



## **NATIONAL SPORTING CODE 2023**

### **JUDICIAL PROCEDURE**

*[Note: this is a free English translation for all participants' convenience; the French and Dutch versions of the same are the only official versions.]*

#### **A – APPLICABLE PROVISIONS AND INFRINGEMENTS**

##### **ARTICLE 1: APPLICABLE PROVISIONS**

All participants in motor sport shall respect, and all bodies of the Judiciary shall apply, the following regulations:

- a.** in international events, the International Sporting Code of the FIA and its Appendices, the Bulletins of the FIA, the Sporting and Technical Prescriptions, and the Regulations published by the FIA;
- b.** in national events, the Belgian Motor Sport Charter, the National Sporting Regulations, the Prescriptions of RACB SPORT and their Appendices, insofar as they are in conformity with the general principles of the international regulations;
- c.** the supplementary regulations of the events, insofar as they are in conformity with the general principles of the international and national regulations; and
- d.** for regional and provincial events: the regulations of the ASAF and the VAS and their appendices, the provincial regulations and their appendices, and the supplementary regulations of the events, insofar as they are in conformity with the general principles of the international and national regulations.
- e.** All participants in motor sport are answerable for the acts of any person accompanying them (family member, supporter, friend, guest or other) as for their own conduct, both regarding civil liability and in sporting terms, and they incur the same sanctions as if they themselves had committed the infringements committed by a person accompanying them.

##### **ARTICLE 2: INFRINGEMENTS**

Any failure to comply with the provisions applicable to persons (natural or legal) taking part in motor sport in any capacity whatsoever (including all officials) constitutes an infringement that is punishable by the Judiciary.

The following also constitute an infringement (any attempt or complicity being considered equivalent to an infringement itself):

- a.** any active or passive bribery of any person having an official function in a competition or having any role during a competition;
- b.** any action having as its object the entry or participation in a competition of a person or a car that is not eligible for that competition;
- c.** any fraudulent act, unfair conduct or abuse of procedure on the occasion of a competition or of motor sport in general, including any protest made in bad faith, and the use of a part or of a car that is deliberately non-compliant;

- d. any act or conduct liable to be harmful to the interests of RACB SPORT, the FIA or motor sport in general;
  - e. any discriminatory act or conduct liable to be harmful to the honour or the physical or moral integrity of another;
  - f. any dangerous, reckless, unsporting or discourteous conduct during a competition or its preparation, or on the occasion of motor sport in general;
  - g. any consumption of alcohol or drugs, during a competition or its preparation (the blood alcohol level or trace of drug consumption must be 0.00%);
  - h. refusing to undergo immediately any required medical-sporting control (health check in the broad sense, blood alcohol level, drugs, etc.);
  - i. not satisfying the conditions regarding age limits;
  - j. taking part in an unauthorised event;
  - k. any serious breach of the Highway Code committed on a public road, even outside a competition or its preparation;
  - l. the fact of an organiser or promoter failing to fulfil punctually or correctly its obligations towards the sporting authorities, in particular by favouring or tolerating the unsporting conduct of a competitor, driver or other participant;
  - m. the fact of organising, encouraging, participating in or making, in person or through the intermediary of another person, bets (even legally authorised ones) connected, even indirectly, with motor sport;
  - n. the fact of communicating to a third person information unknown by the public, obtained directly or indirectly on the occasion of the profession, functions or activities connected with motor sport;
  - o. the fact of not fulfilling punctually all of one's financial obligations within the context of motor sport, towards the sporting authorities or any other creditor;
  - p. the fact, for any person who holds them, of not keeping in their entirety the images taken of an event, for at least six months after it, or changing them; the organiser of the event is always responsible for the keeping of all existing images of an event.
- The simple fact of failing to fulfil a specific obligation to do, whatever the reason for such failure (except force majeure), constitutes an administrative infringement.

### **ARTICLE 3: PROSECUTOR**

- a. The Sportsprosecutor investigates all disciplinary matters. All participants in motorsport must cooperate with him and in particular provide him with the explanations and documents he requests.
- b. If he deems it appropriate, the Sportsprosecutor institutes proceedings before the Sports Court. He can reach a settlement with all license holder prosecuted by the Sports Court, or susceptible to be so, for affairs of minor importance.
- c. The Sportsprosecutor reports to the Sports Court or the National Appeals Court of all cases judged therein.
- d. The Sportsprosecutor may delegate all or part of his prerogatives to one (or more) Substitute, within the limits of one or more cases.

### **ARTICLE 4: DOPING – PROHIBITED SUBSTANCES**

Any doping by a person taking part in motor sport in any manner whatsoever constitutes an infringement punishable by the Judiciary.

Doping is defined according to Articles 1 and 2 of the FIA Anti-Doping Regulations (Appendix A to the International Sporting Code), of which all the rules and sanctions are applicable *mutatis mutandis*.

Any doping or any doping method is totally prohibited during a competition or its preparation, with the sole exception of medication that is essential to health and has no effect on the subject's normal fitness to drive, insofar as the use of such medication has been declared beforehand to the competent NADO (National Anti-Doping Organisation) and that the latter has granted a TUE (Therapeutic Use Exemption) (see list of Belgian NADOs on the website [www.wada-ama.org](http://www.wada-ama.org)).

For holders of an international licence, this TUE must be issued by the FIA.

All holders of a sporting licence must inform themselves thoroughly as to the risks of doping and as to prohibited substances before taking part in any event or training, in particular by consulting the following websites: [www.fia.com/sports/fia-anti-doping-regulations](http://www.fia.com/sports/fia-anti-doping-regulations), [www.dopage.be](http://www.dopage.be) and [www.dopingvrij.vlaanderen](http://www.dopingvrij.vlaanderen).

