



FEDERATION INTERNATIONALE DE L' AUTOMOBILE

### **World Motor Sport Council**

#### **Decision Re: 2008 Singapore Grand Prix – ING Renault F1**

**21 September 2009**

#### **Purpose of meeting**

1. The World Motor Sport Council (“WMSC”) met on 21 September 2009 to consider charges that, at the 2008 Singapore Grand Prix, ING Renault F1 (“Renault F1”), in breach of Articles 151(c) and/or point 2(c) of Chapter IV of Appendix L of the International Sporting Code, and/or in breach of Articles 3.2, 30.3 and/or 39.1 of the Formula One Sporting Regulations, conspired with its driver, Nelson Piquet Junior (“Mr Piquet Jnr”), to cause a deliberate crash at the 2008 Singapore Grand Prix with the aim of causing the deployment of the safety car to the advantage of its other driver, Fernando Alonso.

#### **Background**

2. At the time of the 2008 Singapore Grand Prix, the FIA Formula One Sporting Regulations provided that when the safety car was deployed, drivers were prevented from pitting until all cars had lined up in formation behind the safety car.<sup>1</sup>
3. Prior to the 2008 Singapore Grand Prix, Renault F1’s drivers, Mr Alonso and Mr Piquet Jnr, had amassed 28 and 13 points respectively in the 2008 FIA Formula One World Championship for Drivers, and Renault F1 lay joint fourth with Toyota in the 2008 FIA Formula One World Championship for Constructors on 41 points.
4. Having shown good pace in the practice sessions for the 2008 Singapore Grand Prix, Mr Alonso qualified in 15<sup>th</sup> place on the grid after suffering a fuel pump problem at the start of the second qualifying session. Mr Piquet Jnr qualified 16<sup>th</sup> on the grid.

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<sup>1</sup> This rule has since been changed.

5. Mr Alonso began the race with a very light fuel load (enough for only 14 or 15 laps). This meant that his car would be substantially lighter than most of the rest of the cars during the early laps but that he would have to pit and refuel very early in the race.
6. Renault F1 called Mr Alonso into the pits on lap 12. Mr Alonso's car was refuelled and his tyres changed. Mr Alonso emerged from his pit stop in last place, some distance behind the second-to-last car. Mr Piquet Jnr then crashed on exiting Turn 17 of Lap 14, spreading debris across the track. The crash was considered at the time to have caused a safety risk and the safety car was deployed while the track was cleared. Once the track had been cleared, the majority of the drivers remaining in the race duly entered the pits to refuel. The time taken by those other drivers to stop in the pits meant that Mr Alonso rose up to fifth position in the race, with the only drivers in front of him either on one-stop strategies (and so required to make a long pit stop in the forthcoming laps) or subject to penalties for having pitted whilst the safety car was on the track.
7. After the race, the sequence of events described above, giving rise to such an obvious benefit for Renault F1 and Mr Alonso, had raised suspicion and there was a degree of speculation that Mr Piquet Jnr's crash had been deliberate. Rumours continued to circulate in the weeks that followed the race. Mr Piquet Jnr's father, Nelson Piquet Snr, indicated privately to an FIA official that the crash may have been deliberate, though at that time Mr Piquet Jnr was still under contract with Renault F1 and it was understood that he would not be prepared to make a statement to the FIA. The FIA considered its position and concluded that it did not have sufficient evidence at that time to launch a detailed investigation.

#### **Mr Piquet Jnr's evidence**

8. On 26 July 2009, the FIA was contacted by Nelson Piquet Snr who stated in clear terms that Mr Piquet Jnr had crashed deliberately at the 2008 Singapore Grand Prix and would be prepared to make a statement confirming the circumstances in which this crash occurred, save that he was concerned for his own future if he were to come forward.
9. The FIA considered its position, including that it had no other direct evidence of a deliberate crash, and concluded that the interests of the sport were best served by the truth coming out, even if it meant foregoing the opportunity to take action against one of the perpetrators. It therefore indicated that it was prepared to consider offering Mr Piquet Jnr immunity from individual FIA proceedings under the International Sporting Code in exchange for his full cooperation with an FIA investigation.
10. It was arranged that Mr Piquet Jnr would attend an interview at the FIA's offices in Paris on 30 July 2009. At that interview, Mr Piquet Jnr provided a signed and

sworn statement to the FIA before a *Hussier de Justice* alleging, *inter alia*, the following:

- a. Shortly before the 2008 Singapore Grand Prix on Sunday 28 September, Renault F1 Team Principal, Flavio Briatore, summoned Mr Piquet Jnr to his office where Pat Symonds, Renault F1's Executive Director of Engineering was also in attendance. At that meeting, in the presence of Mr Briatore, Mr Symonds asked Mr Piquet Jnr whether he would be willing to cause the safety car to be deployed in order to benefit his teammate, Mr Alonso. Mr Piquet Jnr submitted that those present at the meeting understood that the request to cause the safety car to be deployed was, in effect, a request to crash his own car deliberately. Due to his fragile state of mind caused by the difficulties he had been experiencing in securing a contract to race for Renault F1 in the 2009 season, and because he thought agreeing to the plan might assist him in securing such a contract, Mr Piquet Jnr agreed.
- b. Shortly after the meeting, Mr Symonds approached Mr Piquet Jnr, showed him a map of the Singapore Grand Prix circuit and told him that he was to crash at Turn 17 on Lap 13/14. Mr Piquet Jnr was informed by Mr Symonds that a crash at this point of the circuit would lead to the deployment of the safety car as the safety equipment and lifting cranes would not be able to access the scene of the accident quickly.
- c. At Turn 17 of Lap 14 of the Singapore Grand Prix, Mr Piquet Jnr deliberately crashed his car, causing the deployment of the safety car. Mr Alonso benefited significantly from his early pit stop and the deployment of the safety car following Mr Piquet Jnr's accident and went on to win the race.

