



INTERNATIONAL COURT OF APPEAL

of the

FÉDÉRATION INTERNATIONALE DE L'AUTOMOBILE

**Appeal lodged by the Automobile Club d'Italia (ACI) on behalf of its licenceholder Honda Racing Team Jas
against**

Decisions Nos. 1, 3, 5, 6, 7 and 8 dated 26 May 2016 of the Stewards of the Race of Germany related to the Races of Hungary and Morocco counting towards the 2016 FIA World Touring Car Championship (WTCC)

Case ICA-2016-03

Hearing of 9 June 2016 in Paris



The FIA INTERNATIONAL COURT OF APPEAL (the “Court”), comprising Mr Thierry Julliard (Switzerland), who was designated President, Mr Didier Bollecker, (France), Mr Michael Grech (Malta) and Mr Jan Stovicek (Czech Republic), met in Paris on Thursday, 9 June 2016 at the Fédération Internationale de l'Automobile, 8 place de la Concorde, 75008 Paris.

Ruling on the appeal lodged by the Automobile Club d'Italia (ACI) on behalf of its licence-holder Honda Racing Team Jas (“Honda Racing” or the “Appellant”) against the Decisions Nos. 1, 3, 5, 6, 7 and 8 dated 26 May 2016 of the Stewards of the Race of Germany related to the Races of Hungary and Morocco and counting towards the 2016 FIA World Touring Car Championship (WTCC) (the “Decisions”) by which the cars N° 5, 12 and 18 of Honda Racing were excluded from the Races of Hungary and Morocco and (the “Decisions”).

The following persons attended the hearing:

On behalf of the Appellant:

Mr Alessandro Mariani (Chief Executive Officer)
Mr Duncan Laycock (WTCC Technical Director)
Mr William de Braekeleer (Motor Sport Manager)
Mr Simon Taylor (Solicitor)

On behalf of the FIA:

Mr Pierre Ketterer (FIA Head of Regulatory, Governance
& Legal Corporate Affairs)
Mr Bernard Niclot (FIA Technical Director)
Mr Manuel Leal (FIA Technical Delegate)
Mrs Delphine Lavanchy (Legal Coordinator)

Also attending the hearing:

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

The parties filed their written submissions and, at the hearing of 9 June 2016, presented their oral arguments and answered the questions asked by the Court. The hearing took place in accordance with the adversarial principle, with the aid of simultaneous translation. No objection to the competence or the composition of the Court, to any element of the fairness of the proceedings or of the hearing or to any element of the simultaneous translation was raised by either party.



REMINDER OF THE FACTS

1. Honda Racing entered and competed between 22 and 24 April 2016 in events in Hungary and between 6 and 8 May 2016 in events in Morocco, all counting towards the 2016 FIA WTCC (the “Race of Hungary”, resp. the “ Race of Morocco”).
2. After a first check on Honda Racing’s cars Nos. 5, 12, 18 and 55, the FIA Technical Delegate, Mr Manuel Leal, submitted a Technical Report No. 3 to the Stewards of the Race of Hungary on 23 April 2016 at 21:00 concerning the flat bottom of those cars (the “Technical Report No. 3”). This report stated notably that “*further investigation is needed to assess the compliance of these parts*”.
3. The FIA Technical Delegate then issued a new Technical Report Numbered 4 on the same day at 21:15, confirming the sealing of parts on those Honda Racing’s cars (the “Technical Report No. 4”).
4. The next day, namely on 24 April 2016 at 12:00, the FIA Technical Delegate issued another Technical Report No. 6, reporting the sealing of the flat bottoms of Honda Racing’s cars Nos. 5, 12 and 18 (the “Technical Report No. 6”).
5. The Stewards of the Race of Hungary then met about half an hour before the opening race in order to investigate on the Technical Reports Nos. 3 and 6 and issued at 14:10 on the 24 May 2016 a decision No. 6 (the “Decision No. 6”) which reads as follows in its relevant parts:

“Facts *Following the Technical Delegate Report N.3 about the flat bottom of the cars number 5, 12, 18 and 55 of the Manufacturer Honda Motors, the Stewards investigated the matter and found that according to the Appendix J Article 263 of the ISC they are in compliance with the current Regulations.*

Decision *No further action”*

6. This Decision No. 6 was notified to Honda Racing at 14:34 and Honda Racing competed 10 minutes later in the Race of Hungary with cars Nos 5, 12 and 18.
7. After the Race, the FIA Technical Delegate proceeded with further checks on the cars Nos. 5, 12 and 18 and issued Technical Delegate’s Report No. 8 at 19:00 (the “Technical Report No. 8”), which reads as follows in its relevant parts:

“All the cars were found in compliance with the Regulations of the Championship with regards to the items checked, except:

The following parts have been used during both races and remain sealed (as per technical reports number 4, 5 , 6 and 7) from cars number: 5, 12, 18, 55



- *Flat bottom (3 pieces per car)*

Further investigation is needed to assess the compliance of these parts, which remain securely locked at this venue under the custody of the Hungarian ASN.”

