

2023 UNITED STATES GRAND PRIX

20 - 22 October 2023

From	The Stewards	Document	73
To	The Team Manager, MoneyGram Haas F1 Team	Date	09 November 2023
		Time	15:51

Title Decision - Haas Right of Review

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Enclosed USA DOC 73 - Decision - Haas Right of Review.pdf

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Procedure

1. On November 3, 2023, the Stewards received a petition from MoneyGram Haas F1 Team (“Haas”) requesting a Right of Review in accordance with Article 14 of the FIA International Sporting Code (“the Code”).
2. The request related to the Decisions of the Stewards contained in documents number 59 (no further action on Car 23 for alleged breaches of Appendix L, Chapter IV, Article 2c) of the Code and Article 33.3 of the FIA Formula One Sporting Regulations) (“ALB Decision”) and number 66 (Final Classification) from the 2023 United States Grand Prix.
3. A hearing was convened at 15:00 hrs CET on November 8, 2023, and concerned parties were summoned (document numbers 68 to 71).
4. The Stewards of the United States Grand Prix conducted the hearing.
5. Attending the hearing were:
On behalf of MoneyGram Haas F1 Team – Messrs. Ayao Komatsu and Andrea Fioravanti (External Legal Counsel)
On behalf of Aston Martin Aramco Cognizant F1 Team (“Aston Martin”) – Messrs. Mike Krack, Oliver Rumsey and Andy Stevenson
On behalf of Williams Racing (“Williams”) – Messrs. Sven Smeets and David Redding
On behalf of Oracle Red Bull Racing (“Red Bull”) – Mr. Jonathan Wheatley
On behalf of the FIA – Messrs. Nikolas Tombazis, Steve Nielsen and Tim Malyon
On behalf of Scuderia Ferrari (“Ferrari”) – Mr. Inaki Rueda
On behalf of McLaren F1 Team (“McLaren”) – Mr. Randeep Singh
The first four competitors mentioned in the list above were summoned to the hearing, the last two competitors requested permission to attend as concerned parties.
6. This hearing was dedicated to determining, at the sole discretion of the Stewards (as specified in Article 14.3 of the Code) if “a significant and relevant new element is discovered which was unavailable to the parties seeking the review at the time of the decision concerned”. In this case, the party was MoneyGram Haas F1 Team and the decisions concerned were documents 59 and 66 issued during the United States Grand Prix.

7. Therefore, the Stewards were required to determine if any evidence presented to them was able to meet each and every one of the above criteria namely significant, relevant, new and unavailable to the party seeking the review. In addition to that, if the criteria significant, relevant and new were met, the Stewards would have to determine that such an element was discovered.
8. Haas cited four issues which it regarded as meeting these criteria. These were:
 - a. On-board video footage of Car 23 and following cars showing Car 23 allegedly leaving the track on several occasions at the apex of Turn 6 during the race.
 - b. On-board video footage of Car 2 showing it allegedly leaving the track on several occasions at the apex of Turn 6 during the race.
 - c. On-board video footage of Car 11 showing it allegedly leaving the track on several occasions at the apex of Turn 6 during the race.
 - d. On-board video footage of Car 18 showing it allegedly leaving the track on several occasions at the apex of Turn 6 during the race.
9. In its written submission Haas also submitted that during the Team Managers' Meeting held on October 27, 2023, before the 2023 Mexican Grand Prix, the FIA Race Director and the FIA Single Seater Sporting Director allegedly made several statements indicating that the track limit supervision at Turn 6 during the United States Grand Prix was not ideal.
10. During the hearing, Haas, represented by Mr. Fioravanti, specified that the petition to review the ALB decision needs to be seen separately from the petition to review the Final Classification. The petition to review the Final Classification was submitted with the intention to take action based on the evidence submitted concerning alleged track limit infringements by Cars 2, 11 and 18, which were neither noted, nor investigated nor penalized by the Stewards, as reflected in the Final Classification.
11. Haas provided no additional evidence during the hearing but reinforced its position outlined in its written submission.
12. Aston Martin, represented by Mr. Stevenson, stated their belief that there were no new elements. In particular, they mentioned that several tests required by Article 14.1 of the Code would not be met as in their opinion the evidence submitted was neither new, nor unavailable or discovered as the on-board cameras of all cars are available to the teams during the race. Further, it was stated that Aston Martin does not consider the on-board footage to be significant as no secondary evidence such as CCTV was presented and all teams had clearly been informed on many previous occasions by the FIA that track limit infringements would not be judged solely based on on-board camera footage due to the inherent limitations of such footage.
13. Aston Martin also emphasized that no ruling had been made concerning Car 18 during the United States Grand Prix and therefore any alleged infringements by Car 18 would not be within the remit of a Right of Review which must be directed at a Decision. The correct process in such a case in their opinion would be a Protest, and no Protest has been lodged against Car 18. Allowing a Right of Review concerning the Final Classification with the purpose of taking action on alleged infringements for which no Decision has been made would undermine the validity of any results in their opinion.

