 above, the parties shall call to be heard by the IP (in person or, with the permission of the IP, by video or, if the circumstances so require, by telephone) the fact and expert witnesses whose statements and reports they have submitted in advance of the hearing. The parties are responsible for the availability and of those witnesses and the costs of their attendance.

**2.3.12.d** If a witness whose appearance has been requested fails without a valid reason to appear for testimony, the IP shall disregard any witness statement or declaration related to that witness unless, in exceptional circumstances, the IP decides otherwise.

**2.3.12.e** In any case where a witness attends before the IP but refuses or fails to answer questions put to him by or on behalf of the other party or the IP, the IP may infer that the answers of that witness to those questions would have been adverse to the party offering that witness. If the witness is the party, then the IP may infer that the answers of the party to those questions would have been adverse to that party.

**2.3.12.f** Where a witness appears at a hearing (whether in person or by video or, if the circumstances so require, by telephone) before providing testimony, he shall first affirm, in a manner determined appropriate by the IP, that he is telling the truth. Thereafter, the written statement of that witness shall stand as his direct evidence. The IP may in its discretion allow direct examination of a witness appearing at the hearing (to supplement his written testimony or where no witness testimony was submitted), cross-examination of that witness by the party against whom his evidence is offered, and re-direct examination of that witness in relation to the matters on which he was cross-examined.

**2.3.12.g** The IP is entitled to ask fact and expert witnesses questions at any time during the hearing and may recall witnesses for such purpose at any time.

**2.3.12.h** Witnesses shall not ordinarily be admitted to the hearing room prior to their giving evidence, and after giving their evidence all such witnesses shall ordinarily be required to withdraw from the hearing room.

**2.3.12.i** Any documentary or other evidence relied on by a party must be properly authenticated upon presentation to the IP.

### **2.3.13 Report from the IP**

**2.3.13.a** The IP shall make its decision with regard to the recommendations to be included in their report by an absolute majority of the members present. All IP members must take part in the deliberations of the Panel and no member of the IP may abstain from voting.

**2.3.13.b** The IP will issue its report as soon as reasonably practicable after the hearing, in writing, with reasons, in accordance with Article 2.3.14 below.

### **2.3.14 Written report**

**2.3.14.a** In all cases, the IP shall issue its report in writing, dated and signed by the Chairman of the IP, as soon as practicable after the end of the hearing. The IP may be assisted by a Clerk in drafting the report.

**2.3.14.b** The written report shall set out and explain:

- the IP's findings, with reasons, as to what breach(es), if any, the *Party Implicated* has committed;
- the IP's findings, with reasons, as to the recommendations to the FIA President as a result of such breach(es);
- the possible consequences, should the FIA President decide to take any further action. The President of the FIA is the prosecuting body of the FIA (see Article 6 of the FIA Judicial and Disciplinary Rules). He alone decides whether or not it is appropriate to launch disciplinary proceedings.

**2.3.14.c** The IP shall send copies of the report to the members of the FIA Senate, the *Complainant* and the *Party Implicated* for information.

**2.3.14.d** In compliance with the FIA Judicial and Disciplinary Rules, in the event that the President of the FIA or any other person appearing on the presidential list (see Article 9.4 of the FIA Statutes) is the subject of an investigation, the report shall be submitted to the Senate, who may decide to take any further action. A copy of this report shall be submitted to the *Complainant* and the *Party Implicated* for information.

## **ARTICLE 2.4 SPECIFIC PROCEDURE APPLICABLE WHEN THE EC TAKES ACTION ON ITS OWN INITIATIVE**

### **2.4.1 The “Party Implicated”**

The person or entity that is the subject of an investigation by the EC shall be referred to as the “*Party Implicated*”.

### **2.4.2 The “Notification Letter”**

**2.4.2.a** The *Notification Letter* (see Appendix 3) is the letter by which the *Party Implicated* is notified that the EC has decided to initiate an investigation on its own motion regarding an alleged breach of the FIA's ethical principles.

