
Date: **Friday, 19th January 2024**
Subject: **STEWARDS DECISION N° 20**

Time: **13.30 hrs**
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From: *The Stewards*

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

Number of pages: 4

Attachments: 0

The Stewards have received a petition from Competitor car No 302 ENERGYLANDIA for them to review, in accordance with Article 14.1.1 of the FIA 2024 International Sporting Code, the Stewards **Decision No 7 (Doc No 2.9)** made by them at RALLY DAKAR 2024.

The Stewards, having examined the content of the petition, summoned (not only official summon, but also an invitation to join the hearing was sent to all representatives of the competitor. Confirmation was received that everyone who wished to participate in the hearing received the invitation. The competitor shared the link with their legal representatives as well. They also attended the hearing) and heard the competitor (the hearing took place online via MS Teams at 17:00 hrs on 18th of January 2024) determine the following:

Decision:

- **There is no significant and relevant new element which was unavailable to the party seeking the review at the time of the decision concerned**
- **The petition is rejected**
- **The petition fee is not to be returned to the Petitioner**

The Stewards decide that although the petition submitted by the competitor does not meet the requirements of Art. 14.1.1 of the FIA 2024 International Sporting Code in its content, it can be recognized as a petition.

The competitor also submitted confirmation of the payment of the fee.

On the representation of the competitor during the hearing (online at 17:00 on 18.01.2024)

The competitors were represented by Marek Goczał – Team Principal, Michal Goczał, as well as other persons who had been forwarded the link to the hearing by the competitor's representatives. Since the latter participated in the hearing on the initiative of the representatives of the competitor, the Stewards presume that they are also authorised representatives. The names of the MS Teams accounts of some of the individuals mentioned indicated that they were representatives of law firms. The Stewards' secretary contacted the competitor by email, asking for confirmation that the persons who joined the hearing were indeed authorised representatives of the competitor, but no response was received before the decision was made (almost 20 hours after the request was made). This does not negate what has been said before. I.e., if the latter persons join the hearing on the initiative of the competitor himself, speak during the hearing on behalf of the competitor (in the presence of the Team principal and other representatives of the competitor and without objection to this), it is to be considered that the persons are also representatives of the competitor.

On the representation of the competitor during the hearing (on 13.01.2024) before Decision No 7 (Doc No 2.9) was made

Although this is not a matter of petition for review, the Stewards would also like to speak briefly about it, since the content of the petition for review refers to it.

It should be noted that in order to give competitors the opportunity to present their defense, Stewards informed the competitors of the time of the hearing and invited them to attend and participate in the hearing by summons.

When the competitor becomes aware of the planned hearing and its timing, it is up to the competitor to decide whether he wishes to exercise his right.

If the competitor does not come to the hearing without providing any additional explanation or request for this (for example, changing the time of the hearing, doing an online hearing, etc.), the hearing may also take place without the participation of the competitor. If competitors are represented by a specialist in some field who is more knowledgeable about the issue at hand, the Stewards listen to such a person as well. Stewards tend to always be benevolent towards the competitor and never make obstacles to the choice of a competitor. But the competitors have not only rights, but also obligations. The competitor must also act responsibly. During FIA events, competitors are aware of the CRO contacts that they can use if they want to make some kind of request, referral or so. And in longer - format FIA events, such as Dakar - 2024, the Stewards' communication published at the beginning of the event (which specifies the Stewards' schedule) also includes the contact details of the Stewards' secretary, creating an additional opportunity for competitors.

There are a lot of possibilities. But it depends only on the competitor whether he uses them.

In the present case, the competitor, after obtaining information about the planned hearing in the Stewards room and the summon, decided to send to the hearing specialists who were well versed in technical subjects, since the issue in question concerned technical issues. They made requests that the Stewards considered and satisfied (e. g. summoning to a hearing and interviewing a person, Mr. Thierry Viardot and so on). They presented the team's position, which is reflected in the decision of the Stewards (Doc No 2.9). Since the same position was expressed by the team members on social media after the Stewards' decision to disqualify the crews No 302 and No 310, this again further confirms that the team's position was presented during the hearing.

There were no other requests from the competitor's side (neither for the participation of the team principal or crew members, nor for the online hearing).

To do so was the decision of the competitor himself.

Reason:

After examining the information provided in the petition and hearing the explanation of the competitor's representative (during the hearing, the legal representative explained that he supported the petition and had nothing to add additionally; no one else among those present spoke out), it is concluded that there are no significant, relevant, and new elements that were not available to the competitor at the time of the decision concerned.

The competitor presents a defensive version of the fact that the organiser had allegedly authorised the use of such a clutch, which is prohibited by FIA technical regulations. And that this was unknown to the competitor at the time of the decision of the Stewards (Doc No 2.9). First of all, it should be noted that this was already dealt with during the hearing on 13.01.2024, since it was instigated by persons to whom the competitor entrusted the presentation of his position to the Stewards during the hearing. That is why the Stewards satisfied the request to summon and interrogate the person already mentioned above (Mr. Thierry Viardot), who denied even such a possibility that the organiser would have allowed what is prohibited by the technical regulations of the FIA. So, this circumstance is not new. This was already known during the hearing held on 13.01.2024. Therefore, this cannot be a ground for declaring petition for review to be justified.

The Stewards decide that the competitor was aware of all the information contained in the petition at the time of the decision concerned. And not only knew, but also planned to submit an intention to appeal within the time frame allowed in the FIA 2024 ISC. All this took place during the event in the Stewards room. At that time, not only all three Stewards were in the steward's room, but also other official persons of the event. In both cases (car No 302, as well as car No 310) two intentions to appeal had already been brought to the Stewards' room, but after a telephone conversation, the contents of which the Stewards do not know, both intentions to appeal were taken back and the Stewards were assured that both intentions to appeal would not be submitted, since this is the decision of the team and such instructions were received from the team by phone.

Before the start list for Stage 7 was published, the Clerk of the Course and his entire team were waiting for information from the Stewards if there was an intention to appeal or not. Only after the information received, it became clear which of the two possible versions of the start list would be published. If the intention to appeal was received, a version of the start list would be published, in which both cars (302 and 310) would be included in the start list with a special note "subject to the result of the appeal lodged by the competitor of vehicle No..." (as it is common in FIA events to do this not only by publishing classifications (in this case according to the App III of the FIA 2024 CCRSR), but also by publishing start lists). If the intention to appeal was not received, a version of the start list would be published, in which both disqualified cars are not listed. Since the intention was not submitted, the Clerk of the Course published (after the expiry of the deadline for the submission of intention to appeal) a version in which the disqualified cars were not listed.

The filing of a petition in some cases could be seen as an attempt to evade the appeal procedure. However, the right of reviewing the decision of the Stewards provided for in Art. 14.1.1 is of a completely different purpose and nature. This option is not provided for in order to use it instead of an appeal. The content of the review option is very clearly disclosed in Article 14.1.1: *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 review procedure is not a substitute for an appeal.

The decision is based on the FIA 2024 International Sporting Code Art. 11.9.1.

Competitors are reminded that, in accordance with Article 14.3 of the FIA 2024 International Sporting Code, this decision is not subject to appeal.



Arnas PALIUKENAS
FIA Chairperson of the Stewards



Omar ZAROUR
FIA Steward



Saleh ALEM
ASN Steward

This decision was notified by electronic means:

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