8. Based on this Technical Report No. 8, the Stewards of the Race of Hungary decided and published the final classification at 19:45, with the reservation that it should be “*subject to the conclusion of the further investigation concerning the flat bottom of the cars 5, 12, 18, 55 (Technical Report No. 8)*”.
9. The Stewards then issued a Decision No. 14 and confiscated only one sample of each of the different parts specifications, given that all the parts at stake on the three cars were identical.
10. During the period between the Race of Hungary and the following competition held in Morocco from 6 to 8 May 2016 (the “Race of Morocco”), Honda Racing and the FIA Technical Delegate exchanged emails pertaining to the differences between the confiscated flat bottom parts and the corresponding homologation form.
11. On 8 May 2016, during checks carried out on cars Nos. 5, 12 and 18 after the Race of Morocco, the FIA Technical Delegate again found that the flat bottom of the 3 cars required further investigation to assess their compliance with the Championship Regulations. As a consequence, the FIA Technical Delegate issued the Technical Delegate’s Report No. 5 at 20:00 (the “Technical Report No. 5”).
12. The same day, the Stewards of the Race of Morocco decided at 20:35 that the final classification should be “*subject to the conclusion of the further investigation concerning the flat bottom of the cars 5, 12, 18, 55 (Technical Report No. 1 [recte: No. 5])*”.
13. On 13 May 2016, the FIA Technical Delegate informed Honda Racing that the information received was now sufficient to issue a technical report, which would be communicated to the Stewards.
14. Subsequently, Honda Racing was summoned by a letter of the FIA dated 26 May 2016, to attend a meeting before the Stewards of the Race of Germany in order for them to get explanations from Honda Racing’s representatives “*about the seals mounted on the parts of the cars No. 5, 12, 18 following a report received from the FIA Technical Delegate.*” In that letter, the FIA informed Honda Racing that “*the Stewards nominated at WTCC Nürburgring will attend the hearing and had received a power delegation from the one working at the specific events in accordance with article 11.9.2.s of the ISC. The final decision will be taken after discussion between the Stewards. Meanwhile, can you confirm there is no objection for us to pursue this procedure?*”



15. On 26 May 2016, after having heard Honda Racing's representative in the presence of the FIA Technical Delegate, the Stewards of the Race in Germany issued Decisions Nos. 1, 3 and 5, on the basis of the post-competition Technical Report No. 9 related to the Race of Hungary (the "Technical Report No. 9"), and Decisions Nos. 6, 7 and 8, on the basis of the post-competition Technical Report No. 6 related to the Race of Morocco. In those Decisions, the Stewards of the Race of Germany found that the flat floor-front section (in both races) and the rear hatch (only in Hungary) of cars Nos. 5, 12 and 18, were not in compliance with the Regulations of the 2016 FIA WTCC Championship (the "Regulations") and decided therefore to exclude the cars from the results of the Races of Hungary and Morocco.
16. The grounds of the Decisions read, in essence, as follows:
- " [the corresponding parts] have been found not in compliance with the Regulations of the 2016 FIA WTCC Championship as follows:*
- 1) They are different to the parts featuring in the homologation form extension A-5747 210/07 ER, as well as to the parts presented during the homologation inspection, breach of articles 263.003 and 263.004 of the Appendix J.*
- 2) Their construction is not in compliance with the definition of composite applicable at the time of the homologation of the extension A5747 210/07 ER (article 251.2.1.11 of the Appendix J) breach of article 263.902 of the Appendix J."*
17. Honda Racing immediately notified its intentions to appeal against the Decisions.

