



INTERNATIONAL TRIBUNAL (IT)

of the

FEDERATION INTERNATIONALE DE L'AUTOMOBILE

**Case brought by the
Fédération Internationale de l'Automobile (FIA)**

against

Mr Luca Corberi

Case IT-2021-01

Hearing of 22 March 2021, Paris, held via videoconference

Decision of 19 April 2021



The FIA INTERNATIONAL TRIBUNAL (“the Tribunal”), which comprised Mr Rui Botica Santos (Portugal), who was designated President, Ms Waltraud Wünsch (Germany), Mr Xavier Bone (Spain) and Mr Patrick Raedersdorf (Switzerland), held a hearing at the FIA headquarters in Paris and via videoconference on Monday 22 March 2021.

Prior to the hearing, the Tribunal received and considered submissions and attachments thereto, made by the FIA, acting as prosecuting body for the case, on one side and by Mr Luca Corberi, on the other side.

The following persons attended the hearing:

on behalf of the FIA:

Mr Pierre Ketterer (Head of Department – Governance, Integrity & Regulatory Affairs, FIA)
Mrs Alejandra Salmerón García (Senior Legal Counsel, FIA)
Ms Marianne Saroli (Senior Legal Counsel, FIA)
Mr Kay Oberheide (CIK Executive Secretary, FIA)
Mr Adam Baker (Safety Director, FIA)
Mr Pasquale Lupoli (Deputy Race Director, FIA, witness)
Mr Karl Janda (Technical Coordinator, FIA, witness)

on behalf of the Respondent Luca Corberi:

Mr Marco Baroncini, Legal Counsel
Ms Martina Danisi, Legal Counsel
Ms Alice Gagno, Assistant

Also attending the hearing:

Mr Jean-Christophe Breillat (Secretary General of the FIA Courts)
Mrs Nathalie Bourzat-Alaphilippe (Deputy Secretary General of the FIA Courts)
Mr Nicolas Cottier (Clerk of the FIA Courts)
Mrs Sandrine Gomez (Administrator of the FIA Courts)

The parties filed written submissions and, at the hearing on 22 March 2021, set out oral arguments and addressed the questions asked by the Tribunal. The witnesses presented by the FIA were heard and the Parties and the Tribunal were able to put to them any questions that they deemed useful. The hearing took place in accordance with the adversarial principle, with the aid of simultaneous translation in French and English as well as, at the request of the Respondent, in Italian. None of the Parties raised any objection, in relation either to the composition of the Tribunal or to the manner in which the proceedings and the hearing were conducted, notably concerning the respect of the adversarial principle or the simultaneous translation.

I. REMINDER OF THE FACTS

1. The South Garda Karting Circuit in Lonato, Italy, hosted the 2020 FIA Karting World Championship-KZ (the “Championship”), which is run over a single competition (the “Competition”), between 1 and 4 October 2020.
2. Mr Luca Corberi (the “Driver” or the “Respondent”) currently holds a Grade B Senior International Karting Licence issued by the Automobile Club d’Italia-Sport (the “ACI-Sport”), which is an FIA member and the National Sporting Authority (the “ASN”) for Italy. The Driver has held different types of karting licence since at least 2010.
3. In order to participate in the Championship, on 21 September 2020 the Driver signed the necessary entry form declaring that he had “*read the Supplementary Regulations issued for this competition and [agreed] to be bound by them and the FIA International Sporting Code in force*”.
4. During the final phase of the Championship, held on 4 October 2020, the Driver was involved in three successive incidents.

The 1st incident

5. During lap No. 9 of the final phase, driver No. 22 Paolo Ippolito pushed the Driver off the track. While the Respondent had to retire from the race, Mr Ippolito was able to continue until the end of the race. Mr Ippolito was, however, disqualified by the Stewards (Decision No. 233).

The 2nd incident

6. Having ended up with his kart against the barriers, the Respondent tried first to extricate his kart from the barrier and then, although the integrity of his kart was not compromised despite the impact, he disassembled the front fairing of the said kart.
7. After having removed the front fairing of his kart, the Driver then walked towards the track with the front fairing still in his hands and waited by the side of track until he could see Mr Ippolito, who was continuing the race, approaching.

