



INTERNATIONAL COURT OF APPEAL (ICA)

of the

FEDERATION INTERNATIONALE DE L'AUTOMOBILE

Appeal brought by Prema Racing S.r.l.

against

**Decision No. 247 dated 8 June 2025 of the Stewards of the Viterbo Competition
(Italy) counting towards the 2025 Mondokart.com FIA Karting European
Championship – OK Junior**

Case ICA-2025-02

Hearing of 15 September 2025

Decision of 29 September 2025

The INTERNATIONAL COURT OF APPEAL (“the Court”), which comprised Ms Waltraud Wünsch (Germany), who was designated President of the Hearing, Mr Xavier Bone Matheu (Spain), Mr Martin Maisner (Czech Republic) and Mr Kyle Novak (USA), held a hearing at the Fédération Internationale de l'Automobile, 8 place de la Concorde, 75008 Paris, on Monday, 15 September 2025.

Nobody challenged the composition of the Court or submitted a request for the recusal of any of the judges.

Prior to the hearing, the Court received and considered submissions and attachments thereto made by Prema Racing S.r.l. (“the Competitor” or “the Appellant”) and the FIA (“the Respondent”) (the two of them collectively referred to as “the Parties”).

The following persons attended the hearing:

On behalf of the Appellant, Prema Racing Srl:

Mr René Rosin, Team Principal
Mr Pierre Daureu, Counsel
Mr Ricardo Giacomini, Counsel
Ms Chiara Boschiero, Counsel
Mr Glenn Keyaert, Team representative for karting (Witness)
Mr Noah Baglin, Driver (Witness)
Mr Robert Gros, Mr Baglin’s stepfather (Observer)

On behalf of the Respondent, the FIA:

Ms Alejandra Salmerón García, Head of Regulatory
Ms Delphine Lavanchy, Senior Legal Counsel
Mr Vincent Caro, Head of Circuit Mass Participation disciplines & activities
Mr Jacob Nortfort, Head of Karting
Mr Mark Kelly, Chair of the panel of stewards of the Competition (by videoconference, Witness)

On behalf of the ASN, ACI:

Mr Vincenzo Capo, Legal Counsel

Also attending the hearing:

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

The Parties filed written submissions and, at the hearing on 15 September, set out oral arguments and addressed the questions asked by the Court. The hearing took place in accordance with the adversarial principle, with the aid of simultaneous interpretation in French and English. None of the Parties raised any objections, in relation either to the composition of the Court or to the manner in which the proceedings and the hearing were conducted, notably concerning the respect of the adversarial principle or the simultaneous interpretation.

I. REMINDER OF THE FACTS

1. The FIA organises and regulates the 2025 Mondokart.com FIA Karting European Championship - Junior (the "Championship"), which is reserved for OK-Junior karts.
2. The OK-Junior category is aimed at young talents who are learning their driving profession.
3. The Championship is run over the following four Competitions:
 - Round 1: Campillos, Spain (3-6 April).
 - Round 2: Portimão, Portugal (1-4 May).
 - Round 3: Viterbo, Italy (5-8 June) (the "Competition").
 - Round 4: Rødby, Denmark (31 July-3 August).
4. On the 1st and 7th of February 2025, the Appellant and Mr Noah Baglin ("the Driver") respectively signed the following declaration included in the FIA Championship entry form:

"I have read the Sporting Regulations issued for this competition and agree to be bound by them and by the FIA Karting General Regulations, the International Karting Regulations, Article 1 of the FIA Code of Ethics and the FIA International Sporting Code in force (available on www.fiakarting.com/page/sporting-regulations)."
5. In the Competition, several karts were entered by the Appellant, including kart No. 202 driven by the Driver.
6. On 6 June 2025, during Lap 1 of Qualifying Heat A-E, the Driver hit kart No. 203, driven by Mr Bosco Arias, entered by Ricky Flynn Motorsport, and was therefore given, by Decision No. 91 of the Stewards, a 5-second time penalty and 1 penalty point on his Digital Licence.
7. The Appellant did not lodge an appeal against that decision.