Any breach of Article 2.f, 2.g or 3 noted by a judge of fact during an event leads to the immediate suspension of any licence held by the offender for the rest of the event, regardless of the sanctions to be pronounced by the Sporting Tribunal.

#### **ARTICLE 5: UNRECOGNISED COMPETITIONS**

Any natural or legal person who – directly or indirectly – organises, enters, takes part as a competitor or as an official, or takes part in any manner whatsoever in a motor sport competition which is not organised in conformity with the international rules of the FIA and/or with the national rules of RACB SPORT may be excluded (suspended for life), and will lose the right

- to any FIA or RACB SPORT licence,
- to remain or become a member of a club or of a racing team recognised by RACB SPORT.

Any licence-holder wishing to participate or take part in any manner whatsoever in an event that may be questionable, even if it is announced as a “touring event”, must seek the opinion of RACB SPORT beforehand by submitting to it the supplementary regulations of the event in question.

#### **ARTICLE 6: SCALE OF PENALTIES**

- a. Any licence-holder (driver, competitor or other) who breaches one of the provisions of Article 2, 3 or 4, incurs one or more of the penalties provided for in Articles 6 and 7.
- b. The general scale of penalties, applicable to all infringements, is as follows:
  1. reprimand
  2. fine
  3. time penalty
  4. demotion
  5. disqualification (from an event, a meeting or a championship)
  6. ban on attending
  7. administrative fine
  8. suspension
  9. exclusion (i.e. lifetime suspension)
  10. ban on organising.

The last three penalties can be imposed only by the Sporting Tribunal or the National Court of Appeal. They entail the disqualification of the competitor or driver from the Championship of which the event during which the infringement was committed formed part.

#### **ARTICLE 7: DESCRIPTION OF THE PENALTIES**

##### **a. Reprimand:**

Admonition for minor offences.

A 2<sup>nd</sup> reprimand during one and the same sporting year results in a drop of 5 places on the next starting grid.

A 3<sup>rd</sup> reprimand cannot be imposed during one and the same sporting year, and must thus be replaced with a harsher penalty.

##### **b. Fine:**

1. The maximum amount of a fine is €15,000 (this maximum is tripled for an organiser, a promoter or a circuit).
2. Any fine must be paid within eight days following the notification of a judgment (unless there is an appeal). Fines imposed by the Stewards during an event, however, must be paid within one hour following the notification of their decision (unless there is an appeal).

3. Any delay in the payment of a fine (or recourse deposit, administrative costs or any other sum owed to RACB SPORT) automatically results in the disqualification of the driver and competitor from the event concerned, and the international suspension of their licence until such time as full payment has been made.
4. Any competitor acts as guarantor for the payment of any fine imposed on his drivers.

**c. Time penalty:**

May take the form of time added to the time set, a “stop & go” (stopping in the pit for a determined time), and/or a “drive through” (mandatory pass through the pit lane at a reduced speed).

**d. Demotion:**

1. Demotion, in the form of a drop of one or more places and/or the withdrawal of points, may concern the classification of a race and/or of an event and/or of a championship, and may result in demotion as far as the last place in a race and/or an event and/or a championship.
2. Save in exceptional circumstances, points are withdrawn simultaneously for the driver and for the competitor.

**e. Disqualification:**

1. Disqualification from a race, from an event or from a championship prevents the subject from taking part in the competition in question. This sanction entails the loss of the entry fee and of any prize that the driver may have won, and obliges the penalised driver to hand back, if applicable, any prize he has won.
2. If disqualification is pronounced by the Stewards when the provisional classification has already been posted, the competitors and drivers coming immediately after the disqualified driver in the classification take his place, and the other classified ones move up one place; only the Stewards have the power to decide otherwise, unless the Sporting Regulations of a Championship provide for other mechanisms.

**f. Suspension:**

1. A suspension may be national, i.e. limited to events organised under the aegis of the ASN on the territory of which the suspension was imposed, or international.
2. In case of a national suspension, the ASN stamps “NOT VALID FOR... (name of the country)” on the licence. In case of an international suspension, the suspended licence-holder is obliged to hand his licence over to his ASN, which will return it to him upon the expiry of the suspension period. In both cases, any delay in handing over the licence will extend the suspension period.
3. A suspension imposed by a body of the Judiciary is effective at both national and regional levels.
4. The Judiciary decides whether the suspension involving the withdrawal of a type of licence (driver, competitor, etc.) entails the withdrawal of the holder’s other types of licence.
5. Suspension nullifies entries made beforehand for events scheduled to take place on the territory of the ASN for which the suspension has been pronounced. The entry fees for these events will not be refunded.
6. After half of the sentence pronounced by the court has been served, the sporting authority concerned may remit the remaining part of the suspension.

**g. Exclusion (Lifetime Suspension):**

1. An excluded natural or legal person can no longer take part in any competition organised under the authority of the FIA, RACB SPORT, A.S.A.F. or V.A.S.
2. The sporting authority (RACB SPORT, V.A.S., A.S.A.F.) can lift the exclusion, unless the Judiciary that ordered it has prohibited this possibility.

#### **h. Ban on Organising**

The penalty of suspension or exclusion may be applied to an organiser or a promoter who, in this case, is deprived of the right to organise, directly or indirectly, an event or a championship, for a duration that is left to the discretion of the judicial bodies.

#### **i. Ban on Attending**

1. Any person whatsoever, even if not a licence-holder or not a member of the RACB, may be banned from attending any training session, race, event or championship whatsoever, for a maximum duration of two years, if that person has undermined the sporting and serene running of a competition, through his conduct or otherwise.
2. This ban may be general or limited in space (e.g. ban on entering the paddocks, pits, track, etc.).
3. Any licence-holder, organiser, promoter or other participant in motor sport who allows such a person to breach the ban that has been imposed on him exposes himself also to the above sanctions.

