



INTERNATIONAL COURT OF APPEAL (ICA)

of the

FEDERATION INTERNATIONALE DE L'AUTOMOBILE

Appeal brought by

Nasser Racing Team

against

**Decision No. 6 dated 27 July 2025 of the Stewards of the Baja España Aragón
(Spain), counting towards the 2025 FIA World Baja Cup and the 2025 FIA
European Baja Cup**

Case ICA-2025-04

Hearing of 29 October 2025

Decision of 13 November 2025

The INTERNATIONAL COURT OF APPEAL (“the Court”), which comprised Mr Thierry Julliard (Switzerland), who was designated President of the Hearing, Mr Filippo Marchino (USA), Mr Gérard Martin (Belgium) and Mr Robert Pergl (Czech Republic), held a hearing at the Fédération Internationale de l'Automobile, 8 place de la Concorde, 75008 Paris, on Wednesday, 29 October 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 Nasser Racing Team (the “Appellant”), the FIA (the “Respondent”) and Toyota Gazoo Racing (the “Third Party”) (the three of them collectively referred to herein as the “Parties”).

The following persons attended the hearing:

On behalf of the Appellant, Nasser Racing Team:

Mr Sébastien Bernard, Legal Counsel

On behalf of the Respondent, the FIA:

Ms Alejandra Salmerón García, Head of Regulatory (via videoconference)

Ms Delphine Lavanchy, Senior Legal Counsel

Ms Ninon Jeanneret Troboas, Junior Legal Counsel

Mr Jérôme Roussel, Category Manager – Cross-Country & Regional Rally Championships

On behalf of the Third Party, Toyota Gazoo Racing:

Mr Jordi Duran, Team Manager

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 29 October 2025, 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 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 Cross-Country Rally Championships which include the FIA World Rally-Raid Championship, the FIA World Baja Cup (the “World Cup”) and the FIA Regional Baja Cups, which include the FIA European Baja Cup (the “European Cup”).
2. The 2025 World Cup is run over eight rounds, while the 2025 European Cup is run over nine rounds.
3. The competition in Baja España Aragón (the “Competition”) was held from 24 to 27 July 2025 and counted as the 5th round towards both the World Cup and the European Cup.
4. The Competition consisted of a Prologue held on 25 July 2025, a Stage 1, including two selective sections, held on 26 July 2025, and a Stage 2, including one selective section, held on 27 July 2025.
5. The groups of cars eligible to take part in the Competition were the so-called “Ultimate” cars, namely Prototype Cross-Country vehicles, the so-called “Stock” cars, namely Series Production Cross-Country vehicles, the so-called “Challenger” cars, namely Lightweight Prototype Cross-Country vehicles, and the so-called “SSV” cars, namely Modified Production Cross-Country Side-by-Side vehicles.
6. Nasser Racing Team registered its car No. 308, driven by Mr Fidel Castillo, in the Challenger Group of the Competition. The car ranked 17th in the overall Final Classification and 3rd in the Challenger Group Classification.
7. Toyota Gazoo Racing registered its car No. 206 (the “Car”), driven by Mr João Ferreira, in the Ultimate Group of the Competition. The car ranked 1st in the overall Final Classification and therefore in the Ultimate Group, thereby scoring 86 points in the 2025 European Cup for drivers. It did not classify in the Challenger Group.
8. On 27 July 2025, after Stage 2 of the Competition, the Car was selected with three other cars for Final Scrutineering.

9. On the same day, at 18:30, Mr Christophe Vely, the FIA Technical Delegate, issued a Final Scrutineering Report (the “Report”), which notably indicated that:

“An issue was found with the rear wheel travels of the car #206 measured over 350mm. See Appendix 1. Breach of the article 285-11.5. Maximum vertical suspension travel: 350mm.”