14. Red Bull, represented by Mr. Wheatley, stated their belief that there were no new elements and agreed with the arguments made by Aston Martin. They added that there had been no Decision made on Car 11 during the event either. Additionally, they acknowledged that, in their opinion, the statement made by Haas concerning any information given during the Team Managers' Meeting before the Mexican Grand Prix is completely irrelevant to this case.
15. Williams, represented by Mr. Redding, echoed the arguments made by Aston Martin and Red Bull.
16. The representatives of Ferrari and McLaren indicated that they had nothing further to add to the points already made.
17. The Stewards asked Haas if they could elaborate on the statement made in their submission concerning the unavailability of the on-board camera footage. In response Mr. Fioravanti, representing Haas, maintained that the evidence submitted was unavailable to the team at the time.
18. The Stewards adjourned the hearing at 1530 hrs to determine the existence or otherwise of any "elements" which complied with all the criteria required in Article 14.1.1 of the Code.
19. The Stewards also note the decisions of the Stewards in relation to the existence of such elements in the previous cases of the Right of Review Requests (Aston Martin) Saudi Arabia 2023, (Ferrari) Australia 2023 and (McLaren) Canada 2023. Other petitions going back several years were also noted. It is fair to say that Article 14.1.1 sets a very "high bar" to clear before opening a new hearing and reviewing a decision.
20. Accordingly, the Stewards then assessed each of the "elements" submitted by Haas against each of the criteria referred to in point 7 above.

Decision

21. Regarding the on-board camera footage of Car 23 and following cars the Stewards:
 - a. Determine that it is significant
 - b. Determine that it is not new
 - c. Determine that it was available to Haas (the party seeking the review) at the time of the decision
 - d. Determine that it is not relevant
- For the reasons for this assessment please see points 24 to 26.
22. Regarding the other three elements submitted (on-board camera footage of Cars 2, 11 and 18) the Stewards:
 - a. Determine that they are not significant
 - b. Determine that they are not new
 - c. Determine that they were available to Haas (the party seeking the review) at the time of the decision
 - d. Determine that they are not relevant

For the reason for this assessment please see points 27 and 28.

23. Therefore, the Petition for the Right of Review is REJECTED because there is no significant and relevant new element that was unavailable to Haas at the time of the Decision.

