

71 RALLY MOTUL COSTA BRAVA,

16 - 18 March 2023



Date:	Saturday, 18. March 2023	Time:	23.00 hrs
Subject:	Stewards Decision No. 05	Document No.:	2.9
From:	The Stewards		
To:	Competitor car no: 28 - THIERRY MARCOBAL Crew: Thierry MARCOBAL / Vincent CARMILLE		
Number of pages: 2		Attachments:	[...]

The Stewards, having received a report from the FIA Eligibility Delegate, summoned and heard the team representative Mr. Carmille (summons No 4.5), have considered the following matter, determine the following:

Fact: The following measurements were taken during the final scrutineering of car no 3:
Inlet manifold diameter measured 48,8 – 48,9 – 48,9 – 48,8 mm
Inlet port diameter 27,0 – 28,5 – 28,6 – 28,6 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: Mr. Carmille said that he was present during the final scrutineering, but not following the measurements. However, he signed “Final inspection sheet” stating the measurements taken during final scrutineering.

As to the inlet manifold which was measured 48.8 and 48.9 mm. The standard size according to the homologation form no A-5327, page 4, no 324 d) is 46 mm. According to the 1990 Appendix J Art. 255 – 5.1.8.2 “The elements of the injection device regulating the metering of the quantity of fuel admitted to the engine may be modified, but not the diameter of the opening of the butterfly.”

As to the cylinder head inlet track measured at only one was measured with 27 mm all other are 28.5 or 28.6 mm. The homologation no A-5327 page 14 states 26mm with a tolerance of -2%/+4%. Taking the tolerance into consideration the maximum size of the cylinder head inlet track is 27,040 mm. Thus, 3 inlet tracks are greater than allowed by the homologation.

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.

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.

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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 the seal and the wire remain undamaged.

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

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.

Handwritten signature of Uwe M. Schmidt in blue ink.

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

Handwritten signature of Janis Krastins in blue ink.

Janis Krastins (LVA)
FIA Steward

Handwritten signature of David Fuentes in blue ink.

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>	Thierry MARCOBAL	Date	18.03.2023
<i>Position in the team</i>	Team representative	Time	23h05