

---

<b>From</b>	The Stewards	<b>Document</b>	4
<b>To</b>	All Officials, All Teams	<b>Date</b>	7 August 2020
		<b>Time</b>	09:30

---

Protests filed by Renault Sport Racing Ltd F1 Team against Car number 11, driven by Sergio Perez and Car number 18, driven by Lance Stroll of the BWT Racing Point F1 Team at the

**Styrian Grand Prix and Hungarian Grand Prix**

and

Protest filed by Renault Sport Racing Ltd F1 Team against Car number 18, driven by Lance Stroll of the BWT Racing Point F1 Team at the

**British Grand Prix**

**Steward's Decisions:**

**Findings of the Stewards**

**Styrian Grand Prix**

1. The protest against car # 11 is upheld.
2. The protest against car # 18 is upheld.
3. The competitor, BWT Racing Point F1 Team, is fined € 200.000 for using car #11.
4. The competitor, BWT Racing Point F1 Team, is fined € 200.000 for using car #18.
5. A withdrawal of 7.5 points per car, for a total of 15 points, is to be deducted from the Competitor's, BWT Racing Point F1 Team, Constructors' Championship points for the 2020 FIA Formula One World Championship.

**Hungarian Grand Prix**

1. The Protests are upheld.
2. The Competitor, BWT Racing Point F1 Team, is reprimanded for using car #11 and car #18.

**British Grand Prix**

1. The Protest is upheld.
2. The Competitor, BWT Racing Point F1 Team, is reprimanded for using car #18.

The rationale associated with these five decisions is detailed in the following document. As the details of the offense are the same in each case, the rationale is the same for all protest decisions. With regard to the penalty, it is the view of the Stewards that the penalty rendered at the Styrian Grand Prix was proportionate for the violation of the design process which led to the breach of regulations and a further penalty of reprimand is sufficient for the Hungarian and the British Grands Prix.

#### **Procedure:**

1. On July 12, 2020, after the 2020 Styrian Grand Prix, counting towards the 2020 FIA Formula One World Championship (“the Championship”), Renault Sport Racing Ltd F1 Team (“Renault”) filed protests against Car 11 and Car 18 (the “cars”), entered by BWT Racing Point F1 Team (“Racing Point”). Renault claimed in its protests that Racing Point uses front and rear brake air ducts (“BDs”) on its RP20 chassis (the “RP 20”) that are based on and near-identical to the same BDs of the Mercedes AMG F1 W10 EQ Power+ (the “Mercedes W10”) used by Mercedes-AMG Petronas F1 Team (“Mercedes”) in the 2019 season, with any potential differences being minor and the result of an evolution of an identical original geometry. Renault, therefore, claimed that since BDs are particularized in the table of Listed Parts (“LPs”) at the end of Appendix 6 of the 2020 F1 World Championship Sporting Regulations (“SRs”), the RP20 uses LPs not designed by Racing Point and is in breach of paragraph 1 and/or paragraphs 2(a) and (c) of Appendix 6 of the SRs.
2. By Doc. 53 of the 2020 Styrian Grand Prix, published on July 12, 2020, the protests were considered admissible by the Stewards at that event after the parties had been summoned and heard. With the consent of all parties, the Stewards directed the FIA Technical Department (“FIA Technical”) to seal and impound the relevant parts of cars 11 and 18 in preparation for conducting a detailed analysis of those pieces. FIA Technical was further directed to provide a detailed report to the Stewards with its findings and to include an assessment that matched those findings against the alleged infringements outlined in the protest. FIA Technical was authorized in the name of the Stewards to call upon such outside technical assistance as might be required, including representatives of Renault, Racing Point, and Mercedes, in the conduct of its assessment. Furthermore, the Stewards ordered Mercedes to provide the front and rear BDs of the Mercedes W10 used by Mercedes in the 2019 season to FIA Technical for examination.
3. On July 19, 2020, after the 2020 Hungarian Grand Prix, counting towards the 2020 FIA Formula One World Championship, Renault again filed protests against Car 11 and Car 18 entered by Racing Point, alleging the same breaches of the regulations cited in paragraph 1 above.
4. By Doc. 52 of the Hungarian Grand Prix, published on July 19, 2020, in a meeting with the Stewards, and in order to facilitate the analysis process, Racing Point stipulated that the relevant parts named in the two protests and used during both the 2020 Styrian Grand Prix and the 2020 Hungarian Grand Prix were the same. Therefore, all Parties agreed that there was no need to again seal and impound those relevant parts of cars 11 and 18 following the 2020 Hungarian Grand Prix. All Parties further declared and agreed that the analysis to be performed by FIA Technical and the report to be submitted to the Stewards, as well as any evidence and discussions relating to the initial protests, would also be valid to address the subsequent protests lodged by Renault following the 2020 Hungarian Grand Prix.
5. By Doc. 58 of the Hungarian Grand Prix, published on July 19, 2020, the Stewards for the 2020 Hungarian Grand Prix delegated their authority to a subsequent panel of Stewards assembled for the purpose of reviewing the protests in question and which would be selected by the FIA, as the authority responsible for the selection of the present panel, in accordance with Article 11.9.3.t of the 2020 FIA International Sporting Code.