8. On 8 June 2025, the Driver and kart No. 203, driven by Mr Bosco Arias, started Super Heat A of the Competition in 3rd and 2nd positions respectively.
9. Approximately 4 seconds after the start of Lap 1 of Super Heat A, while the karts in the lead tried to get into the best position to take the first corner, there was contact between the Driver and kart No. 203, resulting in both drivers leaving the track and stopping beside the track, several metres apart.
10. Mr Giuseppe Pellegrini, a track marshal appointed by the Automobile Club Italia (ACI), then intervened to remove the kart abandoned by the Driver.
11. Mr Bosco Arias, who had managed to push his kart only a little further, was trying to restart his kart, but was ultimately unable to do so.
12. While Mr Bosco Arias then moved to the closest Marshal post, the Driver had meanwhile left the track in the direction of the pre-grid.
13. With his helmet on and visor down, the Driver, who had abandoned his kart, passed behind the tyre barrier leading to the pre-grid and then made a gesture with his middle finger towards Mr Bosco Arias. This was approximately 39 seconds after the incident between the two karts had happened.
14. On the same day, at 10:22, the Head of Race Control, Mr Kris Lambrecht, issued his judge of fact's report (the "Report") concerning the Driver's behaviour.
15. The Report described the Incident as follows:

"Bad behavior from driver 202. After being involved in an incident he left the track direction pre-grid. He was using obscene hand signals. Tag 80. MP2. Cam. 41 and Streaming. Time 10.18.26. Lap 1".
16. The Report and a 26-second video clip from the TV camera, referred to as "Streaming" in the Report (the "TAG 80 video clip"), were provided to the Stewards who, after examining them, summoned the Driver and the Appellant at 10:35.
17. Shortly after, a hearing was held in the Stewards' office, where the Stewards heard the Appellant, represented by Mr Glenn Keyaert, and the Driver.
18. At 11:00, after reading the Report aloud to the Driver and the Appellant's representative, showing them the TAG 80 video clip, and hearing both the Driver and the Appellant's representative, the Stewards issued their decision No. 247 (the "Decision").

19. In the Decision, the Stewards found that the Driver “*had shown unsportsmanlike manner towards another driver*” and that this behaviour constituted a “*misconduct, which is an offence as defined in Article 12.2.1.I of the [International Sporting Code]*”. They therefore decided to impose a penalty in accordance with Article 2.24 of the General Prescriptions and Article 12.4 of the International Sporting Code (the “Code” or the “ISC”), i.e. Disqualification from the Competition.
20. Furthermore, as on 6 June 2025 during the same competition and on three previous occasions, penalty points were imposed on the Driver’s Digital Licence, namely 5 points in this case.
21. At 11:02, the Appellant confirmed in writing that the Decision had been notified to it.
22. At 11:57, within one hour of the Decision, the Stewards received the Appellant’s Intention to appeal.
23. At 12:14, the Stewards issued the document No. 267, whereby they confirmed the suspensive effect on the sanction resulting from the Intention to appeal, pursuant to Article 12.3.3.a of the Code.
24. Benefiting from this suspensive effect, the Driver scored one Championship point in Super Heat A and took part in the Final phase, starting from 15th position on the grid.
25. The Driver finished 7th in the Final and was awarded 22 additional Championship points.
26. In total, the Driver scored 38 points (15 + 1 + 22) during the Competition, which put him in 2nd position in the Championship classification.

II. PROCEDURE BEFORE THE COURT

27. On 12 June 2025 at 9:43 (Paris time), within 96 hours of the notification to the Stewards of the Intention to appeal, the ICA received the notification of appeal from the Appellant.
28. The Appellant filed its Grounds for Appeal on 15 July 2025 (English version) and 18 July 2025 (French version).
29. The FIA filed its Grounds in Response on 19 August 2025 (English version) and 21 August 2025 (French version).