10. The Report was provided to the Stewards who, after having examined it, summoned and heard Toyota Gazoo Racing’s Team Principal, Mr Shameer Variawa, its Team Manager, Mr Jordi Duran, and its Technical Director, Mr Matthew Green, in the presence of the FIA Technical Delegate.
11. At 22:00, the Stewards issued their decision No. 6 (the “Decision”) whereby they pronounced the disqualification of the Car from the Competition for a breach of Article 285-11.5 of Appendix J to the 2025 FIA International Sporting Code (the “ISC”), this sanction being, however, suspended until the end of the 2025 World Rally-Raid Championship and the 2025 Baja Cups season, subject to no further breach of similar nature being committed by Toyota Gazoo Racing. A reprimand was also imposed on Toyota Gazoo Racing.
12. At 22:30, the Decision, which was not contested by Toyota Gazoo Racing, was published on the digital notice board of the organiser.
13. At 23:24, Nasser Racing Team notified the Stewards its intention to appeal.
14. As a consequence, it was decided to affix FIA seals on the rear axle suspension parts of the Car while the latter was in Parc Fermé.
15. Subsequently, the FIA Technical Delegate issued a report (the “Sealing Report”) specifying that the *“right rear lower suspension stopper was found bent when it was sealed”*, although it was *“in good condition and definitely neither bent nor damaged”* during Final Scrutineering. Consequently, the Technical Delegate concluded that *“any new measurement of the right rear wheel would be irrelevant”*.

II. PROCEDURE BEFORE THE COURT

16. On 31 July 2025 at 17:49 (Paris time), namely within 96 hours of the notification to the Stewards of the Intention to appeal, the ICA received the Notification of appeal from Nasser Racing Team (the “Appeal”).
17. On 15 August 2025, Toyota Gazoo Racing requested the ICA to participate in the proceedings, stating its intention to support the Decision.

18. On 18 August 2025, the President of the Hearing issued the Procedural Decision No. 1 authorising Toyota Gazoo Racing to take part in the proceedings as a Third Party.
19. On 27 August 2025, the Third Party requested that new measurements be made as soon as possible in order to return the Car to the Third Party and allow the latter to perform routine maintenance of the Car.
20. On 4 September 2025, the President of the Hearing issued the Procedural Decision No. 2, concluding that new measurements were not necessary and authorising the return of the Car to the Third Party.
21. On 9 September 2025, the Appellant filed its Grounds for Appeal (English and French versions).
22. On 14 October 2025, the Third Party notified its Written Observations (English and French versions).
23. On 14 and 15 October 2025 respectively, the FIA notified the English version and then the French version of its Grounds in Response.

III. REQUESTS OF THE PARTIES

24. The Appellant, in essence, asks the Court to confirm the Decision when it comes to the statement of non-conformity of the Car but to quash it when it comes to the suspension of the sanction, which the Appellant asks the Court to pronounce a pure and simple disqualification on the Third Party's Car for the 2025 Baja España Aragón.
25. In its Grounds in Response, the FIA concurs with the Appellant's requests.
26. In its Written Observations, the Third Party, in essence, invites the Court to dismiss the Appeal and to uphold the entirety of the Decision .

IV. ARGUMENTS OF THE PARTIES

The Appellant

27. The Appellant puts forward in essence that, by suspending the disqualification until the end of the championship, accompanied by a simple reprimand, the Stewards contravened the established jurisprudence of the ICA, which consists in imposing a straightforward disqualification, unsuspended, when a car is found in breach of the applicable technical regulations.

28. According to the Appellant, the context of an FIA World Cup means that it is individually affected by the Decision and suffers the breach of sporting fairness resulting from the Decision, like any other competitor, as reflected in Article 9.1.1 of the Judicial and Disciplinary Rules (the “JDR”). The Appellant also puts forward that the Decision deprives it of one position in the Competition ranking.
29. Given the circumstances of the present case, the Appellant stresses further that the non-compliance of the Car is *“not a point to be discussed before the Court”*.
30. Referring to the alleged variations in the measurements during Final Scrutineering, the Appellant contends that those variations do not justify a suspension of the sanction. The Appellant stresses that all measurements confirmed, individually, that the Car was in breach of the applicable technical regulations.
31. At the hearing, the Appellant explained that its ranking in the overall Final Classification, as well as the possibility of gaining one position in case of success of the Appeal, were sufficient grounds for its right to file the Appeal.