11. Mr Piquet Jnr also stated at the interview on 30 July that the telemetry data would confirm the crash was deliberate because it would show that, having lost control of his car, he continued accelerating whereas a "normal" reaction would have been to lift off the throttle as soon as possible.

12. At the time of Mr Piquet Jnr's allegations, there were rumours suggesting that Renault F1 had exercised an option to terminate Mr Piquet Jnr's contract and that there was, and had been for some time, considerable ill-feeling between the Piquet family and Mr Briatore. Before the matter was taken any further, the FIA President requested that independent support for Mr Piquet Jnr's statement should be sought. As a result, members of the FIA's Technical Department were asked to examine the telemetry data relating to the crash. The Technical Department's preliminary view was that the available data showed unusual features which appeared to lend support to Mr Piquet Jnr's allegations.

13. Mr Piquet Jnr was requested to attend a further interview on 17 August 2009 at which he reviewed the available telemetry data and provided a supplementary

statement indicating that, in his view, the telemetry data clearly supported the position set out in his 30 July 2009 statement that the crash was deliberate. Specifically, Mr Piquet Jnr considered that the telemetry data demonstrated that on the exit to turn 17 on the lap of the crash: (i) he had hit the throttle at Turn 17 on Lap 14 harder and earlier than in the preceding laps; (ii) as a result, his car had suffered significant wheel spin at Turn 17 on Lap 14; (iii) notwithstanding the significant wheel spin, after a very slight reduction in throttle pressure, he had again increased the throttle pressure to 100%; and (iv) he had stayed hard on the throttle long after he had lost control of the car.

14. A formal offer of individual immunity was made to Mr Piquet Jnr on 25 August 2009, conditional on Mr Piquet Jnr's statements being true to the best of his knowledge and belief and conditional on his ongoing and complete cooperation in the FIA's investigations.

### **Stewards' Investigation**

15. The FIA's President requested, pursuant to Article 179(b) of the International Sporting Code ("ISC"), that a meeting of the Stewards of the 2009 Belgian Grand Prix (Lars Österlind, Vassilis Despotopoulos and Yves Bacquelaine) ("Stewards") and the FIA Observer (Herbie Blash) be convened in order to conduct further enquiries into Mr Piquet Jnr's allegations ("Stewards' Investigation") with a view to the preparation by the International Stewards of a report under Article 152 ISC ("Stewards' Report").<sup>2</sup> In carrying out the Stewards' Investigation, and in preparing the Stewards' Report, the Stewards were assisted by the FIA Technical Department and the FIA's external legal advisors, Sidley Austin LLP and the Quest investigations agency.

16. The Stewards reviewed the available information, including Mr Piquet Jnr's statements, a map of the circuit indicating the location of relevant safety equipment, the telemetry data produced by the FIA Technical Department and a video of the crash itself. The Stewards then summoned and interviewed Renault F1 employees considered to be relevant to the Stewards' Investigation on 27 and 28 August 2009, asking them questions in relation to the 2008 Singapore Grand Prix and requesting the provision of relevant documents.

### **Stewards' Report**

17. Over the course of the week commencing 31 August 2009, the Stewards' Report was prepared. The Stewards' Report set out the key evidence derived, inter alia, from Mr Piquet Jnr's statements, the FIA Technical Department's analyses of the telemetry data, the comments made at interview by Renault F1 employees and the additional documentation provided by Renault F1. This Report was delivered to the FIA's President on 4 September 2009.

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<sup>2</sup> The Stewards understand that, due to an unrelated decision of the Stewards of the Hungarian Grand Prix, it had not been clear whether Renault would participate at the European Grand Prix in Valencia in the week commencing 17 August 2009.

18. The Stewards' Report set out excerpts from the transcripts of the interviews conducted with Mr Symonds and Mr Briatore. The most relevant excerpts were as follows:

*"FIA adviser<sup>3</sup>: [In relation to the meeting among Mr Briatore, Mr Symonds and Mr Piquet Jnr on the day of the race – see paragraph 4.1, above.] In your own words Mr Symonds what do you recall being said to Nelson Piquet Jnr at that meeting? This is shortly before the race.*

*Symonds: I don't really remember it.*

*FIA adviser: You don't remember?*

*Symonds: No.*

*FIA adviser: Nelson Piquet Jnr says that he was asked by you to cause a deliberate crash. Is that true?*

*Symonds: Nelson had spoken to me the day before and suggested that. That's all I'd really like to say.*

*[...]*

*FIA adviser: Mr Symonds were you aware that there was going to be a crash at Lap 14?*

*Symonds: I don't want to answer that question.*

*[...]*

*FIA adviser: There is just one thing that I ought to ask you and put it to you so you can think about it at least. Mr Piquet Jnr says that having had the initial meeting with you and Flavio Briatore you then met with him individually with the map of the circuit. Do you remember that?*

*Symonds: I won't answer, rather not answer that. I don't recall it but it sounds like Nelson's talked a lot more about it.*

*FIA adviser: Mr Piquet Jnr also says that at that meeting you pointed out a specific place on the circuit where he was to have the accident and said it was because it was the furthest away from any of the safety or lifting equipment and gave the most likely chance of a safety car being deployed.*

*Symonds: I don't, I don't want to answer that question.*

*[...]*

*FIA adviser: [Referring to the meeting in Mr Briatore's office among Mr Briatore, Mr Symonds and Mr Piquet Jnr, on which see paragraph 2.1, above.] Was it you that did the talking at that meeting Mr Symonds?*

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<sup>3</sup> Questioning was conducted by Ms. Dorothy Cory-Wright of Sidley Austin LLP.

