
Date: **Saturday, 7th January 2023**

Time: **17.40 hrs**

Subject: **STEWARDS DECISION N° 14 (AMENDED)**

Document No: **2.16**

From: *The Stewards*

To: Competitor: Vehicle No **525** Name: **TH-TRUCKS TEAM**
Crew: **ALBERTO HERRERO / SUSANA HERNANDO / MARIO RODRIGUEZ**

Number of pages: 3

Attachments: 0

The Stewards, having received a report from the FIA **Technical** Delegate (Doc No 6.2), having examined the document, having heard the Team representatives (David Bedoya and Roberto Palacios), the Driver and the Co-Driver, an assistant to the FIA Technical Delegate Zoltan Balla, having considered the following matter, determine the following:

Fact: After the beginning of the SS4 the truck No 525 turned aside and stopped. This truck stopped nearby an assistance vehicle. The truck was being repaired. During the repair, a part from another truck (No 516) was obtained.

Offence: Breach of Art. 49.1.1., Art. 49.1.3, Art. 49.2.1 of the FIA 2023 CCRSR

Decision: **To impose 100 hours (6000 minutes) time penalty in the Stage 4**

Reason:

During the hearing (the hearing was held for days, intermittently. Initially, the competitor was represented by representatives of the Team, but they could not explain the facts. They asked for an opportunity for the crew members themselves to present their position. Such an opportunity was provided by the Stewards), the Driver explained that after the start of SS4, they realized that they had a mechanical problem (water leak), so they stopped aside and started to try to repair.

They saw that there was an assistance car nearby, but that in no moment they received any parts or help from the assistance vehicle or its crew.

Then, the truck No 516 approached, offering the needed parts to repair. The crew members of the car No 516 handed over a small part to the crew members of the car No 525. But that small part didn't fit.

At the hearing driver of truck No 525 declared that finally they event didn't need the spare part from truck No 516, as they realized that their part was in fact incorrectly fixed after the overnight service.

Driver also stated that they were not aware that truck No 516 couldn't take the start of the SS4, and that the FIA Delegates who stopped by informed them that they could not receive assistance from the assistance vehicle, but that they could receive it from the only crews with FIA groups vehicles still in the competition for the current Stage / SS.

The driver explained that in his opinion, at that time even the FIA delegates did not know that the crew (truck No 516) had not started at SS4.

The Stewards asked for an explanation from Zoltan Balla, an assistant to the FIA Technical Delegate who was at the scene and captured everything (including the photographs taken).



He explained that even before the incident in question was captured, he was at the start of the SS 4 and clearly saw that the crew of truck No 516 was not allowed to start because the crew arrived at the starting point too late. For the reasons given above, it is quite obvious that at the time of capturing the facts relating to the competitor (truck No 525), he (the assistant to the FIA Technical Delegate) knew for sure that the crew (truck No 516) had not started in this SS. Therefore, he had no doubts about the status of the crew (truck No 516) at that time.

He explained that when he saw the crew (truck No 525) along with the assistance car nearby (car No 1090), he arrived at the scene and tried capturing the facts and inform the crew (truck No 525) that, given the requirements of the rules, the crew could not get an assistance from the assistance car. And according to the rules "only crews with FIA groups vehicles still in the competition for the current Stage / SS may assist each other. To be considered in the competition of a Selective Section the crew must have started the SS".

When he explained all this to the crew (truck No 525), a crew truck No 516 approached them. The co-driver of the said crew got out of the truck (No 516) and approached them, asking what kind of help the crew (truck No 525) needed. At that time, the assistant to the FIA Technical Delegate could not grant any permission to provide assistance or spare parts because: (1) he does not have such duties; 2) he already knew perfectly well the status of the crew (truck No 516) at that time, i. e. that the crew No 516 had not started in the SS4. The assistant to the FIA Technical Delegate just continued to capture the facts.

The Stewards decide that there is sufficient evidence in this case to conclude that the rules have been violated.

According to the Art. 49.1.1 of the 2023 FIA CCRSR:

From TC0 onwards, service of a competing vehicle may be carried out in Service Areas (Service Parks and Bivouacs) and road sections as permitted under these regulations. Retired vehicles intending to re-start may be repaired also outside of the Service Areas.

During Selective Section any service, except that expressly allowed in these regulations, is forbidden. Only Crews with FIA groups vehicles still in the competition for the current Stage / SS may assist each other.....To be considered in the competition of a Selective Section the crew must have started the SS according to Art. 42 (Art. 49.1.3 of the 2023 FIA CCRSR).

The Art. 49.2.1 of the FIA 2023 CCRSR says that the presence of team personnel or any team conveyance is prohibited within 1 kilometre of its competing vehicle.

Violations of the regulations relating to illegal service are to be considered as extremely serious violations. This concerns the violation of sporting principles, since illegal service in motorsport violates the creation of equal conditions for all competitors.

In this case, in the opinion of the Stewards, the most reasonable penalty corresponding to the gravity of the violation should be disqualification. However, during the hearing, the driver even repeated several times the fact that he is not a priority driver (in the opinion of the Stewards, this does not change the legal assessment of the violation) and that it is more important for their crew not to defeat some rivals. More important is to reach the finish of the Dakar 2023.

The Stewards find that in the present case, in view of the fact that after the infringement in question, the crew had already started even on several selective sections and there

were no irregularities during them that would have been committed by that crew, an exception could be applied and a penalty other than a disqualification could be imposed.

A time penalty could also be imposed, but its gravity should be proportionate to the gravity of the infringement.

Compared to the time penalties that a Clerk of the Course can apply on competitors, should be assessed whether the competitors violated the rules or not. When a Clerk of the Course applies a time penalty, for example, of 50 hours for a change of engine block, it's not because the competitors secretly broke the rules and did something illegally. This is applicable only when the competitor himself officially declares that he is initiating a change of engine block. This is not a violation of the regulations. It is a legal option provided for in the regulations.

Competitors should comply with the requirements of the regulations and do everything so as not to violate them.

In the present case, the competitor violated the rules. There is sufficient evidence that the regulations have been violated, both due to illegal service and the presence of team personnel in an unauthorized place.

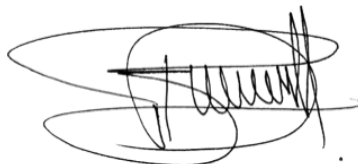
Since the time penalty in this case is imposed as an alternative to disqualification, the Stewards decide, that a proportional time penalty in this case should be 100 hours.

The decision is based on the 2023 FIA International Sporting Code Art. 11.9.1, Art.11.9.3.f, 12.3.1, 12.4.1.h

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



Arnas PALIUKENAS
FIA Chairperson of the Stewards



Patrick SUBERVILLE
FIA Steward



Hassan AL ABDALI
ASN Steward

This decision was notified electronically to the competitor representative on 07/01/2023 at 18:20 hrs.