
Date: 17.10.2024 **Time:** 17:45 hrs (CET)
Subject: STEWARDS DECISION No. 9 **Document No:** 2.11

From: The Stewards
To: The Competitor DG SPORT COMPETITION of Car No. 21
Crew YOHAN ROSSEL / FLORIAN BARRAL

The FIA Road Sport Director

All Competitors / crew members

The Stewards, having decided to re-examine the facts surrounding their granting Car No. 21 a new time on SS11 (Lota 2) pursuant to Article 14.1.1 of the 2024 FIA International Sporting Code, and after summoning and hearing the concerned parties, have determined the following:

1. Background:

- 1.1. SS11 (Lota 2) of Rally Chile BioBío 2024 was conducted on Saturday 28 September 2024. The stage was affected by adverse weather conditions and stopped before all cars had completed the stage. However, Cars No. 20, 21 and 23 (among others) had completed the stage under competitive conditions.
- 1.2. An incident occurred at 9km into the stage where Car No. 20 stopped, and its Crew got out of the car to change a tyre. The Crew then returned to the car and proceeded to rejoin the stage. As Car No. 20 was rejoining, Car No. 21 was approaching this point in the stage. Both cars were in close proximity.
- 1.3. The Competitor of Car No. 21 requested a new time for SS11 (Lota 2) from the Clerk of the Course. In their request to the Clerk of the Course, the Competitor of Car No. 21 claimed:

“Our crew #21 Y. ROSSEL was behind them, in the dust of Solberg, with no visibility, and lost lot a considerable amount of time”
- 1.4. At 19:05hrs on 28 September 2024, the Clerk of the Course sent his Report No. 5 to the Stewards. Attached to the report was the request received from the Competitor of Car No. 21. In his report, the Clerk of the Course stated:

“My investigation on the split times suggests that this competitor indeed has suffered time loss of approximately 45 seconds on SS 11 driving behind car No. 20 which has stopped to change a flat tyre and had restarted right in front of car No. 21.”

The Clerk of the Course requested the Stewards to consider the matter.

- 1.5. At 21:40hrs on 28 September 2024, the Stewards decided to grant the Competitor of Car No. 21 a new time on SS11 (Lota 2) of 17.02.5. The effect of the decision was to reduce Car No. 21's actual time on SS11 (Lota 2) by 40 seconds.
- 1.6. On 28 September 2024, the Competitor TOKSPORT WRT of Car No. 20 gave a notice of intention to appeal Stewards Decision No. 5. This appeal is yet to be heard by the FIA International Court of Appeal.

- 1.7. On 29 September 2024, Competitor TOKSPORT WRT of Car No. 20 filed a Protest against the Provisional Classification of RALLY CHILE BIOBÍO 2024.
- 1.8. The Stewards rejected the Protest of Competitor TOKSPORT WRT of Car No. 20 and found it to be inadmissible because it was clarified and confirmed by that Competitor, at the hearing, to be a reopening of Stewards' Decision No. 5, which was then already subject to a review and determination by a higher court (namely the FIA International Court of Appeal) and thus the subject (i.e. matters relating to Stewards Decision No. 5) no longer fell within the remit of the panel's judicial jurisdiction.
- 1.9. At 18:58hrs (CET) on 3 October 2024, the FIA petitioned the Stewards to re-examine their decision because of the discovery of a significant and relevant new element. Article 14.1.1 of the FIA International Sporting Code permits this to occur.
- 1.10. At 15:45hrs (CET) on 11 October 2024, the Stewards heard the FIA's petition and decided (Stewards Decision No. 8) that there is a significant and relevant new element which was unavailable to the parties seeking the review at the time of the decision concerned.
- 1.11. The Stewards issued a summons to the Competitor of Car No. 21 and a representative of the FIA to attend a hearing to re-examine the facts surrounding their decision to grant Car No. 21 a new time on SS11 (Lota 2).

2. Parties present at the Hearing:

- 2.1. The hearing was held on Wednesday, 16th October 2024 at 13:00 hrs (CET) with all Stewards present participating remotely on video conference.