#### **j. Administrative fines**

Administrative fines, of a maximum of €500, are payable by right as soon as the conditions for charging them, as noted by RACB SPORT, are met.

### **ARTICLE 8: SPECIFIC PENALTIES**

#### **a. Infringements relating to Medical Fitness and Age Limits:**

1. Such infringements are punished by disqualification from the competition and championship in which the licence-holder unduly took part, by the suspension of all licences for a minimum period of three effective months and a maximum of two years, and by a fine of at least €500.
2. If a second infringement takes place within two years of a penalty relating to an infringement of the same nature, the sanctions set out in 1. above are doubled.
3. If the person concerned has not yet served the penalty at the time of the decision taken under 1., he may be granted a reasoned suspension of the sentence, for a period of not less than one year and not more than two years.
4. The suspension of the sentence will be withdrawn if the person concerned commits a further infringement of the same nature during the suspended sentence period.

#### **b. Doping – Drugs – Alcohol:**

1. The rules stipulated by the FIA Anti-Doping Regulations (Appendix A to the International Sporting Code) are applicable *mutatis mutandis*.
2. The doping controls may be carried out by RACB SPORT, by a Belgian or foreign public authority, or by a national or international sporting authority.
3. In case of infringement of Article 2.f, 2.g or 3, besides disqualification from the competition and championship in which he took part, the person concerned is punished by a fine of at least €1000 and the suspension of all his licences for an effective period of at least three months, and the suspended sentence for the surplus cannot be less than two years. For officials, the Sport Court will determine the sanction.
4. In case of a repeated offence, the sanction will be a fine of at least €3000 and the effective suspension of all licences for a minimum of one year.
5. A third infringement of Article 2.f or 3 will be punished by a fine of at least €6000 and the exclusion (lifetime suspension) of all licences, without the possibility of suspension of the sentence.
6. The penalties pronounced in case of infringements of Article 2.f, 2.g or 3 are enforceable notwithstanding any appeal.
7. The penalties pronounced by the RACB of the FIA do not overlap and are added to those eventually pronounced by the public authorities.

## **ARTICLE 9: APPLICATION OF PENALTIES**

### ***a. The penalties are imposed:***

#### **1. In the first instance:**

- by the Stewards for facts or acts occurring during an event or a race;
- by the Sporting Tribunal for facts or acts that have not been punished by the Stewards, as well as for disputes not relating to facts or acts occurring during an event.

The Stewards may apply all the penalties provided for in Article 6, from 6.a to 6.e (except for disqualification from a championship). They may refer any case to the Sporting Tribunal, in its entirety or for a possible additional sanction to that which they have pronounced.

#### **2. On appeal:**

By the Sporting Tribunal following any decision of the Stewards or subsequently by the National Court of Appeal.

- b.** All penalties may be pronounced with suspension of sentence, either total or partial. The court considering the case specifies the period for which the suspended sentence will remain applicable, and any conditions accompanying it. The judicial bodies give a verdict on the withdrawal of the sentence suspension.
- c.** Penalties pronounced by the judicial bodies take effect immediately, unless they specify a different date on which they will come into effect.

## **B – PROTESTS**

## **ARTICLE 10: RIGHT TO PROTEST**

- a.** A protest is recourse exercised by a competitor against a decision to which he has not been a party, or against an abstention from taking such a decision.
- b.** Any protest on the subject of facts or acts occurring during an event or a race will be examined by the Stewards if the protest was brought before the end of that event; any other protest will be examined by the Sporting Tribunal.
- c.** The right to protest belongs only to competitors properly entered in the event or race who consider themselves wronged by some or other decision, act or omission on the part of an organiser, an official, another competitor or driver or any other person involved in an event or race in which they themselves are taking or have taken part. Moreover, such a competitor must still have been in competition at the time the offence was committed.
- d.** A protest may also be brought by the Sportsprosecutor or by the Directorate.
- e.** No protest may be exercised when the complainant has a right to appeal having the same object, whether or not such appeal has been brought.
- f.** A competitor may give a written power of attorney to a proxy to file a protest, in the event that it is physically impossible for him to do so himself. If the protest is presented by this proxy, the latter must describe in writing the reason preventing the competitor from filing it himself.

## **ARTICLE 11: FILING OF THE PROTEST**

- a.** Under penalty of being declared void, any protest must be in writing and signed by the competitor, and mention the date and time of filing of the protest. The complainant must set out the precise facts or acts upon which the protest is based; any protest based on general considerations (e.g. “non-conformity of the car” or “dangerous driving”) is void.  
Except for those which the Stewards take up on their own initiative, each protest must be accompanied by a protest deposit of €500. The protest deposit is payable, even if the complainant withdraws his protest.
- b.** If the protest is fully upheld, the protest deposit will be returned. Moreover, if a protest concerns the non-conformity of a car, the provisions of Article 12 apply.
- c.** Each protest must be presented either to the Stewards or to the Clerk of the Course, who will forward it to the Stewards.

