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Date:	<b>Saturday, 12<sup>th</sup> August 2023</b>	Time:	<b>20.30 hrs</b>
Subject:	<b>Stewards Decision No. 5</b>	Document No.:	<b>2.7</b>
From:	<b>The Stewards</b>		
To:	Competitor car no <b>115 - RTE-Motorsport</b> Crew: <b>Marko UUTELA / Ville MÄKELÄ</b>		
Number of pages: 2		Attachments:	[...]

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The Stewards, having received a report from the FIA Eligibility Delegate, summoned and heard the driver Mr. Marko Uutela (summons No 2. Doc. 4.6), have considered the following matter, determine the following:

**Fact:** The following measurement were taken during the final scrutineering of car:  
Brake Disc size on the rear is the diameter of 278 mm and the thickness of 21.6 mm

**Offence:** Non-compliance with homologation no 666  
Non-compliance with the HTP No. 5769

**Decision:** **Disqualification from the competition and the following competitors will move up in the classification.**

**Reason:** The driver explained: I bought the original brake discs for an Opel Ascona 400 and assumed that they correspond to the homologation. I did not check the dimensions of the brake disc in the HTP.

The required measurement of the rear brake disc is according to the homologation and the HTP FIN-5769, a diameter of 285 mm and a thickness of 20 mm. The brake discs on the car are 7 mm less in diameter and 1.6 mm more in thickness.

According to the Appendix K, the car must conform to its homologation and HTP. The Stewards therefore concluded that the competitor was in breach of the regulations. FIA European Historic Rally Championship Regulation Art. 33.3.1 a car not conforming to Appendix K and/or its HTP may be disqualified from the rally.

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 the 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 to 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 car was complying the homologation and the HTP.

The decision is based on the FIA International Sporting Code Art. 11.9.1, art.11.9.2.a, Art. 11.9.3.a, Art. 11.9.3.f, Art 12.4.1.m and 12.9.1



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

**Ruth LAPIEZA (ESP)**  
FIA Steward

**Marjut HAIKO**  
ASN Steward

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

Name in block letters	<i>Harho Urtola</i>	Date	
Position in the team		Time	<i>20.55</i>
Signature	<i>Harho Urtola</i>		

*En lahti vetourus oiretteen*

*20,56*