8. Then, while the race was still ongoing, the Driver threw the front fairing of his kart, which weighs at least 1.350 kg, in the direction of Mr Ippolito, whose speed, as well as that of his direct followers, was approximately 100 km/h, resulting in a level of energy, according to the FIA, equivalent to 521 J.
9. Should this amount of energy be impacted directly on an approaching driver's helmet and considering that the seat in a kart does not extend beyond shoulder height, it is commonly admitted and undisputed by the Respondent that this could lead to serious (but not fatal) neck injuries due to a sudden rearward movement of the head and significant hyperextension of the neck.
10. The second risk associated with the Respondent's action is that a driver might suddenly change direction to avoid the impact with the front fairing, leading to a collision between two or more karts at the approximate speed of 100 km/h mentioned above. Such a collision would represent a risk of injury due to the potential for one or more karts to become out of control and, in the worst case, become airborne due to wheel-to-wheel contact. The Respondent did also not dispute this.
11. While Mr Ippolito was not hit by the front fairing thrown at him, Mr Millel, who was driving kart No. 31, was the only one among a group of four drivers who were following Mr Ippolito to be hit by the front fairing. Luckily, no physical damage resulted from this.
12. Subsequently, the Respondent crossed the track, in the middle of the race, disobeying the instructions given to him by the officials and risking his own and his colleagues' physical integrity.
13. Mr Lupoli, the FIA Deputy Race Director, who had seen the Driver standing at the edge of the track with his front fairing, urged him, by means of gestures, not to cross the track and to go to a safe position. The Driver simply refused to follow those instructions and no one was able to prevent him from crossing the track.

The 3rd incident

14. After having crossed the track several times at different spots, the Respondent then reached the parc fermé where he sat down for a while.
15. Once the race ended, i.e. 16 laps after the 1st Incident, and all the karts arrived at the parc fermé, the Respondent ran violently towards Paolo Ippolito and pushed him to the ground. The two drivers then started to fight. At least 4 drivers or mechanics tried to separate them.
16. Mr Marco Corberi, the Respondent's father, then attacked Mr Ippolito and hit him in the head, while Mr Ippolito's father joined the fight a few seconds later.
17. The fight reached a point where fathers and sons were hitting each other.
18. After the intervention of Mr Karl Janka, FIA Technical Coordinator, Mr Paolo Ippolito stepped back, while Messrs Corberi, father and son, continued to fight with

Mr Giuseppe Ippolito. It then took several minutes more before Mr Janka managed to separate the three protagonists and send everyone to the Finish Park.

19. The Judge of fact (Incident 2) and the technical delegate (Incident 3) reported those incidents to the Stewards.
20. The Driver and his team were summoned to a hearing. After the hearing, the Stewards decided to disqualify the Driver from the competition by issuing their Decision No. 236, based on the Judge of fact's report relating to Incident 2.
21. The Driver did not appeal against this Decision No. 236, which did not make any reference to Incident 3.
22. On 5 October 2020, the Respondent published an apology on social media and mentioned that he had decided not to *"take part to any other motorsport competition for the rest of my life, that's no[t] a self justice, it's simply the right thing to do"*.
23. On 7 October 2020, the FIA received an email from Mr Marco Corberi stating the following:

"We have been overwhelmed and crushed and we are sorry that we are writing to you just now to give our humblest apologies. There is no way to express our feeling now, the Corberi family is a family that has made their passion for karting their lifelong work, we have had the honor of taking this sport to the highest recognised levels, beating every record, and we could never have foreseen that just from us, and act so horrendous and so negative for the discipline could arise. It breaks our hearts to see the same images shared in every corner of the world knowing that this will bring bitterness and regret to the industry. Unfortunately, there is no way to prevent this from happening and allow Karting to show itself to the world for what it really is, a beautiful sport. We know that the whole sector will suffer for our attitude, and we are devastated for this. We are writing to you with the most regret feeling possible."
24. On the same day, Mr Lackman, a member and Chairman of the panel of Stewards of the Competition, requested the FIA to *"take further action on this driver also asking his ASN to take actions and bring him to the Sporting and Disciplinary Court"*.

II. PROCEDURE AND REQUESTS OF THE PARTIES

25. On 14 October 2020, the FIA notified the Respondent of the launch of a disciplinary inquiry under the FIA Judicial and Disciplinary Rules concerning Incidents 2 and 3.
26. After having gathered the evidence that it deemed necessary, the FIA sent a Notification of Charges to the Respondent and to the Tribunal on 1st February 2021.
27. In its Notification of Charges, the FIA asks the Tribunal to:
- “7.1.1 find that Mr Luca Corberi has breached Article 2.3 of the Statutes, Article 5.2 (i) a) of the JDR, Articles 12.1.1.c, 12.1.1.d, 12.1.1.h and 12.1.1.i of the ISC, the Code of Good Conduct (Appendix 8 to the ISC) and Article 2 of the FIA Karting World Championship Sporting Regulations-KZ.”*
- 7.1.2 impose such sanctions for these breaches as the FIA International Tribunal deems just and proportionate; and*
- 7.1.3 order Mr Luca Corberi to pay the costs referenced in JDR Article 8.2.”*
28. In his Observations to the Notification of Charges, received by the Tribunal on 24 February 2021, the Respondent concludes that:
- “reform the judgment under appeal (sic) and, as a result, impose on the dismissed Luca and Marco Corberi (sic) a disciplinary sanction, determined within the limits of the laws referred to in article 227.4 RSN, without any aggravation of the same, with the benefit of the conditional suspension of its effects ex Article 230 RSN.”*
29. In its Reply to the Observations on the Notification of Charges, received by the Tribunal on 4 March 2021, the FIA invites the Tribunal to take into consideration the content of the said Reply and refers to its comments in the full report in particular to the conclusions under point 7.
30. On 8 February 2021, all competitors in the 2020 FIA Karting World Championship-KZ were informed about the proceedings against the Respondent. None of them wished to comment or to take part in one way or another in the proceedings.
31. During the course of the proceedings and prior to the hearing, the President of the Hearing issued two preliminary Decisions concerning:
- 1) the suspension of the proceedings and the measure of nonsuit requested by the Respondent, where the President of the Hearing rejected both requests (Decision No. 1 of the President of the Hearing, dated 16 February 2021);

- 2) the suspension of the proceedings requested again by the Respondent, where the President of the Hearing again rejected this request (Decision No. 2 of the President of the Hearing, dated 19 February 2021).

