

Date: **Saturday, 13th January 2024**

Time: **19.00 hrs**

Subject: **STEWARDS DECISION N° 7**

Document No: **2.9**

From: *The Stewards*

To: Competitor car **No 302** Name: **ENERGYLANDIA RALLY TEAM**
Crew: **Eryk GOCZAL / Oriol MENA**

Number of pages: 2

Attachments: 0

The Stewards, having received a report from the FIA Technical Delegate (Doc. 6.5) about the inspection of gearbox and clutch system after being sealed on 11/01/2024 before the start of SS6 (after refuel/service area), having summoned the Competitor, having heard the Competitor's Representatives (Mr. Patrick GERRITSEN and Mr. Cyrille CONSTENSOU) and the FIA Technical Delegate (Mr. Christophe VELY), and also in attendance the ASO Technical Coordinator (Mr. Thierry VIARDOT), having examined the different elements presented, having considered the following matter, determine the following:

Fact: The clutch of Car No 302 was found not in compliance with Art. 286-2.3 of the Appendix J of the FIA 2024 ISC.

Decision: **To disqualify Competitor Car No. 302 from the Rally Dakar 2024. To amend the Classifications accordingly.**

Reason: As stipulated in Art. 286-2.3 of the Appendix J of the FIA 2024 ISC:

Art. 2 OBLIGATIONS

(...)

2.3 Materials

Unless explicitly authorised by the present regulations, the use of the following materials is prohibited:

- Titanium alloy
- Magnesium alloy
- Ceramics
- Composite

This restriction does not concern the original parts of the engine that must be retained (See Article 286-6.1).

The use of composite material is authorised for the following elements:

- Timing cover
- Intake manifold
- Air filter box
- Air ducts for cooling (cockpit and boot/radiators/intercooler/engine ancillaries/brakes)
- Exterior bodywork parts
- Windscreen trim
- Door trims
- Dashboard
- Seats
- Supports and fixing fitted inside the cockpit (except seat brackets) and inside the boot
- Protection covers fitted inside cockpit and inside boot
- Driver and co-driver foot rest
- Console / Support for switches
- Bodywork protections (side, floor, wheel arch)
- Leak-proof box for fuel tank
- Underbody protections
- Mountings for front and rear bumpers
- Headlight units and tail light units
- Additional headlights housings
- Supports and fixings fitted inside the engine compartment (except engine supports / transmission supports)
- Fuel tank internals
- Electric connecting box

(...)

A hearing was held on Saturday 13th January 2024 at 16:25 hrs. The Stewards heard the Competitor's Representatives, Mr. Patrick GERRITSEN and Mr. Cyrille CONSTENSOU.

In the opinion of the Stewards, in this case the FIA Technical Regulations are very clear. Art. 286-2.3 is very clearly established which materials are prohibited for use, unless they are explicitly authorised to by the present regulations. The use of composite material is prohibited, except in the cases specified in the same article. Those cases are listed. And this is an exhaustive list. There is no legal basis for a different interpretation of these requirements.

Representatives of the Competitor explained during the hearing that they have a different understanding of technical regulations. In their opinion, in this case it is important to pay attention to Art. 286-8.1.1, where it is said that there are no specific restrictions on the clutch mechanism and disk. That is, it is possible to freely choose which clutch mechanism or disk to use.

Stewards note that this article (Art. 286-8.1.1) does not provide for any exceptions specifically to the material. Because the limitations on the material (as well as the exhaustive list of elements for which the composite material can be used) are indicated in Art. 286-2.3.

The representatives of the competitor gave examples, citing other articles of the regulations, but none of the articles they refer to also gives permission to use the composite material for the clutch. It cannot be otherwise, because the list of exceptions in Art. 286-2.3 is exhaustive. The fact that, in the opinion of the representatives of the Competitor, the wording of some of the articles is different from that of Art. 286-2.3 is not and cannot be a legal basis for holding that the requirements of Art. 286-2.3 are not clear.

The Stewards conclude that, in view of the clear provisions of the relevant regulations, it was indeed up to the Competitor to ensure that the clutch was compliant during RALLY DAKAR 2024.

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 cannot see any exceptional circumstances in this matter.

In this such case only disqualification of the Car No 302 may be granted.

The Stewards decision is based on FIA 2024 ISC Art. 11.9.1, Art. 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 2023 FIA International Sporting Code and Chapter 4 of the FIA Judicial and Disciplinary Rules.



Arnas PALIUKENAS
FIA Chairperson of the Stewards



Omar ZAROUR
FIA Steward



Saleh ALEM
ASN Steward

Received:

Competitor: **ENERGYLANDIA RALLY TEAM**

Vehicle No: 302

Crew: **Eryk GOCZAL / Oriol MENA**

Date:

Time:



Signature:

~~Published on the Digital Notice Board on~~

13/01/2024 at 19:30 hrs.

PUBLISHED ON DIGITAL NOTICE BOARD 13.01.2024 at 19:30