The FIA

32. The FIA states first that the FIA-approved tool used to obtain the measurement on the Car confirmed, sufficiently, the breach of the applicable technical regulations, namely the maximum limit of 350mm of the maximum vertical suspension travel being exceeded. The two additional tools used by the FIA technical staff were not needed but confirmed the breach, despite variations of only 2mm between the three measurements.
33. The FIA stresses further that the statement in the Decision according to which the three measurements showed fluctuations between 0 and 4mm is incorrect.
34. Having put forward that the breach of the applicable technical regulations had been established by the Stewards, the FIA then contends that the Decision is neither consistent nor proportionate.
35. According to the FIA, the Decision is inconsistent as the straightforward disqualification of a competitor is the *“constant approach”* adopted by the Stewards as reflected in several prior Stewards’ decisions, notably in competitions similar to the Competition as well as according to the ICA constant jurisprudence.
36. Although it admits that exceptions to straightforward disqualification are contemplated by the ICA, the FIA stresses that this is subject to exceptional and/or mitigating circumstances, which were not established here.

37. The FIA also argues that the sanction issued by the Stewards is not proportionate, given the lack of sporting fairness when it comes to a competitor who can finish 1st in a competition with a car which is not compliant with the technical regulations, whereas the other competitors complied with those regulations.
38. To the FIA, technical non-conformity is one of the most serious breaches of the regulations, and the suspension of the sanction of disqualification cannot be justified by the mere fact that there have been minor variations in the measurements taken by different tools and on the basis of an alleged measurement carried out before the Competition by the Third Party, which would have shown that the Car was compliant (as put forward by Toyota Gazoo Racing before the Stewards).
39. The FIA considers that the fact that the Third Party admitted before the Stewards that its own device had fluctuations in its measurements leads to the conclusion that it was negligent by ignoring those fluctuations.
40. As the absence of fault or of performance advantage is irrelevant based on the constant ICA jurisprudence, which relies on the principle of strict liability in case of technical breaches, the FIA concludes that the Decision should be set aside and that the ICA should sanction the Third Party with straightforward disqualification.
41. As for the admissibility of the Appeal, the FIA puts forward that even though it disagrees with the Appellant's interpretation of Article 9.1.1 of the JDR, it does not dispute the right of the Appellant to appeal the Decision before the ICA, and therefore the admissibility of the Appeal, in accordance with Article 10.5 of the JDR.

The Third Party

42. The Third Party stresses first that there is a procedural inconsistency in the sense that the Appellant mentioned first, in its Notification of appeal, that it "*remained second in the classification*" but then corrected this in its Grounds for appeal by explaining that it was a mistake, referring then to its 17th position.
43. The Third Party argues on this point that this tends to prove that the Appellant did not intend to defend its own interest but was just abusing its right to file an appeal.
44. Given the fact that the Third Party's Car did not compete in the same category as the Appellant's, nor did the latter in the FIA European Baja Cup contrary to the Third Party's Car, the Third Party claims, in essence, that the Appellant lacks any interest in lodging the Appeal.

45. The Third Party then puts forward that it did not challenge the Decision because no effective sanction was issued by the Stewards, and not because it admitted that the measurements were correct.
46. It adds that it had already suffered sufficient damage due to the sealing of the Car as, consequently, it could not participate in the FIA European Baja Cup competition during the subsequent two rounds.
47. It also questions the reliability of the measurement results indicated in the Report, notably for the alleged reason that the new method applied by the FIA was not sufficiently tested.
48. The Third Party then provides the Court with three decisions where the Stewards did not sanction a breach of technical regulations with disqualification. It contends that the Decision is therefore logical and justified.
49. The Third Party stresses further that it is the prerogative of the Stewards to decide which sanction should apply in case of a breach of the applicable regulations and that *“there is no imperative established by the ISC [the International Sporting Code of the FIA] that the Stewards must impose disqualification as a mandatory procedure”*.

V. CONCLUSIONS OF THE COURT

Applicable Regulations

50. The applicable regulations relevant to the present case are:
 - the 2025 FIA Judicial and Disciplinary Rules (the “JDR”);
 - the 2025 FIA International Sporting Code (the “ISC”);
 - Article 282 of Appendix J to the ISC, General Prescriptions for Cross-Country Vehicles and Article 285 of Appendix J to the ISC, Specific regulations for Prototype Cross-Country Cars (Group ULTIMATE) (the “Technical Regulations”);
 - the 2025 Cross-Country Rally Sporting Regulations,
(hereinafter jointly referred to as: the “Regulations”)