III. JURISDICTION OF THE TRIBUNAL

32. The Tribunal notes that the FIA brought the present case before the Tribunal in accordance with the provisions of the FIA Judicial and Disciplinary Rules (“JDR”), which is undisputed.
33. The jurisdiction of the Tribunal to hear the present case is established by the fact that the acts that gave rise to the charges were committed during a competition organised under the aegis of the FIA while the Respondent held a licence issued by a National Sporting Authority which was and still is a member of the FIA, as provided under Article 5.1.e) JDR.
34. The Tribunal notes further that the Respondent does not formally dispute the jurisdiction of the Tribunal to decide on the merits of the case. The Respondent claimed, however, in his written submissions and at the hearing, that the Tribunal could not sanction him on the basis of the principle “*ne bis in idem*”, which is a question to be dealt with on the merits of the case.
35. Based on the above, the Tribunal finds that it has jurisdiction to decide on the present case.

IV. ON THE SUBSTANCE

a) *Arguments of the parties*

36. The FIA puts forward in essence the following grounds in support of its Notification of charges:

In relation to Incident 2

- (i) The Respondent breached Articles 12.1.1.d and 12.1.1.h of the 2020 International Sporting Code (the “Code”) and the Code of Good Conduct, together with Article 2.3 of the FIA Statutes as the Respondent endangered his own safety and that of other drivers;
- (ii) He breached the Code of Good Conduct by deliberately throwing the front fairing of his kart at another driver, thus failing in his duty of respect and of fairness by acting in an unsportsmanlike manner; and

- (iii) The Respondent also breached Article 12.1.1.i of the Code as he completely disregarded the instructions and directions given by the officials.

In relation to Incident 3

- (iv) The Respondent breached the Code of Good Conduct as he violently assaulted another driver and licence-holder, acting once again in an unsportsmanlike manner.

In relation to Incidents 2 and 3

- (v) The FIA asserts that the Respondent's actions, which were streamed worldwide, showing a very negative image of drivers, karting and motor sport in general, were simply disrespectful. This attitude is prejudicial to the interests of the FIA as a custodian of the sport in general, and to the FIA Karting World Championship in particular. This attitude allegedly constitutes a breach of Article 12.1.1.c of the Code and Article 5.2 (i) d) 2 JDR 2020.
- (vi) As a consequence of (i) to (v) above, the FIA claims further that the actions of the Respondent were of the "utmost seriousness" as they adversely affected the safety of the competition and the integrity of the participants. Safety, respect, fair play, justice and honesty are principles that drivers are always expected to promote. This should of course be expected of the Respondent, who is furthermore an experienced driver.
- (vii) Not only did the Respondent put himself and the other competitors in great danger, but he also initiated a fight with another driver, which ended up as a brawl involving other persons.
- (viii) On top of the gravity of the facts, the FIA stresses that it is undeniable that the Respondent perpetrated both incidents deliberately and intentionally.
- (ix) The FIA adds that no mitigating circumstances can be put forward by the Respondent, whereas the facts that he is an experienced driver, that he is an adult, that he did not apologise after having thrown the front fairing and that he acted in such a manner during a prestigious event which was transmitted worldwide, constitute, each individually, aggravating circumstances.
- (x) According to the FIA, the nature and the impact on the public of those incidents require a harsh sanction, and it therefore proposes that a suspension for a duration to be fixed by the Tribunal could be an appropriate sanction, stressing that the Tribunal has full discretion in this respect.
- (xi) The FIA then provides precedents of suspensions, such as a 3-year suspension for having verbally and physically assaulted two officials and one driver; a 10-year suspension for the unauthorised presence of a vehicle on Forestry Commission Land and for calling into question on social media the actions of officials and organisers; a 3-year suspension for having tried to obtain a licence illegally; and

an 8-year suspension for having tested positive for alcohol while exercising duties as an official.

- (xii) Based on all the above, the FIA considers that *“only a life ban in accordance with Article 5.2 (ii) b) JDR or a suspension in accordance with Article 12.3.2.n of the Code may constitute an appropriate and proportionate sanction that meets the gravity of the numerous violations committed by”* [the Respondent] and concludes by asking the Tribunal to *“impose such sanctions for those breaches as the FIA International Tribunal deems just and proportionate”*.

