



2023 BARCELONA EVENT

1 to 4 June 2023

From	The Stewards	Document	45
To	The Team Manager, MP Motorsport	Date	03 June 2023
		Time	22:38

Title DECISION - MP protest against VAR non operational personnel
Description DECISION - MP protest against VAR non operational personnel
Enclosed Doc 45 - DECISION - Protest MP against VAR non-operational personnel.pdf

Steve Pence

Istvan Moni

David Fuentes

The Stewards



BARCELONA EVENT

1 TO 4 JUNE 2023

From	The Stewards	Document	45 (2 pages)
To	The Team Manager, MP Motorsport	Date	3 June 2023
		Time	22:35

The Stewards, having received a protest from MP Motorsport, summoned the Team Managers from MP Motorsport (Jeremy Cotterill) and Van Amersfoort Racing (VAR) (Maarten de Busser) (documents 25 & 26).

The Stewards having considered the following matter, determine the following:

Session: Hearing, commencing 20:45 on 2 June 2023 (document 19 & 20).

Fact: MP Motorsport submitted a protest in respect of the presence of a non-operational team personnel member at the commencement of the Protest Hearing (document 22) on 2 June 2023.

Decision: The protest is rejected. Pursuant to International Sporting Code Article 13.10.1 the protest deposit will be retained in its entirety.

Reason: There are several elements to be considered in determining the admissibility of a Protest. The Stewards find that the Protest met the requirements of Article 13.4.1 of the International Sporting Code in that the identity of the protested party is clear as are the concerns of the protestor under the clearly cited Sporting Regulations. With respect to the Protest time limits specified in Article 13.3 of the ISC, the Stewards note that this alleged breach of the regulations occurred outside of a track session so tying the time limits to any specific Provisional Classification is a difficult matter. However, given that the Protest was filed within 30 minutes from the end of the hearing that gave rise to the Protestor's concerns, the Stewards determine that the Protest was filed in a timely manner. Last comes the requirements of Article 13.4.2 of the ISC which states that "Each protest must be accompanied by a deposit...". Article 13.4.4 of the ISC further provides that for an FIA Championship the deposit must be paid to the FIA. Accompanying the protest was a bank transfer form indicating the payment of 2,000 Euro to Real Federacion Espanola de Automovillismo, the Spanish ASN, for the protest deposit (the "Initial Deposit"). The stewards acknowledged receipt of the Initial Deposit while expressly stating in writing that the sufficiency of the Initial Deposit as payment of the protest deposit would be determined at the hearing. At 11:19 on 3 June 2023 MP delivered 2,000 Euro in cash (the "Supplemental Deposit") as further payment of the protest deposit. In this case we must determine whether either of the two deposits satisfied the requirement for the protest deposit to accompany the Protest.

The Initial Deposit is a bank transfer to the Spanish ASN, not the FIA as required. It is insufficient on its face to satisfy the requirement of accompanying the deposit. The Supplemental Deposit was in the correct amount and was delivered to the FIA. However, it did not accompany the deposit but was received after the fact. The Stewards note that Article 13.3.5 of the ISC provides an exception to the 30-minute time limit in circumstances where the Stewards consider that compliance with the 30-minute time limit would be impossible. The Stewards consider it to be fundamentally fair to apply that same exception to the deposit that is required to accompany the protest. The question is, "Was it impossible to have provided 2,000 Euro at the time the protest was filed?" While the Team may not have been in current possession of 2,000 Euro, that does



BARCELONA EVENT

1 TO 4 JUNE 2023

not make possession of such an amount impossible. It is reasonably foreseeable that participation in the Championship might put a Team in a position where it desires to file a Protest. Given the tight timelines associated with a Protest, it would be prudent for a team to ensure that it has the necessary cash on hand at all times for such a contingency. A lack of planning does not constitute an impossibility of payment. The Stewards conclude that providing the Supplemental Deposit simultaneously with the filing the Protest was not an impossibility, but rather a lack of present capacity which could have been avoided through planning.

Accordingly, the Protest is rejected as inadmissible on account of the lack of timely and correct payment of the protest deposit to the FIA.

Competitors are reminded that they have the right to appeal certain decisions of the Stewards, in accordance with Article 15 of the FIA International Sporting Code and Chapter 4 of the FIA Judicial and Disciplinary Rules, within the applicable time limits.

Decisions of the Stewards are taken independently of the FIA and are based solely on the relevant regulations, guidelines and evidence presented.

Steve Pence
The Stewards

Istvan Moni

David Fuentes