On the admissibility of the Appeal

51. The Court notes first that the Appeal was filed within the deadline and under the other formal procedural rules set by the JDR, which is undisputed.
52. The Court notes, however, that when the FIA expressly admitted that the appeal had been brought in accordance with the provisions of the JDR, the Third Party put forward in essence that the Appellant lacks any interest in the Appeal.
53. Before examining this argument, the Court stresses that it is the sole judge of its jurisdiction over a given case and of the admissibility of appeals lodged before it, in light of the relevant provisions of the JDR. It is not bound by the assessments of the Parties on these issues, even if, as in the present case, they agree on the admissibility of an appeal, notwithstanding that the FIA *"disagrees with the Appellant's interpretation of Article 9.1.1 of the JDR"*, as mentioned in paragraph 4 of its Grounds in response.
54. The Court recalls at this stage that the Third Party puts forward that while the Appellant's car did in fact compete in the same *Competition* as the Third Party's Car, it did not, however, compete in any *championship*, in particular in the 2025 FIA European Baja Cup championship, in which the Third Party's Car competed during the Competition. The FIA also confirmed that the Appellant's car ranked 3rd in the Challenger Group Classification and that the Third Party's Car ranked 1st in the Ultimate Group Classification, scoring in addition 86 points in the 2025 FIA European Baja Cup for drivers.
55. The Appellant replies to the Third Party's submissions on this point with the argument that it took part in the *Competition* and that it was ranked 17th in the overall Final Classification. As the straightforward disqualification of the Third Party's Car would allow the Appellant's car to move from 17th place to 16th place in the overall Final Classification for the *Competition*, this would prove that it is affected by the Decision and that it is legitimate to appeal such Decision before the ICA. The FIA seemed to share this view when its opinion on this point was asked by the judging panel at the hearing.
56. Having duly considered the position of each Party on the issue of the Appellant's interest to appeal, the Court then refers to Article 9.1.1a) JDR which defines which individual or legal entity can file an appeal before the ICA.

57. Article 9.1.1a) JDR reads as follows:

"The ICA will hear:

a) In the context of a competition forming part of an FIA Championship, Cup, Trophy, Challenge or Series, appeals against decisions of the Stewards of an event brought by organisers, competitors, drivers or other licence-holders that are addressees of such decisions or that are individually affected by such decisions.

For the purpose of this subparagraph 1 (a), organisers, competitors, drivers and other licence-holders shall be regarded as being individually affected by a decision only if it affects them by reason of certain attributes peculiar to them, or by reason of a factual situation which differentiates them from all other persons and distinguishes them individually in the same way as the addressee. Where a decision is addressed to a competitor, the other competitors participating in the FIA Championship or World Cup competition to which that decision relates shall be regarded as being individually affected."

58. In accordance with Article 9.1.1.a) JDR, if it must be admitted that the Decision was issued *"in the context of a competition forming part of an FIA Championship, Cup, Trophy, Challenge or Series"*, then the Appellant, that was not the addressee of the Decision, must either have participated in such FIA Championship or Cup, or prove that it is individually affected by the Decision *"by reason of certain attributes peculiar to [it], or by reason of a factual situation which differentiates [it] from all other persons and distinguishes [it] individually in the same way as the addressee"*.

59. This means that the sole fact of participating in the same Competition as the addressee of a contested decision is not sufficient, by itself, to establish a legal interest in lodging an appeal on such decision. Therefore, unless the Appellant is also participating in the same FIA Championship or World Cup as the addressee of the Decision, its participation in the Competition alone will not suffice to establish the necessary legal interest before this Court; otherwise the special provision, contained in the last sentence of the second paragraph of Article 9.1.1.1.a) JDR would have no meaning at all.

60. As defined by Article 20 of the International Sporting Code (the "Code"), a "competition" is a *"single motor sport activity with its own results. It may comprise (a) heat(s) and a final, free practice, qualifying practice sessions and results of several categories or be divided in some similar manner, but must be completed by the end of the Event"* and an "event" is *"made up of one or several of: Competition, Parade, Demonstration or Touring Assembly"*.

