



22. – 24. September 2023

Date: Sunday, 24th September 2023

Time: 20.00 hrs

Subject: STEWARDS DECISION N° 3

Document No: 2.6

From: The Stewards

*To: The Competitor SERGIO VITORINO of car No. 407
Crew SERGIO VITORINO / SERGIO CERVEIRA*

And

*The Competitor GEDESER XXI, S.L. of Car No. 404
Crew MIGUEL ANGEL VALERO / JACQUELINE RICCI FERRIS*

Number of pages: 4

Attachments: 0

PROTEST lodged by

The Competitor of car No. 404 GEDESER XXI, S.L. (Crew Miguel Angel VALERO / Jacqueline RICCI FERRIS)

Against

The Competitor of car No. 407 SERGIO VITORINO (Crew Sergio VITORINO / Sergio CERVEIRA)

Procedure:

1. On Sunday 24th September 2023, the Clerk of the Course received at 17.54 hrs a protest lodged by the Competitor of car No. 404.
2. Competitor No. 404 claimed in its protest that Competitor No. 407 was in breach of Appendix J of the 2023 International Sporting Code – Art. 286A – Art. 10.4.
3. Both parties were summoned and heard together by the Stewards. The following persons were present at the hearing:

On behalf of Competitor No. 404:	Miguel Angel VALERO	Driver
	Jacqueline RICCI	Co-Driver
	Adrián NAVARRO	Team Representative

On behalf of Competitor No. 407:	Sergio VITORINO	Driver
	Sergio CERVEIRA	Co-Driver

The hearing was held on Sunday 24th September 2023 at 18:30 hrs in the Stewards' Room with all Stewards present, as well as Mr. Héctor ATIENZA, FIA Technical Delegate.



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On the Admissibility:

4. The Stewards examined the admissibility of the protest:
 - 4.1 The protest was lodged in due time, in accordance with Art. 13.3 of the 2023 FIA International Sporting Code.
 - 4.2 The protest was lodged by a single competitor against a single competitor as stipulated in the 2023 FIA International Sporting Code Art. 13.1.1 to 13.1.3, Art. 13.7.3 and Art. 13.7.4.
 - 4.3 The subject of the protest was against an alleged breach of the technical regulations
 - 4.4 The protest was properly accompanied by the protest deposit of € 1000, as stipulated in Art. 13.4.2 of the 2023 FIA International Sporting Code, Art. 60.2.1 of the 2023 FIA Cross-Country Rally Sporting Regulations and in Art. 15.2 of the event Supplementary Regulations.

Hearing of the Parties:

5. The Stewards explained to both parties that they were summoned due to a protest lodged by Competitor 404 against competitor 407 for having *"the Hub Carriers/Wheel identical to the "reference" vehicle"*.
6. Competitor 404 claims that it is the original part but modified so as to allow to use a more performant braking system.
7. Competitor of vehicle No 407 claims that the car and all the parts come straight from the manufacturer, and that they did not do any modification. Competitor agreed about doing all the necessary checks.
8. After questioning by the Stewards, the Competitor of Car No 404 agreed to disassemble the same part from his car for comparison reasons.

After the hearing was closed by the Chairperson at 18h45, FIA Technical Delegate together with Competitors 404 and 407 went to Parc Fermé to dismantle the parts in question.

At 19:35 hrs the Chairperson resumed the meeting.

The dismantled hubs were presented in the Stewards Room. The Hub of Car No 404 has the seal number 23-A-0486 and the Hub of Car No 407 has the seal number 23-A-0500.

The two hubs were compared and were obviously different.

After questioning the competitor of Car 407 and his mechanic, they admitted that their Hub has been modified because it can be installed also in a T3 Car. The installation of this Hub with the seal number 23-A-0500 on car No 407 was done by mistake.



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After the hearing was closed by the Chairperson at 19h50, the Stewards took the following decision after due deliberation.

Fact:

The hub of car No 407 with seal number 23-A-0500 has been modified.

Offence:

Breach of Appendix J of the 2023 International Sporting Code – Art. 286A – Art. 10.4.

Decision:

1. **The protest is admissible.**
2. **The protest is upheld.**
3. **To disqualify competitor N° 407 from the event.**
4. **As per Art. 12.19 of the International Sporting Code, the next competitors shall be moved up in the classification.**
5. **The protest fee to be returned to Competitor N° 404.**

Reason:

With visual checks it was obvious that the hub of car No 407 was modified, being admitted by the competitor.

The FIA Technical Delegate confirmed that there was a modification done on this part.

The Stewards concluded that the Hub of Car No 407 has been modified, and this modification is not allowed by Appendix J of the 2023 International Sporting Code – Art- 286A – Art. 10.4.

After due deliberation, the Stewards concluded also that even if it was a mistake in fitting the wrong part, it is nevertheless the competitor's responsibility to make sure that all parts comply with the provisions of the relevant regulations.

According to the 2023 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 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 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 its car was compliant.



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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.


Virginia GOMEZ
FIA Chairperson of the Stewards


Uwe SCHMIDT
FIA Steward


Paulo LAGINHA
ASN Steward

Competitor: GEDESER XXI, S.L.

Vehicle No: 404

Crew: MIGUEL ANGEL VALERO / JACQUELINE RICCI

Date:

Time: 20h 79

Signature: 

Competitor: SERGIO VITORINO

Vehicle No: 407

Crew: SERGIO VITORINO / SERGIO CERVEIRA

Date:

Time: 20h 29

Signature: 

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