

Rally Dakar 2022

30. December 2021 - 14. January 2022



Date: **Tuesday, 11th January 2022**
Subject: **STEWARDS DECISION N° 68**

Time: **13.00 hrs**
Document No: **2.74**

From: *The Stewards*

To: The Competitor of car no **224 TEAM AUDI SPORT**
Crew: **EKSTROM MATTIAS / BERGKVIST EMIL**

Number of pages: 1

Attachments: 0

The Stewards, having received a report from the FIA Technical Delegate (Doc. 6.25), having heard the competitor's representatives, have considered the following matter, and after due deliberation determine the following:

Fact: During Selective Section No 8, on km 162, over a distance of 531 m, the electrical deployed power went over the maximum threshold allowed by the technical regulation.

Offence: Breach of the Appendix J, article 285-19 of the FIA International Sporting Code

Decision: **2 Minutes time penalty for Leg 8**

Reason: The competitors' representatives were summoned to give them the opportunity of presenting his defence. The representatives declare: It is the first time we are using the FIA datalogger and the data collected are coming from the battery which we are not used to. Until now in Rally Dakar we never changed the setup of the cars, and the data of the Selective Section 1-7 show that the deploy power never exceeded the limit. We don't know what happened in SS 8. It is very astonishing that this "overboost" occurred on two cars at almost the same point in the SS for just one single time. We now reduced the electrical deployed power by 1kw to make sure that it will not happen again.

As after each leg, the FIA Technical Delegate Assistant in charge of the Magneti Marelli dataloggers, went to the team to collect the data of their cars. During the analysis of the collected data, he remarked the electrical deployed power went over the maximum threshold allowed by the technical regulation.

In the datalogger of car # 224, the value of channel PERSADC_Total_F (total electrical deployed power) shows a threshold of 291,62kW. In Article 285-19 is stated that the maximum power is limited to 288kW. Thus, over a distance of 531 m, the car used a maximum of 291.62 kW, which is 3.62 kW more than the allowed limit.

Recalling that Article 1.3.3 of the International Sporting Code expressly provides that "it shall be no defence to claim that no performance advantage was obtained". Also, according to Art.12.1.2 of the Code offences or infringements are punishable, whether they were committed intentionally or through negligence. In case of a breach of the obligation of 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 Sporting 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.

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The Stewards determine that exceptional circumstances exist in the present case, insofar as the Rally Dakar consists of 12 competition days and the infringement was discovered in the 8th leg. In all 7 legs before, the datalogger were check and the car was always complying. It should also be considered that the exceeding of the limit in Selective Section (SS) was only one time during the complete Selective Section. A disqualification from the entire competition or from the leg does hence not seem to be proportional, especially as the competitor has confirmed to rectify the problem promptly so that the car will comply during the next remaining legs.

The Stewards conclude that, in view of the clear provisions of the relevant regulations, it was indeed up to the Competitor to ensure, that the limits are kept. Therefore, the Stewards decide that a time penalty is necessary but also sufficient. In determining the time penalty, the Stewards had to decide whether a low overboost in a turbo engine (see STW Decision No 13) is comparable to the additional power of an electric vehicle over a short period. After a thorough discussion, the stewards concluded that this was not directly comparable, that exceeding the power limit for a short time has less of an impact on performance and therefore decided on a lesser time penalty.

Competitors are reminded that they have the 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.

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

Uwe M. SCHMIDT
FIA Chairman of the Stewards

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

Jordi PARRO
FIA Steward

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

Ahmad JAN
ASN Steward

This decision was notified via SPORTITY to the competitor representative as below:

<i>Name in block letters</i>	Lisa Crampton	Date	11.01.2022
<i>Position in the team</i>	Team Representative	Time	13.10 hrs

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