6. By Doc. 56 of the Styrian Grand Prix, published on July 27, 2020, the Stewards for the 2020 Styrian Grand Prix delegated their authority to a subsequent panel of Stewards assembled for the purpose of reviewing the protests in question and which would be selected by the FIA, as the authority responsible for the selection of the present panel, in accordance with Article 11.9.3.t of the 2020 FIA International Sporting Code.
7. On July 30, 2020, Racing Point submitted a document with supporting Annexes detailing its formal technical response to the allegations made in the Renault protests.
8. On Aug. 2, 2020, after the 2020 British Grand Prix, counting towards the 2020 FIA Formula One World Championship, Renault again filed a protest against Car 18 entered by Racing Point, alleging the same breaches of the regulations cited in paragraph 1 above.
9. By Doc. 56, of the British Grand Prix, published on Aug. 2, 2020, in a meeting with the Stewards, and in order to facilitate the analysis process, Racing Point stipulated that the relevant parts named by the protest and used during the 2020 Styrian Grand Prix, the 2020 Hungarian Grand Prix, and the British Grand Prix were the same. Therefore, all Parties agreed that there was no need to again seal and impound the relevant parts of cars 11 and 18 following the 2020 British Grand Prix. All Parties further declared and agreed that the analysis to be performed by FIA Technical and the report to be submitted to the Stewards, as well as any evidence and discussions relating to the initial protest would also be valid to address the protest lodged by Renault following the 2020 British Grand Prix.
10. By Doc. 57 of the British Grand Prix, published on Aug. 2, 2020, the Stewards for the 2020 British Grand Prix delegated their authority to a subsequent panel of Stewards assembled for the purpose of reviewing the protests in question and which would be selected by the FIA as the authority responsible for the selection of the present panel, in accordance with Article 11.9.3.t of the 2020 FIA International Sporting Code.
11. FIA Technical carried out the analysis of Racing Points BDs and reviewed the submissions received from Renault and Racing Point. On Aug. 3, 2020, they presented their written report covering their analysis to the Stewards.
12. All the documents referred to in paragraphs 2 through 9 were made available to the Stewards and parties in good time before the hearings. Renault was informed that in Racing Point's letter of Jul. 30, 2020, an attachment had been added that contained confidential technical data from the car, which, therefore, would not be shared with them.
13. By emails on Aug. 4, 2020, the parties were summoned for a hearing to take place on Aug. 5, 2020 in person at the FIA facilities at the 70<sup>th</sup> Anniversary Grand Prix at Silverstone, UK, as well as by video conference call for certain representatives of the parties and the FIA.
14. On Aug. 5, 2020, the following persons attended the hearing called to adjudicate the five protests: Mr. Otmar Szafnauer, Mr. Andrew Green, and Mr. Oliver Rumsey, all in person, and Mr. Andy Stevenson, Mr. Daniel Alexander, and Mr. Tom de la Mare, all by video conference call, on behalf of Racing Point; Mr. Marcin Budkowski, Mr. Anthony Ryan, and Mr. Andrew Ford, all in person, and Mr. Cyril Abiteboul, Mr. Pat Fry, Mr. Alan Permane, and Mr. Chris Atkinson, all by video conference call, on behalf of Renault; Mr. James Allison, Mr. Ron Meadows, Ms. Carrie Donaghy, on behalf of Mercedes; Mr. Nikolas Tombazis, in person as expert witness; and Mr. Michael Masi, Mr. Pierre Ketterer, and Mrs. Alejandro Salmeron Garcia, all by video conference call, on behalf of the FIA; Mr. Simone Perego, Stewards' Secretary; and, the Stewards.
15. At the hearing there were no objections against the composition of the Steward's panel or against the procedure of using a video conference call to supplement the face to face hearing. The parties

set out oral arguments and addressed the questions asked by the Stewards. The experts were interviewed and explained their written comments.

16. At the hearing, the parties referred to the documents submitted. None of the parties submitted further evidence or initiated the hearing of additional persons or conducting of further investigations, other than a document submitted by Racing Point that covered its final comments, which had been delivered orally with all except Mercedes present.
17. At the hearing, Mercedes, who was present as a witness on certain specific points was interviewed by the Stewards' Panel, delivered the information requested, and was then excused for the balance of the hearing.