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

- 2.2. The following persons were present at the hearing (also participating remotely on video conference):

On behalf of Competitor DG SPORT COMPETITION of Car No. 21:

Coralie BARBASSAT – Team Coordinator
Didier CLEMENT – Head of Customer Racing Promotion
Thomas BRETON - Engineer

On behalf of the FIA:

Andrew WHEATLEY - FIA Road Sport Director
Marina DUNACH – FIA Category Manager - WRC
Timo RAUTIAINEN - FIA Sporting Delegate

- 2.3. No objections were raised against the composition of the Stewards panel.
- 2.4. At the hearing the parties referred to the following documents previously submitted:
 - a) DG Sport Competition Request on 28 September for allocation of a new time for Car 21 on SS11 (Lota 2).
 - b) Stewards Decision No. 5 (granting Car No. 21 a new time on SS11).
 - c) Stewards Decision No. 8 (granting the FIA's Petition for a review of Stewards Decision No. 5).

2.5. The parties submitted the following information during the hearing:

- a) The FIA: Analysis of Car 21 and Car 23 on SS11 including GPS data and on-board videos.
- b) Competitor of Car No 21: Analysis of Car 21 and Car 23 on SS11 including car telemetry and on-board videos.

3. Hearing:

The parties made the following submissions to the Stewards:

3.1. FIA's submissions:

- 3.1.1.** Following the receipt of the Competitor of Car No 21's request for a new time for SS11, the Clerk of the Course adopted the usual procedure to investigate the request. This included reviewing the evidence then available. The split times for SS11 confirmed that Car No. 21 had been delayed in the stage and it appeared a new time was justified. A report was forwarded to the Stewards for their consideration.
- 3.1.2.** On the following day (the day after Stewards' Decision No. 5 had been made) the FIA Sporting Delegate obtained access to more specific data as well as on-board footage that was not available at the time the Stewards made their decision. This information allowed him to better understand the conditions on the stage that existed at the time of the incident.
- 3.1.3.** The information seen by the FIA Sporting Delegate made him concerned that the Stewards' decision to give the new time to Car No. 21 did not capture the correct picture of the conditions in comparison to the performance of other Rally2 competitors on the stage.
- 3.1.4.** The FIA discussed the matter internally and decided that it was appropriate to petition the Stewards for a review of Stewards' Decision No. 5 under the provisions of Article 14.1.1 of the 2024 FIA International Sporting Code.
- 3.1.5.** The FIA presented a comparison of the stage times on SS11 of Car No. 20, Car No. 21 and Car No. 23 as well as videos from these cars as well as GPS tracking data (for Cars No. 20 and No. 21).
- 3.1.6.** The FIA submitted that this evidence establishes that there was no dust in the relevant section of the stage (between 9km and 12.5km), that the visibility was the same for all 3 cars in that section of the stage and that Car No. 21 was performing at a slower pace than both Car No. 20 and Car No. 23.
- 3.1.7.** The FIA submitted that Car No. 21 should not have its time for SS11 Lota 2 corrected in those circumstances and requested the Stewards to reverse their earlier decision.
- 3.1.8.** The FIA stated that had all this information been available at the time the Clerk of the Course was investigating the request from the Competitor of Car No. 21, the submission to the Stewards at the time would not have supported the request for a new time to be allocated to Car No. 21.