37. The Respondent, for his part, contends in his Observations on the Notification of Charges, in essence as follows:

- (i) The Respondent argues first that by virtue of the principle *“ne bis in idem”*, the fact that the Italian disciplinary authorities issued a decision on Incidents 2 and 3 excludes that the Tribunal can sanction the Respondent a second time for the same facts.
- (ii) Referring to various parts of a judgement issued by the Italian disciplinary authorities in separate proceedings, the Respondent, who does not dispute the facts as described by the FIA, puts forward that his actions were caused in *“reaction, in a state of anger, determined by the unjust fact of others”*, namely Mr Ippolito, as the Respondent was – as he alleged – hit at around 140 km/h by the latter, the Respondent’s body being *“arched, extending backwards, due to the violent collision”*.
- (iii) The worldwide streaming of the images linked to the incidents should not be considered as an aggravating circumstance.
- (iv) A precedent in cross-country skiing, where an athlete was suspended for only one competition after having assaulted a competitor, excludes that a harsher sanction than disqualification from the competition can be imposed on the Respondent.
- (v) It is Incident 1 which provoked Incidents 2 and 3, and this series of incidents should be taken as a whole and the Respondent sanctioned upon consideration of his state of anger, which was constant from Incident 1 until the end of Incident 3.
- (vi) The Respondent claims further that Incident 1 was actually ignored by the FIA.
- (vii) In essence, the Respondent concludes that if any sanction should be imposed by the Tribunal, it should be suspended during a probation period.

38. The FIA, in its Reply to the Respondent’s Observations on the Notification of Charges, stresses that:

- (i) The Respondent does not dispute the facts described in the Notification of Charges.

- (ii) The references to the “RSN” made by the Respondent cannot apply to the present proceedings, as these are governed by the FIA Regulations and not by the Italian national sporting regulations.
- (iii) Incident 1 was not ignored, as Mr Ippolito was sanctioned with disqualification from the Competition.
- (iv) In any event, the FIA claims that the actions of the Respondent cannot be considered as a reflex in the heat or on the spur of the moment, so that the alleged provocation by Mr Ippolito cannot be considered as a mitigating circumstance. The Respondent should have controlled himself and expected the Stewards to sanction Mr Ippolito, which they actually did.
- (v) As a last point, the FIA claims that the precedents quoted by the Respondent are irrelevant to the present case, as they refer to a different sport or a different competition involving different facts (no throwing of objects, no disregarding of instructions from officials or assaulting of another competitor a long time after the race ended, etc.).

b) *Applicable Regulations*

- 39. Considering that the present case relates to facts which occurred during the 2020 FIA Karting World Championship-KZ, hosted at the South Garda Karting Circuit in Lonato, Italy and which is run over a single competition, between 1 and 4 October 2020, the applicable rules consist of the FIA regulations which were in force at the time.
- 40. As a result, the applicable regulations relevant to the merits of the present case are the 2020 Edition of the Code and the 2020 Edition of the FIA Statutes.
- 41. Regarding Procedural Rules, and since the FIA sent the Notification of Charges to the Tribunal and the Respondent on 1 February 2021 (initiating the procedure at that time), the applicable regulations are the 2021 Edition of the JDR. The Tribunal may only apply the rules regarding its powers which are in force.

c) *Conclusions of the Tribunal*

- 42. Having carefully examined the various observations made by the Parties to the procedure, and having considered the submissions made by them and the witnesses brought by the FIA at the hearing, the Tribunal rules as follows.

(i) On the question of the “ne bis in idem” principle

43. The Tribunal notes first that it is undisputed that the proceedings before the Italian disciplinary authorities are still pending, considering that an appeal was lodged against the decision of the Federal Court of ACI-Sport. For this simple reason already, the Respondent’s submissions should be rejected.
44. The Tribunal stresses also that the scope of jurisdiction of the Tribunal and the regulations and the law applicable to cases brought before it are primarily determined by the JDR, which is also undisputed.
45. The JDR provide under Chapter 6 “General Provisions”, Article 14 par. 4, that:
“The applicable law is the regulatory texts of the FIA (Statutes, Regulations, other binding rules), as well as French law.”
46. Article 13 “Alternative Remedies” JDR provides in essence that any party must first have *“exhausted all mechanisms of dispute resolution set out in the Statutes and the regulations of the FIA”*. This same article provides further that:
“All persons concerned, including their employees, representatives, agents and service providers, accept and acknowledge the obligation first to use the procedures established by the Statutes, the FIA International Sporting Code, the present Rules and any other regulations of the FIA.”
47. The Tribunal notes therefore that according to the very clear wording of the JDR, which applies to *“all persons concerned”*, namely not only the Respondent but also *“members of the FIA or executive officers of an ASN”* (Article 13 par. 2 first sentence JDR), any procedure other than those provided under the FIA regulations is subsidiary and, in any event, cannot prevent the FIA jurisdictions from fully exercising their duty to decide on a case governed by such regulations.
48. In other words, the JDR clearly exclude that the powers of the FIA jurisdictions, in the present case the Tribunal, can be, in one way or another, blocked owing to the fact that proceedings are still open before a national court.
49. The impact of alternative proceedings on the proceedings before the Tribunal, and in particular on its capacity to decide on the same facts, is also excluded, given the specific competence granted to the Tribunal under Article 12.2.5 of the Code, which provides that:
“Independently of the prescriptions of the following Articles, the prosecuting body of the FIA may upon the proposal and report of the FIA observer, upon the joint report of the two international stewards designated by the FIA, or on its own initiative in pursuance of the FIA Judicial and Disciplinary Rules, bring a matter before the International Tribunal (...) to have it directly inflict one or more penalties which will take the place of any penalty which the stewards may have pronounced on any one of the above-mentioned parties.”