*Symonds: I'm sure it would have been both of us but I don't know for sure. Sorry that's a contradiction. I would imagine it would be both of us that would be normal. Actually probably more often it's Flavio that does the talking himself. I wouldn't necessarily always agree with what he's saying but the majority.*

*FIA adviser: Because just to be absolutely clear here what Nelson Piquet Jnr has said is that at that meeting it was you that asked him to have the crash deliberately?*

*Symonds: I can't answer you.*

*FIA adviser: Can I say that if Mr Symonds you'd been put in the position where you were made to ask Mr Piquet Jnr to crash it's much better, it would be much better for you in the long term to tell these Stewards to hear that today?*

*Symonds: I fully understand that.*

*FIA adviser: Yes.*

*Symonds: I have no intention of lying to you. I have not lied to you but I have reserved my position just a little.*

*FIA adviser: And you're aware that the Stewards may draw conclusions from your unwillingness to assist them in relation to what went on in that meeting?*

*Symonds: I would expect them to. I would absolutely expect that.*

*FIA adviser: I think I haven't got any further questions."*

19. On the basis of the interview with Mr Symonds, the Stewards arrived at the preliminary conclusion that there was indeed a meeting on the Sunday of the 2008 Singapore Grand Prix in the presence of Mr Briatore, which was attended by Mr Symonds and to which Mr Piquet Jnr was summoned. They also considered it reasonable in the circumstances to infer from Mr Symonds' failure to deny the specific allegations: (i) that there was discussion in or around that meeting of a deliberate crash; and (ii) that, at a short meeting thereafter, Mr Symonds had indeed indicated to Mr Piquet Jnr on what lap – and where on the circuit – he should crash in order to ensure that the safety car was deployed to the benefit of Mr Alonso. The Stewards also noted that, had there been no substance to the allegations made by Mr Piquet Jnr and put to Mr Symonds, it would have been straightforward for Mr Symonds to deny them, rather than decline to answer.

20. The Stewards also showed Mr Symonds telemetry data from Mr Alonso's wheel spin at Turn 17 (albeit not from Lap 14) of the Singapore Grand Prix and telemetry data from Mr Piquet Jnr's crash. The following is taken from the section of the interview transcript where the relevant telemetry was discussed:

*“FIA adviser: [...] Mr Alonso also told us that it would be [...] unusual if you feel that you’ve got wheel spin to apply the throttle still at full pressure. That that is likely to exacerbate the problems. Do you agree with that?*

*Symonds: Yes absolutely.*

*FIA adviser: Can we then look please at Mr Piquet Jnr’s telemetry [...] We’ve got two copies. Have you got the other one here Mr Symonds?*

*Symonds: I have yes. Yeah.*

*FIA adviser: I think you’ll anticipate what I’m going to ask you here.*

*Symonds: I think I will.*

*FIA adviser: There’s quite, there’s a more significant wheel spin recorded here. You’ll see what has been marked by the technical department as a rapid increase in throttle pedal.*

*Symonds: Mm mm.*

*FIA adviser: There is on the throttle, there’s a slight releasing of the throttle as the wheels start to spin but when the spin is at its greatest there appears to be a reapplication of the throttle at almost 100%.*

*Symonds: Yes.*

*[...]*

*FIA adviser: I put it to you Mr Symonds that that’s a very unusual piece of telemetry that would suggest that this may have been a deliberate crash?*

*Symonds: I would agree it’s unusual [...]*

*FIA adviser: Would it suggest to you a deliberate crash?*

*Symonds: I’m not sure I’ve ever seen a deliberate crash so I, it’s very unusual data.*

*FIA adviser: Counter-intuitive for a driver to put his foot full on the throttle when he’s in a deep spin like that Mr Symonds?*

*Symonds: It is. Yes when he has that much wheel spin it’s counter-intuitive.”*

21. The Stewards’ Report also set out the following summary of the evidence provided by Mr Briatore at interview.

- a) “Mr Briatore stated that at the time of the 2008 Singapore Grand Prix, Mr Piquet Jnr did not have a contract offer from Renault for the 2009 season. Mr Piquet Jnr’s contract for 2009 was concluded at the Brazilian Grand Prix, on 2 November 2008.
- b) Mr Briatore pointed out repeatedly that Mr Piquet Jnr’s 2009 contract was on terms less advantageous to Mr Piquet Jnr than his 2008 contract.

Specifically, Mr Piquet Jnr had taken a salary cut (from \$1.5 million to \$1 million) and Renault had included a performance clause in the contract providing that Renault would be able to terminate Mr Piquet Jnr's contract in the event that he performed significantly worse than his team-mate Mr Alonso. Mr Briatore considered this evidence to demonstrate that the allegations regarding a deliberate crash must be false. Mr Briatore said that, if Mr Piquet Jnr had done Mr Briatore a favour by crashing deliberately in order to benefit the team, that "favour" would have been rewarded with a more, not less, advantageous contract.

