



# 2024 UNITED STATES GRAND PRIX

18 – 20 October 2024

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<b>From</b>	The Stewards	<b>Document</b>	78
<b>To</b>	The Team Manager, McLaren Formula 1 Team	<b>Date</b>	25 October 2024
		<b>Time</b>	20:05

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1. On October 24, 2024 the Stewards received a petition from McLaren Formula 1 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 69 from the 2024 United States Grand Prix which imposed a 5 second time penalty on Car 4, for a breach of Article 33.3 of the FIA Formula One Sporting Regulations.
3. A hearing was convened at 1430 hrs Friday October 25 (Mexico Time) and concerned parties were summoned (document numbers 76 and 77).
4. The FIA Stewards of the 2024 United States Grand Prix conducted the hearing via video conferencing, with the agreement of all parties.
5. Attending the hearing were:  
On behalf of McLaren Formula 1 Team – Messrs Andrea Stella and Randeep Singh  
On behalf of the FIA – Messrs Nikolas Tombazis and Tim Malyon  
On behalf of Oracle Red Bull Racing – Messrs Jonathan Wheatley and Stephen Knowles
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 Formula 1 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:
  - a. significant,
  - b. relevant,
  - c. new and
  - d. unavailable to McLaren at the time of the decision
8. McLaren, represented by Mr Singh, stated that there was a significant and relevant new element that was unavailable to McLaren at the time the Stewards took their decision (in Document 69) namely:
  - a. The document for the decision contained a statement that was incorrect and that

- evidenced an objective, measurable and provable error had been made by the stewards
- b. That the statement was that “Car 4 was overtaking Car 1 on the outside but was not level with Car 1 at the apex”
  - c. That the above statement was in error because McLaren had evidence that Car 4 had already overtaken and was ahead of Car 1 “at the braking zone”
  - d. That this error is significant and relevant and is new and was unavailable to McLaren at the time of the decision.

Mr Singh further argued that this met all the criteria for the required new element and that in the interests of fairness, the petition for the Right of Review should be allowed.

9. Mr Stella, also on behalf of McLaren, expressed the view that the case for McLaren was a “legally sophisticated explanation” and urged the Stewards to recognize that this was a substantive case especially compared to previous Right of Review cases. Mr Stella expressed his appreciation of the work of the Stewards in their decision-making process.
10. Mr Wheatley, on behalf of Oracle Red Bull Racing expressed the view that in view of the “very high bar” that is set (in Article 14 of the FIA International Sporting Code) for a successful petitioning of a Right of Review, it is “extremely onerous” to establish the existence of the new element. He felt none of the (4) criteria had been met in this case.
11. Mr Singh agreed with Mr Wheatley that the bar is extremely onerous but in this case, he believed McLaren had met that bar.
12. Mr Stella noted that his initial comments after the US Grand Prix (concerning accepting the Stewards’ decision) was made prior to them forming the view that this case was “much more profound”. The Stewards advised Mr Stella that they took no account of those comments and that this matter would be determined on the merits of the current submission.
13. The FIA representatives chose not to make any submission at this stage.
14. Mr Singh was invited to sum up the case for McLaren and stated again that McLaren believed they had met the “high bar” required. He also stated that he felt there needed to be another way to correct decisions taken in a race.
15. Mr Tombazis noted the manner in which the hearing had been conducted and thanked all parties for the courtesy and politeness shown.
16. The Stewards adjourned the hearing at 1455 hrs to determine the existence or otherwise of any “elements” which complied with all the criteria required in Article 14.1.1.
17. 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 (McLaren) Canada 2023, (Aston Martin) Saudi Arabia 2023 and (Ferrari) Australia 2023. Other petitions going back several years were also noted. The Stewards agree with both Mr Singh and Mr Wheatley that Article 14.1.1 sets an extremely high bar in order to allow a Right of Review to proceed. Whether that should be the case or not, however, is a matter for the regulator (i.e. the FIA) and not the Stewards, whose role is to apply the regulations in a fair and independent manner.
18. The Stewards feel it is important to identify what the actual proposed “element” was in this case. Referring to the Petition from McLaren, in its fourth bullet point it points to the alleged “error” contained in the written decision of the Stewards, as being the element. That “error” was alleged to be the Stewards’ analyses that Car 4 was the overtaking car, whereas McLaren argued that Car 4 had already completed an overtaking move.

19. Rather than determining which if any of the criteria this petition meets, the Stewards instead decided to focus on the issue of one of the criteria, namely relevance.
20. In relation to relevance, McLaren appears to submit that the Stewards finding that “Car 4 was not level with Car 1 at the apex” was an error and that Car 4 had overtaken Car 1 before the apex (and therefore that Car 1 was the overtaking car) and that this asserted error is itself, a new element. This is unsustainable. A petition for review is made in order to correct an error (of fact or law) in a decision. Any new element must demonstrate that error. The error that must be shown to exist, cannot itself be the element referred to in Article 14.
21. In this case, the concept that the written Decision (document number 69) was the significant and relevant new element, or that an error in the decision was a new element, is not sustainable and is, therefore rejected.
22. Accordingly, as there is no relevant new element, the Petition is rejected.
23. However, the Stewards do note the following which is drawn to the attention of the regulatory authority:

The current “high bar” that exists in Article 14 and the fact that it appears to have been designed more for decisions that are taken as a result of a hearing where all parties are present, rather than in the pressurised environment of a race session, when decisions are taken, (as is allowed under the International Sporting Code), without all parties being present.
24. The Stewards note that we believe this petition from McLaren was lodged in good faith.

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**

**Loïc Bacqueline**

**Derek Warwick**

**Dennis Dean**

**The Stewards**