50. Based on this article of the Code, the Tribunal finds that it has a specific and exclusive jurisdiction, which grants it the possibility to decide on cases which may have already been decided by the Stewards and by any appeal authorities to which an appeal against a Stewards' decision may have been submitted.
51. The Tribunal is well aware that the Italian proceedings put forward by the Respondent are not based on an appeal against the Stewards' Decision No. 236.
52. The above provision of the Code, together with the articles of the JDR previously quoted, shows however that the Tribunal has a very specific role to play in order to implement the FIA regulations, which excludes that it can be limited by decisions that might be issued by national authorities.
53. Considering that French law should apply subsidiarily in cases brought before the Tribunal, the latter also considered the scope of application of the principle "*ne bis in idem*" when it comes to disciplinary proceedings within an International Sporting Federation.
54. As explained in Decision No. 1 of the President of the Hearing, the application of the "*ne bis in idem*" principle is conditional upon the identity of the facts being prosecuted, the existence of two proceedings of a criminal nature within the meaning of the European Convention of Human Rights (ECHR) before the courts of the same State and the existence of a first final decision, these characteristics not being met in the present case.
55. Notwithstanding the foregoing, the Tribunal duly considered that under French law the principle "*ne bis in idem*" applies also to disciplinary matters and not only to criminal matters. Yet French law prohibits sanctioning a person several times for materially identical facts only insofar as the two sanctions aim to protect the same social interests.
56. In the present case, and notwithstanding the clear hierarchy of jurisdictional competences provided under the Code and the JDR, the proceedings brought before the disciplinary bodies of the Italian ASN are aimed to repress violations of a legal order limited to the Italian national territory, more specifically, a legal order linked to automobile sport exercised at national level and where the Italian motor sport regulations apply exclusively.
57. As developed above, any case related to the application of the FIA Regulations can be brought directly to the Tribunal (Article 12.2.5 of the Code) and any alternative proceedings outside the scope of the JDR or any other FIA regulations are subsidiary to proceedings brought before the Tribunal (Article 13 JDR).
58. It is undisputed that the current proceedings before the Italian ASN are not based on the FIA regulations and refer to regulations other than those of the FIA.
59. On the other hand, the Respondent argued in the hearing that he considered Decision No. 236 of the Stewards, which disqualified him from the competition, to be final and,

as such, did not appeal it because he understood that no additional sanctions could be imposed.

60. Decision No. 236 of the Stewards, which imposed on the Respondent a sanction of disqualification from the competition, was never appealed by the Respondent and, as a result, the sanction of the Respondent's disqualification became final ("*res judicata*").
61. However, as already mentioned above, Article 12.2.5 of the Code provides that the FIA may bring a matter before the Tribunal, even if the latter was the object of a Stewards' decision. As also per Article 12.2.5 of the Code "*(...) the prosecuting body of the FIA may (...) bring a matter before the International Tribunal (...) to have it directly inflict one or more penalties which will take the place of any penalty which the stewards may have pronounced on any one of the above-mentioned parties.*" (emphasis added)
62. In other words, according to Article 12.2.5 of the Code:
- (i) The Tribunal has the power to decide on a matter which is brought before it by the FIA's prosecuting body (as is the case at hand); and
 - (ii) The Tribunal has the power to "replace" the decision issued by the Stewards, which means that it can be amended or modified in the sense that any imposed sanction can be confirmed, increased or reduced.
63. Based on all the above, the Tribunal finds that the submissions of the Respondent in relation to the application of the "*ne bis in idem*" principle must be rejected.

(ii) On the breaches of Article 2.3 of the FIA Statutes, of Articles 12.1.1.c, 12.1.1.d, 12.1.1.h and 12.1.1.i of the Code, of the FIA Code of Good Conduct, of Article 5.2 (i) d) 2) JDR, and of Article 2 of the FIA Karting World Championship Sporting regulations-KZ

64. Coming now to the incidents and to the alleged breaches of various FIA regulations by the Respondent, the Tribunal notes first that the latter does not dispute the facts described in the Notification of Charges filed by the FIA. The Tribunal stresses further that the Respondent also does not dispute that he breached the various articles of the regulations put forward by the FIA, which read as follows:

Article 2.3 of the FIA Statutes:

"The aim of the FIA shall be to establish a union between its Members, chiefly with a view to:

(...)

