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Date: **Friday, 5<sup>th</sup> April 2024**

Time: **16.15 hrs**

Subject: **STEWARDS DECISION N° 7**

Document No: **2.9**

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*From:* *The Stewards*

*To:* The Competitor X RALLY TEAM MOTORSPORTS LTS of vehicle No. 209  
Crew Cristian BAUMGART STROCZYNSKI / Gustavo GUGELMIN

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*Number of pages: 4*

*Attachments: 0*

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**PROTEST lodged by**

The Competitor of vehicle No. 209 X RALLY TEAM MOTORSPORTS LTS (Crew Cristian BAUMGART STROCZYNSKI / Gustavo GUGELMIN)

**Against**

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

**Procedure:**

1. On Thursday 04<sup>th</sup> April 2024, the Clerk of the Course received at 12.40 hrs a protest lodged by the Competitor of vehicle No. 209 addressed to the Chairperson of the Stewards of BP ULTIMATE RALLY-RAID PORTUGAL 2024.
2. Competitor No. 209 stated that it has been penalized 2 minutes for a breach of the Regulations for a missed way point (WP63).
3. Competitor No.209 noted that it stayed on the itinerary/route marked in the road book and took the only possible route. Competitor presented video evidence from its on-board camera.
4. Competitor No. 209 claimed in its protest that secondary NAV-GPS validated the above-mentioned way point.
5. Competitor No. 209 also stated that the penalty applied was the outcome of a GPS-NAV system failure, as only one of the two NAV-GPS devices validated WP63.
6. Competitor No. 209 requested the Stewards to consider the matter as a failure in one of the two GPS-NAV and cancel the penalty for missing a waypoint.
7. The Stewards summoned the Protester, the Clerk of the Course and the representative of the GPS device supplier (ERTF):

On behalf of Competitor No. 217:

Gustavo GUGELMIN  
Carla RAU

Co-Driver  
Team Representative

On behalf of ERTF:

Cesar Rodrigues



The hearing was held on Thursday 04<sup>th</sup> April 2024 at 20:29 hrs in the Stewards' Room with all Stewards present.

8. No objections were raised against the composition of the Stewards panel.
9. 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:**

10. The Stewards examined the admissibility of the protest:
  - 10.1 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 FIACCRSR.
  - 10.2 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.
  - 10.3 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)
  - 10.4 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:**

11. The Stewards asked the Protester to explain the reasons of his protest.
12. The Protester stated that he protested, wanting an investigation. In his opinion, the primary device did not work properly. The Protester presented video evidence, stating that there was no error on the route they followed, as they clearly respected the itinerary defined on the road book, and the secondary device validated the waypoint 63. The Protester requested to match the routes recorded by the GPS/NAV device.

Protester also raised the question of why both NAV-GPS devices were not validating the same information and, in his opinion, 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.



13. 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. Due to the possible different operation of the devices, it is possible that even when the crew is too far from WP, the second device validates WP.
14. 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.
15. Both the Protester and the ERTF representative reiterated what had already been said before.
16. There were no more questions for each other.
17. There were also no additional requests.

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

**Decision:**

- 18. The protest is admissible.**
- 19. The protest is rejected.**
- 20. The protest fee will not be returned to Competitor N° 209.**

**Reasons**

21. The stewards decide that in this case it is important to note that Art. 12.2.1 of the FIA 2024 CCRSR clearly establishes in which case the second device automatically becomes the primary one. It can only be legal if the primary device is inoperative.
22. The Protester, both in the text of the protest and in his explanations at the hearing, emphasizes the presence of both devices in close proximity to each other, but this does not in any way change the legal assessment of the situation.
23. 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.
24. Video evidence from the Protester showed that the arrow of the primary device was still pointing towards the direction of the waypoint when they turned on the right on the track.
25. When assessing the situation from a legal point of view, it is important not how close the two devices were to each other, but whether the crew correctly overcame the track.
26. 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 tracks on the road) is confirmed by the onboard video provided by the protester.
27. 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.
28. The regulations do not provide for any preferences for those crews who use not one device, but two devices. Such exceptions would not be fair to other crews. This would not be in line with the sporting principles of competition. That would not be fair in terms of sports competition.
29. In the light of the explanations given by the parties at the hearing and the requirements of the regulations (Art. 12.2.1 of the FIA 2024 CCRSR, Art. 12.2.2 of the FIA 2024 CCRSR), the Stewards decide that there is no legal basis for declaring the Protester's claim to be founded.
30. 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.
31. The ERTF representative explained that 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. Due to the possible different operation of the devices, it is possible that even when the crew is too far from WP, the second device validates WP.
32. The fact that WP is validated by a second device does not change the legal assessment. Because the second device, based on the Art. 12.2.1 of the FIA 2024 CCRSR can become the primary only in the case provided for by in the said article.
33. Any premise that allows to theoretically reason what could be, if any, has no legal power. A contrary interpretation would negate the requirement of said regulations and fair competition between the crews. The regulations must apply equally to all crews. No one is given illegal preferences.
34. In this case, there is no evidence to support the protester's position. On the contrary, the onboard video footage provided by the protester confirms the position expressed by the ERTF representative.
35. The protest should therefore be rejected.

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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