

Baja TT Dehesa Extremadura

14 – 16 April 2023



Date:	Saturday, 29th April 2023	Time:	18.30 hrs
Subject:	Stewards Decision No. 109	Document No.:	2.17
From:	The Stewards		
To:	All competitors		
Number of pages: 3		Attachments:	[...]

The Stewards, having received a protest, hearing and the crew and the Clerk of the Course, have considered the matter, determine the following:

As to the procedures:

- (1) On Monday 25 April 2023, the Stewards received at 17.40 hrs a protest by email lodged by the Competitor of car **No.401 FN Speed Team** (Mr. Marco Bertrand) addressed to the Chairperson of the Stewards of Baja TT Dehesa Extremadura.
- (2) Competitor No. 401 stated that it has been penalized with 3 minutes from the according to Art. 47.3.3. of the Cross-Country Rally Sporting regulations.
- (3) The Competitor claimed in its protest that the drivers did not breach the CCRSR in Selective Section 6.
- (4) The Competitor claimed in its protest that the crew of car # 401 did not hinder at any time the car #212 in Selective Section N° 6.
- (5) The Competitor requested the Stewards to "... accept the request and reconsider the sanction on crew # 401".
- (6) Since the competitor has entered the Sonora Rally in Mexico he was not available for a hearing, he send a written statement and at the same time he waived his right of a hearing.
- (7) The Clerk of the Course also send a written statement.
- (8) The Clerk of the Course submitted a document from the provider of the tracking System and a video of the tracking system, which was shared with the competitor by email.

At to the parties concerned

On behalf of Competitor No. 401: Mr. Marco Bertrand (Team Manager)

On behalf of the Organiser: Mr. Bruno Vilela (Clerk of the Course)

On the Admissibility:

- (9) The protest was lodged in due time, in accordance with Art. 13.3.7 of the 2023 FIA International Sporting Code and Art. 60.1.2 of the 2023 FIA CCRSR. Protest time limit was 25.04.2023, 20.00 hrs CET
- (10) The protest was lodged by a single competitor against the Provisional Classification (allocation of time penalties) as stipulated in the 2023 FIA International Sporting Code Art. 13.1.1.
- (11) The subject of the protest was against the Provisional Classification. In particular against the allocation of a time penalty of 3-minute by the Clerk of the Course for SS6 (2023 FIA International Sporting Code Art. 13.2.1, Art. 60.1.2 of the 2023 FIA CCRSR).
- (12) The protest was accompanied with the proof of the remittance of the protest deposit of € 1000, to the FIA bank account in Paris. This was confirmed by the FIA Accounting Department.
- (13) The Stewards find that the **protest is admissible** and that the requirements of the Code have been complied with.

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Hearing of the Parties

- (14) After the difficulty to have a meet, because I'm at Sonora Rally on race, as a team representative we explain as follows:
 - a. We think the control lists of SS5 and SS6 can be used as evidence and clarify the situation.
 - b. The map of the race, can also be evidence the video sent by Stella, is not of the SS6.
- (15) For those reasons, we think the notification n°72 Clerk of the Course is wrong) (due a "typing error" or other).
- (16) We ask to accept our protest who is based on the situation described on Notification n°72 on the SS6, and we waive the right of hearing.
- (17) The Clerk of the Course states, that due to an error in his decision no. 72 the offence of the crew # 401 as was not on SS6 but on SS5.
- (18) The Clerk of the Course points to the evidence presented which clearly shows that #401 did not allow the following vehicle #212 to overtake in the required time.

After the written submissions and the evidence have been exchanged, the Stewards took the following decision after due deliberation.

Decision:

- (19) The protest is admissible.**
- (20) The protest is partially found.**
- (21) A 3-minute time penalty will be allocated to Selective Section No.5 (Stage 1)**
- (22) The protest fee will be returned.**

Reasons:

- (23) As the competitor of car # 401 has noted, there were no punishable offences in SS6. This was not denied by the CoC.
- (24) As clearly shown by the document submitted by Anube (Stella), crew # 401 has violated the provisions of CCRSR Art. 47.3.3. The document shows that on 15.04.2023 at 17:50:18 car # 401 received a request for overtaking. This was followed by two more requests at 17:50:37 and 17:50:57.
- (25) Considering the time, it is clear, that the incidence happened on Selective Section N° 5.
- (26) After it is stated in the regulations that the vehicle in front must let the following vehicle pass within 60 seconds, # 401 should have let #212 pass until 17:51:57 at the latest.
- (27) According to the evidence presented, this did not happen.
- (28) The Competitor does not deny the fact in his statement, but only points out that there was no infringement in SS6.
- (29) The STW determine that there has been a breach of the regulations and that this must be sanctioned in accordance with the regulations.
- (30) However, as the competitor was correct in his protest that there was no infringement in SS6, STW decided to refund the protest deposit.

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Competitors are reminded of their 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.

The Stewards consider that compliance with the one-hour deadline is impossible and set time limit for the notification of the intention to appeal to 30.04.2023 at 18.00 hrs CET.

A handwritten signature in blue ink, appearing to read 'Schmidt'.

Uwe M. SCHMIDT (DEU)
FIA Chairperson of the Stewards

A handwritten signature in black ink, appearing to read 'Antonio Medeiros'.

Antonio MEDEIROS (PRT)
FIA Steward

A handwritten signature in black ink, appearing to read 'Virginia Gomez'.

VIRGINIA GOMEZ
ASN Steward

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