- c) As regards the specific questions that the Stewards were investigating, Mr Briatore responded as follows:
  - (i) he insisted that as far as he was aware, the crash had not been deliberate and had not been part of a plan;
  - (ii) he accepted that a meeting took place on the Sunday of the 2008 Singapore Grand Prix in his office between himself, Mr Symonds and Mr Piquet Jnr;
  - (iii) he denied that there had been any discussion at that meeting of a deliberate crash. Mr Briatore stated that the meeting had been called to encourage Mr Piquet Jnr to focus on the race instead of his recent contract negotiations;
  - (iv) he denied any knowledge of the short follow-up meeting at which Mr Symonds was said to have instructed Mr Piquet Jnr to crash at Turn 17 on Lap 14;
  - (v) he initially denied having discretely said "thank you" to Mr Piquet Jnr after the race, though then suggested that he might have said it "as a joke maybe";
  - (vi) in relation to matters pertaining to race strategy, that he was not involved in deciding race strategy either in general or at the 2008 Singapore Grand Prix.
- d) Mr Briatore's position is perhaps best summed up by the following excerpt from the transcript: "*I never talk with Nelsinho, I never talk about to crashing the car, he's never coming to me tell me 'Flavio Jesus Christ I crash the car, you won the race, can you renew my contract?' You know if somebody do you a favour like that I just you renew the contract."*"

22. Having spoken with Mr Alonso, Mr Symonds, Mr Briatore and a number of other Renault F1 team members, the Stewards considered that at least Mr Piquet Jnr, Mr Symonds and possibly Mr Briatore, were aware of a plan to crash deliberately. Their enquires at that time did not reveal evidence that others at the Renault F1 team were aware of the crash plan.

23. The full text of the Stewards' preliminary conclusions regarding Mr Piquet Jnr's crash at the 2008 Singapore Grand Prix is as follows:

- a) "It was accepted by Renault's Executive Director of Engineering, Pat Symonds, that there was a discussion regarding causing a deliberate crash between him and Mr Piquet Jnr on Saturday 27 September 2008. This admission appears to give substantial support to Mr Piquet Jnr's allegations that the crash was deliberate.
- b) Mr Symonds said that it was Mr Piquet Jnr who first suggested that a deliberate crash could be caused. The Stewards have not been able to put that allegation to Mr Piquet Jnr prior to producing this report. Mr Symonds declined to give any more detail on this subject, either at interview on 27 or on 28 August.
- c) Despite being very responsive throughout the rest of the interview, Mr Symonds declined to answer a number of key questions, for reasons he would not expand upon. The Stewards did not consider it appropriate to seek to compel Mr Symonds to answer these questions after he had declined to do so. However, Mr Symonds was warned that conclusions might be drawn from his refusal to answer the questions. He said that he "*would absolutely expect*" that conclusions would be drawn from his refusal to answer, but stated that he had not lied during his interview.
- d) Taken together: (i) Mr Symonds' admission of the discussion of a deliberate crash prior to the race; (ii) Mr Symonds' refusal to answer questions in relation to the matters discussed at the meeting with Mr Briatore and Mr Piquet Jnr; and (iii) Mr Symonds' refusal to deny that he indicated to Mr Piquet Jnr where and on which lap he ought to crash, have led the Stewards to consider it reasonable, on balance, to conclude that the allegations made by Mr Piquet Jnr are, in large part, true.
- e) In addition, while the Stewards would not have found it to be conclusive if taken alone, the telemetry data relating to Mr Piquet Jnr's crash appears to indicate a counter-intuitive response from Mr Piquet Jnr as he begins to lose control of the car on Turn 17. Rather than lift off the throttle until the wheelspin is corrected, Mr Piquet Jnr reapplys 100% throttle pressure and then keeps his foot down. Even when the level of wheel spin is increasing, Mr Piquet Jnr continues to apply the throttle at 100%. The Stewards agree with the FIA Technical Department that this was a highly unusual approach for a driver on a tight street circuit with a concrete wall to the outside of the corner. On balance, when considered in light of the admission referenced [...] above, the information appears to the Stewards to be suggestive of a deliberate crash and supportive of the allegations made by Mr Piquet Jnr as to how he went about causing the crash.

- f) As regards Mr Briatore, the allegations from Mr Piquet Jnr and both the comments made and refusal to answer questions at interview by Mr Symonds appear to the Stewards to indicate that there may have been some discussion in Mr Briatore's presence of the possibility of causing a deliberate crash to benefit the team. However, in light of Mr Briatore's vehement denial of any knowledge of a plan to crash deliberately, the Stewards do not consider that they are in a position to draw any definitive conclusion regarding Mr Briatore's knowledge or involvement. The Stewards would observe, however: (i) that Mr Briatore's reaction to being told by the Stewards in interview that his Executive Director of Engineering had admitted to discussing a deliberate crash with Mr Piquet Jnr did not appear to be one of shock and/or anger; and (ii) that the letter Mr Briatore sent to the Piquets in relation to allegations of extortion was a strange reaction to such a serious allegation. The more logical response from a position of innocence might have been either to launch an internal investigation or to report the allegations to the FIA and take all necessary steps to confirm they were unfounded, thereby removing the alleged threat of extortion.
- g) As regards Mr Alonso and the other engineers, the Stewards have found no evidence to suggest that they knew anything about any plan to cause a deliberate crash on Lap 14. Renault's strategy was aggressive and somewhat unusual but the Stewards do not conclude that individuals at Renault other than Mr Piquet Jnr, Mr Symonds and possibly Mr Briatore were aware of any crash plan. This position appears to be supported by the documentary and radio communications evidence provided by Renault.
- h) In his statements to the FIA, Mr Piquet Jnr indicated that he requested confirmation of his current lap on several occasions in order to ensure that he crashed on the correct lap. The contention that Mr Piquet Jnr requested confirmation of his current lap is supported by the pit-to-car communications.
- i) The Stewards consider that there is evidence, which, on balance, suggests that Mr Piquet Jnr's crash was deliberate and formed part of a plan aimed at securing a benefit for the team in which at least one senior Renault team member was complicit. Given the seriousness of the allegations and the supporting evidence, the Stewards are of the view that the matter should be referred to a meeting of the World Motor Sport Council for consideration.”