## **ARTICLE 12: TIME LIMIT FOR FILING A PROTEST**

- a. Under penalty of being declared void, a protest against the entry of competitors or drivers or against the length of the course must be filed at the latest one hour after the end of the administrative checks, unless the supplementary regulations of the event provide for a longer time limit or the Stewards deem it necessary, for pressing reasons, to extend this time limit. If the checks take place in a country other than that of the organiser, any representative of the ASN is entitled to accept the protest and must forward it immediately to the Stewards of the event.
- b. A protest against a handicap or against the make-up of a series must be filed at the latest one hour before the start of the race.
- c. A protest against a decision of the Stewards based on a report from the Scrutineers must be filed immediately.
- d. A protest against any error or irregularity occurring during a competition, against the non-compliance of vehicles with the regulations governing it, against a racing incident or against the classification established at the end of the competition must be filed at the latest 30 minutes after the posting of the provisional classification of the competition, except in the case of special FIA regulations. In karting events, this time limit is reduced to 10 minutes in the context of qualifying practice and qualifying heats.
- e. A protest against a decision of the Stewards based on a report from the Scrutineers must be filed immediately. A protest against any other decision of the Stewards must be filed at the latest 30 minutes after the posting of the provisional classification of the competition. If the decision is not published before the end of the event, the protest period runs from the moment the complainant knows about it (and at the latest the first working day following the publication of the decision on the website of the RACB).

## **ARTICLE 13: DISMANTLING OF A CAR**

### ***a. A protest relating to the compliance of a car is carried out as follows:***

1. A protest by a competitor relating to one or more vehicles must concern one or more of the phases referred to below (b. "Phases of dismantling");
2. The competitor must specify in his protest which phase he wishes to have checked;
3. For each phase, the complainant competitor will pay into the Stewards' hands:
  - the protest deposit;
  - the dismantling costs, as stipulated for each phase set out below and which are intended to cover the costs incurred by the competitor who has to dismantle the corresponding part;
  - a recourse deposit which, for each phase, is equal to the dismantling costs.

### ***b. Phases of dismantling:***

The costs occasioned by dismantling must be refunded up to the real costs, with the following minimum amounts (but without exceeding the sums effectively paid):

- Phase 1: Suspension, wheels, steering, bodywork, braking system  
Costs:       €150               All Groups
- Phase 2: Transmission, gearbox, axle  
Costs:       €150               All Groups
- Phase 3: Cylinder head, valves, camshaft, fuel feed, stroke and bore  
Costs:       €300               Group N – 2CV – Fun cup  
              €600               For the other Groups
- Phase 4: Piston, conrods, engine block, crankshaft, oil pump  
Costs:       €1200              Group N – 2CV – Fun cup  
              €2400              For the other Groups
- Phase 5: For a protest relating to the whole of the car:  
Costs:       €2000              Groups N – 2CV – Fun cup  
              €3500              For the other Groups and GT, Touring Cars

The costs occasioned by the works and by the transportation of the car will be borne by the complainant if the protest is unfounded. The costs will be borne by the competitor who is the subject of the protest if the protest is founded.

Examples:

- For dismantling in Phase 1, the complainant will pay out €300, or €150 as a recourse deposit and €150 as dismantling costs, plus the protest deposit.
- For the dismantling of a Group A car in Phase 4 (which necessarily includes the dismantling from Phase 3), the complainant will pay out €6000, or €3000 (€600 + €2400) as dismantling costs and €3000 as a recourse deposit, plus the protest deposit.

**c. Observations:**

1. Filing a protest in Phase 4 entails doing so also in Phase 3.
2. Dismantling in all the Groups up to Phase 3 inclusive may be carried out on site in premises made available to the Scrutineers by the organisers.
3. A competitor whose vehicle is designated for dismantling in Phase 3 has the obligation to drain its cooling circuit as soon as this measure is announced.
4. A maximum period of 4 hours will be observed before the removal of the cylinder head.
5. Dismantling in Phases 1, 2 and 3 will be carried out within three working days, unless dispensation has been granted by the Stewards.
6. For dismantling in Phase 4, the Scrutineers will proceed on site to seal the mechanical components. Dismantling and checking will be carried out within five working days at a garage of the competitor's choosing, unless dispensation has been granted by the Stewards. Phase 4 dismantling of cars in all the Groups will mandatorily take place in Belgium.
7. Dismantling will be carried out by the competitor, the driver or his mechanic, in the presence of the Scrutineers and of at least one Steward officiating at the event, to the exclusion of any other person.  
The Scrutineers will proceed to check the measurements, weight, profiles and diagrams of the dismantled parts.
8. At the end of the checks, the check report will be signed by one Scrutineer, one Steward and the Competitor in question.

**d. Settlement of the dispute after the definitive decision of (non-)compliance:**

- First case: the complainant is in the right:
  - a) The complainant is fully reimbursed
  - b) The loser (competitor at fault)
    1. bears the dismantling costs;
    2. must pay to RACB SPORT a sum equal to the recourse deposit;
    3. receives a penalty from the Stewards.
- Second case: the complainant is not in the right:
  - a) The complainant:
    1. forfeits the dismantling costs;
    2. sees his recourse deposit paid to RACB SPORT.
  - b) The competitor proved innocent receives the dismantling costs up to the scale set out in the present article.
- Third case: the dismantling took place by order of the Stewards:
  - a) The car is non-compliant (see First case b);
  - b) The car is compliant: the competitor bears its dismantling costs.

**ARTICLE 14: REFUSAL TO DISMANTLE**

The refusal by a competitor to submit to dismantling in the prescribed forms and within the prescribed time limits entails the relegation of his vehicle, without prejudice to any other sanction that may be imposed by the competent courts.

A fine equal to the recourse deposit will be payable by the competitor who refuses. He will lose all the points scored in the Championship and is disqualified therefrom.



