



**INTERNATIONAL COURT OF APPEAL (ICA)**

**of the**

**FEDERATION INTERNATIONALE DE L'AUTOMOBILE**

**Appeal brought by SRP Racing Shop (Formula K SRP Factory Team)**

**against**

**Decision No. 83 dated 17 May 2025 of the Stewards of the event of Valencia  
(Spain) counting towards the 2025 KZ European Championship**

**Case ICA-2025-01**

**Hearing of 16 July 2025**

**Decision of 5 August 2025**

The INTERNATIONAL COURT OF APPEAL (“the Court”), which comprised Mr Mark Kletter (Austria), who was designated President of the Hearing, Mr Laurent Anselmi (Monaco), Mr Walter Sofronoff (Australia) and Mr Fernando Veiga Gomes (Portugal), held a hearing at the Fédération Internationale de l'Automobile, 8 place de la Concorde, 75008 Paris, on Wednesday, 16 July 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 SRP Racing Shop (“the Competitor” or “the Appellant”) and the FIA (“the Respondent”) (the two of them collectively referred to as “the Parties”).

The following persons attended the hearing:

On behalf of the Appellant, SRP Racing Shop:

Mr Cristiano Bertazzoni, Legal Counsel  
Mr David Trefilov, Driver (Witness)  
Mr Hermann Meiserer, Team Manager (Witness)  
Mr Maik Siebecke, Team Principal (Witness, via  
videonconference)

On behalf of the Respondent, the FIA:

Ms Alejandra Salmerón García, Head of Regulatory  
Mr Alejandro Artiles, Legal Counsel  
Mr Vicent Caro, Head of Circuit grassroots disciplines & activities  
Mr Jacob Nortfort, Head of Karting  
Mr Pasquale Lupoli, Race Director (Witness)

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 16 July 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 either to the composition of the Court or 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 2025 FIA Karting European Championship – KZ (“the Championship”) is run over three competitions or rounds. The competition in Valencia (Spain) (“the Competition”) was Round 1 of the Championship.
2. The Competition comprises a Free Practice session, a Qualifying Practice session, Qualifying Heats, a Super Heat and a Final.
3. On 16 April 2025, SRP Racing Shop registered for the Championship, declaring in particular that it had read the various regulations applicable to the Championship.
4. SRP Racing Shop entered two karts in the Competition, namely Kart No.2 driven by Emilien Denner, and Kart No. 69 driven by David Trefilov (“Driver No. 69”).
5. On 17 May 2025, Mr Kris Lambrecht, Head of Race Control for the Competition, issued a report (“the Report”), which included video footage, concerning an unsafe manoeuvre performed by Driver No. 69 during KZ Qualifying Heat 1.
6. The Report describes the incident as follows:

*“ (...) – Statement: “Dangerous blocking Tag 17”.*

*– Reason: “Kart no 69 was dangerous blocking kart no 5. Reported by the Race Director. Tag 17. MP Start/finish line. Cam. Streaming and cam2.Time 12.09.03. Lap 2”*

7. The Report was provided to the stewards of the Competition (“the Stewards”) who, after having examined it, summoned Driver No. 69 and SRP Racing Shop.

8. The Stewards heard SRP Racing Shop's Team Manager, Mr Hermann Meiserer, as well as Driver No. 69, and then issued a decision ("the Decision"). The Stewards found that Driver No. 69 had performed an unsafe manoeuvre, in breach of the 2025 FIA Code of Driving Conduct, and therefore decided to disqualify Driver No. 69 from Qualifying Heat 1 and to withdraw two points on his digital licence in accordance with Art. 2.24 of the CIK FIA 2025 General Prescriptions (the "General Prescriptions") and Art. 12.4 of the 2025 FIA International Sporting Code (the "Code").
9. The Decision was notified to SRP Racing Shop on 17 May 2025, at 13:30.
10. On the same day, at 14:11, SRP Racing Shop notified its Intention to Appeal.
11. At 15:11, the Stewards applied the suspensive effect attached to the Intention to Appeal and, by means of their Decision No. 96, suspended the sanctions provided in the Decision until the decision of the International Court of Appeal was issued.
12. Driver No. 69 took part in Qualifying Heat 2 and Qualifying Heat 3, scoring in total 121 points, 41 of those points relating to Qualifying Heat 1. This total of 121 points placed him third in the intermediate classification of the Competition, which awarded him 19 Championship points.
13. On 18 May 2025, Driver No. 69 participated in the Super Heat, where he finished in 6<sup>th</sup> position, scoring another 17 Championship points, and in the Final Phase, where he finished in 5<sup>th</sup> position, scoring 34 additional Championship points. Driver No. 69 scored in total 70 Championship points during the Competition. If confirmed, the Appellant's disqualification from Qualifying Heat 1 would result in the loss of 8 Championship points out of those 70 Championship points.

