

## 2023 AUSTRIAN GRAND PRIX

30 June - 02 July 2023

---

<b>From</b>	The Stewards	<b>Document</b>	57
<b>To</b>	The Team Manager, McLaren F1 Team	<b>Date</b>	02 July 2023
		<b>Time</b>	13:35

---

**Title** Decision - McLaren Right of Review

**Description** Decision - McLaren Right of Review

**Enclosed** AUT DOC 57 - McLaren Right of Review (Canada).pdf

**Garry Connelly**

**Mathieu Remmerie**

**Enrique Bernoldi**

**Walter Jobst**

**The Stewards**

## 2023 AUSTRIAN GRAND PRIX

30 June – 02 July 2023

---

<b>From</b>	The Stewards	<b>Document</b>	57
<b>To</b>	The Team Manager, McLaren F1 Team	<b>Date</b>	02 July 2023
		<b>Time</b>	13:35

---

1. On June 30, 2023 the Stewards received a petition from McLaren F1 Team requesting a Right of Review in accordance with Article 14 of the FIA International Sporting Code.
2. The request related to the Decision of the Stewards contained in document number 58 from the 2023 Canadian Grand Prix which imposed a 5 second time penalty on Car 4, for a breach of Article 12.2.1.I of the FIA International Sporting Code.
3. A hearing was convened at 0930 hrs Sunday July 2, 2023 and concerned parties were summoned (document numbers 31 and 32).
4. The FIA Stewards of the Canadian Grand Prix conducted the hearing. The FIA exercising its authority under Article 14.1.1, appointed Mr Walter Jobst to replace Mr Marcel Demers, the Canadian ASN Steward.
5. Attending the hearing were:  
On behalf of McLaren F1 Team – Messrs Andrea Stella and Randeep Singh  
On behalf of Williams Racing– Messrs Sven Smeets and David Reading  
On behalf of the FIA – Messrs Nikolas Tombazis and Steve Nielsen  
On behalf of Oracle Red Bull Racing – Mr Jonathan Wheatley  
On behalf of Aston Martin Aramco Cognizant F1 Team – Mr Andy Stevenson  
On behalf of BWT Alpine F1 Team – Mr Alan Permane
6. This hearing was dedicated to determining, at the sole discretion of the Stewards (as specified in Article 14.3) if “a significant and relevant new element is discovered which was unavailable to the parties seeking the review at the time of the decision concerned”. In this case, the party was McLaren F1 Team.
7. Therefore, the Stewards were required to determine if any evidence presented to them was able to meet each and every one of the four above criteria namely significant, relevant, new and unavailable.
8. McLaren, represented by Mr Singh, cited four issues which it regarded as meeting these criteria. These were
  - a. Notes taken during the FIA Team Managers meeting on June 30, 2023, and on other previous occasions, which allegedly showed the understanding of the teams was that the alleged infringement should not be penalized