24. In light of the content and preliminary conclusions of the Stewards' Report, the FIA President decided that a meeting of the WMSC should be called at which Renault F1 would be invited to answer the charges set out in paragraph 1, above.

## **Renault F1's Written and Oral Representations**

25. The FIA invited Renault F1 to attend the WMSC meeting on 21 September 2009 and also invited it to provide written submissions by 16 September 2009.
26. On 15 September 2009, Renault F1 wrote to the FIA indicating that it would not contest the charge that at the 2008 Singapore Grand Prix, in breach of Articles 151c and point 2(c) of Chapter IV of Appendix L of the International Sporting Code, and in breach of Articles 3.2, 30.3 and 39.1 of the Formula One Sporting Regulations, it conspired with its driver, Mr Piquet Jnr, to cause a deliberate crash at the 2008 Singapore Grand Prix with the aim of causing the deployment of the safety car to the advantage of its other driver, Mr Alonso. Renault F1 also indicated in its letter of 15 September 2009 that it would announce on 16 September 2009 that Mr Briatore and Mr Symonds were no longer with Renault F1. This announcement was duly made.
27. In its written submissions of 16 September 2009, Renault F1 made a number of points, including: (i) that it did not dispute the charges; (ii) that it agreed with the preliminary conclusions of the Stewards' Report (including that Mr Piquet Jnr, Mr Symonds and possibly Mr Briatore participated in the crash plan conspiracy); (iii) that Mr Symonds and Mr Briatore had now left the team; and (iv) that it would continue to cooperate with the FIA's investigations.
28. There remained, however, a question in relation to the degree of Mr Briatore's involvement in the conspiracy. In particular, Renault F1 did not expressly confirm at that stage that it considered Mr Briatore himself to have participated in the conspiracy. Rather, Renault F1's position was that for sanction purposes "*it does not matter whether it was a 2 or 3 person conspiracy*".
29. The FIA considered that it was imperative to conduct further enquiries in order that all available facts could be presented to the WMSC. The FIA's further enquiries led to an additional set of Renault F1 written submissions dated 17 September 2009. In those additional submissions, Renault F1 referred to the existence of another member of the Renault F1 team ("Witness X") who, although not a conspirator himself, knew of the conspiracy at the time of the 2008 Singapore Grand Prix. Renault F1 stated in its submissions of 17 September 2009 that Witness X had confirmed that Mr Briatore had known of the deliberate crash plan before it had been put into effect.
30. Renault F1 submitted that Witness X was a 'whistleblower' within its team and that if his identity were to be revealed it may discourage other similarly situated persons to come forward in relation to this or other matters. The FIA considered this argument to have some merit, given that Witness X was said not himself to be a conspirator. However, the FIA considered that this argument had to be balanced against the requirements of the FIA's investigation and the requirement to put the full facts before the WMSC. The FIA therefore agreed with Renault F1 that the identity of Witness X would be made known to the FIA's President, and certain of

the FIA's legal advisers only. Renault also agreed to put forward Witness X for interview by one of the FIA's external counsel, Mr Paul Harris. To protect his identity Witness X is not identified in this decision.

31. With Renault's cooperation, Witness X was subjected to detailed interview and examination. The interview established to the satisfaction of the FIA's legal advisers that Renault F1's description of the evidence of Witness X in Renault F1's written submissions of 17 September 2009 was accurate. As a result of the interview, the FIA put a number of additional questions to Renault F1's lawyers. On 19 September 2009, Renault F1 made a third and final set of written submissions. In those submissions, Renault F1 stated as follows:

*"Renault F1 has concluded that the following had knowledge of the conspiracy to cause a safety car: Nelson Piquet Junior, Pat Symonds, Flavio Briatore and [Witness X]. [Witness X] was told of the idea suggested by Nelson Piquet Junior by Mr Symonds, whilst in the presence of Mr Briatore. [Witness X] objected to the idea. He did not know the plan was to be carried into effect until the crash happened. As a result of the evidence, including Mr Piquet's admission, Mr Symond's responses and [Witness X's] evidence, Renault F1 concluded that they and Mr Briatore must have known about the conspiracy."*

32. When the FIA's advisers interviewed Witness X, he expressly confirmed that Mr Briatore was involved in the conspiracy because Witness X had been personally present at a meeting shortly after qualifying on Saturday 27 September 2008 when Mr Symonds had mentioned the possibility of a crash plan to Mr Briatore. The FIA's advisers were confident that Witness X himself played no active role in the conspiracy and that, indeed, he had objected to it and sought to distance himself from it.
33. In its oral submissions at the WMSC meeting on 21 September 2009, Renault F1 noted that it was a serious matter for it to conclude that Mr Briatore was involved in the conspiracy but considered that the evidence available to it admitted of no other conclusion.

### **WMSC's Assessment**

34. In light of Renault F1's express admissions and having considered the evidence, including the results of the exhaustive investigations carried out by the FIA itself, the WMSC concludes that there can be no doubt that a conspiracy occurred.
35. The WMSC notes that it has never before considered charges as serious as those now before it, in that they relate not only to an intentional breach of the rules in an attempt to gain a sporting advantage, but also an intentional breach involving grave and obvious safety risks to spectators, officials and other competitors as well as to the participants themselves.

36. Such activities not only violate the very essence of sporting fairness but also demonstrate a total disregard for the safety of others. As guardians of the sport the FIA must look upon these matters with the utmost gravity. In the absence of mitigating factors, the perpetrators of such offences have no place in international motorsport.

