

Rally Liepaja

30th June – 3rd July 2021



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| Date: | Saturday, 3rd July 2021 | Time (decision): | 22:10 hrs |
| Subject: | DECISION No. 26 | Document No.: | 2.31 |
| From: | The Stewards | | |
| To: | Competitor car no 48 Name: LMT Autorally Academy Crew : Martins Sesks / Renars Francis | | |
| Number of pages: 2 | | Attachments: | 1 |

The Stewards have received a report with pictures from the FIA Technical Delegate (Doc. No 6.8, attached). The Stewards, summoned, heard the driver Martins Sesks and the M-Sport representative Mr. Bartlomiej Urbanski, and have considered the matter, determine the following:

Facts: Two issues on intercooler were found at the Final Scrutineering of car No48:

- Make of intercooler: Nissens instead of Hella Behr
- The dimension of thickness of the intercooler is 76 mm instead of 80+/-1 (from 79 to 81)

Offence: Breach of Appendix J Art. Art. 260.02-11 and Art. 260.304-2c

Decision: **Disqualification**

Reason: According to the Appendix J, all the parts homologated on the VRa form must be used in their entirety. The Art.260.02-11 states, that the parts homologated on the VRa Variant form must not be modified. The Art. 260.304-2c states, that supercharging air exchanger (intercooler) is homologated in VRa.

Mr.Sesks explained, that he has purchased the car in 2019 as well as the intercooler and he believed, that everything is in accordance with the technical requirements and homologation. The M-Sport representative explained, that this is not an original part and is purchased separately from the car from a different supplier. Therefore, he confirmed, that this is not a homologated part.

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.

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 intercooler was compliant. They cannot see any exceptional circumstances in this matter.


The Decision is based on the FIA International Sporting Code Art. 11.9.1; Art. 11.9.3.a, Art. 11.9.3.g.


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All parties concerned 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 Article 9.1.1 of the FIA Judicial and Disciplinary Rules, within the applicable time limits.


Uwe M. SCHMIDT (DEU)
FIA Chairman of the Stewards


Tomas KUNC (CZE)
FIA Steward


Arnas PALIUKENAS
ASN Steward

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| Received by the Competitor: | |
| Name (in block letters): | MARTINS SESKS |
| Position within the team: | DRIVER |
| Signature: |  |
| Date: 03.07.2021 | Time: 23:05 |

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I dont intend to appeal.