Reasons

24. In relation to point 21a, the on-board camera footage of Car 23 and particularly the following cars are significant as they appear to show at least some apparent breaches of Appendix L, Chapter IV, Article 2c) of the Code and Article 33.3 of the FIA Formula One Sporting Regulations when viewed without the additional context that Stewards apply, as noted in point 25.
25. In relation to 21d, the footage is not relevant. As already noted in the ALB Decision (one of the subjects of this review request) after the race, the evidence available to the Stewards (both then and now) was not sufficient to accurately and consistently (meaning for every car in every lap) penalize any [track limit] breaches occurring at the apex of Turn 6. Track limit infringements are almost universally enforced based on principal video evidence from a fixed CCTV camera of adequate resolution positioned to clearly see a car's position in relation to the track limit boundary. The CCTV camera for Turn 6 did not meet that standard as it did not cover the apex of the corner. Because onboard cameras are only useful for verifying a breach when viewing a car in front of the camera car and not the camera car itself, the Stewards believed they could not accurately and consistently conclude whether a breach occurred for every car on every lap. Anecdotal usage of trailing car video, which may or may not be available for any given car's potential breach at any given time does not meet that accurate and consistent evidence standard. Therefore, the latitude provided to the Stewards in the Code was used to take no further action based on the lack of accurate and consistent evidence for all cars, in the interest of Sporting Fairness as stipulated in Articles 1.1.1 and 1.2.1 of the Code and delegated to the Stewards in Article 11.9.1 of the Code.
26. In relation to 21b and c, the onboard footage is not new and was available to the party seeking the review (Haas) as well as to the Stewards at the time of the decision. Contrary to the statement of Haas in the hearing, they were available to the Stewards and could have been reviewed, however they were not reviewed by choice of the Stewards for the reasons already noted. The test of Article 14.1.1 is availability, not whether the elements were discovered as a result of that availability. In addition to that, all on-board cameras are made available to all teams in real time during an event, so the onboard footage was available to Haas at the time of the decision even if it might not have been reviewed at that time.
27. In relation to 22b and c, the onboard footage is not new and has been available to the party seeking the review (Haas) as well as to the Stewards at the time of the decision (see also the explanations made in point 26).
28. In relation to 22a and d, the elements submitted are neither significant nor relevant in relation to the Decision (document 66) petitioned to be reviewed. The petition for review asks for Document 66 (Final Classification) to be reviewed. Haas submitted that the purpose of this petition was to ask the Stewards to take action on alleged track limit infringements by Cars 2, 11 and 18 for which no ruling was given by the Stewards during the race. The Stewards reaffirm that a petition to review the Final Classification must concern the classification itself. It is not possible to exercise the Right of Review on the Final Classification to question decisions taken prior to it. This also applies to incidents for which no ruling was made during an event. The appropriate remedy to raise alleged infringements of the regulations by other competitors during a competition is a protest as was done, for example, by Aston Martin at the 2023 Austrian Grand Prix. The Right of Review is intended to enable competitors to seek a review for formal decision taken by the Stewards in the light of any significant and relevant new evidence that was not available to the party seeking the review at the time of the decision.

29. The Witness Statement submitted by Haas concerning the Team Managers' Meeting before the 2023 Mexican Grand Prix does not constitute significant evidence as the submissions allegedly made by the FIA Race Director and the FIA Single Seater Sporting Director had no relevance for assessing whether the criteria of Article 14.1.1 of the Code had been met for either of the decisions petitioned to be reviewed.
30. Given that, notwithstanding the formal outcome of this Decision, the Stewards have seen individual pieces of evidence that show what appear to be potential track limit breaches at the apex of Turn 6, they find their inability to properly enforce the current standard for track limits for all competitors completely unsatisfactory and therefore strongly recommend to all concerned that a solution to prevent further reoccurrences of this widespread problem be rapidly deployed. Whether the problem is properly addressed by better technology solutions, track modifications, a combination thereof, or a different regulation and enforcement standard, the Stewards leave to those better positioned to make such assessments. However, based on the timing of this Decision, it is clear that a complete solution cannot, as a matter of practicality, happen this year. But given the number of different circuits where significant track limit issues arose this season, acknowledging that the FIA in conjunction with the circuits have already made significant strides, further solutions should be found before the start of the 2024 season.

Competitors are reminded that, in accordance with Article 14.3 of the Code, this decision is not subject to appeal.

Decisions of the Stewards are taken independently of the FIA and are based solely on the relevant regulations, guidelines and evidence presented

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