### **The participation of Renault F1**

37. Article 123 of the International Sporting Code provides that teams are responsible for the acts or omissions of their team members.
38. In light of the above, Renault F1 has, quite rightly in the WMSC's view, admitted the charges against it.
39. Having conducted its own exhaustive investigation, the WMSC accepts Renault F1's submission that only Mr Briatore, Mr Symonds and Mr Piquet participated in the conspiracy.
40. There is no evidence that anyone else within the team had knowledge of the conspiracy, apart from Witness X. As the conspiracy involved the two most senior people at the team and as Witness X learned of the conspiracy from these individuals directly, there was no-one else within the team to whom Witness X could usefully have reported his knowledge.
41. The WMSC considers that the evidence indicates that this was a secret conspiracy, kept from the remainder of the team and executed by three individuals who were acting far outside their authority and, arguably, contrary to the interests of Renault F1. No other member of the team was involved in the conspiracy or (with the exception of Witness X) had any knowledge of it. Therefore, no other member of the team apart from those directly involved can fairly be singled out for individual criticism. It appears that Renault F1 had policies in place, including internal whistleblower policies, which would normally have prevented the occurrence of these events. These policies were not effective in this case because the very people to whom the events would have been reported under those policies, had anybody known, were themselves conspirators. In these circumstances, it would be difficult to conclude that other members of the Renault F1 team *ought* to have known and acted differently.
42. The WMSC is furthermore persuaded that the Renault F1 Team reacted responsibly once allegations of an intentional crash came to light. It accepted, at the earliest practicable opportunity, that it had committed the offences with which it was charged and cooperated fully with the FIA's investigation. It confirmed that Mr Briatore and Mr Symonds were involved in the conspiracy. It ensured that both Mr Briatore and Mr Symonds left the team (Mr Piquet Jnr had already left). It apologised unreservedly to the FIA and to the sport for the harm caused

by its actions. It committed to paying the costs incurred by the FIA in its investigation.

43. The WMSC also acknowledges that the parent company of the Renault F1 Team, Renault itself has committed to making a significant contribution to FIA safety-related projects.
44. All of these factors together lead the WMSC to conclude that Renault F1 is guilty of the offences with which it is charged but also that there are mitigating factors which the WMSC must take into account in reaching its decision on penalty.

### **The participation of Mr Briatore**

45. The WMSC notes the following with regard to the participation of Mr Briatore.
46. First, the WMSC considers that the preponderance of evidence clearly establishes Mr Briatore's participation in the conspiracy. Mr Piquet Jnr has given direct and extensive first-hand evidence of Mr Briatore's involvement. Having considered this evidence and having heard from Mr Piquet Jnr directly when he appeared before it on 21 September 2009, the WMSC accepts this evidence. Witness X has also directly stated that he was present when Mr Briatore discussed the plan with Mr Symonds on the day before the race. Mr Symonds has confirmed in interview that a meeting took place between him, Mr Briatore and Mr Piquet Jnr at which a deliberate crash was discussed. Mr Symonds has not disputed any aspect of Witness X's account and has confirmed his own participation in the same conspiracy. Renault F1 has itself confirmed in clear terms that it considers Mr Briatore was directly and personally involved.
47. Mr Briatore was invited to attend the meeting of the WMSC of 21 September 2009 but declined to do so, instead arguing in a letter from his lawyer that he is not a licence holder and is not required to account to the FIA.
48. Mr Briatore has repeatedly insisted that he had no knowledge of the affair. However, in light of the overwhelming evidence, the WMSC cannot accept the account that Mr Briatore has offered. The WMSC finds as a matter of fact that Mr Briatore was directly involved in the conspiracy.
49. The WMSC notes that it is immaterial for these purposes whether Mr Briatore personally directed the details of the conspiracy or whether it was directed by Mr Symonds. The evidence strongly indicates that Mr Briatore was personally and directly involved in the planning of the conspiracy. However, even if he had merely failed to intervene when Mr Symonds and Mr Piquet Jnr were planning a deliberate crash in a meeting, especially in a meeting which was called by Mr Briatore and at which only Mr Briatore, Mr Symonds and Mr Piquet Jnr were present (which the WMSC in any case does not accept was the full extent of his

involvement), Mr Briatore's role as Team Principal would render him just as responsible for the breach.

50. The WMSC notes that Mr Briatore held the position of highest responsibility within the team. All employees relied on him for guidance and judgment. The Team Principal is also the main interface between a team and the FIA. It is particularly regrettable that Mr Briatore has not been more forthcoming in this affair and that he continues to deny his involvement.
51. Finally, Mr Briatore was Mr Piquet Jnr's manager. Not only did he hold a responsibility to the team, he had a responsibility to guide and assist Mr Piquet Jnr in his career and to offer advice as needed. The WMSC regard it to be unsatisfactory that any Team Principal should manage any driver as it can lead to the kinds of conflicts of interests that plainly arose here. In this case Mr Briatore manifestly did not guide Mr Piquet Jnr appropriately and indeed allowed and seemingly encouraged him to engage in potentially ruinous and life-threatening activities.
52. Taken together, the above factors, and the complete absence of any mitigating factors, lead the WMSC to conclude that Mr Briatore is not a person suitable to participate in any way in any motorsport activities under the FIA's control.