### **The allegations of Renault:**

1. Renault alleges, that the RP20 cars use front and rear BDs, which are clearly based on and near-identical to the BDs of the 2019 Mercedes W10, with any potential difference being minor and the result of an evolution of an identical original geometry. They allege, that the level of replication of the aerodynamic geometries, including internal surfaces not visible from the outside, is such that the BDs were plainly not designed by Racing Point.
2. In 2019, BDs were classified as Non-LPs, which allowed the transfer of data and/or designs and/or information between competitors. However, for the 2020 season, BDs became classified as LPs, meaning that each Competitor can only use BDs that are designed by it.
3. Renault alleges that Racing Point received data and/or designs and/or information and/or actual parts from Mercedes in relation to their 2019 BDs in 2019.
4. Accordingly, the RP20 cars allegedly used BDs, which were designed by another competitor and are, therefore, in breach of Appendix 6 of the SR.
5. As evidence of the above claims, Renault alleges that the front BDs of the RP20 cars are barely distinguishable from the front BDs on the Mercedes W10. In support of this, they allege that this is apparent from the level of detail of the external and internal aerodynamic geometries replicated in the RP20 BDs, which would not have been possible to achieve from public sources of information such as photos. In contrast Renault considers the front BDs of other F1 teams are clearly distinguishable from those on the Mercedes W10. Any differences on the RP20 are seen as minor changes with respect to the original geometry of the Mercedes W10, which do not make the front BDs a new or proprietary design.
6. The rear BDs on the RP20 are evaluated by Renault as indistinguishable from the rear BDs on the Mercedes W10. They allege this is apparent from the level of detail of the external and internal aerodynamic geometries replicated in the RP20 BDs, which would not have been possible to achieve from public sources. Renault alleges they have been unable to identify even minor differences in the rear BDs.
7. It is apparent to Renault that Racing Point received information from Mercedes in 2019. Renault argues that the date of receipt of the information is irrelevant. The SRs explicitly state that a competitor shall only use LPs which are designed by it. As explained above, Renault alleges that the BDs of the RP20 were designed by Mercedes, not by Racing Point.
8. This leads Renault to the conclusion, that the RP20 is in breach of the SRs.

### **Racing Point's arguments in defence:**

1. The 2020 SRs contain no definition of "design" and Appendix 6, paragraph 1 does not explain what positive steps are required to make a complying design.
2. Racing Points' approach to this apparent gap is to focus not exclusively on the aero starting point or visual assessment, but rather on design work done looking at: the part as a whole; the dynamic aero performance of the part under real life load; actual design work on the aero surfaces and all other aspects of the LP.
3. The accumulated differences produced by the above mean the parts are not identical.
4. In current F1 practice, reverse engineering, by whatever means, is a default starting point for the true design process, which is to explore marginal gains that can be added to very similar design starting points.
5. There is no "grandfathering" rule or if there is, there is inconsistent application of it.
6. There are observable and demonstrable differences between the RP20 and Mercedes W10 designs.
7. There were failures by the FIA Technical Department to identify or address potential issues with the regulations in these areas, especially with respect to the unique transition of BDs between 2019 and 2020 from non-LPs to LPs.
8. The SRs did not become effective until Jul. 2, 2020, the Thursday before the first event, based on Articles 1.2 and 2.2 of the SRs and an email from Michael Masi, the Formula 1 Race Director, which addressed the start of the Championship.
9. As an adjunct to a contract with Mercedes to provide BDs, Racing Point received from Mercedes a set of 2019 Mercedes W10 BDs. Those parts were never used in 2020. Additionally, they provided no new data or design information that had not already been received legitimately by Racing Point from Mercedes during 2019 in accordance with the SRs then in effect and because the BDs at that point were non-LPs.

### **The FIA Technical Department's analysis of the case and its competing arguments:**

#### **Background and Regulations**

1. Articles 2.1 and 3.2 of the SRs require teams to demonstrate, upon demand, that their cars are compliant with the SRs. Therefore, in response to Renault's protests, Racing Point is required to demonstrate that the BDs used in the RP20 are compliant with the SRs. Because BDs are LPs under the SRs, that means Racing Point must show that the RP20's BDs were 'designed by it' (SRs, Appendix 6, paragraph 1).
2. The fact that those BDs were designed in 2019, and that under the 2019 SRs BDs were non-LPs, makes no difference. The SRs require a team to use in the Championship only LPs that were 'designed by it'. It does not matter when they were designed; whenever they were designed, they have to have been 'designed by it,' within the meaning of SRs Appendix 6, paragraph 1. For this reason, Racing Point's argument that the SRs did not come into effect until the day before P1 at the first Grand Prix of the year is irrelevant.
3. The SRs are and always have been clear that a team is prohibited from receiving any information from another team (or from any other source) about the other team's LPs (including without limitation data, designs and drawings). The reason for the prohibition, obviously, is that the FIA does not want the team to use that information in the design of its own LPs. This is a bright-line rule: if you use data, designs and drawings (including computer-aided design (CAD) models, which

are effectively digital 3D designs and drawings) of another team's LPs to develop your own LPs, then your resulting LPs are not designed by you for purposes of SR Appendix 6, paragraph 1.