**2.4.2.b** The *Notification Letter* sent to the *Party Implicated* shall:

- specify that the EC has appointed an IP to assess the Case (the composition of which may be disclosed),
- summarise the alleged breach(es) and outline the specific rule(s) violated,
- invite the *Party Implicated* to submit, by a set deadline (in accordance with Article 2.2.6 above), any relevant written evidence (comments or documents), that he considers useful or which may assist the IP in assessing the case against him,
- specify that further to the examination of the above-mentioned documents, the IP may decide to give to the *Party Implicated* the opportunity to be heard,

- inform the *Party Implicated* that, in application of Article 18 of the Statutes and Article 5.4 of the Code, the IP shall submit its written report (a copy of which shall be sent to the parties and to the members of the FIA Senate for information) to the FIA President, who may decide to take any further action.

**2.4.2.c** For the sake of transparency, all the documents available to the IP shall be attached to the *Notification Letter*.

#### **2.4.3 The “Answer”**

**2.4.3.a** The *Party Implicated* shall file an *Answer* (the “**Answer**”) so that it is received by the IP within the deadline specified in the *Notification Letter*.

**2.4.3.b** In the *Answer*, the *Party Implicated* must admit or deny (in whole or in part) the infringement(s) alleged, and must specifically admit, deny, or deny any knowledge or information in respect of, each factual allegation set out in the *Notification Letter* in support of the alleged infringement(s). The *Answer* should also identify any defence(s) that the *Party Implicated* asserts in response to the *Notification Letter*, and the alleged facts on which such defence(s) is/are based.

**2.4.3.c** The *Answer* must make it clear whether the *Party Implicated* requests an oral hearing (in person, by video conference or, if the circumstances so require, by telephone) before an IP.

**2.4.3.d** The *Party Implicated* shall submit:

- an answering brief addressing the IP’s arguments, and setting out all of the case of the *Party Implicated* on the issues (including any defences) that he believes the IP will have to resolve;
- written statements setting out the evidence of each witness (fact or expert) that the *Party Implicated* wishes to put into the record before the IP, with a statement from the witness attesting to the truth of the contents of the statement (or, in the case of an expert witness, attesting that the statement accurately sets out his opinions on the matters in issue);
- copies of all the documentary evidence that the *Party Implicated* wishes to put into the record before the IP;
- copies of any legal authorities relied on by the *Party Implicated* in his brief; and
- (where an oral hearing is to take place) an estimate of the time the *Party Implicated* thinks it will take to respond to the IP’s case and present his defence at the oral hearing.

**2.4.3.e** The *Party Implicated* may apply to the Chairman of the IP for permission to submit anything other than what is specified above.

**2.4.4** The Chairman of the IP may at any time ask the *Party Implicated* to provide additional submissions and/or evidence, including expert testimony or opinions, as necessary.

**2.4.5** It shall not be improper for the *Party Implicated*, its officers, employees, legal advisors or other representatives to interview its witnesses or potential witnesses in advance of any hearing.

**2.4.6** If it appears to the IP that a *Party Implicated* may be subject to further actions from the FIA President on account of an infringement of the ethical principles as contained in the FIA Statutes, International Sporting Code and Regulations that has not previously been notified, or that an infringement may have occurred by a person other than the *Party Implicated*, the IP shall ensure that the *Party Implicated* or such other person is informed of and given a reasonable time to deal with the new allegation(s), including by adjourning the proceedings if relevant and necessary.

#### **2.4.7 The “*Invitation to Appear*”**

**2.4.7.a** Should the IP decide that the *Party Implicated* should be given the opportunity to be heard or consider that it appears necessary to seek further information from them in order to precisely assess the situation; an *Invitation to Appear* (see Appendix 2) shall be sent to the *Party Implicated*.