PROCEDURE AND FORMS OF DECISIONS REQUESTED BY THE PARTIES

18. On 27 May 2016, the ACI, acting on behalf of the Appellant, lodged an appeal against the Decisions (the "Appeal").
19. In its submissions, filed on 3 June 2016, the Appellant seeks the following orders:
- " a. That the FIA WTCC Technical Delegate and the Stewards of Germany acted beyond their powers and that their decisions should be quashed and accordingly the Competitors and Drivers should be reinstated in the results for the Race of Hungary and the Race of Morocco; and/or*
- b. That it complied with the Regulations of the Championship and accordingly the Competitor and the Drivers should be reinstated in the results for the Race of Hungary and the Race of Morocco; and/or*



c. That it complied with the Regulations of the Championship as determined by the Stewards of Hungary in Decision no. 6 of the Race of Hungary throughout the Race of Hungary and the Race of Morocco. Therefore, it is unreasonable and disproportionate to exclude the Competitor and the Drivers from these events, thus they should be reinstated in the results for the Race of Hungary and the Race of Morocco; and

d. That the Appeal Deposit should be returned in full.”

20. The FIA in its grounds in response dated 7 June 2016, requests that the Court confirm the sanction of exclusion from the Races in Hungary and Morocco pronounced by the Stewards of the Race of Germany.

ADMISSIBILITY OF THE APPEAL

21. The Decisions were issued on 26 May 2016 between 22:50 and 23:00 by the Stewards of the Race of Germany. They were immediately notified to the Appellant, which in return immediately declared its intentions to appeal against those Decisions.
22. The ACI lodged the appeals before the Court on 27 May 2016, namely within the deadline provided under Article 10.3 (i) lit. a of the Judicial and Disciplinary Rules (the “JDR”), applicable to appeals against decisions of the Stewards. The appeal deposit was also paid in due course and the Court joined the 6 appeals.
23. Considering the above, the Court finds the appeal admissible, which is undisputed.

ON THE SUBSTANCE

1st Plea – binding effect of Decision No. 6 and the lack of authority of the Technical Delegate

a) Arguments of the parties

24. The Appellant claims firstly that the Technical Delegate and the Stewards of the Race of Germany acted “*ultra vires and beyond their powers.*”
25. In support of its argument the Appellant refers to article 9.11.2.s of the FIA International Sporting Code (the “Code”) and claims that the issue of the compliance of the parts of its cars had already been decided by the Stewards of the Race of Hungary in their Decision No. 6, where those Stewards confirmed that the parts were compliant and that there should be “*no further action*”.
26. According to the Appellant as “*the Stewards of Hungary had not adjourned any procedure or decision to a later date, in fact they had ruled on the issue. Their*



decision was in force for the Races of Hungary and Morocco and still stands today.”

27. Noting that no appeal had been lodged against the Decision No. 6 by any other competitors or any official, it is the Appellant’s view that such Decision is binding upon them.
28. The Appellant claims further that the Technical Delegate had not been validly entrusted to carry out scrutineering checks after the Race of Hungary and Morocco, so that the requirements set out under article 11.14 of the Code were not met.
29. Based on the foregoing, the Appellant concludes on this first argument that *“it is clear that the FIA WTCC Technical Delegate did not have the authority to perpetuate an investigation following Decision No. 6 of the Stewards of Hungary without the express request from the Clerk of the Course or the Stewards. It is equally clear that the Stewards of Germany had no authority under the ISC [the Code] to convene their meeting or decide the matters referred to them. Therefore the Decisions should be quashed.”*
30. With respect to the impact of Decision No. 6 on the present case, the FIA stresses that when this Decision was issued, the Technical Delegate was not in a position to assess the compliance of the flat bottom of cars 5, 12 and 18 of the Appellant, as reflected in Technical Report No. 3. As the Technical Delegate could not give sufficient grounds to the Stewards to justify imposing a penalty, the latter obviously decided not to sanction the Appellant immediately and to leave this issue to the next panel of Stewards.
31. According to the FIA, this would be reflected firstly by the way the Stewards investigated on the case before issuing Decision No. 6. Indeed, the Stewards indeed only heard the Appellant’s representative and not the Technical Delegate, who was, therefore, not given the opportunity to explain that the alleged breach of Regulations did not relate to the weight of the parts but rather to inconsistencies with the corresponding FIA Homologation Form as well as to the construction of the parts.
32. The weight of the parts was only a hint for the Technical Delegate that parts of the flat bottom could have been changed.
33. The FIA then reminds the Court that after having issued their Decision No. 6, the Stewards did not ask that the seals put on the elements at stake be removed. On the contrary, they even asked that an additional seal be fixed to the parts.
34. The FIA further explains that after the FIA Technical Delegate had issued his new report No. 8, the Stewards decided to issue the classification with a reservation in order to allow further investigations on the case.



