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Date: **Friday, 21<sup>st</sup> October 2022**  
Subject: **STEWARDS DECISION N° 1**

Time: **17.45 hrs**  
Document No: **2.3**

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From: *The Stewards*

To: *Competitor: Vehicle No 200 Name: TOYOTA GAZOO RACING  
Crew: Nasser AL ATTIYAH / Mathieu BAUMEL*

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*Number of pages: 2*

*Attachments: 0*

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The Stewards have received a petition from Toyota Gazoo Racing for them to review, in accordance with Article 14.1.1 of the FIA International Sporting Code:

### **Final Classification of the Qualifying Stage (with applied time penalties)**

The Stewards, having examined the evidence, summoned, and heard the team representative Mr. Jean-Marc Fortin, Clerk of the Course, representative of the ERTF, determine the following:

**Decision: (1) There is a significant and relevant new element which was unavailable to TOYOTA GAZOO RACING at the time of the decision concerned.**

**(2) The Stewards will review the Final Classification of the Qualifying Stage, considering the new evidence.**

#### **Reason:**

(1) The petition was submitted within the stipulated time limit

(2) The stewards (shall have supreme authority for the enforcement of the Code, of the regulations of the FIA if appropriate – Art. 11.9.1 ISC) decide that the final classification of the qualifying stage, which is the subject of the petition, can be reviewed because it is approved by decision of the stewards after consideration of all the information obtained in conjunction with the provisional classification. This is also confirmed by the practice of provisional classification consideration before approving the final classification. If provisional classification includes, in its content, the penalties applied by the Clerk of the Course, the stewards check their validity before approving the final classification including the aforementioned penalties. This is also confirmed by Art. 20 FIA ISC "... (provisional) classification may be revised following a **decision** of the stewards".

All of the above confirms that the final classification in terms of its approval procedure (in terms of compliance with the requirements of legality and reasonableness) satisfies the requirements for a decision. Even if the classification is confirmed without changes, the inquiry before the final classification is confirmed in any case is carried out. This confirms compliance with the definition of decision specified in Art. 2.10 of the 2022 CCRSR.

(3) Art. 14.1 FIA ISC states that if a significant and relevant new element is discovered which was unavailable to the parties seeking the review at the time of the decision concerned, the stewards may decide to re-examine their decision following a petition for review. However, this does not mean that it is necessary to provide evidence that has the force of official documents in person. There may be cases when it is simply impossible to collect the documented evidence for the competitor himself, since it is not available to him by legal means. In such a case, it is necessary to determine whether the competitor has taken all possible steps to turn the doubts raised by him into evidence, i. e. it is necessary to determine whether he has taken all possible steps to initiate an investigation by the responsible persons in order to collect that evidence by lawful means and to be presented to the stewards in a timely manner. Therefore, the stewards find that if all the facts clearly prove that the petitioner has taken all the necessary steps on his own initiative in order for the third parties to verify the doubts raised by the petitioner, this is in accordance with the requirements of Art. 14. In this



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case, new evidence (collected on the initiative of the competitor) is submitted to the stewards by third parties. The new written and documented evidence, which was obtained and collected on the initiative of the competitor, was submitted to the stewards by the Clerk of the Course (assisted by representatives of the ERTF). This is justified and understandable, since the competitor himself is not bound by any contracts for the provision of services with the ERTF. In this way, the ERTF does not have the right to provide data directly to the competitor.

(4) The elements brought before the Stewards shows a possible malfunction of the GPS system. Thus, the Stewards consider it significant and relevant, and it may likely modify the initial decision.

(5) At the time of the approving and publication of the Final Classification of the Qualifying Stage TOYOTA GAZOO RACING did not have access to the detailed data of the tracking system. After ERTF (GPS System) has checked the car on October 19 late evening for possible malfunction of the GPS system.

The petitioner had doubts about the penalty applied (the notification of the penalty applied was served on the petitioner at 6:05 p.m. on October 19, the provisional classification was published at 6:00 p.m. on the basis of the Clerk of the Course communication). The competitor tried to state his doubts to the representative of the ERTF (according to the competitor 's representative, this could have happened around 6:30 p.m.). He later expressed his doubts to the Clerk of the Course. Clerk of the Course suggested that the competitor contact him (Clerk of the Course) in writing with a request to open an investigation. Clerk of the Course also organized a meeting attended by the Clerk of the Course, a representatives of the competitor and of the ERTF. It is clear from Clerk of the Course 's explanations that the meeting took place around 19:15 - 19:30 (the final classification was approved by the stewards and published at 19:00). Since the Clerk of the Course, on the basis of a written request from the competitor, initiated an investigation in order to establish the actual circumstances, he asked the representative of the ERTF to send him (Clerk of the Course) official information on the situation. Such information (ERTF report) was received by the Clerk of the Course already after midnight, i. e. at about 01:00 am (October 20). The next day (20 October) all the information was given to the Stewards. The petition was also given to the stewards the next day (October 20).

Competitors are reminded that, in accordance with Article 14.3 of the FIA International Sporting Code, this decision is not subject to appeal.

**Arnas PALIUKENAS**  
FIA Chairman of the Stewards

**Istvan MONI**  
FIA Steward

**Virginia GOMEZ FERNANDEZ**  
ASN Steward

Received:

Competitor:

**TOYOTA GAZOO RACING**

Vehicle No: 200

Crew:

**Nasser AL ATTIAH / Mathieu BAUMEL**

Date: 21/10/22

Time: 18:20

Signature:

Published on notice board on 21. 10 .2022 at 18. 55 hrs.