2.3 Promoting the development of motor sport, improving safety in motor sport, enacting, interpreting and enforcing common rules applicable to the organisation and the fair and equitable running of motor sport competitions.”

Articles 12.1.1.c, 12.1.1.d, 12.1.1.h and 12.1.1.i of the Code:

“Any of the following offences, in addition to any offences specifically referred to previously, shall be deemed to be a breach of these rules:

(...)

12.1.1.c Any fraudulent conduct or any act prejudicial to the interests of any Competition or to the interests of motor sport generally,

12.1.1.d Any pursuit of an objective contrary or opposed to those of the FIA.

(...)

12.1.1.h Any unsafe act or failure to take reasonable measures, thus resulting in an unsafe situation.

12.1.1.i Failure to follow the instructions of the relevant officials for the safe and orderly conduct of the Event.”

FIA Code of Good Conduct (Appendix B to the Code):

“ (...)

- Respect of the FIA Regulations*
- Respect of the FIA’s objectives and interests*
- Respect of the FIA’s licence-holders, and*
- Obligation of fairness”*

Article 5.2.1 d) 2) JDR

“ 5.2.1 if persons referred to in Article 5.1 [red: notably licence-holders] (...) d) without lawful excuse (...) 2) by words, actions or writings have caused damage to the standing and/or reputation of, or loss to, the FIA, its bodies, its members or to executive officers (...).”

Article 2 of the FIA Karting World Championship Sporting Regulations-KZ:

“All Drivers, Entrants and Officials participating in the Championship undertake, on behalf of themselves, their employees and agents, to observe all the provisions of the International Sporting Code (“the Code”), the Code of Driving Conduct on Karting Circuits, the Karting Technical Regulations (“the Technical Regulations”), the General Prescriptions applicable to the FIA Karting international Competitions and Championships, Cups and Trophies (“the General Prescriptions”), the Specific

Prescriptions applicable to the FIA Karting Championships, Cups and Trophies (“the Specific Prescriptions”), the Supplementary Regulations of the Competition and these Sporting Regulations.”

65. The series of Incidents, as described above, was recorded through various cameras and, again, the Respondent did not dispute that they took place.
66. The Respondent even issued a statement where he admitted the facts and expressed his shame and his regrets.
67. The Tribunal finds that the Respondent could indeed only admit the facts reported by the FIA in its Notification of Charges. The different videos clearly show that the Respondent not only lost control of himself after Incident 1, but also that he committed a series of acts which endangered not only himself but also his fellow competitors, who were still competing on the track. The Respondent provoked a fight in the parc fermé which caused bruises to Mr Ippolito, involved several people, thus turning into a brawl, and last but not least gave a dishonourable image of his sport which, given the worldwide transmission of those disgraceful images, negatively impacted all his fellow sportspersons around the globe and the image of motor sport in general.
68. In this respect, the Respondent’s confession in this matter on social media is eloquent.
69. The breaches committed by the Respondent being proven and even admitted, a sanction shall be imposed by the Tribunal in accordance with Article 5.2.2 JDR.

(iii) On the question of the appropriate sanction

70. Article 5.2.2, par. 6 JDR provides that *“subject to the principle of proportionality, the IT shall take into account the gravity of the facts, the degree of culpability, and past record and character of the person in order to determine the nature and severity of the sanction”*.
71. The Respondent claims that his actions during Incidents 2 and 3 are to be blamed on a continuous anger reaction that would have subsided only after Incident 3. The Respondent contends that the impact caused by Mr Ippolito during the race was so violent that it explains his reaction, such that the circumstances of Incident 1 should be deemed as a mitigating circumstance justifying that a milder sanction should be imposed on him.
72. The Respondent argues as well that the Tribunal should not consider the FIA’s argument that the impact of the images on the public, worldwide, constitutes an aggravating circumstance. To the Respondent’s view, he should be sanctioned independently of the impact of the videos on the public.
73. The Tribunal firmly rejects those arguments.