35. According to the FIA, it is therefore “undeniable that the Stewards had clearly conditioned the classifications and the final results of these competitions to a new decision to be taken after the conclusion of the further investigation concerning the flat bottoms of cars 5, 12 and 18.”
36. As to the application of Article 11.9.2.s of the Code, the FIA puts forward that the delegation made by the Stewards of the Race of Hungary and of the Race of Morocco in favour of their German colleagues was perfectly valid.
37. The FIA further claims that, in any event, “a decision taken by the Stewards on the compliance of a car within the framework of the qualifying session does not prevent them from examining the matter again within the framework of the subsequent races of the same Competition.”
38. The FIA stresses in that context that the Appellant did not even object to the application of the procedure provided under Article 11.9.2.s. of the Code, although the Deputy Director of the FIA Circuit Championships did inform it and gave it the opportunity to do so.
39. The FIA then claims that the checks made by the Technical Delegate in Hungary and Morocco were carried out with the approval of the Stewards and were therefore perfectly valid as:
 - i. the seals were not removed after Decision No. 6 had been issued;
 - ii. the Stewards of the Race of Hungary decided that only one sample of each different part specifications be confiscated;
 - iii. on the basis of Technical Report No. 8 the classifications of the competitions in Hungary and Morocco were issued with a reservation pertaining to the results of post-competition technical investigations carried out on cars 5, 12 and 18.
40. As to the formalities to be met in order for a Technical Delegate to carry out technical checks, the FIA explains that it is common practice for the Stewards to decide on investigations on the basis of a proposal made by a Technical Delegate and such decision does not need to be made in writing as confirmed by the ICA in Case ICA-2014-03.

b) *Conclusions of the Court*

41. The Court addressed first the arguments raised by the Parties as to the validity of the delegation made by the Stewards in Hungary in favour of their German colleagues.
42. Article 11.9.2.s of the Code reads as follows:



“In cases where a decision must be taken after an Event, for whatsoever reason, the stewards may delegate their authority to a subsequent panel of stewards for the same Championship, cup, trophy, challenge or series or alternatively to a panel of Stewards assembled for this purpose and which shall be selected by the authority responsible for the selection of the original panel. Where a national steward is part of the panel of stewards, the ASN which appointed the original steward may provide a steward to the subsequent Event, or may delegate their authority to the national steward of the subsequent panel.”

43. The Court notes that this article makes reference to the delegation of the authority to a “subsequent panel” and specifies, when it comes to the appointment of the national steward appointed by the ASN, that the latter may *“provide a steward to the subsequent Event (red.)”*. The reference in the article to the *“subsequent Event”* gives the indication that the *“subsequent panel”* should be meant as the panel of Stewards of the subsequent Event. In the present case it cannot be the panel of Stewards of the German event, as far as the Hungarian event is concerned. Indeed, the Moroccan event took place between those two events.
44. In order to remove any doubt about the correct interpretation of this article, the Court referred to the French version, which should prevail as provided under article 20.4.2 of the Code.
45. The French version of Article 11.9.2.s of the Code reads as follows:

“Dans les cas où une décision doit être prise après une Epreuve, pour quelque raison que ce soit, les commissaires sportifs peuvent déléguer leurs pouvoirs au collège des commissaires sportifs de l'Epreuve suivante pour le même Championnat, coupe, trophée, challenge ou série ou sinon à un collège des commissaires sportifs constitué à cette fin et qui sera sélectionné par l'autorité responsable de la sélection du collège d'origine. Lorsqu'un commissaire sportif national fait partie du collège des commissaires sportifs, l'ASN qui a désigné le commissaire sportif d'origine peut fournir un commissaire sportif pour l'Epreuve suivante ou peut déléguer ses pouvoirs au commissaire sportif national du collège de l'Epreuve suivante.”
46. It appears that the French version of the article definitely clarifies the matter as it refers systematically to the “Epreuve suivante”.
47. Based on the foregoing, the Court concludes that the Stewards in Hungary could not delegate their powers to the Stewards in Germany and the latter could not therefore validly issue a Decision as far as the Race of Hungary was concerned.
48. The Decisions Nos. 1, 3 and 5 must therefore be set aside already on this ground.
49. The Court also notes that in their Decision No. 6 the Stewards confirmed that the flat bottoms of the cars Nos. 5, 12 and 8 of the Appellant *“are in compliance with the current Regulations”* and that *“no further action”* should be taken. No intention to appeal was raised against this Decision.