## **ARTICLE 15: TECHNICAL COMPLIANCE**

- a. The Scrutineers proceed automatically to conduct any checks they consider useful. They may check any vehicle, material, equipment, fuel, overalls, tools, etc., and in general everything that is likely to be used or consumed in competition.
- b. Any participant in motor sport must grant the Scrutineers access to all places, premises, vehicles or material, and provide them with any necessary assistance.
- c. The Scrutineers report their findings to the Stewards.
- d. The burden of proof of the technical compliance of a vehicle, a part or a material lies with the competitor. In case of doubt, the vehicle, part or material will be deemed non-compliant.
- e. It is irrelevant whether or not the non-compliance was intentional, whether or not the non-compliant vehicle provides a performance advantage, or whether the non-compliance was not noted during a previous check.
- f. The competitor and the driver are always reputed to have knowingly used a part or a car that is deliberately non-compliant, without their personal knowledge having to be proved.
- g. The technical compliance can be checked (or re-checked), automatically or following a protest, at any time before, during or after a competition, as long as the vehicle has not been authorised to leave the parc fermé.
- h. If a competitor has a reasonable doubt as to the compliance of any vehicle, equipment, fuel, overalls, tools, etc., and in general everything that is likely to be used or consumed in competition, he may ask the Scrutineers to proceed with a specific check, limited to this question.

The request must be made at the latest 2 hours before the start of the scrutineering prior to the start of the event. If the Scrutineers give a positive detailed opinion, this will serve as a presumption of conformity regarding this specific question for the event (and for the subsequent events to which the same technical regulations apply, unless a modification is made to the subject of the check in the meantime).  
The positive opinion of the Scrutineers will be posted as soon as it is delivered.
- i. The Stewards are not required to follow the advice of the Scrutineers. However, if they depart from it, they will give special reasons for their decision.
- j. In principle, the penalty for technical non-compliance of a car will be disqualification. However, in cases where the Stewards consider that such a penalty would be prejudicial to fairness, they may impose a lesser sanction.

## **ARTICLE 16: DEFINITIVE COMPETITION**

No sporting authority can order that a competition be restarted.

<b>C – PROCEDURE</b>
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## **ARTICLE 17: BEFORE THE STEWARDS**

- a. Three Stewards must be present throughout the event. They rule as a body and designate their chairman, who has the casting vote if need be. They rule as soon as possible on any infringement of the regulations or on any incident occurring in the course of an event.
- b. If a decision has to be taken after an event, for whatever reason, the Stewards may delegate their authority to the Stewards of one of the subsequent events (in the same championship, cup, trophy, challenge or series). If necessary, a panel of Stewards may be put together for this purpose, and will be designated by the authority responsible for the selection of the original panel.
- c. The Stewards may use any available sources of information that they consider useful (testimony, recording of images or sound, reconstitution, analysis, expertise, etc.) and all persons are obliged to provide them with honest assistance in establishing proof.
- d. The chairman of the panel of Stewards maintains permanent contact with the Clerk of the Course. The Clerk of the Course informs the Stewards as soon as possible of

any infringement or of any incident, and transmits to them any useful assessment factors. Once the Stewards have ruled, their decision is notified to the Clerk of the Course.

- e. The Stewards gather the opinions of the Scrutineers for any question that falls within their competence. The reports drawn up by the Scrutineers, designated for this role by the regulations of an event, are deemed to be exact as to the materiality of the facts reported.
- f. As an exception and with the authorisation of the Directorate, the regulations of a Championship or Trophy, or the supplementary regulations of an event, may allow the Clerk of the Course, in the event of a minor infringement necessitating an immediate decision, to pronounce a sanction (limited to drive through and stop & go).
- g. This dispensatory procedure applies neither to the technical compliance of the vehicles, nor to incidents occurring during an event but outside a race.  
In case of recourse to this dispensatory procedure, at least one Steward is present at Race Control during the events concerned.
- h. The Stewards hear as soon as possible, insofar as circumstances permit, persons who might have committed an infringement, as well as any witnesses. These persons may be summoned verbally or in writing. If the person concerned does not present himself, the Stewards may rule by default, without any possible recourse other than an appeal.
- i. All minor summoned by the Stewards may be accompanied by one (only) person holding the parental authority. The person is to abstain in any intervention to the debates and, if he/she disturbs them to the sole discretion of the Stewards, they can invite him/her to leave the permisses.
- j. The Stewards' decisions must be notified in writing as soon as possible and at the latest within two working days after the decision. This notification is validly made to any person forming part of the team of the competitor concerned, and met in the pit or any other premises used by this competitor during an event. Any competitor must see to it that at least one person authorised to receive a notification remains in his pit until the end of the event.
- k. The Stewards may refer a competitor, a driver or any other person to the Sporting Tribunal. If the gravity of the infringement is such that it could lead to the provisional suspension of a licence, the Stewards may refer the party concerned to the Sporting Tribunal in summary proceedings.
- l. If the Stewards have to rule on an infringement but have not managed to reach a decision on this subject by the time the classification is normally made official, they suspend the classification until their decision has been taken.
- m. If a penalty is pronounced, the classification cannot be made official until the expiry of the time limit for lodging an appeal.
- n. If, however, the infringement committed or the protest lodged is likely to affect only a part of the classification, the other part may be made official.
- o. The awarding of the prizes cannot take place until the classification is made official. If the final classification is suspended following an appeal, it will be declared provisional, and the prize-giving will take place only for those parts of the classification that are not liable to modification following the appeal.
- p. If, as a result of special circumstances, the organiser finds it impossible to draw up a classification of the event or of the race within a reasonable time, they must send each competitor the results by email; this will be done at the latest two working days after the end of the event, and any competitor may lodge a protest within two working days after receipt of the email.

#### **ARTICLE 18: BEFORE THE SPORTING TRIBUNAL AND THE NATIONAL COURT OF APPEAL**

- a. In disciplinary matters, if the Stewards have not already taken up the case, the procedure is initiated by the Directorate or the Sportsprosecutor.

