



INTERNATIONAL COURT OF APPEAL (ICA)

of the

FEDERATION INTERNATIONALE DE L'AUTOMOBILE

Appeals brought by Prema Racing

against

**Decisions No. 4 and No. 5 dated 23 May 2026 of the Stewards of the Competition
Race 1 of Zandvoort (the Netherlands), counting towards the 2026 FIA Formula
Regional European Championship (FREC)**

Case ICA-2026-03-04

Decision of 20 August 2026¹

¹ The operative part of this decision has been notified to the Parties on 20 August 2026 and the full decision (with grounds) on 16 September 2026.

The FIA INTERNATIONAL COURT OF APPEAL (“the Court”), comprising Mr Laurent Anselmi (Monaco), who was designated President, Mr Rui Botica Santos (Portugal), Mr Gérard Martin (Belgium) and Ms Waltraud Wünsch (Germany), took the following decision on the appeals (“the Appeals”) brought by Prema Racing against Decisions No. 4 and No. 5 dated 23 May 2026 of the Stewards of the Competition Race 1 of Zandvoort (the Netherlands) (“the Competition”), counting towards the 2026 FIA Formula Regional European Championship (FREC) (“the Championship”) by which Prema Racing’s Car No. 51 and Car No. 60 were disqualified from the results of the Qualifying Session with permission to start Race 1 of the Competition from the back of the Grid (“the Decisions”).

Prema Racing filed its Grounds for appeal and, following the withdrawal of the Appeals, the Parties waived their right to a hearing. According to Article 14.4 of the 2026 FIA Judicial and Disciplinary Rules (“the JDR”), the Court takes a decision on the consequences of the withdrawal of the Appeals.

REMINDER OF THE FACTS

1. The Championship is made up of 8 events, each comprising practice sessions, qualifying sessions, and races. The event held in Zandvoort, the Netherlands, from 21 to 24 May 2026 (“the Event”) featured 2 races.
2. The Event constitutes the second round of the Championship.
3. For events with 2 races, one 30-minute qualifying session takes place before each race. The qualifying session for each race comprises two groups, namely Group A and Group B. Each group is permitted 15 minutes of track time. At the end of the qualifying session, the fastest time achieved by each driver will be officially published.
4. The overall fastest driver from both groups will start the race from pole position. The second place on the grid will be awarded to the driver who has achieved the fastest time in the other group, third place will be awarded to the driver who has achieved the second fastest time in the group of the overall fastest driver, and so on.
5. At 08:55 CEST, Car No. 51, driven by Mr Kean Nakamura-Berta, and Car No. 60, driven by Tomass Stolcermanis, took part in Qualifying 1 Group A (“Qualifying Session 1”) where they finished 1st and 2nd in that group respectively.

6. After Qualifying Session 1, Car No. 51 and Car No. 60 were selected for scrutineering.
7. At 09:15 CEST, Car No. 98, driven by Sebastian Wheldon and Car No. 88 of Prema Racing, driven by Mr Salim Hanna, took part in Qualifying 1 Group B where they finished 1st and 2nd in that group respectively. As Mr Wheldon was the overall fastest driver in Qualifying 1, he secured pole position on the starting grid for Race 1.
8. At 11:14 CEST, the Stewards received Report No. 3 from the Technical Delegate ("the Report"), concerning Car No. 51 and Car No. 60 of Prema Racing.
9. The Report described the incident that occurred at 09:21 CEST as follows:

"Fact: After the end of qualifying 1 Group A, the mechanics of car 51 and car 60 put blowers in the car during parc fermé without prior authorisation from the FREC Technical Delegate.