50. As already expressed by the ICA in the case 2015-03, the Court stresses that the regulations applicable to the competitors shall be observed in a strict manner and the expected level of compliance to those rules is high. One should thus expect the Stewards or any other official and delegate to face the same standards when it comes to their duties.
51. Based on the above and in accordance with the principle of legal certainty, the competitors in general and the Appellant in the particular case, must be able to rely on the decisions issued by the Stewards.
52. In the particular circumstances of the present case, the Court thus finds that the Appellant relied *bona fide* on the wording of Decision No. 6 and could not have been post-race excluded from the Race of Hungary, at least not concerning parts of the cars which had been considered as compliant by the Stewards just before the race.
53. The Court nevertheless underlines that, apart from the particular circumstances referred to in paragraph 52 above and according to Appendix J, article 263 – 004 which states:

”at all times during the competition, the car must be in conformity with:

- *The present regulations*
- *Its group A homologation form*
- *Its super 2000 Kit Variant homologation form (200/01 KS) and its homologation extensions”*

the competitor is obliged to ensure the conformity of its car with technical regulations any time during the competition, which means that one particular part can be checked and judged by both FIA Technical Delegates and FIA Stewards repeatedly and its non-conformity can be declared even after previous inspection(s) with negative result.

54. As to Decisions Nos. 6, 7 and 8 of the Stewards of the Race of Germany, which refer to the Race of Morocco, the Court finds first that the delegation of the powers of the Stewards of the Race of Morocco to the Stewards of the next Race of Germany was made in accordance with Article 11.9.2.s of the Code.
55. Given the impact of Decision No. 6 of the Stewards of the Race of Hungary, which could only deal with the parts used during this Race, and considering the clear communications made after this Decision No. 6, be it by the Stewards themselves or by the FIA Technical Delegate, the Court finds that the Appellant could no longer rely anymore on Decision No. 6. In any case, it must be stressed that new checks can be made at any time and that a competitor must ensure that

its car complies with the Regulations, particularly when it comes to a new race on which the Stewards of the Race of Hungary had no power.

2nd Plea – Conformity of the flat bottom to the Regulations

a) Arguments of the parties

56. As to the technical issues of the case, the Appellant puts forward that the 3 elements of the flat bottom under scrutiny, namely (1) the front section, (2), the rear section and (3) the rear hatch, did not breach the Regulations.
57. The Appellant admits that those elements were different from the ones homologated. Yet it argues that “*the differences identified in the FIA WTCC Technical Delegate Reports are solely related to **weight** and **construction** [put in bold and underlined by the Appellant]*”.
58. Quoting the various articles mentioned in the Decisions, the Appellant puts forward, in essence, that, firstly, there is no reference in the Regulations and the Homologation form to weight or weight tolerance, which would mean that the 3 elements at stake conform to article 263.003 of the Appendix J to the Code. Secondly, Appendix J only refers to the composite nature of the elements at stake. As there is no other reference to construction in Appendix J and as the Appellant alleges that those elements are all composite elements, the Appellant draws the conclusion that those elements meet the criteria set by Appendix J in terms of construction.
59. The Appellant argues in particular that “*by virtue of the fact that those parts considered non-compliant consist of a greater number of distinct components, they represent the definition of Composite (i.e. nomex and lead) to a greater extent than those already considered Composite (i.e. nomex only)*”.
60. The FIA claims, in essence, that cars Nos. 5, 12 and 18 of the Appellant were subject to a homologation process governed by the Appendix J, notably article 263. The flat bottom parts of such cars have, therefore, been specifically homologated. As article 263-03 provides that the modification of a homologated part is forbidden, only reasonable tolerances can be accepted regardless of the information provided by the applicable Homologation form.
61. Subsequently, whatever part that is subject to a technical check must always be identical to the one homologated, as identification is the very purpose of the homologation process to the FIA’s view. In other words, the specifics of the parts are “frozen” and cannot be changed by the competitor without a specific approval, even if those changes were acceptable under the applicable Technical Regulations.



62. As the weight of the elements at stake was several times heavier than the corresponding homologated element, the FIA alleges that there is no doubt that those elements have been modified compared to the respective homologated parts of the cars' flat bottoms, which is confirmed by the technical drawings provided by the Appellant and by its statement made in an email dated 3 May 2016, which reads as follows in its relevant parts:

“the parts have not been modified beyond what is permitted in the homologation and regulations.”