- b. If the facts before it appear particularly serious, the Directorate or the Sportsprosecutor may order the provisional suspension of any licence, pending a judgment from the Tribunal. In this case, the Tribunal rules as soon as is reasonably possible.
- c. Insofar as is possible, the Sporting Tribunal and the National Court of Appeal give their decision within 45 days after the communication of the facts, or of the appeal.
- d. A sufficient number of Judges are summoned by the Secretariat, at the request of the Sportsprosecutor. If they are not available, they immediately inform the Secretariat so that it can summon other judges to complete the panel.
- e. Any person concerned is summoned, one week before the hearing, and is given a precise summary of the purpose of the appearance and, if applicable, the alleged offences. Any person summoned (except witnesses) can familiarise himself with the dossier at the Secretariat of RACB SPORT, until one working day before the hearing (before 16.00). At the request of the person summoned or of his lawyer, an electronic copy of the dossier is sent to him by email (except for evidence that cannot be transmitted by this means).
- f. Any person concerned must appear in person, but may be assisted by a lawyer.
- g. Save in duly justified exceptional circumstances, the judicial bodies do not grant any postponements of hearings.
- h. A judgment may be pronounced by default against any person properly summoned who does not report to the hearing, save in duly justified exceptional circumstances. A judgment by default may order the person concerned to pay a fine, separately from the possible sanction pronounced for the alleged offences. A judgment by default does not open any recourse other than appeals against a judgment given after due hearing of the parties.
- i. Any person having a legitimate interest may be heard at his request, with the authorisation of the Tribunal or Court.
- j. Nobody may deposit with the Sporting Tribunal or the National Court of Appeal any document, statement or note that has not been communicated beforehand to the Secretariat of RACB SPORT at the latest **on the second working day before the hearing, before 12.00 noon**. A person concerned cannot ask for a witness, expert or other person to be heard, whose identity and capacity have not been announced to RACB SPORT by the same deadline.
- k. The procedures and hearings respect the usual rights of the defence.
- l. Language used before the Sporting Tribunal and the National Court of Appeal:
  - The language of the procedure will be that which, depending on the circumstances of the case, appears to be the most appropriate, out of French, Dutch and English; in disciplinary matters, any person prosecuted may ask for this language to be changed, by notifying this within two working days after receipt of the summons;
  - Summonses will be drafted in the language of the procedure;
  - Any person may, at the hearing, use a language other than that of the procedure, but it must be either French, Dutch or English;
  - The Judges may authorise any person to use a language other than French, Dutch or English if they consider that they themselves have sufficient understanding of it;
  - The documents deposited by a party will be in the original language; if they are not in French, Dutch or English, the party depositing them will attach a translation in one of these languages.
- m. The hearing is public. Nevertheless, the President may order it to be held in camera if he considers public debates to be harmful to motor sport. This order is without appeal.
- n. Each party, as well as the officials, may have witnesses summoned. The travel costs of the witnesses summoned by the person concerned and by the complainant are borne by them. The travel costs of the witnesses cited by RACB SPORT will be borne by the losing party.

- o. Any complaint of incompatibility or procedural error must be raised at the latest during the first hearing, failing which it would be covered. No procedural error can be accepted if it did not cause concrete prejudice to the party invoking it. The judicial body concerned has sovereign power to rule on this question, its decision not being subject to appeal.
- p. The Sporting Tribunal and the National Court of Appeal deliberate in camera in the absence of any other person. All the members are bound by the confidentiality of deliberation.
- q. On a reasoned referral by the Stewards, the Directorate or the Sportsprosecutor, within 48 hours following the commission of an act likely to lead to the provisional suspension of a licence, the Sporting Tribunal (made up of a single Judge) sits in summary proceedings within a week, the deadline for the summons being reduced to two clear days before the hearing.
- r. The Sporting Tribunal sitting in summary proceedings gives a provisional ruling in cases which it recognises as urgent, and the substantive proceedings, on pain of debarment, must be brought by the first of the parties concerned within the month of its ordering, unless a shorter time limit is imposed by the order.
- s. Insofar as is possible, the Judicial Bodies pronounce their reasoned judgment within 15 days of the close of the debates. This judgment is notified to the persons concerned and can be consulted at the Secretariat of RACB SPORT by any person who justifies a legitimate interest.
- t. All judgments of the Sporting Tribunal and National Court of Appeal are published in extenso on the website of RACB SPORT as soon as they are no longer subject to appeal.  
In disciplinary matters only, and at the request of a person concerned, the body that pronounces a decision may provide that proper nouns will be obscured in its publication or that certain passages will be omitted. Such a measure can, however, be taken only in exceptional cases, for example if the publication was likely to compromise the social inclusion of a person.  
Five years after the publication of a judgment, any interested person may request that this publication be anonymized.
- u. In disciplinary matters (including doping), except for decisions taken by the Stewards in relation to regional events, the regional judicial bodies are not competent for holders of a foreign licence, who come directly under the Sporting Tribunal.

## D – APPEALS

### **ARTICLE 19: RIGHT TO APPEAL**

- a. Any competitor has the right to personally appeal against any decision, classification or judgment concerning him (even if he has not been a party thereto), provided that he informs the appeal court within the prescribed deadline.
- b. The Directorate and Sportsprosecutor may appeal against decisions of the Stewards and decisions of the Sporting Tribunal.
- c. The Tribunal, if it considers that the appeal is abusive, pronounces a licence suspension of at least one month and a fine of at least €500, each sentence being unsuspended.
- d. An appeal against a decision of the Stewards never has a suspensive effect in matters of safety. In all other matters, an appeal can have a suspensive effect only if, at the request of an interested party, the Stewards have allowed this suspensive effect, giving special reasons for their decision.
- e. An appeal against a decision of the Sporting Tribunal has a suspensive effect, except in matters of safety. However, in disciplinary matters, the Sporting Tribunal may decide that a possible appeal would not have a suspensive effect, giving special reasons for its decision.