30. During the proceedings, the President of the Hearing issued four procedural decisions:
- (i) Under Procedural Decision No. 1, the President of the Hearing decided to reject the FIA's request not to admit the videos notified by the Appellant on 18 July 2025, but granted the FIA a 5-day extension to notify its Grounds in Response,
 - (ii) Under Procedural Decision No. 2, the President of the Hearing decided to reject a late request from the Appellant for the Court to order the production of evidence not further identified in a sufficiently precise manner,
 - (iii) Under Procedural Decision No. 3, the President of the Hearing decided that Mr Mark Kelly, a witness called by the FIA, was authorised to attend the hearing remotely,
 - (iv) Under Procedural Decision No. 4, the President of the Hearing requested the FIA to confirm that Mr Bosco Arias would make himself available to participate in the hearing, at least by videoconference, and the President of the Hearing decided that should he not attend, either in person or by videoconference, Mr Bosco Arias' written statement might be excluded from the materials of the case on the day of the hearing or, as the case may be, conclusions as set out in para. 81 of the ICA Practice Directions might be taken by the Judging panel in weighing the value of the solely written statement, specifically in case of an unresolved conflict between different statements.

III. REQUESTS OF THE PARTIES

31. The Appellant asks the Court to set aside the Decision and to consider that no sanction shall be imposed on the Driver or the Appellant, or, in the alternative, to issue a formal warning to the Driver, or, as a subsidiary request, to impose a financial penalty of EUR 500 on the Driver and *"in any event of no more than Euro 5,000 and SUSPEND any such penalty pursuant to Article 12.4.6 ISC."* The Appellant further asks the Court to refrain from ordering the Appellant to pay the costs of the procedure.
32. In its Grounds in Response, the FIA asks the Court to dismiss the appeal, to confirm the Decision in its entirety and to order the Appellant to pay the costs of the appeal in accordance with Article 11.2 of the FIA Judicial and Disciplinary Rules ("the JDR").
33. The Automobile Club of Italy (ACI), which had asked to intervene in the procedure, filed its Written Observations on 15 July 2025 (English and French versions), asking the Court to reject the appeal and to uphold the Stewards' decision.

IV. ADMISSIBILITY OF THE APPEAL BEFORE THE COURT

34. The Court notes that the FIA expressly admitted that the appeal had been brought in accordance with the provisions of the JDR.
35. The Court also considers that it has jurisdiction to hear this appeal.
36. Therefore, the Court deems the appeal admissible.

V. ON THE SUBSTANCE

a) *Arguments of the Parties*

The Appellant

37. The Appellant puts forward in essence that the facts in the present case took place within a “non-controlled environment” as defined in the “Important Note 8” of Appendix B to the Code and are therefore to be treated as private conversations.
38. The Appellant thus concludes that those facts do not constitute misconduct pursuant to the terms of Article 12.2.1.I of the Code and that no penalty should be imposed on the Driver and the Appellant.
39. The Appellant then refers to several allegedly similar events where no sanction was imposed by the Stewards of the competition during which those events took place.
40. The Appellant argues subsidiarily that the sanction imposed by the Stewards is disproportionate and inconsistent with penalties imposed in previous similar cases. The Appellant argues further that the Stewards disregarded the guidelines set forth in Appendix B not only when it comes to the sanctionable nature of the facts at stake, but as well as on the presence of mitigating factors and the absence of aggravating circumstances. On this point, the Appellant refers to the “Important Notes 4 and 5” of Appendix B to the Code, where no reference is made to a sanction of disqualification or a deduction of points on a driver’s licence.

