

# Rally Dakar 2022

30. December 2021 - 14. January 2022



Date: **Tuesday, 4<sup>th</sup> January 2022**

Time: **09.00 hrs**

Subject: **STEWARDS DECISION N° 12**

Document No: **2.15**

From: *The Stewards*

To: The Competitor of car no **201 TOYOTA GAZOO RACING**  
Crew: **Nasser AL-ATTIYAH / Mathieu BAUMEL**

*Number of pages: 2*

*Attachments: 0*

The Stewards, having received a report from the FIA Technical Delegate, having heard the competitor's representative, have considered the following matter, determine the following:

**Fact:** Car N° 201 arrived to the Bivouac after the end of the Leg 2 was found without the datalogger being connected to the power supply.

**Offence:** Breach of Article 13.1.2 of the FIA Cross-Country Rally Sporting Regulations (CCRSR) in conjunction with ISC Appendix J Art. 285-5.1.1.c and the ISC Appendix J Art 283-13.

**Decision: Fine of 5000 Euro**

In accordance with Article 12.7 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.

**Disqualification from Rally Dakar 2022**, which is suspended until the end of Rally Dakar 2022 subject to no further breach of similar nature committed by the competitor with car # 201 during this period.

**Reason:** The competitor was summoned to give him the opportunity of presenting his defence. The representative, Mr. Fortin explained: It was a simple mistake by our mechanics. They just forgot to connect the data logger to the battery. We disconnect the data logger every night from the battery for safety reasons. I will personally check all next days, that the data logger is properly connected.

After Car N° 201 arrived at the Bivouac of the Leg 2, the FIA Technical Delegate Assistant in charge of the Magneti Marelli dataloggers, went to the team to collect the data. Once there, he was informed by the team that they forgot to connect the datalogger power supply before the car left the bivouac in the morning. Consequently, no data have been recorded by the FIA datalogger and so there is no way to check if the Turbo Boost pressure has exceeded the values defined in the appendix VIII of the 2022 CCR Sporting Regulations. Furthermore, the FIA datalogger is connected directly to the battery, and this is the reason why the team disconnect the FIA datalogger every night.

According to Art. 12.1.2 of the Code offences or infringements are punishable, whether they were committed intentionally or through negligence. Furthermore, according to Art 1.3.3 of the ISC, If an *Automobile* is found not to comply with the applicable technical regulations, it shall be no defence to claim that no performance advantage was obtained.

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.

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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 second leg and the car was in conformity in the first leg. A disqualification from the entire competition does hence not seem to be proportional, especially as the competitor has confirmed to rectify the problem promptly so that his car will comply with the regulations for the following 10 competition days.

The Stewards conclude that, in view of the provisions of the relevant regulations, it was indeed up to the Competitor to ensure that its car was compliant. However, the Stewards consider that a fine and the suspended sentence of disqualification is necessary but sufficient.

The decision is based on the FIA International Sporting Code Art. 11.9.1, Art. 11.9.3 f; Art. 12.3.1, Art. 12.4.1.c., Art. 12.4.1.m, Art. 12.9.1 and Art. 12.4.6.

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.

**Uwe M. SCHMIDT**  
FIA Chairman of the Stewards

**Jordi PARRO**  
FIA Steward

**Ahmad JAN**  
ASN Steward

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

<i>Name in block letters</i>	<b>Jean-Marc Fortin</b>	Date	<b>04.01.2022</b>
<i>Position in the team</i>	<b>Team Representative</b>	Time	<b>09.15 hrs</b>

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