- f. Any dispute involving a foreign organiser, official, competitor, driver, or other licence-holder may form the subject of a new appeal before the International Court of Appeal, according to the rules of the International Sporting Code.
- g. During an event run in Belgium within the framework of a foreign championship, an appeal comes under the competence of the ASN which registered this championship on the FIA calendar.
- h. WADA (World Anti-Doping Agency) may appeal against any judgment in connection with doping, within the dispensatory deadline corresponding to the later of the following dates:
  - 1) 21 days after the final date on which another party in the case could have appealed; or
  - 2) 21 days after receipt by WADA of the full dossier relating to the decision.

## **ARTICLE 20: FORM OF APPEAL AND TIME LIMIT – RIGHT TO APPEAL**

### **a. *Appeal against a decision of the Stewards:***

- 1. When the competitor is present, he must notify his appeal in writing, in person, to the Stewards, within the hour following the written notification of the decision; if the appellant has not been directly concerned: within the hour following the posting of the decision.
- 2. When the competitor is not present, he must notify his appeal in person to the Secretariat of RACB SPORT, on the working day following the day of receipt of the notification of the decision (or, if applicable, its posting).

### **b. *Appeal against a decision of the Sporting Tribunal:***

The person concerned must lodge an appeal within 8 days following the notification of the judgment.

### **c. *Appeal against a decision of a regional association:***

A judgment coming from a regional judicial body, which is no longer subject to appeal before that body, may form the subject of a final appeal before the National Court of Appeal. The person concerned must lodge an appeal within 8 days following the notification of the judgment by the regional association.

### **d. *Appeal brought by the Directorate or the Sportsprosecutor:***

The appeal must be brought within 8 days following the notification of the judgment or the knowledge of the Stewards' decision. The Secretariat of RACB SPORT forwards it immediately to the parties concerned.

### **e. *Appeal against the classification of a championship***

The appeal must be brought within 15 days following the publication of the classification on the website of RACB SPORT, and at the latest on 30 November. The Secretariat of RACB SPORT forwards it immediately to the parties concerned.

### **f. *Appeal against a refusal to grant a licence***

An appeal against a refusal to grant a licence must be brought within 8 days following the notification of the refusal.

### **g. *Appellant:***

Under pain of being declared void, an appeal can be brought only by the person concerned (or by his lawyer). He may, however, give a written power of attorney to a proxy to lodge an appeal, in the event that it is physically impossible for him to do so himself. If the appeal is presented by this proxy, the latter must describe in writing the reason preventing the competitor from lodging it himself.

### **h. *Reasoning:***

When an appeal is not already reasoned upon being brought, the appellant must notify his reasoning according to the same forms as the appeal, within two working days following the appeal.

### **i. *Right to appeal:***

Except for the Directorate and the Sportsprosecutor, the notification of the appeal must be accompanied by an appeal deposit of €2000 (reduced to €1000 in the karting disciplines). The appeal deposit is payable, even if the appellant withdraws his appeal.

**j. *Procedural errors:***

No procedural argument (respect of formalities, rights of the defence, or other) may be invoked at a later stage if it has not already been invoked before the close of the debates before a body, this closing of the debates without protest covering any possible procedural error.

**ARTICLE 21: RIGHT OF REVIEW**

- a.** For competitions of an FIA Championship, Cup, Trophy, Challenge or Series of an international series, in case if any new significant and pertinent evidence is discovered that wasn't at the disposal of the parties introducing the appeal at the moment of the concerned decision, the Stewards who took the decision (or, if necessary, those designated by the Directorate) can decide to reexamine their decision following the introduction of an appeal presented by:

- One of the concerned parties and/or a party which is directly concerned by the taken decision
- The Secretary General for Sport of the FIA or the RACB

The Steward will have to meet again (in person or by any other means) at a date fixed by them after summoning the party or parties concerned, to receive any useful explanations and give a ruling in the light of the exposed facts or elements.

- b.** The Stewards' (new) decision may form the subject of an appeal. If the first decision had already formed the subject of an appeal, the matter will be referred by right to the appeal court for a possible review of its previous judgment.
- c.** A right of review cannot be exercised after 30 November of the current year.
- d.** Except for the Directorate and the Sportsprosecutor, the notification of the appeal must be accompanied by an appeal deposit of €2000.

**ARTICLE 22: FORM OF NOTIFICATIONS**

- a.** Unless a regulation provides for another form of communication, any notification within the framework of the judicial procedure (appeal, right of review, summons, transmission of evidence or statements, notification of judgment, or other) is made solely by email.
- b.** Any communication to the sporting authority is carried out exclusively by email sent to: [sport.court@racb.com](mailto:sport.court@racb.com).
- c.** Any communication coming from the sporting authority is sent to the electronic address which each licence-holder must mention in his licence application; any other person concerned must give an electronic notification address to the sporting authority, at the latest as soon as he is concerned by a procedure. Any person concerned may notify the sporting authority of a new electronic address, which will be opposable to him counting from the acknowledgement of receipt by the sporting authority.
- d.** For calculating the deadlines, the communication is deemed to have been made on the date and at the time at which it was effectively sent. The communication is presumed to have been received by the addressee at the end of the first working hour following its effective sending (weekends and official public holidays in the country or the region of receipt of the notification will not be considered as working days).
- e.** Only direct communications between the sporting authority and the parties concerned are taken into account within the framework of the procedure. Evidence and statements may nevertheless be communicated by a party's lawyer.
- f.** A piece of evidence that cannot be transmitted electronically (e.g. a mechanical part) must be deposited with the Secretariat of RACB SPORT.

