



NATIONAL COURT OF APPEAL

PUBLIC HEARING OF AUGUST 29th 2024

The RACB Sport National Court pronounces the following decision in the case:

Walkenhorst Motorsport of Anton-Schlecker-Str. 9, 49324 Melle (DE)

David Pittard (Driver car # 34)

Appellant

Attorney of record: Mr Graham J. Wilson, attorney at law

Considering the Steward's decision on 30.6.2024, 16h52;

Considering the appel introduced on 30.6.2024, 17h07;

Considering the convocation of the Appellant ;

Considering the opinion of the Sport Prosecutor;

Having held a hearing in English on 29 August 2024, the National Court of Appeal, presided by Mr Louis Derwa and attended by Mr Adrien Absil and Mr Philippe Normand has passed the following.

1. DECISION SUBJECT TO APPEAL

1.

The decision subject to the appeal is the Time Penalty decision (hereafter, "Decision") by the Panel of Stewards with decision no. 117 of 30/06/2024 and in the provisional results at the competition 2024 CrowdStrike 24 hours of Spa.

Decision :

"From: The Stewards

To: Walkenhorst Motorsport

The Stewards, having received a report from the Race Director, have considered the following matter and determine the following:

NO. / Driver: 34 – David PITTARD

Competitor: Walkenhorst Motorsport

Time: 16:01

Session: Race

Fact: Caused a collision with car #51

Offence: Breach of Article 33.4 of the Fanatec GT Challenge Europe powered by AWS Sporting Regulations and Article 12.2.1.j of the FIA International Sporting Code and Chapter IV Article 2d) of Appendix L to the Code.

Decision: Time Penalty of 10 seconds to be added to the elapsed race time.

Reason: Car #34 caused a collision with car #51 at T5, causing him to leave the track.

The Stewards reviewed video evidence.

The Stewards agreed that car #34 was at fault in this incident and committed a breach of the regulations.

Penalty was shown in the timing screen.

Competitors are reminded that they have the right to appeal certain decisions of the Stewards, in accordance with Article 15 of the FIA International Sporting Code, within the applicable time limits.

Yves BACQUELAINE Luis ROBY Edith VIEIRA DA SILVA Francesco MAFFEZZONI Pierre PELOSI Jordi PARRO

Steward (Chairman) Steward Steward Steward Steward Steward

RECEIPT TO BE CONFIRMED ELECTRONICALLY BY THE COMPETITOR

*I, Marnie Neutard, representing Walkenhorst Motorsport
herewith confirm, that I have received and noticed this document.*

30/06/2024, 16:52:42"

2.

The appeal was notified to Appellant on 30.6.2024, 16h52.

The appeal was filed on 30.6.2024, 17h07.

2. PROCEDURE

a) Hearing

3.

The appellant has been convocated in accordance with Art. 3 & 18 of the National Sporting Code 2024 (Judicial Procedure).

The hearing of the parties took place on 29 August 2024.

The Sport Prosecutor's opinion was heard.

The Appellant appeared assisted by Mr Graham J. Wilson, attorney at law, who set out the Appellant defence.

b) Sport Prosecutor's opinion

4.

The Sport Prosecutor argued that the appeal is not allowed to be made against a time penalty decision, so that the appeal must be dismissed.

c) Position of the Appellant

The Appellant states that the purpose of the appeal is to contest the facts as they were taken into account in the contested decision.

d) Decision of the National Court of Appeal

5.

The appeal was notified to Appellant on 30.6.2024, 16h52.

The appeal was filed on 30.6.2024, 17h07.

By e-mail dated 4 July 4, 2024, the Appellant submitted additional video and photos.

By email dated 27 August 2024, Mr Wilson submitted additional documentary.

6.

According to the FIA International Sporting Code (2024), article 12.3.4:

12.3.4 *Certain decisions are not subject to appeal. These include decisions to impose a drive-through penalty, a stop- and-go penalty, or other penalties as specified in the applicable sporting regulations as not being susceptible to appeal.*

7.

According to Fanatec GT World Challenge Europe powered by AWS Sporting Regulations 2024, article 18:

"c) Appeal

Appeals shall be made in accordance with the Code (Art. 15). Appeals will be heard by the RACB. The appeal fee is €2,000 (two thousand euros) which should be paid by bank transferto the RACB (IBAN : BE54 310022864097 - BIC: BBRUBEBB).

Competitors are reminded that in case of an appeal, they must confirm this appeal within 96 hours counting from the moment the stewards are notified of the intention to appeal to the RACB by sending the appeal to sport.court@racb.com. This confirmation is independent of the payment of the fee; payment of the fee is not considered to constitute confirmation. The payment of the fee is mandatory within 96 hours counting from the moment the stewards are

notified of the intention to appeal, whether or not the appeal is confirmed. Failing this, the competitor's licence will automatically be suspended until the payment has been made.

18.2 For Competitions run according to Article 5.2 case D, protests lodged after race 1 may be heard after race 2.

18.3 **In accordance with FIA International Sporting Code Article 12.3.4, appeals are not allowed to be made against any element of decisions resulting in the imposition of any of the following penalties:**

- *Drive-through or stop-and-go penalties (including those imposed during the last laps of a race, or after the race, and converted to a time penalty);*
- **Time penalties (whether imposed during or after the race)¹;**
- *Behaviour Warning Points.*

(...) ”

8.

It is not disputed that this Decision was taken during the race.

This Decision inflicted to Appellant a time penalty of 10 seconds to be added to the elapsed race time.

In accordance with FIA International Sporting Code (2024), article 12.3.4, the Fanatec GT World Challenge Europe powered by AWS Sporting Regulations 2024, article 18, state that appeals are not allowed against decisions resulting in the imposing a time penalty.

Consequently, the appeal is dismissed.

e) Costs of the Appeal

9.

Pursuant to article 23.c. of the 2024 National Sporting Code, the defendant is ordered to pay legal costs in the sum of € 500.00.

¹ The National Court of Appeal underlines.

For these reasons, the Court decides :

- The Appeal is dismissed;
- The Appellant is ordered to pay the Appeal costs in the amount of €500.00 in accordance with article 23.c. of the 2024 National Sporting Code.

The National Court of Appeal, Brussel, 26 September 2024.

M. Louis DERWA

M. Adrien ABSIL

M. Philippe NORMAND