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Date:	<b>Saturday, 15<sup>th</sup> 2023</b>	Time (decision):	<b>22:15hrs</b>
Subject:	<b>DECISION No. 01</b>	Document No.:	<b>2.5</b>
From:	The Stewards		
To:	Competitor car No: <b>26 – Last Exit Motorsport Team</b> Crew: <b>Göberndorfer Gert / Koller Mario</b>		
Number of pages: 2		Attachments:	[0]

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The Stewards, having received a report from the FIA Eligibility Delegate, summoned and heard the team representatives (driver, co-driver and mechanic of the car) (Summons No. 1, Doc. No. 4.4), have considered the following matter, determine the following:

**Fact:** The following measurements were taken during the final scrutineering of car no 26:  
The rear axle final ratio measured at 3,7 (37:10).

**Offence:** Non-compliance with homologation 666 item 104 and various vo's  
Breach of FIA International Sporting Code, period Appendix J (1981)  
Art. 32.2.1 of the EHRC FIA Sporting Regulation

**Decision:** **Disqualification from the rally**  
**and the next competitors will move up in the classification.**

**Reason:** The competitor was summoned to give him the opportunity of presenting his defence. The Driver, Co-driver and mechanic of the car Mr. Gerhard Auer, explained that they checked the number of teeth on the ring gear but they never checked the number of teeth on the pinion gear before the rally.

During the final scrutineering, one Scrutineer and FIA Eligibility Delegate has checked the number of teeth, and after that Mr. Gerhard Auer has checked it several times. Crew accepted the result of inspection and signed the inspection record sheet.

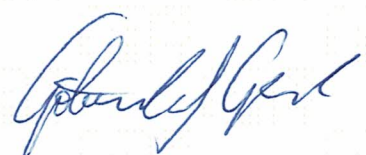
The rear axle final ratio which was measured was 3,7 (37:10). The rear axle final ratios according to the homologation form no 666, item 104 and various vo's. The measured ratio (3,7; 37:10) does not appear anywhere.

Thus, the stewards conclude that the rear axle final ratio of car no 26 do not comply with relevant regulations.

According to Art. 32.2.1 of the EHRC FIA Sporting Regulation the competitor is responsible for the technical conformity of his car. It is not relevant whether he had knowledge of the wrong parts. According to the FIA International Sporting Code offences or infringements are punishable, whether they were committed intentionally or through negligence.

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.





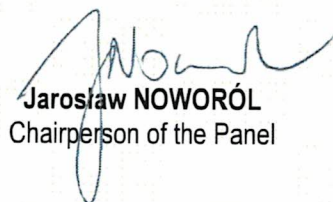
# Rallye Weiz 2023

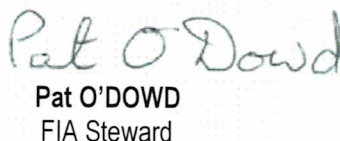
## 13. – 15. July

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 its car was compliant.


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, and Art 12.4.1.m.

Competitors are reminded that they have the 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.

  
**Jarosław NOWORÓL**  
Chairperson of the Panel

  
**Pat O'DOWD**  
FIA Steward

  
**Wolfgang NÖLSCHER**  
ASN Steward

<b>Received by the Competitor:</b>	
Name (in block letters):	Göberndorfer Gert
Position within the team:	Driver
Signature:	
Date: 15.7.2023	Time: 22:22

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