41. The Appellant sees in the age of the Driver (13 years old), the “profile” of the Championship, the attitude of Mr Bosco Arias, who allegedly assaulted the Driver, and the asserted absence of any disciplinary sanction pronounced against the Driver since he began competing, as many mitigating circumstances. The Appellant also puts forward that the Driver had admitted that he had overreacted and apologised to the Stewards during the hearing.
42. The Appellant refers also to the “Important Note No. 7” of Appendix B to the Code which provides that *“Penalties for a first offence in a two-year period, except in cases of abuse of officials or breach of ISC Article 12.2.1.n [which, according to the Appellant, is not the case at hand], may be reduced as a mitigating measure, which may include imposing a fully suspended penalty or, in exceptional circumstances, issuing a formal warning.”*
43. Then, on this issue of the proportionality of the sanction, the Appellant refers to the same precedents referred to above in paragraphs 39 and 40 as well as to another case which took place during the same Competition where a competitor violently assaulted another driver and ended up facing the same sanctions as the Driver.
44. The Appellant argues lastly that should the Court eventually decide to sanction the Driver, a fine of EUR 500 would be proportionate.

The FIA

45. The FIA states first that the contact which took place between the Driver and Mr Bosco Arias should not be taken into consideration and, in any event, should not constitute a mitigating circumstance.
46. Referring to Mr Bosco Arias’ witness statement as well as to the Chair of the Stewards’ own witness statement, the FIA then contends that Mr Bosco Arias did not provoke or offend the Driver after the two karts had left the track because of the contact.
47. The FIA then refers to the following statement made by the Chair of the Stewards:

“ “[...] 16. The Driver was unapologetic in the hearing and did not consider what he had done to be of a serious nature. He did not appreciate the gravity of the offense at all. He stated it was done in the heat of the moment, but in fact, the gesture had been made 40 seconds after the incident on track.”

48. The FIA puts forward that the Driver undoubtedly made an offensive gesture which constituted an offence under Articles 12.2.1.l and 12.2.1.m of the Code, and that he additionally breached Articles 12.2.1.d and 12.2.1.i, in breach of the FIA Karting Regulations and in breach of the FIA Statutes. The FIA adds that the Stewards were fully entitled to impose any of the penalties listed under Article 12.4 of the Code, with no obligation to apply Appendix B to the Code.
49. The FIA then contends that the sanction imposed on the Driver is both proportionate and consistent, due to the seriousness of the offence, in particular, its very obscene and insulting nature, contrary to the values of sport and the values that should be upheld by a team such as the Appellant. Furthermore, the FIA sees a total absence of mitigating circumstances, particularly in view of the Driver's extensive experience, the status of the Championship, the context in which the middle finger gesture was made, the absence of provocation, the absence of apologies and remorse, and the Appellant's complete inability to prove the Driver's allegedly clean disciplinary record, given the fact that no data is available on the Driver between 2017 and 2023 and that there is no access to Stewards' decisions made in 2024 and 2025 in non-FIA competitions, whereas the Driver was on five occasions given penalty points in the nine FIA competitions in which he participated.
50. As to the various precedents put forward by the Appellant, the FIA notes that:
- (i) As for the precedent which took place during the competition in Valencia between 15 and 18 May 2025, the driver in question made his obscene gesture directly after having exited his kart. As the Stewards were not aware of the two other gestures, the FIA explains that it will now investigate this case.
 - (ii) When it comes to the three Formula One precedents mentioned by the Appellant, the FIA explains that two of them were not seen by Race Control and were therefore not reported to the Stewards, whereas the third one did not have to be reported as it took place during pre-season testing where no Stewards are appointed. The FIA stresses further that those cases occurred in the heat of the moment, contrary to the present case.
 - (iii) According to the precedent *SRP Racing Shop* (ICA-2025-01, par. 57), the "*fact that it appears that the Stewards either did not sanction competitors or did not even start a disciplinary procedure in cases which may look similar to the one at stake does not [...] justify the Court changing or reducing the sanction imposed on the Appellant's kart. It is legitimately expected that the Stewards apply the rules with consistency and sanction similar cases similarly, this however does not allow a competitor that breached the Regulations to avoid any sanction [...].*"

