
Date: 28.09.2024 **Time:** 07:30 hrs
Subject: STEWARDS DECISION No. 3 **Document No:** 2.4

From: The Stewards
To: The Competitor HYUNDAI SHELL MOBIS WORLD RALLY TEAM
All Competitors / crew members

PROTEST lodged by

The Competitor HYUNDAI SHELL MOBIS WORLD RALLY TEAM (the “Protester”)

Against

The Clerk of the Course’s allocation of notional times for SS1 (Pulperia 1) as per CoC Notification No.1, as revised by CoC Notification No. 2.

Procedure:

1. On Friday, 27th September 2024, the Stewards received at 21:56 hrs a protest lodged by the Competitor HYUNDAI SHELL MOBIS WORLD RALLY TEAM addressed to the Stewards of Rally Chile BioBio 2024.
2. The protest was accompanied by the stipulated deposit of €1000 in cash.
3. The Protester protested against “*the allocation of notional times for SS1 as issued in the CoC Notification 2, and the Start List for Section 3, based upon the Classification at the End of Section 2 – that was affected by CoC Notification No. 2*”.
4. The Protester was summoned by Stewards Individual Communication 2, and a copy of the Individual Communication was acknowledged by the Affected Parties after sending a copy of it to the relevant Competitor’s officially nominated representative as below:
 - 4.1. Competitor TOYOTA GAZOO RACING WRT of Car No. 33 and Car No 5.
 - 4.2. Competitor M-SPORT FORD WORLD RALLY TEAM of Car No. 16.
 - 4.3. The Clerk of the Course.

Parties present at the hearing:

5. The hearing was held on Friday 27th September 2024 at 23:00 hrs in the Stewards’ Room with all Stewards present. Mr. Mazen Al-Hilli attended remotely via video conference.

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

6. The following persons were also present at the hearing:

On behalf of HYUNDAI SHELL MOBIS WORLD RALLY TEAM (the “Protester”):

Tolga Ozakinci	Team Manager
Francois-Xavier Demaison	Technical Director

On behalf of TOYOTA GAZOO RACING WRT (“Concerned Party”):

Kaj Lindström	Sporting Director
Kevin Struyt	Engineering Manager
Miika Teiskonen	Event Leader

On behalf of the Organiser:

Kurt Horta
Matias Horta
Timo Rautiainen

Clerk of the Course
Deputy Clerk of the Course
FIA Sporting Delegate

There was no appearance at the appointed time by the Competitor M-SPORT FORD WORLD RALLY TEAM. The Stewards decided to proceed with the hearing in the absence of that concerned party (2024 FIA ISC 13.6.4).

7. No objections were raised against the composition of the Stewards panel.
8. At the hearing the parties referred to the following documents previously submitted:
 - a) The letter from the Protester outlining its Protest.
 - b) CoC Notification No. 1.
 - c) CoC Notification No. 2.
 - d) Start List for Section 3
9. None of the parties submitted further evidence nor initiated the hearing of additional persons or witnesses or asked to conduct further investigations.

On the Admissibility:

10. The Stewards examined the admissibility of the Protest:
 - 10.1. The Protest was lodged in a timely manner, in accordance with Art. 13.3 of the 2024 FIA International Sporting Code.
 - 10.2. 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. 13.2.1 (namely the Clerk of the Course's allocation of notional times under Art 52 of the 2024 FIA WRC Sporting Regulations).
 - 10.3. The Protest was properly accompanied by the 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.
11. The Stewards found that the Protest was admissible and that the requirements of the Code had been complied with.

Hearing:

12. The Stewards asked the Protester to explain the reasons and grounds for their Protest.
13. The Protester's representative explained that the stages (SS1 and SS4) were conducted differently and this may have accounted for differences in the respective stage times. Mr. Ozakinci stated that, in their opinion, the ideal principle for allocating notional times should be based on the fastest stage time achieved by the crew to complete SS1 (Crew of Car No. 17 SÉBASTIEN OGIER / VINCENT LANDAIS) rather than the slowest time achieved by the crew to complete SS1 (i.e. Crew of Car No. 11 THIERRY NEUVILLE / MARTIJN WYDAEGHE).
14. Mr. Ozakinci agreed with the Chairperson that the authority judging fairness lies with the Clerk of Course's determination, as stated within Article 52 of the 2024 FIA WRC Sporting Regulations. However, the Competitor believed that the principle proposed by them was also fair and should be considered. Consequently, it was their opinion that the Stewards should adopt their suggested principle as against that adopted by the Clerk of the Course.

