



Date: **Friday, 5th April 2024**

Time: **16.00 hrs**

Subject: **STEWARDS DECISION N° 6**

Document No: **2.8**

From: *The Stewards*

To: The Competitor G RALLY TEAM of vehicle No. 323
Crew Adroaldo WEISHEIMER / Alberto ANDREOTTI NETO

Number of pages: 4

Attachments: 0

PROTEST lodged by

The Competitor of vehicle No. 323 G RALLY TEAM (Crew Adroaldo WEISHEIMER / Alberto ANDREOTTI NETO)

Against

Alleged error of GPS-NAV system during Stage No 1.

Procedure:

1. On Thursday 04th April 2024, the Clerk of the Course received at 12.28 hrs a protest lodged by the Competitor of vehicle No. 323 addressed to the Chairperson of the Stewards of BP ULTIMATE RALLY-RAID PORTUGAL 2024.
2. Competitor No. 323 stated that it has been penalized 2 minutes for a breach of the Regulations for a missed way point (WP63).
3. Competitor No.323 noted that it stayed on the itinerary/route marked in the road book and took the only possible route, as it was surrounded by trees. Competitor attached photo evidence.
4. Competitor No. 323 also stated that the penalty applied was the outcome of a GPS-NAV system failure.
5. Competitor No. 323 requested the Stewards to consider the matter as a failure in the GPS-NAV and cancel the penalty for missing a waypoint.
6. The Stewards summoned the Protester, the Clerk of the Course and the representative of the GPS device supplier (ERTF):

On behalf of Competitor No. 323:

Alberto ANDREOTTI NETO
Arthur TANGHE

Co-Driver
Team Manager

On behalf of ERTF:

Cesar Rodrigues

The hearing was held on Thursday 04th April 2024 at 20:00 hrs in the Stewards' Room with all Stewards present.

7. No objections were raised against the composition of the Stewards panel.



8. At the hearing, none of the parties submitted further evidence nor initiated the hearing of additional persons or asked to conduct further investigations.

On the Admissibility:

9. The Stewards examined the admissibility of the protest:
 - 9.1 The protest was lodged in due time, in accordance with Art. 13.3.5 of the FIA 2024 International Sporting Code and Art. 60.1.2 of the 2024 FIACRSR.
 - 9.2 The protest was lodged by a single competitor against an alleged error of the GPS-NAV device, as stipulated in the FIA 2024 International Sporting Code Art. 13.1.1.
 - 9.3 The subject of the protest was of an alleged error of the GPS-NAV device (FIA 2024 International Sporting Code Art. 13.2.1, Art. 60.1.1 of the FIA 2024 CCRSR).

(Since the Protester did not mention this in the protest text itself, the Stewards asked it at the beginning of the hearing)
 - 9.4 The protest was properly accompanied by the protest deposit of € 1000, as stipulated in Art. 13.4.2 of the 2024 FIA International Sporting Code, Art. 60.2.1 of the FIA 2024 CCRSR and in Art. 14.2 of the event Supplementary Regulations.

The Stewards find that the protest is admissible and that the requirements of the Code have been complied with.

Hearing of the Parties:

10. The Stewards asked the Protester to explain the reasons of his protest.
11. The Protester stated that he protested, wanting an investigation. In his opinion, the device did not work properly, since they are convinced, it is impossible that the waypoint was missed, if the waypoint is correctly located on the track, as they clearly respected the itinerary defined on the road book. The Protester requested to match the routes recorded by the GPS/NAV device.

Protester also stated that according to Art. 14.2.2 of 2024 FIA CCRSR “*If there is a divergence, other than speed limits, between the Road Book and the NAV-GPS, the information given by the Road Book will prevail*”. Protester declared that they couldn't miss the waypoint (WPP, with a validation radius of 20 meters), as the track was narrow, surrounded by trees, and no possibility to make any shortcut.
12. The ERTF representative explained that there is no report in the system that the primary device was not operating properly. If there were any signs of an inoperative or sending a false signal, the system would immediately report it. There is no such data in the system confirming the presence of the primary device in an inoperative state or the sending of false signals. When overcoming the track correctly, there should be no misunderstanding about the validation of WP. Both devices provide the same information. When it's too far away from WP (beyond radius), WP may not be validated.



13. Since all concerned parties had finished their explanations, the Stewards had no further questions, the parties were given the opportunity to ask questions to each other.
14. Both the Protester and the ERTF representative reiterated what had already been said before.
15. There were no more questions for each other.
16. There were also no additional requests.

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

Decision:

- 17. The protest is admissible.**
- 18. The protest is rejected.**
- 19. The protest fee will not be returned to Competitor N° 323.**

Reasons

20. The ERTF representative explained that when overcoming the track correctly, there should be no misunderstanding about the validation of WP. When it's too far away from WP (beyond radius), WP may not be validated.
21. Considering the explanations of the ERTF representative, when less than 100 meters remain up to waypoint, the device arrow indicates the direction towards waypoint until waypoint is validated. When waypoint is validated, the arrow disappears from the screen.
22. The protester repeatedly noted during the hearing that the crew was driving along the correct trajectory. According to the protester, other crews also were driving along such a trajectory, as this visible on the road.
23. However, driving along the trajectory of well-visible tracks made by previously driven crews does not mean that such a ride guarantees the validation of the waypoint.
24. In the light of the explanations given by the parties at the hearing, the Stewards decide that there is no legal basis for declaring the Protester's claim to be founded.
25. The Art. 12.2.2 of the FIA 2024 CCRSR provides that only data from the primary NAV-GPS will be taken into account when applying penalties for missed waypoints and speeding violations.
26. In this case, there is no evidence to support the protester's position.
27. Any premise that allows to theoretically reason what could be, if any, has no legal power. A contrary interpretation would negate the fair competition between the crews. The regulations must apply equally to all crews. No one is given illegal preferences.
28. The protest should therefore be rejected.



BP ULTIMATE Rally-Raid Portugal 2024 02nd – 07th April 2024



Competitors are reminded that they have the right to appeal certain decisions of the Stewards, in accordance with Article 15 of the FIA 2024 International Sporting Code and Chapter 4 of the FIA Judicial and Disciplinary Rules.

Arnas PALIUKENAS FIA Chairperson of the Stewards

Anita PASSALIS FIA Steward

Paulo LAGINHA ASN Steward

This decision was notified by electronic means:

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