Offence: Article 45.4 of the FIA FREC Sporting Regulations V4."
10. The Stewards heard Prema Racing's Team Representative and determined that Prema Racing had committed a breach of Article 45.4 of the FIA FREC Sporting Regulations V4.
11. The Stewards then issued their Decisions No. 4 and No. 5 by which Prema Racing's Car No. 51 and Car No. 60 were disqualified from the results of the Qualifying Session with permission to start Race 1 of the Competition from the back of the Grid.
12. The Decisions were notified to the Competitor at 11:51 CEST (Decision No. 4) and 12:22 CEST (Decision No. 5).
13. At 12:49 CEST, within one hour of the publication of the Decisions pursuant to Article 15 of the International Sporting Code ("the Code") and Article 14.1.1.a of the JDR, Prema Racing notified to the Stewards its Intentions to Appeal the Decisions.
14. As a result of this notification, the Stewards took Decision No. 8 and Decision No. 9, by means of which they suspended the effect of their Decisions No. 4 and No. 5.

15. At 16:48 CEST, benefiting from the suspensive effect of the Intentions to Appeal, the drivers of Car No. 51 and Car No. 60 started Race 1 as follows:
 - the driver of Car No. 60 started from 3rd position instead of starting from the back of the grid,
 - the driver of Car No. 51 started from 12th position, under inclusion of the application of previous penalties, instead of starting from the back of the grid.
16. During Race 1, Car No. 60 was given a 5-second time penalty for a jump-start and Car No. 51 was given a 10-second time penalty for causing a collision with Car No. 12 in Turn 1. Both penalties were added to their race time, which affected their final classification.
17. At 17:20 CEST, the drivers of Car No. 51 and Car No. 60 finished Race 1 as follows:
 - the driver of Car No. 60 finished 10th, thereby scoring 1 point;
 - the driver of Car No. 51 finished 23rd, thereby scoring 0 points.
18. Car No. 60 also finished in 2nd position in the Rookie Class Final Classification.

PROCEDURE AND FORMS OF DECISIONS REQUESTED BY THE PARTIES

19. On 24 May 2026 at 16:26 CEST, Prema Racing announced the withdrawal of its Intentions to Appeal in writing to the Secretary General of the FIA Courts; subsequently, at 16:28 CEST, Prema Racing sought to recall the email containing the withdrawal.
20. On the same day at 17:24 CEST, during Race 2, a brief email was sent to the Secretary General of the FIA Courts to inform him that the withdrawal request had been sent “*by mistake*”.
21. On 26 May 2026, at the request of the Secretary General of the FIA Courts, the FIA provided its “*view on this procedural matter*”, to which the latter replied:
 - 1) that the Competitor had irrevocably withdrawn its Intentions to Appeal,
 - 2) that it was not possible to reinstate them, and
 - 3) that, in accordance with Article 14.2.5 of the JDR, the Competitor was deemed to have waived the right to notify an appeal.

22. After having received the determinations of both Parties, the President of the ICA issued the Procedural Decision No. 1 and decided, in essence, that a Judging Panel would be named and would decide first on the issue of the admissibility of the Appeals filed by Prema Racing and second, if necessary, on the potential benefit that Prema Racing would have gained from those Appeals, should the latter be considered as definitely withdrawn.
23. The FIA filed Written observations on the withdrawal of the Intentions to appeal on 9 June 2026 which apply *mutatis mutandis* to the withdrawal of the Appeals. Regarding the benefit for Prema Racing arising from the Intentions to appeal, the FIA puts forward in essence that if the Decisions had not been suspended, the starting grid of Race 1 would have differed significantly, Car No. 51 and Car No. 60 then starting from the back of the grid instead of from positions 3 and 12. This situation also impacted some drivers who were moved from the inside line to the less advantageous outside line, which can substantially influence performance. The FIA adds that if Car No. 51 had started from the back of the grid, it would not have collided with Car No. 12. The FIA concludes that:

“Consequently, the Competitor’s Intentions to Appeal, which were withdrawn after Race 1, distorted Race 1 (as illustrated above) and greatly undermined sporting fairness.

This cannot be tolerated. Intentions to appeal must be taken seriously and must not be treated as a tactical “joker” to gain a competitive advantage. From the moment a competitor or driver notifies an intention to appeal, the decision should be made with full awareness of its potential consequences.