## **II. PROCEDURE BEFORE THE COURT**

14. The Appellant provided to the Court its Notification of Appeal on 19 May 2025 and filed its Grounds for Appeal on 13 June 2025 (English and French versions).
15. The FIA filed the English version of its Grounds in Response on 7 July 2025, and the French version thereof on 10 July 2025.

### III. REQUESTS OF THE PARTIES

16. The Appellant asks the Court to set aside the Decision, preliminarily for procedural irregularity, but also on the basis of the merits of the case. Alternatively, the Appellant asks the Court to annul the sanction of disqualification and “*substitute it with either no penalty or a sanction that is consistent with the principles of fairness and proportionality (...)*”. The Appellant asks further that the appeal deposit be reimbursed to it.
17. In its Grounds in Response, the FIA asks the Court to dismiss the appeal and to order the Appellant to pay the costs of the appeal in accordance with Article 11.2 of the FIA Judicial and Disciplinary Rules (“the JDR”).

### IV. ADMISSIBILITY OF THE APPEAL BEFORE THE COURT

18. The Court notes that the FIA expressly admitted that the appeal had been brought in accordance with the provisions of the JDR.
19. The Court also considers that it has jurisdiction to hear this appeal.
20. Therefore, the Court deems the appeal admissible.

### V. ON THE SUBSTANCE

#### ***On the alleged procedural irregularity of the Decision***

#### ***a) Arguments of the Parties***

21. The Appellant puts forward in essence that the Decision fails to specify which particular provision of the applicable Code of Driving Conduct was breached. According to the Appellant, the reference to a generic “*unsafe manoeuvre*” constitutes a “*serious violation of the fundamental rights of defence*.” The Appellant refers to various decisions of the same panel of Stewards where the latter clearly referred to Article 3.6.2 of the Code of Driving Conduct to sanction an “*unsafe manoeuvre*”. The Appellant thus concludes that the Decision violates its rights of defence.
22. The FIA argues that the lack of reference in the Decision to a specific article of the Code of Driving Conduct does not constitute a violation of the Appellant’s rights of defence but merely a clerical error. The FIA stresses that the Code of Driving Conduct contains only one article, namely Article 3.6, and contends that the Appellant could have easily asked at the hearing which sub-provision of this Article 3.6 was at stake.

23. The FIA refers to Art. 11.9.5 of the Code, which specifies the possibility for the Parties to request the correction of a clerical error in the Decision. Lastly, the FIA refers to the ICA case law where the ICA stated that the *de novo* review of the case by the Court cured any procedural irregularity.

**b) Conclusions of the Court**

24. The Court finds that the Appellant's submission on the lack of reference to the exact sub-provision of the Code of Driving Conduct did not constitute a breach of the Appellant's rights of the defence, but was merely a clerical error that could easily have been corrected upon request of the Appellant based on Article 11.9.5 of the Code. In any event, the Court stresses that as it reviews the case *de novo*, had the Stewards breached the Appellant's rights of defence in the present case, *quod non*, such a breach would have been cured by the devolutive effect of the appeal before the ICA (see *inter alia* ICA-2020-06, *Pierre Furon and Maxime Furon-Castelain*, par. 33; ICA-2024-01, *Energy Landia Rally Team*, par. 22).

**On the alleged absence of breach**

**a) Applicable Regulations**

25. The applicable regulations relevant to the present case are the 2025 edition of the Code and the 2025 edition of the Code of Driving Conduct.
26. As determined under Articles 14.2 and 14.4 of the JDR, French law applies to the present proceedings on a complementary basis.
27. Neither the Appellant nor the FIA disputes the above.