63. As the cars had been modified, the FIA submits that this is sufficient to declare that they were not in conformity with article 263-4 of Appendix J.

64. As a second argument to justify the Decisions, the FIA claims that the elements at stake of the flat bottoms do not meet the definitions of composite material provided under the Regulations and under Article 251-2.1.11 of Appendix J to the Code, as the lead which has been added by the Appellant is an homogeneous material not constituted of long fibres

65. At the hearing the FIA confirmed its view that the adjunction by the Appellant of a new material, namely lead, to the core of the elements at stake in addition to nomex, constituted a clear breach of the Regulations and Appendix J.

66. Coming then to the sanction imposed on the Appellant, the FIA refers to Article 5 of the Regulations which provides that all competitors must ensure the conformity of their cars to the Regulations.

67. The FIA further claims that, in the present case, this breach by the Appellant of article 263 of Appendix J directly enhanced the cars' performance as the cars' front/rear weight distribution was modified and the cars' centre of gravity was lowered.

68. Based on those arguments and on the ICA precedents quoted in its written submissions, the FIA claims that only the sanction of exclusion could be pronounced against the Appellant.

b) Conclusions of the Court

69. The Court refers to the clear wording of article 263 of Appendix J which reads under number 003 as follows:

“Unless explicitly permitted by the present regulations, the modification of a homologated part is forbidden.”



70. The Court refers then to article 263, number 007 which states “*The only work which may be carried out on the car is that necessary for its normal servicing or for the replacement of parts damaged through wear or accident*” and also: “*any part damaged through wear or accident can only be replaced with a part identical (réd.) to the damaged one*”.
71. The Court notes that it is undisputed that the original parts of the flat bottoms of cars Nos. 5, 12 and 18 had been homologated and that the Appellant used modified parts in the races in Hungary and Morocco.
72. It is also undisputed that the use of these modified parts had not been explicitly permitted nor any request was made.
73. The Court then finds that the question of the compliance with the applicable technical regulations is irrelevant when it comes to parts of the vehicle which have been homologated and then modified. In fact the technical regulations of Appendix J authorise the modification of a series production car to a racing car before the homologation. After the homologation, no modification is allowed, even in compliance with the technical regulations, unless formally approved. In other words a homologated part is “frozen” in its specifics and it is up to the competitor to ask for a new homologation before the next Event, on the basis of the system of “jokers” as explicitly provided under article 263 of Appendix J.
74. As a consequence, the Court finds that the modification of a homologated part without explicit authorisation constitutes *per se* a breach of the Regulations. The Court therefore will refrain from dealing and expressing itself with regards to the Parties’ submissions related to the definition of the composite materials and to the issue of the compatibility of the modified parts with the Regulations and the technical rules set in Appendix J.
75. According to article 1.3.3 of the Code, the performance advantage will not be taken into consideration for the sanction to be imposed on the Appellant’s cars (*argumentum e contrario*). According to the constant jurisprudence of the ICA with respect to cars which were not eligible, the Court finds that the exclusion is the only sanction applicable to the present case. If the breach of the regulations had been known and established before the race, the cars would indeed not have been allowed to compete.
76. Based on all the above, the Court concludes that Decisions Nos. 6, 7 and 8 of the Stewards of the Race of Germany must be upheld.

COSTS

77. Considering that the Appeal was partially admitted and that half of the Decisions appealed against were set aside, the Court decides that the Appellant and the FIA shall share the costs of the present proceedings equally.



ON THESE GROUNDS,

THE FIA INTERNATIONAL COURT OF APPEAL:

- 1. Declares the appeal admissible;**
- 2. Sets aside Decisions Nos. 1, No. 3 and No. 5 dated 26 May 2016 of the Stewards of the Race of Germany related to the Race of Hungary counting towards the 2016 FIA World Touring Car Championship (WTCC);**
- 3. Upholds Decisions Nos. 6, No. 7 and No. 8 dated 26 May 2016 of the Stewards of the Race of Germany related to the Race of Morocco counting towards the 2016 FIA World Touring Car Championship (WTCC);**
- 4. Orders the competent sporting authority to draw the consequences of the present decision;**
- 5. Orders Honda Racing Team Jas and the FIA to share and pay equally the costs, in accordance with Article 11.2 of the Judicial and Disciplinary Rules.**

Paris, 9 June 2016

Thierry Julliard, President