3.2. Competitor of Car No. 21's submissions

- 3.2.1.** The Competitor shared their analysis of telemetry and data logs from both Car No. 21 and Car No. 23.
- 3.2.2.** The Competitor also showed stills screenshots and videos from Car No. 21 which depicted the visibility for the Crew at the relevant time.
- 3.2.3.** It is to be noted from video footage that the brake lights on Car No. 20 were seen. The Competitor said their Crew saw and reacted to that.
- 3.2.4.** Based on the onboard camera footage, technical data, and the arguments presented by the Competitor of Car No. 21, the Crew slowed down primarily for safety reasons because they were unaware that Car No. 20 had to change a tyre. The Crew of Car No. 21 believed they were catching up to Car No. 20 due to it having a technical issue (or another problem). The Crew of Car No. 21 were pre-empting Car No. 20 stopping suddenly or a consequential potential hazard. Given the poor visibility caused by dense fog, they did not want to risk a collision and therefore reduced their speed.
- 3.2.5.** This slowdown was limited to the section where these adverse weather conditions prevailed. Once visibility improved and the Crew could see there was no obstacle ahead - as Car No. 20 had pulled away - they resumed their normal racing speed. These factors support Car No. 21's decision to slow down on safety grounds.
- 3.2.6.** The in-car audio from Car No. 21 of the Crew (speaking in French). A voice, believed to be of the Driver, is heard saying, "press on the thing" (twice). The Competitor says this was a reference to the push to pass button on the FIA Safety Tracking System. The same voice is heard to say, "we do not see the guy".
- 3.2.7.** The Competitor accepted that dust may not have been a predominant factor for Car No. 21's delay in the stage but made the point that the Crew's visibility was impaired by the adverse conditions (fog). The Competitor indicated that, in their opinion, it is difficult for the Driver to judge between fog and dust or a combination of both.
- 3.2.8.** The Crew of Car No. 21 did not know at the time of the incident what had happened to Car No. 20 and the reason why they had caught them on the stage. The Crew of Car No. 21 was concerned that there could have been a collision when they could not see Car No. 20 as they progressed in the stage, so they reduced their speed for about 3 minutes 26 seconds, before picking up speed again when the conditions allowed it.
- 3.2.9.** The Competitor was aware of the procedure to request a corrected time and believed that if a request was made, then it would be treated fairly by the Stewards.
- 3.2.10.** The Competitor believed that the true lost time was greater than allowed in Steward Decision No. 5 but accepted that the new time was reasonable in the circumstances.
- 3.2.11.** The Competitor provided further commentary to illustrate that, based on the outcome of Stewards' Decision No. 5, the Team did not change their strategy for the balance of the Rally.

4. Decision:

- 4.1.** The FIA's petition for the Stewards to re-examine the time allocated for Car No 21 on SS11 (Lota 2) is dismissed.

4.2. Stewards' Decision No. 5 remains in place, unaltered.

4.3. Pursuant to Article 10.1.1.a.d of the 2024 FIA Judicial and Disciplinary Rules, the time limit for the notification of the intention to appeal this Decision is extended for 12 hours from the time of publication of this Decision.

5. Reasons

5.1. The FIA have presented solid data that demonstrates that the performance of Car No. 21 was not affected directly due to dust or an act of impeding/baulking by the car ahead (Car No. 20). They have clearly laid down facts that there was no delay due to a "racing incident". The Stewards therefore deem that no racing incident directly impacted Car No. 21. However, the Stewards believe that there are other factors to consider in this case.

5.2. In making this decision and within deliberations, the Stewards take special consideration of the challenging and adverse weather conditions (dense fog and limited/poor visibility) that Cars Nos. 20, 21 and 23 (nonetheless) had to navigate through the stage especially through 9km and 12.5km. The Stewards also take note that the stage was ultimately stopped/red-flagged (COC Notification No. 3) during the passage of Car No. 27.

5.3. The Stewards believe that assessing safety during a competition cannot be accomplished through viewing video footage or GPS data (solely) and without fully considering external factors such as the adverse weather conditions.

5.4. Judgment of safety primarily falls upon those who are in the vehicle (the crew), those who have direct and immediate experience of the situation, and those who have a primary duty of observing the safety aspects of the event (i.e. Safety Delegates).

5.5. In light of these safety concerns, an external assessment based solely on video review may not fully capture the real-time safety decisions (or the lack of) made by the crew. It remains the crew's duty to act responsibly and take all reasonable measures to ensure safety. Neglecting this duty will lead to strict scrutiny and possible penalties, as provided for by the FIA's regulations.

5.6. It is important to emphasize that if a crew fails to properly consider safety, they will be judged fairly, and may be penalised harshly. This is in accordance with Article 12.2.1.h of the 2024 FIA International Sporting Code, which stipulates *"Any unsafe act or failure to take reasonable measures, thus resulting in an unsafe situation"* is a breach of the rules.

