
Date: 28.09.2024 **Time:** 23:40 hrs
Subject: STEWARDS DECISION No. 7 **Document No:** 2.9

From: The Stewards

To: The Competitor TOKSPORT WRT of Car No. 20
Crew OLIVER SOLBERG / ELLIOTT EDMONDSON

All Competitors / crew members

PROTEST lodged by

The Competitor, TOKSPORT WRT of Car No. 20

Against

The Provisional Classification of RALLY CHILE BIOBÍO 2024

Procedure:

1. At 18:35 hrs on Sunday 29th September 2024, the Stewards received from the Clerk of the Course a protest handed to him by the Competitor of Car No. 20. The letter containing the protest was addressed to "The Clerk of the Course & Chairperson of the Stewards".
2. A cash deposit of US \$1150 was paid to the Chairperson of the Stewards at 19:03 hrs by the Protester's Team Manager.
3. The Protester's letter states "*... we would like to kindly ask the clerk of the course and the chairman of the stewards the re-evaluate the incident involving both competitors at Stage 11 when crew #20 received a puncture and had to change the rear right wheel at the stage. ...*"
4. The Concerned Parties were determined to be:
 - a. Competitor DG SPORT COMPETITION of Car No. 21
 - b. The Clerk of the Course.
5. The Protester and Concerned Parties were summoned.
6. All parties were heard together by the Stewards.

Parties present at the Hearing:

7. The hearing was held on Sunday 29th September 2024 at 20:00 hrs in the Stewards' Room with all Stewards present. Mr. Mazen Al-Hilli was participating remotely on video conference.

The hearing was also attended by Ms. Yvonne Gilli, FIA WRC Stewards Secretary.

8. The following persons were present at the hearing:

On behalf of Competitor TOKSPORT WRT ("Protester"):

Oguzhan Ilaslan
Eric Mommey

Team Manager
Rally Technical Chief

On behalf of Competitor DG SPORT COMPETITION:

Barbassat Coralie	Team Coordinator
Brenton Thomas	Engineer
Chevallereau Jeremy	Engineer

On behalf of the Organisers:

Kurt Horta	Clerk of the Course
------------	---------------------

9. No objections were raised against the composition of the Stewards panel.
10. At the hearing the parties were referred to the letter containing the protest.
11. None of the parties submitted further evidence nor initiated the hearing of additional persons or asked to conduct further investigations.

On the Admissibility:

12. The Stewards examined the admissibility of the protest.
13. The protest was lodged with the Stewards in due time, in accordance with Art. 13.3 of the 2024 FIA International Sporting Code.
14. The protest was lodged by a single competitor against an alleged error, irregularity or breach of the regulations as stipulated in the 2024 FIA International Sporting Code Art. 13.2.
15. The Stewards asked the Protester to clarify what is the purpose of the protest. Specifically, the Stewards asked whether the Protester wanted the Stewards to re-open the 'case' of the allocation of a new time to Car No. 21 on SS11 (Stewards' Decision No. 5) and receive further evidence and make a further decision. Mr. Ilaslan confirmed that this is what the Protester intended to happen at this hearing.
16. The Stewards noted that the Protester had already given a notice of an intention to appeal against Stewards Decision No. 5 and asked the Protester to explain how the Stewards have authority to conduct a review of a Stewards' decision through a protest under Article 13 of the International Sporting Code when that decision was already the subject of an appeal.
17. Mr. Mommey stated that there is a precedent, specifically in Decisions No. 2 & No. 3 by the Stewards of Rally De Portugal 2015. The Stewards' Secretary located a copy of those decisions and provided them to the Stewards. The Stewards noted that those decisions (Decision No. 3) involved the exercise of the then Right of Review provisions in the FIA International Sporting Code (FIA ISC), and not the protest provisions. The Stewards explained that the Right of Review is a different jurisdictional process provided for under the FIA ISC.
18. The protest was not accompanied by a protest deposit of €1000 (as stipulated in Art. 13.4.2 of the 2024 FIA International Sporting Code, Art. 65.2 of the 2024 FIA WRC Sporting Regulations and in Art. 15.2 of the event Supplementary Regulations); instead, an amount of US \$1150 was paid by the Protester.
19. The deposit was not received by the Stewards with the letter of protest (though it referred to it). It was received later at 19:03 hrs (after 30 minutes from the time of publication of the Provisional Classification).

20. The Clerk of the Course confirmed that when he was approached by Mr. Ilaslan with the letter of protest (at 18:35 hrs), he saw that the Team Manager had in his possession an envelope, which he did not accept. He simply took the letter of protest from Mr. Ilaslan and not the deposit. Mr. Ilaslan informed the Stewards that the envelope the Clerk of the Course saw was the same envelope containing the cash deposit which was later handed to the Chairperson of the Stewards.

After the hearing was closed by the Chairperson at 20:38 hrs, the Stewards took the following decision after due deliberation.

Decision:

- 1. The protest is inadmissible.**
- 2. The protest is rejected.**
- 3. The protest deposit NOT to be returned to the Protester.**

Reasons

1. The Protest, as clarified and confirmed by the Protester in the hearing, seeks to reopen a Stewards' decision, to present further evidence by the Protester and then call for the Stewards to make a new decision about the same subject matter. Under the FIA International Sporting Code, it is not permissible for the Stewards to review/re-hear their decisions through a protest.
2. Moreover, the Protester has given notice of an intention to appeal against Stewards Decision No. 5. As such that decision is now subject to a review and determination by a higher court (namely the International Court of Appeal) and thus the subject (i.e. matters relating to Stewards Decision No. 5) no longer fall within the remit of this current panel's judicial jurisdiction.
3. The Stewards conclude that the protest is inadmissible and likely the incorrect judicial process that the Competitor should undertake.
4. Article 13.10.1 of the 2024 FIA International Sporting Code provides that if a protest is rejected then no part of the deposit shall be returned.

Competitors are reminded that they have the right to appeal certain decisions of the Stewards, in accordance with Article 15 of the 2024 FIA International Sporting Code and Chapter 4 of the FIA Judicial and Disciplinary Rules.



Chris McMahon
The Stewards



Mazen Al-Hilli



Gonzalo Concha

RE: STEWARDS DECISION No. 7 – RALLY CHILE BIOBÍO 2024

This decision was notified to the Competitor's officially nominated representative as below:

<i>Name (in block letters):</i>	OGUZHAN ILASLAN	<i>Date:</i>	29.09.2024
<i>Position within the team:</i>	TEAM MANAGER	<i>Time:</i>	23:48

<i>Name (in block letters):</i>	CORALIE BARBASSAT	<i>Date:</i>	29.09.2024
<i>Position within the team:</i>	TEAM COORDINATOR	<i>Time:</i>	23:48

Published on the Organiser's Digital Notice Board on 29.9.2024 at 23:58 hrs.