4. What the Sporting Regulations do not address expressly is what happens when you use another team's CAD models to develop a non-LP, and then its classification is changed so that next season it will be a LP.
5. When there is a question about how the FIA's regulations are to be interpreted and applied in a particular case, the interpretation to be used is French law, which governs FIA regulations. It is the one that is most consistent with the natural and ordinary meaning of the words of the provision in question, that gives the regulations a consistent and coherent meaning taken as a whole, and above all that applies the regulations in a pragmatic and common sense way that gives effect to the intention of the FIA in promulgating their regulations. The purpose behind the regulations is of particular significance in this exercise: under French law the regulations must be interpreted and applied in a manner that advances that purpose, and not in a manner that frustrates it.
6. The heart of the relevant rules related to LPs are Article 6.3 of the SRs, which states: 'A constructor is the person (including any corporate or unincorporated body) which designs the LPs set out in Appendix 6'; and paragraph 1 of Appendix 6, which states: 'A competitor shall, in respect of the LPs to be used in its cars in Formula One, only use LPs which are designed by it'.
7. These are crucial provisions for Formula 1. They make it clear that the one thing that qualifies a team as a 'constructor,' and so enables it to compete for the Championship, is that it designs its LPs itself and does not share them with any other team. This reflects the fundamental fact that Formula 1 is a sport that celebrates and honours teams who can combine human driving skills with the very pinnacle of technical innovation and excellence. The rules are designed to ensure that the team that wins the Championship is the team that has maximised the performance of its cars through application of technical and engineering excellence and innovation. In this way, the sport celebrates the teams competing as much in the design and creation of their cars as they do in driving the cars on the track.
8. By contrast, to keep costs down, the teams may share information about non-LPs, and may outsource the design and/or manufacture of non-LPs to other teams. In addition, while teams are required to innovate in respect to LPs, to do so from scratch each time would be enormously expensive, at a time when the sport is trying its hardest to contain costs. Therefore, teams have always paid close attention to what other teams are doing, and on occasion have sought to learn from other teams by examining photographs of the parts they have developed and attempting to reverse engineer them. To date the FIA has not sought to prevent this custom and practice, because a team cannot replicate the other team's parts exactly by this method, they can only approximate it to a greater or lesser extent (because they are denied access to the drawing and designs, and to the other team's technical engineers), all of the teams can do the same (so no one has an unfair advantage), and to date teams have made only selective use of this possibility.
9. However, if teams are able to reverse engineer other teams' LPs based on publicly available photographs, that must mean that a LP is considered to be designed by a team even if it is based on reverse engineering of photographs of another car's LPs.
10. BDs were not classified as LPs before the 2020 Championship season. Their change in classification was first tabled at an F1 Strategy Group meeting in July, 2018, and then agreed at a subsequent meeting on 16 January 2019. The final wording was prepared by the Technical Working Group on 25 March 2019, and approved the next day by the F1 Strategy Group and F1 Commission. The World Motor Sport Council approved the re-classification on 29 April 2019, which was then incorporated into the SRs that were published on 30 April 2019. The teams (including Racing Point)

participated in the meetings of the Technical Working Group and F1 Commission on 25-26 March 2019.

11. The reason BDs were re-classified as LPs for 2020 was 'to make sure that the aerodynamic influence of all the winglets and other components, which had an important influence aerodynamically, could not be provided to another team. The BDs had an enormous aerodynamic effect and the FIA and FOM thought that it was an anomaly of the rules that these parts were supplied between teams as they required significant wind tunnel resources to develop and that could help another team.'
12. It is that change in classification that has created the unique set of circumstances that has led to this case.
13. With regard to the effective date of the SRs, Article 1.2 addresses the matter and references the "calendar year" of the Championship. In addition, it was clear at the time the SRs were approved by the FIA's World Motor Sport Council in April 2019, that they were being approved with an effective date of Jan. 1, 2020.

### Front Brake Duct ("FBD") Analysis

1. The FIA understands that Racing Point used the CAD models of the Mercedes W10 FBDs in late 2018/early 2019 to develop FBDs for the cars ("RP19") that Racing Point used in the 2019 Championship. They, therefore, had very similar surface dimensions/shapes as the Mercedes W10 FBDs.
2. Racing Point then deployed the FBDs in the RP19. That included incorporating them into the cars in a manner that complemented the aerodynamic aspects of the other components of the cars, which involved CFD simulations and wind tunnel testing. This process continued, and led to refinement of the part and the way it was fitted into the car, throughout the 2019 Championship season.
3. This was entirely legitimate, because at the time the CAD models were shared by Mercedes and subsequently used by Racing Point for the RP19, the FBDs were not LPs.
4. When Racing Point came in the last quarter of 2019 to focus on development of the RP20 in the last quarter of 2019, its starting-point was the RP19, including the FBDs in the RP19. Small changes needed to be made, because Racing Point changed the uprights used in the RP20, and because the FIA had slightly changed the rules for FBDs for 2020. However, there were no material changes.
5. If the FIA had been asked at that point if the change in status of BDs from non-LPs to LPs meant that Racing Point had to rip out their 2019 FBDs and start again, because they had based them on CAD models obtained from other teams, the FIA would have said no they did not, because (a) the FBDs had been incorporated into the DNA of the RP19; and (b) to the extent they had been obtained from competitors, that copying had been legitimate when it was done. The FIA would have issued guidance to that effect to allow those parts to be 'grandfathered in' out of fairness given the unique circumstances created by the change in classification of the BDs. On that basis, the FIA would have considered that such parts could be used in the 2020 cars without breaching paragraph 1 of Appendix 6.
6. It is fully acknowledged that the regulations are not black and white in this area and, therefore, are open to interpretation. However, the preponderance of evidence seems to suggest that the foregoing analysis is correct. The following analysis with respect to the rear brake ducts ("RBDs"), and its conclusion regarding the Racing Point BD design process in general, seems to render the uncertainty about the status of the FBDs moot.

