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Date: **28 July 2024** Time: **09:17**  
Subject: **Stewards Decision No. 04** Document No.: **2.7**

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From: **The Stewards**  
To: Competitor car no **10 TEAM MRF TYRES**  
Crew: **Mārtiņš SESKS / Renārs FRANCIS**

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Number of pages: 2 Attachments: [...]

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The Stewards, having received a report from the Clerk of the Course have considered the following matter, determine the following:

**Fact:** The competitor duly entered to Rally di Roma Capital a Toyota Gr Yaris with the crew SESKS / FRANCIS. The team has got the start number 10. In Bulletin No. 2 the organiser published a schedule for the administrative checks. According to this schedule the team should have come on *24. July 2024 at 19:45 hrs* to present the documents of the team. The competitor has not submitted any documents for the team during the administrative checks, nor has the competitor informed the organiser that the team will not participate in the rally.

**Offence:** Breach of the International Sporting Code Art. 3.8.1  
Breach of the Regional Rally Sporting Regulations Art. 30.1  
Breach of the Supplementary Regulations Art. 10.2 in conjunction with Bulletin no. 2

**Decision:** **A Fine of 5.000 € to the competitor.**  
**2.500 € of the fine is suspended for 2024 ERC season subject to no further breach of a Art. 3.8.1 of the Code during this period.**

In accordance with Article 12.8 FIA International Sporting Code, the payment of the fines must be done online, within 48 hours of their notification, at the following address: <https://fiafines.fia.com>. Any delay in making payment may entail Suspension during the period a fine remains unpaid.

**Reason:** The Competitor was summoned (Doc. 4.1) and was given the possibility, to bring forward any statements. The competitor's representative, Mr Vivek Ponnusamy, was not able to come to the hearing, instead he sent an email to the organiser on *25. July 2024 at 12:55 hrs*. stating that the competitor withdraws the entry from Rally di Roma due to "unforeseen circumstances".

As Mr. Ponnusamy arrived to a hearing in the Stewards' room on 27.07.2024 at 17.00 hrs. He stated that the entered car was damaged in an accident during the WRC Rally Latvia. The team had intended to replace the vehicle during the last week. However, it was not possible to find another competition vehicle in time. Mr. Ponnusamy als said that he was not aware of the article 3.8.1 of the code and apologised for not informing the organisers of the team's non-participation.

A contract is completed with the entry to an event and the acceptance of the entry by the organiser (publication of the entry list). The Code is very clear in Art. 3.8.1 in saying that "*An Entry compels the Competitor to take part in the Competition in which they have accepted to run, except in case of duly established Force Majeure.*" The stewards conclude that only a case of Force Majeure could be a reason for not to participate in an event.

As to the justification that the competition car was destroyed in the WRC Rally Latvia, which took place one week before the Rally di Roma, and that this was a case of Force Majeure. The Stewards concluded that Force Majeure is a contract clause that removes liability for catastrophic, unforeseen circumstance that prevent participants from fulfilling obligations. In the general opinion, a car accident is doubtless a case of force majeure.

However, in the opinion of the stewards, an accident can always happen during a rally as the participants are encouraged to drive as fast as possible. Accidents are therefore not unusual in rallies. The competitor is taking a foreseeable risk by entering a vehicle to a Rally, that is taking part in another rally one week before entered event.

In this specific case, the competitor entered a very well-known driver, Mārtiņš Sesks, who could have won the rally. Mārtiņš Sesks' performance during this year has also made him known to the rally fans and the public. The organiser also made use of the reputation of the driver in the publicity before the rally. Mr. Sesks arrived only on 26.7.2024 for the start of the rally and left on 27.7.2024. The permanent non-appearance of Mr Seske also has negative consequences for the organiser's public relations activities.

Sending an email to the organiser one day after the begin of the rally cannot remedy the infringement. As stated above, the offence against the regulations is independent of a withdrawal of the entry by the competitor, as the Code stipulates that the entry can only be withdrawn in the case of Force Majeure.

In conclusion, the Stewards think that it is very careless to enter a car in an event that is about to take part in another rally.

In their decision, the stewards considered that Team MRF Tyres is an experienced team. The team is registered for the European Championship for Teams. The competitor should therefore be familiar with the relevant regulations. However, the stewards also note that this is the first known offence of this type by the competitors.

The stewards consider the amount of the fine to be necessary but also sufficient.

The decision is based on Art. 11.9.1, Art. 11.9.2.a, 11.9.3.a, 12.4.1.c and 12.4.6 of the Code 2024.

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.



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



**Jean-Francois LIENERE (FRA)**  
FIA Steward



**Massimo RINALDI (ITA)**  
ASN Steward

This decision was notified by WhatsApp to the Competitor's officially nominated representative as below:

<i>Name in block letters</i>	<b>Vivek Ponnusamy</b>	Date	<b>28.07.2024</b>
<i>Position in the team</i>	<b>Team Manager</b>	Time	<b>09.15</b>

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