At the very least, a competitor must believe there are valid grounds to support the appeal afterwards. Out of respect for fellow competitors and drivers, any intentions to appeal should be withdrawn before gaining any undue sporting advantage. (...)

In light of the undue sporting advantage obtained by the Competitor and two of its cars, and the resulting negative impact on other competitors and drivers, the FIA respectfully submits that the only proportionate and effective measure is for the Court to impose a Disqualification of Car 51 and Car 60 from Race 1. This measure is essential to restore fairness and to upholding the integrity of the appeals process.”

24. Prema Racing replied by email to the FIA's Written observations, on 10 June 2026. The relevant elements of this email may be quoted as follows:

"We write to confirm that PREMA Racing has noted the FIA's submission regarding the potential benefit arising from the suspensive effect of the Notice of Intention to Appeal, and has no further comments to make on this point at this stage. We further wish to confirm that, having reviewed the current record, PREMA Racing is satisfied that all relevant facts, evidence and submissions in respect of case ICA-2026-03-04 have been placed before the Court. In accordance with Procedural Decision No. 1 issued by the President of the Hearing, we would be comfortable with the Judging Panel proceeding to render its preliminary determination on the basis of the written submissions already filed, and do not consider an oral hearing to be necessary at this stage of the proceedings. We remain at the Court's disposal should any further information or documentation be required, and thank the Court for its continued attention to this matter."

25. On 18 June 2026, the Judging Panel issued the Procedural Decision No. 2 and decided as follows:

"The appeals lodged by Prema Racing are admissible, as regards the question of the validity of the Intentions to appeal notified by the latter to the Stewards;

The grounds for this Preliminary Decision will be set out at a later date in the full decision on the merits of the case to be issued by the Judging Panel;

The in-person hearing on this case will be held in Paris on 1st September 2026 and a proper convening notice, which will include a full calendar of procedure, will be sent to the Parties."

26. Prema Racing filed its Grounds for appeal on 14 July 2026, seeking, in essence, that the Court sets aside the Decisions.
27. On 24 July 2026, Prema Racing informed the Court by email of its decision to withdraw the Appeals.

28. Having been notified of the withdrawal of the Appeals by Prema Racing and the Court having asked for the FIA's position regarding any potential benefit the Appellant may have gained from the withdrawal, in accordance with Article 14.4.2 JDR, the FIA referred to its Written observations dated 9 June 2026, which it considered as still valid. The FIA thus confirmed its request to impose a Disqualification of Car No. 51 and Car No. 60 from Race 1.
29. Both Parties having waived their right to a hearing, the Court informed them on 3 August 2026 that *"it has been decided that the judging panel will rule on the withdrawal request and determine its consequences without holding a hearing"*.

GROUND OF THE PROCEDURAL DECISION No. 2

30. As announced in the Procedural Decision No. 2, the Court provides first the grounds of such decision as follows.
31. Based on the explanations provided by Prema Racing, the Court found first that the latter had mistakenly withdrawn its Intentions to appeal, as the declaration of "withdrawal of the withdrawal" was sent immediately after the email which announced to the Court Secretariat that Prema Racing had decided to withdraw its Intentions to appeal.
32. Prema Racing explained that it had indeed prepared this email in case it received confirmation from its legal adviser that this was the right thing to do. Having instead received confirmation that the Appeals should be maintained, Prema Racing's representative mistakenly pushed the wrong email to the Court Secretariat. In other words, the communication did not express Prema Racing's real willingness and must not be taken into consideration.
33. Bearing in mind that under French law, which is applicable on a complementary basis pursuant to Article 18.4 JDR, within the framework of legal proceedings, the withdrawal of an appeal - which, by analogy, is the same thing as the withdrawal of an Intention to appeal in the FIA procedural framework - must be *"clair et non équivoque"* (*"clear and unambiguous"*) in order to be valid, otherwise the appeal procedure must go on (see Cour de cassation, 4 November 2001, No. 20-10.611), the Court is comfortably satisfied that Prema Racing's withdrawal of its Intentions to appeal was not clear and unambiguous under the circumstances explained above.