- (iv) The precedent involving Charles Leclerc is none as Charles Leclerc was using the “f” word against himself when answering the question put to him “*what did you say to yourself?*”. This did not prevent Charles Leclerc from immediately apologising for the use of this word.
 - (v) On the same level, Max Verstappen used the “f” word to describe his car and offered an apology.
51. The FIA also produces evidence to support its statement that disqualification is invariably the penalty imposed in the Championship for an offence under Article 12.2.1.I of the Code, and that any argument by the Appellant regarding an alleged inconsistency in the Stewards’ decisions is baseless and must be dismissed.
52. The FIA then explains, with details, that if the Court were to decide to impose a lower penalty than disqualification from the Competition, such as disqualification from Super Heat A, the effect on the Driver would be equivalent to no sanction at all. The FIA stresses also that the combination of disqualification and penalty points is common, as it is constantly imposed by the Stewards.
53. Lastly, the FIA contends, with reference to the decision *Koski Motorsport* (ICA-2022-03, para. 68), that courts of appeal, whether at national or international level, are expected to exercise restraint when reassessing incidents and the penalties imposed, unless new evidence is available that was not accessible to the Stewards at the time of their decision, which is not the case here.
54. The FIA concludes that the Stewards acted within the scope of their regulatory discretion and in line with applicable precedents, proving that the sanction imposed by the Stewards has a regulatory basis and is proportionate. The sanction reflects the gravity of the facts and the lack of mitigating circumstances. It should serve both as a deterrent and a corrective function while upholding the principles of good conduct that underpin the FIA Competitions.

The ACI

55. The ACI stresses that the “*digitus impudicus*” is notoriously one of the oldest insulting gestures ever and presents an extensive historical point of view about it.
56. Given the facts and the discretionary power of the Stewards, the ACI concludes that the Decision must be upheld by the Court.

b) Conclusions of the Court

Applicable Regulations

57. The applicable regulations relevant to the present case are:

- the 2025 FIA International Sporting Code.
 - the 2025 FIA Karting European Championship Junior Sporting Regulations (the “Sporting Regulations”).
 - the 2025 CIK-FIA Karting General Prescriptions (the “General Prescriptions”).
 - the 2025 CIK-FIA Karting Specific Prescriptions (the “Specific Prescriptions”).
- (hereinafter jointly referred to as: the “FIA Karting Regulations”)

As well as:

- the Supplementary Regulations to the Competition and the Race Director’s Competition Notes, published on 28 May 2025 on the CIK-FIA website.

The breach of the Regulations and the proportionality of the sanctions

58. Art. 12.2.1.l and 12.2.1.m of the Code read as follows:

Art. 12.2.1.l: *“Any Misconduct. Appendix B contains the penalty guidelines.”*

Art. 12.2.1.m: *“Any infringement of the principles of fairness in Competition, behaviour in an unsportsmanlike manner or attempt to influence the result of a Competition in a way that is contrary to sporting ethics.”*

59. Art. 20 of the Code defines Misconduct as follows:

“Misconduct: to be understood in particular but not limited to: - the general use of language (written or verbal), gesture and/or sign that is offensive, insulting, coarse, rude or abusive and might reasonably be expected or be perceived to be coarse or rude or to cause offense, humiliation or to be inappropriate, - assaulting (elbowing, kicking, punching, hitting, etc.); - incitement to do any of the above.”

60. Appendix B to the Code – “Stewards penalty guidelines” provides in case of a breach of Article 12.2.1.I of the Code, amongst others, that:

“If the offence occurs in a controlled environment, a fine of up to €5,000 may be imposed, depending on mitigating or aggravating circumstances. For very serious offences, more severe penalties under the ISC may be imposed. (...)”*

**The fine of €5,000 may be increased or reduced based on the mitigating or aggravating circumstances referred to in Notes 4 and 5 above. FIA Championships, cups, trophies, challenges or series are encouraged to specify such an amount in their relevant penalty guidelines, if any. For FIA World Championships, multiples of 2 or 3 may be considered when the seriousness of the offence warrants a higher penalty.”*

