

71 RALLY MOTUL COSTA BRAVA,

16 - 18 March 2023



Date:	Saturday, 18. March 2023	Time:	22.45 hrs
Subject:	Stewards Decision No. 04	Document No.:	2.8
From:	The Stewards		
To:	Competitor car no: 49 - SEBASTIEN CHOL Crew: Dominique LESOURD / Sebastien CHOL		
Number of pages: 2		Attachments:	[...]

The Stewards, having received a report from the FIA Eligibility Delegate, summoned and heard the driver (summons No 4.7), have considered the following matter, determine the following:

Fact: The following measurement were taken during the final scrutineering of car:
engine stroke 80.5 mm

Offence: Non-compliance with homologation A-5327
Breach of FIA International Sporting Code, 1990 Appendix J Art 255 5)

Decision: **Disqualification from the competition
and the following competitors will move up in the classification.**

Reason: The driver explained that is an amateur and not a technician, thus he does not really understand what the problem is. He had bought the vehicle as it was now presented. The mechanic present at the inspection also did not understand what exactly the violation should be.

According to the homologation form A-5327, page 3 item 316 the measurement of the stroke is 84 mm. **The measured stroke 80.5 mm.**

According to 1990 Appendix J Art, 255 5) modifications are allowed on condition that the dimensions mentioned on the homologation form are respected. According to the Appendix K, the car must conform to its homologation and HTP. The Stewards therefore concluded that the competitor was in breach of the regulations. FIA European Historic Rally Championship Regulation Art. 33.3.1 a car not conforming to Appendix K and/or its HTP may be disqualified from the rally.f

In case of a breach of the obligation of technical compliance, a competitor's responsibility is causal. A sanction must be pronounced against it even in the absence of fault, and this sanction is, in principle, disqualification according to the jurisprudence in the past.

Nevertheless, the International Court of Appeal has already deemed in the past that in "exceptional circumstances", the objective responsibility of a competitor for a case of non-compliance of its car can lead to a less severe sanction than disqualification.

The Stewards determine that exceptional circumstances do not apply in the present case. The Stewards conclude that, in view of the provisions of the relevant regulations, it was indeed up to the Competitor to ensure that car was in compliance with the homologation.

The decision is based on the FIA International Sporting Code Art. 11.9.1, art.11.9.2.a, Art. 11.9.3.a, Art. 11.9.3.f, Art 12.4.1.m and 12.9.1

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Competitors are reminded of their 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.

A handwritten signature in blue ink, appearing to read 'Schmidt'.

Uwe M. SCHMIDT (DEU)
FIA Chairperson of the Stewards

A handwritten signature in blue ink, appearing to read 'Krastins'.

Janis Krastins (LVA)
FIA Steward

A handwritten signature in blue ink, appearing to read 'Fuentes'.

David FUENTES (ESP)
ASN Steward

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

<i>Name in block letters</i>	Dominique LESOURD	Date	18.03.2023
<i>Position in the team</i>	Driver and car owner	Time	22h45