**b) Arguments of the Parties**

28. The Appellant contends that the Code of Driving Conduct does not contain any definition of an "*unsafe manoeuvre*" and submits that it should be defined as "*a credible safety threat that could have been avoided through ordinary prudence*". In this respect, the Appellant refers to Article 12.2.2.h of the Code and to the case law developed by the FIA adjudicatory bodies, namely the Stewards and the ICA.

29. According to the Appellant, the video footage of the incident proves that Driver No. 69 did not commit an unsafe manoeuvre as defined above, as he allegedly maintained his racing line, without making any additional movement.
30. When Driver No. 69 noticed that Kart No. 5 was moving closer on the inside line in an attempt to overtake, he allegedly steered towards the centre of the track, leaving space for Kart No. 5. According to the Appellant, Kart No. 5 touched the edge of the track with its wheels, momentarily lost traction by clipping the grass and re-entered the track immediately without any consequence. The Appellant submits that there was no contact between the two karts.
31. The Appellant then refers to the case ICA-2022-03, *Koski Motorsport*, where the ICA found that even a contact between two cars could be considered as a “*pure racing incident*”.
32. In that context, the Appellant argues that the Stewards did not consider the case as an incident within the meaning of Article 2.24 of the General Prescriptions in relation with Article 3.6.2 of the Code of Driving Conduct. According to the Appellant, while the general provision of Article 2.24 of the General Prescriptions prohibits the illegitimate obstruction of an overtaking manoeuvre, the specific rule of Article 3.6.2 of the Code of Driving Conduct clarifies what constitutes such illegitimate conduct.
33. The Appellant then claims that the driver of Kart No. 5 should have lifted off the throttle in order to avoid running off into the grass. In any event, Driver No. 69 did not make any dangerous manoeuvre as he maintained full control of the kart, left sufficient space for Kart No. 5 and did not perform any dangerous or erratic movement.
34. In a nutshell, the Appellant’s arguments are that:
  - (a) Driver No. 69 had no intention to cause any incident;
  - (b) He did not change his racing line, except to leave space for the approaching Kart No. 5;
  - (c) There was no contact between the two karts and no material damage occurred;
  - (d) Kart No. 5 was able to continue the Race without losing any position;
  - (e) No claim was filed by Kart No. 5.
35. The FIA submits that, after having analysed the videos, pictures, and the witness statement of the Race Director, it can be affirmed that Driver No. 69 executed a deliberate and dangerous manoeuvre by making successive changes of direction in order to block Kart No. 5, ultimately forcing it beyond the edge of the track and compromising the trajectory and the safety of both drivers.

36. The FIA then contends that Driver No. 69's unsafe manoeuvre constituted a breach of the Regulations, notably of Article 3.6.2 b) of the Code of Driving Conduct, which does not prohibit that multiple changes of direction occur, but simply that an abnormal change of direction is performed by a driver.
37. The FIA argues as well that a "*minor contact*" did occur between the two karts, so Article 3.6.2 e) of the Code of Driving Conduct should apply, along with Article 3.6.2 b) of the Code of Driving Conduct, the latter dealing with the main violation committed by Driver No. 69.
38. As to the various precedents cited by the Appellant in support of its argument on the absence of breach of the Code of Driving Conduct, the FIA explains that none of those cases are comparable to the present case, one in which Driver No. 69 made his wrongful manoeuvre deliberately without any contributing conduct being ascribed to the driver of Kart No. 5.

**c) Conclusions of the Court**

39. Art. 3.6.2 b) and e) of the Code of Driving Conduct read as follows:

Art. 3.6.2 b): "*Overtaking, according to the circumstances, may be carried out either on the right or the left.*"

*"However, manoeuvres liable to hinder other Drivers such as more than one change of direction to defend a position, deliberate crowding of karts beyond the edge of the track or any other dangerous change of direction, are strictly prohibited.*

*"Any Driver who appears guilty of any of the above offences will be reported to the Stewards of the meeting."*

Art. 3.6.2 e): "*Contacts / collisions (during the race, deceleration lap included): sanctions may be imposed on a Driver who pushes another Competitor.*"

40. Having carefully considered the written submissions presented by the Parties, and the oral pleadings and evidence addressed at the hearing, as well as the testimony of the Parties' witnesses, the Court finds that Driver No. 69 did indeed make two, and therefore several, changes of direction within the meaning of Article 3.6.2 b) of the Code of Conduct, with the clear objective of either forcing Kart No. 5 to brake or forcing it off the track, thus in clear violation of Article 3.6.2 b) of the Code of Driving Conduct.