61. The Court finds that the fact that Driver showed his middle finger to Mr Bosco Arias was clearly misconduct as defined by the Code. It notes that this is as such not disputed by the Appellant.
62. Coming now to Appendix B, which is referred to under Article 12.2.1.I, the Court notes further that it is clearly indicated that *“this document serves as a GUIDELINE ONLY”* (capital letters in the original text).
63. The Court notes further that although a fine of €5,000 is indicated as the sanction of reference in a case of misconduct, such as in the present case, Appendix B expressly foresees that in case of misconduct not only can this fine be increased but that for *“very serious offences”* another – more severe – penalty may be imposed by the Stewards.
64. Besides this specific indication in Appendix B when it comes to cases of misconduct, it is further mentioned in Appendix B that *“Stewards have the authority to decide what penalty to enforce in the event of a breach of the FIA International Sporting Code (ISC) and/or the applicable FIA regulations. Stewards retain the discretion to consider any mitigating and/or aggravating or extenuating circumstances as well as the nature and location of the Event, to tailor the penalty to the specific situation. The table below serves as a guideline to assist stewards in determining fines for violations of certain articles of the ISC.”*
65. The Court concludes at this stage that if one can assume that Appendix B can be taken into account by the Stewards and therefore has an impact on the determination by the Stewards of the sanctions they intend to issue - otherwise the document would have no reason to exist - it remains very clear that, as a guideline, this document does not deprive the Stewards of their discretionary power to impose sanctions on the basis of the catalogue of sanctions provided under the Code. In other words, as clearly expressed in Appendix B, notably when it comes to a case of misconduct and a breach of Article 12.2.1.I of the Code, one cannot derive any right from Appendix B, which is purely of internal use for the Stewards.

66. The Court recalls that according to the ICA constant jurisprudence, it is firstly up to the Stewards to assess what sanction is appropriate, and the court should review a sanction only when it has no regulatory basis and/or when it is obviously disproportionate (see, *inter alia*, ICA-2025-01, *SRP Racing Shop*, par. 54).
67. This being stated, the Court stresses that whereas all the precedents mentioned by the Appellant differ materially from the case at hand, the precedents quoted by the FIA did prove clearly that the sanction imposed by the Stewards through the Decision is fully in consistency and in line with the constant practice of the Stewards during FIA Karting Competitions, such as the Competition at stake, in comparable situations, and is thus proportionate.
68. The Court refers also to its own jurisprudence, notably in the case *Koski Motorsport* (ICA-2022-03, para. 68), and stresses that it should exercise restraint when reassessing incidents and the penalties imposed, unless new evidence is available that was not accessible to the Stewards at the time of their decision, which is not the case here.
69. The Court stresses that the weight of FIA officials' statements is such that the burden of proof falls on the sanctioned competitor who challenges facts retained by the Stewards in their decision. This principle relies notably on general principles of French law, which applies to this proceeding (see in particular Articles L. 223-1 and L. 223-2 of the Code du sport, as well as the following case law: *Cour d'appel d'Amiens*, 17 May 2024, No. 22/04944; *Cour administrative d'appel de Marseille*, 10 October 2014, No. 12MA03115; *Cour administrative d'appel de Marseille*, 30 March 2018, No. 17MA00886, which, in essence, implies that the material findings and the testimonies of the sport referees shall be deemed authentic until proven otherwise.)
70. Based on the foregoing, the Court concludes that the Appellant did not prove that the Stewards would have omitted mitigating circumstances that could lead to a reduction of the sanctions issued by the Stewards. The Appellant notably did not prove that the Driver's gesture was an immediate reaction, namely in the heat of the moment, to an alleged aggressive attitude on the part of Mr Bosco Arias.
71. In that respect, whilst acknowledging that it is regrettable that Mr Bosco Arias, whose witness written testimony was submitted as evidence by the FIA, was not present at the hearing, even remotely, to be cross-examined by the Appellant's counsel, the Court finds that it is not comfortably satisfied by the arguments put forward by the Appellant whereby the Driver's gesture would have been a reaction to a provocation on the part of Mr Bosco Arias.