15. Mr. Kaj Lindström stated that they, as Concerned Party, agreed with the principle adopted by the Clerk of the Course to determine a fair notional time based on the Stage time achieved by Car No 11. Following the completion of SS4, they contacted the FIA Sporting Delegate and requested the Clerk of the Course to reassess the allocation of the notional times for SS1.
16. The FIA Sporting Delegate asked permission to speak on behalf of the Clerk of Course due to language limitations and because he was part of the decision-making process behind CoC Notifications 1 & 2. All parties agreed and did not object.
17. The FIA Sporting Delegate stated that the principle usually adopted within the WRC to allocate notional times has been to consider the time achieved for the stage by the slowest car in the class instead of the fastest car. He also explained that there are other methods that could be used to calculate and establish a fair allocation of notional times based on different criteria.
18. The FIA Sporting Delegate noted that COC Notification 1 indicated that the notional times applied were “subject to being revised after the running of SS 4”.
19. After SS4, the Clerk of the Course determined that only Car No. 33 had improved its time on SS4 and as such decided not to consider the stage time of SS4 for allocation purposes. However, after receiving a request from the Concerned Party to reconsider the notional time allocated in COC Notification No. 1, the Clerk of the Course reviewed the stage times achieved on SS4 and issued COC Notification No. 2 to reallocate stage times for Cars 33, 16, and 5 accordingly.
20. The FIA Sporting Delegate stated that they viewed the allocation of notional times for SS1 to be in line with the established procedure. He acknowledged that the procedure of allocating notional times is not an exact science and opens the door to alternative interpretations, with a possibility that each different party views fairness differently.
21. In rebuttal, the Protester considered that Car No. 33 should be allocated a slower notional time than that allocated in COC Notification No. 2. They suggested that the setting of notional times should be conducted in a subjective way and not objectively.

After the hearing was closed by the Chairperson at 23h45, the Stewards took the following decision after due deliberation.

Decision:

- 22. The protest is admissible.**
- 23. The protest is rejected.**
- 24. COC Notification No. 2 stands as well as the Start List for Section 3.**
- 25. The protest deposit NOT be returned to the Protester.**

Reasons:

1. Article 52 of the 2024 FIA WRC Sporting Regulations states: “*When a special stage is interrupted or stopped for any reason each crew affected will be allocated by the Clerk of the Course a time which is judged the fairest*”.

2. The Protest (as clarified by the Protester during the hearing) sets the basis of its allegations in so far that the notional times allocated by the Clerk of the Course for SS1 were not the fairest.
3. The Stewards note that the Protester’s proposed method for calculating the notional times for the cars affected on SS1 as set out in their Protest could be adopted, but consider that this is only one method for calculating the notional times.
4. All parties accepted that there is no one method for determining notional times for stopped or interrupted stages. There are multiple methods adopted and the attendees agreed that the different methods could lead to different outcomes, depending on which method was adopted. The key is consistency in approach to ensure the fairest determination that benefits a larger majority rather than a minority.
5. The task of allocating notional times in these circumstances calls for judgment of probabilities of uncertain facts that may or may not have happened. There is a myriad of reasons why a proposed notional time may have never occurred. Had the stage not been stopped or interrupted, the actual time achieved by a car may have been slower or faster.
6. The requirement of the Clerk of the Course to be fair in determining the notional time to be allocated means that the Clerk of the Course must be fair in an objective way and without regard to the circumstances of any specific car, as that would call for subjective facts to be assumed and there would always be a competitor suggesting that their allocated time was unfair to them.
7. The Stewards consider that the method adopted by the Clerk of the Course to allocate for SS1 notional times as specified in CoC Notification No. 2 was fair and reasonable.
8. The Protester has therefore failed to establish that the notional times allocated by the Clerk of the Course to the affected cars by CoC Notification No. 2 was unfair in an objective way.
9. Accordingly, the notional times allocated to the cars remain as set out in CoC Notification No. 2.

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

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

<i>Name (in block letters):</i>	TOLGA OZAKINCI	<i>Date:</i>	28.9.2024
<i>Position within the team:</i>	TEAM MANAGER	<i>Time:</i>	7:53

<i>Name (in block letters):</i>	KAJ LINDSTRÖM	<i>Date:</i>	28.9.2024
<i>Position within the team:</i>	SPORTING DIRECTOR	<i>Time:</i>	7:53

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