## Rear Brake Duct Analysis

1. The position is different in relation to the RP20 RBDs.
2. Although Racing Point received the CAD models for the Mercedes W10 RBDs at the same time as the FBDs, it chose not to use RBDs based on the Mercedes models in the RP19 (possibly because the aerodynamic rake of the RP19 was much higher than the W10 and so the aerodynamics were very different). Instead, it used a considerably different RBD philosophy for the RP19.
3. When Racing Point came in the last quarter of 2019 to develop the RP20 in the last quarter of 2019, however, it decided to replicate the rear of the Mercedes W10 (as well as most other aspects of the Mercedes of the W10). Therefore, it took out the CAD models of the Mercedes W10 RBDs, and used them to develop RBDs with very similar surface dimensions/shapes (unsurprisingly, since it also did its best to copy the aerodynamic aspects of the rest of the Mercedes W10, including all of its other LPs).
4. If Racing Point had asked the FIA at the time (September- November 2019) if it could use the CAD models of the Mercedes W10 RBDs as the basis for the RP20's RBDs, the FIA would have said definitely not, because (in contrast to the position in respect of the FBDs) Racing Point was not refining a component that had already been incorporated into the DNA of the RP19. Instead, it was introducing a completely new component for the RP20, which it knew was classified as a LP under the SRs (because they had been issued on 30 April 2019).
5. This is by no means an unfair or retrospective application of the rules. It is accepted that it was perfectly lawful for Racing Point to obtain the CAD models for the Mercedes W10 BDs in 2018 (because BDs were not LPs at the time). But Racing Point knew when it developed the RP20 BDs that those parts would be LPs in the 2020 Championship. It, therefore, knew then that the BDs for the RP20 had to be 'designed by it,' and so could not be designed using the CAD models for the Mercedes W10 BDs.
6. The fact that certain mechanical design features of the RP20 RBDs are different to the Mercedes W10 RBDs is irrelevant. BDs are LPs because they have an enormous effect on the aerodynamics and therefore on the performance of the car. The CAD models of the Mercedes W10 RBDs gave Racing Point a 3D model of the surface dimensions/shape of the Mercedes W10 RBDs, which are the crucial aspects of the part from an aerodynamic perspective. Racing Point reproduced those aerodynamic aspects very closely in its own RP20 RBDs. On a fair reading of the SRs, properly interpreted in line with their underlying purpose, that means the RP20 RBDs were designed in large part by Mercedes, not by Racing Point.

## Parts Transfer of Jan. 6, 2020

1. It is noted that both Mercedes and Racing Point acknowledge that there was a transfer from the former to the latter of a complete set of Mercedes 2019 BDs that arrived at Racing Point on or about Jan. 6, 2020. It is the opinion of the FIA that this transfer did not constitute a significant breach of the SRs. It did not violate paragraph 1 of Appendix 6 because the parts were not used. It did not significantly violate paragraph 4 of Appendix 6 because there was nothing in the transfer that had not been legitimately provided to Racing Point in 2019 under the then in force regulations. Additionally, there is the additional mitigating factor that the BDs had just officially changed status six days earlier.



## The relevant facts established:

1. Whereas generally teams might try to replicate one component from one team and another component from another team, because it thinks they will best complement the components and the car that it is building, with the RP20 Racing Point has done its best to copy the Mercedes W10 as closely as it can across the board.
2. To the extent that Racing Point has achieved this by simply photographing components of the Mercedes W10 and reverse engineering them, this is consistent with standard practice (albeit taken to extreme) and no other team could reasonably object. Indeed, Renault has not protested any part of the RP20 other than the BDs.
3. The reason that Renault has protested the RP20's BDs is that Racing Point did not just photograph and reverse engineer those BDs from the Mercedes W10. Instead, Mercedes had given Racing Point the CAD models and other data for the Mercedes W10 BDs, and Racing Point used that information to develop the RP20 BDs. In particular:
  - a. Racing Point has explained that it obtained CAD models for some portions of the Mercedes W10 BDs on ten different dates between Nov., 2018 and Oct., 2019.
  - b. The FIA understands that Racing Point used the CAD models to develop FBDs for use in its RP19 cars, and it deployed them in the RP19 and used them throughout the 2019 Championship. On the other hand, it did not use the CAD models to develop RBDs for use in the RP19 because the RP19 had a higher rear ride height than the Mercedes W10. Instead, it used completely different RBDs in the RP19.
  - c. For the RP20, Racing Point decided to replicate as much as possible of the Mercedes W10. That meant it could continue to use the FBDs from the RP19, with only small refinements necessary to reflect the use of Mercedes uprights and to comply with a small FIA rule change. However, the RBDs from the RP19 were no longer suitable, because the rear ride height was lowered in line with the Mercedes W10. Therefore, Racing Point used the CAD models of the Mercedes W10 RBDs to develop its own RBDs with surface dimensions and shapes that were very close to those of the Mercedes W10 RBDs.
  - d. Racing Point notes in its submission that there is a five stage process for the production of a part such as a BD: (i) compiling input data from various sources (e.g. current and historical test data, internal knowledge, outsourced data sources, and installation data); (ii) defining the component specifications (e.g. performance, cost, weight, stiffness, and life); (iii) development (CFD and wind tunnel experiments); (iv) component design (effectively the models and drawings needed to build the part); and (v) manufacture. Racing Point acknowledges that for the RP20 RBDs it received and used the CAD models of the Mercedes W10 RBDs, but says that those models were just one source of input 'data' for the first phase of the production process, and did not constitute receipt of a 'design.' Rather, Racing Point seeks to limit the 'design' of a part to the fourth phase of production ('component design'). Racing Point also emphasizes that it had to define the component specifications itself, making all of its own decisions about the materials used, their density, etc, because Mercedes did not supply it with that information.
  - e. The FIA is of the view that Racing Point is applying an interpretation of 'design' that is too narrow. In the FIA's view, the design of a car component is a multi-phase process. In simple terms, for an aerodynamic car component, the aerodynamics department of a team will first design a shape (using, among other things, 3D CAD models). That shape will then be developed and tested using CFD simulations and wind tunnel testing. Once the shape is finalised, a team's design office will create additional 2D drawings and 3D CAD models, but this time specifying how the part will actually be made (i.e., how it will be fitted to the car,