WITHDRAWAL OF THE APPEALS AND CONSEQUENCES ON THE EXECUTION OF THE DECISION

34. Article 14.4.3 lit. c) JDR provides that:

“The judging panel shall rule on the withdrawal request and determine its consequences, including the possible imposition of sanctions such as those available to the IT and/or the Stewards, and any cost deriving from such withdrawal request.”

35. The Court notes first that following the withdrawal of the Appeals, the Decisions are final and enforceable, which is undisputed.

36. Based on the clear wording of Article 12.3.3.a of the Code, the Court notes further that it is impossible to determine the place of Prema Racing's cars in Race 1 *“resulting from the application of the penalty”* imposed by the Stewards in their Decisions.

37. The Court notes also that it is undisputable that the two cars gained benefit from the suspensive effect of the Appeals, as they were able to start from positions 3 and 12 on the grid instead of starting from the back of the grid. This also had an effect on the other competitors, which is equally undisputable.

38. The Court refers to Article 14.4.3 lit. c) JDR and stresses that according to Article 10.9 JDR *“the ICA has all the decision making power of the authority that took the contested decision”* which means that it can decide on any kind of sanctions, notably those provided under Articles 12.2 (penalties), 12.3 (scale of penalties) and more particularly 12.8 (disqualification) of the Code.

39. The Court stresses on this point that the penalties imposed by the Stewards refer to a Qualifying Session of the Competition Race 1 and consisted first in disqualifying the two cars from that Session, and second in retrograding them to the back of the grid of Race 1. At the appeal stage, it is possible to disqualify both cars from the qualifying Session and to apply the consequences of this decision in respect of that Session. However, with regard to Race 1, it is not possible to apply the consequences of the penalty imposed by the Stewards, namely a start from the back of the grid. As this situation is a direct consequence of the suspensive effect, it is therefore justified, pursuant to Article 14.4.3 lit. c) JDR and in accordance with the principle of sporting fairness, to disqualify both cars from the said Race.

40. The Court thus finds that in application of the principle of sporting fairness, as notably provided under Article 1.1.1 of the Code and in the preamble to Chapter



5 of the JDR, the application of the Decisions shall lead to the disqualification of the two cars from Race 1.

41. The Court points out that with this decision it does not increase the penalty imposed by the Stewards. It simply intends to draw all the necessary conclusions from the fact that, as a result of their withdrawal, the suspensive effect of the Appeals has been lifted, which, in accordance with the principle of sporting fairness, requires that the appellant be deprived of any benefits they may have derived from this, through the disqualification of both cars.

COSTS

42. Considering that the Appeals were withdrawn, the Court orders the Appellant to bear all the costs in accordance with Article 15.2 JDR.



ON THESE GROUNDS,

THE FIA INTERNATIONAL COURT OF APPEAL:

- 1. Acknowledges the withdrawal of the Appeals;**
- 2. Consequently, declares that Decisions Nos. 4 and 5 of 23 May 2026 of the Stewards have become final and binding;**
- 3. Orders the disqualification of Car No. 51 and Car No. 60 from the Competition Race 1 of Zandvoort (the Netherlands), counting towards the 2026 FIA Formula Regional European Championship (FREC);**
- 4. Orders the competent Sporting Authority to draw, as appropriate, the consequences of this ruling;**
- 5. Orders that the two non-refundable appeal fees of €3,000 paid by Prema Racing be retained;**
- 6. Awards the costs to the Appellant, in accordance with Article 15.2 of the Judicial and Disciplinary Rules of the FIA, and decides in this regard that half of the two appeal deposits of €6,000 paid by Prema Racing shall be retained, and that the other half be refunded to it;**
- 7. Rejects all other and further conclusions.**

Paris, 20 August 2026

The President

Laurent Anselmi