41. The video footage presented at the hearing leaves no doubt on this point. After having exited the first corner, Driver No. 69 placed himself in the middle of the straight line, hence performing a first defensive manoeuvre, as duly authorised by the Regulations. Driver No. 69 then turned his face to the right and noted that Driver No. 5 was trying to overtake him on his right. At that moment Driver No. 69 aimed at the right of the track, in the middle of the straight line and way before the next corner, which constituted a second defensive manoeuvre. By doing so, Driver No. 69 did not allow Driver No. 5 to overtake from the right as there was insufficient room to do so.
42. The Court finds that the fact that Driver No. 5 could have braked in order to avoid running off the track is, in the present case, irrelevant, as the second manoeuvre of Driver No. 69 was clearly in breach of the Regulations. Besides, this statement of the Appellant is purely speculative. Given the speed at which both karts were running and the very short time at Driver No. 5's disposal to react to the illegitimate manoeuvre of Driver No. 69, it is even doubtful that Driver No. 5 could have thus avoided running off the track.
43. The Court concludes that Driver No. 69 committed a breach of Article 3.6.2 b) of the Code of Driving Conduct.
44. As to the question of the collision which would have occurred between the two karts, the Court considers that the video footage does not confirm that a collision or a contact took place and that Driver No. 69 therefore did not commit a breach of Article 3.6.2 e) of the Code of Driving Conduct.

### ***On the proportionality of the sanction***

#### ***a) Arguments of the Parties***

45. The Appellant submits that the Stewards during the Competition systematically imposed a 5-second time penalty in case of "*unsafe manoeuvres*".
46. The Appellant then refers to various, allegedly comparable, incidents which took place during Heats 1 and 3 of the Competition where the Stewards did not initiate any procedure against the drivers involved.
47. Coming to the level of the sanction, the Appellant argues that the sanction imposed by the Stewards is disproportionate as it consists of one of the harshest sanctions for conduct in a case where, allegedly, Driver No. 69 committed a minor infraction.
48. The Appellant also claims that Driver No. 69 would be recognised as "*one of the most disciplined drivers*" within the context of the FIA European Championship-KZ category.

49. According to the Appellant, confirming the sanction of disqualification may inflict significant and tangible prejudice upon the Appellant, *"irreparably compromising its standing in the Championship"*.
50. Going through all the incidents mentioned by the Appellant, the FIA responds that none of the incidents invoked by the Appellant provides a valid basis for comparison with the present case. The FIA refers further to ICA-2011-02, *Chiesa Corse s.a.s.*, where the ICA held that inconsistency in other cases does not bind the ICA to perpetuate errors (par. 24), although it is not suggested that any of these previous cases were wrongly decided.
51. The FIA then puts forward a series of precedents that it deems comparable with the present case and contends that it is constant practice in FIA Karting competitions that a driver is disqualified from a session and points are taken out of his digital licence in case of a breach of the Code of Driving Conduct involving dangerous crowding or blocking.
52. The FIA claims that Driver No. 69's culpability is clear and that no mitigating circumstances are present.
53. According to the FIA, it is also crucial to note that imposing a lower penalty, such as a 5-second penalty, would be equivalent to no sanction at all as it would have no impact on Driver No. 69's sporting position, and the withdrawal of 2 points would have no sporting consequences as the one-year deadline set by the applicable regulations expired straight after the Competition, so this withdrawal would no longer be applicable.

**b) Conclusions of the Court**

54. The Court notes first that it shall exercise restraint when reassessing penalties imposed by the Stewards, unless new evidence is available that was not accessible to the Stewards when they made the Decision, which was not the case here (see ICA-2022-03, *Koski Motorsport*, par. 68). The Court notes further that according to the ICA constant jurisprudence, *"it is firstly to the Stewards to assess what sanction is appropriate and the court should review a sanction only when it has no regulatory basis and/or when it is obviously disproportionate."* (see ICA 2024.08, *Miguel Vázquez*, par. 73 with references).