how many sub-components it will have, what it will be made of, etc.). The design office will seek input from a structural analysis team (in relation to what forces the part will need to withstand) so that it can decide on the most suitable materials to use for the part. Once finalised, the design team will send the final drawings/models for manufacture.

- f. The 'design' of a component includes the entire process from concept to the final component designs/models, and not just (as Racing Point suggests) the latter design stage. In fact, from an aerodynamic perspective, it is the first part of the design phase that is crucial. What type of material is used to make the part, its density, etc., has little or no aerodynamic impact. Instead the crucial aspect of a Listed Part is its surface dimensions/shape, because it is the surface, not the inner workings, that comes into contact with the air. Therefore, what is critical about the BD is its surface dimensions/shape. And that (referred to by Racing Point as 'surface data') is what Mercedes provided when it gave Racing Point the CAD models for the W10 BDs: it gave Racing Point 3D CAD models of the BDs, including exact specifications of the surface dimensions and shape, that determine the aerodynamic performance of the part, as well as the component drawing needed to build the part (excluding the construction/lay-up information).
- g. Racing Point copied the shapes and dimensions of the Mercedes CAD models of the BDs into a new CAD model. In simple terms, this process would effectively have been similar to using tracing paper to copy a shape/drawing. Racing Point have made minor changes to some of the data points, but the changes made from the surface dimensions/shapes of the Mercedes W10 RBD CAD models seem to be minimal. This has been ascertained by FIA Technical by inspection of CAD data from Mercedes and Racing Point supplied as part of these proceedings, and by scanning the impounded Racing Point parts from the Styrian Grand Prix and the parts supplied for by Mercedes. But even Racing Point says that if it appears that its RP20 RBDs 'match closely' the Mercedes W10 RBDs it is because Racing Point did not find a 'more optimal geometry configuration.'
- h. In the FIA's view, Racing Point minimizes the significance of the input it received from Mercedes and overstates the amount of work it actually did. Mercedes gave Racing Point a large proportion of their brake duct designs. Racing Point then made relatively minor changes to them. By stating that it made some 883 drawings for the new BDs, Racing Point tries to emphasize the work it did, but in fact, any small changes to a design require a new drawing. That said, the FIA does not doubt that Racing Point thought about the Mercedes design and put time and effort into understanding it and trying to tweak it. However, the fact remains that the Racing Point design is largely derived from the Mercedes design, and so cannot be considered to be a Racing Point design.

### **What constitutes design?**

1. The FIA agrees with Racing Point's contention (at section 2 of its submission) that the test for determining whether a team has 'designed' a LP should not be based on 'a detailed assessment of the application of complex intellectual property rights laws which apply in potentially multiple jurisdictions,' as this would be unworkable. However, the FIA does not agree that it is simply a 'factual test', i.e. 'has the team actually spent time, effort and resource itself designing the part in question?' Instead, as noted above, it is a qualitative test: what is important is who designed the crucial aspects of the part.