### **The participation of Mr Symonds**

53. On review of the Stewards' Report, the WMSC considered it highly likely that Mr Symonds had participated directly in the conspiracy. Since the date of the Stewards' Report, Witness X, the Renault F1 team and Mr Symonds himself have all confirmed his participation in the conspiracy. The WMSC therefore finds as a matter of fact that he did participate as a conspirator.
54. Mr Symonds is an experienced engineer, formerly in good standing with the FIA. His experience and leadership role within the Renault F1 Team and his work in devising and executing many of Renault F1's safety policies makes his behaviour in this matter all the more inexcusable.
55. The WMSC notes that, in contrast to Mr Briatore, when faced with allegations of his involvement Mr Symonds preferred to decline to answer questions rather than advance a deliberate falsehood. The possibility of immunity in exchange for cooperation was raised with Mr Symonds during his interviews at the Belgian Grand Prix while the FIA was in the early stages of gathering relevant facts. However, Mr Symonds declined to advance the necessary evidence and no immunity was granted.
56. Mr Symonds was invited to the WMSC meeting of 21 September 2009 to give an account of his actions. Although he declined to attend, Mr Symonds did write to the members of the WMSC on 20 September 2009 confirming unequivocally his

involvement in the conspiracy and expressing his regret. The following is an extract from Mr Symonds' letter:

*"In mitigation I would like to acknowledge my role in this incident. I was the one who, when the idea was first suggested to me by Nelson Piquet Jr., should have dismissed it immediately. It is to my eternal regret and shame that I did not do so. I can only say that I did it out of a misguided devotion to my team and not for any personal gain whatsoever. I consider the role I have played in bringing the team to where it is today to be my life's work. I started the nucleus of the team 28 years ago with only 19 other people. Today it has grown to an organisation that directly employs over 500 people and supports innumerable local and international businesses. The last thing that I ever wanted to do was to jeopardise that team and the many people to whom I had an overwhelming responsibility. In a single action I have destroyed the high reputation I have built up during a 33 year career in motor sport. I am a competitive person who worked in a high pressure environment. This can, at times, cloud one's judgement. I have always tried to be an honest person, a fact I hope you will give me credit for by witness of my statements to the stewards in Belgium. On that night in Singapore last year I made a mistake the consequences of which I could never have imagined at the time. For that mistake I can only offer all of you, and all those touched by the action I was involved in, my profound apology."*

57. Although his acknowledgement of his participation came after the FIA was already in a position to establish his role in the conspiracy, the WMSC considers that his actions in coming forward were a genuine admission and signal of cooperation and contrition and that they should be acknowledged as such.
58. In the WMSC's view, Mr Symonds' actions at the 2008 Singapore Grand Prix would, in the absence of any mitigating factors, render it inappropriate for him to have any continuing role in the sport. However, the WMSC recognises that some mitigating factors arise in Mr Symonds' case.

### **The participation of Mr Piquet Jnr**

59. The WMSC considers it clear from Mr Piquet Jnr's own evidence that he participated in the crash plan. There is significant corroboration for Mr Piquet Jnr's central allegation that the crash was deliberate, including: (i) Mr Symonds' comments at interview on 27 August 2009; (ii) Mr Symonds' admissions in the context of Renault F1's internal investigation and in his letter to the WMSC dated 20 September 2009; (iii) Witness X's account of the discussions between Mr Briatore and Mr Symonds; (iv) the telemetry data produced by the FIA Technical Department, and (v) Mr Piquet Jnr's evidence to the WMSC on 21 September 2009.
60. Mr Piquet Jnr has submitted that he participated in the crash plan due to (i) his fragile state of mind caused by the difficulties he had been experiencing in

securing a contract to race for Renault F1 in the 2009 season; (ii) because he thought agreeing to the plan might assist him in securing such a contract, Mr Piquet Jnr; (iii) because Mr Briatore was his manager; (iv) because Mr Briatore was the Team Principal, and (v) because Mr Briatore and Mr Symonds were both very experienced, senior figures in Formula 1.

61. In his statements, Mr Piquet Jnr claims that the crash plan was first put to him by Mr Symonds and Mr Briatore at a meeting on the Sunday afternoon immediately prior to the 2008 Singapore Grand Prix. Mr Piquet Jnr repeated that same version of events before the WMSC. Mr Symonds claimed both at interview and in his letter of 20 September 2009 to the WMSC that Mr Piquet Jnr had made the initial suggestion of the crash plan to Mr Symonds. The WMSC has thus received differing accounts of which party had the original idea to stage a deliberate crash, but does not consider it necessary to reach a formal conclusion on who first proposed the idea. This is, in the WMSC's view, immaterial as the breaches of the International Sporting Code and the Formula One Sporting Regulations arise from the execution of the crash plan itself.

62. Mr Piquet Jnr was informally advised before making his statement on 30 July 2009 that he would benefit from immunity from individual sanction in the event that he cooperated fully with the FIA's investigation and gave a detailed account that was true to the best of his knowledge and belief. This conditional offer of immunity was formalised in a letter dated 25 August 2009 from the FIA President to Mr Piquet Jnr. The WMSC considers in this instance that Mr Piquet Jnr has complied with the conditions attached to the offer of immunity and should therefore be exempt from individual FIA sanctions under the International Sporting Code. The WMSC also considers that, as a matter of policy, those in a position to inform the FIA of serious breaches of its rules should be encouraged to come forward with all relevant evidence and that, in order to secure this aim, Mr Piquet Jnr should be afforded the immunity initially offered to him.

63. The WMSC notes, however, that by conspiring with Mr Briatore and Mr Symonds to effect the crash plan, Mr Piquet Jnr showed a shameful disregard for the safety of spectators, officials and his fellow competitors and his actions are worthy of the heaviest censure. While the WMSC accepts that Mr Piquet Jnr appears to have been subject to unfavourable treatment at the hands of his team principal and manager, Mr Briatore, the WMSC must note, nonetheless (as Mr Piquet Jnr accepted in his submissions to the WMSC), that he could have - and should have - refused to carry out the crash plan.

