

# Rally Dakar 2022

30. December 2021 - 14. January 2022



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Date: **Monday, 3<sup>rd</sup> January 2022**

Time: **17.00 hrs**

Subject: **STEWARDS DECISION N° 10**

Document No: **2.13**

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From: *The Stewards*

To: The Competitor of car no **220 HANWEI MOTORSPORT TEAM**

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*Number of pages: 2*

*Attachments: 0*

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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° 220 (T1 car) was weighed 3-times after Selective Section 1B (Leg 1). The weight measured each time was 1750 kg.

**Offence:** Breach of Article 8.4.6 of the FIA Cross-Country Rally Sporting Regulations (CCRSR) in conjunction with ISC Appendix J Art. 285-4.3

**Decision:** **10 hours time penalty to be applied for Leg 1**

**Disqualification from Rally Dakar 2022**, which is suspended until the end of Rally Dakar 2022 subject to no further breach of the technical regulations committed by the competitor during this period.

**Reason:** The competitor was summoned to give him the opportunity of presenting his defence. The representative, Mr. Wei Han, explained: We were checking the table in Art. 8.4.6 of the CCRSR and were not aware that this minimum weight is the empty weight of the car. So, we did not consider the additional 60 kg for the equipment. Most probably this happened due to a translation error back home in China. It was never our intention to be in breach of the regulations. We apologise for the mistake.

In FIA CCRSR Art. 8.4.6 it is clearly stated that the car must have a minimum weight of 1730 kg. It is not mentioned that this weight is the minimum weight of the empty car. Appendix J Art. 285-4.3 specifies that the weighting of T1 cars shall be done with equipment but without crew. The minimum weight in Cross-Country Rallies with equipment and without crew = Minimum weight according CCRSR Art. 8.4.6 + 60 kg (Appendix J Art. 285-4.3) Therefore, the correct minimum weight for car no 220 after SS 1B must be 1790 kg. The scrutineers weighted the car 3 times, and its weight was 1750 kg every time. This means that the weight is 40 kg below the specified minimum weight.

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 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 already discovered 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 minimum weight for the following 11 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/weight was compliant. However, the Stewards consider that a significant time penalty 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.h., 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>Wei HAN</b>	Date	<b>03.01.2022</b>
<i>Position in the team</i>	<b>Team Representative and Driver</b>	Time	<b>17.00 hrs</b>

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