2. Reading Appendix 6 as a whole and in line with its purpose, if a team uses the CAD models of another team's LP to fix the surface dimensions/shape of its own LP, and so to determine the aerodynamic performance of that LP, then it cannot be considered to have designed the part itself:
  - a. This is entirely consistent with the intent of and the purpose behind the rules. Appendix 6 is clear that a team must design its own LPs; they must not be designed by a competitor. The intent behind prohibiting the sharing of designs and drawings of LPs is obviously to bolster the prohibition by ensuring that a team does not use another team's LP designs and drawings as the basis for the design of its own LP. There is no express statement that using the drawings in this way is a breach of the 'own design' requirement, but that is because it does not need to be said, it is obviously so.
  - b. Therefore, if BDs had been a LP in 2019, there is no doubt that it would have been a breach of the SRs for Racing Point not only to obtain the CAD models for the Mercedes W10 BDs from Mercedes but also to use them as the basis for the design of its own BDs for the RP20.
  - c. What happens when a team obtains the CAD models for another team's parts lawfully (because the parts in question are not LPs), and uses them to design its own parts, and then those parts are re-classified as LPs? Can the team still use the parts it designed using the CAD models or not?
  - d. Appendix 6 does not expressly address what happens in this situation, because the scenario did not occur to the drafters. But if the FIA had considered the point in respect of BDs, or had been asked the question in 2019 by any teams, it would have said that:
    - i. If the BD was integrated into the team's car and used in Championship races in 2019 (or earlier), before it ever became a LP, then it has become part of the DNA of the car, and it can be used as the basis for development of the team's 2020 BD, even if that part has since been re-classified as a LP. In other words, the FIA would not require the teams to effectively discard parts already validly integrated into their cars and used in races prior to the change in status of the brake duct. The FIA would have issued guidance to that effect to allow those parts to be 'grandfathered in' out of fairness given the unique circumstances created by the change in classification of the BDs, and so would not have considered use of such parts in 2020 to be a breach of Appendix 6, paragraph 1.
    - ii. However, if the part had not been integrated into and used in any Championship races in 2019 (or earlier), and had instead only been developed for first use during the 2020 season, despite the fact that it was known the BD would be classified as a LP in 2020, then the CAD models of another team's BD could not be used to help a team develop that part, because that would be a clear circumvention of the requirements of Appendix 6. In those circumstances, if a team used the CAD models of a competitor to develop its 2020 BDs, it cannot be said that the part was 'designed by it,' and therefore it is a breach of Appendix 6, paragraph 1.
    - iii. On this basis, the FIA is of the view that the RBDs used in the RP20 breach Appendix 6,
  - e. Finally, the FIA acknowledges that Racing Point told the FIA representatives during their March factory visit that the RP20 BDs (FBDs and RBDs) were similar to the Mercedes W10 BDs because they had used data that they had received from Mercedes when the BDs were not LPs, and the FIA representatives had not objected or said that was not compliant. The FIA does not accept that the breach was somehow waived: (a) the visit was undertaken to assess the similarity of the whole car with the Mercedes W10, and therefore the focus was on the car as a whole, not on the BDs (see section 3k of Racing Point's submission,

acknowledging that the FIA representatives did not pay specific attention to the BDs); (b) in all of the circumstances, it is not reasonable to take the passing exchange in relation to the BDs as any sort of settled or considered position by the FIA in respect of those parts; (c) instead it would have been necessary and appropriate for Racing Point to raise the point in writing and ask the question specifically of the FIA; and (d) in any event, even if the FIA had somehow waived its right to assert breach (*quod non*), Renault and the other teams have not. At most, then, this point goes only to mitigation of sanction.

### Conclusions of the Stewards

Having carefully considered the various submissions made by the parties and listened to the expert witness statements made at the hearing, the Stewards come to the following conclusions, regarding the essence of the Protest:

1. Each protest is admissible, as correctly determined by the respective Stewards' Panel at each event, as each was lodged no later than thirty minutes after the publication of the provisional classification and requirements specified in Art. 13 of the FIA International Sporting Code.
2. The effective date on which the 2020 SRs come into force is Jan. 1, 2020, though they may in part determine actions prior to that date in order to ensure compliance with the SRs.
3. Racing Point had the opportunity both during 2019, when all concerned were aware that the status of BDs would change from non-LPs to LPs in 2020, and during the March 2020 FIA visit to the factory to explicitly clarify with the FIA their intentions with respect to the BDs going forward and clarify this potentially grey area of the regulations now being argued. They chose not to do so, even though this clarification process by written document exchange is well known and routinely used by F1 competitors.
4. The parts transfer between Mercedes and Racing Point on Jan. 6, 2020 does not constitute a breach of the regulations worthy of censure as the parts in question were both not used and did not expand the information that had previously passed from Mercedes to Racing Point quite legitimately under the regulations in 2019. The recent change of status of the BDs as LPs further argues that censure or penalization is not appropriate on this point.
5. The BDs of the RP20 are fully compliant with all relevant technical regulations, as detailed in the 2020 FIA Formula 1 Technical Regulations. This point is not in dispute by the parties involved.
6. BDs changed status in Appendix 6 of the SRs by moving from non-LPs in 2019 to LPs in 2020.
7. As LPs, the SRs require that they be "designed by" the Constructor; in this case Racing Point. There is no amplifying information in the SRs as to what test must be met by a Constructor to positively demonstrate that a part has been "designed by" that Constructor. This point is the crux of this protest.
8. Racing Point, in their arguments, puts forward the case that the design process is fully captured by beginning with input "data," in whatever form available, and then moving through an intellectual process that arrives at a set of drawings from which a part could be manufactured. After listening to a wide variety of inputs on this crucial topic, the Stewards conclude that the design process has a wider basis than that hypothesized by Racing Point and that the source(s) of the input data and the design work inherent in that data must be noted and captured in any "who designed it?" analysis.
9. In the case of the RP20 FBDs, their genesis as Racing Point parts began in an earlier evolution with being run on the RP19 in 2019, when Mercedes BDs, as non-LPs could legitimately be used. Although as noted in the earlier analysis, the ambiguity of the regulations leaves some room for

argument on this point, the Stewards conclude that the combination of the design work done on the 2019 RP19 coupled with the necessary upgrade work to the FBDs in designing and developing the 2020 RP20 cross the quantitative threshold for design work necessary to meet the SRs requirements for LPs in 2020.