72. In particular, the posture of Mr Bosco Arias (open arms) seen on the video submitted by the Appellant could be reasonably understood as a sign of frustration, not necessarily aimed at the Driver. Besides, given the circumstances, in particular the respective positions of Mr Bosco Arias and the Driver, the content of the testimony of the latter during the hearing, the noise of the ongoing race, as well as the fact that they were both wearing helmets with the visor down, it is not proven with a sufficient degree of certainty that Mr Bosco Arias insulted the Driver, which would have provoked his reaction and the gesture that led the Stewards to take the Decision.
73. It was indeed confirmed by the Chair of the Stewards that during the hearing before the Stewards, the Driver did express his regret for his misconduct, although he did not expressly apologise for it. This demonstrates that the Stewards could take this fact into consideration when they issued the Decision.
74. The Court fully concurs with the Stewards and considers that the Driver's gesture was a very serious one and is particularly unacceptable as it was made in public, in front of video cameras with live broadcast, by an experienced, if young, driver. The Appellant did not prove the existence of any new element that would have been ignored by the Stewards and that would justify a mitigation of the sanctions imposed in the Decision.
75. Again, the Driver, despite his young age, has all the necessary experience to behave as expected from a sportsman who has expressly declared his willingness to respect the rules of sportsmanship within motor sport established by the FIA.
76. The Court notes further that it was not disputed by the Appellant that the Driver was sanctioned on five occasions in the nine FIA competitions in which he had previously participated, which proves his tendency not to respect the rules applicable to his sport and that he thus does not have a clean disciplinary record which could have been taken as mitigating circumstances as brought forward by the Appellant.
77. The Court concludes therefore that the Driver committed a serious breach of the Karting Regulations and notably of Articles 12.2.1.l and 12.2.1.m of the Code, and that the sanctions imposed by the Stewards are proportionate.
78. As for the FIA's submissions on the need to fix a sanction in view of its deterrent effect for future cases, the Court stresses on this point that each sanction must be pronounced according to the circumstances of each individual case, notably to the gravity of the breach and not according to its impact on a competitor in terms, for instance, of classification on the occasion of the competition during which the breach was committed.

79. Whereas the Court does not challenge the necessary deterrent effect of a sanction in view of preventing further breaches, either by the same driver or another one in the future, it cannot lead to determining a sanction simply in order to achieve a particular goal on a given competition. Otherwise, the same facts would be sanctioned differently depending on the position of a competitor in the classification, which does not conform to the general principles of law. The sanction can of course be based on the individual situation of a competitor when it comes to cases where a competitor committed repeated offences or when other aggravating circumstances are present, but it cannot fluctuate solely depending on the situation of a competitor in a classification.
80. That being recalled, the Court stresses that it did not decide whether it would confirm the sanction against the Appellant depending on the effect on the classification of the Appellant's kart or on the Driver's digital licence. It took its decision solely on the basis of the circumstances of the breach committed by the Driver.

VI. COSTS

81. Considering the outcome of the proceedings, the Court leaves it to the Appellant to bear all the costs.

ON THESE GROUNDS,

THE FIA INTERNATIONAL COURT OF APPEAL:

- 1. Declares the appeal admissible;**
- 2. Upholds Decision No. 247 dated 8 June 2025 of the Stewards of the Viterbo Competition (Italy) counting towards the 2025 Mondokart.com FIA Karting European Championship – OK Junior;**
- 3. Orders the competent Sporting Authority to draw, as appropriate, the consequences of this ruling;**
- 4. Orders the Appellant to pay the costs, in accordance with Article 11.2 of the Judicial and Disciplinary Rules of the FIA, to be calculated by the General Secretariat of the Courts and notified later on;**
- 5. Rejects all other and further conclusions.**

Paris, 29 September 2025
The President

Waltraud Wünsch