**ARTICLE 23: FATE OF APPEAL DEPOSITS, FINES AND COSTS**

**a. *Appeal deposit:***

The appeal deposit can be refunded only if the appeal is recognised as fully founded. Failing this, it goes to RACB SPORT.

**b. Fines:**

All fines go to RACB SPORT.

**c. Costs:**

Each appearance before a Judicial Body other than the Stewards involves costs to be borne by the losing party, and will be taxed by the competent body as follows:

- In the first instance:
  - investigation costs: see judgment
  - administrative costs: €500
  - witness costs: lump sum of €25 per appearance of a witness cited by RACB SPORT
- On appeal:
  - investigation costs: see judgment
  - administrative costs: €500
  - witness costs: lump sum of €25 per appearance of a witness cited by RACB SPORT

**ARTICLE 24: INTERNATIONAL APPEALS**

- a. When they are permitted by the International Sporting Code, international appeals take place according to the Code of Procedure and the regulations of the FIA International Court of Appeal (ICA).
- b. Any competitor, driver or organiser who decides to bring an international appeal must immediately inform the RACB, in its capacity as ASN. Prior to any international appeal, the appellant must pay the appeal deposit payable to the International Court of Appeal and specify at least in a summary fashion the reasoning of the appeal.
- c. The RACB may refuse to bring an international appeal that is clearly unfounded, outside the time limit, or likely to harm the image of motor sport for any other reason. In bringing an international appeal, the RACB makes no pronouncement as to its admissibility or cogency, which are at the discretion of the appellant.
- d. The appellant must provide the RACB and the ICA in good time with the dossiers, evidence, statements or other elements comforting his appeal.
- e. The RACB will ensure the respect of the procedure before the ICA, both in the writings beforehand and during the hearings, and the appellant must comply with its directives in this regard. The RACB will strive to assist the appellant, while respecting the sporting neutrality that becomes an ASN, but will exercise only marginal control of the appellant's argumentation.
- f. Regardless of the possible success of the international appeal, the appellant will compensate the RACB up to €1500 per appeal procedure and will refund to it its direct costs connected with this appeal (dispatches, travel, etc.).

**ARTICLE 25: SPORTING DISPUTES**

- a. Drivers, competitors, organisers, officials and other licence-holders must always observe the regulations, as well as adopting a correct and sporting attitude, even outside of the sporting activities.
- b. They may approach only the sporting authorities and/or the judicial bodies of motor sport in order to settle a sporting dispute or a dispute arising from a sporting issue.
- c. Unjustified recourse to the courts of the Judiciary may form the subject of a sanction by the Sporting Tribunal, which may go as far as exclusion.

**ARTICLE 26: SPECIFIC OBLIGATIONS TO DO**

Without the possibility of dispensation, each driver must attend the briefing held prior to each event in which he is taking part. Failure to attend constitutes an administrative infringement punished by an administrative fine of €250. The fine is doubled with each repeated offence in the course of the same season.

## **ARTICLE 27 : INDEPENY OF THE JUDICIAL INSTANCES**

- a.** Any person fulfilling a jurisdictional function (of whom the Stewards and member of the judicial instances) fulfil their function in good conscience, in an autonomous way and totally independent from the sporting authority.
- b.** At this regard, if a sporting authority is part of a procedure at the judicial instances, she will be treated indently to the other parties and will not benefit from any privileged information.

## **ARTICLE 28: MISCELLANEOUS**

- a.** Any collective recourse is inadmissible (protest, appeal, review or other), whether it comes from several competitors (or others), or is directed against several competitors (or others).
- b.** All decisions of the stewards or judgments of the Sports Court or the National Appeal Tribunal are official upon signature, and can therefore be communicated to other officials (such as the race director), competitors or even to the public. Such communication does not dispense with the formalities required (such as posting or notification to the parties concerned).
- c.** With regard to the judicial bodies, parents of a minor child for whom they are responsible have the capacity of competitors, and are answerable for the conduct of this minor as for their own. As such, they may be the subject of any sanction (notably financial) provided for in the regulations. They must accompany and assist their minor child when the latter has to appear before the judicial bodies (other than the Stewards).
- d.** The reports drawn up by a judge of fact, designated for this role by the regulations of an event, are deemed to be exact as to the materiality of the facts reported.
- e.** Measurements carried out using devices (scales, speed guns or other speed controls, stopwatches, breathalysers, drug consumption detectors, etc.) are deemed accurate if the device was calibrated less than three years ago.
- f.** All participants in motorsport must respect the privacy of others, and may only communicate personal data if it is legally permitted and to the extent necessary for the legitimate aim pursued.



## PROTEST TIME LIMITS – SUMMARY

	<u><b>Deadline</b></u>
<p>a. Under penalty of being declared void, a protest against the entry of competitors or drivers or against the length of the course must be filed:</p> <p>If the checks take place in a country other than that of the organiser, any representative of the ASN is entitled to accept the protest and must forward it immediately to the Stewards of the event.</p>	<p><b><u>at the latest one hour after the end of the administrative checks</u></b></p> <p>(unless the supplementary regulations of the event provide for a longer time limit or the Stewards deem it necessary, for pressing reasons, to extend this time limit)</p>
<p>b. A protest against a handicap or against the make-up of a series must be filed:</p>	<p><b><u>at the latest one hour before the start of the race</u></b></p>
<p>c. A protest against a decision of the Stewards based on a report from the Scrutineers must be filed:</p>	<p><b><u>immediately</u></b></p>
<p>d. A protest against any error or irregularity occurring during a competition, against the non-compliance of vehicles with the regulations governing it, against a racing incident or against the classification established at the end of the competition must be filed:</p>	<p><b><u>at the latest 30 minutes after the posting of the provisional classification of the competition</u></b></p> <p>(except in the case of special FIA regulations)</p>