10. However, since the RP20 RBDs were not run on the RP19 in 2019 and since the Stewards believe that the design effort expended by Racing Point in adapting the RBDs originally designed by Mercedes for the W10 pales in comparison to the significance of the original Mercedes work, the Stewards conclude that the principal designer of the RP20 RBDs was Mercedes, not Racing Point.
11. The method of creating the RP20 RBDs accrued a potential sporting advantage to Racing Point by allowing it to allocate a wide range of design resources to other design efforts as opposed to executing the detailed design effort on the RBDs that would have been necessary to replicate the equivalent effort from Mercedes in the original W10 design.
12. Racing Point did not design the FBDs used on the RP20 as required by SR Appendix 6 and, therefore, the respective protests are well founded.
13. The Stewards acknowledge that since the RBDs are compliant with the 2020 FIA F1 Technical Regulations it is not realistic to expect Racing Point to re-design or re-engineer the BDs in a way that would effectively require them to “unlearn” what they already know. Therefore, the penalty imposed is intended to penalize the potential advantage Racing Point may have accrued in the BD design process which resulted in the use of LPs which were not designed by it.
14. The Stewards emphasize that this breach is one of the Sporting Regulations rather than a non-compliance with the Technical Regulations and, therefore it is not necessary to consider disqualification as the default sanction for the breach, as would normally be the case for a Technical Regulation breach. They also note that there are a number of mitigating factors which we have considered:
  - a. The change in classification of the BDs from Non-LPs in 2019 to LPs in 2020;
  - b. The absence of specific guidance or clarification from the FIA in respect to how that transition to LPs might be managed within the spirit and intent of the regulations;
  - c. The lack of detailed focus on BDs by the FIA personnel who inspected the RP20 in March 2020 when they were admittedly focused on the entire car.
  - d. Racing Point could probably have obtained much of the same amount of competitive advantage from photographing the Mercedes W10 RBDs and reverse engineering them, albeit with additional design resources expended in the process.
  - e. In every respect regarding this matter, Racing Point has been open and transparent with regard to their actions, which they fully believed to have been compliant with the regulations, and the Stewards attribute no deliberate intent to any breach of the regulations that occurred.
15. The penalty imposed for the Styrian Grand Prix is intended to penalize the potential advantage Racing Point may have accrued in the BD design process. Although paragraph 1 of appendix 6 specifies, according to its wording, that a team shall not “use” LPs which are not designed by it, which can only be understood in such way that it does not allow such parts to be used in a car during a competition, the Stewards see the focus of the infringement to be in the design process itself, which was completed some time before the Styrian Grand Prix. However, this breach of the rules continues to exist through the use of the relevant BDs during following F1 events. For the first protests in the Styrian Grand Prix, it is therefore appropriate to impose a penalty that covers the entire process of (non-)designing the BDs and making them available for use during the whole 2020 season. The use of the BDs in further competitions, however, remains an infringement of the

SRs, but a penalty of Reprimand seems sufficient, because the actual infringement, namely the improper development of the BDs, is sufficiently covered with the penalty assessed at the Styrian Grand Prix.

16. The Stewards take note of Article 12.3.5.a of the International Sporting Code as it applies to not deducting points separately from the Drivers and Competitors, save in exceptional circumstances. They believe this is such an exceptional case, because the infringement has to do with a very unique situation revolving around the design process of the car. Accordingly, they are using their broad discretionary powers under Articles 11.9 and 12.3.5 to withdraw points only for the Constructors' (Competitors') Championship.

**Addendum to the Findings of the Stewards:**

1. The 2020 FIA F1 Championship Points standings are to be amended to reflect these decisions.
2. All five protests are well founded and the protest fees for all are to be returned to Renault.
3. This decision is officially published 09:30 GMT, Aug. 7, 2020
4. In accordance with the power granted to the Stewards by the International Sporting Code and the FIA Judicial and Disciplinary Rules and in recognition of the complexity of the issues inherent in this case, as well as the potential wide-ranging impact on all teams in the 2020 FIA Formula 1 World Championship, the one-hour deadline to file a notice of the intention to appeal is hereby extended until 09:30 GMT, Aug. 8, 2020, 24 hours after the official posting and receipt of this decision.

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 and Article 10.1.1 of the FIA Judicial and Disciplinary Rules, within the applicable time limits.

**Gerd Ennser**

**Dennis Dean**

**Walter Jobst**

**Richard Norbury**

**The Stewards**