**2.4.7.b** The *Invitation to Appear* shall:

- indicate the place and date on which the hearing will be held (see Article 2.2.8.a above),
- specify the purpose of the hearing,
- list all the documents available to the IP,
- remind the parties of the procedure applicable to hearings (see Article 2.2.8 above).

#### **2.4.8 Standard of proof**

Unless otherwise stated in the relevant rules, the standard of proof on all questions to be determined by the IP shall be the balance of probabilities.

#### **2.4.9 Evidence**

**2.4.9.a** Once opening statements are completed, the *Party Implicated* shall be invited to present evidence in defence of his case.

**2.4.9.b** The IP shall have the power to allow, refuse or limit the evidence or appearance at the hearing of any fact or expert witness.. Facts may be established in such proceedings by any reliable means, and factors such as hearsay shall go not to admissibility but rather to the weight to be given by the IP to such evidence.

**2.4.9.c** Subject always to Article 2.2.8 above, the *Party Implicated* shall call to be heard by the IP (in person or, with the permission of the IP, by video or, if the circumstances so require, by telephone) the fact and expert witnesses whose statements and reports they have submitted in advance of the hearing. The *Party Implicated* is responsible for the availability of those witnesses and the costs of their attendance.

**2.4.9.d** If a witness whose appearance has been requested fails without a valid reason to appear for testimony, the IP shall disregard any witness statement or declaration related to that witness unless, in exceptional circumstances, the IP decides otherwise.

**2.4.9.e** In any case where a witness attends before the IP but refuses or fails to answer questions put to him by the IP, the IP may infer that the answers of that witness to those questions would have been adverse to the *Party Implicated*. If the witness is the *Party Implicated*, then the IP may infer that his answers to those questions would have been adverse to him.

**2.4.9.f** Where a witness appears at a hearing (whether in person or by video or, if the circumstances so require, by telephone), before providing testimony he shall first affirm, in a manner determined appropriate by the IP, that he is telling the truth. Thereafter, the written statement of that witness shall stand as his direct evidence. The IP may in its discretion allow direct examination of a witness appearing at the hearing (to supplement his written testimony or where no witness testimony was submitted), cross-examination of that witness by the *Party Implicated*, and re-direct examination of that witness in relation to the matters on which he was cross-examined.

**2.4.9.g** The IP is entitled to ask fact and expert witnesses questions at any time during the hearing and may recall witnesses for such purpose at any time.

**2.4.9.h** Witnesses shall not ordinarily be admitted to the hearing room prior to their giving evidence, and after giving their evidence all such witnesses shall ordinarily be required to withdraw from the hearing room.

**2.4.9.i** Any documentary or other evidence relied on by the *Party Implicated* must be properly authenticated upon presentation to the IP.

#### **2.4.10 Report from the IP**

**2.4.10.a** The IP shall make its decision with regard to the recommendations to be included in their report by an absolute majority of the members present. All IP members must take part in the deliberations of the Panel and no member of the IP may abstain from voting.

**2.4.10.b** The IP will issue its report as soon as reasonably practicable after the hearing, in writing, with reasons, in accordance with Article 2.4.12 below.

#### **2.4.11 Written report**

**2.4.11.a** In all cases, the IP shall issue its report in writing, dated and signed by the Chairman of the IP, as soon as practicable after the end of the hearing. The IP may be assisted by a Clerk in drafting the report.

**2.4.11.b** The written report shall set out and explain:

- the IP's findings, with reasons, as to what breach(es), if any, the *Party Implicated* has committed;
- the IP's findings, with reasons, as to the recommendations to the FIA President as a result of such breach(es);
- the possible consequences, should the FIA President decide to take any further action. The President of the FIA is the prosecuting body of the FIA (see Article 6 of the FIA Judicial and Disciplinary Rules). He alone decides whether or not it is appropriate to launch disciplinary proceedings.