74. Firstly, the Tribunal finds that one should legitimately expect a competitor, particularly an adult, to behave correctly and to be capable of controlling him- or herself under all circumstances. Not to mention the fact that the Respondent is an experienced competitor, the attitude of the Respondent during Incidents 2 and 3 cannot be justified by Incident 1 or by any other type of incident. It is not up to a competitor to take justice into his/her own hands. The Stewards are the only ones to take decisions when incidents occur, which is indeed what they did by sanctioning Mr Ippolito.
75. Several legal means were available to the Respondent to ask for justice, and this ought to have been uppermost in his mind after Incident 1.
76. Instead of calming down, the Respondent consciously decided to take revenge on Mr Ippolito. He did not hesitate to throw a heavy object at his competitor with the obvious aim of stopping him and potentially harming him, accepting in the meantime the risk of causing injury to third parties, be they competitors or officials standing at the side of the track. Not only did the Respondent endanger himself by staying next to the track and then crossing it, but he again accepted the risk not only of disturbing the race but also of provoking an accident among the other competitors, all this while an FIA official was urging him to take shelter and change his course of action.
77. The Respondent then took the time to walk to the parc fermé, to sit there, then to leave and later come back in order to start a fight with Mr Ippolito, which turned into a brawl.
78. The gravity of those actions cannot be ascribed to a reaction to Incident 1 and, again, the Tribunal rejects this argument.
79. The Tribunal finds also that the fact that this unacceptable and shameful behaviour of the Respondent was broadcast throughout the world adds to the already high gravity of the facts.
80. The Respondent, who is an experienced driver, could not be unaware that the entire world would be witness to his behaviour, which was filmed during an international competition with broad media coverage.
81. In his own statement, the Respondent and his father admit that *“it breaks our hearts to see the same images shared in every corner of the world knowing that this will bring bitterness and regret to the industry”*.
82. Given all the above, the Tribunal finds that those facts are indeed of the utmost gravity.
83. As far as the Respondent’s degree of culpability is concerned and for the same reasons developed above, the Tribunal finds that there is no valid argument which could mitigate the Respondent’s culpability. The Respondent himself actually expressed it clearly in his statement: he is fully and completely guilty.
84. The Tribunal shall, however, take into account the regret and apologies expressed through the Respondent’s statement and his past records which do not report any offence.

85. Having considered the gravity of the facts, the degree of culpability and the Respondent's past records and character, the Tribunal deliberated on the type of sanction which would be proportionate to the serious breaches committed by the Respondent.
86. In that context, the Tribunal considered the various precedents put forward by the FIA, on one side, and the Respondent, on the other side.
87. The Tribunal first rejected the argument based on a cross-country skiing case quoted by the Respondent. Not only does this case refer to a totally different sport and therefore to a totally different jurisdiction, but the facts are absolutely not of the same gravity. This last element applies also to the other case on which the Respondent bases his submissions, namely the case of the team of Felipe Massa.
88. As to the FIA precedents, the Tribunal also finds that none of those cases refers to the same level of gravity as the present case.

(iv) Sanctions applicable by the Tribunal

89. During the deliberation, the Tribunal had to decide on what type of sanction would be the most appropriate.
90. Taking into account the sanctions that are available to the Tribunal, in accordance with Articles 12.3. Code and 5.2. JDR, and given the gravity of the facts, anything less than the most serious available sanctions would not be adequate.
91. As such, the Tribunal decided that the Respondent must not be allowed to take part or exercise any role, directly or indirectly, in any competition, event or championship organised directly or indirectly by the FIA or on its behalf, and that the same should be applicable in respect of competitions and preparatory testing and training organised by the ASNs, their members or licence-holders.
92. In addition to that, the Tribunal also determined that the Respondent should not be able to exercise within the FIA any duties whatsoever as an executive officer, a member of a commission, or a president of a commission, or any duties of any nature whatsoever on behalf of the FIA and/or within a body of the FIA.
93. Having determined the material effects that the sanction should comprise, the Tribunal then proceeded to analyse the Code and the JDR and came to the conclusion that a suspension (Article 12.3.1.n Code) cumulated with a ban (Article 5.2.2, b) and d), JDR) is the only sanction that, under the rules, would achieve the envisaged material effects determined by the Tribunal.
94. The tribunal notes that these sanctions may indeed be freely cumulated, as the use of the expression "and/or" in Article 5.2.2, c), JDR, clearly indicates.

(v) Duration of applicable sanctions

95. With regard to the duration of the sanction, the Tribunal has considered a life-time ban combined with a life-time suspension. The Tribunal notes that FIA asked for a life ban but, at the same time, left the determination of the appropriate sanction to the Tribunal's free consideration, bearing in mind the specific circumstances of the case.
96. The Tribunal recognised, however, that even though Incidents 2 and 3 are extremely serious, there are elements and circumstances that, when duly considered, indicate that the Driver deserves a second chance, namely:
- (i) The age of the Respondent (although he is not a minor, he is a young adult aged 23 years old);
 - (ii) The experience of the Respondent (about 10 years of karting experience);
 - (iii) The Respondent has never before engaged in this kind of behaviour and this was a first-time offence;
 - (iv) A public acknowledgement of the facts and their gravity, as well as a public apology, was issued by the Respondent on the following day; in addition to that, through a family letter, he also expressed regret for his behaviour directly to the FIA; and the fact that
 - (v) The other drivers have not made any formal complaint against the Respondent.
97. Bearing in mind the above, the Tribunal considered that the Respondent should have a second chance to come back to the motor sport world after having served a certain number of years of ban and suspension which shall reflect the gravity of his acts; as such, a life-time sanction would not be appropriate.
98. The Tribunal then proceeded to determine the correct duration for the sanction to be imposed.
99. The Tribunal started by noting that the sanction to be imposed on the Respondent should not be long enough to effectively turn it into an indirect life-time sanction.
100. Taking into account, however, (i) the legal and fundamental values shared by the members of the Tribunal and (ii) their belief that violence has no place in sports (zero tolerance policy), the Tribunal decided that a 15-year sanction would be adequate and proportional, since such a sanction clearly reflects the gravity of the facts and the violence involved.
101. The most relevant facts and circumstances that the Tribunal considered were the following:
- (i) The actions of the Respondent, both in Incident 2 and in Incident 3, are extremely serious and could have resulted in injuries for any of the drivers participating in the race (including himself);