55. Driver No. 69 was sanctioned with a disqualification from one Heat and not from the whole Competition. If confirmed, this disqualification would lead the Appellant to lose only some of the Classification points scored during the Competition, namely 8 Championship points. In that sense the sanction issued by the Stewards with their Decision, which is a partial disqualification from the Competition, is milder than a complete disqualification from the latter. Indeed, a complete disqualification from the Competition would lead the Appellant to lose 70 Championship points, whereas the confirmation of its sole disqualification from Qualifying Heat 1 would only lead the Appellant to lose 8 Championship points. The Stewards therefore exercised their discretionary power to impose penalties in accordance with the list of penalties based on their finding of a violation of the Code and opted for disqualification from Qualifying Heat 1 rather than a time penalty. Within this category of penalties, they opted for the least severe penalty. In assessing the proportionality of the penalty imposed, the Court finds that it cannot, a priori, be considered disproportionate.
56. The Court notes further not only that Driver No. 69 committed a breach of Article 3.6.2 b) of the Code of Driving Conduct, but also that the Appellant did not put forward any valid mitigating circumstance which could justify a sanction being imposed against Driver No. 69 other than the ones imposed in the similar cases put forward by the FIA.
57. The fact that it appears that the Stewards either did not sanction competitors or did not even start a disciplinary procedure in cases which may look similar to the one at stake does also not justify the Court changing or reducing the sanction imposed on the Appellant's kart. If it is legitimately expected that the Stewards apply the rules with consistency and sanction similar cases similarly, this however does not allow a competitor that breached the Regulations to avoid any sanction at the end of the proceedings that the Stewards opened against such competitor.
58. On the other hand, the Court rejects the FIA's argument submissions on the necessary deterrent effect of sanctions and their individual effect on competitors.
59. The Court stresses on this point that each sanction must be pronounced according to the gravity of the breach and not according to its impact on a competitor in terms, for instance, of classification. Otherwise, the same facts would be sanctioned differently depending on the position of a competitor in the classification, which does not conform to the general principles of law. The sanction can of course be based on the individual situation of a competitor when it comes to cases where a competitor committed repeated offences or when other aggravating circumstances are present. It cannot fluctuate depending on the situation of a competitor in a classification.

60. The Court then finds that the Stewards imposed on Driver No. 69 (i) a penalty of disqualification of Qualifying Heat 1, but less severe than a complete disqualification from the Competition, and (ii) a deduction of two points from his digital licence out of a maximum of five points, which shows that the Stewards did not consider the offence committed by Driver No. 69 to be sufficiently serious to impose the maximum penalties available. In the circumstances of the case, the Court finds that the necessary deterrent effect has thus been adequately achieved by the penalties imposed.
61. The Court therefore did not take into consideration the potential effect of the sanction imposed on the Appellant on the classification of the Appellant's kart or on the Appellant's digital licence. It took its decision only on the basis of the circumstances of the breach committed by Driver No. 69.
62. Referring lastly to the Appellant's submission on the lack of regulatory basis of the Decision and to the lack of clarity of the term "*unsafe manoeuvre*" used by the Stewards, the Court finds that the Code of Driving Conduct, together with Article 2.24 of the General Prescriptions and Article 12.4 of the Code, not only constitute a firm and clear regulatory basis for the sanction imposed on the Appellant, but explain clearly what the Stewards meant in the Decision by the term "*unsafe manoeuvre*".
63. Based on all the above and taking into consideration the specificities of the case, notably the fact that Driver No. 69 pushed Driver No. 5 off the track at full speed in the middle of a straight line, and in light of the various precedents put forward by the FIA in the framework of FIA karting competitions, the Court thus finds that the sanction imposed by the Stewards, namely the disqualification from Qualifying Heat 1 and the withdrawal of 2 points from Driver No. 69's digital licence, was appropriate and that the Decision must thus be upheld.

## VI. COSTS

64. 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 admissible;**
- 2. Upholds Decision No. 83 dated 17 May 2025 of the Stewards of the event of Valencia counting towards the 2025 KZ European Championship;**
- 3. Orders the competent Sporting Authority to draw, as appropriate, the consequences of this ruling;**
- 4. 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;**
- 5. Rejects all other and further conclusions.**

**Paris, 5 August 2025**

**The President**

**Mark Kletter**