**2.4.11.c** The IP shall send copies of the report to the members of the FIA Senate and the *Party Implicated* for information.

**2.4.11.d** In compliance with the FIA Judicial and Disciplinary Rules, in the event that the President of the FIA or any other person appearing on the presidential list (see Article 9.4 of the FIA Statutes) is the subject of an investigation, the report shall be submitted to the Senate, who may decide to take any further action. A copy of this report shall be submitted to the *Party Implicated* for information.

## APPENDIX 1



FEDERATION INTERNATIONALE DE L'AUTOMOBILE

### **By email and DHL**

To: [...]

From: **FIA Ethics Committee**

Pages: [...]

Date: [...]

RE: **Notification Letter – alleged breaches of the FIA's ethical principles  
CASE [...]**

### **STRICTLY CONFIDENTIAL**

Dear [...],

We hereby inform you that a complaint has been made by [...] before the FIA Ethics Committee on [...], with regard to alleged breaches of the FIA's ethical principles in which it appears that you may be implicated.

In accordance with Article 18 of the FIA Statutes, the Ethics Committee is entrusted with safeguarding the integrity and reputation of motor sport, automobile mobility and tourism and persons as defined in the Preamble of the FIA Code of Ethics (hereinafter "the Code") worldwide. Upon complaints or on its own initiative the Ethics Committee investigates and assesses the given situation regarding any alleged breach of the ethical principles as contained in the FIA Statutes, International Sporting Code and Regulations and submits a report to the President of the FIA, who may decide to take any further action.

#### **1. Notification**

You are hereby notified that the FIA Ethics Committee has decided to initiate an investigation upon Mr/Ms [...]’s complaint regarding an alleged breach of the FIA's ethical principles.

For your full information, the Ethics Committee has appointed an Investigation Panel for assessing the Case. It is composed of three of its members, [...], [...] and myself, acting as Chairman of the Investigation Panel.

#### **2. Alleged breaches**

##### **2.1 [...]**

**Specific rule violated: [...]**

##### **2.2 [...]**

**Specific rule violated: [...]**

### **3. Information and explanations**

You are invited to submit, by [...], **any relevant written evidence** (comments or documents), that you consider useful or which may assist the Investigation Panel in assessing the case against you. All documents and communications should be provided in English or in French.

The documents currently available to the Investigation Panel are attached and all the FIA Regulations referred to in this notification are available at [www.fia.com](http://www.fia.com).

Please note that, further to the examination of the above-mentioned documents, you may be given the opportunity to be heard. Should this be the case, an invitation to appear before the Investigation Panel presiding over the case will be sent to you.

### **4. Report**

In application of Article 18 of the Statutes and Article 5.4 of the Code, the Ethics Committee will submit its written report to the FIA President, who may decide to take any further action; in addition, a copy of the report will be submitted to you, to the complainant and to the members of the FIA Senate for information.

We kindly request that you acknowledge receipt of this notification and we remain at your disposal should you require any further information.

Yours sincerely,

On behalf of the FIA Ethics Committee

[...]  
Chairman of the Investigation Panel

*Enclosures:*

- *[case file]*



## APPENDIX 2



FEDERATION INTERNATIONALE DE L'AUTOMOBILE

### **By email and DHL**

To: [...]

From: **FIA Ethics Committee**

Pages: [...]

Date: [...]

### **INVITATION TO APPEAR BEFORE THE FIA ETHICS COMMITTEE**

RE: **Alleged breach of the FIA's ethical principles**  
**Case [...]**

### **STRICTLY CONFIDENTIAL**

Dear [...],

Your Answer dated [...] and its attachments have been duly examined by the Investigation Panel appointed within the framework of the above-mentioned investigation, which is being conducted pursuant to Article 18 of the FIA Statutes.

Further to this examination, it appears necessary that we seek further information from you in order to accurately assess the situation.