- (ii) The Respondent did in fact violate the physical integrity of driver Paolo Ippolito during Incident 3;
- (iii) Incidents 2 and 3 demonstrated very violent behaviour by the Respondent, which has no place in motor sport;
- (iv) The Respondent intentionally and knowingly engaged in his actions;
- (v) The Respondent's conduct is not justifiable by the fact that he claimed to be "provoked" by Incident 1. During Incidents 2 and 3, which consisted in a single continuous and premeditated action, the Respondent did not take into consideration the consequences of his acts and was not able to control himself and understand the seriousness of his actions, as should be expected of a professional sportsman;
- (vi) The Respondent's experience commended also that a higher level of sportsmanlike behaviour was expected of him;
- (vii) All the incidents occurred during a top-tier karting event (the 2020 FIA Karting World Championship-KZ). In a high-profile competition such as this, the highest standards of behaviour are expected of all of the drivers involved; and
- (viii) The reputational damage suffered by the FIA, as the International Federation responsible for motor sport and organiser of the event, has to be considered, since this event was streamed worldwide and videos of the Respondent's actions circulated through the internet, television, social media, etc.

102. Moreover, the Tribunal also considered as aggravating circumstances:

- (i) That the Respondent premeditated his actions. During his continuous and violent behaviour, the Respondent had more than enough time to calm down as was reasonably expected of him. Instead, he carried on and clearly premeditated Incident 3; this was clearly not an emotional or a heat of the moment reaction;
- (ii) The fact that Incident 2 put the drivers on track at very serious risk, since it could have resulted in the occurrence of a disastrous accident; these risks were completely ignored by the Respondent; and
- (iii) The fact that the Respondent did not hesitate to fiercely attack Paolo Ippolito in an aggressive manner which could have resulted in serious injuries, during Incident 3.

103. To confirm that a suspension and ban of 15 years would be a proportional sanction, the Tribunal decided to test it against the principle of proportionality, as established by the JDR.

104. The sanction imposed by the Tribunal must be (i) capable of achieving the envisaged goal, (ii) the measure should be necessary to achieve that goal and (iii) the constraints suffered by the person affected must be justified by the overall interest of achieving the envisaged goal.

105. The aim of this sanction is to clearly show to the Respondent (and the motor sport community in general) that violence is not acceptable and must be severely punished, as well as to deter him, and any other competitors, from engaging in such behaviour in

the future, whilst also safeguarding the possibility for his rehabilitation and return to the sport. As a result:

- (i) The measure taken will consist in a suspension and ban from taking part in any motor sport events organised, directly or indirectly, by the FIA or the ASNs, or from exercising any role or function within the FIA – this is a punishment that is able to achieve the envisaged goal;
- (ii) This sanction is one of the most serious sanctions that the Tribunal can impose; no other sanction would be able to achieve the envisaged goals of general and specific deterrence and rehabilitation to the same degree – as such, this measure is necessary; and
- (iii) The constraints which the Respondent will face are clearly justified by the goals pursued by the sanction, which are of the highest relevance – the measure does not exceed what is required in the search for its goals and does not preclude the Respondent from returning to motor sport.

106. In due consideration of all the circumstances of the present case and referring to Article 5.2.2 JDR, the Tribunal decides to sanction the Respondent with the following cumulative sanctions:

- (a) Confirming Decision No. 236 issued by the Stewards which disqualified him from the competition;
- (b) Imposing a 15-year suspension within the meaning of Article 12.3.1. n) of the Code; and
- (c) Imposing a 15-year ban within the meaning of Articles 5.2.2, b) and d) JDR.

The starting date of sanctions (b) and (c) above shall be the date of coming into force of the present decision.

V. COSTS

107. Considering the outcome of the proceedings, the Tribunal leaves it to the Respondent to bear all the costs, in accordance with Article 8.2 JDR.



ON THESE GROUNDS,

THE FIA INTERNATIONAL TRIBUNAL:

- 1. Confirm that Mr Luca Corberi have been disqualified from the competition of Lonato, Italy (2020 FIA Karting World Championship-KZ);**
- 2. Impose to Mr Luca Corberi a suspension (Article 12.3.1.n) Code) and a ban (Article 5.2.2, b) and d) JDR) for a period of 15 years starting on the date of coming into force of this decision;**
- 3. Leaves it to Mr Luca Corberi to bear all the costs, in accordance with Article 8.2 JDR;**
- 4. Rejects all other and further conclusions.**

Paris, 19 April 2021

The President

Rui Botica Santos