- b. Discussions following the 2019 Monaco Grand Prix held at the Team Managers meeting in Canada 2019, led to an understanding that this type of action was acceptable.
  - c. Video, audio, GPS and timing evidence of 8 different instances where cars made a gap that allegedly had a negative impact on a competitor and allegedly were not penalized.
  - d. In its written submission, that Car 23 allegedly did not lose position as a result of the actions of Car 4.
9. Williams, represented by Mr Reading, agreed with Mr Singh that there had been a discussion at the 2019 Canadian Grand Prix Team Managers Meeting concerning the creation of a 7 second gap by Valtteri Bottas in Monaco that year and that at the time the then-Race Director had said that (as he recalled) this was acceptable.
10. In its written submission Williams also submitted that;
  - a. In relation to opinions expressed at the Team Managers Meeting of June 30, these were arguably a “new element”.
  - b. There was no general consensus at that meeting that NOR should not have been penalized, so therefore that meeting was not significant.
  - c. The opinions expressed at the Team Managers Meeting of June 30 were not relevant.
  - d. There were 3 occasions in 2016, 2017 and 2018 where such actions as occurred in Canada 2023, were in fact penalized.
11. Aston Martin, represented by Mr. Stevenson, stated their belief that there were no new elements.
12. The Stewards adjourned the hearing at 0950 hrs to determine the existence or otherwise of any “elements” which complied with all the criteria required in Article 14.1.1.
13. The Stewards also noted the decisions of the Stewards in relation to the existence of such elements in the case of the Right of Review (Aston Martin) Saudi Arabia 2023 and (Ferrari) Australia 2023. Other petitions going back several years were also noted. It is fair to say that Article 14.1.1 sets a very “high bar”.
14. Accordingly, the Stewards then assessed each of the “elements” submitted by McLaren against each of the four criteria referred to in point 7 above.
15. Regarding the Notes from the Team Managers Meeting of June 30 2023 the Stewards;
  - a. Determined that it was significant
  - b. Determined that it was new
  - c. Determined that it was unavailable to McLaren at the time of the decision
  - d. Determined that it was not relevant (see reasons below in point 20).
16. Regarding the discussions and “understanding” arising from the Bottas incident in Monaco 2019 the Stewards;
  - a. Determine that they were significant
  - b. Determine that they were not new
  - c. Determine that they were available to McLaren at the time of the decision (see note below in point 21).
  - d. Determine that they were not relevant (see reasons below in point 20).
17. Regarding the 8 incidents cited by McLaren as having escaped penalty, the Stewards;
  - a. Determine that they were significant
  - b. Determine that they were not new
  - c. Determine that they were available to McLaren at the time of the decision (see note below in point 21).

- d. Determine that they were not relevant (see reasons below in point 22).
18. Regarding the proposition that Car 23 did not lose a position due to the actions of Car 4, the Stewards;
- a. Determine that this was significant
  - b. Determine that this was not new
  - c. Determine that this was most likely unavailable to McLaren at the time of the decision
  - d. Determine that this is not relevant (see reasons below in point 23).
19. Therefore, the Petition for the Right of Review is REJECTED because there is no significant, new, relevant element that was unavailable to McLaren at the time of the Decision.
20. In relation to points 15d and 16d, Article 1.1 of the FIA Formula One World Championship Sporting Regulations obliges all parties (including therefore participants and officials) to comply with the regulations governing the Championship. There is a strict structure and process for the drafting and adoption of such regulations. (These are clearly enunciated on the FIA website at: [www.fia.com/news/writing-rules-how-fia-develops-new-regulations-formula-1](http://www.fia.com/news/writing-rules-how-fia-develops-new-regulations-formula-1)). Discussions, informal “gentlemen’s agreements” etc cannot become binding unless and until they find their way into regulatory format, despite the good intentions of the parties concerned. Officials may only clarify, through the medium, for example, of Race Directors notes, certain matters, in accordance with Article 12.2.1.i. Such clarifications cannot contradict an existing regulation.
21. In relation to 16c and 17c, the requirements of Article 14.1.1 of the code are extremely onerous on the Petitioning Party, in our opinion. This article was, in our estimation, designed to deal with a decision taken at a stewards hearing and not an in-race decision where the competitor is not present (nor allowed to be present). Thus it is our recommendation that this requirement be reconsidered to take into account in-race decisions.
22. In relation to 17d, the citing of previous cases is, in our view, irrelevant to this particular case. Whilst there are cases cited where no penalty was applied, and cases cited by Williams where penalties were applied, each incident was different in some aspect, albeit sometimes in a minor way. What is most important to note is that the original penalty was applied in relation to what was considered an unfair action. None of the cases cited, address that issue of unfairness.
23. In relation to 18d, whilst it is acknowledged that Car 23 did not directly lose a position, it is impossible to predict the “cost” of the gap that was created by Car 4, on the race outcome for Car 23. It is not impossible to consider that Car 4 may have been overtaken in the pits if a “double stack” had occurred.

Article 14.3 of the FIA International Sporting Code states “The decision of the stewards as to whether or not such an element exists is not subject to appeal...”.

**Garry Connelly**

**Mathieu Remmerie**

**Enrique Bernoldi**

**Walter Jobst**

**The Stewards**