61. Considering the above definitions, the Court finds that the Baja España Aragón is an Event that comprises a single Competition, which “[forms] part of an FIA Championship, Cup, Trophy, Challenge or Series” within the meaning of Article 9.1.1.a) par. 1 JDR, namely the 2025 FIA World Baja Cup and the 2025 FIA European Baja Cup. This is undisputed by the Parties.
62. It is also undisputed that the Appellant did not register in an “FIA Championship or World Cup competition” to which the Decision relates, i.e. here the 2025 FIA World Baja Cup or the 2025 FIA European Baja Cup. The Appellant is therefore not “regarded as being individually affected” without further demonstration requested from its part within the meaning of Article 9.1.1.a) par 2 *in fine* JDR.
63. The Appellant must therefore demonstrate that its right to appeal is grounded “by reason of certain attributes peculiar to [it], or by reason of a factual situation which differentiates [it] from all other persons and distinguishes [it] individually in the same way as the addressee”.
64. It is again undisputed that the Appellant registered for the Competition but did not take part in any of the championships which the said Competition was forming part of, which is why the Appellant could not earn any championship points pursuant to Article 3.1.3 of the 2025 Cross-Country Rally Sporting Regulations, contrary to the Third Party which took part in the 2025 FIA European Baja Cup. It is also undisputed that the Appellant’s car and the Third Party’s Car were classified in two separate categories. The Court thus finds that the Appellant is therefore not individually affected by the Decision “by reason of a factual situation which differentiates [it] from all other persons and distinguishes [it] individually in the same way as the addressee”.
65. The Appellant must thus prove that its right of appeal is based on “certain attributes peculiar to it” (in French: “*en raison de certains attributs particuliers*”).
66. As mentioned above, the Appellant considers itself to be individually affected by the Decision because the straightforward disqualification of the Third Party’s Car would have allowed the Appellant’s car to finish 16th in the overall Final Classification instead of 17th. The Appellant did not put forward any other argument or “peculiar attribute” (“*intérêt particulier*”) and the Court also does not, independently, find any.
67. The Court finds that the change of ranking in the overall Final Classification does not constitute a peculiar attribute (“*intérêt particulier*”) within the meaning of Article 9.1.1.a) JDR, as a change of rank following a straightforward disqualification is an interest which belongs to all competitors and not specifically to the Appellant. This is even more true in this specific case since the Third Party’s Car finished first in the overall Final Classification and since, should there be any interest in the ranking in the overall Final Classification (see §§ 68-70 hereafter) all the other competitors in the Competition would also have this interest, which is therefore anything but peculiar (“*particulier*”).

68. The Court assesses further that the overall Final Classification mixes competitors competing not only in different championships – if they are registered in championships at all – but also in many different car categories. In that sense, the overall Final Classification of the Competition gives a general overview which has no material meaning, as it “merges” different competitions within different categories which take place during the same Competition, some competitors being entered in different championships (World Cup, European Cup) and others, such as the Appellant, being entered in no championship at all. As mentioned already, the two cars were classified in two different categories.
69. The overall Final Classification is only a general list of individual performances, and must then be split into the specific classifications regrouping competitors competing for the same championship and/or within the same category or group. It is only the ranking in that separate classification which has a material effect. This means that, in the present case, the change of “ranking” of the Appellant’s car in the overall Final Classification would be purely “on paper”, but would not have any material impact, as such ranking simply has no meaning from a sporting point of view. The Appellant’s car would in any case remain 3rd in the Challenger Group Classification, and would not score any Championship points as it was not nominated in any of the two Championships.
70. The potential favourable outcome of the present case would have no significant influence on the sporting and therefore legal situation of the Appellant (see ICA-2022-05, *Mikhaylov*, par. 46).
71. Lastly, as for the other argument put forward by the Appellant to justify its legal interest in acting and lodging an appeal, i.e. its will to preserve the sporting fairness that would have been jeopardised by the Decision, the Court finds that although the competitors must of course always behave in accordance with the principle of sporting fairness, they are not in charge of maintaining that principle “in general” by means of legal action. In the context of motor sport at an international level, this is the duty of the FIA, which could, but did not, have appealed the Decision.
72. As rightly put forward by the Third Party, the Court therefore concludes that the Appellant lacks any legal interest in lodging the Appeal and as a consequence declares the latter inadmissible.
73. Given the inadmissibility of the Appeal, as there is no need for the Court to make any decision concerning the merits, the Court declines further inquiry into the same.



VI. COSTS

74. 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 inadmissible;**
- 2. Orders the competent Sporting Authority to draw, as appropriate, the consequences of this ruling;**
- 3. 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;**
- 4. Orders the full refund of the third-party deposit paid by Toyota Gazoo Racing;**
- 5. Rejects all other and further conclusions.**

Paris, 13 November 2025
The President

Thierry Julliard