5.7. The Stewards' position is further supported by Article 1.2.3 of the 2024 FIA International Sporting Code: *"It will never be enforced so as to prevent or impede a Competition or the participation of a Competitor, save where the FIA concludes that this is necessary for the safe, fair or orderly conduct of motor sport."* Additionally, Article 1.1.1 of the FIA ISC affirms: *"The FIA shall be the sole international sporting authority entitled to make and enforce regulations based on the fundamental principles of safety and sporting fairness, for the encouragement and control of automobile Competitions ..."*

5.8. It was debated extensively whether Car No. 21 was "too conservative" and lost time due to their own volition. To this regard, the Stewards cannot objectively judge the Crew's action as being excessive, moderate, or careless. The Stewards, however, accept that the Crew of Car No. 21 took "reasonable measures" to avoid an unsafe situation from occurring.

- 5.9.** The Stewards continue to maintain the principle that the allocation of corrected or notional times is provided for in the 2024 FIA WRC Sporting Regulations for certain cases which do, however, not specifically include a crew claiming to having been delayed by another car.
- 5.10.** With a view to sporting fairness in competitions and with reference to Art. 1.1.5 of the 2024 WRC Sporting Regulations, the Stewards may consider exercising their authority under Article 11.9.2.a and Article 11.9.3.j of the 2024 FIA International Sporting Code. The Stewards may thus decide that, if they deem the time loss to be significant and do not consider it as a “racing incident”, then a corrected time can be issued following a demonstration of an extraordinary circumstance that led to any perceived time loss.
- 5.11.** In this particular case, the Competitor was able to establish that there were mitigating and extraordinary circumstances that led to their time loss in that section of SS11.
- 5.12.** The Stewards have considered this case extensively and thoroughly. In light of all the circumstances, the Stewards conclude that the reasonable safety measures taken by Car No. 21 justified correcting their time lost on SS11 by 40 seconds.
- 5.13.** The Stewards therefore stand by Stewards’ Decision No. 5 and choose not to change it. Considering any other new time for Car No. 21 would involve conjecture and subjective facts to be assumed, especially now after the Rally has ended.
- 5.14.** Considering that the timing of publication of this Decision is occurring after the end of the Rally it relates to, and that the next round of the 2024 FIA World Rally Championship has commenced, it is possible, if not likely, that parties affected by this Decision may not be capable of complying with the one-hour deadline for notification of the intention to appeal. Pursuant to Article 10.1.1.a.d of the 2024 FIA Judicial and Disciplinary Rules, the Stewards exercise their discretion to extend the time limit for parties affected by this Decision as advised above (in paragraph 4.3).
- 5.15.** As RALLY CHILE BIOBÍO 2024 has ended and the Stewards are not easily contactable, and as the subsequent round of the 2024 FIA World Rally Championship has commenced and this Decision is published during it, the Stewards request that any party seeking to notify an intention to appeal this Decision, that such notification be given to WRC Secretary, Ms Yvonne Gilli, either in person (in the Stewards’ Room for Central European Rally 2024) or on her email address: wrcsecretary@fia.com within the time limit referred to in this Decision.

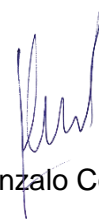
Competitors are reminded that they have the right to appeal certain decisions of the Stewards, in accordance with Article 15 of the 2024 FIA International Sporting Code and Chapter 4 of the FIA Judicial and Disciplinary Rules.



Chris McMahon
The Stewards



Mazen Al-Hilli



Gonzalo Concha

Ref.: STEWARDS DECISION No. 9 – RALLY CHILE BIOBÍO 2024

This decision was notified as below:

To Competitor No. 21:

<i>Name (in block letters):</i>	CORALIE BARBASSAT	<i>Date:</i>	17.10.2024
<i>Position within the team:</i>	TEAM COORDINATOR	<i>Time:</i>	17:48 (CET)

To the FIA:

<i>Name (in block letters):</i>	ANDREW WHEATLEY	<i>Date:</i>	17.10.2024
<i>Position:</i>	FIA ROAD SPORT DIRECTOR	<i>Time:</i>	17:48 (CET)

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