### **The role of Mr Alonso**

64. In light of Mr Alonso's experience as a racing driver, it was widely rumoured that Mr Alonso must have known of the crash plan. It was alleged by commentators (though not by Mr Piquet Jnr, Mr Symonds, Mr Briatore or any current Renault employee), that the strategy for Mr Alonso's car (of fuelling light from the back of

the grid on a street circuit) was so unusual that he would have been bound to have questioned the strategy and only accepted it if he had been told in advance about the crash plan.

65. Mr Alonso was invited to appear at the WMSC meeting of 21 September 2009 for two main reasons. First, at the time of the investigation, the FIA's investigations were continuing (particularly with regard to Witness X). As such, it was not clear whether any additional allegations would be made regarding Mr Alonso. Second, the FIA considered that, in light of the nature of the rumours regarding Mr Alonso's state of knowledge regarding the conspiracy, it would be of assistance to the WMSC and Mr Alonso for him to appear and answer any questions the WMSC may have.
66. Consistent with his remarks at interview on 27 August 2009, Mr Alonso denied having had any knowledge of the crash plan. The WMSC has not been presented with any evidence whatsoever suggesting that Mr Alonso knew of the crash plan or knowingly assisted in its execution and the WMSC accepts Mr Alonso's evidence.

## **Decision**

67. For the foregoing reasons, the WMSC finds that Renault F1 team members Flavio Briatore, Pat Symonds and Nelson Piquet Jnr conspired to cause a deliberate crash at the 2008 Singapore Grand Prix. The WMSC therefore finds Renault F1, which, under Article 123 of the International Sporting Code, is responsible for the actions of its employees, in breach of Articles 151(c) and point 2(c) of Chapter IV of Appendix L of the Code, and Articles 3.2, 30.3 and 39.1 of the Formula One Sporting Regulations.
68. The WMSC considers Renault F1's breaches relating to the 2008 Singapore Grand Prix to be of unparalleled severity. Renault F1's breaches not only compromised the integrity of the sport but also endangered the lives of spectators, officials, other competitors and Nelson Piquet Jnr himself. The WMSC considers that offences of this severity merit permanent disqualification from the FIA Formula One World Championship. However, having regard to the points in mitigation mentioned above and in particular the steps taken by Renault F1 to identify and address the failings within its team and condemn the actions of the individuals involved, the WMSC has decided to suspend Renault F1's disqualification until the end of the 2011 season. The WMSC will only activate this disqualification if Renault F1 is found guilty of a comparable breach during that time.
69. In addition the WMSC notes Renault F1's apology and agrees that the team should pay the costs of the FIA's investigation. It also accepts the offer of a significant contribution (from Renault F1's parent company, Renault) to the FIA's safety work.

70. As regards Mr Briatore, the WMSC declares that, for an unlimited period, the FIA does not intend to sanction any International Event, Championship, Cup, Trophy, Challenge or Series involving Mr Briatore in any capacity whatsoever, or grant any license to any Team or other entity engaging Mr Briatore in any capacity whatsoever. It also hereby instructs all officials present at FIA-sanctioned events not to permit Mr Briatore access to any areas under the FIA's jurisdiction. Furthermore, it does not intend to grant or renew any Superlicence granted to any driver who is associated (through a management contract or otherwise) with Mr Briatore, or any entity or individual associated with Mr Briatore. In determining that such instructions should be applicable for an unlimited period, the WMSC has had regard not only to the severity of the breach in which Mr Briatore was complicit but also to his actions in continuing to deny his participation in the breach despite all the evidence.
71. As regards Mr Symonds, the WMSC declares that, for a period of five years, the FIA does not intend to sanction any International Event, Championship, Cup, Trophy, Challenge or Series involving Mr Symonds in any capacity whatsoever, or grant any license to any Team or other entity engaging Mr Symonds in any capacity whatsoever. It hereby instructs, for a period of five years, all officials present at FIA-sanctioned events not to permit Mr Symonds access to any areas under the FIA's jurisdiction. In determining that such instructions should be effective for a period of five years the WMSC has had regard: (i) to Mr Symonds' admission that he took part in the conspiracy; and (ii) to his communication to the meeting of the WMSC that it was to his "eternal regret and shame" that he participated in the conspiracy.
72. As regards Mr Piquet Jnr, the WMSC confirms the immunity from individual sanctions under the International Sporting Code in relation to this incident, which the FIA had granted to him in exchange for volunteering his evidence.
73. As regards Mr Alonso, the WMSC thanks him for cooperating with the FIA's enquiries and for attending the meeting, and concludes that Mr Alonso was not in any way involved in Renault F1's breach of the regulations.
74. Renault F1 is reminded of its right of appeal. In the event that an appeal is lodged with the FIA International Court of Appeal ("ICA"), the effect of this Decision will not be suspended pending the outcome of that appeal.
75. Mr Briatore and Mr Symonds are not formal addressees of this decision, although it may have effects upon them. If either Mr Briatore or Mr Symonds wishes to appeal, the FIA President has confirmed to the WMSC that he will avail of his powers of referral (as set out in Article 1 of the ICA Rules of Procedure) to request the ICA to conduct a full review of this decision as it relates to each them, provided that they notify the FIA President of such intention to appeal within 14

calendar days of the date of this decision and submit to the jurisdiction of the ICA.

Signed:

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Max Mosley  
FIA President  
**Paris, 21 September 2009**