Therefore, and in compliance with the FIA Code of Ethics, we hereby kindly invite you to an interview on [...], **at [...], at the FIA headquarters in [...].**

The purpose of this interview is to:

- understand more precisely [...], and
- confirm that there are no other interests you should have disclosed (alleged breach of Article 2.4 of the Code of Ethics).

For this interview, you may wish to be accompanied by a lawyer; please let us know if this is the case. For the sake of clarity, please note however that the Ethics Committee is not a judicial or disciplinary body.

Furthermore, you are requested to submit in writing, by [...], any comments or additional documents that you may consider useful for the assessment of the present case by the Ethics Committee. All documents and communications should be provided in English or in French.

Ahead of this interview, please note that the documents currently included in the file pertaining to the present case are as follows:

- [...]

Further to this hearing, in application of Article 18 of the Statutes and Article 5.4 of the Code, the FIA Ethics Committee will submit its written report to the FIA President, who may decide to take any further action. A copy of this report will be sent to you and to the members of the FIA Senate for information.

We kindly ask that you acknowledge receipt of this letter and confirm that you are able to attend the above meeting, at your earliest convenience.

We remain at your disposal should you require any additional information.

Yours sincerely,

[...]

Chairman of the Investigation Panel

## APPENDIX 3



FEDERATION INTERNATIONALE DE L'AUTOMOBILE

### **By email and DHL**

To: [...]

From: **FIA Ethics Committee**

Pages: [...]

Date: [...]

RE: **Notification Letter – alleged breaches of the FIA's ethical principles  
CASE [...]**

### **STRICTLY CONFIDENTIAL**

Dear [...],

[...] In accordance with Article 18 of the FIA Statutes, the Ethics Committee is entrusted with safeguarding the integrity and reputation of motor sport, automobile mobility and tourism and persons as defined in the Preamble of the FIA Code of Ethics (hereinafter "the Code") worldwide. Upon complaints or on its own initiative the Ethics Committee investigates and assesses the given situation regarding any alleged breach of the ethical principles as contained in the FIA Statutes, International Sporting Code and Regulations and submits a report to the President of the FIA, who may decide to take any further action.

#### **1. Notification**

You are hereby notified that, on its own initiative, the Ethics Committee has decided to initiate an investigation regarding an alleged breach of the FIA's ethical principles.

For your full information, the Ethics Committee has appointed an Investigation Panel for assessing the Case. It is composed of three of its members, [...], [...] and myself (President of the Ethics Committee), acting as Chairman of the Investigation Panel.

#### **2. Alleged breaches**

##### **2.1 [...]**

**Specific rule violated: [...]**

##### **2.2 [...]**

**Specific rule violated: [...]**

### **3. Information and explanations**

**3.1** You are invited to provide the following **documents** and **written explanations** by [...]:

[...]

If you do not provide the Investigation Panel with the above-mentioned documents and explanations, the Investigation Panel may draw an adverse inference due to your failure to provide the information and documents listed above.

Please also submit **any other relevant written evidence** that you consider useful or which may assist the Investigation Panel in assessing the case against you. All documents and communications should be provided in English or in French.

The documents currently available to the Investigation Panel are attached and all the FIA Regulations referred to in this notification are available at [www.fia.com](http://www.fia.com).

Please note that, further to the examination of the above-mentioned documents, you may be given the opportunity to be heard. Should this be the case, an invitation to appear before the Investigation Panel presiding over the case will be sent to you.

### **4. Report**

In application of Article 18 of the Statutes and Article 5.4 of the Code, the Ethics Committee will submit its written report to the FIA President, who may decide to take any further action; in addition, a copy of the report will be submitted to you and to the members of the FIA Senate for information.

We kindly request that you acknowledge receipt of this notification and we remain at your disposal should you require any further information.

Yours sincerely,

On behalf of the FIA Ethics Committee

[...]

Chairman of the Investigation Panel

Enclosures:

- [Case file]